

MINUTE ITEM
This Calendar Item No. 06
was approved as Minute Item
No. 06 by the State Lands
Commission by a vote of 3
0 at its 7-29-93
meeting.

CALENDAR ITEM

06

A 11
S 7

7/29/93
WP 7659 PRC 7659
Plummer
Stevenson

AMENDMENT OF LAND DESCRIPTION FOR
GENERAL LEASE-INDUSTRIAL USE;
REDUCTION OF LEASE AREA WITH RESERVATION OF EASEMENTS

LESSEE:

California and Hawaiian Sugar Company
830 Loring Avenue
Crockett, CA 94525-1199

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.

CURRENT LEASE TERMS:

Lease 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.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

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CALENDAR ITEM NO. 06 (CONT'D)

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:

01/10/94

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.

OTHER PERTINENT INFORMATION:

1. California and Hawaiian Sugar Company (C&H) has occupied the leasehold area since 1929 as a sugar refinery. All partially processed sugar supplied to the refinery is shipped from Hawaii; is processed to final form at the refinery; and is distributed from the site throughout the western United States.
2. The Commission at its September 23, 1992 (Minute Item 75) meeting, approved a new 30-year lease, beginning September 24, 1992 to C&H. The Commission found the activity to be exempt from the requirements of CEQA pursuant to 14 Cal. Code Regs. 15061 as a categorically exempt project, Class 1, Existing Facilities, 2 Cal. Code Regs. 2905 (a)(2).
3. This lease amendment will terminate the lease in a portion of the existing C&H lease premises, subject to fire, conveyor and access and maintenance easements; which C&H wishes to reserve for its continued operation. The purpose of the amendment is so that the released portion may be leased by the State to Crockett Cogeneration (that proposed lease is the subject of a separate Calendar Item of this date).
4. 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 because the activity is not a "project" as defined by CEQA and State CEQA Guidelines Authority: P.R.C. 21065 and 14 Cal. Code Regs. Code 15378.

5. Since the Lessee will reduce the amount of State lands used by C&H, the new annual rent will be \$304,375, effective upon recordation of the lease to Crockett Cogeneration.

APPROVALS OBTAINED:

None.

FURTHER APPROVALS REQUIRED:

State Lands Commission.

EXHIBITS:

- A. Land Description of Release Parcel
- B-1. Conveyor Easements
- B-2. Fire Easement
- C-1. Plat of Release Parcel
- C-2. Plat of Conveyor Easement
- C-3. Plat of Fire Easement
- D. 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 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. CODE 15378.
2. AUTHORIZE APPROVAL OF THE AMENDED LAND DESCRIPTION OF GENERAL LEASE-INDUSTRIAL USE, PRC 7659, WITH RESERVATION FOR FIRE, CONVEYOR, AND ACCESS AND MAINTENANCE EASEMENTS.
3. APPROVE THE NEW ANNUAL RENT OF \$304,375 TO BE EFFECTIVE UPON RECORDATION OF THE LEASE TO CROCKETT COGENERATION.
4. AUTHORIZE STAFF TO MAKE NON-SUBSTANTIVE TECHNICAL CHANGES TO THE LAND DESCRIPTION.
5. ALL OTHER TERMS AND CONDITIONS OF LEASE PRC 7659 SHALL REMAIN IN FULL FORCE AND EFFECT.

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EXHIBIT "A"

PRC 7659

LAND DESCRIPTION

RELEASE PARCEL

A PARCEL OF TIDE AND SUBMERGED LAND IN AND ADJACENT TO THE CARQUINEZ STRAIT IN THE UNINCORPORATED TOWN OF CROCKETT, CONTRA COSTA COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

A PORTION OF THAT PARCEL OF LAND DESCRIBED IN THE LEASE, DATED SEPTEMBER 19, 1929, BETWEEN THE STATE OF CALIFORNIA, AS LESSOR, AND THE CALIFORNIA AND HAWAIIAN SUGAR REFINING CORPORATION, AS LESSEE, RECORDED OCTOBER 7, 1929, IN BOOK 211 OF OFFICIAL RECORDS, AT PAGE 93, CONTRA COSTA COUNTY RECORDS, AS SHOWN ON EXHIBIT 'C-1 (PLAT MAP) ATTACHED HERETO AND MADE A PART HEREOF AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE UNITED STATES HARBOR LINE MONUMENT 31, AS SAID MONUMENT 31 IS SHOWN UPON A CERTAIN MAP ADOPTED BY THE UNITED STATES ARMY ENGINEERS ENTITLED "HARBOR LINES OF CARQUINEZ STRAIT, CALIFORNIA," MARKED "FILE 4, DIV. 4, SHEET 6," DATED JUNE 10, 1924, AND APPROVED BY THE SECRETARY OF WAR FEBRUARY 21, 1925; THENCE NORTH, 34.91 FEET; THENCE EAST, 11.44 FEET TO STATION 'A', SAID STATION 'A' BEING THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION AND BEING A POINT ON THE EAST LINE OF SAID STATE OF CALIFORNIA LEASE (211 OR 93) AND THE NORTH LINE OF THE RIGHT-OF-WAY DESCRIBED IN THE DEED TO THE SOUTHERN PACIFIC RAILROAD COMPANY, FILED AUGUST 6, 1873, IN BOOK 25 OF DEEDS, AT PAGE 156, CONTRA COSTA COUNTY RECORDS; THENCE LEAVING SAID POINT OF BEGINNING WESTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE, SAID NORTH RIGHT-OF-WAY LINE BEING COMMON WITH THE SOUTH LINE OF SAID STATE OF CALIFORNIA LEASE (211 OR 93) AS DEPICTED ON THE "MAP OF RESURVEY 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, NORTH 73°37'15" WEST, 451.73 FEET TO STATION 'B'; THENCE CONTINUING ALONG SAID COMMON LINE ALONG A TANGENT CURVE, CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1189.78 FEET, THROUGH A CENTRAL ANGLE OF 27°08'33" AN ARC DISTANCE OF 563.63 FEET; THENCE LEAVING SAID COMMON LINE THE FOLLOWING COURSES AND DISTANCES: NORTH 4°00'00" EAST, 34.30 FEET; THENCE SOUTH 86°10'52" EAST, 155.00 FEET; THENCE NORTH 4°00'00" EAST, 50.50 FEET; THENCE SOUTH 86°00'00" EAST, 66.11 FEET; THENCE NORTH 4°00'00" EAST, 20.00 FEET; THENCE SOUTH 86°00'00" EAST, 111.00 FEET; THENCE NORTH 4°00'00" EAST, 35.00 FEET; THENCE SOUTH 86°00'00" EAST, 400.69 FEET; THENCE SOUTH 4°00'00" WEST, 5.00 FEET; THENCE SOUTH 86°00'00" EAST, 25.20 FEET; THENCE NORTH 4°00'00" EAST, 5.00 FEET; THENCE SOUTH 86°00'00" EAST, 17.11 FEET; THENCE NORTH 4°00'00" EAST, 22.58 FEET; THENCE SOUTH 73°34'28" EAST, 216.36 FEET; THENCE ALONG A NON-TANGENT CURVE, CONCAVE TO THE EAST AND SOUTH AND HAVING A RADIUS OF 30.00

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EXHIBIT "A" CONTINUED

FEET, THE CENTER OF WHICH BEARS NORTH 76°22'48" EAST THROUGH A CENTRAL ANGLE OF 119°59'58" AN ARC DISTANCE OF 62.83 FEET; THENCE SOUTH 73°37'15" EAST, 30.00 FEET TO THE AFORESAID EASTERLY LINE OF THE STATE OF CALIFORNIA LEASE (211 OR 93); THENCE SOUTHERLY ALONG SAID EAST LINE SOUTH 16°22'45" WEST, 239.05 FEET TO THE POINT OF BEGINNING.

BASIS OF BEARINGS: THE BEARING BETWEEN THE FOUND U.S. HARBOR LINE MONUMENTS #33 AND #31, AS SHOWN ON SAID ARMY ENGINEER'S MAP, "HARBOR LINES OF CARQUINEZ STRAIT, CALIFORNIA", DATED JUNE 10, 1924; CALCULATED AND TAKEN AS NORTH 86°45'48" EAST,

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

A.P.N. 354-011-002 & 003 (PORTION OF).

REVIEWED JULY, 1993 BY SFBCC.

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MINUTE PAGE	1800

EXHIBIT "B-1"

PRC 7659

LAND DESCRIPTION

CONVEYOR EASEMENTS

A PRIVATE, NON-EXCLUSIVE AERIAL EASEMENT FOR THE BENEFIT OF C & H SUGAR COMPANY FOR THE MAINTENANCE, REPAIR, AND USE OF THE EXISTING "SUGAR CONVEYORS", TOGETHER WITH SURFACE RIGHTS FOR ACCESS, REPAIR, AND MAINTENANCE OF REQUIRED SUPPORT TOWERS OVER AND ABOVE THAT PORTION OF SAID PARCEL ONE, AS SHOWN ON EXHIBIT 'C-2' (PLAT MAP) ATTACHED HERETO AND MADE A PART HEREOF AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT SAID STATION 'A', LOCATED AT THE MOST SOUTHEAST CORNER OF SAID PARCEL ONE; THENCE LEAVING SAID POINT OF COMMENCEMENT WESTERLY ALONG THE SOUTH LINE OF SAID PARCEL, SAID SOUTH LINE BEING COMMON WITH THE NORTH LINE OF THE AFORESAID SOUTHERN PACIFIC RAILROAD RIGHT-OF-WAY (25 DEEDS 156) THE FOLLOWING COURSES AND DISTANCES: NORTH 73°37'15" WEST, 451.73 FEET TO SAID STATION 'B'; THENCE CONTINUING ALONG SAID COMMON LINE ALONG A TANGENT CURVE, CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1189.78 FEET, THROUGH A CENTRAL ANGLE OF 2°41'14" AN ARC DISTANCE OF 55.80 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID POINT OF BEGINNING AND CONTINUING ALONG SAID COMMON LINE ALONG A NON-TANGENT CURVE, CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1189.78 FEET, THE CENTER OF WHICH BEARS SOUTH 13°41'31" WEST THROUGH A CENTRAL ANGLE OF 1°34'06" AN ARC DISTANCE OF 32.57 FEET; THENCE LEAVING SAID COMMON LINE THE FOLLOWING COURSES AND DISTANCES: NORTH 9°59'27" WEST, 63.47 FEET; THENCE NORTH 87°47'53" WEST, 115.92 FEET; THENCE NORTH 85°59'51" WEST, 18.69 FEET; THENCE SOUTH 3°28'01" WEST, 46.16 FEET TO THE AFORESAID COMMON LINE; THENCE ALONG SAID COMMON LINE ALONG A NON-TANGENT CURVE, CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1189.78 FEET, THE CENTER OF WHICH BEARS SOUTH 4°53'55" WEST THROUGH A CENTRAL ANGLE OF 1°26'41" AN ARC DISTANCE OF 30.00 FEET; THENCE LEAVING SAID COMMON LINE NORTH 3°28'01" EAST, 46.07 FEET; THENCE NORTH 86°00'00" WEST, 70.30 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL ONE; THENCE ALONG THE PERIMETER OF SAID PARCEL ONE THE FOLLOWING COURSES AND DISTANCES: NORTH 4°00'00" EAST, 20.00 FEET; THENCE SOUTH 86°00'00" EAST, 111.00 FEET; THENCE NORTH 4°00'00" EAST, 6.98 FEET; THENCE LEAVING SAID PERIMETER LINE THE FOLLOWING COURSES AND DISTANCES: SOUTH 85°51'12" EAST, 25.60 FEET; THENCE SOUTH 2°12'07" WEST, 6.11 FEET; THENCE SOUTH 87°47'53" EAST, 93.11 FEET; THENCE NORTH 9°59'27" WEST, 32.23 FEET TO THE NORTH LINE OF SAID PARCEL ONE; THENCE ALONG SAID NORTH LINE SOUTH 86°00'00" EAST, 30.92 FEET; THENCE LEAVING SAID NORTH LINE SOUTH 9°59'27" EAST, 121.60 FEET TO THE POINT OF BEGINNING.

THE MAXIMUM VERTICAL HEIGHT OF SAID AERIAL EASEMENT IS NOT TO EXCEED THE ELEVATION OF 138.0 FEET PER THE NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929.

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EXHIBIT "B-1" CONTINUED

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

A.P.N. 354-011-002 & 003 (PORTION OF).

REVIEWED JULY, 1993 BY SFBCC.

CALENDAR PAGE	41
MINUTE PAGE	1802

EXHIBIT "B-2"

PRC 7659

LAND DESCRIPTION

FIRE EASEMENT

A PRIVATE, NON-EXCLUSIVE "FIRE LINE EASEMENT" FOR THE BENEFIT OF C & H SUGAR COMPANY FOR THE CONSTRUCTION, MAINTENANCE, REPAIR, AND USE OF THE EXISTING "FIRE CONTROL FACILITIES" UNDER, OVER AND ABOVE THAT PORTION OF SAID PARCEL ONE, AS SHOWN ON EXHIBIT 'C-3' (PLAT MAP) ATTACHED HERETO AND MADE A PART HEREOF AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS SAID STATION 'A', LOCATED AT THE MOST SOUTHEAST CORNER OF SAID PARCEL ONE; THENCE LEAVING SAID POINT OF COMMENCEMENT WESTERLY ALONG THE SOUTH LINE OF SAID PARCEL, SAID SOUTH LINE BEING COMMON WITH THE AFORESAID NORTH LINE OF THE SOUTHERN PACIFIC RAILROAD RIGHT-OF-WAY (25 DEEDS 156) THE FOLLOWING COURSES AND DISTANCES: NORTH 73°37'15" WEST, 451.73 FEET TO SAID STATION 'B', SAID STATION 'B' BEING THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE LEAVING SAID POINT OF BEGINNING AND CONTINUING ALONG SAID COMMON LINE ALONG A TANGENT CURVE, CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1189.78 FEET, THE CENTER OF WHICH BEARS SOUTH 16°22'45" WEST THROUGH A CENTRAL ANGLE OF 27°08'33" AN ARC DISTANCE OF 563.63 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL ONE; THENCE LEAVING SAID COMMON LINE ALONG THE WEST LINE OF SAID PARCEL NORTH 4°00'00" EAST, 10.34 FEET; THENCE LEAVING SAID WEST LINE ALONG A NON-TANGENT CURVE, CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1199.78 FEET, THE CENTER OF WHICH BEARS SOUTH 10°38'15" EAST THROUGH A CENTRAL ANGLE OF 5°41'12" AN ARC DISTANCE OF 119.08 FEET TO THE NORTH LINE OF SAID PARCEL ONE; THENCE ALONG SAID NORTH LINE SOUTH 86°10'52" EAST, 38.48 FEET; THENCE NORTH 4°00'00" EAST, 5.30 FEET; THENCE LEAVING SAID NORTH LINE ALONG A NON-TANGENT CURVE, CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1199.78 FEET; THE CENTER OF WHICH BEARS SOUTH 3°05'41" EAST, THROUGH A CENTRAL ANGLE OF 19°28'26" AN ARC DISTANCE OF 407.79 FEET; THENCE SOUTH 16°22'45" WEST, 10.00 FEET 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.

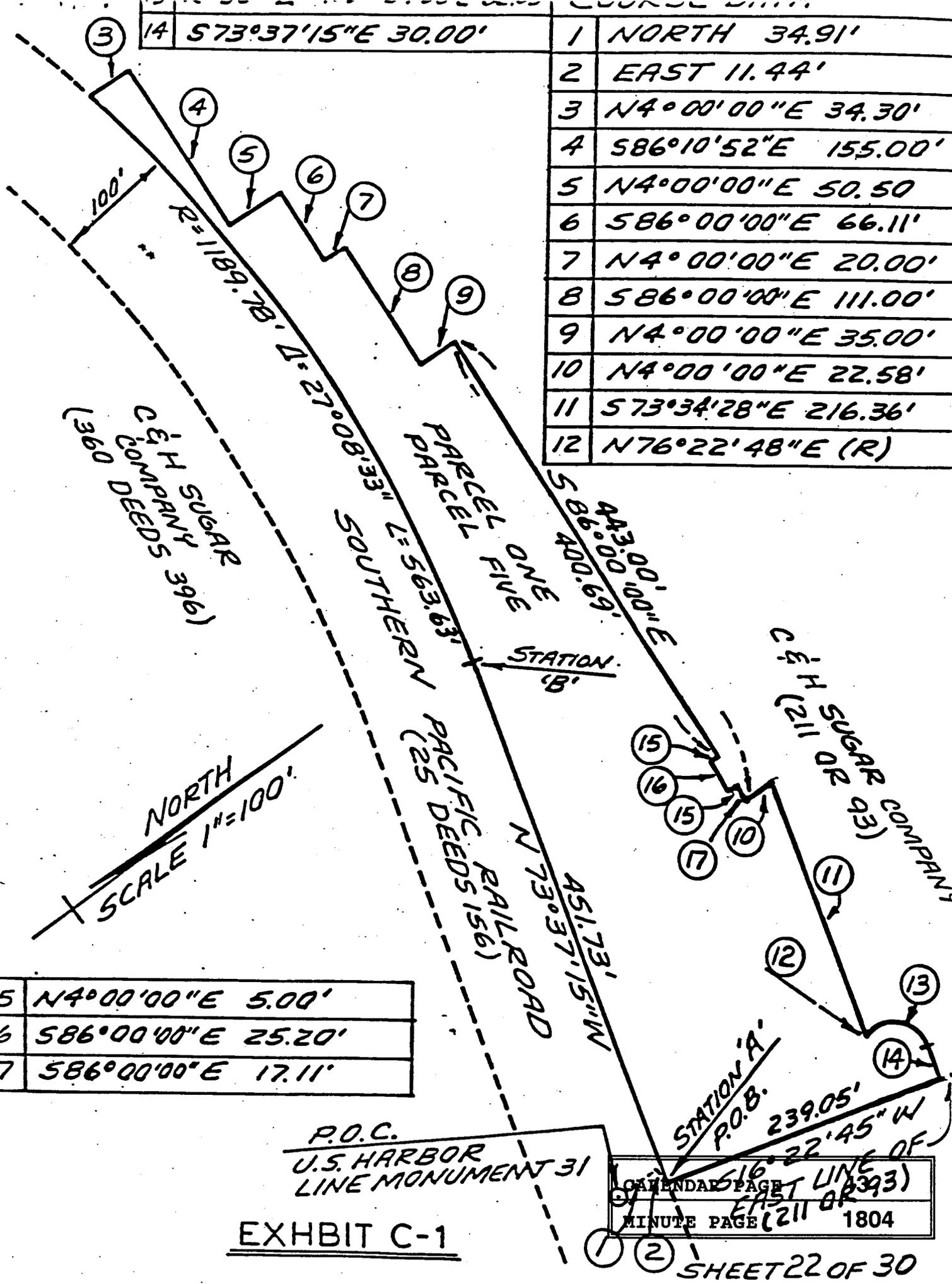
END OF DESCRIPTION

A.P.N. 354-011-002 & 003 (PORTION OF).

REVIEWED JULY, 1993 BY SFBCC.

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14	573°37'15"E 30.00'	1	NORTH 34.91'
		2	EAST 11.44'
		3	N4°00'00"E 34.30'
		4	S86°10'52"E 155.00'
		5	N4°00'00"E 50.50'
		6	S86°00'00"E 66.11'
		7	N4°00'00"E 20.00'
		8	S86°00'00"E 111.00'
		9	N4°00'00"E 35.00'
		10	N4°00'00"E 22.58'
		11	S73°34'28"E 216.36'
		12	N76°22'48"E (R)



C & H SUGAR COMPANY
(360 DEEDS 396)

C & H SUGAR COMPANY
(211 SUGAR 93)

NORTH
SCALE 1"=100'

15	N4°00'00"E 5.00'
16	S86°00'00"E 25.20'
17	S86°00'00"E 17.11'

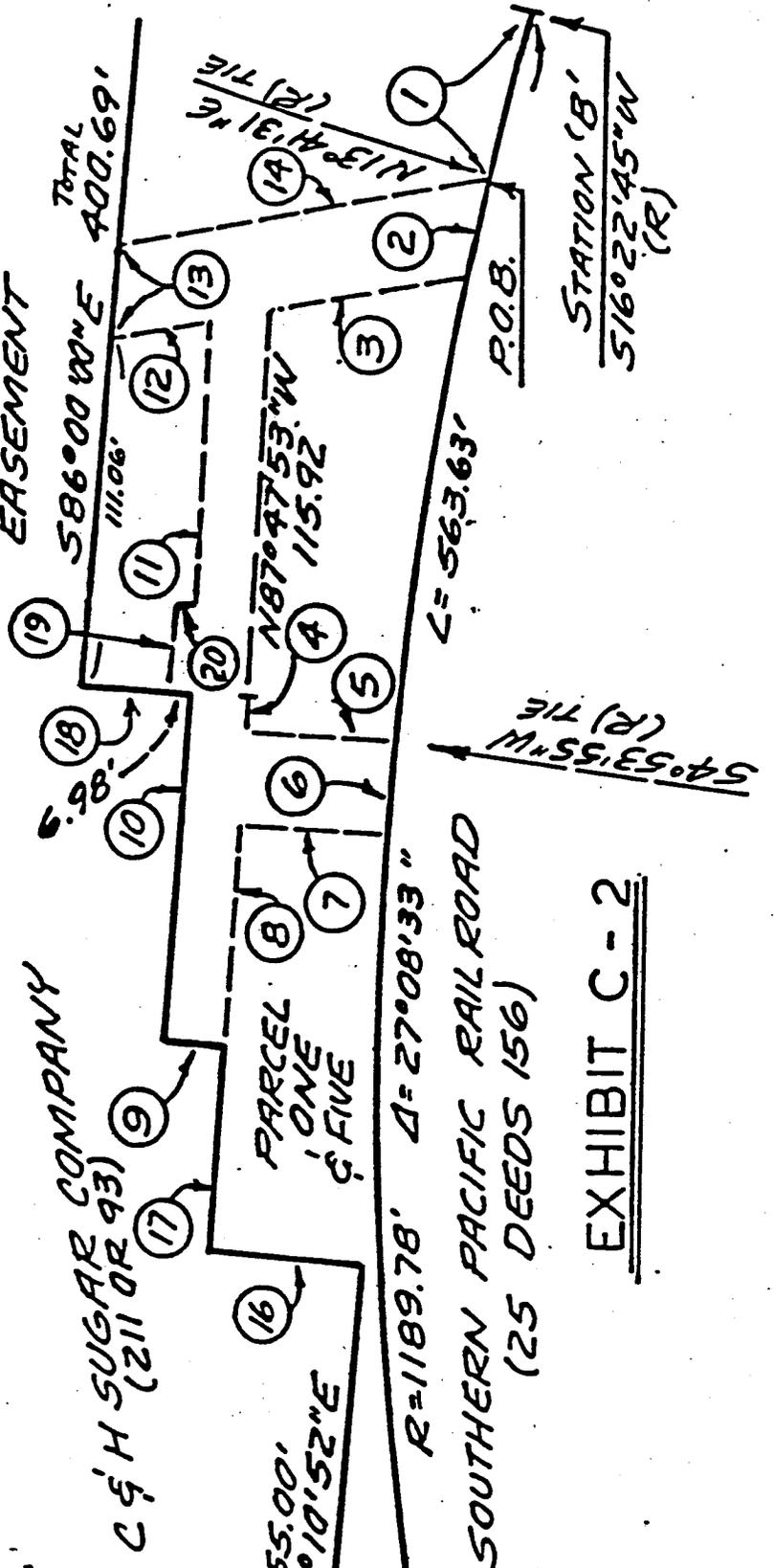
EXHIBIT C-1

CALENDAR PAGE 1804
MINUTE PAGE (211 OR 1804)
EAST LINE OF

1	R=1189.78' Δ=2°41'14" Δ=55.80'	11	587°47'53"E 93.11'
2	R=1189.78' Δ=1°34'06" Δ=32.57'	12	N9°59'27"W 32.23'
3	N9°59'27"W 63.47'	13	586°00'00"E 30.92'
4	N85°59'51"W 18.69'	14	S9°59'27"E 121.60'
5	S3°28'01"W 46.16'	15	N4°00'00"E 34.30'
6	R=1189.78' Δ=1°26'41" Δ=30.00'	16	N4°00'00"E 50.50'
7	N3°28'01"E 46.07'	17	586°00'00"E 66.11'
8	N86°00'00"W 70.30'	18	N4°00'00"E 35.00' TOTAL
9	N4°00'00"E 20.00'	19	S85°51'12"E 25.60'
10	586°00'00"E 111.00'	20	S2°12'07"W 6.11'

NORTH
SCALE 1"=60'

PROPOSED CONVEYOR
EASEMENT



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EXHIBIT C-2
SHEET 23 OF 30

EXHIBIT C-2

COURSE DATA	
1	N4°00'00"E 10.34'
2	R=1199.78' Δ=5°41'12" L=119.08
3	S86°10'52"E 38.48'
4	N4°00'00"E 5.30'
5	R=1199.78' Δ=19°28'26" L=407.79
6	S16°22'45"W (R) 10.00'

SCALE 1"=20'
NORTH

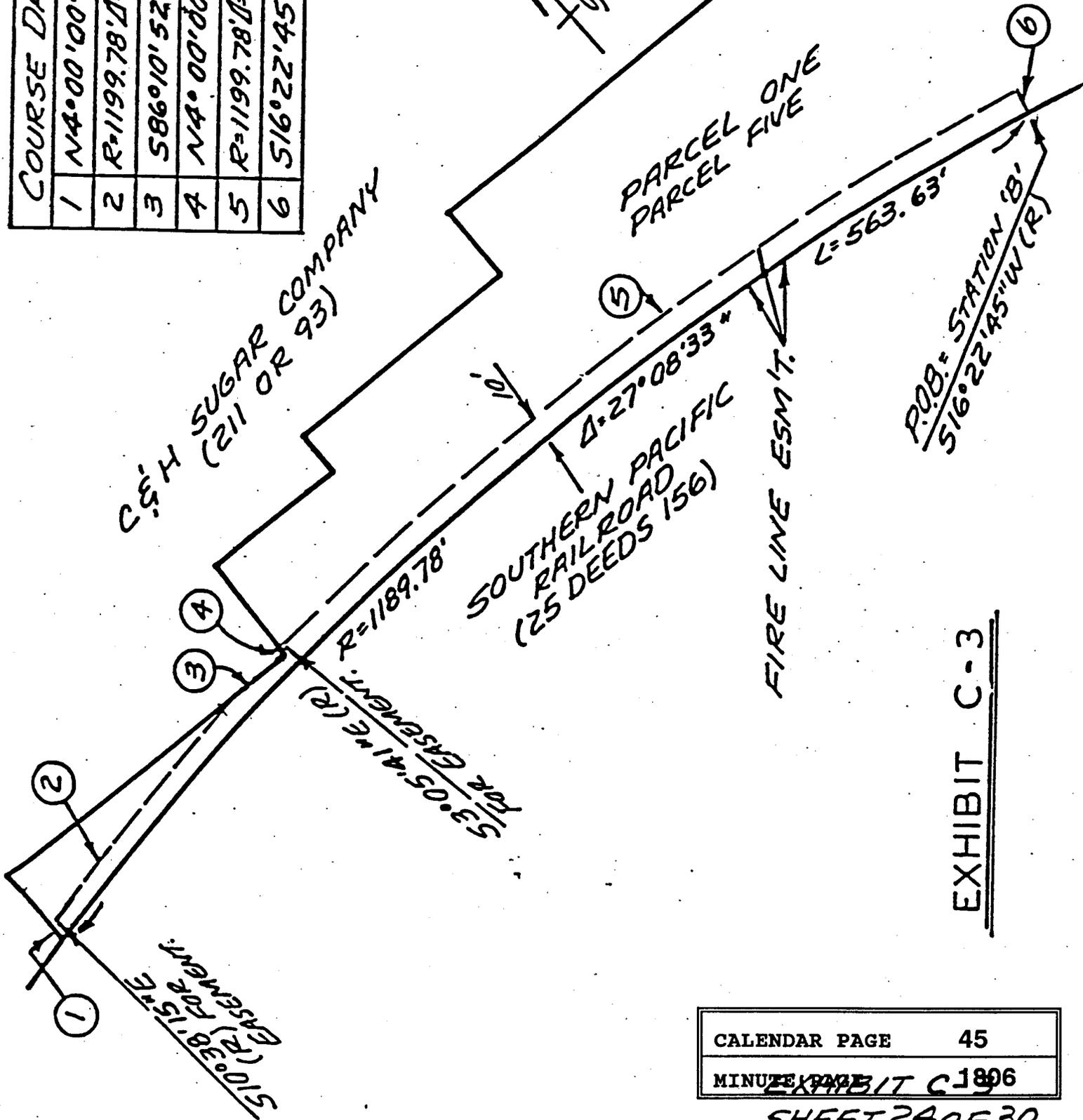


EXHIBIT C-3

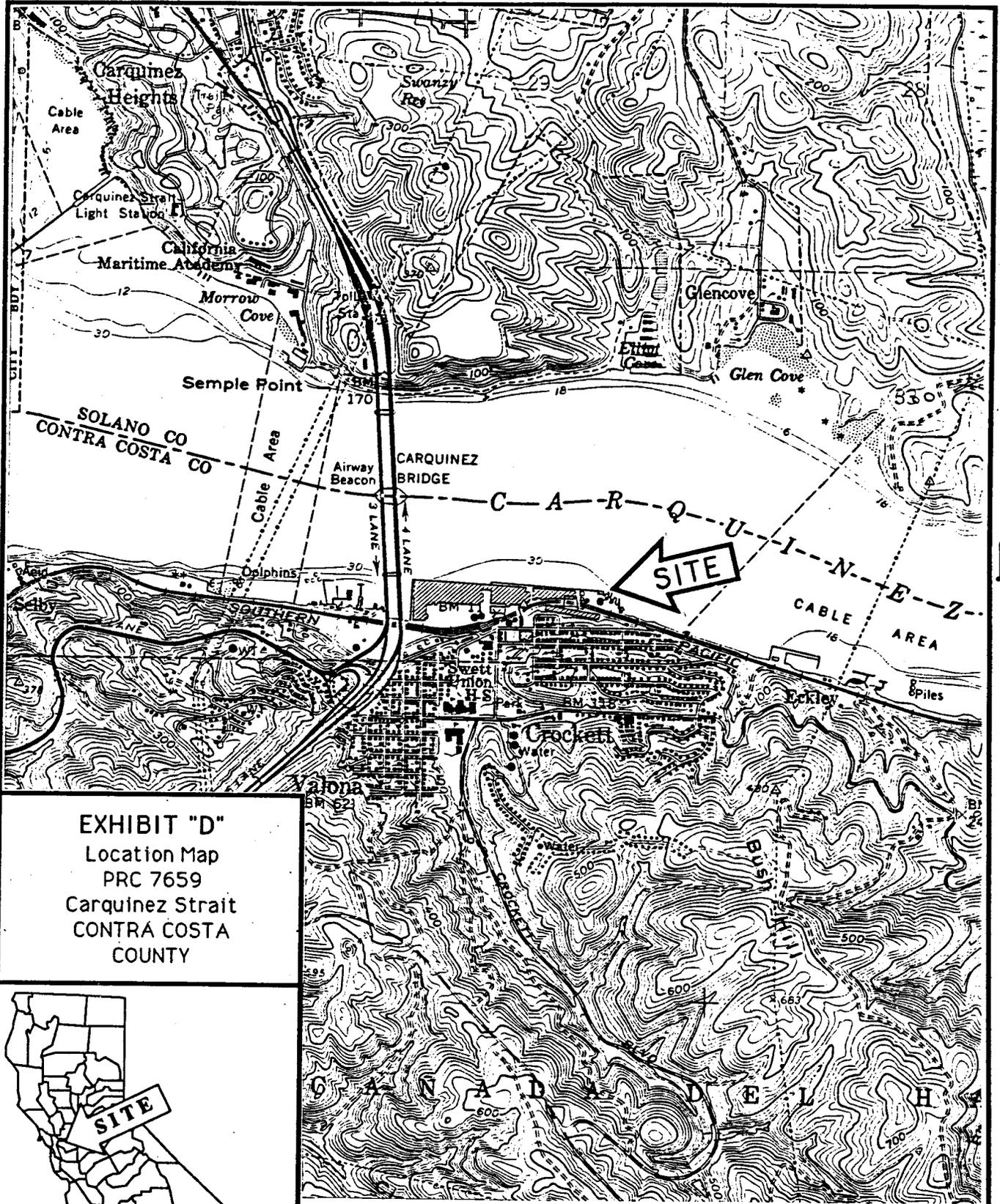


EXHIBIT "D"
 Location Map
 PRC 7659
 Carquinez Strait
 CONTRA COSTA
 COUNTY



NOTE:
 THIS EXHIBIT IS NOT A SURVEY, NOR
 DOES ANY LINE APPEARING HEREON
 REPRESENT A BOUNDARY LINE.