

MINUTE ITEM

18.

10/26/83
WP 4432
A. Scott

PROPOSED EXTENSION OF CO' STRUCTION LIMITING DATE FOR
LEASE PRC 4432.1 FROM
SEPTEMBER 1, 1983 TO DECEMBER 31, 1983

Calendar Item C18, attached, was pulled from the agenda
prior to the meeting.

Attachment: Calendar Item C18.

CALENDAR PAGE	
NUMBER	2375

CALENDAR ITEM

C18 A

10/26/83
WP 4432
A. Scott

PROPOSED EXTENSION OF CONSTRUCTION LIMITING DATE
FOR LEASE PRC 4432.1 FROM
SEPTEMBER 1, 1983 TO DECEMBER 31, 1983

LESSEE: Conn, Annerl, Black
and Legeman
dba Fountain Plaza, a general partnership
195 Clairmont Avenue
Long Beach, California 90803

BACKGROUND: The current lease provides for development of a parcel of State sovereign land, located at the intersection of Pacific Coast Highway and First Street in the City of Seal Beach. The lease required that construction of improvement must begin no later than September 1, 1983. Construction of improvement has been delayed due to changes in the type of proposed improvement and changes in the local economic situation. As of September 1, 1983 construction of improvement has not started.

CURRENT SITUATION:

The most recent delay of construction was caused by the imposing of a moratorium on development of this parcel by the City of Seal Beach, so that the City could prepare a Specific Plan covering the State's parcel that would assure development consistent with other existing land use plans of the

A 58

S 31

CALENDAR ITEM NO. 018 (CONTD)

City. The moratorium was imposed on June 13, 1983 and the Specific Plan will not be effective until October 12, 1983. Therefore, staff recommends that the construction limit date should be extended for the period of time that the Lessee's were unable to perform.

Staff also believes that if construction has not begun on or before December 31, 1983 that this lease should be found to be in breach and the lease should be terminated.

AB 884: N/A.

EXHIBITS: A. Legal Description.
B. Site Map.

IT IS THEREFORE RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21100, 14 CAL. M. CODE 15061(B-3) BECAUSE SUCH ACTIVITY WILL NOT HAVE A SIGNIFICANT ENVIRONMENTAL EFFECT.
2. AMEND LEASE PRC 4432.1, DATED SEPTEMBER 18, 1981 TO CHANGE THE CONSTRUCTION BEGINNING DATE FROM SEPTEMBER 1, 1983 TO DECEMBER 31, 1983; ALL OTHER TERMS AND CONDITIONS TO REMAIN THE SAME.
3. FIND THAT IF CONSTRUCTION OF AUTHORIZED IMPROVEMENTS HAVE NOT BEEN STARTED ON OR BEFORE DECEMBER 31, 1983 THAT A MATERIAL BREACH OF THE LEASE HAS OCCURRED AND THE LEASE MAY BE SUBJECT TO TERMINATION; AND AUTHORIZE STAFF TO TAKE ANY AND ALL REQUIRED ACTIONS TO EFFECTUATE A LEASE TERMINATION INCLUDING LITIGATION.

EXHIBIT "A"

WP 4432

Three parcels (Parcel 1, Parcel 2, and Parcel 3) of State owned land, situated in the County of Orange, California, described in Book 9272 page 219, Official Records of Orange County, said parcels more particularly described as follows:

Basis of Bearings for Parcels 1, 2 & 3.
(The bearing of N 37° 52' 11.9" W, for the line between stations 50 and 51 of the Rancho Los Alamitos, a portion of which line is also the centerline of Pacific Coast Highway, based on California Grid System, Zone 7, Status of 1962 Supplemented 1965, being the Basis of Bearings as per C.L.B. DRG E243.03 filed in the City Engineers Office of the City of Long Beach, California, certified by Francois D. Uzes, .L.S.)

Parcel 1

That portion of the area labeled San Gabriel River and those portions of Lots 1 and 2 of the San Gabriel Extension of Naples, in the City of Seal Beach, County of Orange, State of California as per map recorded in Book 7, page 31 of Miscellaneous Maps in the Office of the County Recorder of said county, described as a whole as follows:

BEGINNING at a point on the boundary line of the Rancho Los Alamitos between stations 50 and 51, said point being N 37° 52' 11.9" W, 100.09 feet from said station 50; thence N 37° 52' 11.9" W, 115.26 feet; thence S 47° 51' 19" W, 97.40 feet; thence N 70° 54' 26" W, 164.98 feet; thence N 50° 24' 11" W, to its intersection with the boundary line between Los Angeles County and Orange County as delineated on a map filed in Book 90, pages 23-30 inclusive of record of Surveys of said county; thence along said boundary line S 56° 59' 37" W, to its intersection with the curved east line of the Pacific Coast Highway, 100 feet wide, said curve being concave to the west with a radius of 2050 feet, as described in deed to the State of California recorded December 2, 1929, in Book 332, page 237 of Official Records; thence southerly along said curve to the southerly terminus thereof; thence S 1° 25' 35" E, 15.96 feet along the east line of said Pacific Coast Highway to a point that bears

76.
2378

S 73° 26' 04" E, 38.76 feet from the southerly terminus of that certain line shown on said C.L.B. DRG E243.03 as "N 46° 24' 00" W, 988.60"; thence S 73° 26' 04" E, 271.11 feet; thence S 85° 56' 46" E, to its intersection with a line Parallel with and 100.00 feet northwesterly from the line between stations 49 and 50 of said Rancho; thence N 54° 37' 35" E, along said Parallel line to the point of beginning.

EXCEPTING THEREFROM the northwesterly 100.00 feet.

Parcel 2

That portion of the area labeled San Gabriel River and of Lot 1 of the San Gabriel Extension of Naples, in the City of Seal Beach County of Orange, State of California, as per map recorded in Book 7, page 31 of Miscellaneous Maps, in the office of the county recorder of said county, described as a whole as follows:

BEGINNING at a point on the boundary line of the Rancho Los Alamitos between stations 50 and 51, said point being N 37° 52' 11.9" W, 215.35 feet from said station 50; thence S 47° 51' 13" W, 97.40 feet; thence N 70° 54' 26" W, 164.98 feet; thence N 50° 24' 11" W to its intersection with the boundary line between Los Angeles County and Orange County as delineated on a map filed in Book 90, pages 23-30 inclusive of Record of Surveys of said county thence along said boundary line N 56° 59' 37" E to its intersection with said Rancho line; thence S 37° 52' 11.9" E, to the point of beginning.

EXCEPTING THEREFROM the northwesterly 100.00 feet.

Parcel 3

That portion of the area labeled San Gabriel River and of Lot 2 of the San Gabriel Extension of Naples, in the City of Seal Beach, County of Orange, State of California, as per map recorded in Book 7, page 31 of Miscellaneous Maps, in the office of the county recorder of said county, described as a whole as follows:

BEGINNING at said station 50; thence S 54° 37' 35" W, 613.45 feet along the line between stations 49 and 50 of said rancho to the Pacific Coast Highway, 100 feet wide, as described in Deed to the State of California, recorded December 2, 1929 in book 332, page 237 of Official Records; thence along said highway N 1° 25' 35" W, 425.05 feet to a point on a line that bears S 73° 26' 04" E, 38.76 feet from the southerly terminus of that certain line shown on said C.L.B. DRG E243.03 as "N 46° 24' 00" W, 988.60"; thence S 73° 26' 04" E, 271.11 feet;

77
2379

thence S 85° 56' 46" E, 197.84 feet; thence N 55° 17' 27" E, 49.89 feet to said first mentioned rancho line; thence S 37° 52' 11.9" E, 17.89 feet to the point of beginning.

EXCEPTING THEREFROM that portion lying southeasterly of a line parallel with and 100.00 feet northwesterly of the rancho line between said stations 49 and 50.

Said three parcels of land are included within the area shown on a map filed in the office of the County Recorder of said Orange County, in Book 90, page 28, Record of Surveys.

END OF DESCRIPTION

Prepared *M. J. [Signature]* Checked *Neil [Signature]*

Reviewed *[Signature]* Date *9/29/76*

. 203

78
2390

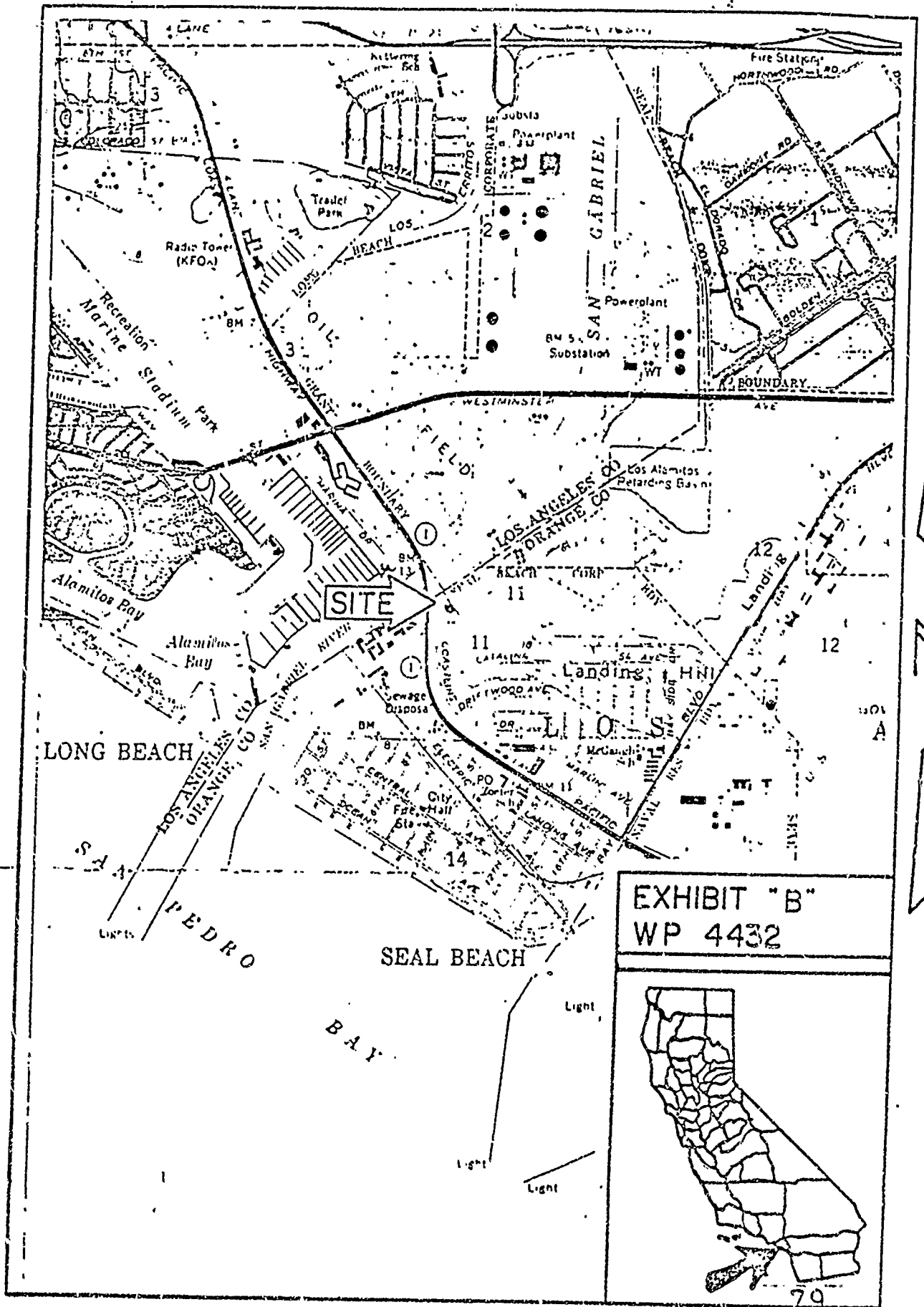


EXHIBIT "B"
 WP 4432



79
 2381