

STAFF REPORT
C59

A 72

S 34

10/19/17
PRC 3086.1
S. Avila

ASSIGNMENT OF LEASE

LESSEE/ASSIGNOR:

Leonis C. Malburg

APPLICANT/ASSIGNEE:

Leonis Clos Malburg, Trustee of Trust A of the Malburg Family Trust dated May 25, 2001, as amended

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Huntington Harbour, adjacent to 16442 Malden Circle, Huntington Beach, Orange County.

AUTHORIZED USE:

Continued use and maintenance of an existing boat dock, access ramp, and cantilevered deck.

LEASE TERM:

10 years, beginning March 8, 2014.

CONSIDERATION:

\$4,614 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and State's Best Interests Analysis:

On June 19, 2014, the Commission authorized a General Lease - Recreational Use to Leonis C. and D. Leonie Malburg, for a term of 10 years ([Item C70, June 19, 2014](#)). That lease will expire on March 7, 2024. On January 14, 2015, the upland was deeded to Leonis Clos Malburg,

CALENDAR ITEM NO. **C59** (CONT'D)

Trustee of Trust A of the Malburg Family Trust dated May 25, 2001, as amended (Applicant). D. Leonie Malburg is deceased. The Applicant is now applying for an assignment of the lease. Applicant agrees to perform and be bound by the terms, conditions, covenants, and agreements contained in the lease.

The lease assignment will not result in a change in the use of public resources or the impacts thereto. Staff believes approval of this assignment is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
2. Assignment of a lease is not a project as defined by the California Environmental Quality Act because it is an administrative action 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).

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

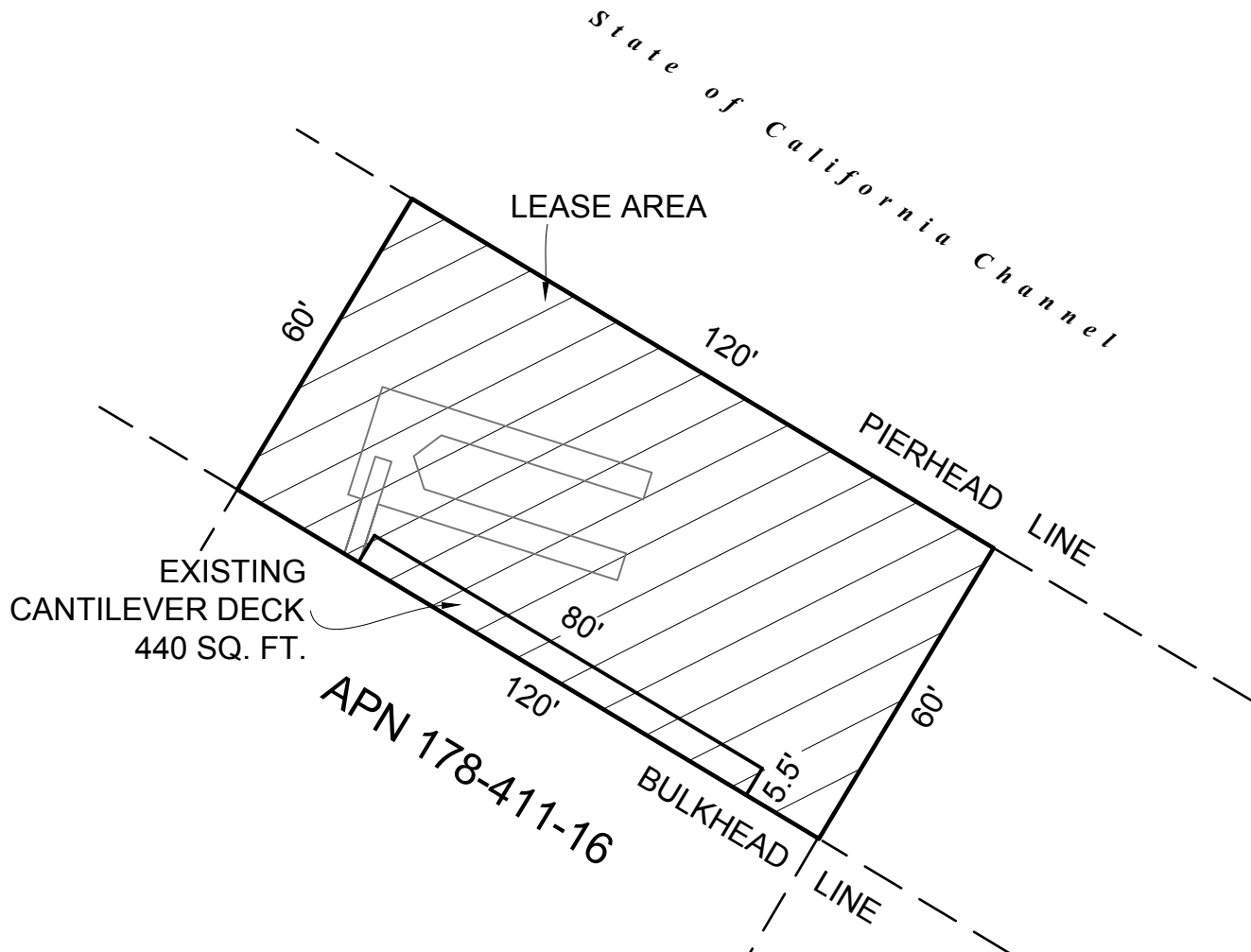
Find that the proposed lease assignment will not impact the Public Trust needs and values at this location, at this time or for the foreseeable term of the lease, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

AUTHORIZATION:

Authorize the assignment of Lease No. PRC 3086.1, a General Lease - Recreational Use, of sovereign land as shown on Exhibit A (for reference purposes only), attached and by this reference made a part hereof, from Leonis C. Malburg to Leonis Clos Malburg, Trustee of Trust A of the Malburg Family Trust dated May 25, 2001, as amended; effective January 14, 2015.

NO SCALE

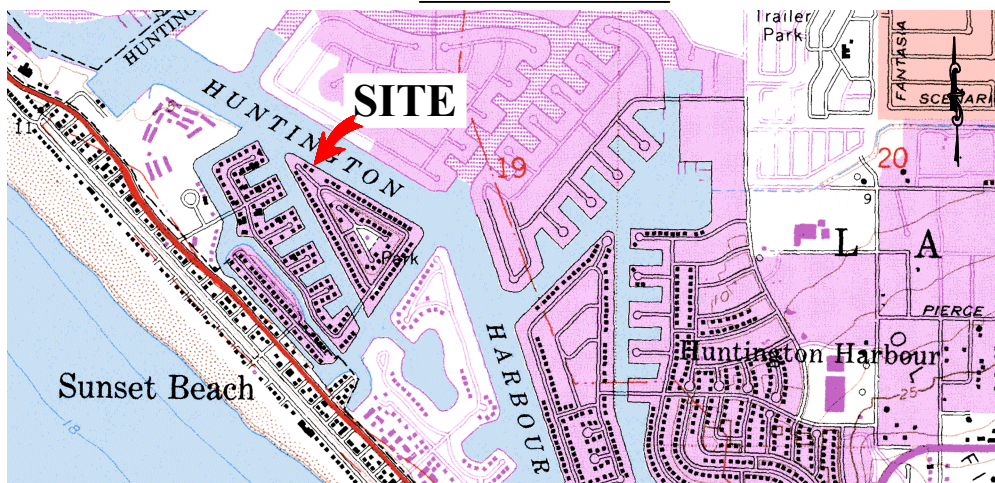
SITE



16442 MALDEN CIRCLE, HUNTINGTON BEACH

NO SCALE

LOCATION



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 3086.1
MALBURG FAMILY TRUST
APN 178-411-16
GENERAL LEASE -
RECREATIONAL USE
ORANGE COUNTY



MJJ 03/18/14