MINUTE ITEM

This Calendar Item No. C18 was approved as Minute Item No. 13 by the State Lands Commission by a vote of 2 to 0 at its 5/22/86 meeting.

CALENDAR ITEM

C18

A 28

S 17

05/22/86
PRC 2714
Townsend

ASSIGNMENT ONE AND AMENDMENT TWO
GENERAL LEASE - RECREATIONAL USE

ASSIGNOR: Pebble Beach Company as comprised of Twentieth Century Fox Film Corporation and MKDG II
Attn: Larry Seeman
P. O. Box 725
Pebble Beach, California 93953

ASSIGNEE: Pebble Beach Company as comprised of MKDG II and MKDG IV
Attn: Larry Seeman
P. O. Box 725
Pebble Beach, California 93953

AREA, TYPE LAND AND LOCATION:
A .205-acre parcel of coastal tide and submerged land, located in Stillwater Cove, Carmel Bay, Monterey County.

LAND USE: One existing pier for recreational use.

TERMS OF ORIGINAL LEASE:

Initial period: 25 years beginning November 1, 1984.

Surety bond: $20,000.

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

Consideration: $625 per annum; five-year rent review.

TERMS OF PROPOSED LEASE:

Amendment of this lease shall provide for a modification of the construction limiting dates. All other terms and conditions of the lease shall remain unchanged, and in full force and effect.

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

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: 09/28/86.

OTHER PERTINENT INFORMATION:

1. By its action on November 29, 1984, the Commission authorized the issuance of a General Lease - Recreational Use, to the Pebble Beach Company, a general partnership comprised of Twentieth Century Fox Film Corporation, a California corporation, and MKDG II, a Colorado general partnership. Commission staff has been advised of the recent transfer in ownership by Twentieth Century Fox of its fifty percent partnership interest in Pebble Beach Company to MKDG IV, a Colorado general partnership. The two fifty percent general partners of Pebble Beach Company are MKDG II and MKDG IV, both Colorado general partnerships and both owned by the same owners/partners. The ownership interests of MKDG II and MKDG IV are more particularly identified on Exhibit "C" attached.

2. The Pebble Beach Company has also advised staff that the start of reconstruction of the pier was delayed beyond the date indicated in the original lease due to delays in obtaining the required permits. Permits are now in place, and Pebble Beach Company has requested that staff amend the construction limiting dates to provide for a beginning date of March 30, 1986, and completed no later than September 30, 1986.

3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 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.

4. As to the lease assignment, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

   Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

5. As to the extension time to reconstruct the existing pier, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 2, Reconstruction or Replacement, 2 Cal. Adm. Code 2905(b).

   Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

EXHIBITS:

A. Land Description.
B. Location Map.
C. Ownership Interests of MKDG II and MKDG IV.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AS TO THE LEASE ASSIGNMENT, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.

2. AS TO THE EXTENSION TIME TO RECONSTRUCT THE EXISTING PIER, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 2, RECONSTRUCTION OR REPLACEMENT, 2 CAL. ADM. CODE 2905(b).

3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

4. AUTHORIZE THE ASSIGNMENT OF LEASE PRC 2714, EFFECTIVE MAY 22, 1986, FROM PEBBLE BEACH COMPANY, A GENERAL PARTNERSHIP, WHOSE GENERAL PARTNERS ARE TWENTIETH CENTURY FOX FILM CORPORATION AND MKDG II, TO PEBBLE BEACH COMPANY, A GENERAL PARTNERSHIP, WHOSE GENERAL PARTNERS ARE MKDG II AND MKDG IV.

5. AUTHORIZE AMENDMENT OF LEASE PRC 2714, EFFECTIVE MAY 22, 1986, TO PROVIDE FOR A MODIFICATION OF THE CONSTRUCTION LIMITING DATES AS FOLLOWS: CONSTRUCTION SHALL COMMENCE NO LATER THAN MARCH 30, 1986, AND SHALL BE COMPLETED NO LATER THAN SEPTEMBER 30, 1986.

6. ALL OTHER TERMS AND CONDITIONS OF LEASE PRC 2714 SHALL REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

EXHIBIT "A"

PRC 2714

BEGINNING at a point on the Mean High Water Line of the Pacific Ocean that bears S 60° 53' 30" W, 394.83 feet, S 88° 09' 30" E, 20.00 feet, and S 01° 50' 30" W, 72 feet more or less from the most westerly corner of that certain 1.620 acre parcel of land, so shown and so designated on "Record of Survey of a Portion of Rancho El Pescadero, Monterey County, California", recorded at Volume X-1, page 172 of Surveys, Monterey County; thence S 01° 50' 30" W, 199.00 feet, N 88° 09' 30" W, 55.54 feet, N 01° 50' 30" E, 41.33 feet, N 50° 51' 49" E, 20.58 feet, N 01° 50' 30" E, 156.17 feet to a point on said Mean High Water Line, thence easterly along said Mean High Water Line to the point of beginning, containing 0.205 acre, more or less.

END OF DESCRIPTION

Prepared 11/14/75 Checked

Reviewed Donald Brittnacher Date 11/17/75

LICENSED LAND SURVEYOR
DONALD BRITTNACHER
NO. LS 3317
STATE OF CALIFORNIA

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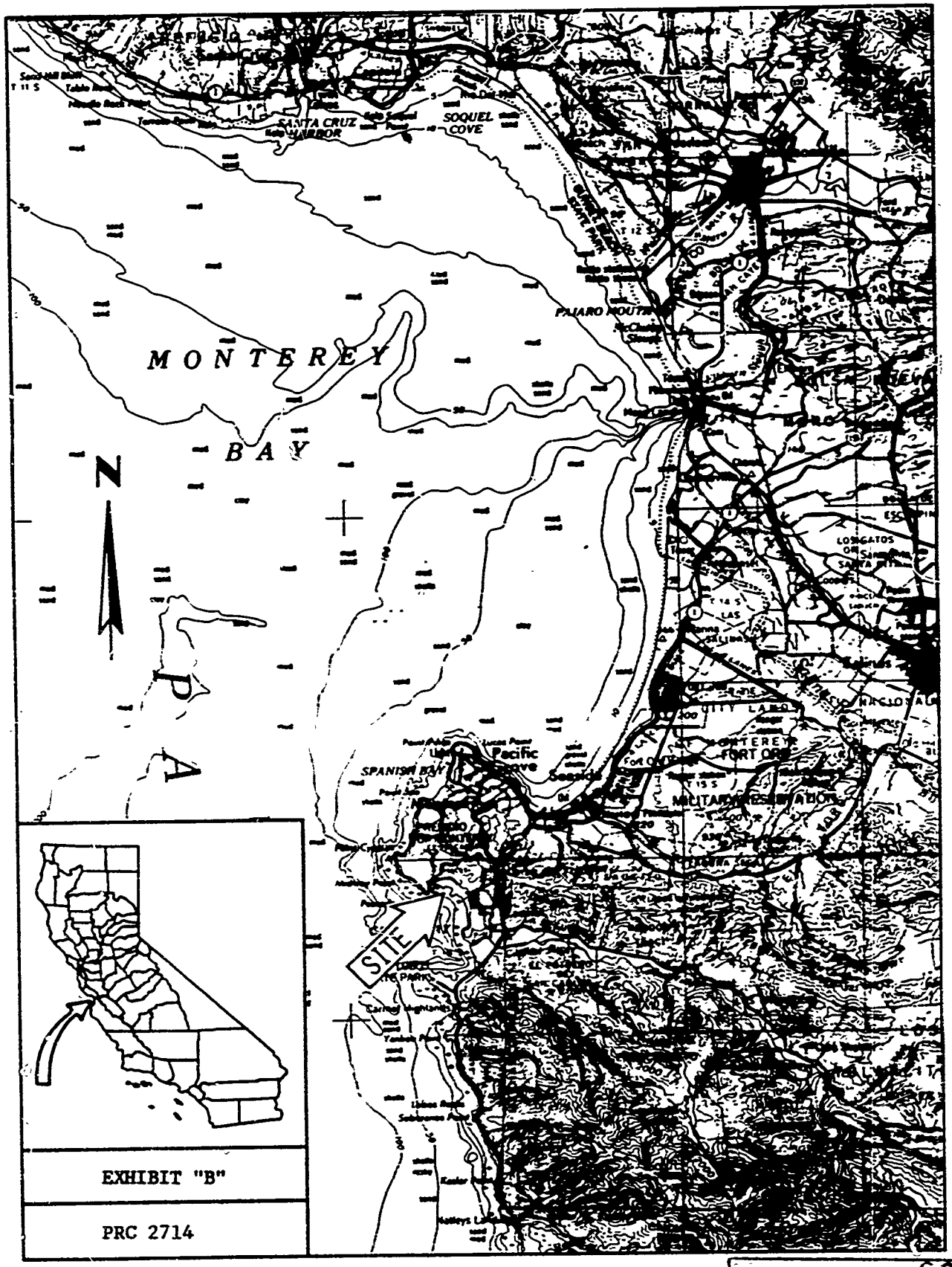

EXHIBIT "B"

PRC 2714

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EXHIBIT C

OWNERSHIP INTERESTS OF
MKDG II and MKDG IV

MKDG II and MKDG IV, both Colorado general partnerships, are owned by the following general partners:

1. Thomas J. Klutznick
2. 3M Investment Co., a Colorado general partnership
3. GSG Co., a Colorado general partnership
4. MD Co., a Colorado general partnership

The general partners of 3M Investment Co. are as follows:

1. Myron M. Miller
2. Louann R. Miller
3. David J. Miller
4. The James H. Miller Trust created under agreement dated March 1, 1982
5. The Stacy L. Miller Trust created under agreement dated March 1, 1982
6. The Cynthia A. Miller Trust created under agreement dated March 1, 1982

The general partners of GSG Co. are as follows:

1. Gerald S. Gray
2. Lorna S. Gray
3. The Gary A. Gray Trust created under agreement dated March 1, 1982
4. The Michael B. Gray Trust created under agreement dated March 1, 1982
5. The James D. Gray Trust created under agreement dated March 1, 1982

The general partners of MD Co.

1. Marvin Davis
2. Barbara L. Davis
3. The Greg James Davis Trust created under agreement dated July 15, 1985
4. The John Davis Trust created under agreement dated July 20, 1984
5. The Patricia Ann Raynes Trust created under agreement dated May 8, 1983
6. The Nancy Sue Davis Trust created under agreement dated March 4, 1978
7. The Dana Leigh Davis Trust created under agreement dated April 1, 1968