

MINUTE ITEM

11/21/74
GRH

14. 10-YEAR RIGHT-OF-WAY, TIDE AND SUBMERGED LAND IN THE BED OF MOWRY SLOUGH, CITY OF FREMONT, ALAMEDA COUNTY; LESLIE SALT CO. - W 20820, PRC 4971.

After consideration of Calendar Item 12 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. DETERMINES THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21172; 14 CAL. ADM. CODE 15071; AND 2 CAL. ADM. CODE 2910.
2. AUTHORIZES THE ISSUANCE TO LESLIE SALT CO. OF A 10-YEAR RIGHT-OF-WAY FROM NOVEMBER 1, 1974, WITH LESSEE'S OPTION TO RENEW FOR 2 ADDITIONAL PERIODS OF 10 YEARS EACH; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$20, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; FOR THE CONSTRUCTION AND MAINTENANCE OF AN 18" DIAMETER STEEL WASH-WATER PIPELINE, ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 12 (3 pages)

CALENDAR ITEM

11/74

12.

GRH

W 20820

RIGHT-OF-WAY

APPLICANT: Leslie Salt Co.

AREA, TYPE LAND AND LOCATION:

A 106-linear-foot parcel of tide and submerged land in the bed of Mowry Slough, in the City of Fremont, Alameda County.

LAND USE:

Construction and maintenance of an 18" diameter steel wash-water pipeline.

TERMS OF PROPOSED LEASE:

Initial period: 10 years from November 1, 1974.

Renewal options: 2 additional periods of 10 years each.

CONSIDERATION: \$20 per annum, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

\$20 per annum, minimum rental for this type of lease.

PREREQUISITE TERMS:

Applicant is lessee or permittee of upland.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Parts 1 and 2.
- b. Administrative Code: Title 2, Div. 3, Arts. 1, 2 & 10.

OTHER PERTINENT INFORMATION:

1. By letter dated October 1, 1974, Leslie Salt Co. applied to the Commission for a lease covering an 18" steel pipeline crossing Mowry Slough, in the City of Fremont, Alameda County. This pipeline will be used to transport crystallizer wash-water into the company's concentrator ponds. This action is necessary in order to comply with a Regional Water Quality Control Board order which prohibits the discharge of such wash-waters into the bay. Leslie Salt Co. has advised the Division that the pipeline must be in operation before the rainy season begins in order to avoid discharge of the wash-water into the bay.
2. An environmental impact report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2910(c) which exempts projects undertaken as immediate action necessary to prevent or mitigate an emergency.

CALENDAR ITEM NO. 12. (CONTD)

EXHIBITS:

A. Land Description.

B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21172; 14 CAL. ADM. CODE 15071; AND 2 CAL. ADM. CODE 2910.
2. AUTHORIZE THE ISSUANCE TO LESLIE SALT CO. OF A 10-YEAR RIGHT-OF-WAY FROM NOVEMBER 1, 1974, WITH LESSEE'S OPTION TO RENEW FOR 2 ADDITIONAL PERIODS OF 10 YEARS EACH; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$20, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; FOR THE CONSTRUCTION AND MAINTENANCE OF AN 18" DIAMETER STEEL WASH-WATER PIPELINE, ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20820

A parcel of tide and submerged land lying in the bed of Mowry Slough situate in the City of Fremont, County of Alameda, State of California, being more particularly described as follows:

BEGINNING at a point in the northerly line of Parcel "P" as described in the deed from Leslie Salt Co. to the State of California, recorded on Reel 2119, Image 305, Official Records of Alameda County, said point being distant thereon N 81° 23' 05" E, 171.0 feet from the westerly terminus of that certain course having a bearing and length of N 81° 23' 05" E, 433.90 feet; thence along said northerly line, N 81° 23' 05" E, 100.00 feet; thence S 8° 36' 55" E, 109.29 feet to the intersection with the southerly line of aforementioned Parcel "P"; thence along said southerly line S 83° 17' 25" W, 100.05 feet; thence N 8° 36' 55" W, 105.96 feet to the point of beginning.

This description is based on the California Coordinate System Zone III.

END OF DESCRIPTION