

MINUTE ITEM

7/24/75  
HAM

12. 49-YEAR INDUSTRIAL LEASE, TIDE AND SUBMERGED LAND AT CROCKETT, CONTRA COSTA COUNTY; CALIFORNIA AND HAWAIIAN SUGAR COMPANY - W 20813, PRC 5026.

After consideration of Calendar Item 10 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. DETERMINES THAT A FINAL ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT BY THE DIVISION FOLLOWING EVALUATION OF COMMENTS AND CONSULTATION WITH PUBLIC AGENCIES WHICH WILL ISSUE APPROVALS FOR THE PROJECT.
2. CERTIFIES THAT THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR #175) HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. DETERMINES THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZES THE ISSUANCE TO CALIFORNIA AND HAWAIIAN SUGAR COMPANY OF A 49-YEAR INDUSTRIAL LEASE FROM AUGUST 1, 1975; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$24,108.79, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE AND PROVISION OF A \$100,000 SURETY BOND, PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$1,000,000 PER OCCURRENCE FOR BODILY INJURY AND \$100,000 FOR PROPERTY DAMAGE; FOR A WASTEWATER TREATMENT FACILITY AND EXISTING ANCILLARY STRUCTURES RELATED TO SUGAR REFINERY OPERATIONS; ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:  
Calendar Item 10 (8 pages)

CALENDAR ITEM

7/75

10.

HAM

W 20813

INDUSTRIAL LEASE

APPLICANT: California and Hawaiian Sugar Company  
One California Street  
San Francisco, California 94106

AREA, TYPE LAND AND LOCATION:  
Five parcels of filled, tide and submerged  
lands, comprising 13.810 acres, at Crockett,  
Contra Costa County, vicinity of Carquinez Strait.

LAND USE: Proposed wastewater treatment facility and  
existing ancillary structures related to sugar  
refinery operations.

TERMS OF PROPOSED LEASE:

Initial period: 49 years, from August 1, 1975.

Surety bond: \$100,000.

Public liability insurance:  
\$1,000,000 per occurrence for  
bodily injury and \$100,000 for  
property damage.

CONSIDERATION: \$24,108.79 per annum, with the State reserving  
the right to fix a different rental on each  
fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

8% of appraised value of land, as to Parcels  
I, II and III.

1-1/2 cents per diameter inch of pipeline or  
conduit, per linear foot, as to Parcel V.

PREREQUISITE TERMS, FEES AND EXPENSES:

Filing fee received.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Parts 1 & 2.
- b. Administrative Code: Title 2, Div. 3,  
Arts. 1, 2 & 10;  
Title 14, Div. 6,  
Sections 15085 & 15146.

CALENDAR ITEM NO. 10. (CONTD)

OTHER PERTINENT INFORMATION:

1. In compliance with a mandate issued by the Environmental Protection Agency, the California and Hawaiian Sugar Company plans to construct an effluent treatment plant, near its existing refinery, in order to meet water quality regulations concerning discharge into the Carquinez Strait. As lead agency, the Division has prepared a Final Environmental Impact Report. The staff finds that there will be no significant adverse impact from the proposed facilities other than minor, temporary effects during the course of construction. The operation of the completed plant will enhance the aquatic environment of the area.
2. The total area under lease includes a 0.13-acre parcel--Parcel No. IV--which is a portion of patented Tide Land Survey No. 11 subject to the easements for commerce, navigation and fisheries. According to present policy, land of this type is incorporated into a leased area but no rental payment is required thereon.
3. This project is not situated on State land identified as environmentally significant, pursuant to Public Resources Code 6370.1, and is not classified in a significant use category.
4. A Final Environmental Impact Report was prepared by the Division, pursuant to CEQA and implementing regulations.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT A FINAL ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT BY THE DIVISION FOLLOWING EVALUATION OF COMMENTS AND CONSULTATION WITH PUBLIC AGENCIES WHICH WILL ISSUE APPROVALS FOR THE PROJECT.
2. CERTIFY THAT THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR #175) HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

CALENDAR ITEM NO. 10. (CONTD)

3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZE THE ISSUANCE TO CALIFORNIA AND HAWAIIAN SUGAR COMPANY OF A 49-YEAR INDUSTRIAL LEASE FROM AUGUST 1, 1975; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$24,108.79, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE AND PROVISION OF A \$100,000 SURETY BOND, PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$1,000,000 PER OCCURRENCE FOR BODILY INJURY AND \$100,000 FOR PROPERTY DAMAGE; FOR A WASTEWATER TREATMENT FACILITY AND EXISTING ANCILLARY STRUCTURES RELATED TO SUGAR REFINERY OPERATIONS; ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

## EXHIBIT "A"

W 20813

PARCEL I:

COMMENCING at a monument set and marked by California and Hawaiian Sugar Corporation as No. 258 and since adopted by the United States Corps Engineers as their Harbor line Monument No. 33 and shown on those certain maps entitled "Harbor Lines for Carquinez Strait, California", dated June 10, 1924, and August 31, 1965, respectively; thence S 30° 20' 05" W, 504.32 feet to a brass cap in concrete referred to in the indenture recorded in 3052 O.R. 412 Contra Costa County as the corner common to Sections 31 and 32, T 3 N, R 3 W, and Sections 5 and 6, T 2 N, R 3 W, MDM; thence N 79° 51' W, 986.54 feet to the TRUE POINT OF BEGINNING, being a point on the northeasterly line of parcel three described in deed from A. Dowrelino and I. Dowrelino as joint tenants to A. Dowrelino and I. Dowrelino as tenants in common, recorded in Book 2651, page 395 of Official Records, in the office of the Contra Costa County Recorder; thence N 42° 25' 24" E, 246.0 feet; thence S 82° 35' 07" E, 268.0 feet; thence N 7° 24' 57" E, 98.42 feet to a point on a line that is parallel with and distant southerly 51.23 feet measured at right angles from the centerline of the existing east bound main track of the Southern Pacific Railway; thence along said line S 81° 06' 16" E, 378.07 feet to the intersection with the westerly line of the 3.229 acre parcel described in agreement made June 15, 1944, between the Southern Pacific Railroad Company and Southern Pacific Company, parties of the first part, and State of California, party of second part, recorded in Book 663, page 428 of Official Records, in the office of the Contra Costa County Recorder; thence along said westerly line in a general southwesterly direction along the arc of a curve to the right, having a radius of 498.96 feet, the center of which bears N 75° 16' 49" W, through an angle of 43° 21' 07", an arc distance of 377.53 feet; thence S 58° 04' 18" W, 268.0 feet to the ordinary low water mark of Carquinez Straits; thence leaving said westerly line along the ordinary low water mark as follows:

N 49° 00'           W, 36.0 feet;

N 57° 30'           W, 100.0 feet;

N 64° 00'           W, 108.0 feet;

N 60° 37' 49" W, 65.83 feet to a

point on the aforesaid northeasterly line of parcel three described in Book 2651 O.R. page 395; thence leaving said

EXHIBIT "A" (CONTD)

ordinary low water mark along said line of parcel three, westerly on the arc of a nontangent curve to the right, having a radius of 1,202.93 feet, the center of which bears N 40° 02' 31" E, through an angle of 2° 22' 53", an arc distance of 50.00 feet; thence N 47° 34' 36" W, 92.43 feet more or less to the point of beginning.

Containing 5.352 acres, more or less.

PARCEL II:

COMMENCING at a monument set and marked by California and Hawaiian Sugar Corporation as No. 258 and since adopted by the United States Corps of Engineers as Harbor Line Monument No. 33 and shown on those certain maps entitled "Harbor Lines for Carquinez Strait, California", dated June 10, 1924, and August 31, 1965, respectively; thence S 30° 20' 05" W, 504.32 feet to a brass cap in concrete referred to in the indenture recorded in 3052 O.R. 412 Contra Costa County as the corner common to Sections 31 and 32, T 3 N, R 3 W, and Sections 5 and 6, T 2 N, R 3 W, MDM; thence S 35° 43' 16" E, 224.98 feet to the TRUE POINT OF BEGINNING being a point in the northerly line of Block "J" as said block is shown on the map of the Town of Valona, filed July 12, 1887, in Book C of Maps, page 55 in the office of the Recorder of Contra Costa County, said point of beginning also being the southeasterly corner of that 5.09 acre parcel described in the indenture by and between Southern Pacific Company and State of California recorded in Book 3052, page 412 of Official Records, in the office of the Recorder of Contra Costa County; thence in a general westerly direction along the southerly line of said 5.09 acre parcel of the arc of a curve to the right, having a radius of 1,202.93 feet, the center of which bears N 10° 40' 12" W, through an angle of 33° 52', an arc distance of 711.03 feet to the ordinary low water mark of Carquinez Straits; thence leaving said line along the ordinary low water mark N 50° 51' 22" W, 44.01 feet to the intersection with the westerly line of said 5.09 acre parcel; thence leaving said ordinary low water mark along said line N 58° 04' 18" E, 268.0 feet; thence in a general northeasterly direction along said westerly line on the arc of a curve to the left, having a radius of 498.96 feet, the center of which bears N 31° 55' 42" W, through an angle of 43° 21' 07", an arc distance of 377.53 feet to a point on a line that is parallel with and distant southerly 51.23 feet measured at right angles from the centerline of the existing east bound main track of the Southern Pacific Railway; thence along said line S 81° 06' 16" E, 383.59 feet to the intersection with the easterly line of said 5.09 acre parcel; thence along said easterly line in a general southerly direction along the arc of a curve to the right, having a radius of 1,475 feet, the center of which bears N 88° 33' 10" W, through an angle of 19° 13' 12", an arc distance of 494.79 feet to the point of beginning.

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Containing 6.669 acres more or less.

PARCEL III:

BEGINNING at the most westerly corner of that certain 0.59-acre parcel of land described in the deed, dated April 9, 1886, from Mary Edwards, et al., to the Northern Railway Company, recorded April 13, 1886, in Volume 49 of Deeds, page 350, Records of Contra Costa County, said corner is marked by an iron pipe monument with brass center stamped "C&H 22", from which corner a brass cap in concrete referred to in the indenture recorded in 3052 O.R. 412 Contra Costa County as the corner common to Sections 31 and 32, T 3 N, R 3 W, and Sections 5 and 6, T 2 N, R 3 W, MDM, bears S 77° 14' 00" W, 1246.23 feet, and the original located line of the Northern Railway at Engineer Station 2817+07 bears N 24° 39' 32" W, 56.43 feet; thence from said point of beginning S 65° 20' 45" W, 374.0 feet along the northwesterly line of Block "C", Town of Crotona and along the southwesterly prolongation thereof as shown on the "Map of the Town of Crotona" filed October 7, 1907, in Book 1 of Maps, page 12 in the office of the County Recorder of Contra Costa County to the ordinary high water mark of Carquinez Straits; thence leaving said line along said ordinary high water mark as follows:

N 74° 30' W, 28.0 feet;

S 89° 00' W, 56.0 feet;

N 80° 30' W, 35.0 feet;

N 71° 00' W, 98.0 feet;

N 89° 30' W, 47.0 feet;

S 67° 00' W, 50.0 feet;

S 42° 37' 30" W, 34.27 feet; thence

leaving said ordinary high water mark N 24° 39' 15" W, 82.0 feet; S 65° 20' 45" W, 152.93 feet; N 4° 00' 03" E, 145.98 feet to a point on a line that is distant southerly 51.23 feet measured at right angles from the centerline of the existing eastward main track of the Southern Pacific Railway; thence S 81° 06' 16" E, 259.60 feet; thence S 85° 48' 25" E, 71.84 feet; thence along the arc of a curve to the left having a radius of 1,324.55 feet, the center of which bears N 4° 11' 35" E through a central angle of 13° 32' 41", an arc distance of 313.12 feet; thence N 80° 38' 54" E, 191.64 feet more or less to the point of beginning.

Containing 1.474 acres more or less.

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PARCEL IV:

COMMENCING at a monument set and marked by California and Hawaiian Sugar Corporation as No. 258 and since adopted by the United States Corps of Engineers as Harbor Line Monument No. 33 and shown on those certain maps entitled "Harbor Lines for Carquinez Strait, California", dated June 10, 1924, and August 31, 1965, respectively; thence S 30° 20' 05" W, 504.32 feet to a brass cap in concrete referred to in the indenture recorded in 3052 O.R. 412 Contra Costa County as the corner common to Sections 31 and 32, T 3 N, R 3 W, and Sections 5 and 6, T 2 N, R 3 W; thence S 35° 43' 16" E, 224.98 feet to a point in the northerly line of Block "J" as said block is shown on the map of the Town of Valona, filed July 12, 1887, in Book C of Maps, page 55, in the office of the Recorder of Contra Costa County, said point of beginning also being the southeasterly corner of that 5.09 acre parcel described in the indenture by and between Southern Pacific Company and State of California recorded in Book 3052, page 412 of Official Records, in the office of the Recorder of Contra Costa County; thence in a general westerly direction along the southerly line of said 5.09 acre parcel on the arc of a curve to the right, having a radius of 1,202.93 feet, the center of which bears N 10° 40' 12" W, through an angle of 33° 52', an arc distance of 711.03 feet to the TRUE POINT OF BEGINNING being a point on the ordinary low water mark of Carquinez Straits; thence leaving said line along the ordinary low water mark N 50° 51' 22" W, 44.01 feet to the intersection with the westerly line of said 5.09 acre parcel; thence along said ordinary low water mark as follows:

N 49° 00' W, 36.0 feet;

N 57° 30' W, 100.0 feet;

N 64° 00' W, 108.0 feet;

N 60° 37' 49" W, 65.83 feet to a

point on the northeasterly line of parcel three described in deed from A. Dowrelino and I. Dowrelino as joint tenants to A. Dowrelino and I. Dowrelino as tenants in common, recorded in Book 2651, page 395 of Official Records, in the office of the Contra Costa County recorder; thence leaving said ordinary low water mark along said line of parcel three, easterly on the arc of a curve to the left having a radius of 1,202.93 feet, the center of which bears N 40° 02' 31" E, through an angle of 14° 27' 43", an arc distance of 303.63 feet to the most easterly corner of said parcel three; thence along the southerly line of aforesaid 5.09 acre parcel on the arc of a curve to the left, having a radius of 1,202.93 feet, the center of which bears N 25° 34' 48" E, through an angle of



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2° 23' 00", an arc distance of 50.04 feet more or less to the point of beginning.

Containing 0.130 acres more or less.

PARCEL V:

A strip of land 20 feet in width lying 10 feet on each side of the following described line:

COMMENCING at a monument set and marked by California and Hawaiian Sugar Corporation as No. 258 and since adopted by the United States Corps of Engineers as their Harbor Line Monument No. 33 and shown on those certain maps entitled "Harbor Lines for Carquinez Strait, California" dated June 10, 1924, and August 31, 1965, respectively; thence S 30° 20' 05" W, 504.32 feet to a brass cap in concrete referred to in the indenture recorded in 3052 O.R. 412 Contra Costa County as the corner common to Sections 31 and 32, T 3 N, R 3 W, and Sections 5 and 6, T 2 N, R 3 W, MDM; thence N 79° 51' W, 986.54 feet; thence N 42° 25' 24" E, 232.45 feet to the TRUE POINT OF BEGINNING of the herein described line; thence from the point of beginning N 67° 48' 07" W, 392.92 feet; thence N 6° 44' 25" E, 10.00 feet more or less to a point which bears S 7° 27' 02" W, 56.00 feet and S 83° 01' 08" E, 520.84 feet from a concrete monument marking the westerly terminus of a 5° curve, concave southerly, located on the original located line of the Northern Railway at Engineer Station 2849+00, said point being the end of the herein described line.

END OF DESCRIPTION