MINUTE ITEM
This Calendar Item No. 75
was approved as Minute Item
No. 75 by the State Lands
Commission by a vote of 3
to 0 at its 9/23/92
meeting.

CALENDAR ITEM

75

A 4

S 2

09/23/92
W 24828
N. Smith
PRC 7659

APPROVAL OF A GENERAL LEASE-INDUSTRIAL USE AND
TERMINATE CHAPTER LEASES 69/9.1, 10.1, 11.1 and 19.1

APPLICANT:

California and Hawaiian Sugar Company
1390 Willow Pass Road, Suite 700
Concord, California 94520

AREA, TYPE LAND AND LOCATION:

A 30±-acre parcel of tide and submerged land in Carquinez Straits at Crockett, Contra Costa County.

LAND USE:

Sugar refinery.

TERMS OF CURRENT LEASES:

Initial period:

Leases 9.1, 10.1, and 11.1 were for forty (40) years beginning September 19, 1929; lease 19.1 began April 15, 1930 and was for 40 years.

Renewal options:

One period of twenty five (25) years.

Consideration:

Combined $2,719.60 per annum.

TERMS OF PROPOSED LEASE:

Initial period:

Thirty (30) years beginning September 24, 1992.

Surety bond:

$2,000,000.

Public liability insurance:

Combined single limit coverage of $10,000,000.

CONSIDERATION:

$328,375 per annum, with the State reserving the right to fix a different rental on each fifth anniversary of the lease according to the provisions of the California Code of Regulations.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

12/14/92

OTHER PERTINENT INFORMATION:

1. C & H Sugar has been occupying the leasehold area, since 1929, as a sugar refinery. All sugar supplied to the refinery is shipped from Hawaii, processed at the refinery, and the refined sugar is distributed through the western United States.

2. Staff's purpose is to issue one lease and terminate Chapter leases 69/9.1, 10.1, 11.1, and 19.1.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities, 2 Cal. Code Regs. 2905(a)(2).

   Authority: P.R.C. 21084, 14 Cal. Code Regs. 15300, and 2 Cal. Code Regs. 2905.

EXHIBITS:

A. Land Description
B. Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. CODE REGS. 2905(a)(2).

2. AUTHORIZE ISSUANCE TO CALIFORNIA AND HAWAII SUGAR COMPANY OF A 30-YEAR GENERAL LEASE - INDUSTRIAL USE, BEGINNING SEPTEMBER 24, 1992; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $328,375, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE ACCORDING TO THE RENTAL RATES OF THE CALIFORNIA CODE OF REGULATIONS PROVISION OF A $2,000,000 SURETY BOND OR OTHER FORM OF SECURITY; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $10,000,000; FOR A SUGAR REFINERY ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

W 24828

LAND DESCRIPTION

PARCEL 1. A parcel of tide and submerged land in and adjacent to Carquinez Strait City of Crockett, Contra Costa County, California.

BEGINNING at a monument formerly set and marked by the California and Hawaiian Sugar Refining Corporation as Number 258, but since adopted by the United States Corps of Engineers as their Harbor Line Monument U.S.H.L. 33 and shown on their map entitled "Harbor Lines for Carquinez Strait, California", dated June 10, 1924 and marked File 4, Div. 4, Sheet 6, said monument being also shown on "Map of Re-Survey of Tideland Surveys Nos. 11 & 44 and Tideland Locations Nos. 196, 199, 205, 226 & 229 Contra Costa County, California", made under the provisions of Chapter 490, Statutes of 1915, to correct errors in original surveys Sheet 2, said monument bears North 435.28 feet and East 254.71 feet from the corner common to Sections 31 and 32 Township 3 North, Range 3 West and Sections 5 and 6, Township 2 North, Range 3 West, Mt. Diablo Base and Meridian, said monument also being on the northerly right-of-way line of the Southern Pacific Railroad Company and the corner common to previous Leases 19.1 and 9.1, said previous leases (9.1, 10.1, 11.1 and 19.1) were entered into between the State of California and California and Hawaiian Sugar Refining Corporation on September 19, 1929 and are on file at the California Stare Lands Commission, 1807 13th Street, Sacramento California, thence the following twelve (12) courses:

1. N 83° 15' 30" W 150.42 feet, along said northerly railroad right-of-way line and the southerly line of previous Lease 19.1, to the southwest corner of previous Lease 19.1, thence;

2. N 02° 24' E 596.76 feet, along the westerly line of previous Lease 19.1, to the Corps of Engineers Pierhead Line as shown on said Corps of Engineers Map, said point also being the northwesterly corner of previous Lease 19.1, thence;

3. S 87° 07' 22" E 150.00 feet, along said Pierhead Line and the northerly line of previous Lease 19.1, to Corps of Engineers Monument Number 41 and the corner common to previous Leases 19.1 and 9.1, thence;

4. S 89° 10' 22" E 1160.17 feet, along said Pierhead Line and the northerly line of previous Lease 9.1, to Corps of Engineers Monument Number 39, thence;

5. S 86° 56' 09" E 601.69 feet, along said Pierhead Line and the northerly line of previous Leases 10.1 and 11.1, to Corps of Engineers Monument 37, thence;

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6. S 85° 59' 47" E 1212.57 feet, along said Pierhead Line and the northerly line of previous Lease 11.1, to the northeast corner of previous Lease 11.1, thence;

7. S 16° 22' 45" W 285.37 feet, along the easterly line of previous Lease 11.1, to the northerly right-of-way line of the Southern Pacific Railroad Company, thence;

8. N 73° 37' 15" W 451.73 feet, along said northerly railroad right-of-way line and the southerly line of previous Lease 11.l. As said line is depicted on said" Map of Re-Survey of Tideland Surveys Nos. 11 & 44 and Tideland Locations Nos. 196, 199, 206, 226 & 229 Contra Costa County, California" made under the provisions of Chapter 490, Statutes of 1915, Sheet 3. Said point bears North 34.91 feet and East 11.44 feet from United States Harbor Line Monument 31, thence;

9. Westerly 852.08 feet, along a tangent curve concave to the south having a radius of 1189.78 feet through a central angle of 41° 02', and along said northerly railroad right-of-way line and the southerly line of previous Leases 11.1 and 10.1, to a point that bears southwesterly 22.75 feet along said curve from the corner of previous Leases 11.1 and 10.1, thence;

10. S 65° 20' 45" W 349.63 feet, along said northerly railroad right-of-way and the southerly line of previous Lease 10.1, thence;

11. Westerly 1189.74 feet, more or less, along a non-tangent (radial bearing N 20° 22' 02" W) curve concave northerly, having a radius of 2514.58 feet through a central angle of 27° 06' 32", along said northerly railroad right-of-way line and the southerly line of previous Leases 10.1 and 9.1, to California and Hawaiian Sugar Refining Corporation Monument 257, thence;

12. N 83° 15' 30" W 163 feet, more or less, along said northerly railroad right-of-way and the southerly line of previous Lease 9.1, to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Carquinez Strait. As it last existed in a state of nature.

END OF DESCRIPTION

PREPARED SEPTEMBER, 1992 BY SFBCC

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EXHIBIT "A"

W 24828

LAND DESCRIPTION

PARCEL 2. A parcel of submerged land northerly of and adjoining Parcel 1 of this lease in Carquinez Strait, City of Crockett, Contra Costa County, California.

COMMENCING at Monument Number 37 on the United States Corps of Engineers Pierhead Line as shown on the United States Corps of Engineers Map entitled "Harbor Lines for Carquinez Strait, California", marked File 4, Div. 4, Sheet 6, dated June 10, 1924. Said Monument 37 also being on the northerly line of said Parcel 1 of this lease; thence S 85° 59' 47" E, 267.57 feet along the northerly line of said Parcel 1 and Pierhead Line to the TRUE POINT OF BEGINNING; thence the following four (4) courses:

1. N 04° 00' 13" E 159.00 feet;
2. S 85° 59' 47" E 745.00 feet;
3. S 04° 00' 13" W 159.00 feet to a point on the northerly line of the above described Parcel 1 and the Corps of Engineers Pierhead Line, said point bears N 85° 59' 47" W, 200.00 feet from the northeasterly corner of said Parcel 1, thence;
4. N 85° 59' 47" W 745.00 feet to the point of beginning.

END OF DESCRIPTION

PREPARED SEPTEMBER, 1992 BY SFBCC

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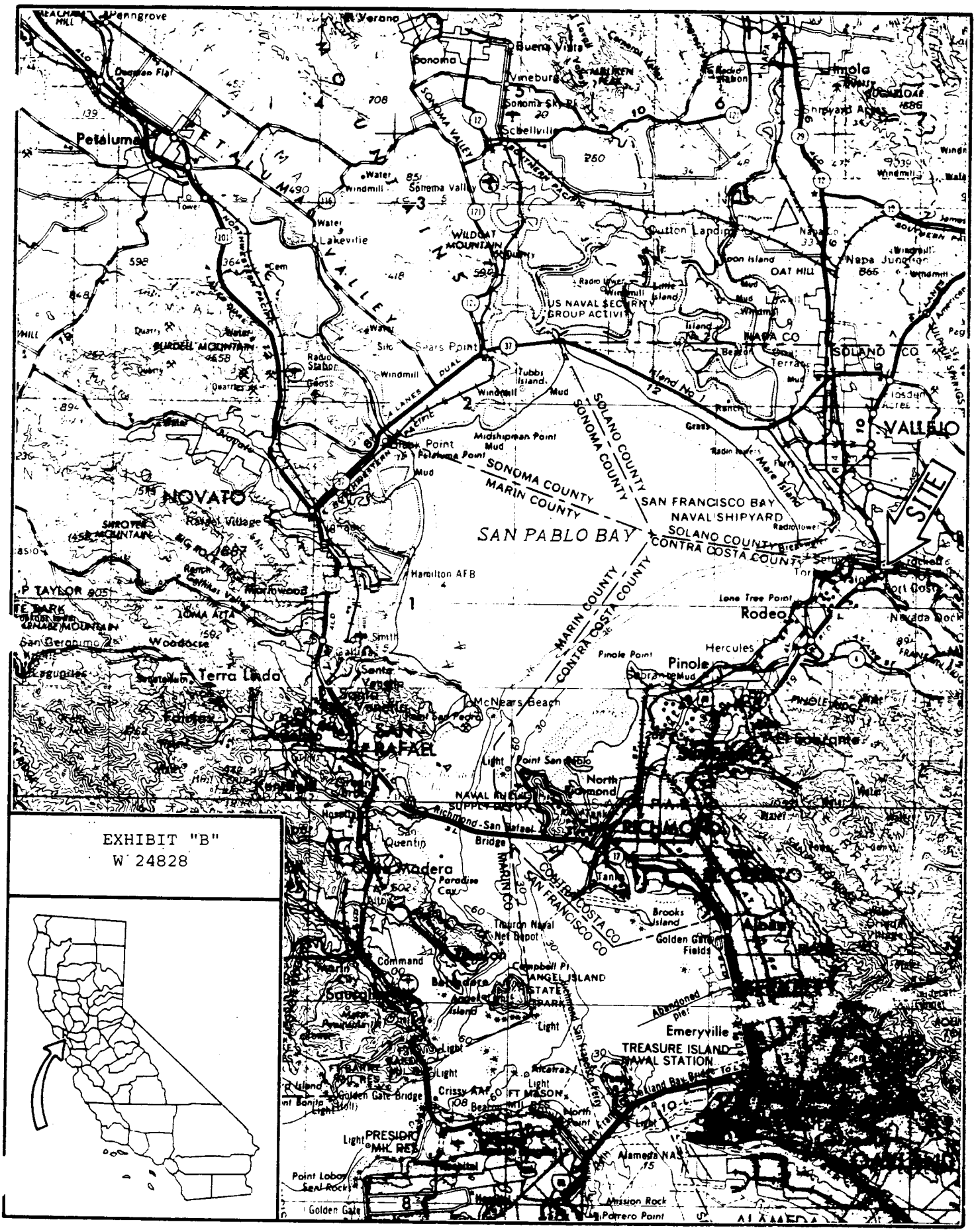

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