

CALENDAR ITEM

C06

MINUTE ITEM
This Calendar Item No. C06
was approved as Minute Item
No. 01 by the State Lands
Commission by a vote of 3
to 0 at its 12/17/92
meeting

A 27

12/17/92

S 12

PRC 5409

Gordon

TERMINATION OF GENERAL LEASE - INDUSTRIAL USE PRC 5409
AND ISSUANCE OF GENERAL LEASE - INDUSTRIAL USE

APPLICANT:

M. J. Ruddy & Son, Inc.
P. O. Box 3042
Modesto, California 95353

AREA, TYPE LAND AND LOCATION:

A 12.316-acre parcel of the bed of the old Tuolumne River
channel located near Waterford, Stanislaus County.

LAND USE:

Maintenance of the proposed lease premises for the
stockpiling of processed and unprocessed gravel and related
equipment right-of-way crossing purposes.

ORIGINAL LEASE TERMS:

Lease period:

Fifteen (15) years beginning December 30, 1975.

Provisions re: additional periods:

One successive period of ten years.

Surety bond:

\$5,000.

Public liability insurance:

Combined single limit coverage of \$1,000,000.

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Consideration:

\$550 per annum; five-year rent review.

Special:

(1) The lease restricts all excavation or mining on the lease premises.

PROPOSED LEASE TERMS:

Lease period:

Twenty-five (25) years beginning December 30, 1992.

Surety bond:

\$10,000.

Public liability insurance:

Combined single limit coverage of \$2,000,000.

Special:

(1) The lease limits the uses and purposes of the lease to the uses and purposes expressly stated in the lease.

(2) There shall be no mining or extraction on the lease premises without first receiving the written authorization of the State Lands Commission.

CONSIDERATION:

\$1,108.44 per annum, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

OTHER CONSIDERATION:

\$2,216.88 for the period beginning December 30, 1990 and ending December 29, 1992.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner of adjacent private land.

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:

N/A

OTHER PERTINENT INFORMATION:

1. At its November 30, 1977 meeting, in Minute Item 3, the Commission authorized issuance of General Lease - Industrial Use PRC 5409, dated February 16, 1978, to M. J. Ruddy, Jr., dba Santa Fe Rock and Sand, for equipment crossing and storage of gravel, subject to the restriction of excavation or mining on the lease site.

At its May 31, 1989 meeting, in Minute Item 6, the Commission approved the assignment of the subject lease from M. J. Ruddy, Jr., dba Santa Fe Rock and Sand, to M. J. Ruddy & Son, Inc.

This transaction is occasioned by Applicant's application to renew its lease for a term of 25 years rather than the ten years provided by the lease. Applicant utilizes the subject sovereign land in conjunction with its full-scale gravel plant operations located northerly and adjacent to the lease site. To facilitate the issuance of the proposed new lease agreement, which is consistent with the Commission's current rules and regulations, termination of the earlier lease is recommended.

2. Termination and Replacement of the State's Lease PRC 5409 is for administrative purposes only.
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

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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.

4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the activity is consistent with its use classification.

APPROVALS OBTAINED:

County of Stanislaus.

FURTHER APPROVALS REQUIRED:

None.

EXHIBITS:

- A. Land Description and Site Map
- 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. FIND THAT TERMINATION OF THE EARLIER LEASE AND GRANTING OF THE REPLACEMENT LEASE IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE AREA PURSUANT TO SECTION 6370.1 OF THE P.R.C.
3. AUTHORIZE TERMINATION OF GENERAL LEASE - INDUSTRIAL USE PRC 5409, DATED FEBRUARY 16, 1978, EFFECTIVE DECEMBER 30, 1992; AND THE ISSUANCE TO M. J. RUDDY & SON, INC. OF A 25-YEAR GENERAL LEASE - INDUSTRIAL USE BEGINNING DECEMBER 30, 1992;

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IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$1,108.44, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; AND OTHER CONSIDERATION IN THE AMOUNT OF \$2,216.88 FOR THE PERIOD BEGINNING DECEMBER 30, 1990 AND ENDING DECEMBER 29, 1992 WITH PROVISION OF A \$10,000 SURETY BOND; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$2,000,000; FOR MAINTENANCE OF THE LEASE PREMISES FOR THE STOCKPILING OF PROCESSED AND UNPROCESSED GRAVEL AND RELATED EQUIPMENT RIGHT-OF-WAY CROSSING PURPOSES ON THE LAND DESCRIBED AND DELINEATED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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LAND DESCRIPTION

A parcel of land in the old bed of the Tuolumne River, Section 29, T3S, R12E, M.D.M.; County of Stanislaus, State of California, said parcel more particularly described as follows:

COMMENCING at the U. S. Meander Corner for section 28 and 29, as originally surveyed by A. W. Von Schmidt on April 3, 1854 (V.S. survey), and shown on the U. S. Survey Plat, T3S, R12E, M.D.M., dated December 30, 1854, and also shown on a resurvey, by E. L. Bundy, LS 2092, on a map entitled "Survey of Abandoned River Channel, Sections 28-29-32-33-34, T3S, R12E, MDB&M, June 1938 - Dec. 1941"; thence following the U. S. Meander line as resurveyed by E. L. Bundy on said map, N 46° 03' W, along said meander line, 595.65 feet (N 44° 30' W, 589.38 feet per V.S. survey); thence N 49° 01' W, 1135.60 feet (N 47° 30' W, 1122.0 feet per V.S. survey); thence N 76° 01' W, 84.35 feet (N 75° W, 82.50 feet per V.S. survey) to the TRUE POINT OF BEGINNING; thence leaving said meander line and following Swamp and Overflowed Land Survey #126, as resurveyed by E. L. Bundy on said map entitled "Survey of Abandoned River Channel", S 00° 21' E, 32.08 feet (S 00° 15' E, 32.34 feet per S & O #126); thence S 43° 18' E, 717.22 feet (S 43° E, 719.40 feet per S & O #126); thence S 39° 17' 30" E (S 39° E, per S & O #126), 310 feet, more or less, to the present right bank of the Tuolumne River; thence leaving said Swamp and Overflowed Land Survey #126 and following the present right bank of the Tuolumne River, N 79° 30' W, 277.02 feet, more or less, to Swamp and Overflowed Land Survey #72, as resurveyed by E. L. Bundy on said map; thence N 32° 30' W (N 31° W, per S & O #72), 190.18 feet; thence leaving said Bundy survey and following Swamp and Overflowed Land Survey #72, N 59° 56' 45" W, 988.04 feet (N 58° 45' W, 970.20 feet per S & O #72); thence N 56° 56' 45" W, 237.94 feet (N 55° 45' W, 233.64 feet per S & O #72); thence N 52° 11' 45" W, 304.48 feet (N 51° W, 300.30 feet per S & O #72); thence N 40° 15' 45" W (N 39° 15' W per S & O #72), 213.00 feet; thence leaving said Swamp and Overflowed Land Survey #72, N 06° 26' W, 515.16 feet to the intersection with the aforesaid United States Meander Line; thence along said meander line as originally surveyed by A. W. Von Schmidt S 38° 30' E, 970.39 feet to a point on said Bundy survey shown as the most westerly course of the right bank of the U. S. Meander line; thence along said course S 76° 01' E (S 75° E, per V.S. survey), 590.70 feet to the true point of beginning.

END OF DESCRIPTION

Revised October, 1992, by LRNC

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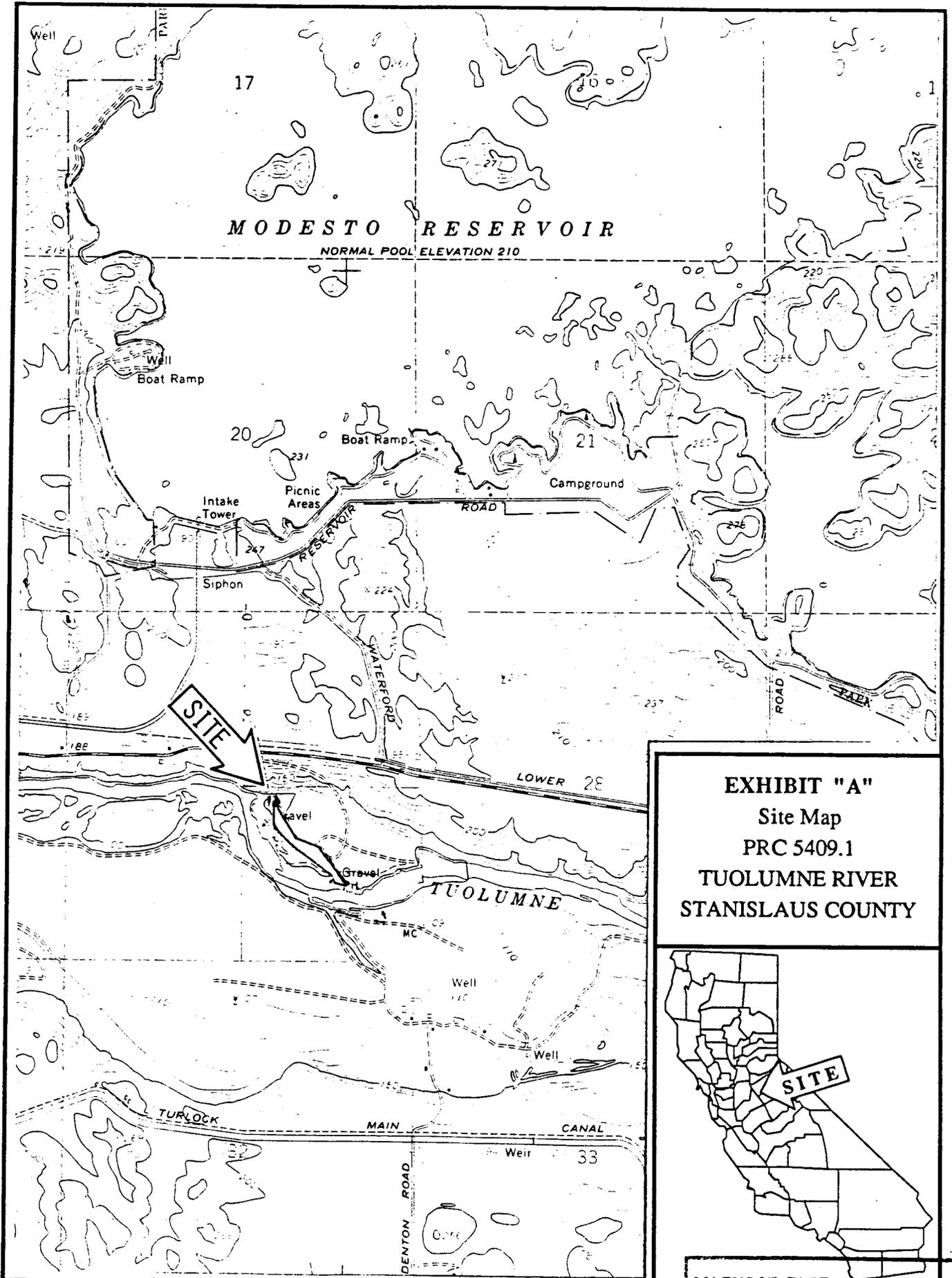
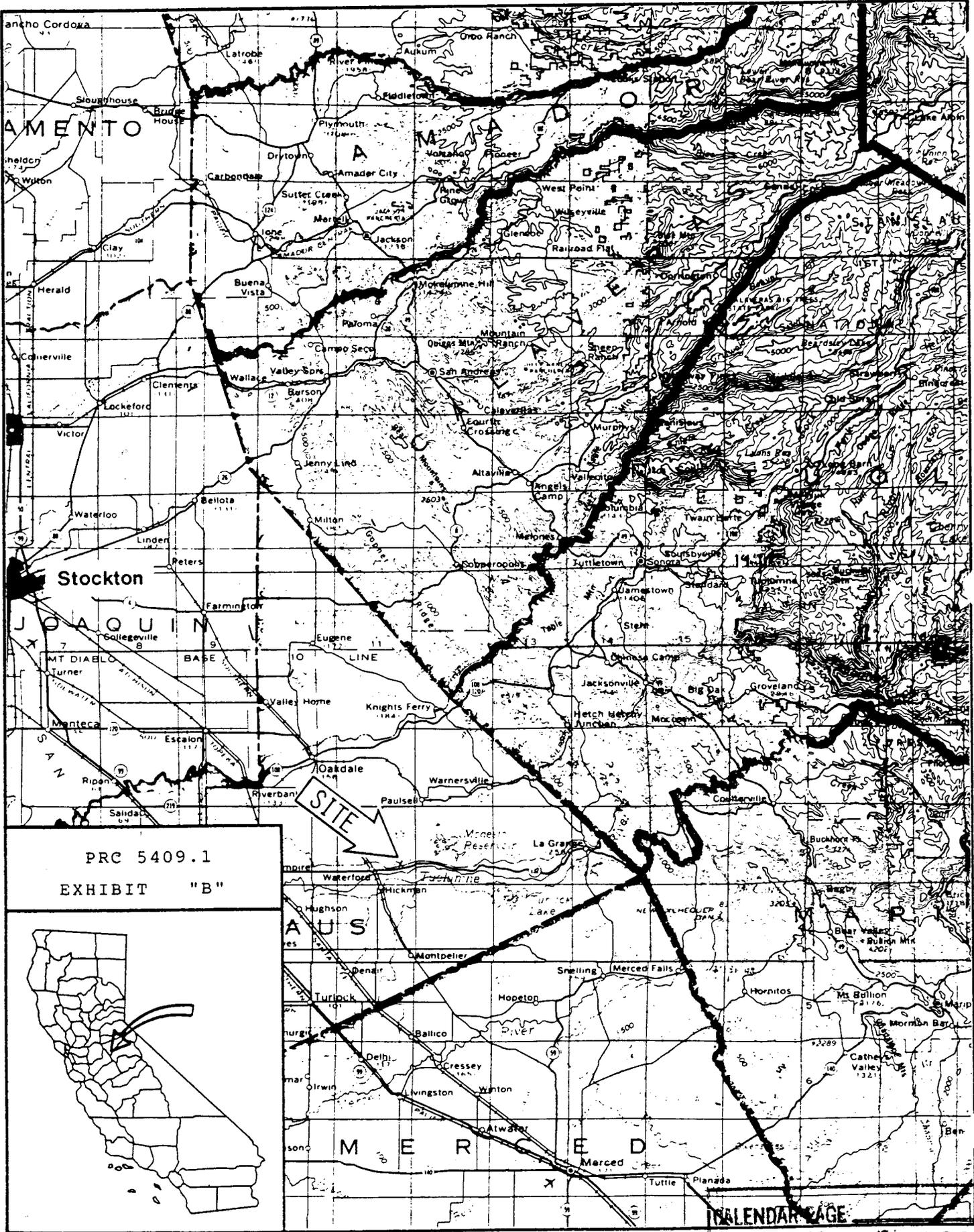


EXHIBIT "A"
 Site Map
 PRC 5409.1
 TUOLUMNE RIVER
 STANISLAUS COUNTY





PRC 5409.1
EXHIBIT "B"

