

MINUTE ITEM

8/30/73
EWC

10. AMENDMENT TO LEASE PRC 4769.1, TIDE AND SUBMERGED LAND IN THE BED C^m PACHECO CREEK AT AVON, CONTRA COSTA COUNTY; URICH OIL COMPANY - W 20526, PRC 4769.1

After consideration of Calendar Item 8 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. FINDS THAT, IN ACCORDANCE WITH ENVIRONMENTAL IMPACT REPORT NO. 98 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, AN AMENDMENT OF AUTHORIZATION TO LEASE AS RECOMMENDED HEREIN WILL NOT HAVE A SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.
2. AUTHORIZES THE ISSUANCE TO URICH OIL COMPANY OF AN AMENDMENT TO LEASE PRC 4769.1 AS FOLLOWS:
 - A. ADDS TO THE LEGAL DESCRIPTION THEREOF, PARCEL 3, AS DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; AND
 - B. CHANGES THE RENTAL FROM \$6,551.12 PER ANNUM TO \$6,571.12 PER ANNUM.

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

Attachment: Calendar Item 8 (3 pages)

CALENDAR ITEM

8/73
EWC
W 20526

8.

AMENDMENT TO LEASE PRC 4769.1

APPLICANT: Urich Oil Company.

LOCATION: Adding a 0.161-acre parcel of tide and submerged land in the bed of Pacheco Creek at Avon, Contra Costa County.

LAND USE: Construction, operation and maintenance of a 12" diameter pipeline for the transport of gasoline and gasoline components.

TERMS OF ORIGINAL AUTHORIZATION:

Initial period: 25 years, from June 1, 1973.

Renewal options: 2 additional periods of 10 years each.

Surety bond: \$50,000.

Public liability insurance:
\$1,000,000 combined single limit.

CONSIDERATION: \$6,571.12 per annum with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

Royalty: \$0.10/cu. yd.

SPECIAL: Effective when all necessary permits obtained; discharge of wastes to bay prohibited.

TERMS OF PROPOSED AMENDMENT:

1. Add Parcel 3 to the legal description of said Lease RC 4769.1; and
2. Change the annual rental from \$6,551.12 per annum to \$6,571.12 per annum.

All other terms and conditions to remain the same.

BASIS FOR CHANGE IN CONSIDERATION:

Application of diameter-inch rate to proposed pipeline.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Parts 1 and 2.
- b. Administrative Code: Title 2, Div. 3, Arts. 1 and 2.

CALENDAR ITEM NO. 8. (CONTD)

OTHER PERTINENT INFORMATION:

This is a part of the gasoline terminal project recently approved as to dredging and wharf construction by the Commission. The environmental impacts of all three aspects of the terminal project, the dredging, wharf and pipeline, were treated in the Commission's EIR No. 98. The proposed amendment of authorization merely adds the pipeline parcel to those previously authorized and is thus not an expansion of the project.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT, IN ACCORDANCE WITH ENVIRONMENTAL IMPACT REPORT NO. 98 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, AN AMENDMENT OF AUTHORIZATION TO LEASE AS RECOMMENDED HEREIN WILL NOT HAVE A SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.
2. AUTHORIZE THE ISSUANCE TO URICH OIL COMPANY OF AN AMENDMENT TO LEASE PRC 4769.1 AS FOLLOWS:
 - A. ADD TO THE LEGAL DESCRIPTION THEREOF, PARCEL 3, AS DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; AND
 - B. CHANGE THE RENTAL FROM \$6,551.12 PER ANNUM TO \$6,571.12 PER ANNUM.

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20526

PARCEL 3:

A strip of tide and submerged land lying in the bed of Pacheco Creek (also known as Walnut Creek), approximately 2 miles northeast of the City of Martinez, Contra Costa County, State of California, being more particularly described as follows:

COMMENCING at the State Lands Commission Monument "AVON" having coordinates of $X = 1,545,386.26$, $Y = 561,570.34$; thence $N 18^{\circ} 39' 30'' W$, 231.00 feet; thence $S 71^{\circ} 20' 30'' W$, 239.53 feet to the ordinary high water mark of the east bank of Pacheco Slough and being the TRUE POINT OF BEGINNING; said ordinary high water mark being described in Boundary Line Agreement No. 7 between Tidewater Associated Oil Company and the State Lands Commission as recorded on March 15, 1951, in Volume 1732, page 35, Official Records of Contra Costa County; thence along said Boundary Line $N 59^{\circ} 02' 55'' W$, 65.65 feet; thence leaving said Boundary Line $S 71^{\circ} 20' 30'' W$, 141.64 feet to the ordinary high water mark of the west bank of Pacheco Slough; said ordinary high water mark described in Boundary Line Agreement No. 8 between the United Towing Company and the State Lands Commission as recorded on March 15, 1951, in Volume 1732, page 37, Official Records of Contra Costa County; thence along said Boundary Line $S 64^{\circ} 08' 41'' E$, 71.32 feet; thence leaving said Boundary Line $N 71^{\circ} 20' 30'' E$, 133.33 feet to the true point of beginning.

This description is based on the California Coordinate System, Zone 3.

END OF DESCRIPTION