

**CALENDAR ITEM  
C30**

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10/27/11

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WP 5026.1

D. Oetzel

**AMENDMENT OF GENERAL LEASE – INDUSTRIAL USE**

**LESSEE/APPLICANT:**

C&H Sugar  
830 Loring Avenue  
Crockett, California 94525

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land located at 830 Loring Avenue, in the town of Crockett, Contra Costa County.

**AUTHORIZED USE:**

Use and maintenance of a wastewater treatment facility and existing ancillary structures related to sugar refinery operations.

**LEASE TERM:**

49 years, beginning August 1, 1975.

**CONSIDERATION:**

Annual rent of \$195,925, with the State reserving the right to fix a different rental periodically as provided in the lease.

**PROPOSED AMENDMENT:**

Amend the lease to authorize the installation of a 100 amp, 220 volt Pacific Gas & Electric (PG&E) power pole, with approximately 75 feet of underground electrical conduit running between the pole and a security shelter, and overhead utility power lines to the pole, to supply power for lighting/service at a portable security shelter at the parking lot entrance.

**OTHER PERTINENT INFORMATION:**

1. On July 24, 1975, the Commission authorized the issuance of a 49-year Industrial Lease to California and Hawaiian Sugar Company, commencing August 1, 1975 and authorizing a wastewater treatment facility, pipeline, and existing liquid sugar tanks and truck-washing station. The Lessee is

CALENDAR ITEM NO. **C30** (CONT'D)

now applying to amend Lease No. PRC 5026.1 to include authorization for the installation of a 100 amp, 220 volt PG&E power pole, with approximately 75 feet of underground electrical conduit running between the pole and a security shelter, and overhead utility power lines to the pole, to supply power for lighting/service at a portable security shelter at the parking lot entrance.

2. Pursuant to the Commission's delegation of authority and the State CEQA Guideline (California Code of Regulations, Title 14, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction or Conversion of Small Structures, Title 14, California Code of Regulations, section 15303.

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

3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. 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.

**APPROVALS OBTAINED:**

State of California, Department of Transportation.

**FURTHER APPROVALS REQUIRED:**

None.

**EXHIBITS:**

- A. Site and Location Map
- B. Land Description

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:** Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 3, New Construction or Conversion of Small Structures; Title 14, California Code of Regulations, section 15303.

CALENDAR ITEM NO. **C30** (CONT'D)

**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 Code section 6370, et seq.

**AUTHORIZATION:**

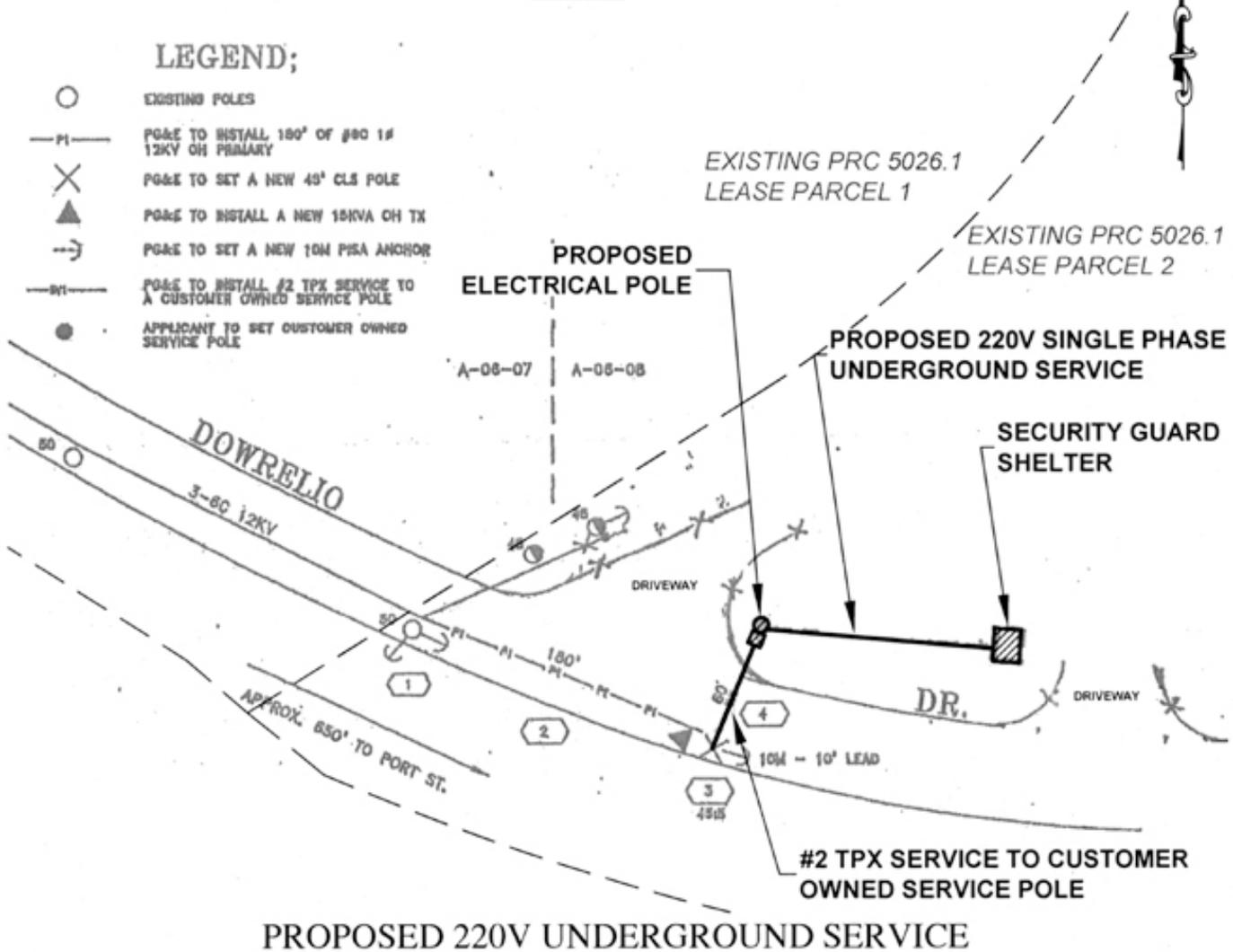
Authorize the amendment of Lease No. PRC 5026.1, a General Lease – Industrial Use, to install a 100 amp, 220 volt PG&E power pole, approximately 75 feet of underground electrical conduit running between the pole and a security shelter, and overhead utility power lines to the pole, to supply power for lighting/service at a portable security shelter at the parking lot entrance, effective October 27, 2011. All other terms and conditions of the lease shall remain in effect without amendment.

NO SCALE

# SITE

## LEGEND;

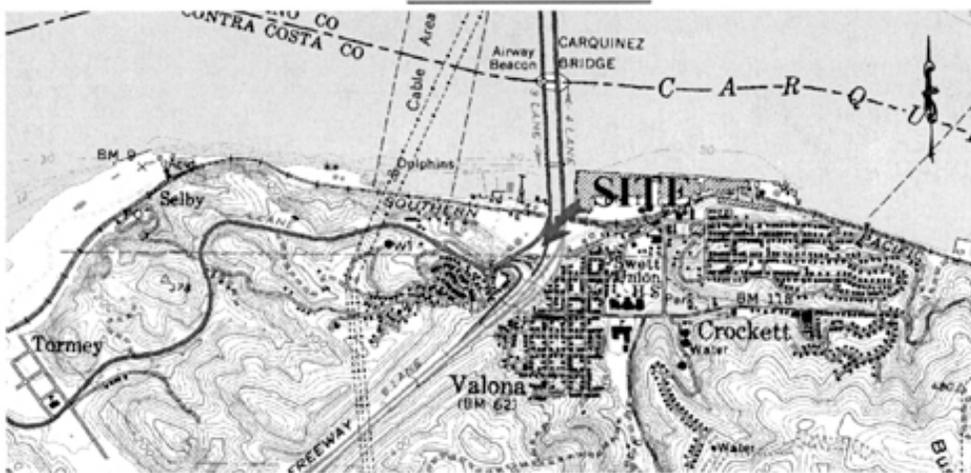
- EXISTING POLES
- PI— PG&E TO INSTALL 180' OF #80 1# 12KV OH PRIMARY
- ✕ PG&E TO SET A NEW 45' CLS POLE
- ▲ PG&E TO INSTALL A NEW 18KVA OH TX
- PG&E TO SET A NEW 10M PISA ANCHOR
- WT— PG&E TO INSTALL #2 TPX SERVICE TO A CUSTOMER OWNED SERVICE POLE
- APPLICANT TO SET CUSTOMER OWNED SERVICE POLE



PROPOSED 220V UNDERGROUND SERVICE

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

## Exhibit A

PRC 5026.1  
 C&H SUGAR CO.  
 GENERAL LEASE -  
 INDUSTRIAL USE  
 CONTRA COSTA COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

LEASE P.R.C. NO. 5026.1**EXHIBIT B**

Section 3  
LAND DESCRIPTION

PARCEL I

COMMENCING at a monument set and marked by California and Hawaiian Sugar Corporation as No. 258 and since adopted by the United States Corps Engineers as their Harbor Line Monument No. 33 and shown on those certain maps entitled "Harbor Lines for Carquinez Strait, California", dated June 10, 1924, and August 31, 1965, respectively; thence South 30° 20' 05" West 504.32 feet to a brass cap in concrete referred to in the indenture recorded in 3052 O.R. 412 Contra Costa County as the corner common to Sections 31 and 32, T3N, R3W, and Sections 5 and 6, T2N, R3W, MDM; thence North 79° 51' West 986.54 feet to the TRUE POINT OF BEGINNING, being a point on the northeasterly line of parcel three described in deed from A. Dowrelie and I. Dowrelie as joint tenants to A. Dowrelie and I. Dowrelie as tenants in common, recorded in Book 2651, page 395 of Official Records, in the office of the Contra Costa County Recorder; thence North 42° 25' 24" East 246.0 feet; thence South 82° 35' 07" East 268.0 feet; thence North 7° 24' 53" East 98.42 feet to a point on a line that is parallel with and distant southerly 51.23 feet measured at right angles from the center line of the existing east bound main track of the Southern Pacific Railway; thence along said line South 81° 06' 16" East 378.07 feet to the intersection with the westerly line of the 3.229 acre parcel described in agreement made June 15, 1944 between the Southern Pacific Railroad Company and Southern Pacific Company, parties of the first part, and State of California, party of second part, recorded in Book 663, page 428 of Official Records, in the office of the Contra

Costa County Recorder; thence along said westerly line in a general southwesterly direction along the arc of a curve to the right, having a radius of 498.96 feet, the center of which bears North 75° 16' 49" West, through an angle of 43° 21' 07", an arc distance of 377.53 feet; thence South 58° 04' 18" West 268.0 feet to the ordinary low water mark of Carquinez Straits; thence leaving said westerly line along the ordinary low water mark as follows:

North 49° 00' West 36.0 feet;

North 57° 30' West 100.0 feet;

North 64° 00' West 108.0 feet;

North 60° 37' 49" West 65.83 feet, to a point on the aforesaid northeasterly line of parcel three described in Book 2651 O.R.

page 395; thence leaving said ordinary low water mark along said line of parcel three, westerly on the arc of a non-tangent curve to the right, having a radius of 1,202.93 feet, the center of which bears North 40° 02' 31" East, through an angle of 2° 22' 53", an arc distance of 50.00 feet; thence North 47° 34' 36" West 92.43 feet more or less to the point of beginning.

Containing 5.352 acres more or less.

END OF PARCEL I

## PARCEL II.

P.R.C. 5026.1

COMMENCING at a monument set and marked by California and Hawaiian Sugar Corporation as No. 258 and since adopted by the United States Corps of Engineers as Harbor Line Monument No. 33 and shown on those certain maps entitled "Harbor Lines for Carquinez Strait, California", dated June 10, 1924, and August 31, 1965, respectively; thence South  $30^{\circ} 20' 05''$  West 504.32 feet to a brass cap in concrete referred to in the indenture recorded in 3052 O.R. 412 Contra Costa County as the corner common to Sections 31 and 32, T3N, R3W, and Sections 5 and 6, T2N, R3W, MDM; thence South  $35^{\circ} 43' 16''$  East 224.98 feet to the TRUE POINT OF BEGINNING being a point in the northerly line of Block "J" as said block is shown on the map of the Town of Valona, filed July 12, 1887, in Book C of Maps, page 55, in the office of the Recorder of Contra Costa County, said point of beginning also being the southeasterly corner of that 5.09 acre parcel described in the indenture by and between Southern Pacific Company and State of California recorded in Book 3052, page 412 of Official Records, in the office of the Recorder of Contra Costa County; thence in a general westerly direction along the southerly line of said 5.09 acre parcel on the arc of a curve to the right, having a radius of 1,202.93 feet, the center of which bears North  $10^{\circ} 40' 12''$  West, through an angle of  $33^{\circ} 52'$ , an arc distance of 711.03 feet to the ordinary low water mark of Carquinez Straits; thence leaving said line along the ordinary low water mark North  $50^{\circ} 51' 22''$  West 44.01 feet to the intersection

with the westerly line of said 5.09 acre parcel; thence leaving said ordinary low water mark along said line North  $58^{\circ} 04' 18''$  East 268.0 feet; thence in a general northeasterly direction along said westerly line on the arc of a curve to the left, having a radius of 498.96 feet, the center of which bears North  $31^{\circ} 55' 42''$  West, through an angle of  $43^{\circ} 21' 07''$ , an arc distance of 377.53 feet to a point on a line that is parallel with and distant southerly 51.23 feet measured at right angles from the center line of the existing east bound main track of the Southern Pacific Railway; thence along said line South  $81^{\circ} 06' 16''$  East 383.59 feet to the intersection with the easterly line of said 5.09 acre parcel; thence along said easterly line in a general southerly direction along the arc of a curve to the right, having a radius of 1,475 feet, the center of which bears North  $88^{\circ} 33' 10''$  West, through an angle of  $19^{\circ} 13' 12''$ , an arc distance of 494.79 feet to the point of beginning.

Containing 6.669 acres more or less.

END OF PARCEL II

## PARCEL III

P.R.C. 5026.1

BEGINNING at the most westerly corner of that certain 0.59 acre parcel of land described in the deed, dated April 9, 1886, from Mary Edwards, et al., to the Northern Railway Company, recorded April 13, 1886, in Volume 49 of Deeds, page 350, Records of Contra Costa County, said corner is marked by an iron pipe monument with brass center stamped "C&H 22", from which corner a brass cap in concrete referred to in the indenture recorded in 3052 O.R. 412 Contra Costa County as the corner common to Sections 31 and 32, T3N, R3W, and Sections 5 and 6, T2N, R3W, MDM, bears South  $77^{\circ} 14' 00''$  West 1,246.23 feet, and the original located line of the Northern Railway at Engineer Station 2817+07 bears North  $24^{\circ} 39' 32''$  West 56.43 feet; thence from said point of beginning South  $65^{\circ} 20' 45''$  West 374.0 feet along the northwesterly line of Block "C", Town of Crotona and along the southwesterly prolongation thereof as shown on the "Map of the Town of Crotona" filed October 7, 1907, in Book 1 of Maps, page 12 in the office of the County Recorder of Contra Costa County to the ordinary high water mark of Carquinez Straits; thence leaving said line along said ordinary high water mark as follows:

North  $74^{\circ} 30'$  West 28.0 feet;

South  $89^{\circ} 00'$  West 56.0 feet;

North  $80^{\circ} 30'$  West 35.0 feet;

North  $71^{\circ} 00'$  West 98.0 feet;

North  $89^{\circ} 30'$  West 47.0 feet;

South  $67^{\circ} 00'$  West 50.0 feet;

South 42° 37' 30" West 34.27 feet; thence leaving said ordinary high water mark North 24° 39' 15" West 82.0 feet;  
South 65° 20' 45" West 152.93 feet;  
North 4° 00' 03" East 145.98 feet to a point on a line that is distant southerly 51.23 feet measured at right angles from the centerline of the existing eastward main track of the Southern Pacific Railway; thence South 81° 06' 16" East 259.60 feet; thence South 85° 48' 25" East 71.84 feet; thence along the arc of a curve to the left having a radius of 1,324.55 feet, the center of which bears North 4° 11' 35" East through a central angle of 13° 32' 41", an arc distance of 313.12 feet; thence North 80° 38' 54" East 191.64 feet more or less to the point of beginning.

Containing 1.474 acres more or less.

END OF PARCEL III

## PARCEL IV

P. R. C. 5026.1

COMMENCING at a monument set and marked by California and Hawaiian Sugar Corporation as No. 258 and since adopted by the United States Corps of Engineers as Harbor Line Monument No. 33 and shown on those certain maps entitled "Harbor Lines for Carquinez Strait, California", dated June 10, 1924, and August 31, 1965, respectively; thence South  $30^{\circ} 20' 05''$  West 504.32 feet to a brass cap in concrete referred to in the indenture recorded in 3052 O.R. 412 Contra Costa County as the corner common to Sections 31 and 32, T3N, R3W, and Sections 5 and 6, T2N, R3W, MDM; thence South  $35^{\circ} 43' 16''$  East 224.98 feet to a point in the northerly line of Block "J" as said block is shown on the map of the Town of Valona, filed July 12, 1887, in Book C of Maps, page 55, in the office of the Recorder of Contra Costa County, said point of beginning also being the southeasterly corner of that 5.09 acre parcel described in the indenture by and between Southern Pacific Company and State of California recorded in Book 3052, page 412 of Official Records, in the office of the Recorder of Contra Costa County; thence in a general westerly direction along the southerly line of said 5.09 acre parcel on the arc of a curve to the right, having a radius of 1,202.93 feet, the center of which bears North  $10^{\circ} 40' 12''$  West, through an angle of  $33^{\circ} 52'$ , an arc distance of 711.03 feet to the TRUE POINT OF BEGINNING being a point on the ordinary low water mark of Carquinez Straits; thence leaving said line along the ordinary low water mark North  $50^{\circ} 51' 22''$  West 44.01 feet to the intersection with

the westerly line of said 5.09 acre parcel; thence along said ordinary low water mark as follows:

North 49° 00' West 36.0 feet;

North 57° 30' West 100.0 feet;

North 64° 00' West 108.0 feet;

North 60° 37' 49" West 65.83 feet to a point on the northeasterly line of parcel three described in deed from A. Dowrello and I. Dowrello as joint tenants to A. Dowrello and I. Dowrello as tenants in common, recorded in Book 2651, page 395 of Official Records, in the office of the Contra Costa County Recorder; thence leaving said ordinary low water mark along said line of parcel three, easterly on the arc of a curve to the left having a radius of 1,202.93 feet, the center of which bears North 40° 02' 31" East, through an angle of 14° 27' 43", an arc distance of 303.63 feet to the most easterly corner of said parcel three; thence along the southerly line of aforesaid 5.09 acre parcel on the arc of a curve to the left, having a radius of 1,202.93 feet, the center of which bears North 25° 34' 48" East, through an angle of 2° 23' 00", an arc distance of 50.04 feet more or less to the point of beginning.

Containing 0.130 acres more or less.

END OF PARCEL IV

RIGHT OF WAY FOR OUTFALL PIPE

P. R. C. 5026.1

PARCEL V

A strip of land 20 feet in width lying 10 feet on each side of the following described line.

Commencing at a monument set and marked by California and Hawaiian Sugar Corporation as No. 258 and since adopted by the United States Corps of Engineers as their Harbor Line Monument No. 33 and shown on those certain maps entitled "Harbor Lines for Carquinez Strait, California" dated June 10, 1924, and August 31, 1965, respectively; thence South  $30^{\circ} 20' 05''$  West 504.32 feet to a brass cap in concrete referred to in the indenture recorded in 3052 O.R. 412 Contra Costa County as the corner common to Sections 31 and 32, T3N, R3W, and Sections 5 and 6, T2N, R3W, MDM; thence North  $79^{\circ} 51'$  West 986.54 feet; thence North  $42^{\circ} 25' 24''$  East 232.45 feet to the TRUE POINT OF BEGINNING of the herein described line; thence from the point of beginning North  $67^{\circ} 48' 07''$  West 392.92 feet; thence North  $6^{\circ} 44' 25''$  East 10.00 feet more or less to a point which bears South  $7^{\circ} 27' 02''$  West 56.00 feet and South  $83^{\circ} 01' 08''$  East 520.84 feet from a concrete monument marking the westerly terminus of a  $5^{\circ}$  curve, concave southerly, located on the original located line of the Northern Railway at Engineer Station 2849+00, said point being the end of the herein described line.