

MINUTE ITEM

This Calendar Item No. CP  
was approved as Minute Item  
No. 2 by the State Lands  
Commission by a vote of 3  
to 0 at its 6/29/82  
meeting.

CALENDAR ITEM

C 0 8

6/29/82  
WP 1546 PRC 1546  
Maricle

REPLACEMENT GENERAL LEASE - INDUSTRIAL USE

APPLICANT: Crown Zellerbach Corporation  
One Bush Street  
San Francisco, California 94104  
Attention: Mr. J. D. White  
Manager of Real Estate

AREA, TYPE LAND AND LOCATION:  
An 11.838-acre parcel of tide and submerged  
land, San Joaquin River, vicinity of Antioch,  
Contra Costa County.

LAND USE: Bulkhead, fill, dock, two five-pile dolphins,  
four 16-pile dolphins, a water intake line,  
and an outfall line and diffuser.

BACKGROUND (EXISTING LEASE):  
Lease PRC 1546.1 reaches back to 1955.  
It was later amended for various reasons.  
The lease history is set forth below:

I. Original Lease (1955):

- A. Period Covered: August 9, 1955  
thru August 8, 1970.
- B. Renewal Options: two successive  
periods of ten years each.
- C. Rental per annum: \$528.
- D. Surety Bond: \$25,000.
- E. Purpose of Lease: fill, bulkhead  
and dock.
- F. Area of Lease: Approximate, 8.259  
acres.
- G. Special: State to retain bulkhead,  
fill, and decking at lease termination.
- H. Commission Approval: October 10,  
1955, Minute Item 41.

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II. Lease Amendment (1956):

- A. Effective Date: March 26, 1956.
- B. Purpose: Add water intake line and two five-pile dolphins.
- C. Rental Increase: Adjusted to \$544 per annum.
- D. Land Area: Adjusted to 8.499 acres; includes the addition of an 0.24-acre parcel.
- E. Commission Approval: July 2, 1956, Minute Item 2746.

III. Lease Amendment (1956):

- A. Effective Date: May 15, 1956.
- B. Purpose: Amend minor error in land description - no change in acreage.
- C. Commission Approval: August 15, 1956, Minute Item 2801.

IV. Lease Amendment (1969):

- A. Effective Date: January 5, 1969.
- B. Purpose: Add conveyor system with Hopper, and four 16-pile dolphins.
- C. Rental Increase: Adjusted to \$2,466.60 per annum.
- D. Land Area: Adjusted to 10.765 acres; include the addition of 2.266 acres.
- E. Commission Approval: February 27, 1969, Minute Item 18.

V. Lease Renewal and Amendment (1970):

- A. Effective Dates: August 9, 1970 thru August 8, 1980.

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- B. Purpose: Renewal of tenancy for ten years, as provided in original lease.
- C. Rental per annum: \$14,805 (six percent of market value.)
- D. Surety Bond: \$25,000.
- E. Liability Insurance: \$500,000/  
\$1,000,000 for personal injury  
and \$100,000 for property damage.
- F. Area of Lease: Adjusted to 11.793  
acres; includes the addition of  
a 1.028-acre moorage strip.
- G. Commission Approval: July 26,  
1971, Minute Item 11.

VI. Lease Amendment (1973):

- A. Effective Date: August 1, 1973.
- B. Purpose: Add outfall line and  
diffuser.
- C. Area of Lease: Adjusted to 11.838  
acres; includes the addition of  
an 0.045-acre parcel.
- D. Other Changes: None.
- E. Commission Approval: September 27,  
1973, Minute Item 8.

PRESENT SITUATION:

The lessee and the staff have agreed for the termination of existing lease PRC 1546.1, and replacement thereof by a new lease PRC 1546.1, the terms of which are shown below. The new lease reflects the Commission's current leasing policies. The conveyor system, added in 1969, was removed in 1980.

TERMS OF PROPOSED REPLACEMENT LEASE:

Initial period: 20 years from August 9,  
1980.

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Surety bond: \$25,000.

Public liability insurance: \$500,000/\$1,000,000 per occurrence for bodily injury and \$100,000 for property damage.

Special: Lessee shall not be required, upon termination of this lease, to remove the fill and riprap from the lease premises, as such fill and riprap exist as of August 9, 1980. It is expressly understood, however, that such improvements shall be in good order and repair and safe condition upon lease termination.

CONSIDERATION: \$37,880 per annum, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

**BASIS FOR CONSIDERATION:**

2 Cal. Adm. Code 2005 and 2006, effective July 2, 1978, Register 78, No. 22, the Commission regulation applicable to the beginning date of the replacement lease.

**PREREQUISITE TERMS, FEES AND EXPENSES:**

Applicant is owner of upland.

Filing fee has been received.

**STATUTORY AND OTHER REFERENCES:**

A. P.R.C.: Div. 6, Parts 1 and 2; Title 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A.

**OTHER PERTINENT INFORMATION:**

1. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2905, Class 1, which exempts an existing structure.

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2. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class "B", which authorizes Limited Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2905; AND FIND THAT THE PROJECT IS CONSISTENT WITH ITS USE CLASSIFICATION.
2. APPROVE THE TERMINATION OF EXISTING LEASE PRC 1546.1, SUCH TERMINATION TO BE EFFECTIVE AUGUST 9, 1980.
3. AUTHORIZE ISSUANCE TO CROWN ZELLERBACH CORPORATION OF A 20-YEAR REPLACEMENT LEASE FROM AUGUST 9, 1980; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$37,080, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$25,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$500,000/\$1,000,000 PER OCCURRENCE FOR BODILY INJURY AND \$100,000 FOR PROPERTY DAMAGE; FOR A BULKHEAD, FILL, DOCK, TWO FIVE-PILE DOLPHINS, FOUR 16-PILE DOLPHINS, A WATER INTAKE LINE, AND AN OUTFALL LINE AND DIFFUSER, ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
4. FIND, IN RECOGNITION OF THE TERMS OF PARAGRAPH 14 OF THE LEASE BEING TERMINATED UNDER THESE PROCEEDINGS, THAT LESSEE SHALL NOT BE REQUIRED, UPON TERMINATION OF THIS REPLACEMENT LEASE, TO REMOVE THE FILL AND RIPRAP FROM THE LEASE PREMISES, AS SUCH FILL AND RIPRAP EXIST AS OF AUGUST 9, 1980, IT BEING EXPRESSLY UNDERSTOOD, HOWEVER, THAT SUCH IMPROVEMENTS SHALL BE IN GOOD ORDER AND REPAIR AND SAFE CONDITION UPON LEASE TERMINATION.

## EXHIBIT "A"

## LAND DESCRIPTION

WP 1546

A parcel of tide and submerged land in the San Joaquin River approximately one mile west of the Antioch Lift Bridge and two miles east of the City of Antioch, Contra Costa County, California, more particularly described as follows:

BEGINNING at a point on the southerly bank of the San Joaquin River, said point being the westerly terminus of that certain boundary line agreement recorded in Liber 1193, page 189, Official Records, Contra Costa County, from which the corner common to Sections 16, 17, 20 and 21, T2N, R2E, MDM, bears S 45°20'53"E, 1,835.72 feet; thence along the following 31 courses:

1. S 58°06'15"W 4.09 feet;
2. S 75°25'00"W 78.48 feet;
3. S 42°57'46"W 179.01 feet;
4. S 54°54'46"W 295.71 feet;
5. S 60°35'34"W 63.13 feet;
6. S 77°54'19"W 42.95 feet;
7. N 84°41'08"W 43.19 feet;
8. N 46°25'56"W 56.59 feet;
9. N 77°09'51"W 81.02 feet;
10. N 35°04'25"W 57.43 feet;
11. N 72°53'50"W 54.41 feet;
12. S 73°33'34"W 63.60 feet;
13. S 51°48'51"W 113.23 feet;
14. S 76°40'32"W 156.20 feet;
15. N 69°26'38"W 76.90 feet;
16. S 74°57'13"W 28.68 feet;
17. N 01°06'16"E 270.00 feet;
18. S 88°53'42"E 33.27 feet;
19. N 17°05'24"W 191.89 feet;
20. N 72°54'36"E 10.00 feet;
21. S 17°05'24"E 195.17 feet;
22. S 88°53'42"E 182.63 feet;
23. N 41°05'19"E 60.86 feet;
24. N 18°41'01"W 70.00 feet;
25. N 71°18'59"E 210.00 feet;
26. N 18°41'01"W 80.00 feet;
27. N 71°18'59"E 560.00 feet;
28. S 18°41'01"E 80.00 feet;
29. N 71°18'59"E 205.23 feet;
30. S 18°41'01"E 70.00 feet;
31. S 01°05'01"W 280.55 feet to the TRUE POINT OF BEGINNING.

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

END OF DESCRIPTION

REVIEWED JUNE 12, 1980 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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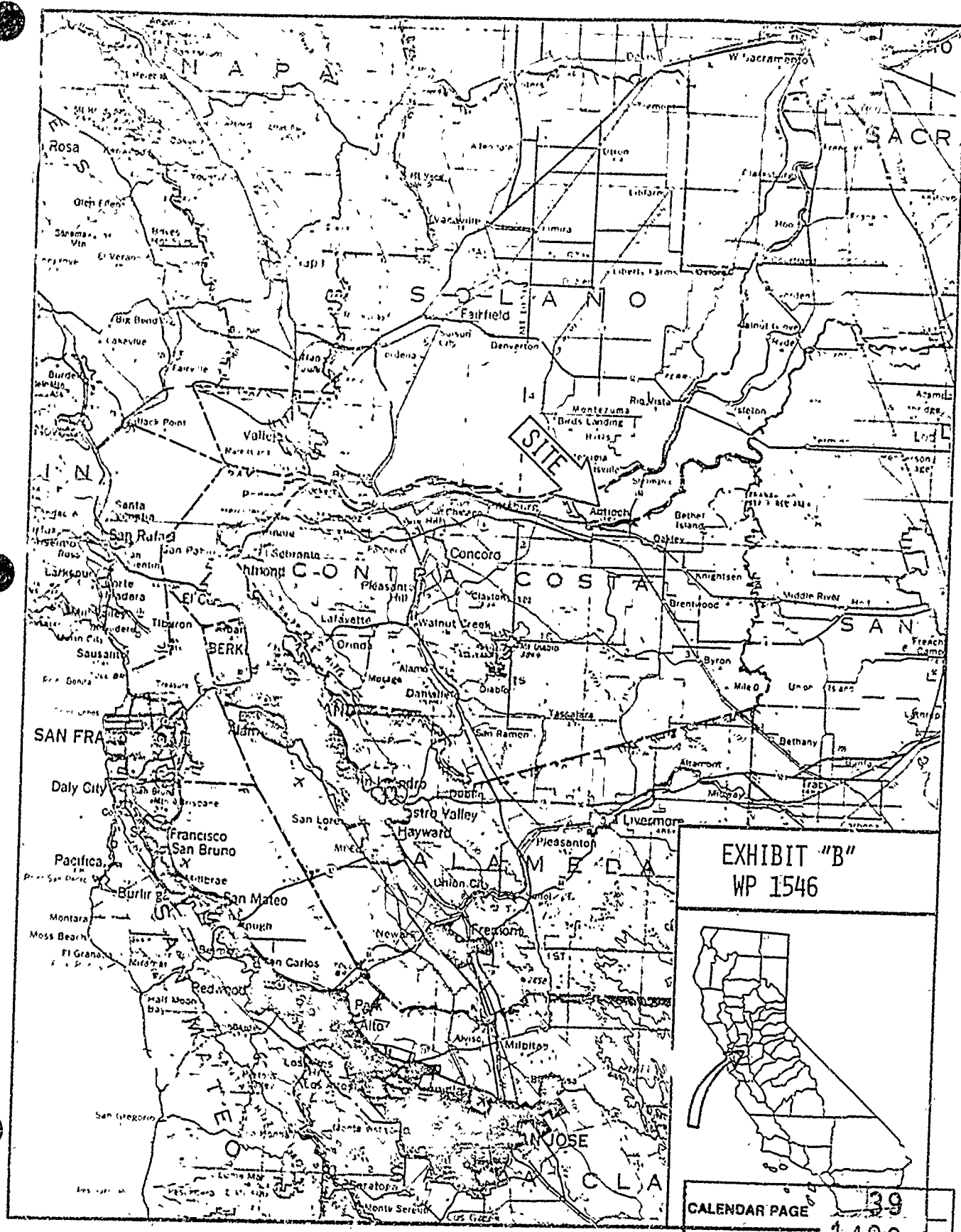


EXHIBIT "B"  
 WP 1546

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