

CALENDAR ITEM
C50

MINUTE ITEM
This Calendar Item No. C50
was approved as Minute Item
No. 50 by the State Lands
Commission by a vote of 2
to 0 at its 7/11/97
meeting.

A 11

07/11/97

PRC 7659

S 7

PRC 5076

N. Smith

REVISION OF RENT AND AMENDMENT OF
GENERAL LEASE - INDUSTRIAL USE PRC 7659
TERMINATE GENERAL LEASE - INDUSTRIAL USE PRC 5076

LESSEE:

California and Hawaiian Sugar Company, Inc.
Attn: Ms. Sandra H. Stevens
830 Loring Avenue
Crockett, California 94525-1199

AREA, LAND TYPE, AND LOCATION:

28 acres, more or less, of sovereign lands in Carquinez Straits in the town of
Crockett, Contra Costa County.

AUTHORIZED USE:

Sugar refinery, dock, and outfall line.

LEASE TERM:

30 years beginning September 24, 1992.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends that the rent be revised from \$304,375 per year to \$338,605 per year, effective September 24, 1997

The recommendation adjustment of rent is based on adjustment of the prior rent by application of the Consumer Price Index (CPI). Application of the CPI to adjust rents at this time is an interim measure necessitated by budget constraints and resultant losses in staff, and does not obligate the Commission to use the CPI to adjust rents other than as specifically set forth herein.

OTHER PERTINENT INFORMATION:

1. Currently California and Hawaiian Sugar Company, Inc.(C&H Sugar), has

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three leases with this office and in an effort to consolidate the leases, staff and C&H Sugar agreed to amend the land description for lease PRC 7659 to include PRC 5076 (a 42-inch diameter outfall line), which is located adjacent to PRC 7659.

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 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 the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

EXHIBITS:

- A. Land Description - PRC 5076
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON THOSE RESOURCES FOR WHICH SUCH LANDS ARE IDENTIFIED.

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AUTHORIZATIONS:

AUTHORIZE TERMINATION OF LEASE NO. PRC 5076, A GENERAL LEASE - INDUSTRIAL USE, EFFECTIVE SEPTEMBER 23, 1997.

AUTHORIZE THE AMENDMENT AND REVISION OF RENT OF LEASE NO. PRC 7659, A GENERAL LEASE-INDUSTRIAL USE; AMEND DESCRIPTION TO INCLUDE LAND DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART THEREOF; AMENDMENT AND RENT REVISION EFFECTIVE SEPTEMBER 24, 1997, FOR SUGAR REFINERY, DOCK AND OUTFALL LINE; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT; CONSIDERATION: \$338,605 PER YEAR.

EXHIBIT A

PARCEL 3

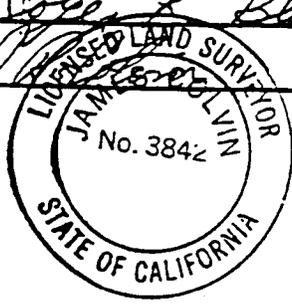
A strip of land 20 feet in width being a portion of the State owned bed of Carquinez Strait in Section 32, T3N, R3W, MDM, Contra Costa County, California, and being 10 feet on each side of the following described line:

BEGINNING at a point on the U. S. Combined Pierhead and Bulkhead Line of Carquinez Strait as established by the United States Army Engineers and shown on Sheet 3 of 4 of said Engineers maps entitled "Harbor Lines for Carquinez Strait, California", dated August 31, 1965, said point of beginning lying N 85° 50' 06" W a distance of 297.50 feet from Harbor Line Point No. 37 and lying S 85° 50' 06" E from Harbor Line Point No. 39; thence N 04° 09' 54" E a distance of 200 feet to the point of termination.

END OF DESCRIPTION

Prepared *Robert Blake* Checked *Paul C. ...*

Reviewed *[Signature]* Date 9/17/75



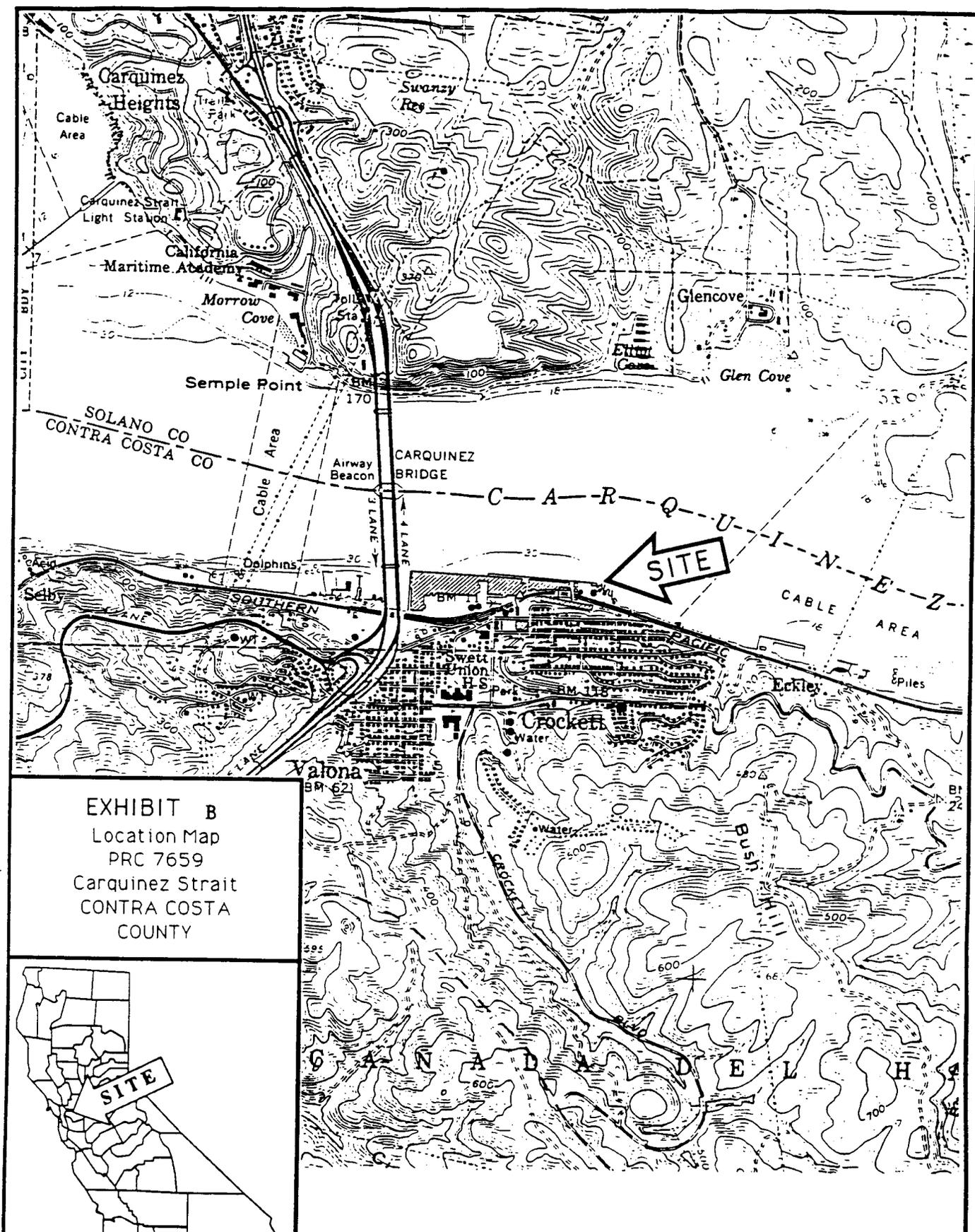


EXHIBIT B
 Location Map
 PRC 7659
 Carquinez Strait
 CONTRA COSTA
 COUNTY



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