

MINUTE ITEM

This Calendar Item No. C8
was approved as Minute Item
No. 8 by the State Lands
Commission by a vote of 3
to 0 at its 3/22/84
meeting.

CALENDAR ITEM

C 0 8 4

3/22/84
UP 1395
Louie/
Townsend

ACCEPTANCE OF A LEASE QUITCLAIM DEED AND
TERMINATION OF LEASE PRC 1395.1

APPLICANT: Marineland Amusements Corporation
Attention: Mr. Bernie Osterman
6610 Palos Verdes Drive South
Rancho Palos Verdes, California 90274

AREA, TYPE LAND AND LOCATION:
A 0.501-acre parcel of tide and submerged
land in the Pacific Ocean at Long Point,
Palos Verdes Peninsula, Los Angeles County.

LAND USE: A pier for boat docking and salt water
intake system.

TERMS OF LEASE:

Initial period: 15 years from December 1,
1977.

Renewal options: Two (2) successive periods
of ten years each.

Surety bond: \$10,000.

Public liability insurance: \$600,000 per
occurrence for bodily
injury and \$100,000 for
property damage, or combined
single limit coverage
of \$700,000.

Consideration: \$4,365 per annum; five-year
rent review.

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CALENDAR ITEM NO. C 0 8 (CONTD)

BACKGROUND:

On March 30, 1978, the Commission approved a lease to Hanna-Barbera Marineland, a partnership of Kroventure-Marineland H.B., Inc., beginning December 1, 1977, for a pier and salt water intake system. On January 1, 1982, the upland and park was purchased by Marineland Amusements Corporation. The lease was assigned to Marineland Amusements Corporation, by Commission action of February 24, 1983, to be effective on the date of the transfer of the property. At that time the lease was also amended, effective December 1, 1982, increasing the rental from \$2,960 to \$4,365, and the surety bond from \$5,000 to \$10,000.

Prior to receipt from Marineland of the additional rental due under the terms of the amendment and the new surety bond for \$10,000, staff was notified by Marineland that the improvements, consisting of the dock and salt water intake system were washed away by storm damage occurring on March 1, 1983. Due to the almost total loss of the pier and intake system, the age of the pier, and its recent lack of utility to the park, Marineland has determined that reconstruction of the pier is not feasible. The intake system will be replaced by a pump intertie system which will not be located on State land. Lessee has paid rental at the prior amount of \$2,960 and the previous surety bond in the amount of \$5,000 is still in effect.

CURRENT SITUATION:

Lessee has provided staff with a Demolition and Removal Plan for removal of the subject pier which was reviewed and found to conform with the State's procedures for site clearance. Lessee has informed the staff that the pier removal is to be completed no later than June 30, 1984. Lessee is to submit an affidavit executed by a registered engineer certifying that the site has been cleared in conformance with the approved plans.

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Subject to Commission approval, staff recommends the following:

1. Waive the difference between the prior rental of \$2,960 and the amended rental of \$4,365, in the amount of \$1,405, which was due for the year beginning December 1, 1982, plus penalty and interest, if any;
2. Accept rental for the period of December 1, 1983 through June 30, 1984, in the amount of \$1,727, using the prior rental of \$2,960 as a basis for calculation;
3. Waive the provision that Lessee provide a new surety bond in the amount of \$10,000, providing the existing bond in the amount of \$5,000 remains current until restoration of the lease premises is complete; and
4. Authorize the State's acceptance of a Lease Quitclaim Deed by Lessee, subject to conformance with site clearance procedures approved by staff.

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 4(3), Removal of a Hazardous Structure, 2 Cal. Adm. Code 2905.

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 the lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

CALENDAR ITEM NO. 608 (CONTD)

APPROVALS REQUIRED:

Coastal Commission, United States Army
Corps of Engineers.

AB 884: W/A.

EXHIBITS: A. Land Description.
3. 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, AS A CATEGORICAL EXEMPT PROJECT, CLASS 4(3), REMOVAL OF A HAZARDOUS STRUCTURE, 2 CAL. ADM. CODE 1905.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE THE WAIVER OF THE DIFFERENCE BETWEEN THE PRIOR RENTAL AND THE LATEST AMENDED RENTAL INCREASE, IN THE AMOUNT OF \$1,405, PLUS PENALTY AND INTEREST, IF ANY; ACCEPT RENTAL FOR THE PERIOD OF DECEMBER 1, 1983 THROUGH JUNE 30, 1984, IN THE AMOUNT OF \$1,727, USING THE PRIOR RENTAL OF \$2,960 AS A BASIS FOR CALCULATION; AND WAIVE THE PROVISION FOR THE INCREASED SURETY BOND IN THE AMOUNT OF \$10,000, PROVIDING THE EXISTING BOND IN THE AMOUNT OF \$5,000 REMAINS CURRENT UNTIL RESTORATION OF THE LEASE PREMISES IS COMPLETE AND ACCEPTANCE OF A LEASE QUITCLAIM DEED BY THE STATE.
4. TERMINATE LEASE PRC 1395.1, EFFECTIVE JUNE 30, 1984, AND AUTHORIZE ACCEPTANCE OF A LEASE QUITCLAIM DEED FROM LESSEE SUBJECT TO STAFF'S CONFIRMATION THAT THE PIER REMOVAL HAS BEEN ACCOMPLISHED IN CONFORMANCE WITH APPROVED PLANS.

EXHIBIT "A"

A strip of tide and submerged land 56 feet in width, in Los Angeles County, California, and lying 28 feet on each side of the following described centerline:

COMMENCING at U.S.C. & G.S. Station "NA REAR", said station having California Coordinate System Zone 5 coordinates, Y = 88,075.17 and X = 1,880,592.14; thence S 06° 10' 49" E, 897.57 feet to the POINT OF BEGINNING of the herein described centerline; thence S 13° 27' 05" W, 490 00 feet to the end of the herein described centerline.

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

END OF DESCRIPTION

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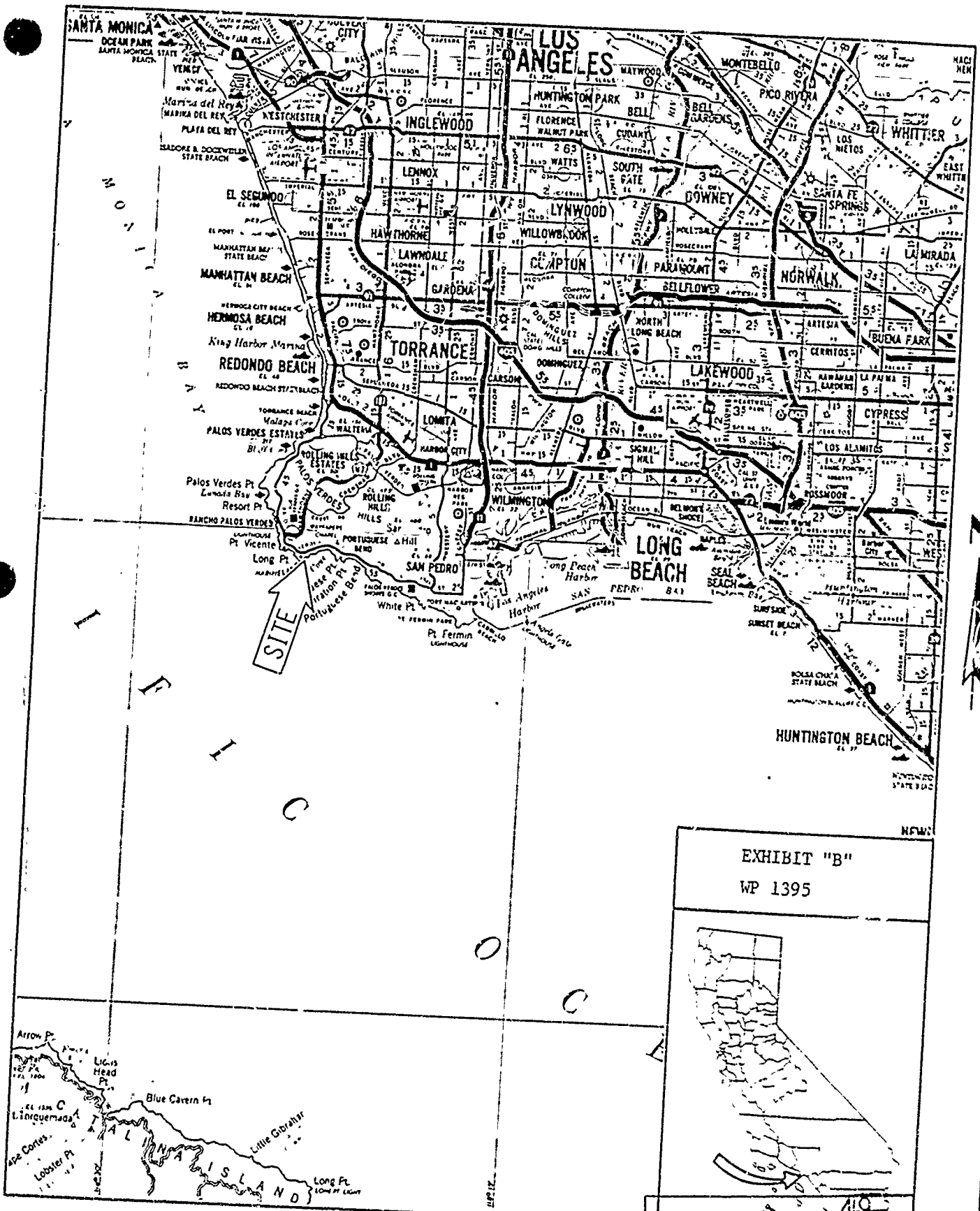


EXHIBIT "B"
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