

MINUTE ITEM  
This Calendar Item No. 07  
was approved as Minute Item  
No. 07 by the State Lands  
Commission by a vote of 3  
0 at its 7-29-93  
meeting.

CALENDAR ITEM

07

A 11

S 7

07/29/93  
W 23703 PRC 7691  
Plummer  
Stevenson

APPROVAL OF:

- (1) GENERAL LEASE-INDUSTRIAL USE
- (2) CONSENT TO ENCUMBRANCING AGREEMENT
- (3) MEMORANDUM OF UNDERSTANDING SUPPLEMENTING THE LEASE
- (4) SUBORDINATION AND NON-DISTURBANCE AGREEMENT  
IN SUPPORT OF LEASE

**APPLICANT:**

Crockett Cogeneration, a Limited Partnership  
500 NE Multnomah, Suite 900  
Portland, Oregon 97232-2039

**BACKGROUND:**

Crockett Cogeneration, a California Limited Partnership, proposes to construct and to operate an electrical cogeneration plant at the California and Hawaiian (C&H) Sugar Refinery in Crockett along the Carquinez Straits, Contra Costa County. The facility is designed to produce the steam required to operate the C&H Sugar Refinery and to provide 240 megawatts (MW) of firm electrical generation capacity for the Pacific Gas and Electric Company system on an economic dispatch basis.

The project is a combined cycle cogeneration facility that will produce up to a maximum of 450,000 lbs/hr of steam and a maximum net electrical output of 240 MW. Cogeneration is the sequential production of heat and power from a common fuel. The principle advantage of cogeneration over separately produced forms of heat and power is improved efficiency or better fuel utilization. The proposed cogeneration plant is sized to provide optimum process efficiency for both the thermal needs of C&H and the power generated for PG&E. Substantially all of C&H's present steam demand can be met by recovery of heat which might otherwise be wasted in an electrical power generation plant. Since the Refinery is a large user of steam, smaller facilities would not have as high a level of efficiency as the proposed project. The lease before the Commission has been written to assume that the tie between the proposed cogeneration facility and C&H is maintained.

The proposed project will occupy approximately 2.04± acres of State sovereign lands now leased to C&H under Commission lease PRC 7659. By separate Calendar Item, the Commission has been asked to amend the land description in the C&H lease to remove the proposed project site from the C&H lease premises so it may be leased to Crockett Cogeneration ("proposed lease"), with reservations by C&H of fire, conveyor, and other easements.

PROPOSED LEASE TERMS:

1. The proposed lease will be 33 years, effective upon closing of financing and, in any case, by December 31, 1993. The lease will expire December 30, 2026. Other terms include: (1) a performance bond in the amount of \$2,000,000; (2) public liability insurance with a minimum of \$11,000,000 coverage; and (3) annual rent of \$29,991 for the first three years followed by a base rent of \$59,992 for year 4 and \$59,992 (with CPI adjustment from year 1) for year 5. The base rent will be adjusted every five years by CPI or 5%, whichever is greater, for the preceding 5 year period to arrive at a new adjusted base rent. Rent for the 5 years between rent reviews will be adjusted by CPI.
2. The applicant will certify that the design, bidding, and specifications standards for the project are written to meet the design noise criteria of a steady 24-hour operational noise level not to exceed 49 dBA at the nearest residential receiver in Crockett, Contra Costa County, and 42 dBA at Glen Cove area of Solano County free of pure tones in either location. The applicant has conducted an ambient noise level verification survey at multiple sites in Glen Cove and a site in Crockett. The applicant will conduct an operational noise survey in the communities of Crockett and Glen Cove (using previous survey sites) within 90 days of start-up, and annually (at the State's request) during normal operating conditions to verify compliance with operational noise standards of 42 dBA at Glen Cove and 53 dBA at Crockett with no pure tones. The lease also provides the Lessee back-up testing 400 feet north of the plant to verify that the plant itself is the source of noise or tones at Glen Cove should testing show 42 dBA exceeded there or the presence of pure tones. Remediation will be required if the plant is the source of noise or tones.
3. The applicant will acquire, prior to demolition or clearing of proposed lease premises, certificate(s) for 144 tpy/NOx emission offsets from sources located within the Bay Area

CALENDAR PAGE	48
MINUTE PAGE	1809

CALENDAR ITEM NO. 07 (CONT'D)

Air Quality Management District north of the south boundary of Richmond, in addition to 11 tpy/POC emission offsets already acquired in Richmond.

4. Applicant has designed for inclusion at the project site a public fishing pier pursuant to the requirements of San Francisco Bay Conservation and Development Commission. This provision may terminate if applicant acquires all necessary permits to relocate the pier to a site off the lease area.
5. The Lessee will be required to maintain its status as a cogeneration qualifying facility through the Federal Energy Regulatory Commission and to serve the C&H refinery with steam. The State Lands Commission will have approval authority over any substitute steam host to verify that the cogeneration plant supports a public trust use.
6. The applicant will provide to the Commission's staff plans, reports, and designs for the construction of the cogeneration plant for review and comment.
7. The applicant will allow C&H to retain easements for fire and conveyor over proposed the lease premises for the duration of the lease. As stated earlier, these easement have been approved by C&H.

PROPOSED CONSENT TO ENCUMBER

Crockett Cogeneration also requests that the Commission approve an Agreement and Consent to Encumbrancing of Lease to a group of banks consisting of ABN AMRO Bank N.V. (as Administrative Agent); Canadian Imperial Bank of Commerce; Deutsche Bank AG, Los Angeles Branch; and Swiss Bank Corporation, New York Branch (the "Banks"). The Banks will provide construction and term loans to Crockett Cogeneration of up to \$300 million to be used solely for costs related to the development, permitting, design, procurement, construction, and operation of the cogeneration project. At or shortly after project completion the loan will convert to a non-recourse \$240 million, 15 year term loan.

MEMORANDUM OF UNDERSTANDING FOR CARQUINEZ STRAIT TRUST PRESERVATION

By a separate agreement (referred to in the lease and made an integral part of it), Crockett Cogeneration has agreed to undertake certain responsibilities in support of public trust values along the Carquinez Strait. Among these responsibilities are to prepare a Report/Plan for the State Lands Commission and

CALENDAR PAGE	49
MINUTE PAGE	1810

other public agencies regarding the present condition and future protection of recreational, scenic, habitat, and other public trust resources along the Strait. The Report/Plan will provide for trails and habitat areas along the Strait and on adjacent upland areas and the means to foster intergovernmental cooperation in support of these assets. Crockett Cogeneration has agreed to establish a reserve fund of \$375,000 over a three year period for consultant and other costs to prepare the Report/Plan. The applicant will also foster the Carquinez Strait Preservation Trust which will provide advice and direction regarding the Report/Plan and which, ultimately will assist in its implementation. In conjunction with this undertaking Crockett Cogeneration will for three years (and limited to \$90,000 over three years), cover the costs of the State Lands Commission staff members who work on the Report/Plan and other Carquinez Strait Trust matters.

SUBORDINATION AND NON-DISTURBANCE AGREEMENT

C&H holds record title to a part of the premises to be used for the cogeneration site. This document, to be joined in by the State, is an agreement by C&H that it will not interfere with the cogeneration lease because of its record title claims.

**OTHER PERTINENT INFORMATION**

1. An Environmental Assessment, Presiding Members Report and a Proposed and Final Decision were adopted by the California Energy Commission for this project under its Site Certification Process this process is a Certified Program under (14 Cal. Code Regs, 15251 (k) and Public Resources Code 25500 et seq.
2. Staff has reviewed said documents and determined that the conditions as specified in 14 Cal. Code Regs 15253 (b) have been met for the Commission, as a Responsible Agency, to use these documents in the place of an EIR to comply with the requirements of the CEQA.
3. Crockett Cogeneration will reimburse staff for the cost of lease compliance review during the term of the lease.

**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.

CALENDAR PAGE	50
MINUTE PAGE	1811

**AB 884:**

1/10/94

**APPROVALS OBTAINED:**

California Energy Commission, San Francisco Bay Conservation and Development Commission, Bay Area Air Quality Control Management District.

**FURTHER APPROVALS REQUIRED:**

State Lands Commission, Regional Water Quality Control Board, and Contra Costa County.

**EXHIBITS:**

- A. Description Lease Premises
- B-1. Conveyor Easement
- B-2. Fire Easement
- C-1. Plat of Lease Premises
- C-2. Plat of Conveyor Easement
- C-3. Plat of Fire Easement
- D. Location Map

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT AN ENVIRONMENTAL ASSESSMENT, PRESIDING MEMBERS REPORT AND A PROPOSED AND FINAL DECISION (CALIFORNIA ENERGY COMMISSION CROCKETT COGENERATION PROJECT DOCKET NO. 92-AFC-1), WERE ADOPTED FOR THIS PROJECT BY THE CALIFORNIA ENERGY COMMISSION (CEC) UNDER ITS SITE CERTIFICATION PROCESS WHICH IS A CERTIFIED PROGRAM (14 CAL. CODE REGS. 15251 (K), THAT THE STATE LANDS COMMISSION HAS REVIEWED SUCH DOCUMENTS AND THAT THE CONDITIONS AS SPECIFIED IN 14 CAL. CODE REGS, 15253 (b) HAVE BEEN MET TO ENABLE THE COMMISSION, AS A RESPONSIBLE AGENCY, TO USE SAID DOCUMENTS.
2. ADOPT THE FINDINGS MADE BY THE CEC PURSUANT TO SECTION 15091 OF THE STATE CEQA GUIDELINES AND COMPLIANCE VERIFICATIONS AS CONTAINED IN THE "COMMISSION DECISION, APPLICATION FOR CERTIFICATION FOR THE CROCKETT COGENERATION PROJECT, DOCKET 92-AFC-1, MAY 1993", WHICH IS ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND INCORPORATED HEREIN BY THIS REFERENCE.

CALENDAR PAGE	51
MINUTE PAGE	1812

3. AUTHORIZE ISSUANCE TO CROCKETT COGENERATION, A CALIFORNIA LIMITED PARTNERSHIP OF A 33-YEAR GENERAL LEASE-INDUSTRIAL USE BEGINNING EFFECTIVE UPON CLOSING OF FINANCING OR DECEMBER 31, 1993, WHICHEVER IS EARLIER AND EXPIRING DECEMBER 30, 2026; IN CONSIDERATION OF \$29,991 FOR THE FIRST THREE YEARS AND THEN \$59,982 FOR YEAR 4 ,WITH THE BASE RENT ESCALATED ANNUALLY BY THE PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX WITH A FIVE YEAR REVIEW USING EITHER CPI OR 5% PER YEAR INCREASE, WHICHEVER IS HIGHER; PROVISION OF A \$2,000,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT WITH MINIMUM COVERAGE OF \$11,000,000; FOR THE CONSTRUCTION AND OPERATION OF A COGENERATION PLANT ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; SUBSTANTIALLY IN THE FORM LOCATED AT THE OFFICE OF THE STATE LANDS COMMISSION.
4. AUTHORIZE ISSUANCE OF AN AGREEMENT AND CONSENT TO ENCUMBRANCING OF LESSEE'S RIGHT, TITLE, AND INTEREST IN LEASE PRC 7691 IN FAVOR OF THE ABN AMRO BANK N.V. (AS ADMINISTRATIVE AGENT); CANADIAN IMPERIAL BANK OF COMMERCE; DEUTSCHE BANK AG, LOS-ANGELES BRANCH; AND SWISS BANK CORPORATION, NEW YORK BRANCH; TO PROVIDE A NON-RECOURSE PROJECT LOAN FACILITY OF UP TO \$300 MILLION TO BE USED SOLELY FOR COSTS RELATED TO THE DEVELOPMENT, PERMITTING, DESIGN, PROCUREMENT, CONSTRUCTION AND OPERATION OF THE COGENERATION PROJECT.
5. AUTHORIZE THE EXECUTIVE OFFICER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH CROCKETT COGENERATION FOR THE ENHANCEMENT OF PUBLIC USE AND BENEFIT ALONG THE CARQUINEZ STRAITS.
6. AUTHORIZE STAFF OF THE COMMISSION TO REVIEW PLANS, REPORTS, AND DESIGNS FOR THE CONSTRUCTION OF THE COGENERATION PLANT.
7. AUTHORIZE APPROVAL OF A PUBLIC FISHING PIER LOCATED WITHIN THE LEASE PREMISES, THIS PROVISION MAY TERMINATE IF LESSEE ACQUIRES ALL NECESSARY PERMITS TO RELOCATE THE PIER TO A SITE OFF THE LEASE PREMISES.
8. AUTHORIZE STAFF TO RECORD OR CAUSE TO BE RECORDED THE NECESSARY DOCUMENTS TO IMPLEMENT THE ABOVE INCLUDING, BUT NOT LIMITED TO, A MEMORANDUM OF LEASE AND A SUBORDINATION AND NON-DISTURBANCE AGREEMENTS BY C&H IN SUPPORT OF THE COGENERATION LEASE.

CALENDAR PAGE	52
MINUTE PAGE	1813

CALENDAR ITEM NO. 07 (CONT'D)

9. AUTHORIZE STAFF TO MAKE NON-SUBSTANTIVE TECHNICAL CHANGES TO THE LAND DESCRIPTION, IN ORDER THAT IT CAN BE RECORDED.
10. AUTHORIZE STAFF TO TAKE ALL OTHER STEPS NECESSARY TO EFFECTUATE THE TERMS OF THIS AGREEMENT.

CALENDAR PAGE	53
MINUTE PAGE	1814

EXHIBIT "A"

W 23703

DESCRIPTION OF LEASE PREMISES

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

CALENDAR PAGE	54
MINUTE PAGE	1815

**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.**

CALENDAR PAGE	55
MINUTE PAGE	1816

EXHIBIT "B-1"

W 23703

LAND DESCRIPTION

CONVEYOR EASEMENT

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.

CALENDAR PAGE	56
MINUTE PAGE	1817

**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.**

<b>CALENDAR PAGE</b>	<b>57</b>
<b>MINUTE PAGE</b>	<b>1818</b>

## 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.

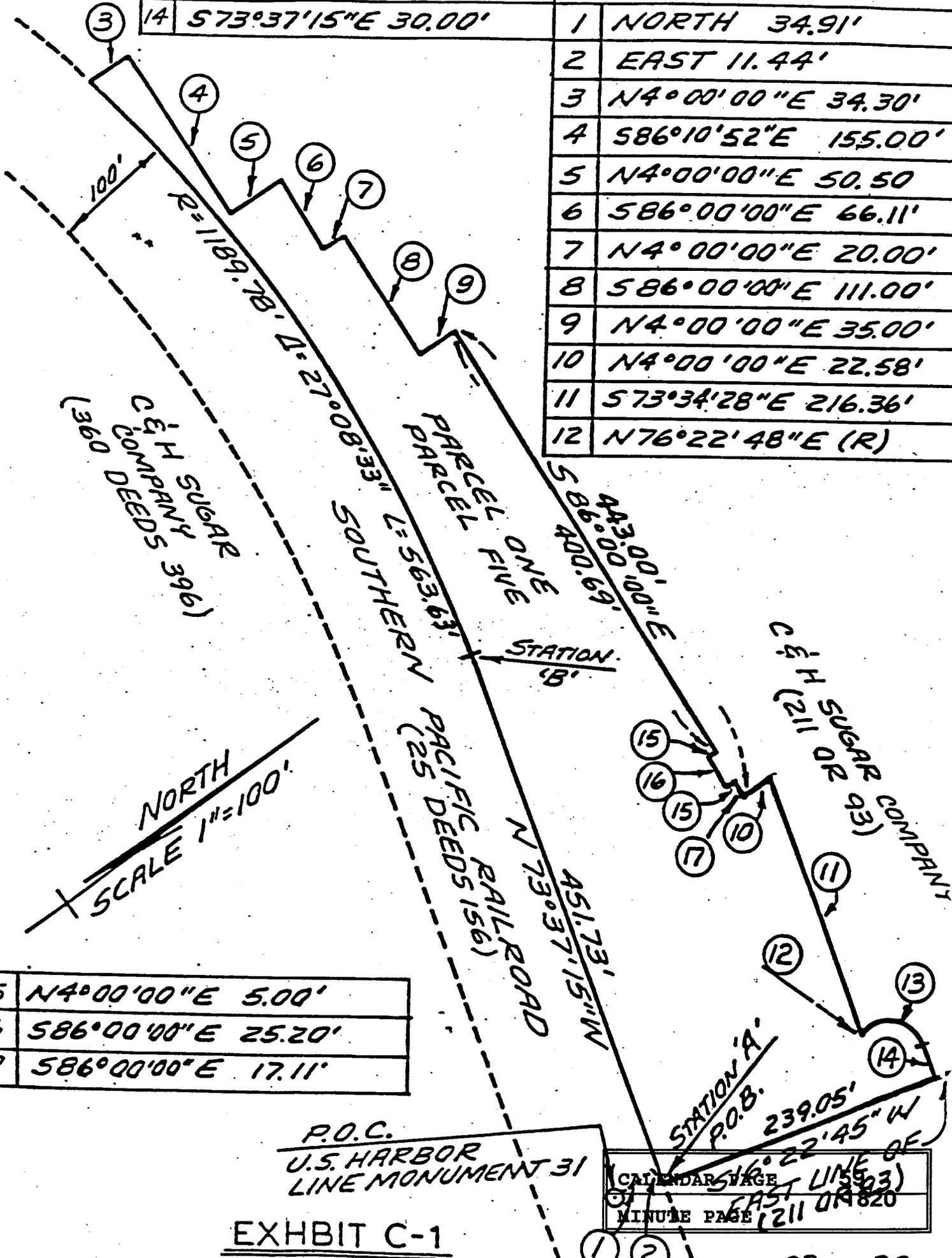
END OF DESCRIPTION

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

REVIEWED JULY, 1993 BY SFBCC.

13	$R=30'$ $\Delta=119^{\circ}59'58''$ $L=62.83$
14	$S73^{\circ}37'15''E$ $30.00'$

COURSE DATA	
1	NORTH 34.91'
2	EAST 11.44'
3	$N4^{\circ}00'00''E$ 34.30'
4	$S86^{\circ}10'52''E$ 155.00'
5	$N4^{\circ}00'00''E$ 50.50'
6	$S86^{\circ}00'00''E$ 66.11'
7	$N4^{\circ}00'00''E$ 20.00'
8	$S86^{\circ}00'00''E$ 111.00'
9	$N4^{\circ}00'00''E$ 35.00'
10	$N4^{\circ}00'00''E$ 22.58'
11	$S73^{\circ}34'28''E$ 216.36'
12	$N76^{\circ}22'48''E$ (R)



15	$N4^{\circ}00'00''E$ 5.00'
16	$S86^{\circ}00'00''E$ 25.20'
17	$S86^{\circ}00'00''E$ 17.11'

P.O.C.  
U.S. HARBOR  
LINE MONUMENT 31

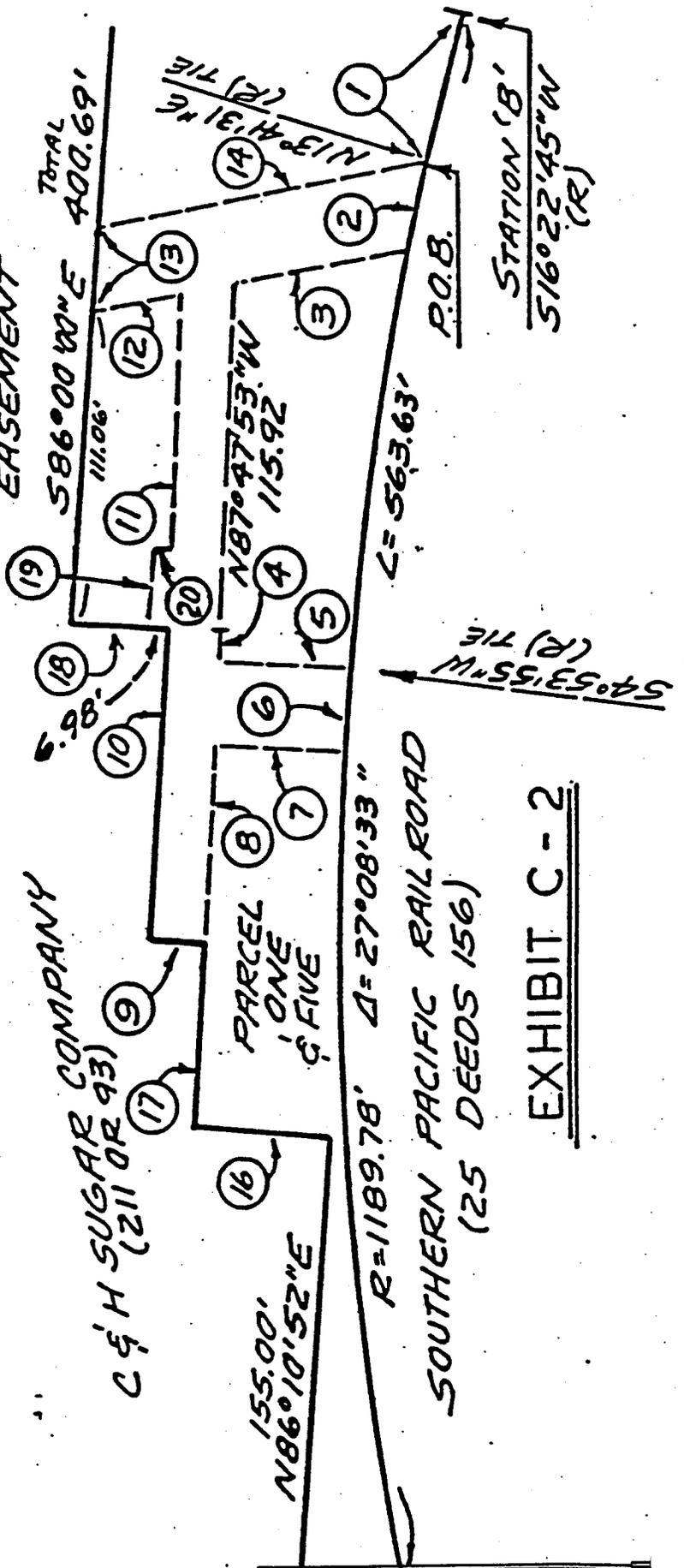
STATION A  
P.O.B. 239.05'  
 $S16^{\circ}22'45''W$   
CALENDAR PAGE 1553  
MINUTE PAGE 121 OR 820

EXHIBIT C-1

1	R=1189.78' Δ=2°41'14" ∠=55.80'	11	S87°47'53"E 93.11'
2	R=1189.78' Δ=1°34'06" ∠=32.57'	12	N9°59'27"W 32.23'
3	N9°59'27"W 63.47'	13	S86°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" ∠=30.00'	16	N4°00'00"E 50.50'
7	N3°28'01"E 46.07'	17	S86°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	S86°00'00"E 111.00'	20	S2°12'07"W 6.11'

NORTH  
SCALE 1"=60'

PROPOSED CONVEYOR  
EASEMENT



CALENDAR PAGE	60
MINUTE PAGE	1821

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

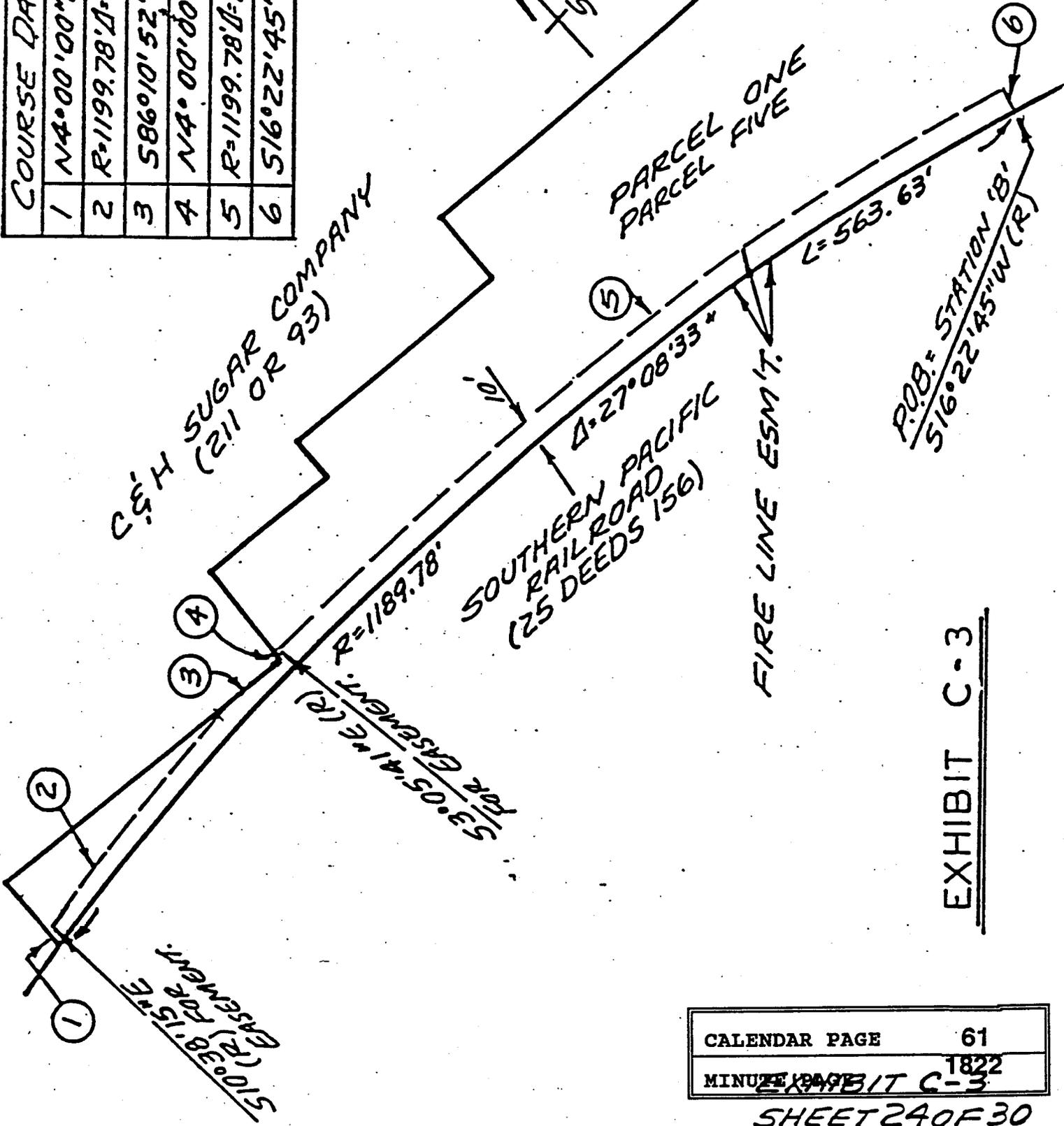


EXHIBIT C-3

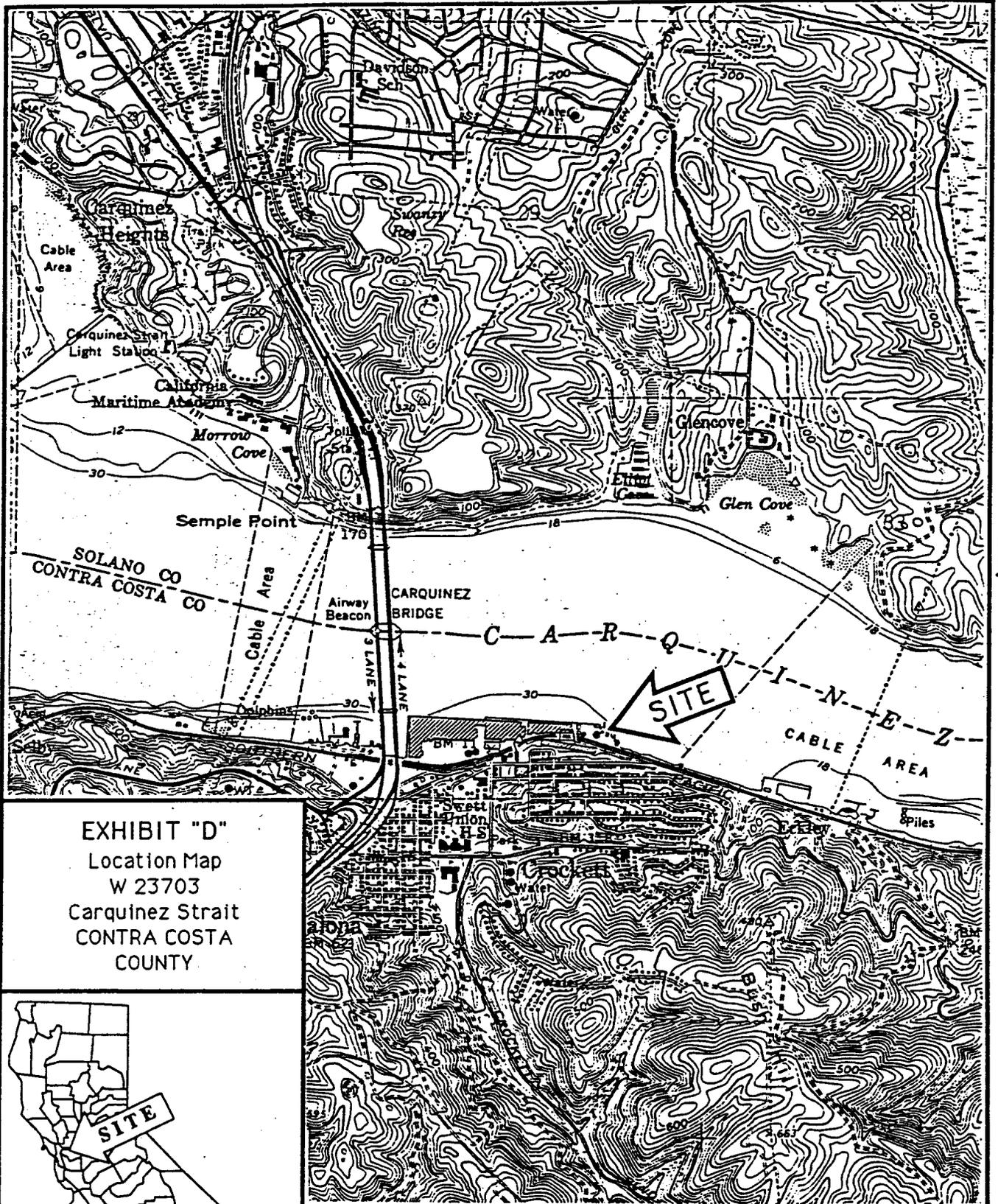


EXHIBIT "D"  
 Location Map  
 W 23703  
 Carquinez Strait  
 CONTRA COSTA  
 COUNTY



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