

This Calendar Item No. 17  
was approved by Minute Item  
No. 17 by the State Lands  
Commission by a vote of 3  
to 2 at its 1/26/77  
meeting.

MINUTE ITEM

1/26/77  
SJS

17. ASSIGNMENT AND SUBLETTING OF INDUSTRIAL LEASE - CALIFORNIA  
AND HAWAIIAN SUGAR COMPANY - WP 5026.

During consideration of Calendar Item 17, attached, Chairman Kenneth raised the question if he would have any problems voting on this item since he sits on the Pollution Control Financing Authority Board. Mr. Sid McCausland, Commission-alternate, replied that Mr. Cory could not waive any rights in this instance since both the Director of Finance and the Controller sit on that Authority.

Upon motion duly made and carried, the resolution as presented in Calendar Item 17 was adopted by a vote of 3-0.

Attachment: Calendar Item 17 (5 pages)

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CALENDAR ITEM

1/77  
WP 5026  
SJS

17.  
ASSIGNMENT AND SUBLETTING OF  
INDUSTRIAL LEASE

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

ASSIGNEE: California Pollution Control Financing  
Authority  
915 Capitol Mall, Room 110  
Sacramento, California 95814

AREA, TYPE LAND AND LOCATION: 12.80 acres (a portion of 13.967 acres ) of  
tide and submerged land in Carquinez Strait  
at Crockett, California, Contra Costa County.

LAND USE: Construction of a waste treatment facility.

TERMS OF ORIGINAL 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: \$24,212 per annum.

CONSIDERATION: \$24,212 per annum, with the State reserving  
the right to fix a different rental on each  
fifth anniversary of the lease. C & H Sugar  
Company will continue to make rental payments  
for total lease area pursuant to agreement  
with California Pollution Control Financing  
Authority.

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 lineal foot as  
to Parcels V and VI.

PREREQUISITE TERMS, FEES AND EXPENSES:  
Applicant is lessee of upland. Processing  
costs have been received.

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CALENDAR ITEM NO. 17. (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 & 11.
- C. Title 14, Div. 6, Sections 15085 and 15146.

OTHER PERTINENT INFORMATION:

1. In compliance with a mandate issued by the Environmental Protection Agency, the C & H Sugar Company plans to construct a waste water treatment plant, near its existing refinery, using funds provided by the California Pollution Control Financing Authority. Due to said Authority's regulations, the authority must have a lease interest in the land before bonds can be issued. Upon issuance of the bond to C & H Sugar Company, C & H Sugar Company will commence construction of the facilities. Pursuant to the agreement between C & H Sugar Company and the Authority, when the indenture for bonds has been paid in full, said Authority shall reassign lease back to C & H Sugar Company (within 30 years). Staff counsel has reviewed the agreement between the Assignee and the Assignor and found it consistent with the subject assignment.
2. This project is situated on State land identified as environmentally significant, pursuant to Public Resources Code 6370.1, and is classified in a significant use category, Class C: Multiple Use. The project is determined to be a compatible use consistent with identified significant environmental values.
3. A final environmental impact report was prepared by the Division, pursuant to CEQA and implementing regulations, and was reviewed and approved by the Commission at its July, 1975 meeting.
4. Pursuant to agreement between the California Pollution Control Financing Authority and C & H Sugar Company, C & H Sugar Company will continue to pay rent in the amount of \$24,212 for total lease area and there will be no billing of the California Pollution Control Financing Authority.

CALENDAR ITEM NO. 17. (CONTD)

EXHIBITS: A-1. Land Description. B-1. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT A FINAL ENVIRONMENTAL IMPACT REPORT WAS PREPARED FOR THIS PROJECT BY THE DIVISION, AND APPROVED BY THE COMMISSION AT ITS JULY, 1975 MEETING.
2. FIND THAT GRANTING OF THE ASSIGNMENT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ., OF THE PUBLIC RESOURCES CODE.
3. APPROVE THE ASSIGNMENT TO CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY, AND THE SUBLETTING TO C & H SUGAR COMPANY, CONTINGENT UPON THE ISSUANCE OF BONDS TO C & H SUGAR COMPANY BY SAID AUTHORITY FOR CONSTRUCTION OF A WASTE WATER TREATMENT FACILITY ON THAT PORTION OF LEASE PRG 5026.1 AS DESCRIBED ON EXHIBIT A-1 ATTACHED AND BY REFERENCE MADE A PART HEREOF; C & H SUGAR COMPANY WILL REMAIN LIABLE FOR RENT IN THE AMOUNT OF \$24,212 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$100,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$1,000,000 PER OCCURRENCE FOR BODILY INJURY AND \$100,000 FOR PROPERTY DAMAGE.

Attachment: Exhibit A-1

EXHIBIT "A-1"

WP 5026

A portion of 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 Army 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, T3N, R3W, MDH; thence S 87° 15' 52" W, 513.37 feet to the POINT OF BEGINNING, said point of beginning being the south-east corner of the parcel described; thence N 53° 00' W, 379.82 feet; thence N 37° 00' E, 174.23 feet; thence S 82° 35' 03" E, 173.33 feet; thence S 53° 00" E, 316.55 feet to a point; thence southerly along the arc of a non-tangent curve to the right, having a radius of 498.96 feet, the center of which bears N 44° 24' 43" W, through an angle of 12° 29' 01" an arc distance of 108.71 feet; thence S 58° 04' 18" W, 166.02 feet to the point of beginning.

PARCEL VI:

A strip of land 20 feet in width in Carquinez Strait and lying 10 feet on each side of the following described centerline, said centerline being located approximately 670 feet northerly of the southwest corner of Section 32, T3N, R3W, MDH, Contra Costa County, California:

COMMENCING at a concrete monument set and marked by California and Hawaiian Sugar Company as No. 258 and since adopted and so marked 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 N 37° 50' 21" W, 438.72 feet to the TRUE POINT OF BEGINNING of this description:

thence N 47° 34' 54" W, 5.82 feet; thence N 02° 34' 54" W,  
335.74 feet to the terminous of the herein described  
centerline,

END OF DESCRIPTION

Prepared *John R. Shinn* Checked *H. W. Krummecke*  
Reviewed *D. Britton* Date *12/14/76*