MINUTE ITEM
This Calendar Item No. C37 was approved as Minute Item No. 37 by the California State Lands Commission by a vote of 3 to 0 at its 05/10/07 meeting.

CALENDAR ITEM
C37

A 67

S 35

PRC 3568

05/10/07
W 3568.1
K. Foster

APPROVAL OF AN ASSIGNMENT OF LEASE AND AMENDMENT OF LEASE AS ASSIGNED

LESSEE/ASSIGNOR:
Bolero Lane LLC
c/o Nazir Antoun

ASSIGNEE:
Nazir S. Antoun, Trustee of the The Nazir and Mary Antoun Trust u/t/d June 13, 1985

AREA, LAND TYPE, AND LOCATION:
Sovereign lands in Huntington Harbour, near Huntington Beach, Orange County.

AUTHORIZED USE:
The continued use and maintenance of an existing boat dock, access ramp and cantilevered deck extending no more than five feet waterward of the existing bulkhead.

LEASE TERM:
Ten years, beginning April 25, 2003.

CONSIDERATION:
As to the boat dock, annual rent in the amount of $256, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; as to the cantilevered deck, annual rent in the amount of $1,013, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

PROPOSED AMENDMENT:
Terminate the annual rental of $256 for the existing boat dock, effective on the lease anniversary date of April 25, 2006. All other provisions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Assignee owns the uplands adjoining the lease premises.

2. On February 17, 2005, the Commission approved issuance of a General Lease - Recreational Use for a ten-year term, beginning April 25, 2003, to the Bolero Lane LLC (Lessee/Assignor) for an existing boat dock and access ramp, and for the construction and maintenance of a new cantilevered deck. On February 9, 2006, the Commission approved an amendment to the lease allowing for the removal and replacement of the existing boat dock with a larger dock. At that time, the dock was subject to annual rent due to the upland property being held as an asset of an LLC. The LLC, as a non-natural person, did not qualify for rent-free status for the boat dock under PRC section 6503.5. On February 20, 2006, the Lessee/Assignor transferred title to the upland property to Nazir S. Antoun, Trustee (Assignee). The Lessee/Assignor is now applying to the Commission for an assignment of Lease PRC 3568.1 to the Assignee as of February 20, 2006, and for an amendment to the lease to terminate the annual rental as to the boat dock effective as of April 25, 2006. The boat dock and ramp will qualify for rent-free status under PRC section 6503.5 as the upland owner is a Trust consisting of natural persons.

3. 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 the CEQA because it is not a "project" as defined by the 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

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE 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:

1. AUTHORIZE THE ASSIGNMENT OF LEASE NO. PRC 3568.1, A GENERAL LEASE – RECREATIONAL USE, OF SOVEREIGN LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, FROM BOLERO LANE LLC TO NAZIR S. ANTOUN, TRUSTEE OF THE NAZIR AND MARY ANTOUN TRUST U/T/D JUNE 13, 1985, EFFECTIVE FEBRUARY 20, 2006.

2. AUTHORIZE THE AMENDMENT OF PRC 3568.1, A GENERAL LEASE - RECREATIONAL USE, OF SOVEREIGN LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, TO TERMINATE THE ANNUAL RENTAL OF $256 FOR THE BOAT DOCK, EFFECTIVE APRIL 25, 2006. ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

NO SCALE

SITE

BULKHEAD LINE

BOLERO LANE

LEASE AREA

APN 178-315-38

50

100'

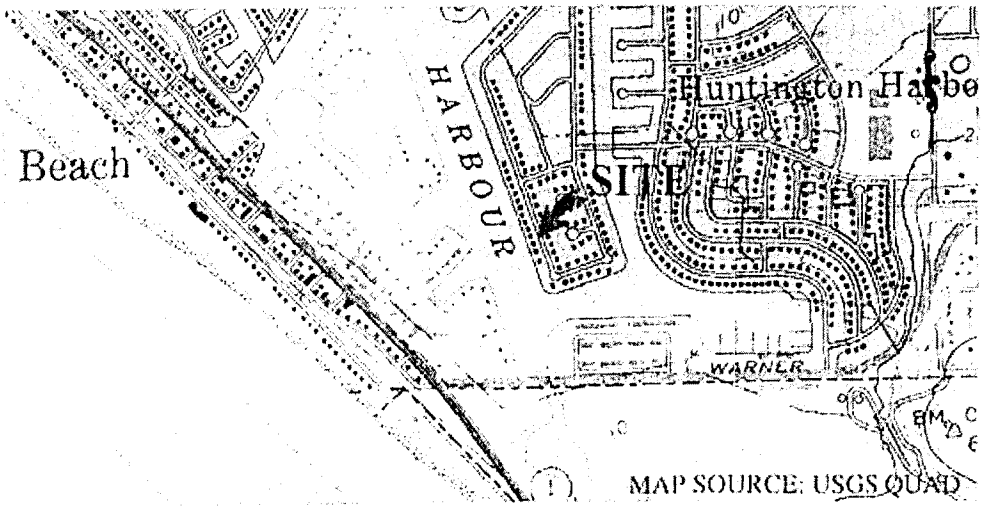
PIERHEAD LINE

60'

16971 BOLERO LANE, HUNTINGTON HARBOUR

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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 A

PRC 3568
ANTOUN TRUST
APN 178-315-38
GENERAL LEASE
RECREATIONAL USE
ORANGE COUNTY

MJ 03/07

EXHIBIT B

PRC 3568

LAND DESCRIPTION

A parcel of submerged land in Huntington Harbour in the City of Huntington Beach, Orange County, California, described as follows:

Beginning at the most southerly corner of Lot 39, as said lot is shown and so designated on that certain map of Tract No. 5264 filed in Book 185, Pages 27 through 34 of Miscellaneous Maps, Official Records of said County; thence along the southwesterly extension of the southeasterly line of said lot 60.00 feet, more or less, to the pierhead line; thence northwesterly along said pierhead line to the southwesterly extension of the northwesterly line of said lot; thence along said extension 60.00 feet, more or less, to the most westerly corner of said lot; thence along the southwesterly line of said lot to the point of beginning.

END OF DESCRIPTION

Prepared 02/07/2005 by the California State Lands Commission Boundary Unit

PROFESSIONAL LAND SURVEYOR
MICHAEL J. BELL
No. 5764
Exp. 6/30/06
STATE OF CALIFORNIA