

MINUTE ITEM

This Calendar Item No. 04
was approved as Minute Item
No. 4 by the State Lands
Commission by a vote of 2
to 0 at its 6/30/88
meeting.

CALENDAR ITEM

A 74
S 37

004

06/30/88
PRC 5542
Townsend

ASSIGNMENT OF SUBLEASE TO
GENERAL LEASE - PUBLIC AGENCY USE

SUBLESSOR: City of San Clemente
Attn: Lynn Hughes, Marine Safety
Captain
100 Avenida Presidio
San Clemente, California 92672

ASSIGNOR: Harlo Gene Burke
P.O. Box 36
San Clemente, California 92672

ASSIGNEE: Donald H. and Shirley J. Stanley
141 Pelayo
San Clemente, California 92672

BACKGROUND:

On June 26, 1986, the State Lands Commission approved an amendment and extension of a sublease to Harlo Burke for the seasonal operation of a bait and tackle shop, located on the City of San Clemente Municipal Pier, in the Gulf of Santa Catalina, west of the City of San Clemente, Orange County.

Originally entered into in 1981 for five years, the sublease was extended an additional five years with a termination date of September 15, 1991. The shop is operated on a seasonal basis and is open during the spring recess of the Capistrano Unified School District, and the period beginning June 15 through September 15 of each year. The rental to the City is a sum equal to; 1) five percent (5%) of the first \$15,000 of annual gross sales or receipts; 2) ten percent (10%) of the next \$15,000; and 3) fifteen percent (15%) of all annual gross sales or receipts in excess of \$30,000. The insurance requirements of the sublease provide for 1) personal injury or death to one or more persons: \$500,000 combined single limit coverage; and 2) property damage: \$500,000 per occurrence. The City, as the State's lessee for the pier, provides public liability insurance in the amount of \$5,000,000, combined single limit coverage.

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CALENDAR ITEM NO. C 04 (CONT'D)

CURRENT SITUATION:

As a condition of the City's lease for the pier, it is required to obtain approval from the State Lands Commission for all subleases. The staff has been contacted by the City requesting approval of the assignment of the sublease from Harlo Burke to Donald and Shirley Stanley. All other terms and conditions of the sublease remain unchanged. The City Council, by its action on April 6, 1988, determined that Mr. and Mrs. Stanley have suitable financial strength, experience, and character for development, operation, and control of the bait and tackle shop on the lease premises. The staff believes it is in the best interests of the State to approve assignment of the sublease to the Stanleys.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Filing fee and processing costs have been received.
2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq., but will not affect those significant lands.
3. 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.

EXHIBITS: A. Land Description of San Clemente Municipal Pier.
B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. 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.

CALENDAR ITEM NO. C 04 (CONT'D)

2. APPROVE THE ASSIGNMENT OF THE SUBLEASE FROM HARLO BURKE TO DONALD H. AND SHIRLEY J. STANLEY, EFFECTIVE APRIL 6, 1988, FOR OPERATION OF THE BAIT AND TACKLE SHOP, LOCATED ON THE SAN CLEMENTE MUNICIPAL PIER.

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EXHIBIT "A"

LAND DESCRIPTION

PRC 5542.9

A parcel of tide and submerged land lying in the Pacific Ocean westerly of the City of San Clemente, Orange County, California; said parcel lying immediately beneath the San Clemente Municipal Pier and described as follows:

COMMENCING at the most southerly corner of Lot 1, Block 12, Tract 785, as filed for record in Book 23, Pages 36 and 37, Records of Orange County, California, said point also being on the easterly right-of-way line of Avenida Victoria; thence N 33° 28' 55" W 63.92 feet; thence S 56° 31' 05" W 30.00 feet to a point in the centerline of Lot 20, Block A, Tract 779, as filed for record in Book 23, Pages 19 through 25, Records of Orange County, California, and known as Avenida Victoria; thence S 33° 28' 55" E along the centerline of Avenida Victoria 122.97 feet; thence leaving said centerline S 56° 31' 05" W 204.68 feet to the TRUE POINT OF BEGINNING; thence N 33° 28' 55" W 57.00 feet; thence S 56° 31' 05" W 87.00 feet; thence S 33° 28' 55" E 45.00 feet; thence S 56° 31' 05" W 696.00 feet; thence N 33° 28' 55" W 12.00 feet; thence S 56° 31' 05" W 35.00 feet; thence S 33° 28' 55" E 12.00 feet; thence S 56° 31' 05" W 56.00 feet; thence N 33° 28' 55" W 12.00 feet; thence S 56° 31' 05" W 26.00 feet; thence S 33° 28' 55" E 12.00 feet; thence S 56° 31' 05" W 214.00 feet; thence N 33° 28' 55" W 12.00 feet; thence S 56° 31' 05" W 26.00 feet; thence S 33° 28' 55" E 12.00 feet; thence S 56° 31' 05" W 55.50 feet; thence N 33° 28' 55" W 21.00 feet; thence S 56° 31' 05" W 63.00 feet; thence S 33° 28' 55" E 66.00 feet; thence N 56° 31' 05" E 63.00 feet; thence N 33° 28' 55" W 21.00 feet; thence N 56° 31' 05" E 377.50 feet; thence S 33° 28' 55" E 12.00 feet; thence N 56° 31' 05" E 35.00 feet; thence N 33° 28' 55" W 12.00 feet; thence N 56° 31' 05" E 459.00 feet; thence S 33° 28' 55" E 12.00 feet; thence N 56° 31' 05" E 20.00 feet; thence N 33° 28' 55" W 12.00 feet; thence N 56° 31' 05" E 217.00 feet; thence S 33° 28' 55" E 45.00 feet; thence N 56° 31' 05" E 87.00 feet; thence N 33° 28' 55" W 30.92 feet; thence N 56° 31' 05" E 22.17 feet; thence N 33° 28' 55" W 14.08 feet; thence S 56° 31' 05" W 22.17 feet; thence N 33° 28' 55" W 12.00 feet to the point of beginning.

TOGETHER WITH a use area extending 10 feet from the extremities of said pier:

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Pacific Ocean.

END OF DESCRIPTION

PREPARED JANUARY 15, 1985, BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

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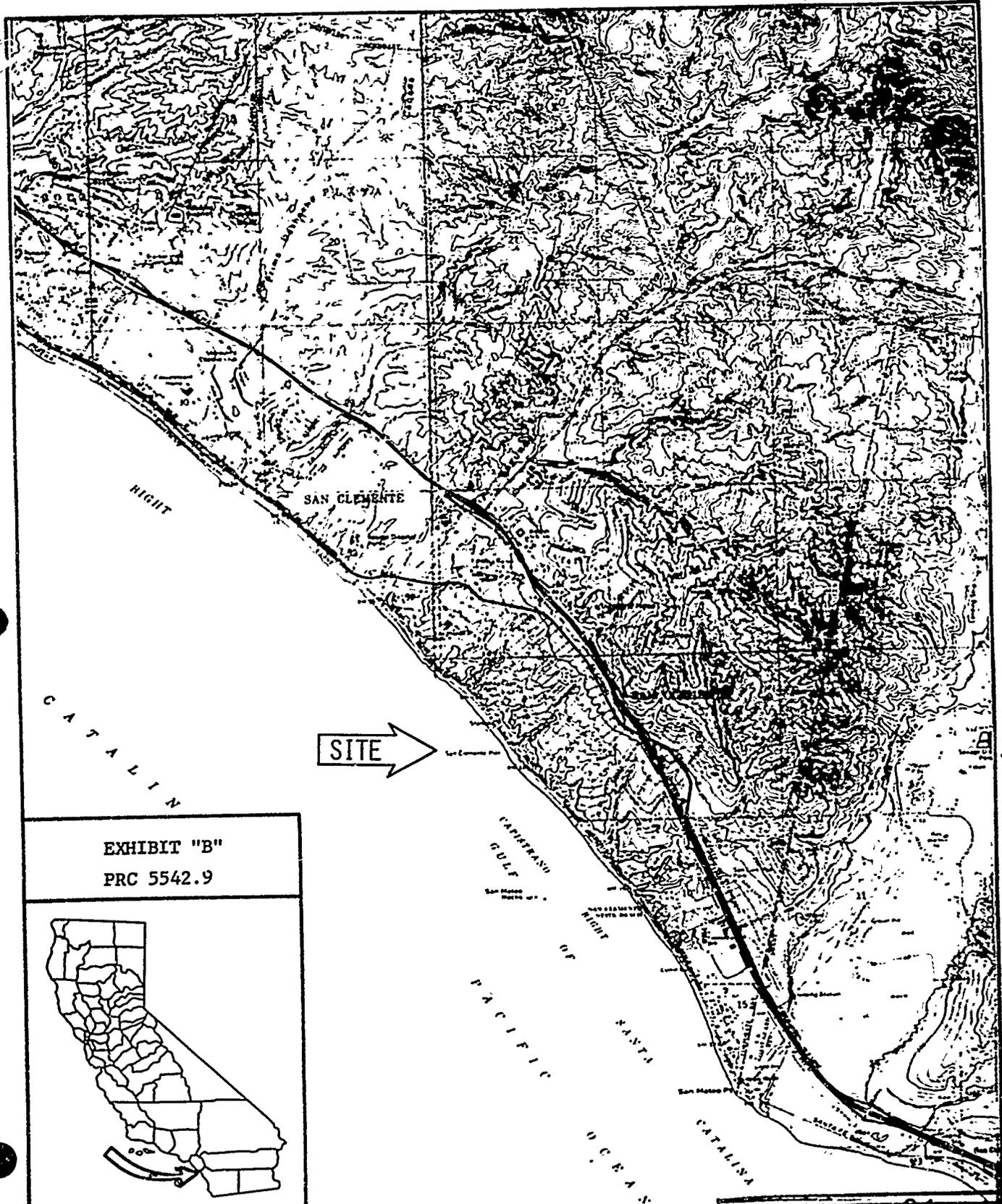


EXHIBIT "B"
PRC 5542.9



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