

MINUTE ITEM

5/27/75
HAM

4. AMENDMENT AND TERMINATION OF INDUSTRIAL LEASE PRC 387, TIDE AND SUBMERGED LAND IN SUISUN BAY NEAR STAKE POINT, CONTRA COSTA COUNTY; SHELL CHEMICAL COMPANY - W 8939, PRC 387.

After consideration of Calendar Item 2 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION;

1. AUTHORIZES THE ISSUANCE TO SHELL CHEMICAL COMPANY OF AN AMENDMENT TO LEASE PRC 387, EFFECTIVE JANUARY 1, 1972, TO:
 - A. DELETE THE LEGAL DESCRIPTION OF SAID LEASE AND SUBSTITUTE THEREFOR THE DESCRIPTION CONTAINED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
 - B. CHANGE THE ANNUAL RENTAL FROM \$1,764 TO \$1,026.90.
 - C. AGREE THAT ALL OTHER TERMS AND CONDITIONS OF SAID LEASE ARE TO REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.
2. ACCEPTS AN EXECUTED QUITCLAIM DEED FROM SHELL CHEMICAL COMPANY, EFFECTIVE JULY 1, 1972, AS EVIDENCE OF TERMINATION OF SHELL'S LEASEHOLD INTERESTS IN THE ENTIRE 20.1 ACRES, OF WHICH THE 2.72-ACRE PARCEL IS A PORTION, AS SAID 20.1 ACRES IS DESCRIBED IN ORIGINAL LEASE PRC 387.

Attachment:

Calendar Item 2 (4 pages)

CALENDAR ITEM

5/75
HAM
W 8939

2.

AMENDMENT AND TERMINATION OF
INDUSTRIAL LEASE PRC 387

APPLICANT: Shell Chemical Company
P. O. Box 711
Martinez, California 94553

AREA, TYPE LAND AND LOCATION:
2.72 acres of tide and submerged land in
Suisun Bay near Stake Point, 3.8 miles west
of Pittsburg, Contra Costa County.

LAND USE: Pier for loading and unloading chemical products.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years, from January 1,
1949.

Renewal options: 1 successive period of 10
years.

Surety bond: \$1,000.

Consideration: \$331.65 per annum, covering
20.1 acres.

RENEWAL DATA: At the October 1967 meeting, Minute Item 10,
the Commission approved a renewal of Lease
PRC 387. The renewal increased the rental
to \$1,764 per annum from January 1, 1964,
through December 31, 1973. All other terms
and conditions of the lease remained intact.

TERMS OF PROPOSED AMENDMENT:

Effective Date: January 1, 1972.

Acreage Reduction: From 20.1 acres to 2.72 acres.

Rental Revision: From \$1,764 per annum to
\$1,026.90* per annum.

Other lease terms to remain in full force and
effect.

(*Rental which has been accepted by Shell, is
based on appraisal dated May 3, 1971.
Waterfront industrial land values in this
area have risen substantially since 1964.)

CALENDAR ITEM NO. 2. (CONTD)

PREREQUISITE TERMS:

Applicant is owner of the upland.

STATUTORY AND OTHER REFERENCES:

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

OTHER PERTINENT DATA:

1. Under correspondence dated January 21, 1971, the lessee requested Commission approval to reduce the lease area to 2.72 acres. Lessee's reluctance to accept the adjusted rental rate of \$1,026.90 per annum, in addition to changes of staff at Shell's plant, caused delays in negotiating a settlement. This proposed amendment represents final concurrence between the Division and the management of Shell.
2. Lessee notified staff in May 1972 of the intent to quitclaim and terminate Shell's leasehold interests in the subject area, effective July 1, 1972. By letter dated October 4 of the same year, the lessee advised that all improvements had been cleared from the State's land as of June 5, 1972. The Division has confirmed the clearance by separate investigation. A supporting quitclaim deed, effective July 1, 1972, had been previously delivered to the staff.
3. Lessee has submitted a final rental payment in the amount of \$513.45, covering rental on the reduced 2.72-acre area, for the period extending from January 1, 1972, through June 30, 1972.
4. Paragraph 16 of Lease PRC 387 provides that the lease may be terminated, changed, altered or amended by mutual consent of the parties. Commission approval of the proposed amendment will accomplish the intended reduction of the lease area; Commission acceptance of the previously submitted quitclaim deed will terminate Shell's interest in the subject parcel effective July 1, 1972.

CALENDAR ITEM NO. 2. (CONTD)

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE ISSUANCE TO SHELL CHEMICAL COMPANY OF AN AMENDMENT TO LEASE PRC 387, EFFECTIVE JANUARY 1, 1972, TO:
 - A. DELETE THE LEGAL DESCRIPTION OF SAID LEASE AND SUBSTITUTE THEREFOR THE DESCRIPTION CONTAINED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
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2. ACCEPT AN EXECUTED QUITCLAIM DEED FROM SHELL CHEMICAL COMPANY, EFFECTIVE JULY 1, 1972, AS EVIDENCE OF TERMINATION OF SHELL'S LEASEHOLD INTERESTS IN THE ENTIRE 20.1 ACRES, OF WHICH THE 2.72-ACRE PARCEL IS A PORTION, AS SAID 20.1 ACRES IS DESCRIBED IN ORIGINAL LEASE PRC 387.

Attachment: Exhibit "A"

EXHIBIT "A"

W 8939

A parcel of tide and submerged land in Suisun Bay near Stake Point, Contra Costa County, California, said parcel being a portion of PRC 387 and more particularly described as follows:

COMMENCING at a point on Suisun Bay which bears N 0° 16' E, 3170.41 feet; N 0° 28' E, 5021.90 feet; and N 53° 07' E, 246.42 feet from the southwest corner of Section 11, T 2 N, R 1 W, MDM; thence N 19° 0' E, 330.00 feet; S 51° 0' E, 462.00 feet; S 78° 0' E, 297.00 feet; S 05° 0' E, 112.20 feet; S 62° 0' E, 198.00 feet; S 46° 0' E, 330.00 feet; and S 75° 30' E, 783.21 feet to the TRUE POINT OF BEGINNING; thence S 75° 30' E, 404.79 feet; S 20° 28' E, 217.14 feet; thence into Suisun Bay N 0° 05' E, 368.59 feet; N 64° 11' W; 520.00 feet; S 0° 05' W, 290.27 feet to the point of beginning.

END OF DESCRIPTION