

MINUTE ITEM

This Calendar Item No. C27 was approved as Minute Item No. 27 by the California State Lands Commission by a vote of 3 to 0 at its 1-30-02 meeting.

**CALENDAR ITEM
C27**

A 11
S 7

01/30/02
PRC 3454 WP 3454.1
N. Smith

ASSIGNMENT OF LEASE

LESSEE/ASSIGNOR:

Tosco Corporation
Attn: Mr. Timothy J. Parker
1400 Park Avenue
Linden, New Jersey 07036

ASSIGNEE:

Ultramar, Inc.
Attn: Ms. Diane Sinclair
6000 N. Loop 1604 W
San Antonio, Texas 78249-1112

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 the lease.

This lease is presently in a holdover month-to-month tenancy. Ultramar has agreed to reimburse the Commission for completion of an environmental document for the renewal of the lease for the Avon terminal. 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 and conditions of this lease.

CONSIDERATION:

\$66,169 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the 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 15060(c)(3)], the staff has determined that this activity is not subject to the provisions 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 15060(c)(3) and 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 NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

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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.

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., EFFECTIVE APRIL 24, 2001. EXECUTION OF THE ASSIGNMENT ON BEHALF OF THE COMMISSION IS CONDITIONED UPON THE COMPLETION AND SUBMISSION OF A MARINE TERMINAL LEASE APPLICATION BY ULTRAMAR FOR THE LAST TEN-YEAR RENEWAL PERIOD OF THE EXISTING LEASE.

**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:

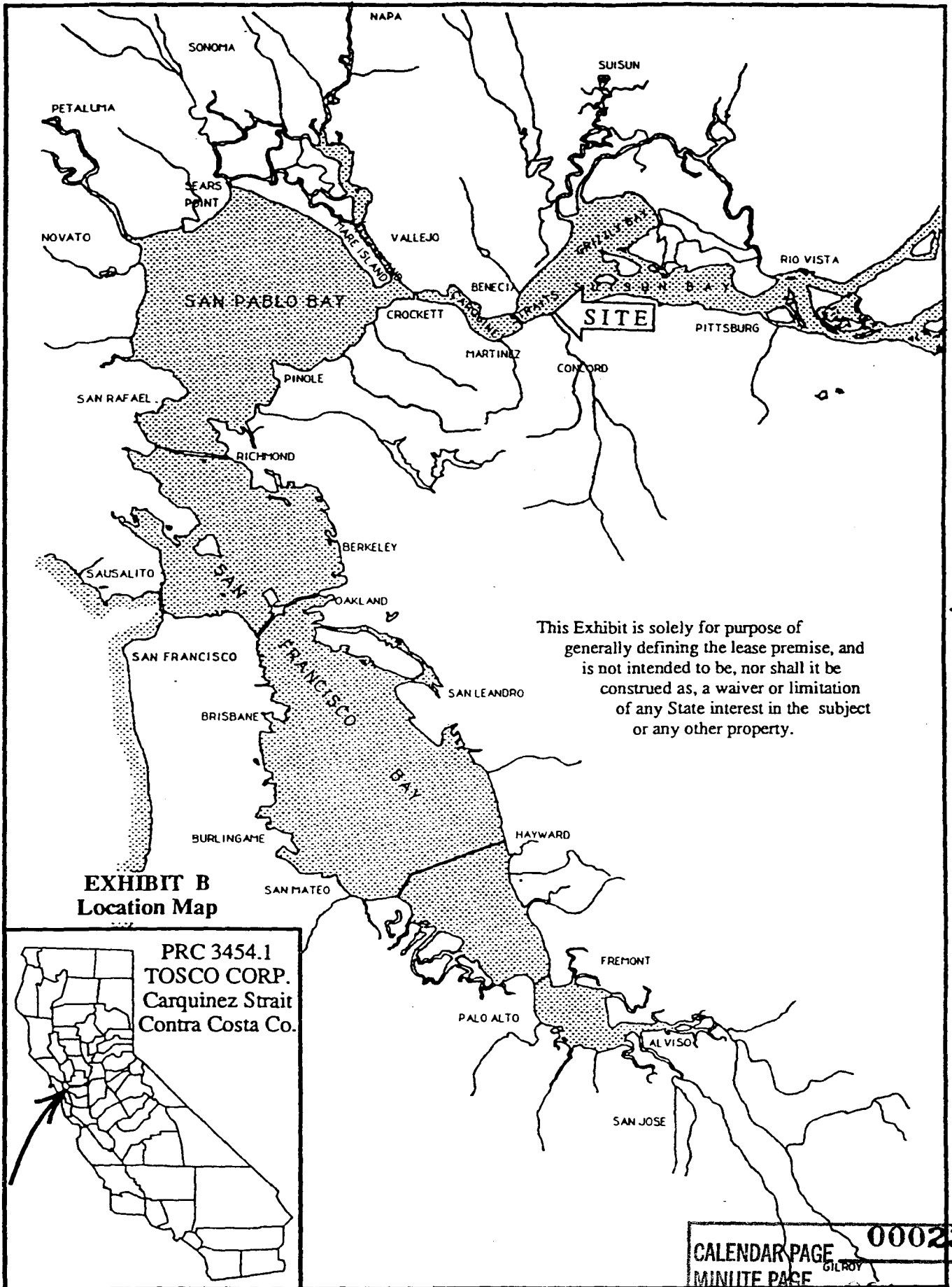
1. N 34° 04' 15" W, 1889.52 feet;
2. N 70° 30' 45" E, 177.70 feet;
3. S 19° 29' 15" E, 65.00 feet;
4. N 70° 30' 45" E, 370.00 feet;
5. N 19° 29' 15" W, 75.00 feet;
6. S 70° 30' 45" W, 210.00 feet;
7. N 19° 29' 15" W, 145.00 feet;
8. S 70° 30' 45" W, 1334.00 feet;
9. S 19° 29' 15" E, 230.00 feet;
10. 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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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.

**EXHIBIT B
Location Map**

PRC 3454.1
TOSCO CORP.
Carquinez Strait
Contra Costa Co.