

CALENDAR ITEM
C36

A 72
S 34

12/06/16
PRC 8966.1
S. Avila

**CORRECTION OF PRIOR AUTHORIZATION
AND REVISION OF RENT**

LESSEE:

Jack Graham Merritt and Sharon Lee Merritt as Trustees of the Jack Graham Merritt and Sharon Lee Merritt Family Trust, dated December 13, 1988

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Huntington Harbour, adjacent to 3502 Venture Drive, city of Huntington Beach, Orange County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning January 26, 2012.

CONSIDERATION:

Bulkhead protection: the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests;

Boat dock and access ramp: No monetary consideration pursuant to Public Resources Code section 6503.5;

Cantilevered deck: This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of rent under this lease and recommends rent be revised from \$1,201 per year to \$1,508 per year, effective January 26, 2017.

CALENDAR ITEM NO. **C36** (CONT'D)

SPECIFIC LEASE PROVISIONS:

1. Liability insurance in an amount no less than \$1,000,000 per occurrence.
2. No permanent roof or other enclosure will be constructed on the Lease Premises. Applicant agrees that any proposed use of the Lease Premises that includes a residential extension of the actual living quarters constitutes residential use and is prohibited.

PROPOSED CORRECTION:

Correct the named Lessee from Jack Graham Merritt and Sharon Lee Merritt as Trustees of the Jack Graham Merritt and Sharon Lee Merritt Family Trust, dated December 13, 1988, authorized at the January 26, 2012, Commission meeting ([Calendar Item C54, January 26, 2012](#)) to Jack Graham Merritt as Trustee of the Jack Graham Merritt and Sharon Lee Merritt Family Trust, dated December 13, 1988, as amended June 7, 1993. Except for the revision of rent, all other terms and conditions of the lease shall remain in effect without change.

OTHER PERTINENT INFORMATION:

1. The name of the Applicant on the original authorization was incomplete because it did not include "as amended June 7, 1993."
2. The lease was signed by both trustees, but since that time, one of the trustees, Sharon Lee Merritt, died, and Jack Graham Merritt is the surviving trustee. The proposed action recognizes the surviving trustee and the correct name of the trust.
3. This action is consistent with Strategy 2.2 of the Commission's Strategic Plan to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
4. Authorizing the correction of the authorization of lease and approving the revision of rent are not projects as defined by the California Environmental Quality Act because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

CALENDAR ITEM NO. **C36** (CONT'D)

EXHIBIT:

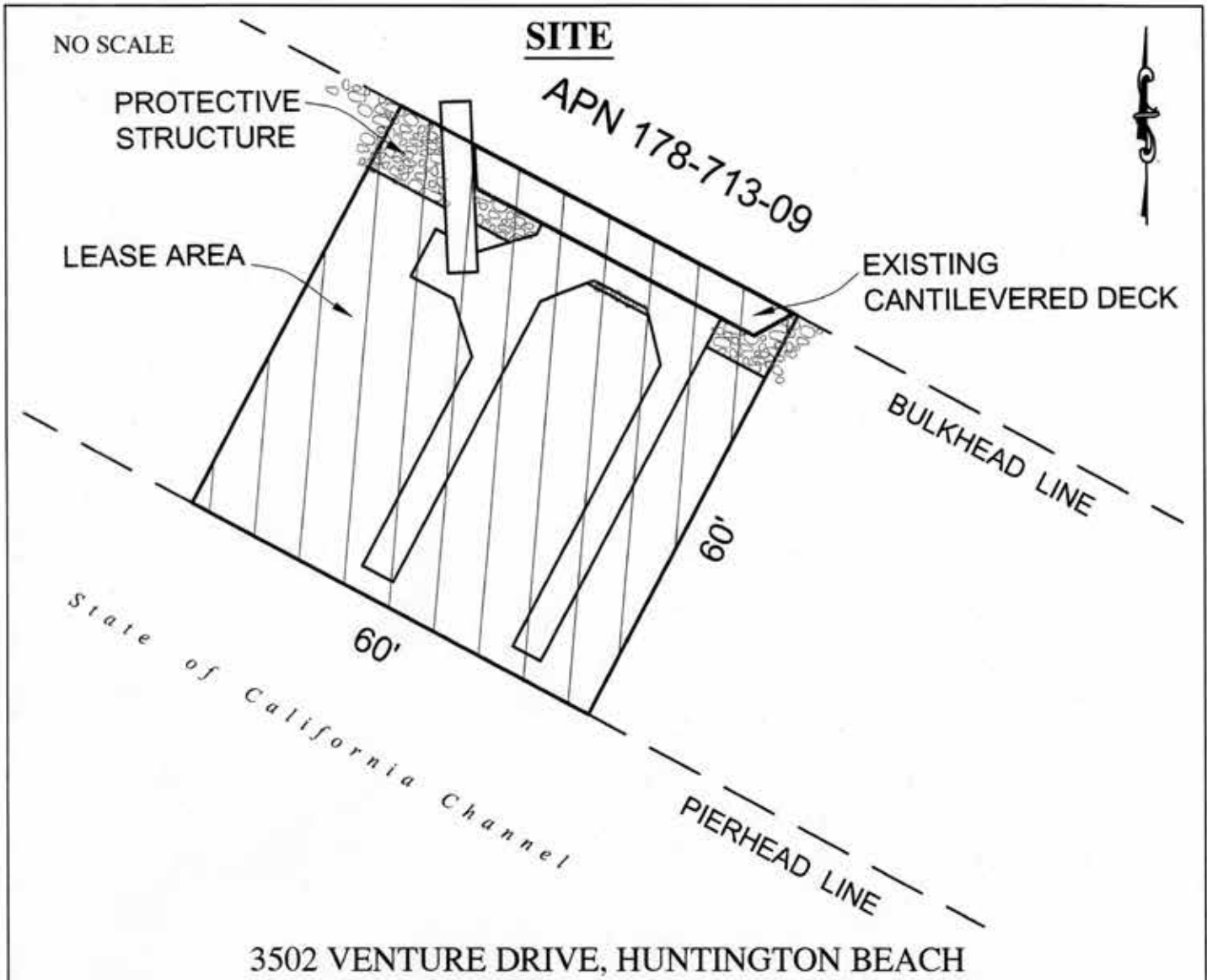
- A. Site and Location Map

RECOMMENDED ACTION:

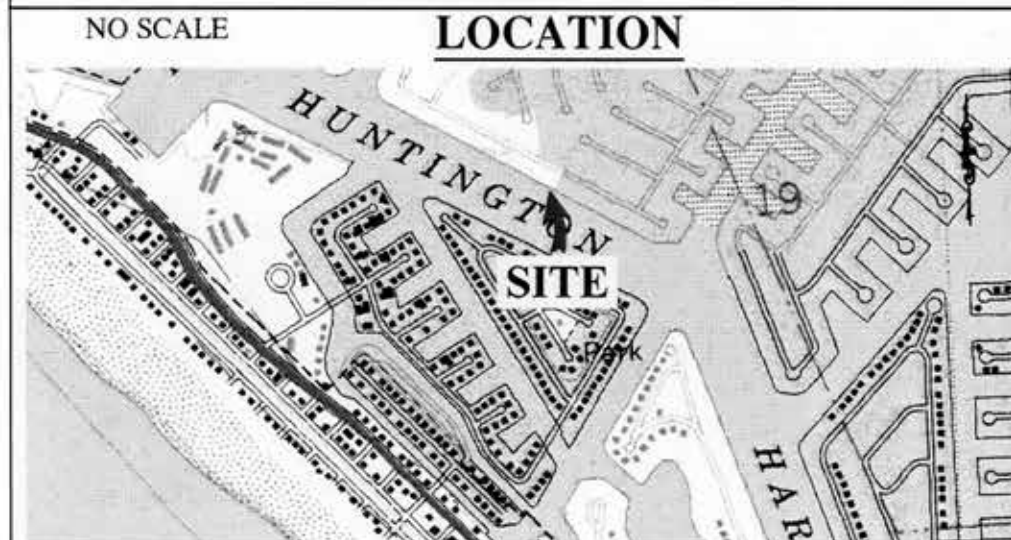
It is recommended that the Commission:

AUTHORIZATION:

1. Authorize the correction of the Commission's January 26, 2012 authorization of a General Lease – Recreational and Protective Structure Use to Jack Graham Merritt as Trustee of the Jack Graham Merritt and Sharon Lee Merritt Family Trust, dated December 13, 1988 as amended June 7, 1993, as Lessee; except for revision of rent, all other terms and conditions of the prior authorization and lease will remain the same.
2. Approve the revision of rent for Lease No. PRC 8966.1, from \$1,201 to \$1,508, effective January 26, 2017.



3502 VENTURE DRIVE, HUNTINGTON BEACH



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 8966.1
 MERRITT TRUST
 APN 178-713-09
 GENERAL LEASE -
 RECREATIONAL &
 PROTECTIVE STRUCTURE USE
 ORANGE COUNTY



MJJ 10/25/2016