

MINUTE ITEM

11/21/68

18. RIGHT-OF-WAY, T&S LAND IN PACHECO CREEK NEAR AVON, CONTRA COSTA COUNTY, FOR 3 PIPELINES FOR TRANSPORTATION OF PETROLEUM PRODUCTS; SOUTHERN PACIFIC PIPE LINES, INC. - W.O. N-0013; P.R.C. 4086.1.

After consideration of Calendar Item 5 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE ISSUANCE TO SOUTHERN PACIFIC PIPE LINES, INC., OF A 49-YEAR RIGHT-OF-WAY, FROM NOVEMBER 2, 1967, IN CONSIDERATION OF ANNUAL RENT OF \$335.34 DURING THE FIRST FIVE YEARS, WITH THE STATE RESERVING THE RIGHT TO REVIEW AND RESET A REASONABLE RENTAL ON EACH FIFTH ANNIVERSARY, AND PROVISION OF A \$5000 SURETY BOND, FOR MAINTENANCE OF ONE 14" AND TWO 12" PIPELINES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment
Calendar Item 5 (3 pages)

*Amended by Minute Item 1,
Pg. 1473, meeting of 12/19/68.
E. Denny*

RIGHT-OF-WAY

APPLICANT: Southern Pacific Pipe Lines, Inc.

LOCATION: Six 10-foot-wide strips of tide and submerged land, totalling 882.47 lineal feet, in Pacheco Creek (aka Walnut Creek) near Avon, Contra Costa County

PROPOSED USE: The installation and operation of one 14" and two 12" pipelines for transportation of petroleum products

TERM: 49 years, from November 2, 1967
Surety bond: \$5000

CONSIDERATION: \$335.34 per annum during the first five years of the lease, with the State reserving the right to review and reset a reasonable rental on each fifth anniversary

BASIS FOR CONSIDERATION:
One cent per pipe diameter inch per lineal foot

PREREQUISITE ITEMS:
U.S. Army Corps of Engineers permit issued
Applicant is lessee or permittee of upland

STATUTORY AND OTHER REFERENCES:
a. Public Resources Code: Div. 6, Pt. 2, Ch. 1, Secs. 6501-6509
b. Administrative Code: Title 2, Div. 3, Secs. 2000-2011
c. Commission policy: Minute Item 18 of November 18, 1959

OTHER PERTINENT INFORMATION:
The State land involved in this transaction is located within the Southern Pacific Company's railroad right-of-way

EXHIBITS: A. Property description B. Location map

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ISSUANCE TO SOUTHERN PACIFIC PIPE LINES, INC., OF A 49-YEAR RIGHT-OF-WAY, FROM NOVEMBER 2, 1967, IN CONSIDERATION OF ANNUAL RENT OF \$335.34 DURING THE FIRST FIVE YEARS, WITH THE STATE RESERVING THE RIGHT TO REVIEW AND RESET A REASONABLE RENTAL ON EACH FIFTH ANNIVERSARY, AND PROVISION OF A \$5000 SURETY BOND, FOR MAINTENANCE OF ONE 14" AND TWO 12" PIPELINES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

All that certain tide and submerged land in Pacheco Creek, also known as Walnut Creek, Contra Costa County, within six (6) parcels of land 10 feet wide lying 5 feet on each side of the following described centerlines:

Parcel 1

COMMENCING at State Lands Commission Triangulation Station "Avon" having California Coordinate System, Zone III coordinates $X = 1,545,386.26$, $Y = 561,570.34$, said station also being the southwest corner of Tract 3, Tidewater Associated Oil Co.; thence S. $59^{\circ} 35' 00''$ E. 7.92 feet to the TRUE POINT OF BEGINNING; thence S. $71^{\circ} 18' 43''$ W. 170.55 feet.

Parcel 2

COMMENCING at State Lands Commission Triangulation Station "Avon" having California Coordinate System, Zone III coordinates $X = 1,545,386.26$, $Y = 561,570.34$, said station also being the southwest corner of Tract 3, Tidewater Associated Oil Co.; thence S. $59^{\circ} 35' 00''$ E. 7.92 feet; thence S. $71^{\circ} 18' 43''$ W. 2202.98 feet to the TRUE POINT OF BEGINNING; thence S. $71^{\circ} 18' 43''$ W. 106.49 feet.

Parcel 3

COMMENCING at State Lands Commission Triangulation Station "Avon" having California Coordinate System, Zone III coordinates $X = 1,545,386.26$, $Y = 561,570.34$, said station also being the southwest corner of Tract 3, Tidewater Associated Oil Co.; thence S. $59^{\circ} 35' 00''$ E. 7.92 feet; thence S. $71^{\circ} 18' 43''$ W. 3233.61 feet to the TRUE POINT OF BEGINNING; thence S. $71^{\circ} 18' 43''$ W. 160.35 feet.

Parcel 4

COMMENCING at State Lands Commission Triangulation Station "Avon" having California Coordinate System, Zone III coordinates $X = 1,545,386.26$, $Y = 561,570.34$, said station also being the southwest corner of Tract 3, Tidewater Associated Oil Co.; thence S. $59^{\circ} 35'$ E. 106.43 feet to the POINT OF BEGINNING; thence S. $71^{\circ} 18' 43''$ W. 178.22 feet.

Parcel 5

COMMENCING at State Lands Commission Triangulation Station "Avon" having California Coordinate System, Zone III coordinates $X = 1,545,386.26$, $Y = 561,570.34$, said station also being the southwest corner of Tract 3, Tidewater Associated Oil Co.; thence S. $59^{\circ} 35'$ E. 106.43 feet; thence S. $71^{\circ} 18' 43''$ W. 2294.74 feet to the POINT OF BEGINNING thence S. $71^{\circ} 18' 43''$ W. 106.50 feet.

Parcel 6

COMMENCING at State Lands Commission Triangulation Station "Avon" having California Coordinate System, Zone III coordinates $X = 1,545,386.26$, $Y = 561,570.34$, said station also being the southwest corner of Tract 3, Tidewater Associated Oil Co.; thence S. $59^{\circ} 35' E$. 106.43 feet; thence S. $71^{\circ} 18' 43'' W$. 3197.24 feet; to the POINT OF BEGINNING thence S. $71^{\circ} 18' 43'' W$. 160.36 feet.

EXCEPTING any lands lying above or landward of the ordinary high water mark of said creek.