

MINUTE ITEM

This Calendar Item No. C4
approved as Minute Item
No. 4 by the State Lands
Commission by a vote of 2
to 0 at its 8/25/83
meeting.

CALENDAR ITEM

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8/25/83
PRC 3265
Louie/
Townsend

ASSIGNMENT OF
GENERAL LEASE - COMMERCIAL USE
OF LEASE PRC 3265.1

ASSIGNOR: Mariner's Centre, Ltd., a Joint Venture
Mr. Carl F. Grewe, General Partner
3901 MacArthur Boulevard,
Suite 201
Newport Beach, California 92660

ASSIGNEE: Miller - Nahas, a California
General Partnership
Mr. Donald R. Nuss, General Partner
345 Ave Buenos Aires
San Clemente, California 92672

AREA, TYPE LAND AND LOCATION:
A 0.115-acre parcel of tide and submerged
land, located in Sunset Bay, Orange County.

LAND USE: Marine fueling facility.

TERMS OF ORIGINAL LEASE:
Initial period: Ten years from April 1,
1980.

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Renewal options: Two successive periods
of ten years each.

Surety bond: \$7,500.

Public liability insurance: Combined single
limit coverage of \$1,000,000.

Consideration: Annually, \$0.01 per gallon
of fuel sold, to a maximum
of 100,00 gallons, and
\$0.15 per gallon for
each additional gallon
sold thereafter. The
minimum annual rental
is \$3,600. The State
reserves the right to
fix a different rental
on each fifth anniversary
of the lease.

TERMS OF PROPOSED LEASE:

All existing terms and conditions of the
lease shall remain in full force and effect.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee and processing costs have been
received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14,
Div. 6.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. Lease PRC 3265.1 was originally issued
to Shell Oil Company beginning April 1,
1965. Effective April 1, 1980, the
lease was amended and assigned to Ron
Schirmer. Commencing in June 1982,

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a number of transactions occurred concerning the adjacent upland property, and the State lease was ultimately assigned to Mariner's Centre, Ltd., from Ron Schirmer, effective June 1, 1982 and approved by the State Lands Commission. Subsequent to that assignment the parcel was sold to Miller-Nahas, a California general partnership on July 15, 1983. Staff recommends approval of the assignment of the State's Lease to Miller-Nahas Partnership from Mariner's Centre, Ltd., effective July 15, 1983.

2. It is the intention of the new owners, Miller-Nahas, to remove the Shell Gas Station, which is now closed, and the supply store, and develop the upland with a three-story mixed use retail and office building. The marine fueling dock facility, under lease by the State, will stay in operation with no changes.
3. This project is exempt from CEQA because it is not an activity which will have a significant environmental effect, pursuant to 14 Cal. Adm. Code 15060.
4. The project is situated on lands identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category "C" which authorizes Multiple Use. The project as proposed will not have a significant effect upon the identified environmental values.

EXHIBITS: A. Land Description.
 B. Location Map.

IT IS 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. ADM. CODE 15037 AND 15060, AND FIND THAT THE PROJECT IS CONSISTENT WITH ITS USE CLASSIFICATION.

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2. AUTHORIZE THE ASSIGNMENT OF LEASE PRC 3265.1 TO MILLER--NAHAS, A CALIFORNIA GENERAL PARTNERSHIP, FROM MARINER'S CENTRE, LTD., EFFECTIVE JULY 15, 1983, WITH ALL TERMS OF THE LEASE REMAINING IN FULL FORCE AND EFFECT.

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EXHIBIT "A"

A parcel of submerged land in Sunset Bay, Orange County, State of California, situate adjacent to tide land location No. 141 and being further described as follows:

Beginning at the terminal point of the last course recited in that boundary line agreement between the State of California and the Lincoln Fidelity Corporation, said agreement being on file with the State Lands Commission as "Boundary Line Agreement No. 46", said last course having a bearing of N. $52^{\circ} 45' 00''$ W. and a length of 850.25 feet; thence from said point of beginning proceeding into Sunset Bay N. $37^{\circ} 15' E.$ 50 feet, S. $52^{\circ} 45' E.$ 100 feet; thence S. $37^{\circ} 15' W.$ 50 feet to the aforementioned agreed boundary line; thence along said line N. $52^{\circ} 45' W.$ 100 feet to the point of beginning; containing 0.115 acre more or less.

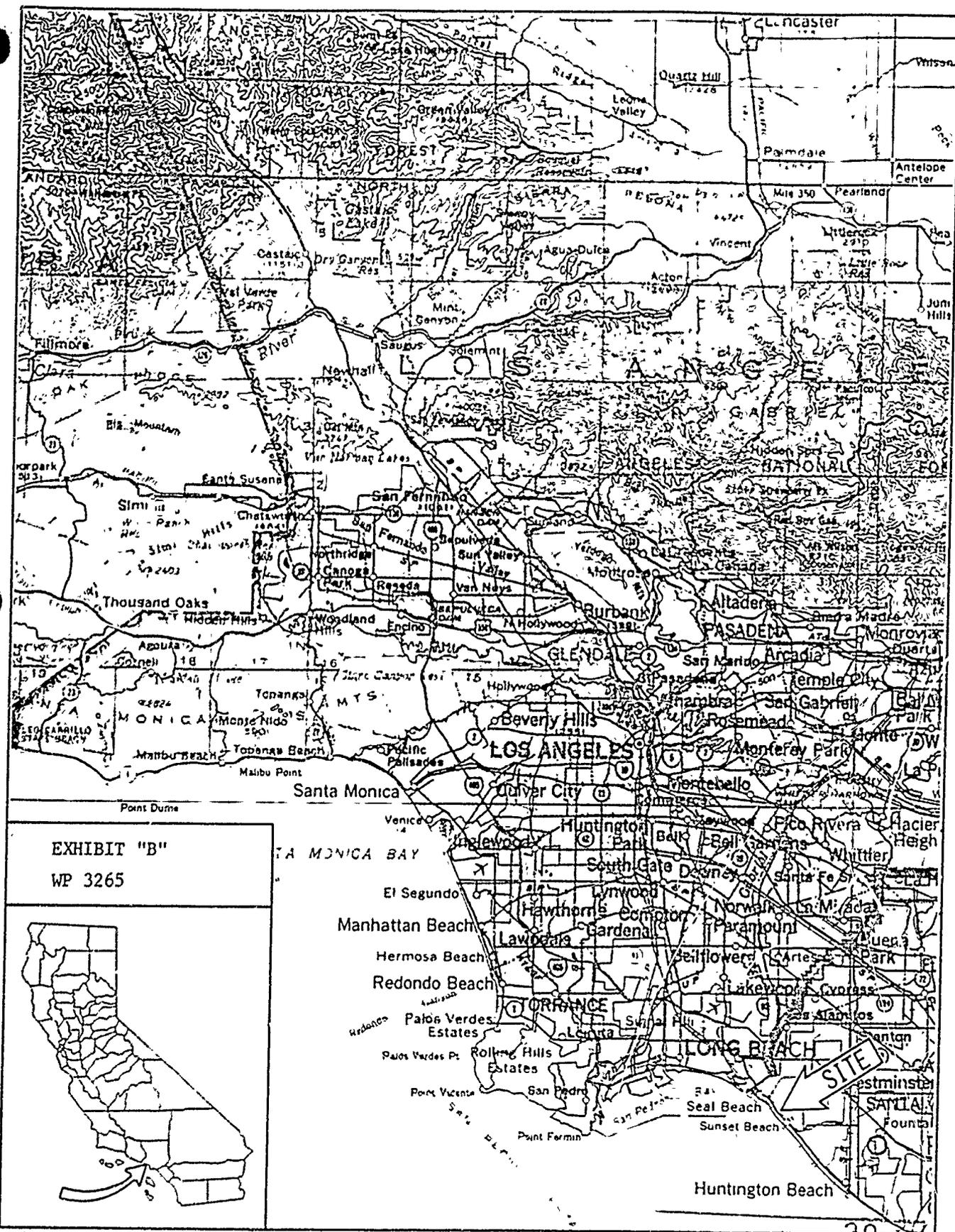


EXHIBIT "B"
WP 3265



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