

12. 49-YEAR INDUSTRIAL LEASE, T&S LANDS OF SAN PABLO BAY IN CITY OF RICHMOND, CONTRA COSTA COUNTY, FOR EXPANSION OF OIL REFINERY AND RELATED FACILITIES; STANDARD OIL COMPANY OF CALIFORNIA - W.O. 5387, P.R.C. 4117.1.

After consideration of Calendar Item 16 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES ISSUANCE TO THE STANDARD OIL COMPANY OF CALIFORNIA OF A 49-YEAR LEASE FROM DECEMBER 19, 1968, IN CONSIDERATION OF ANNUAL RENT OF \$8,964 DURING THE FIRST FIVE YEARS, WITH THE STATE RESERVING THE RIGHT TO REVIEW AND RESET A REASONABLE RENTAL ON EACH FIFTH ANNIVERSARY, FOR FUTURE EXPANSION OF STANDARD'S EXISTING OIL REFINERY AND RELATED FACILITIES, IMPROVEMENT OF POLLUTION CONTROL, AND EXPANSION OF GAS-CONTROL FACILITIES, ON THE LANDS DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment

Calendar Item 16 (3 pages)

INDUSTRIAL LEASE

APPLICANT: Standard Oil Company of California

LOCATION: Tide and submerged lands of San Pablo Bay in the City of Richmond, Contra Costa County

PROPOSED USE: Future expansion of Standard's existing oil refinery and related facilities; improvement of pollution control and expansion of gas-control facilities

TERMS: Initial period: 49 years, from December 19, 1968

CONSIDERATION: \$8,964 per annum

BASIS FOR CONSIDERATION:
6% of appraised value of land

PREREQUISITE ITEMS:
Applicant is owner 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:

In 1918, the Standard Oil Company of California, through A. L. Harrigan as its undisclosed agent, purchased from the Estate of Patrick Scanlan, deceased, the tide and submerged lands described in Exhibit "A". Standard maintains that ever since purchase it has paid taxes on the lands, and has asserted title and possession, but has not constructed any substantial improvements.

The State of California asserts title to the lands adversely to Standard on the grounds that the final installment of the purchase price was not received from M. J. Scanlan, who purchased the lands from the State in 1873. The statute under which the lands were sold by the State provided for a forfeiture of the interest of the purchaser if full payment was not made within three years, and the lands were then to be considered as unsold by the State.

The Standard Oil Company of California desires to enter into a lease pending a title determination, with the lease to provide that it shall be without prejudice to a later title determination.

CALENDAR ITEM 16. (CONTD.)

It also has been agreed that at such time as Lessee places substantial improvements or structures on the leased lands, the Lessee shall post a bond in such reasonable amount as may be required by the State Lands Commission to cover costs of removal of improvements other than earth fills or dikes.

The Lessee also agrees to comply with all applicable Federal, State and local laws and with all rules and regulations now promulgated by any Federal, State or local agency having jurisdiction therein and such reasonable rules and regulations as may hereafter be promulgated by any such agency.

EXHIBITS: A. Legal description B. Location map

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE ISSUANCE TO THE STANDARD OIL COMPANY OF CALIFORNIA OF A 49-YEAR LEASE FROM DECEMBER 19, 1968, IN CONSIDERATION OF ANNUAL RENT OF \$8,964 DURING THE FIRST FIVE YEARS, WITH THE STATE RESERVING THE RIGHT TO REVIEW AND RESET A REASONABLE RENTAL ON EACH FIFTH ANNIVERSARY, FOR FUTURE EXPANSION OF STANDARD'S EXISTING OIL REFINERY AND RELATED FACILITIES, IMPROVEMENT OF POLLUTION CONTROL, AND EXPANSION OF GAS-CONTROL FACILITIES, ON THE LANDS DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

Beginning at a point on the section line between Sections Three (3) and Four (4), Township One (1) North, Range Five (5) West of Mount Diablo Base and Meridian, eight and eighty-three hundredths (8.83) chains North of a Granite Monument at the corners of Sections Three (3) and Four (4), Nine (9) and Ten (10), said point being on the line of ordinary high tide as exhibited on the Official Map No. 1 of Salt Marsh and Tide Lands situate in Contra Costa County approved by the State Board of Tide Land Commissioners July 6, 1872, thence following said line of high tide South eighty-six and one-half ($86\frac{1}{2}$) degrees East one and twenty-seven hundredths (1.27) chains, thence North eighty-three and three-fourths ($83\frac{3}{4}$) degrees East four (4) chains, thence North sixty-four and one-fourth ($64\frac{1}{4}$) degrees East three and seventy hundredths (3.70) chains, thence South sixty-four and one-half ($64\frac{1}{2}$) degrees East three and seventy hundredths (3.70) chains, thence South twenty-two and one-half ($22\frac{1}{2}$) degrees east two and seventy hundredths (2.70) chains to a post marked 520 at the Northwest extremity of the Salt Marsh, leaves Potrero, thence along Salt Marsh South seventy-four and one-half ($74\frac{1}{2}$) degrees East eight and ninety hundredths (8.90) chains, thence South two (2) degrees East four and eighty hundredths (4.80) chains, thence South fifty-eight (58) degrees East three and forty hundredths (3.40) chains, thence North seventy-three (73) degrees East four (4) chains, thence South eighty-four (84) degrees East three and ten hundredths (3.10) chains, thence North seventy-eight and one-half ($78\frac{1}{2}$) degrees East ten and twenty hundredths (10.20) chains, thence South two (2) degrees West three and fifty hundredths (3.50) chains, thence North eighty and one-half ($80\frac{1}{2}$) degrees East five and ninety hundredths (5.90) chains, thence North fifty-seven and three-fourths ($57\frac{3}{4}$) degrees East three and thirty hundredths (3.30) chains, thence North twenty-eight and three-fourths ($28\frac{3}{4}$) degrees East three and ninety hundredths (3.90) chains, thence North five and one-half ($5\frac{1}{2}$) degrees West two and eighty hundredths (2.80) chains, thence North forty (40) degrees East two and twenty hundredths (2.20) chains, thence South eighty-seven and one-half ($87\frac{1}{2}$) degrees East six (6) chains, thence North sixteen (16) degrees East six and forty hundredths (6.40) chains, thence North nine and one-half ($9\frac{1}{2}$) degrees West three and ten hundredths (3.10) chains, thence North twelve and one-fourth ($12\frac{1}{4}$) degrees East two (2) chains, thence North thirty-one and one-half ($31\frac{1}{2}$) degrees West one and seventy hundredths (1.70) chains, thence north two (2) degrees West three and seventy-five hundredths (3.75) chains to a post marked 538 on the left bank of Slough and on the south-westerly line of San Pablo Canal, thence following said line of canal North fifty-four and three-fourths ($54\frac{3}{4}$) degrees West seventy-three and six hundredths (73.06) chains to the section line between Sections Three (3) and Four (4), thence following said section line South fifty-seven and twenty-two hundredths (57.22) chains to the place of beginning.

All of the above described property being in Township One (1) North, Range Five (5) West of Mount Diablo Base and Meridian in Richmond, Contra Costa County, California, and containing approximately two hundred forty-nine and thirty-four thousandths (249.034) acres.