

**CALENDAR ITEM
C90**

A 27

06/23/11

S 11

WP 8795.1
S. Paschall

ASSIGNMENT OF LEASE

LESSEE/ASSIGNOR:

Michael N. Inglis, Trustor of the Inglis 2001 Living Trust

ASSIGNEE:

Brian D. Burke and Kathy Lamprecht
4630 Opal Cliff Drive
Santa Cruz, CA 95062

AREA, LAND TYPE, AND LOCATION:

117 square feet, more or less, of sovereign lands in the Pacific Ocean, adjacent to 4630 Opal Cliff Drive, near the City of Santa Cruz, Santa Cruz County.

AUTHORIZED USE:

Continued use and maintenance of a two-foot wide cutoff stem wall.

LEASE TERM:

10 years, beginning August 22, 2008.

CONSIDERATION:

\$213 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On August 22, 2008, the California State Lands Commission authorized the issuance of a General Lease – Protective Structure Use to Michael N. Inglis, Trustor of the Inglis 2001 Living Trust, for the construction, use, and maintenance of a two-foot wide cutoff stem wall and the removal of rip-rap.

CALENDAR ITEM NO. **C90** (CONT'D)

3. On April 4, 2011, the upland was deeded to Brian D. Burke and Kathy Lamprecht. The new property owners are now applying for an assignment of Lease No. PRC 8795.1.
4. The cutoff stem wall is located adjacent to the toe of the exiting seawall, which is not located on sovereign land. The cutoff stem wall project was approved on May 8, 2008 by the California Coastal Commission, to replace the rip rap at the toe of the existing seawall which had fallen into disrepair, undermining the seawall.
5. 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 CEQA because it is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

EXHIBITS:

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

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

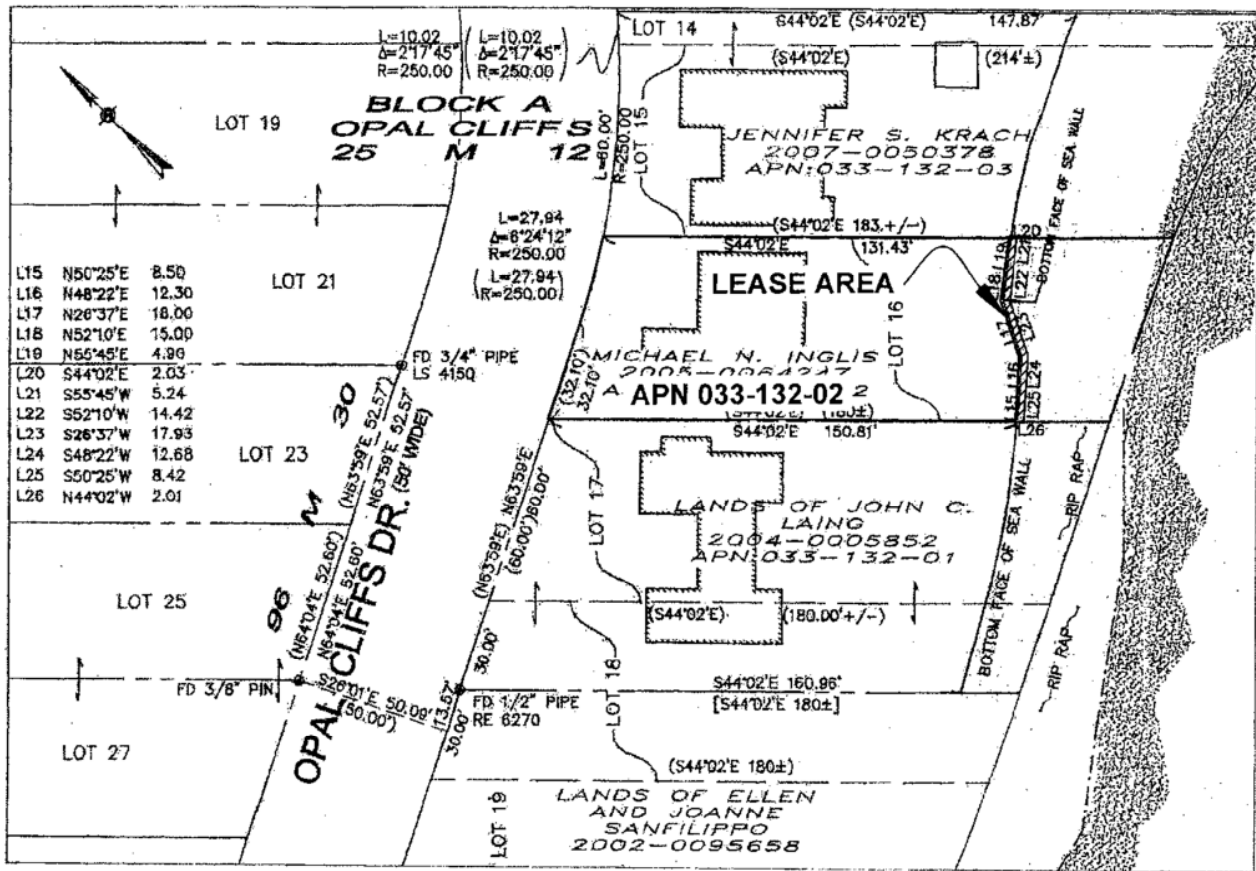
Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

AUTHORIZATION:

Authorize the Assignment of Lease No. PRC 8795.1, a General Lease – Protective Structure Use, of sovereign lands shown on Exhibit A attached and by this reference made a part hereof, from Michael N. Inglis, Trustor of the Inglis 2001 Living Trust to Brian D. Burke and Kathy Lamprecht; effective June 23, 2011.

NO SCALE

SITE



4630 Opal Cliff Drive

NO SCALE

LOCATION

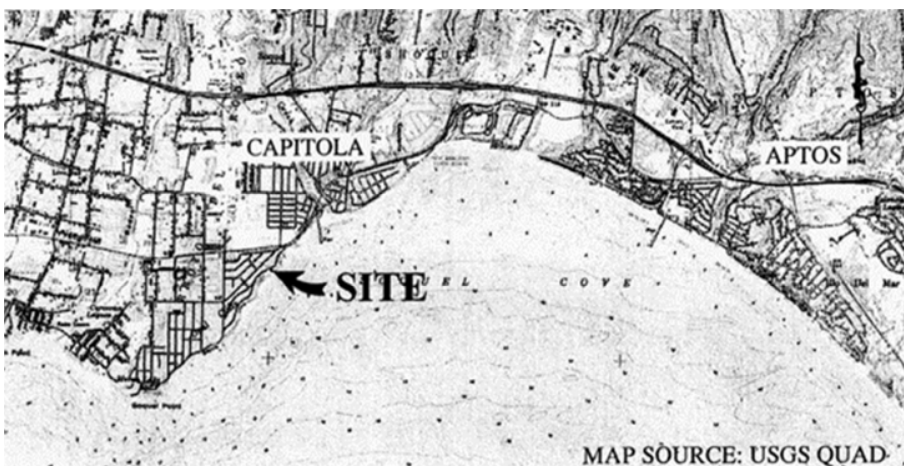


Exhibit A

WP 8795.1
 APN 033-132-02
 BURKE/LAMPRECHT
 GENERAL LEASE
 PROTECTIVE STRUCTURE
 SANTA CRUZ COUNTY



JAK 0526/11

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

WP 8795.1

DESCRIPTION OF A 2 FOOT WIDE STRIP OF TIDE AND SUBMERGED LAND, SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA, AND LYING ADJACENT TO THE RANCHO ARROYO DEL RODEO, ALSO BEING ADJACENT TO LOT 16 AS SAID LOT IS SHOWN ON THAT CERTAIN MAP ENTITLED "OPAL CLIFFS SANTA CRUZ COUNTY, CALIFORNIA" FILED FOR RECORD IN VOLUME 25 OF MAPS AT PAGE 12, SANTA CRUZ COUNTY RECORDS; AND MORE PARTICULARLY DESCRIBED AS FOLLOWS; TO WIT

COMMENCING at a found 3/4" iron pipe tagged L.S. 4150 on the northwestern boundary of Opal Cliff Dr. at the most eastern corner of Lot 23 as said iron pipe is shown on that certain map entitled "Record of Survey a portion of the Lands of Phillip E. Karleen, Jr. & Geriann Trustees' Opal Cliffs, filed for record on the 15th day of September 1999 as shown on said map;

THENCE FROM SAID POINT OF COMMENCEMENT and along the northwestern boundary of Opal Cliff Drive South 63° 59' West 52.57 feet; thence continuing along said northwestern boundary South 64° 04' West 52.60 feet to a found 3/8" iron pin at the most southern corner of Lot 25 as shown on the abovementioned record of survey map; thence leaving said northwestern boundary, South 26° 01' East 50.09 feet to the southeastern boundary thereof; thence along said southeastern boundary North 63° 59' East (at 13.57 feet, a found 1/2" iron pipe tagged RE 6270) 103.57 feet, to the most western corner of said Lot 16; thence southeasterly along the southwestern boundary thereof South 44°02' East 150.81 feet, a little more or less to the base of an existing seawall and the **POINT OF BEGINNING**

Thence from said **POINT OF BEGINNING** leaving said southwestern boundary of said Lot 16 along the base of said seawall the following courses and distances; North 50°25' East 8.50 feet; thence North 48°22' East 12.30 feet; thence North 26°37' East 18.00 feet; thence North 52°10' East 15.00 feet; thence North 55°45' East 4.90 feet, more or less, to the northeastern boundary of the aforementioned Lot 16, from which point the northeastern corner thereof bears North 44°02' West 131.43 feet distant; thence leaving the base of said seawall, southeasterly along the northeastern boundary thereof South 44°02' East 2.03 feet; thence leaving said last mentioned boundary parallel with and 2.00 feet distant perpendicular from the base of said seawall the following courses and distances; South 55°45' West 5.18 feet; thence South 52°10' West 14.48 feet; thence South 26°37' West 17.93 feet; thence South 48°22' West 12.72 feet; thence South 50°25' West 8.38 feet, more or less, to the southwestern boundary of said Lot 16; thence along said southwestern boundary North 44°02' West 2.01 feet, more or less to the point of beginning;

Excepting therefrom any portion lying landward of the Ordinary High Water Mark.

CONTAINING 117 square feet of land a little more or less.

SURVEYED AND COMPILED IN APRIL 2008 BY BOWMAN & WILLIAMS, CONSULTING CIVIL ENGINEERS, FILE NO. 24082.2.REV2

Bryan F. Happee

7/21/08



BRYAN F. HAPPEE PLS 8229 RENEWAL DATE 12/31/09

File No. 24082.2
Drawn By _____
Checked By _____
July 18, 2008
APN 033-132-02