

MINUTE ITEM
This Calendar Item No. C78 was approved as
Minute Item No. 78 by the California State Lands
Commission by a vote of 3 to 0 at its
4-24-01 meeting.

CALENDAR ITEM
C78

A 11
S 7

04/24/01
PRC 3454.1
N. Smith

ASSIGNMENT OF LEASE

LESSEE/ASSIGNOR:

Tosco Corporation
Attn: Mr. Barney Swanson
9645 Santa Fe Springs Road
Santa Fe Springs, California 90670

ASSIGNEE:

Ultramar, Inc.
Golden Eagle Refinery
Attn: Mr. Michael DeLeon
150 Solano Way
Martinez, California 94553

BACKGROUND:

Tosco Corporation (Tosco) currently has several leases with this office and on August 31, 2000, Tosco sold the Avon marine terminal (PRC 3454.1) to Ultramar, Inc. (Ultramar). This leasehold is located in Carquinez Strait in the city of Martinez, Contra Costa county. Ultramar has provided sufficient information to staff to determine that they have the ability to carry out the terms of all the lease.

This lease is presently in a holdover month-to-month tenancy. The lease remains under the terms and conditions of the existing lease until the Commission approves a new lease.

Staff has informed Lessee/Assignor that it will not be released from its obligations and responsibilities for performance under the covenants, condition agreements of this lease.

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OTHER PERTINENT INFORMATION:

1. Assignee owns the uplands adjoining the lease premises.
2. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq., but such activity will not affect those significant lands.
3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California code of Regulations, section 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 the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

EXHIBITS:

- A. Land Description - PRC 3454.1
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON THOSE RESOURCES FOR WHICH SUCH LANDS ARE IDENTIFIED.

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AUTHORIZATION:

AUTHORIZE THE ASSIGNMENT OF LEASE NO. PRC 3454.1, A GENERAL LEASE - INDUSTRIAL USE, OF SOVEREIGN LANDS DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, FROM TOSCO CORPORATION TO ULTRAMAR, INC., SUBJECT TO THE FOLLOWING CONDITIONS; 1. THAT TOSCO CORPORATION CONTINUES TO BE LIABLE FOR ALL OBLIGATIONS OF THE LESSEE FOR PERFORMANCE UNDER THE LEASES; AND 2. THAT THE ASSIGNMENT SHALL BECOME EFFECTIVE UPON THE FINAL SIGNATURE OF THE THREE PARTIES NO LATER THAN MAY 30, 2001.

**Exhibit A
Land Description**

PRC 3454

A parcel of State owned submerged lands in Suisun Bay, Contra Costa County, California said parcel described as follows:

COMMENCING at a brass cap stamped "California Lands Commission - LANDS END - 1947"; thence N 22° 32' 28" E, 673.79 feet; thence S 72° 06' 30" W, 661.27 feet to the **TRUE POINT OF BEGINNING**; thence the following twelve courses:

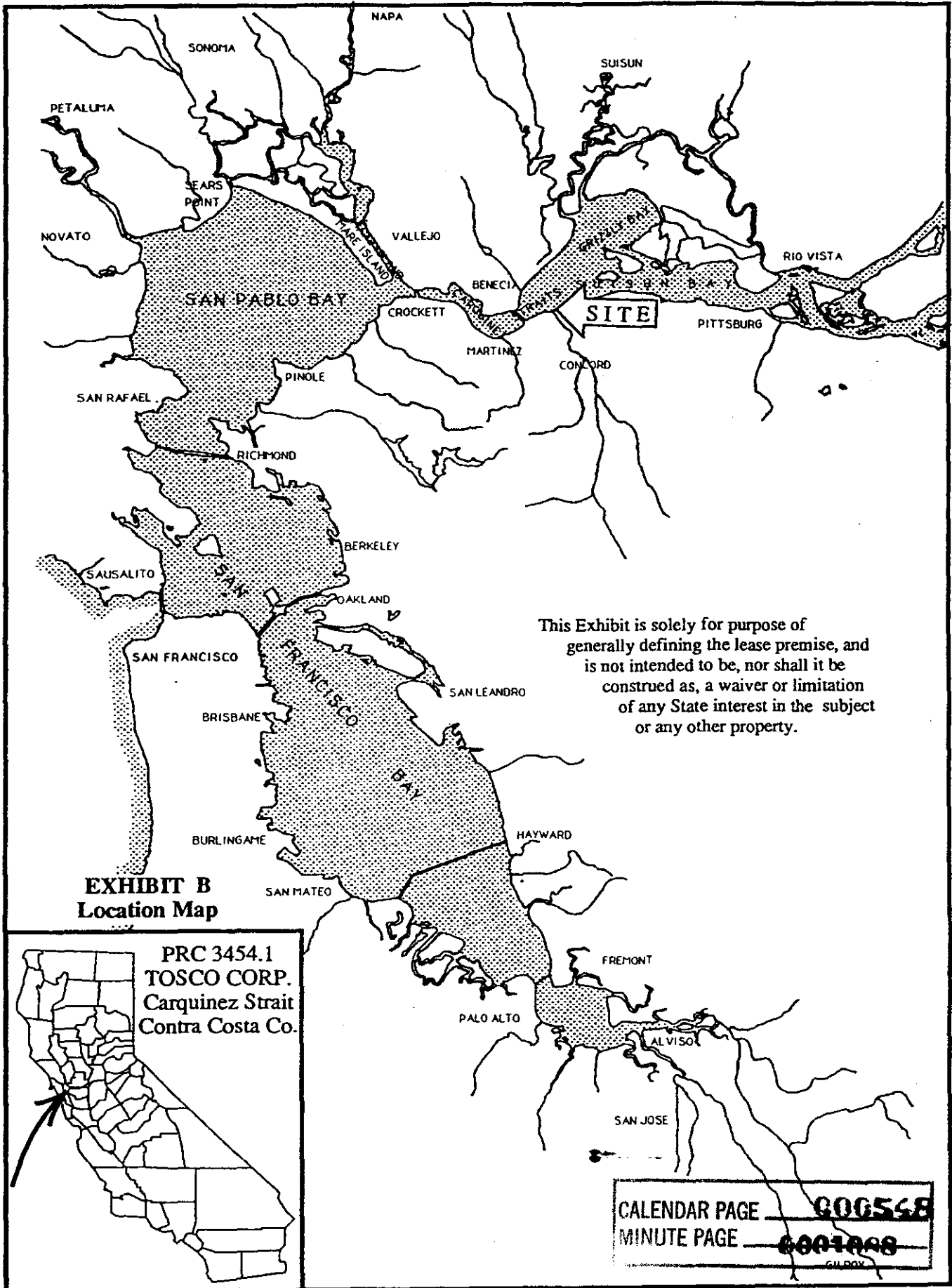
1. N 34° 04' 15" W, 1889.52 feet;
2. N 70° 30' 45" E, 177.70 feet;
3. S 19° 29' 15" E, 65.00 feet;
4. N 70° 30' 45" E, 370.00 feet;
5. N 19° 29' 15" W, 75.00 feet;
6. S 70° 30' 45" W, 210.00 feet;
7. N 19° 29' 15" W, 145.00 feet;
8. S 70° 30' 45" W, 1334.00 feet;
9. S 19° 29' 15" E, 230.00 feet;
10. N 70° 30' 45" E, 912.49 feet;
11. S 34° 04' 15" E, 1809.03 feet;
12. N 72° 06' 30" E, 104.12 feet to the true point of beginning.

Bearings and distances are based upon CCS27 Zone 3.

END OF DESCRIPTION

Revised April 1997 by SFBCC.

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**EXHIBIT B
Location Map**

This Exhibit is solely for purpose of generally defining the lease premise, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

PRC 3454.1
 TOSCO CORP.
 Carquinez Strait
 Contra Costa Co.

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GILROY