

MINUTE ITEM

This Calendar Item No. C33 was approved as Minute Item No. 33 by the California State Lands Commission by a vote of 3 to 0 at its 02/05/07 meeting.

CALENDAR ITEM
C33

A 11

S 7

PRC 8372

02/05/07
WP 8372.1
N. Smith

AMENDMENT OF LEASE

LESSEE:

Kiewit Pacific Co.
Attn: Mr. Paul White
One Thousand Kiewit Plaza
Omaha, Nebraska 68131

AREA, LAND TYPE, AND LOCATION:

3.21 acres, more or less, of filled sovereign lands on the east side of the new Benicia-Martinez Bridge, city of Martinez, Contra Costa County.

AUTHORIZED USE:

Construct a temporary fence around the lease premises which will be used for a batch plant, lay down area and an assembly area for forms as part of the construction of the new Benicia-Martinez Bridge.

LEASE TERM:

Three years, beginning January 30, 2002, with additional lease term of two years ending January 30, 2007.

CONSIDERATION:

\$69,250 with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

PROPOSED AMENDMENT:

Extension of lease for an additional seven months ending August 31, 2007. The prorated rent for the seven months shall be \$40,400. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee has a right to use the lands adjoining the lease premises.

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2. The Lessee is a contractor for Caltrans and use of the lease premises is in support of the construction of the new Benicia-Martinez Bridge.
3. Lessee is preparing a plan for restoration of the lease premises and upon Commission staff approval shall implement the restoration plan prior to expiration of the Lease.
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 as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 14, California Code of Regulations, section 15301.

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon 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. Site Map
- B. Land Description

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 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15301.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE

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LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370,
ET SEQ.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8372.1, A
GENERAL LEASE - INDUSTRIAL USE, OF LANDS DESCRIBED ON
EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART
HEREOF, TO EXTEND THE LEASE TERM FOR A PERIOD OF SEVEN
MONTHS ENDING AUGUST 31, 2007; ANNUAL RENT IS PRORATED
FOR THE SEVEN MONTHS TO \$40,400; ALL OTHER TERMS AND
CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT
AMENDMENT.

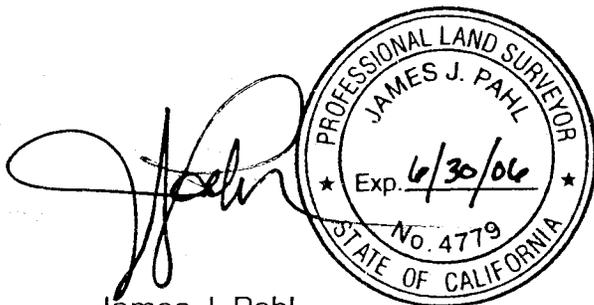
Exhibit B
Land Description

A portion of Parcel A as shown on Page 1 of 2 of the John S, Peters "Record of Survey of a portion of Rancho Las Juntas" as recorded in pages 49 and 50 of Book 53 of the LSM in Contra Costa County, State of California and as bounded by the following described line.

Beginning at a point identified as a USC&GS Triangulation Point named Zinc and shown on Page 2 of 2 of the above referenced Peters Record of Survey which bears North $51^{\circ} 51' 14''$ West a distance of 2449.55 measured (2449.47 record) from a found Granite monument as shown on said Record of Survey. Said Bearing and Monuments are the Basis of Bearings for this description

Thence North $42^{\circ} 22' 01''$ West a distance of 2620.44 feet to the True Point of Beginning of said described line,

Thence North $50^{\circ} 22' 50''$ West a distance of 149.91 feet; thence North $56^{\circ} 49' 40''$ West a distance of 211.12 feet; thence North $63^{\circ} 31' 57''$ West a distance of 78.23 feet; thence North $75^{\circ} 16' 51''$ West a distance of 57.70 feet; thence North $81^{\circ} 08' 04''$ West a distance of 15.40 feet; thence North $85^{\circ} 31' 45''$ West a distance of 85.14 feet; thence South $89^{\circ} 15' 01''$ West a distance of 19.80 feet; thence North $87^{\circ} 27' 31''$ West a distance of 17.00 feet; thence South $79^{\circ} 50' 56''$ West a distance of 18.24 feet; thence South $84^{\circ} 29' 29''$ West a distance of 17.13 feet more or less to a point on the Easterly Right of Way of Interstate 680; said point being a cusp on a curve concave to the West having a radius of 3520.33 feet and a central angle of $7^{\circ} 56' 05''$ and being subtended by a chord which bears South $11^{\circ} 11' 46''$ East a distance of 487.13 feet; thence southerly along said Easterly Right of Way curve, a distance of 487.52 feet to a point of cusp; thence leaving the Right of Way, North $63^{\circ} 52' 21''$ East a distance of 107.68 feet; thence North $8^{\circ} 16' 14''$ West a distance of 62.07 feet; thence North $55^{\circ} 12' 25''$ East a distance of 205.03 feet; thence South $49^{\circ} 58' 55''$ East a distance of 186.68 feet; thence North $42^{\circ} 01' 36''$ East a distance of 143.74 feet to the True Point of Beginning and the terminus of said described line and containing 3.21 acres more or less.



James J. Pahl
August 16, 2004