

MINUTE ITEM

This Calendar Item No. C06
was approved as Minute Item
No. 6 by the State Lands
Commission by a vote of 3
to 0 at its 2/6/89
meeting.

CALENDAR ITEM

A 10, 11

S 5, 7

C06

02/06/89
WP 4813 PRC 4813
N. Smith

**ASSIGNMENT, AMENDMENT, AND RENEWAL OF LEASE PRC 4813
GENERAL LEASE - INDUSTRIAL USE**

ASSIGNOR: Fibreboard Corporation
P.O. Box 4125
Concord, California 94524

ASSIGNEE: Gaylord Container Corporation
P.O. Box 10
Antioch, California 94509

AREA, TYPE LAND AND LOCATION:
Three parcels totaling 11.8 acres of tide and
submerged land located in the San Joaquin River
near Antioch, Contra Costa and Sacramento
counties.

LAND USE: Three effluent pipelines and a water intake
line underlying an access dock.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years beginning January 8,
1972.

Renewal options: Three successive periods of
ten years each.

Surety bond: \$5,000.

Public liability insurance: \$300,000 per
occurrence for bodily injury
and \$100,000 for property
damage.

CALENDAR ITEM NO. 006 (CONT'D)

Consideration: \$5,024 per annum; five-year
rent review.

TERMS OF PROPOSED AMENDMENT AND RENEWAL:

Initial period: Ten years beginning
January 8, 1987.

Surety bond: \$5,000.

Public liability insurance: \$300,000 per
occurrence for bodily injury
and \$100,000 for property
damage.

CONSIDERATION: \$12,510 per annum; with the State reserving the
right to fix a different rental on each
fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14,
Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. An Assignment and Assumption Agreement,
dated March 29, 1988, was executed between
Fibreboard Corporation and Gaylord
Container Corporation.
2. As to the assignment, pursuant to the
Commission's delegation of authority and
the State CEQA Guidelines (14 Cal. Adm.
Code 15061), the staff has determined that
this activity is exempt from the
requirements of the CEQA because the
activity is not a "project" as defined by
CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm.
Code 15378.

CALENDAR ITEM NO. C 06 (CONT'D)

3. As a condition of the assignment, staff will monitor the water quality discharge of the pipelines to insure compliance with the Regional Water Quality Control Board requirements.
4. As to the lease renewal, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities, 2 Cal. Code Regs 2905(a)(2).
5. Staff has negotiated setting the new annual rental of \$12,510 to coincide with the effective date of the assignment, March 29, 1988.

Authority: P.R.C. 21084, 14 Cal. Code Regs. 15300, and 2 Cal. Code Regs. 2905.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. AS TO THE ASSIGNMENT, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. AS TO THE LEASE RENEWAL, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. CODE REGS. 2905(a)(2).
3. APPROVE RENEWAL OF LEASE PRC 4813, EFFECTIVE JANUARY 8, 1987.
4. APPROVE ASSIGNMENT OF LEASE PRC 4813, COVERING LAND DESCRIBED IN EXHIBIT "A" HERETO, FROM FIBREBOARD CORPORATION TO GAYLORD CONTAINER CORPORATION, EFFECTIVE MARCH 29, 1988.

CALENDAR ITEM NO. C 06 (CONT'D)

5. APPROVE AMENDMENT SETTING THE NEW ANNUAL RENTAL FOR PRC 4813 AT \$12,510, EFFECTIVE MARCH 29, 1988.
6. ALL OTHER TERMS AND CONDITIONS OF SAID LEASE SHALL REMAIN IN FORCE AND EFFECT.

EXHIBIT "A"

WP 4813

LAND DESCRIPTION

PARCEL 1

A strip of tide and submerged land 100 feet wide lying within the San Joaquin River, Sacramento and Contra Costa Counties, State of California, being 50 feet on each side of the following described centerline:

COMMENCING at the State Lands Commission Monument "BOARD 1947" as shown on the survey map made in January 1948 for Leland S. Rosener by J. G. Barnard, R.C.E. No. 5161, and entitled "Fibreboard Products Inc. - East Antioch. Parts of Sections 8, 9, 16 and 17, Township 2 North, Range 2 East, M.D.B.&M."; thence N 59° 32' 10" E 462.25 feet; thence N 24° 47' 50" W 144.76 feet to the POINT OF BEGINNING, being an intersection with that particular course and distance of N 44° 43' 15" E 519.73 feet as shown on the Boundary Line Agreement between the State of California and Fibreboard Products Inc., recorded April 17, 1948 in Liber 1193, page 190, Official Records of Contra Costa County, said intersection being 97.46 feet easterly from the western terminus of said course and distance; thence continuing N 24° 47' 50" W 2700 feet to the end of the herein described centerline.

PARCEL 2

A parcel of tide and submerged land lying within the San Joaquin River, in Sacramento County, State of California, more particularly described as follows:

COMMENCING at Monument 203S as shown on the land survey map of West Island by William Beinhauer filed in the Office of the County Recorder of Sacramento County, California, on January 3, 1947, in Record of Surveys, Volume 5, page 24; thence S 53° 21' W 173.04 feet; thence S 63° 52' W 508.50 feet; thence N 25° 25' 40" W 850.00 feet to the POINT OF BEGINNING; thence along the following 5 courses:

1. S 76° 15' 00" W 506 feet;
2. N 25° 25' 40" W 390.23 feet;
3. N 76° 15' 00" E 556 feet;
4. S 25° 25' 40" E 390.23 feet;
5. S 76° 15' 00" W 50 feet to the point of beginning.

PARCEL 3

A strip of tide and submerged land 100 feet wide, lying within the San Joaquin River, in Contra Costa County, State of California, being 50 feet on each side of the following described centerline:

PARCEL 3 (con't)

COMMENCING at the State Lands Commission Monument "BOARD 1947" as shown on the survey map made in January 1948 for Leland S. Rosener by J. G. Barnard, R.C.E. No. 5161, and entitled "Fibreboard Products Inc. - East Antioch - Parts of Sections 8, 9, 16 and 17, T 2 N, R 2 E, M.D.B.&M."; thence N 59° 32' 10" E 462.25 feet; thence N 24° 47' 50" W 144.76 feet to a point of intersection with that particular course and distance of N 44° 43' 15" E 519.73 feet as shown on the Boundary Line Agreement between the State of California and Fibreboard Products Inc., recorded April 17, 1948 in Liber 1193, page 190, Official Records of Contra Costa County; said intersection being 97.46 feet easterly from the western terminus of said course and distance; thence along the line described in said Boundary Line Agreement N 44° 43' 15" E 186.73 feet to the POINT OF BEGINNING; thence leaving said boundary line N 24° 20' W 275 feet to the end of the herein described centerline.

EXCEPTING from Parcels 1, 2 and 3 any portion lying landward of the ordinary high water marks of the San Joaquin River.

END OF DESCRIPTION

REVISED SEPTEMBER 12, 1988 BY BIU 1.

CALENDAR PAGE	27
MINUTE PAGE	038

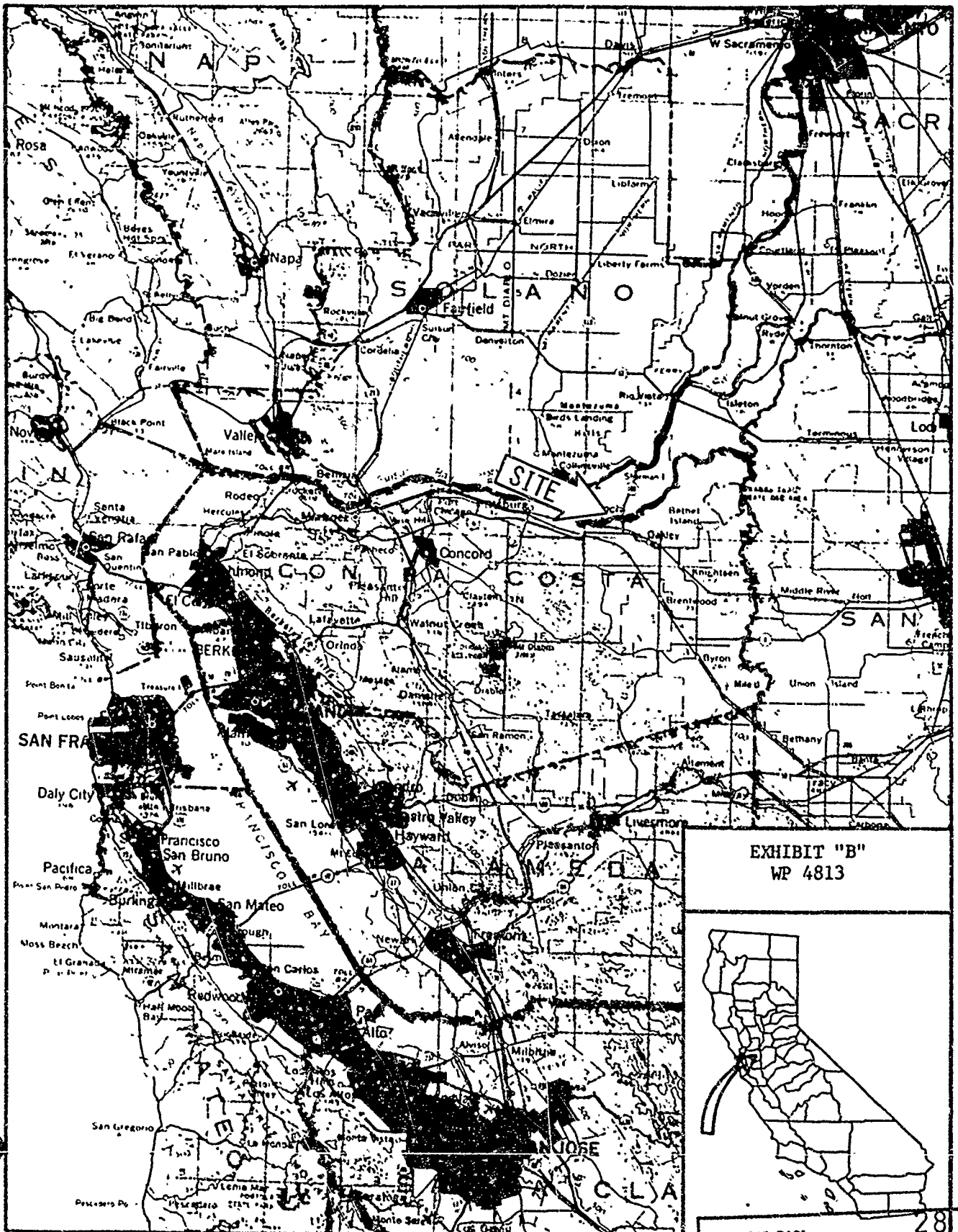


EXHIBIT "B"
WP 4813

