MINUTE ITEM
This Calendar Item No. C48 was approved as Minute Item No. 48 by the California State Lands Commission by a vote of 3 to 0 at its 9-3-99 meeting.

CALENDAR ITEM
C48

A 11

S 7

PRC 8112

09/03/99
W 24629
N. Smith

GENERAL LEASE - INDUSTRIAL USE

LESSEE:

Tidewater Sand & Gravel
4501 Tidewater Avenue
Oakland, California 94601

AREA, LAND TYPE, AND LOCATION:

0.948 acres, more or less, of sovereign lands in Suisun Bay, near the city of Martinez, Contra Costa County.

AUTHORIZED USE:

Continued use and maintenance of an existing spud-mooring barge (20 foot X 20 foot) and a 16-inch pipeline (approximately 1,200 feet long) for operation of the adjacent commercial sand yard.

LEASE TERM:

20 years, beginning March 2, 1996.

CONSIDERATION:

$2,870 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance: Combined single limit coverage of $1,000,000.

Bond:

$10,000.

OTHER PERTINENT INFORMATION:

1. The CSLC executed a Title Settlement on the adjacent upland parcel, which was recorded March 1, 1996 and approved by the Commission on July 6, 1995.

2. Applicant owns the uplands adjoining the lease premises which is subject to a Public Trust Easement pursuant to the Title Settlement.

3. While the barge and pipeline have been in use since 1986, the area remained in dispute until the parties entered the Title Settlement. The State and Tidewater have negotiated a payment of back rent in the amount of $2,750 for the period 1986 thru 1995.

4. 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 under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes based on information available to it that there is no possibility that this project may have a significant effect on the environment.

   Authority: Title 14, California Code of Regulations, section 15061 (b)(3).

5. This activity involves lands identified, as possessing significant environmental values pursuant to Public Resources Code sections 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 project, as proposed, is consistent with its use classification.

EXHIBITS:

A.. Land Description
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 THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT

EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO TIDEWATER SAND & GRAVEL OF A GENERAL LEASE-INDUSTRIAL USE, BEGINNING MARCH 1, 1996, FOR A TERM OF 20 YEARS, FOR A SPUD MOORING BARGE AND PIPELINE ON THE LAND DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF $2,870, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $1,000,000 AND SURETY IN THE AMOUNT OF $10,000.

AUTHORIZE STAFF TO ACCEPT $2,750 FOR BACK RENT FOR THE PERIOD 1986 THRU 1995.

EXHIBIT A

LAND DESCRIPTION

W24629

All that certain real property being a portion of Tideland Location 207, situate in the County of Contra Costa, State of California and described as follows:

COMMENCING AT THE 1 inch iron pipe in the East line of the 100 foot wide strip of land conveyed by United Towing Company to Southern Terminals Inc. by deed recorded October 15, 1973, in Book 7096 of said Official Records of Contra Costa County at page 263 bears North 62°29'51" East 2118.98 feet from the North East corner of that parcel described in the deed between C.A. Hooper and George Calegari by deed recorded May 1, 1940, in Book 545 Official Records of Contra Costa County at page 261, marked by a 1½ inch iron pipe shown on Licensed Land Surveyor Map filed in Book 11 at page 25 Official Records of said County; thence North 00°59'11" East along said East line 2637.63 feet to a State Lands Commission 2 inch cap on an iron rod inside a 3 inch galvanized pipe at the toe of the existing levee (May 1995); thence North 72°06'00" East 461.50 feet to The True Point of Beginning, thence North 15°55'00" West 1210.00 feet; thence North 65°00'00" East 142.50 feet, thence North 25°00'00" West 75.00 feet; thence South 65°00'00" West 300.00 feet; thence South 25°00'00" East 75.00 feet; thence North 65°00'00" East 142.31 feet; thence south 15°55'00" east 1208.12 feet; thence North 72°06'00" East 15.01 feet to the True Point of beginning.

Basis of bearing is the California Coordinate System of 1983, Zone 3. All distances are grid distances. To obtain ground distances, multiply the grid distance by 1.00005782.

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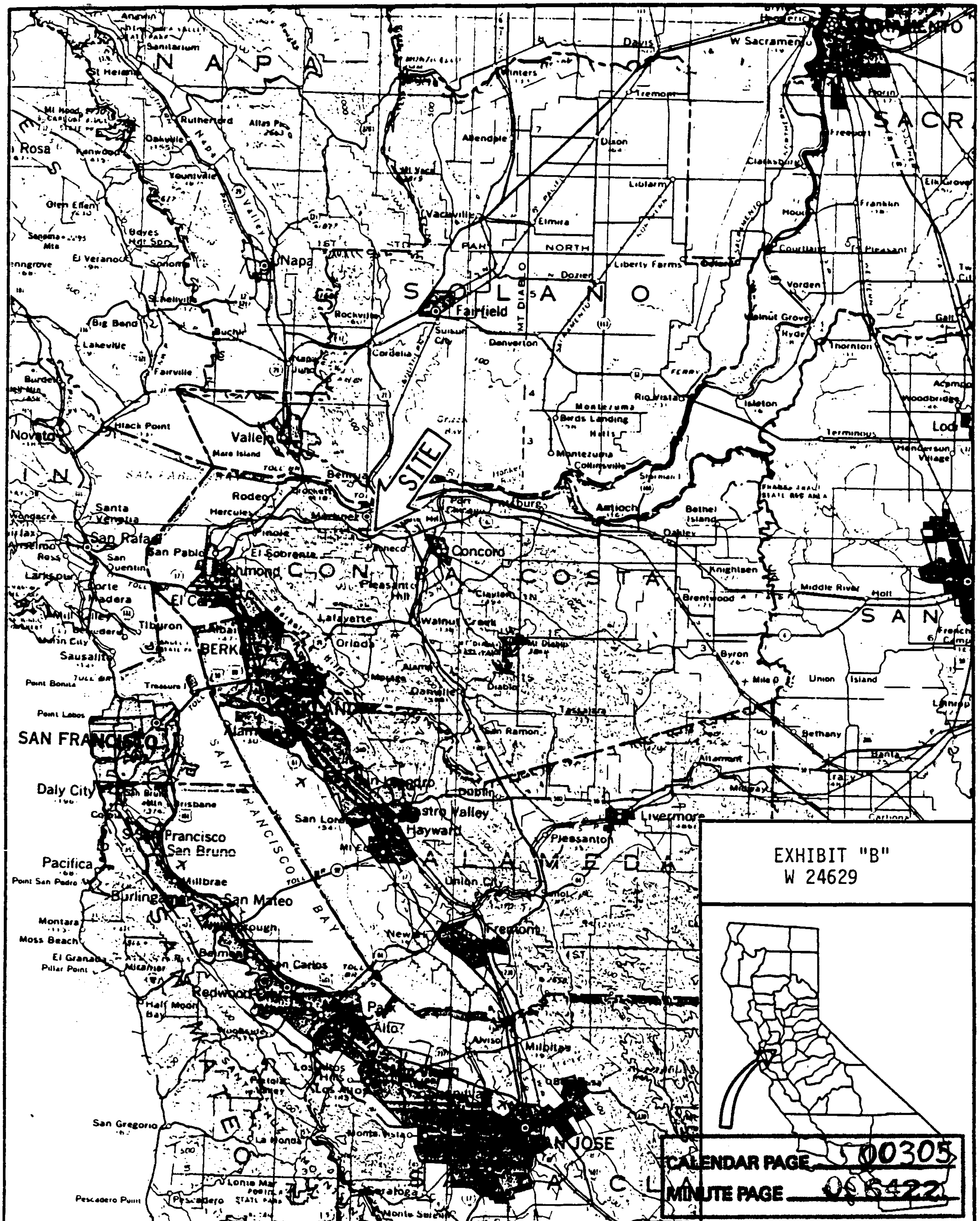

EXHIBIT "B"
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