

**CALENDAR ITEM
C55**

A 67
S 35

01/26/12
PRC 3568.1
S. Paschall

REVISION OF RENT

LESSEE:

Nazir S. Antoun, Trustee of the Nazir and Mary Antoun Trust, Dated June 13, 1985

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Huntington Harbour, adjacent to 16971 Bolero Lane, in the city of Huntington Beach, Orange County.

AUTHORIZED USE:

Continued use and maintenance of an existing boat dock, access ramp, and cantilevered deck extending no more than five feet waterward of the bulkhead.

LEASE TERM:

10 years, beginning April 25, 2003.

CONSIDERATION:

This lease provides that the State may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends that the rent be revised from \$1,013 per year to \$1,215 per year, effective April 25, 2012.

OTHER PERTINENT INFORMATION

1. On February 17, 2005, the Commission approved issuance of a General Lease – Recreational Use for a 10-year term, beginning April 25, 2003, to Bolero Lane LLC (Lessee/Assignor) for an existing boat dock and access ramp and additionally for the construction and maintenance of a new cantilevered deck.
2. 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 boat dock. At the time, the dock was subject to annual rent due to the upland property being held as an asset of a Limited Liability Company (Bolero Lane LLC).

CALENDAR ITEM NO. C55 (CONT'D)

3. On February 20, 2006, the previous Lessee/Assignor transferred title of the upland property to Nazir S. Antoun, a natural person and Trustee of the Nazir and Mary Antoun Trust, Dated June 13, 1985.
4. On May 10, 2007, the Commission approved an amendment to the lease which terminated the annual rent for the existing boat dock, effective on the lease anniversary date of April 25, 2006, pursuant to the change of title mentioned above in paragraph 3. The current lessee is a natural person who owns the upland property adjacent to the lease premises.

On October 8, 2011, Chapter 585, Statutes of 2011, became law. The law is effective January 1, 2012. This law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. The new section 6503.5 provides that the State Lands Commission "shall charge rent for a private recreational pier constructed on state lands." This lease is not affected by the provisions of Chapter 585.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is not subject to the requirements of 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:

Approve the revision of rent for Lease No. PRC 3568.1 from \$1,013 per year to \$1,215 per year, effective April 25, 2012.

EXHIBIT A

PRC 3568.1

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

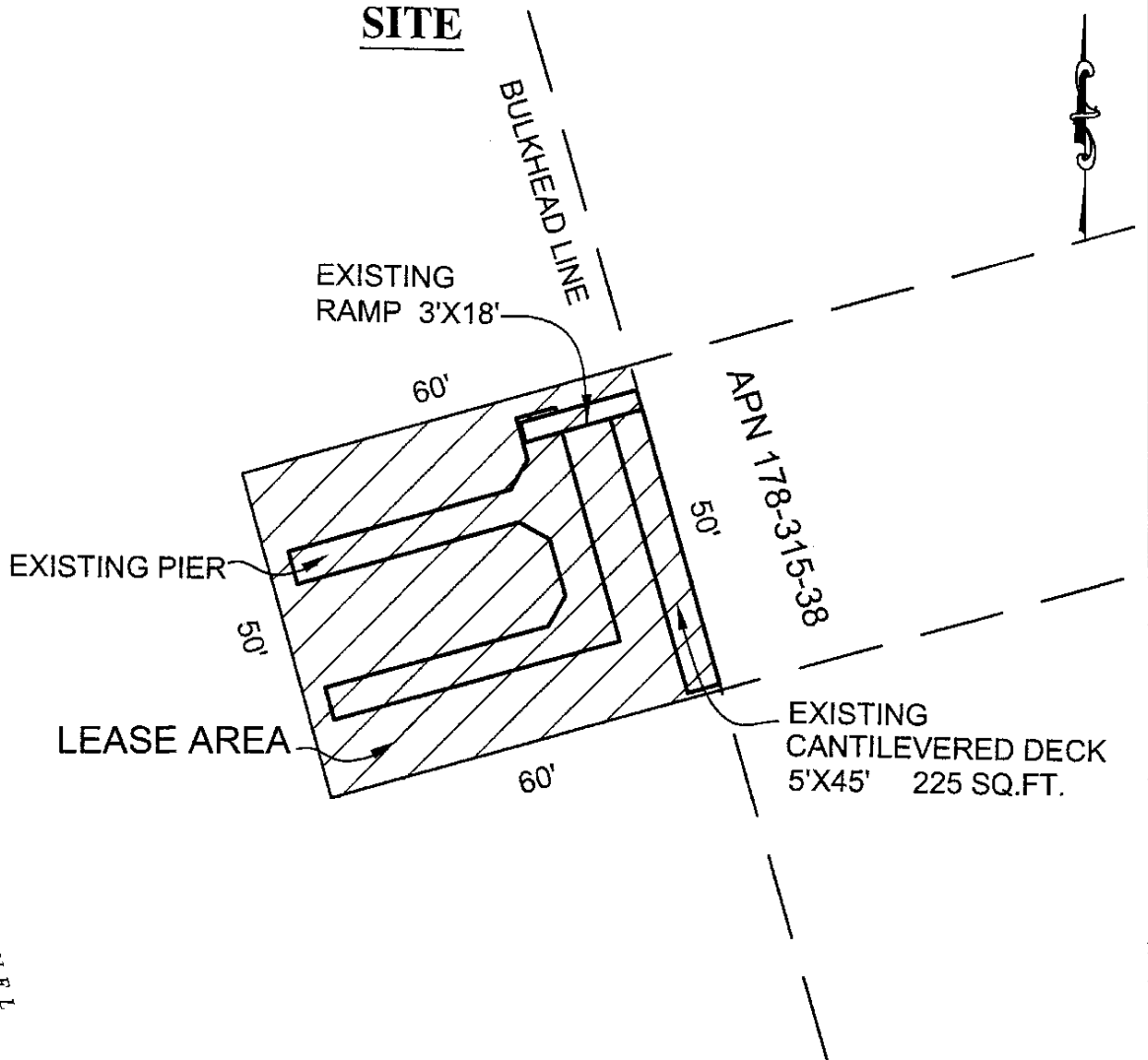
Prepared 02/07/2005 by the California State Lands Commission Boundary Unit



NO SCALE

SITE

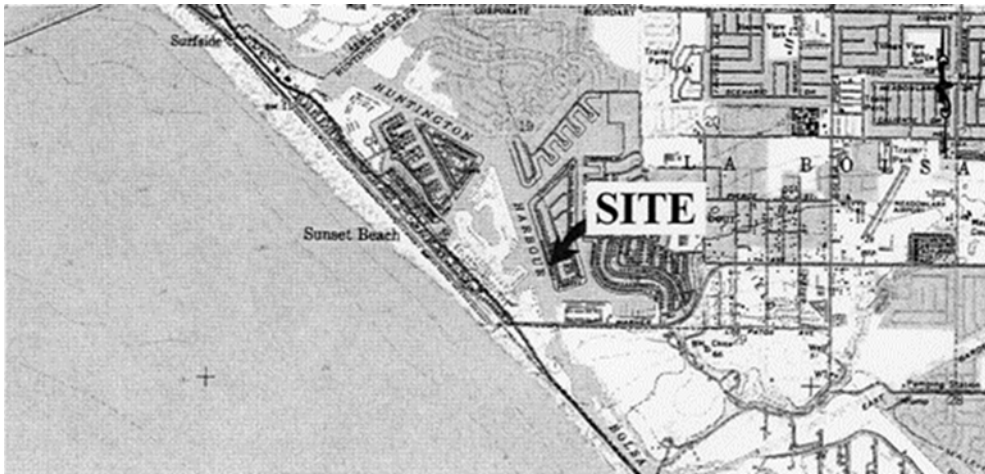
STATE OF CALIFORNIA CHANNEL



16971 BOLERO LANE, HUNTINGTON BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 3568.1
 ANTOUN TRUST
 APN 178-315-38
 GENERAL LEASE -
 RECREATIONAL USE
 ORANGE COUNTY



MJJ 07/11

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.