

MINUTE ITEM

9/29/75
EPW
W 20299

6. 15-YEAR INDUSTRIAL LEASE, TIDE AND SUBMERGED LAND IN THE SACRAMENTO RIVER, CITY OF SACRAMENTO, SACRAMENTO COUNTY; PHILLIPS PETROLEUM COMPANY - W 20299, PRC 5050.

After consideration of Calendar Item 4 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 21085; 14 CAL. ADM. CODE 15100, ET SEQ.; AND 2 CAL. ADM. CODE 2907(a).
2. AUTHORIZES THE ISSUANCE TO PHILLIPS PETROLEUM COMPANY OF A 15-YEAR INDUSTRIAL LEASE FROM MARCH 24, 1972; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$1,541 PER ANNUM FOR THE PERIOD MARCH 24, 1972, TO JUNE 29, 1975; \$2,054 PER ANNUM COMMENCING JUNE 30, 1975, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE AND WITH THE RIGHT TO FIX A DIFFERENT RENTAL FOR THIS LEASE ON OR BEFORE AUGUST 1, 1976, RETROACTIVE TO AUGUST 1, 1975, PURSUANT TO ANY ADOPTED CHANGES IN TITLE 2, CALIFORNIA ADMINISTRATIVE CODE BY AUGUST 1, 1976; PROVISION OF A \$5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$300,000 PER OCCURRENCE FOR BODILY INJURY AND \$1,000,000 FOR PROPERTY DAMAGE; FOR THE MAINTENANCE OF AN EXISTING WHARF FOR HANDLING PETROLEUM PRODUCTS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 4 (3 pages)

A 9
S 3

CALENDAR ITEM

9/75
EPW
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4.

INDUSTRIAL LEASE

APPLICANT: Phillips Petroleum Company
155 Bovet Road, Suite 675
San Mateo, California 94402

AREA, TYPE LAND AND LOCATION: Approximately 0.589 acres (two parcels) of tide and submerged land in the Sacramento River, City of Sacramento, Sacramento County.

LAND USE: Maintenance of an existing wharf for handling petroleum products.

TERMS OF PROPOSED LEASE:

Initial Period: 15, years, from March 24, 1975.

Surety Bond: \$5,000.

Public Liability Insurance: \$300,000 per occurrence for bodily injury and \$1,000,000 for property damage.

CONSIDERATION: \$1,541 per annum for the period March 24, 1972, to June 29, 1975. \$2,054 per annum commencing June 30, 1975, with the State reserving the right to fix a different rental on each fifth anniversary of the lease, and the right to reset the rental of this lease on or before August 1, 1976 retroactive to August 1, 1975 pursuant to any adopted changes in the California Administrative Code.

BASIS FOR CONSIDERATION:

6% of appraised value of land for period March 24, 1972 to June 29, 1975, 8% of appraised value of land commencing June 30, 1975.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee received.

Received \$621.54 on February 27, 1973; \$621.54 on February 13, 1974; and \$621.54 on February 10, 1975.

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CALENDAR ITEM NO. 4. (CONTD)

STATUTORY AND OTHER REFERENCES:

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

OTHER PERTINENT INFORMATION:

An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907(a) which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.

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 21085; 14 CAL. ADM. CODE 15100, ET SEQ.; AND 2 CAL. ADM. CODE 2907(a).
2. AUTHORIZE THE ISSUANCE TO PHILLIPS PETROLEUM COMPANY OF A 15-YEAR INDUSTRIAL LEASE FROM MARCH 24, 1972; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$1,541 PER ANNUM FOR THE PERIOD MARCH 24, 1972, TO JUNE 29, 1975; \$2,054 PER ANNUM COMMENCING JUNE 30, 1975, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE AND WITH THE RIGHT TO FIX A DIFFERENT RENTAL FOR THIS LEASE ON OR BEFORE AUGUST 1, 1976, RETROACTIVE TO AUGUST 1, 1975, PURSUANT TO ANY ADOPTED CHANGES IN TITLE 2, CALIFORNIA ADMINISTRATIVE CODE BY AUGUST 1, 1976; PROVISION OF A \$5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$300,000 PER OCCURRENCE FOR BODILY INJURY AND \$1,000,000 FOR PROPERTY DAMAGE; FOR THE MAINTENANCE OF AN EXISTING WHARF FOR HANDLING PETROLEUM PRODUCTS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20299

PARCEL 1:

A parcel of tide and submerged land in the Sacramento River, situated in the City of Sacramento, Sacramento County, State of California, more particularly described as follows:

COMMENCING at a point on the north line of West Broadway Street, Sacramento, being the intersection of said north line with the west property line of Parcel 1 as described in the Grant Deed recorded 1/15/1966 in Book 66-07-15, page 621, Official Records of Sacramento County; thence along the north line of West Broadway Street S 71° 01' 30" E, 20 feet to the TRUE POINT OF BEGINNING; thence

1. N 45° 50' 30" E, 123.56, feet;
2. S 71° 01' 30" E, 1.86 feet;
3. N 47° 43' 00" E, 128.36 feet;
4. N 71° 03' 30" W, 6.50 feet;
5. N 44° 38' 30" E, 20.00 feet;
6. N 71° 03' 30" W, 128.04 feet thence southwesterly along a line to a point which bears N 44° 09' 30" W, 104.52 feet from the point of beginning; thence S 44° 09' 30" E, 104.2 feet to the point of beginning.

PARCEL 2:

A 3-foot strip of tide and submerged land in the Sacramento River, located in the City of Sacramento, Sacramento County, State of California, lying 1.5 feet on each side of the following described centerline:

COMMENCING at a point at the intersection of the southerly right-of-way line of West Broadway Street and the westerly right-of-way line of "Extension of West Broadway" (said street, "Extension of West Broadway" street being that public street from the west end of "West Broadway" street entering Miller Park, the centerline of which intersects the centerline of "West Broadway" Street approximately 100 feet east of the easterly bank of the Sacramento River); thence N 71° 01' 30" W, 100 feet along the southerly right-of-way line of "West Broadway" street to the TRUE POINT OF BEGINNING; thence S 18° 58' 30" W, 6.00 feet; thence S 71° 01' 30" E, 100 feet to the westerly right-of-way line of the "Extension of West Broadway" street and the end of here-in-described line.

EXCEPTING from Parcel 1 and 2 any portion lying landward of the ordinary high water mark.