

MINUTE ITEM

This Calendar Item No. C14
was approved as Minute Item
No. 14 by the State Lands
Commission by a vote of 3
to 0 at its 6/30/77
meeting.

CALENDAR ITEM

C14.

6/77
WP 3972
WP 3973
GRH

RENEWAL AND AMENDMENT OF LEASES
PRC 3972.1 AND 3973.1

PRC 3972
PRC 3973

APPLICANT: Leslie Salt Co.,
P. O. Box 364
Newark, California 94560

AREA, TYPE LAND AND LOCATION:
0.83 acres (PRC 3972.1) and 0.50 acres
(PRC 3973.1) of tide and submerged lands
in the beds of Mallard Slough and Coyote
Creek, Santa Clara County.

LAND USE: Salt brine pipeline rights-of-way.

TERMS OF ORIGINAL LEASE:

Initial period: 25 years from May 26, 1952.

Renewal options: 2 successive periods of 10
years each.

Consideration: \$103.32 (PRC 3972.1) and
\$63 (PRC 3973.1) per annum.

TERMS OF LEASES DURING ENSUING RENEWAL PERIOD:

Initial period: 10 years from May 26, 1977.

Renewal options: 1 successive period of 10
years each.

Consideration: \$158.40 (PRC 3972.1), \$137.97
(PRC 3973.1) per annum; with
the State reserving the right
to fix a different rental on
each fifth anniversary of
the lease.

BASIS FOR CONSIDERATION:

1 1/2 cents per diameter inch of pipeline or
conduit, per lineal foot.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

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.

A 25

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CALENDAR ITEM NO. 1076 (CONTD.)

OTHER PERTINENT INFORMATION:

1. 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.
2. This project is situated on State land identified as possessing significant environmental values pursuant to Public Resources Code 6370.1, and is classified in a use category, Class "B" which authorizes Limited Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

EXHIBITS: A. Land Descriptions. B. Location Maps.

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.
2. FIND THAT GRANTING OF THE PERMIT OR LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO LESSEE SALT CO. OF 10-YEAR RENEWALS AND AMENDMENTS OF LEASES PRC 3972.1 AND PRC 3973.1 FROM MAY 26, 1977; WITH LESSEE'S OPTION TO RENEW FOR 1 SUCCESSIVE PERIOD OF 10-YEARS EACH; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$158.40 (PRC 3972.1) AND \$157.97 (PRC 3973.1); WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; FOR THE CONTINUED MAINTENANCE OF SALT BRINE PIPELINES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; PROVIDED THAT ALL OTHER TERMS AND CONDITIONS OF LEASE PRC 3972.1 AND PRC 3973.1 SHALL REMAIN IN FULL FORCE AND EFFECT.

Attachment: Exhibit "A"

EXHIBIT "A"

VP 3972

Two parcels of tide and submerged land in the bed of Coyote Slough, Alameda and Santa Clara Counties, California, said parcels more particularly described as follows:

PARCEL 1

COMMENCING at a concrete monument (Leslie Salt Monument 91) described as bearing N 89° 34' E and distant 879.5 feet from the quarter Section corner common to Sections 28 and 33, T55S, R1W, MDM, in that certain Quiet Title Suit No. 114,249, recorded in Volume 2860 at page 1 of the Official Records of the County of Alameda, and proceeding thence N 88° 23' 48" E, 3488.8 feet to a point on the south bank of Coyote Slough, said point being hereinafter referred to as point "B"; thence leaving Point "B" and crossing a portion of Coyote Slough N 59° 03' 52" E, 456.0 feet to a point on the perimeter of an island in said slough; thence along the perimeter of said island the following five courses and distances: N 73° 57' 36" W, 83.2 feet; S 55° 57' 15" E, 44.7 feet; N 77° 19' 11" E, 246.0 feet; S 84° 52' 58" E, 201.8 feet; and S 81° 00' 27" E, 174.14 feet to the POINT OF BEGINNING of the parcel herein described; thence crossing the remainder of Coyote Slough N 12° 30' 37" E, 131.22 feet to a point on the north bank of said slough; thence along the north bank S 77° 05' 27" E, 100.00 feet; thence again crossing a portion of Coyote S 12° 30' 37" W, 124.38 feet to a point on the island in said slough; thence N 81° 00' 27" W, 100.18 feet to the point of beginning.

PARCEL 2

COMMENCING at point "B" as said point is described in Parcel 1 above and proceeding across a portion of Coyote Slough N 59° 03' 52" E, 456.0 feet to a point on the perimeter of an island in said slough; thence along the perimeter of said island S 77° 32' 34" E, 451.5 feet; and S 70° 38' 27" E, 92.80 feet to the POINT OF BEGINNING of the parcel herein described; thence continuing along the perimeter of said island S 70° 38' 27" E, 1.70 feet; and S 61° 40' 10" E, 102.17 feet; thence crossing a portion of Coyote Slough S 12° 30' 37" W, 203.59 feet to a point on the south bank of said slough; thence along the south bank the following three courses and distances: N 59° 34' 50" W, 4.32 feet; S 85° 17' 45" W, 82.60 feet; and N 80° 01' 20" W, 15.07 feet; thence again crossing a portion of Coyote Slough N 12° 30' 37" E, 258.89 feet to the point of beginning.

All bearings in the above described parcels except the record bearing
 (N 89° 34' E) described in Parcel 1 are based on the California Zone
 3 Coordinate System.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water
 mark of Coyote Slough.

END OF DESCRIPTION

Prepared W. J. Hill Checked M. J. Shafan
 Reviewed A. St. Krummholz Date 4/20/77
 WJS