

MINUTE ITEM

THIS DATE 30

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CALENDAR ITEM

1978

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PRC 5440

GENERAL LEASE
RIGHT-OF-WAY USE

APPLICANT: Mobil Oil Estates (Redwood) Limited
350 Marine World Parkway
Redwood City, California 94065

AREA, TYPE LAND AND LOCATION: A 0.654 acre parcel of tide and submerged lands, in Strinberger Slough, near San Mateo County Airport, San Mateo County.

LAND USE: Existing levee.

TERMS OF PROPOSED LEASE:
Initial period: 49 years from January 1, 1978.

No monetary rental; however, if it is determined that the State has undisputed title to all or part of the lands described herein, lessee shall be liable for the payment of rent for use of the subject lands; which rental shall be in accordance with the State's general leasing regulations, now contained in 2 California Administrative Code, Article 2.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is owner of adjacent land.

STATUTORY AND OTHER REFERENCES:
A. Public Resources Code: Div. 6, Parts 1 & 2.
B. Administrative Code: Title 2, Div. 3, Arts. 1, 2, 6.5, 10 & 11.

OTHER PERTINENT INFORMATION:
1. The existing levee will be brought up to the standards required by the United States Army Corps of Engineers. Levee maintenance, according to the applicant, will be carried out under the direction of Redwood City's General Improvement District 1-64, in conjunction with storm drainage improvements on adjacent lands.

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2. The purpose of this agreement is to allow lessee to make minimal levee improvements to the lands described herein and to have levee rights for the duration of this agreement.
3. In this lease, the parties acknowledge that a title dispute exists between the State and Skyline Materials, Inc. concerning the lands described herein. By authorizing the lease, the State is in no way compromising or prejudicing its title claims against Skyline Materials, Inc.
4. If it is determined that the State has undisputed title to all or part of the lands described herein, lessee shall be liable for the payment of rent for use of the subject lands; which rental shall be in accordance with the State's general leasing regulations, now contained in 2 California Administrative Code, Article 2.
5. The applicant is in the final stages of a regional shopping center development on adjacent lands covering approximately 76 acres. An EIR was circulated therefor, and a Notice of Determination was approved by the City of Redwood City on April 29, 1977. The subject levee serves as a measure for preventing water intrusions and is, in itself, environmentally insignificant. Inasmuch as the levee is an existing improvement, an EIR is not required under Public Resources Code Section 21085, and the Commission's regulations set out in Section 2907 of Title 2 of the California Administrative Code.
6. This project is not situated on State land identified as possessing significant environmental values pursuant to Public Resources Code 6270.1.

APPROVALS OBTAINED:

BCDC and United States Army Corp of Engineers.

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FURTHER APPROVALS REQUIRED:
City of Redwood City.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907..
2. AUTHORIZE ISSUANCE TO MOELL OIL ESTATES (REDWOOD) LIMITED OF A 49-YEAR GENERAL LEASE - RIGHT-OF-WAY USE FROM JANUARY 1, 1978; IN CONSIDERATION OF NO MONETARY RENTAL; FOR THE MAINTENANCE AND IMPROVEMENT OF AN EXISTING LEVEE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; SUBJECT TO THE FOLLOWING CONDITION: IF IT IS DETERMINED THAT THE STATE HAS UNDISPUTED TITLE TO ALL OR PART OF THE LANDS DESCRIBED HEREIN, LESSEE SHALL BE LIABLE FOR THE PAYMENT OF RENT FOR USE OF THE SUBJECT LANDS, WHICH RENTAL SHALL BE IN ACCORDANCE WITH THE STATE'S GENERAL LEASING REGULATIONS; NOW CONTAINED IN 2 CALIFORNIA ADMINISTRATIVE CODE, ARTICLE 2..

Attachment: Exhibit "A"

EXHIBIT "A"

W 20919

A parcel of land 100 feet in width in the City of Redwood City, San Mateo County, California, lying 50 feet on each side of the following described centerline:

COMMENCING at a point on the northerly line of that certain 4 2/3 acre tract conveyed by deed from Mary E. Cooley to Agnes A. Bracesco, recorded March 13, 1942 in Book 1003, page 499 Official Records of San Mateo County, thence S 89° 33' 38" E, 375 feet to the POINT OF BEGINNING, thence S 00° 26' 27" W, 285.08 feet to the southerly line of said 4 2/3 acre tract and the terminous of the herein described centerline.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Steinberger Slough.

END OF DESCRIPTION

Prepared R. W. Hall Checked A. J. Kunnecke
Reviewed [Signature] Date 4-21-77
S. J. B.