

MINUTE ITEM

This Calendar Item No. 21
was approved as Minute Item
No. 21 by the State Lands
Commission by a vote of 3
to 0 at its 10-29-79
meeting.

CALENDAR ITEM

21.

10/79
WP 5259
Atkins

PRC 5259

ASSIGNMENT AND AMENDMENT OF A
GENERAL LEASE
COMMERCIAL USE

ASSIGNOR: Harbour - Pacific Ltd.
3025 Olympic Boulevard
Santa Monica, California 90404

ASSIGNEE: K.T.J. Properties, Inc.
c/o Mr. Lindell L. Marsh
Nossaman, Krueger and Marsh
445 South Figueroa Street
Los Angeles, California 90071

AREA, TYPE LAND AND LOCATION:
A 0.894 parcel of tide and submerged land
in Huntington Harbour Channel, Orange County.

LAND USE: The construction and operation of a commercial
marina.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years from June 1,
1977.

Renewal options: 3 successive periods
of 10 years each.

Surety bond: \$10,000.

Public liability insurance: \$60,000 per
occurrence for bodily
injury and \$400,000 for
property damage.

Area: 0.593 acres.

Consideration: \$450 until construction
is completed and \$5,200
after construction with
the State reserving the
right to fix a different
rental on each fifth
anniversary of the lease.

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CALENDAR ITEM NO. 21 (CONTD)

TERMS OF ASSIGNED AND AMENDED LEASE:

Initial period: 15 years from June 1, 1977.

Renewal options: 3 successive periods of 10 years each.

Surety bond: \$10,000.

Public liability insurance: \$60,000 per occurrence for bodily injury and \$400,000 for property damage.

Area: 0.894 acres.

Special: Authorization for the lessee mortgaging or encumberancing the leased premises with a provision for mortgagee protection language. The mortgagee shall be a lender who is acceptable to the Executive Officer of the Commission.

CONSIDERATION: \$450 per annum, until construction is completed, and \$7,858 per annum after construction, (July 1, 1981) with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:
8% of appraised value of land.

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

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 & 2.
B. Cal. Adm. Code: Title 2, Div. 3.

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OTHER PERTINENT INFORMATION:

1. A cumulative EIR was approved by the State Lands Commission at its March 25, 1976 meeting. The impact of future development of Huntington Harbour was included in this cumulative report. The report concluded that no significant effects to the environment will be caused by the future construction of boating facilities within the Huntington Harbour complex, up to the maximum number of boat docks which can be fit into the remaining undeveloped areas of the complex.
2. This project is situated on land identified as possessing environmental values in that the State Lands Commission stated all waterways under the Commission's jurisdiction have environmental significance. Staff finds this project to be compatible with Commission policy.
3. These type of facilities have been authorized by the Coastal Commission in the Huntington Harbour area, and this project would appear to be consistent with the Coastal Act.
4. The proposed Amendment and Assignment do the following: (1) Assign this lease from Harbour - Pacific Ltd. to K.T.J. Properties, Inc. (2) Expand the lease area from 0.593 acre to 0.894 acre, and increase rental after construction from \$5,200 to \$7,858 per annum. (3) Authorize the Lessee to mortgage or encumber the Lessee's rights under this lease, in order for the Lessee to obtain project financing. This authorization will also provide for mortgagee protection language. The lender must be acceptable to the Executive Officer of the State Lands Commission.

CALENDAR ITEM NO. 21. (CONTD)

FURTHER APPROVALS REQUIRED:

City of Huntington Beach; Coastal Commission.

EXHIBITS:

A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT NO EIR WILL BE REQUIRED FOR THE PROJECT EXPANSION AS THIS PROJECT WAS INCLUDED IN A CUMULATIVE EIR APPROVED BY THE COMMISSION AT ITS MARCH 25, 1976 MEETING.
2. DETERMINE THAT THE PROJECT IS CONSISTENT WITH THE PROVISIONS OF ARTICLE 6.5 OF TITLE 2, OF THE CAL. ADM. CODE.
3. FIND THAT THIS PROJECT IS SITUATED ON LAND IDENTIFIED AS POSSESSING ENVIRONMENTAL VALUES IN THAT THE STATE LANDS COMMISSION FOUND ALL WATERWAYS UNDER THE COMMISSION'S JURISDICTION HAVE ENVIRONMENTAL SIGNIFICANCE, BUT THAT THIS PROJECT IS COMPATIBLE WITH THAT FINDING AS IT APPLIES TO THE SUBJECT LAND.
4. AUTHORIZE THE ASSIGNMENT TO K.T.J. PROPERTIES, INC. FROM HARBOUR PACIFIC LTD., AND THE AMENDMENT OF A 15-YEAR GENERAL LEASE - COMMERCIAL USE FROM SEPTEMBER 1, 1977, WITH LESSEE'S OPTION TO RENEW FOR 3 SUCCESSIVE PERIODS OF 10 YEARS EACH, IN A FORM WHICH IS ON FILE IN THE PRINCIPAL OFFICE OF THE COMMISSION, FOR THE CONSTRUCTION AND OPERATION OF A COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION:

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A parcel of submerged land in the State-owned Huntington Harbor Channel, situated in protracted Section 19, T5S, R11W, S8M, County of Orange, State of California, more particularly described as follows:

COMMENCING at the intersection of the southwesterly prolongation of the compromise boundary line between Rancho Los Alamitos and Rancho La Bolsa Chica as recorded in Book 115, Page 284, records of Los Angeles County, California, with the northerly line of the 400-foot-wide State-owned channel described as "Strip A" in the deed recorded in Book 6368, Page 411, records of Orange County, California; thence along said northerly line of said Channel S 61° 00' 00" E. 245.67 feet to the TRUE POINT OF BEGINNING; thence continuing along said northerly line of said channel:

S 61° 00' 00" E 638.00 feet; thence
S 29° 00' 00" W 60.00 feet; thence
N 61° 00' 00" W 560.53 feet; thence
N 49° 34' 33" E 64.09 feet to the true point of beginning.

LAND DESCRIPTION

Prepared

Larry E. Stettin

Checked

W. J. Jerny

Reviewed

Garry A. Wilson

Date

9/25/79



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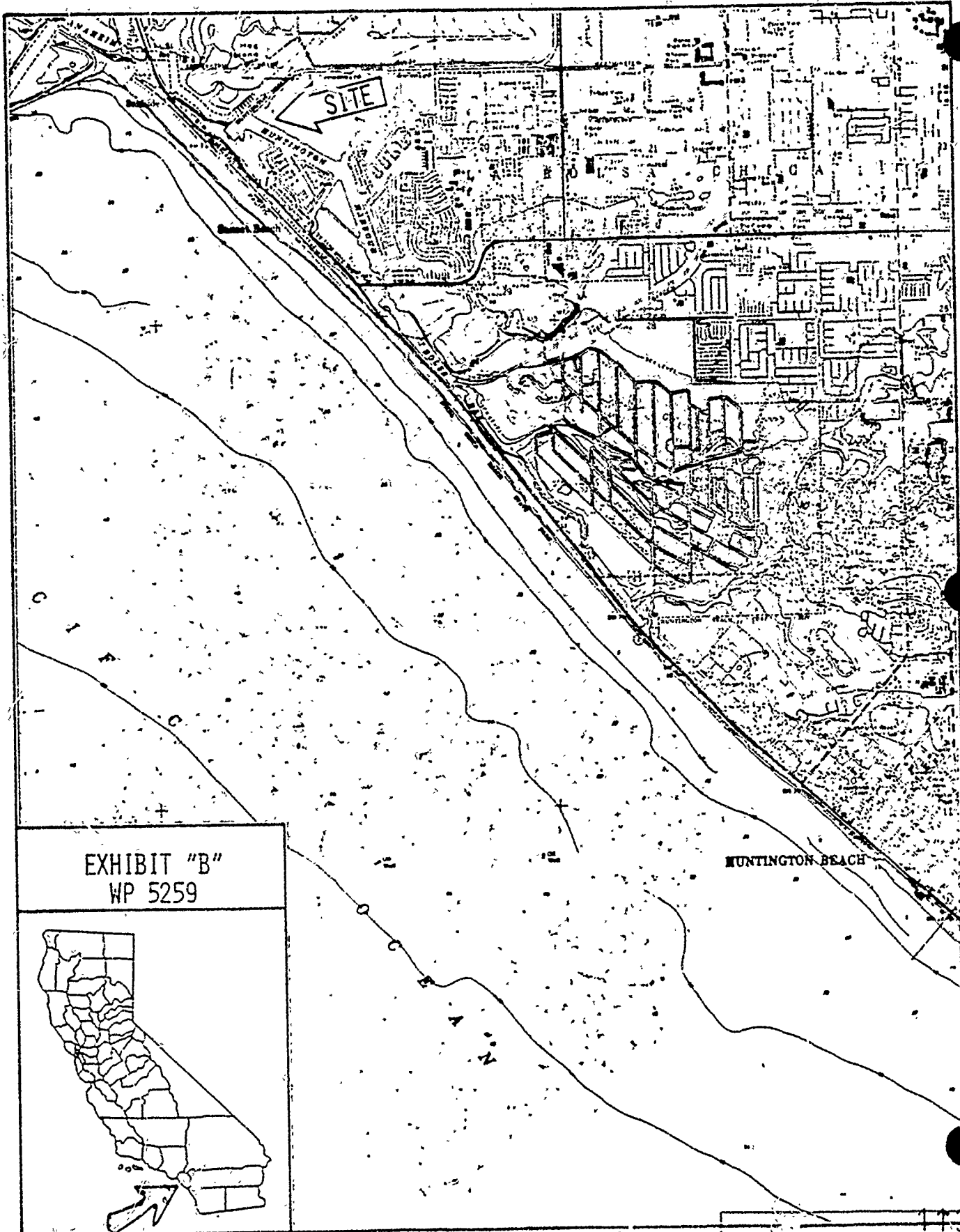


EXHIBIT "B"
WP 5259

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