

MINUTE ITEM

8. APPLICATION FOR APPROVAL OF SUBLEASE AND SUBLEASE AMENDMENT AND MODIFICATION UNDER PERMIT P.R.C. 2348.9, ORANGE COUNTY; CITY OF SEAL BEACH - W.O. 4763.

Following presentation of Calendar Item 24 attached, and in response to a question raised by Mr. Alan Sieroty, Mr. James Cairns, City Attorney for the City of Seal Beach, reported that the City had no intention of making a charge for access for the right to fish, and felt that under the terms of the original permit such charges would be prohibited. He indicated that the City would be willing to have the following words added to paragraph 7 of the sublease: "There will be no charge to the public for access to the pier including the right to fish therefrom."

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE COMMISSION AUTHORIZES THE EXECUTIVE OFFICER TO APPROVE A SUBLEASE AGREEMENT AND AMENDMENT AND MODIFICATION THERETO, UNDER P.R.C. 2348.9, BETWEEN THE CITY OF SEAL BEACH AND SEAL BEACH SPORTFISHING, INC., WITH THE UNDERSTANDING THAT SAID SUBLEASE WILL CONTAIN THE FOLLOWING PROVISION: "THERE WILL BE NO CHARGE TO THE PUBLIC FOR ACCESS TO THE PIER INCLUDING THE RIGHT TO FISH THEREFROM."

Attachment

Calendar Item 24 (1 page)

CALENDAR ITEM

24.

APPLICATION FOR APPROVAL OF SUBLEASE AND SUBLEASE AMENDMENT AND MODIFICATION UNDER PERMIT P.R.C. 2348.9, ORANGE COUNTY; CITY OF SEAL BEACH - W.O. 4763.

Permit P.R.C. 2348.9, issued to the City of Seal Beach for a 25-year period, beginning February 24, 1959, covers a parcel of tide and submerged lands occupied by the Municipal Pier.

On May 25, 1961, the Commission approved an amendment to the legal description, which now delineates a strip of land 120 feet in width and 1,620 feet in length, containing 4.46 acres.

On June 24, 1963, the City of Seal Beach entered into an agreement wherein the pier was subleased to David R. Dobbie and J. Ray Henrichsen, co-partners, who agreed to make certain pier improvements and additions at a minimum cost of \$350,000. The sublessees are to operate all fishing boats, excursion boats, charter boats, tram or other motor vehicle, restaurant, tackle store, live-bait stand and/or fish market.

The sublessees are to keep the entire pier open for the use of the general public at all reasonable times.

The sublease term will expire February 23, 1984, which is the expiration date of the State permit to the City of Seal Beach.

The City of Seal Beach requests approval of the sublease and approval of an amendment and modification of the sublease wherein sublessees David R. Dobbie and J. Ray Henrichsen assign and transfer all of their right, title and interest in the sublease to Seal Beach Sportfishing, Inc. The amendment also provides for certain changes in sublease conditions pertaining to the rental, to improvements by the sublessee, and to standards of operation as detailed in Exhibit "A" hereto.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO APPROVE A SUBLEASE AGREEMENT AND AMENIMENT AND MODIFICATION THERETO, UNDER P.R.C. 2348.9, BETWEEN THE CITY OF SEAL BEACH AND SEAL BEACH SPORTFISHING, INC.