

**CALENDAR ITEM
C37**

A 27
S 15

06/28/10
WP 7344.1
K. Foster

GENERAL LEASE - PROTECTIVE STRUCTURE USE

APPLICANTS:

Stephen Murray Dart, Trustee of the Guy Michael Dart Family Trust dated March 23, 1988; Jane Dart Tucker, Trustee of the Jane Dart Tucker Revocable Trust dated April 19, 2000; and Stephen M. Dart, Trustee of the Stephen M. Dart 2001 Family Trust dated July 12, 2001

AREA, LAND TYPE, AND LOCATION:

0.015 acre, more or less, of sovereign lands in the Pacific Ocean, adjacent to 3168 17 Mile Drive, APN 008-491-021, near Pebble Beach and Cypress Point, Monterey County.

AUTHORIZED USE:

Continued use and maintenance of two concrete-grouted rock revetment shoreline protective structures.

LEASE TERM:

Ten years, beginning October 1, 2009.

CONSIDERATION:

\$2,161 per year, with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On December 3, 1999, the Commission issued a 10-year General Lease – Protective Structure Use to various members of the Dart family, the owners of the adjoining private upland property, for two separate parcels of sovereign land for the continued use and maintenance of two concrete-grouted rock revetment shoreline protective structures. The Lease was

CALENDAR ITEM NO. **C37** (CONT'D)

issued on a rent-free basis, consistent with Commission policy at that time. The Lease term ended on September 30, 2009. The applicants have applied to the Commission for a new lease for the existing structures, for which no changes are proposed.

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 CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Site and Location Map
- B. Land Description

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

CALENDAR ITEM NO. **C37** (CONT'D)

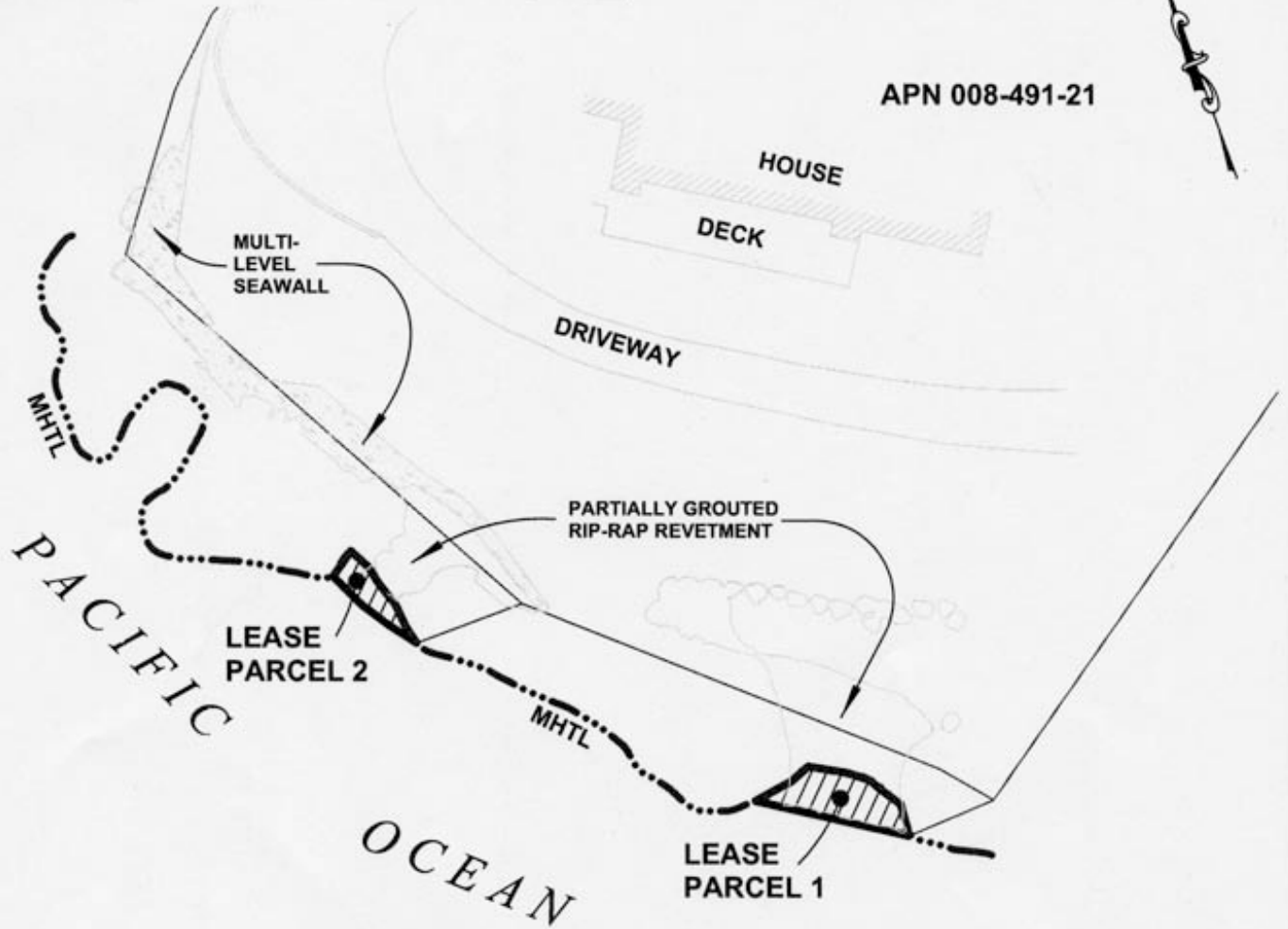
AUTHORIZATION:

Authorize Issuance of a General Lease – Protective Structure Use to Stephen Murray Dart, Trustee of the Guy Michael Dart Family Trust dated March 23, 1988; Jane Dart Tucker, Trustee of the Jane Dart Tucker Revocable Trust dated April 19, 2000; and Stephen M. Dart, Trustee of the Stephen M. Dart 2001 Family Trust dated July 12, 2001 beginning October 1, 2009, for a term of ten years, for the continued use and maintenance of two concrete-grouted rock revetment shoreline protective structures as shown on Exhibit A (for reference purposes only) and as described in Exhibit B attached and by this reference made a part hereof; Consideration in the amount of \$2,161 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the Lease; Liability insurance in the amount of no less than \$1,000,000.

NO SCALE

SITE

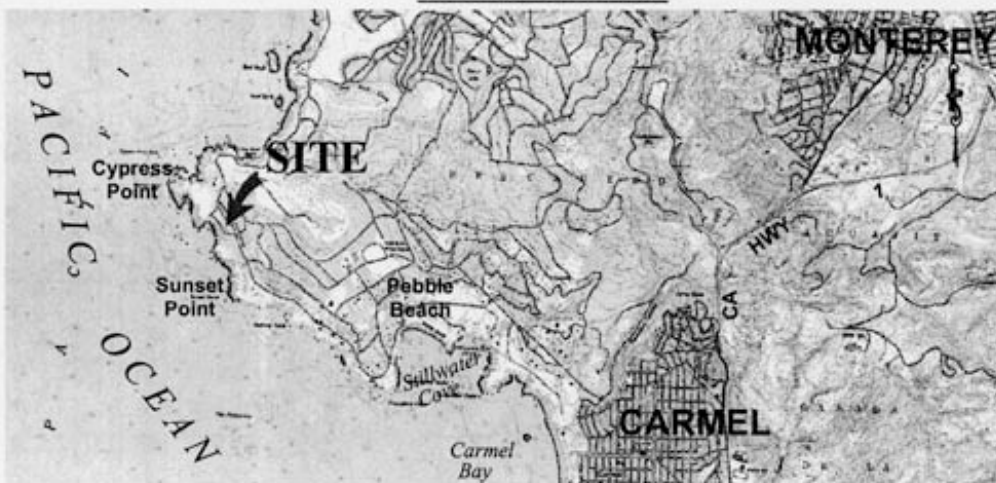
APN 008-491-21



DART REVETMENT, PEBBLE BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC7344.1
 STEPHEN DART ET AL
 APN 008-491-21
 GENERAL LEASE
 PROTECTIVE STRUCTURE
 MONTEREY COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties 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
LAND DESCRIPTION

Two parcels of tide and submerged land within the Pacific Ocean adjacent to the community of Pebble Beach, and adjacent to the 2.981 acre tract described in the deed recorded in Reel 649, at Page 735, said tract being a portion of El Pescadero Rancho, in Monterey County, California, said parcels more particularly described as follows:

Parcel 1

COMMENCING at a point distant 89.15 feet North and 120.50 feet West from a monument numbered 3132, as said monument is shown on the map titled "Licensed Surveyor's Map of El Pescadero and Point Pinos Ranchos" filed January 12, 1922 in Volume 3 of Surveys, at Page 3, records of Monterey County, California, said point of commencement also being the most easterly corner of said 2.981 acre tract; thence along the southeasterly boundary of said parcel S 53°00'00" W, 452.11 feet; thence leaving said boundary S 85°09'43" W, 26.47 feet to the ordinary high water mark of the Pacific Ocean and being the POINT OF BEGINNING; thence following said ordinary high water mark the following seven (7) courses:

- 1) N 2°58'50" E, 9.40 feet
- 2) N 35°42'14" W, 6.71 feet
- 3) N 31°54'23" W, 4.73 feet
- 4) N 54°27'22" W, 6.50 feet
- 5) N 62°25'29" W, 11.52 feet
- 6) S 66°43'12" W, 6.44 feet
- 7) S 79°13'26" W, 11.81 feet;

thence leaving the ordinary high water mark S 59°12'54" E, 45.34 feet to the POINT OF BEGINNING.

Parcel 2

COMMENCING at a point distant 89.15 feet North and 120.50 feet West from a monument numbered 3132, as said monument is shown on the map titled "Licensed Surveyor's Map of El Pescadero and Point Pinos Ranchos" filed January 12, 1922 in Volume 3 of Surveys, at Page 3, records of Monterey County, California, said point of commencement also being the most easterly corner of the 2.981 acre tract described in the deed recorded May 7, 1970 in Reel 649, at Page 735, Official Records of Monterey County, California; thence along the southeasterly and southwesterly boundaries of said parcel the following three (3) courses:

- a) S 53°00'00" W, 452.11 feet
- b) N 42°12'00" W, 18.14 feet
- c) N 50°21'00" W, 129.29 feet;

thence leaving said boundary S 87°29'43" W, 32.44 feet to the ordinary high water mark of the Pacific Ocean and being the POINT OF BEGINNING; thence following said ordinary high water mark the following six (6) courses:

- 1) N 16°04'20" W, 5.80 feet
- 2) N 7°17'28" W, 7.11 feet
- 3) N 20°12'06" W, 7.94 feet
- 4) N 12°10'26" W, 5.01 feet
- 5) N 29°43'45" W, 7.14 feet
- 6) S 52°59'26" W, 8.94 feet;

thence leaving said ordinary high water mark S 26°35'00" E, 11.52 feet; S 35°16'39" E, 9.75 feet; S 39°29'13" E, 9.75 feet to the POINT OF BEGINNING.

END DESCRIPTION

Prepared by the California State Lands Commission Boundary Unit on May 13, 2010, and based upon the description prepared July 30, 1989.

