

MINUTE ITEM

10/7/71
ATD

6. RENEWAL AND AMENDMENT OF LEASE PRC 1589.1, TIDE AND SUBMERGED LAND IN THE BED OF THE SAN JOAQUIN RIVER, CONTRA COSTA COUNTY; KAISER GYPSUM COMPANY, INC. - W 8806, PRC 1589.1.

After consideration of Calendar Item 7 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE ISSUANCE TO KAISER GYPSUM COMPANY, INC., OF A TEN-YEAR RENEWAL AND AMENDMENT OF LEASE PRC 1589.1, FROM DECEMBER 1, 1970, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$9,450, PROVISION OF A \$25,000 SURETY BOND, AND PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$500,000/\$1,000,000 FOR PERSONAL INJURY AND \$100,000 FOR PROPERTY DAMAGE, FOR OPERATION AND MAINTENANCE OF A WHARF AND APPURTENANT STRUCTURES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 7 (3 pages)

CALENDAR ITEM

9/71
W 3806
ATD

7.

RENEWAL AND AMENDMENT OF LEASE PRC 1589.1

APPLICANT: Kaiser Gypsum Company, Inc.

LOCATION: A 7.49-acre parcel of tide and submerged land lying in the bed of the San Joaquin River, approximately one mile east of Antioch, Contra Costa County.

LAND USE: Operation and maintenance of a wharf and appurtenant structures.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years, from December 1, 1955.
Renewal options: 2 additional periods of 10 years each.
Surety bond: Total of \$55,000.

TERMS OF RENEWAL AND AMENDMENT:

Surety bond: \$25,000. Public liability insurance: \$500,000/\$1,000,000 for personal injury and \$100,000 for property damage.

CONSIDERATION: \$9,450 per annum during the first 10-year renewal period beginning December 1, 1970.

BASIS FOR CONSIDERATION:

\$0.063 (ten-year rate) of appraised value of land.

PREREQUISITE ITEMS:

U.S. Army Corps of Engineers permit issued.
Applicant is owner of upland.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Parts 1 and 2.
- b. Administrative Code: Title 2, Div. 3, Articles 1 and 2 as amended effective May 10, 1969.

OTHER PERTINENT INFORMATION:

1. The legal description of this lease (PRC 1589.1) is being amended to include also the area that was under Lease PRC 1577.1 and that of a ship moorage area at the wharf. A bond in the amount of \$25,000 is adequate security in this instance. Lease PRC 1577.1 provided for two 10-year renewals at the option of the lessee and the lessee has elected to exercise this option. For convenience of administration and management PRC 1577.1 is being combined with PRC 1589.1 by this action. No quitclaim is required since the same area is being incorporated into Lease PRC 1589.1.

CALENDAR ITEM 7. (CONTD.)

OTHER PERTINENT INFORMATION. (CONTD.)

2. A renewal and amendment of this type, according to the informal opinion of the Office of the Attorney General dated December 10, 1970, is not an alteration of the basic purpose of the lease and therefore is not subject to the provisions of Chapter 1555, Statutes of 1970.

EXHIBITS:

A. Land description.

B. Location map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ISSUANCE TO KAISER GYPSUM COMPANY, INC., OF A TEN-YEAR RENEWAL AND AMENDMENT OF LEASE PRC 1589.1, FROM DECEMBER 1, 1970, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$9,450, PROVISION OF A \$25,000 SURETY BOND, AND PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$500,000/\$1,000,000 FOR PERSONAL INJURY AND \$100,000 FOR PROPERTY DAMAGE, FOR OPERATION AND MAINTENANCE OF A WHARF AND APPURTENANT STRUCTURES OF THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

A parcel of tide and submerged land lying in the bed of the San Joaquin River, Contra Costa County, California, approximately one mile east of Antioch, California, more particularly described as follows:

COMMENCING at Sando R.M. 1, Zone 3, California Coordinate System, coordinates being X = 1,629,601.00 and Y = 553,227.08, said R.M. 1 being S. 89° 41' 58" E., 220.67 feet from the intersection of the northerly R/W lines of Wilbur Avenue and Santa Fe Railroad; thence N. 20° 43' 25.2" E., 1,092.22 feet to the intersection of the easterly line of Kaiser Gypsum Co. and the southerly or left bank of the San Joaquin River, being the TRUE POINT OF BEGINNING; thence downstream along said left bank,

N. 63° 02' 03" W.,	16.26 feet; thence
S. 82° 43' 30" W.,	47.38 feet; thence
S. 67° 17' 08" W.,	46.62 feet; thence
S. 84° 52' 58" W.,	67.27 feet; thence
N. 60° 01' 06" W.,	60.03 feet; thence
N. 13° 14' 26" W.,	69.86 feet; thence
N. 82° 02' 33" W.,	93.90 feet; thence
S. 29° 44' 41" E.,	16.12 feet; thence
S. 63° 04' 20" W.,	70.66 feet; thence
S. 78° 57' 33" W.,	41.77 feet; thence
S. 72° 26' 47" W.,	102.79 feet; thence
N. 72° 21' 00" W.,	46.17 feet; thence
N. 89° 07' 07" W.,	65.01 feet; thence
S. 67° 56' 27" W.,	165.08 feet; thence
N. 82° 37' 55" W.,	116.97 feet; thence
S. 76° 10' 17" W.,	133.88 feet; thence
N. 66° 40' 56" W.,	126.32 feet; thence
S. 79° 06' 53" W.,	26.48 feet; thence
N. 54° 33' 04" W.,	157.05 feet; thence
N. 78° 20' 46" W.,	163.37 feet; thence
N. 28° 51' 21" W.,	55.95 feet; thence
N. 71° 33' 54" W.,	72.73 feet; thence
N. 76° 04' 18" W.,	128.79 feet; thence
N. 87° 07' 11" W.,	58.07 feet to a point

on the west property line of Kaiser Gypsum; thence leaving said left bank of the San Joaquin River N. 1° 23' 51" E., 34.46 feet; S. 76° 14' 24" E., 233.09 feet; S. 79° 06' 30" E., 349.98 feet; S. 88° 38' 30" E., 205.06 feet; thence N. 5° 13' 30" E., 123.95 feet; N. 4° 34' 11" E., 70.00 feet; S. 84° 46' 30" E., 972.84 feet to a point on the waterward extension of the easterly property line of Kaiser Gypsum Co.; thence along the easterly boundary S. 4° 34' 11" W., 227.73 feet to the point of beginning.