MINUTE ITEM

42

WORK ORDER: W 24629
CALENDAR DATE: 10/28/96
NEGOTIATOR: N. Smith

TIDEWATER SAND AND GRAVEL, INC. (APPLICANT)

Calendar Item C42 was pulled from the agenda prior to the meeting.

Item attached

CALENDAR ITEM
C42

WORK ORDER: W 24629
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TIDEWATER SAND AND GRAVEL INC. (APPLICANT)

PULLED PRIOR TO COMMISSION MEETING

CALENDAR ITEM
C42

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10/28/96
W 24629
N. Smith

GENERAL LEASE - INDUSTRIAL USE

APPLICANT:

Tidewater Sand & Gravel Inc.
4501 Tidewater Avenue
Oakland, California 94601

AREA, TYPE LAND AND LOCATION:

A 0.95 acre parcel, more or less, of tide and submerged land in Suisun Bay, just west of Pacheco Creek, City of Martinez, Contra Costa County.

LAND USE:

Continued use and maintenance of an existing spud-mooring barge (20' x 40') and a 16" pipeline (approximately 1,200 feet long).

PROPOSED LEASE TERMS:

Lease period:

Twenty-five years beginning September 15, 1989.

Surety bond:

$10,000.

Public liability insurance:

Combined single limit coverage of $500,000.

Consideration:

$2,378 per annum for the lease years September 15, 1989 through September 14, 1996 and $2,873 per annum beginning September 15, 1996; with the State reserving the right to fix a different rent on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

OTHER PERTINENT INFORMATION:

1. This project consists of the operation of an upland commercial sand terminal that receives sand which is pumped through a 16" pipeline via a spud-mooring barge located in Suisun Bay. The pumped sand forms a conical pile and the vehicular water drains from the sand pile into surrounding ponds; the water flows through the ponds slowly back into Suisun Bay.

2. The Commission, at its July 6, 1995, meeting, authorized staff to execute a Boundary Line Agreement and Settlement of Claims between the State of California, Maritime Business Park and Tidewater Sand and Gravel. The calendar item and agreement provided that the State would enter into a lease with Tidewater for sovereign lands currently being used.

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 CEQA because it falls within the statutory exemption for settlement of title and boundary problems.

   Authority: Public Resources Code Section 21080.11.

APPROVALS OBTAINED:

Regional Water Quality Control Board.

FURTHER APPROVALS REQUIRED:

California State Lands Commission, U.S. Army Corps of Engineers, and San Francisco Bay Conservation and Development Commission.

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 UNDER THE STATUTORY EXEMPTION FOR SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS AND LEASES IN CONNECTION THEREWITH PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.11.

2. AUTHORIZE ISSUANCE TO TIDEWATER SAND & GRAVEL INC. OF A TWENTY-FIVE-YEAR GENERAL LEASE-INDUSTRIAL USE BEGINNING SEPTEMBER 15, 1989; IN CONSIDERATION OF $2,378 PER ANNUM FOR THE LEASE YEARS SEPTEMBER 15, 1989 THROUGH SEPTEMBER 14, 1996 AND $2,873 PER ANNUM BEGINNING SEPTEMBER 15, 1996 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION FOR A $10,000 SURETY BOND; PROVISION FOR PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $500,000; FOR CONTINUED USE AND MAINTENANCE OF A SPUD-MOORING BARGE AND PIPELINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT A

W 24629

LAND DESCRIPTION

A parcel of tide and submerged land in Suisun Bay, Contra Costa County, California, more directly described as follows:

COMMENCING at the most northerly point described in the Boundary Line Agreement, Quit Claim Deed, Deed, Partial Reconveyance, Consent/Subordination, Grant of Easement and Settlement of Claims between the State of California by and acting through the State Lands Commission, Maritime Business Park, a California General Partnership, Tidewater Sand and Gravel, Inc., a California Corporation, an for certain limited purposes, Crowley Marine Services, Inc., a Delaware Corporation, as the successor by merger to the Harbor Tug and Barge Company, a California Corporation; by document recorded as Recorder Series 96-46532 - 96-46533, on March 14, 1996, in the office of the Recorder of the County of Contra Costa County, said point of commencement being a 2 inch State Land Commission Cap on a 1 inch iron rod inside a 3 inch galvanize iron pipe, up 1 foot; thence S 72° 06' 00" W, 473.00 feet to the **TRUE POINT OF BEGINNING**; thence N 27° 57' 52" W, 138.00 feet; thence N 15° 55' 00" W, 1107.00 feet; thence N 65° 00' 00" E, 142.50 feet; thence N 25° 00' 00" W, 75.00 feet; thence S 65° 00' 00" W, 300.00 feet; thence S 25° 00' 00"E, 75.00 feet; thence N 65° 00' 00' E, 142.50 feet; thence S 15° 55' 00" E, 1108.00 feet; thence S 27° 57' 52" E, 138.00 feet, more or less to the northerly boundary of the above mentioned document; thence N 72° 06' 00" E, 16.00 feet more or less to the true point of beginning.

END OF DESCRIPTION

REVISED JUNE, 1996 BY SFBCC

9-30-99

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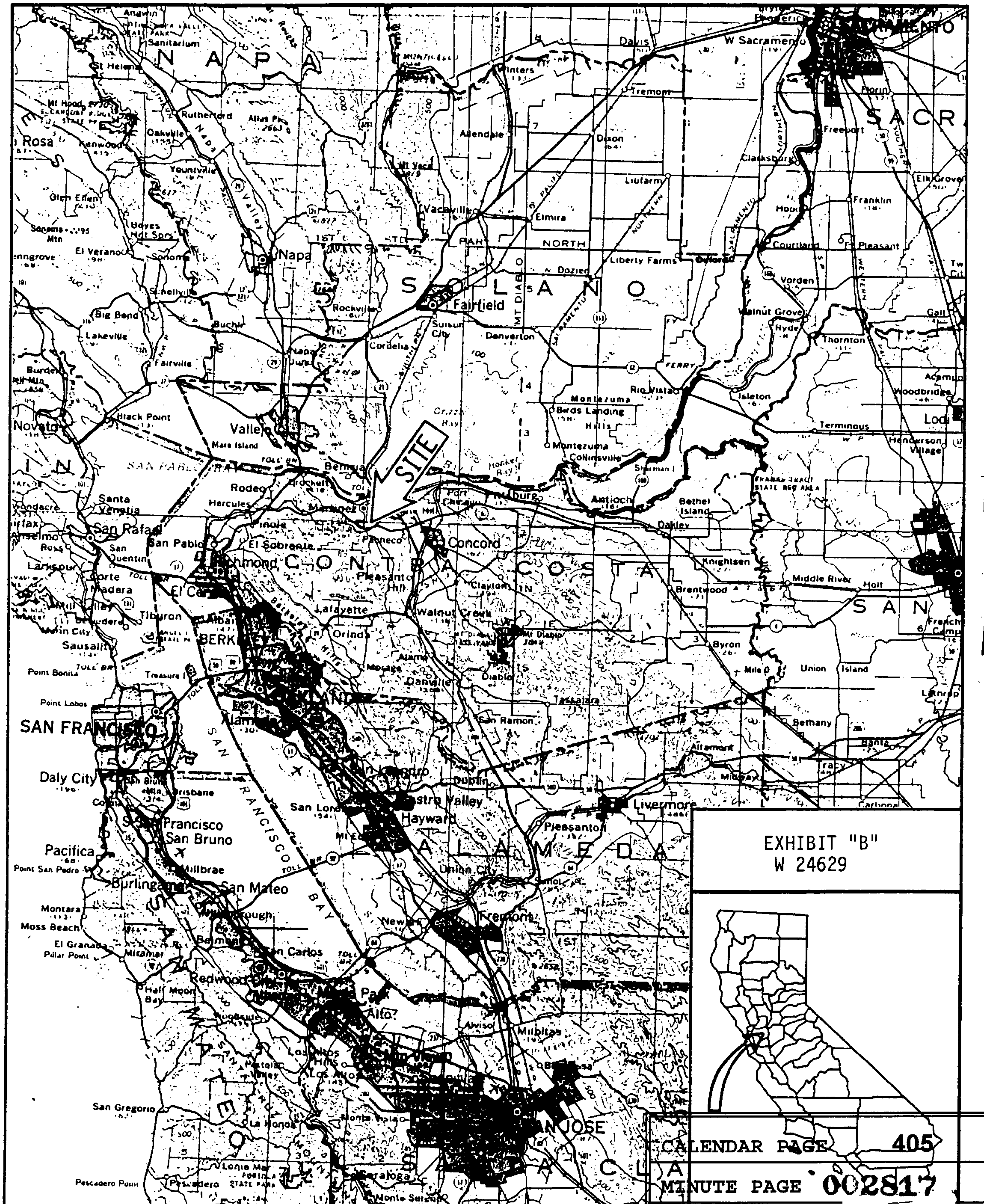

EXHIBIT "B"
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