

9. COMMERCIAL LEASE, SUBMERGED LAND IN LAKE TAHOE, PLACER COUNTY; HELEN T. ALRICH - W.O. 6643, P.R.C. 3953.1.

After consideration of Calendar Item 3 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE ISSUANCE TO HELEN T. ALRICH OF A 5-YEAR COMMERCIAL LEASE FROM NOVEMBER 8, 1967, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$150 AND THE PROVISION OF A \$5,000 PERFORMANCE AND SURETY BOND AND PUBLIC LIABILITY INSURANCE IN THE AMOUNTS OF \$100,000/\$300,000 FOR PERSONAL INJURY AND \$5,000 FOR PROPERTY DAMAGE, FOR CONSTRUCTION OF A BREAK-WATER AND MARINE FUELING STATION ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, WITH LESSEE'S RIGHT TO RENEW FOR THREE ADDITIONAL PERIODS OF TEN YEARS EACH UPON SUCH REASONABLE TERMS AND CONDITIONS AS THE STATE MIGHT IMPOSE; PROVIDED THAT LESSEE SHALL EXECUTE AN AGREEMENT TO HOLD HARMLESS THE STATE AGAINST ALL ADVERSE CLAIMS ARISING FROM EXERCISE OF THE LEASE; AND, FURTHER, THAT THE LEASE SHALL TERMINATE SHOULD A COURT FIND THAT LEGAL RIGHTS OF OTHERS ARE INTERFERED WITH BY USE OF THE DEMISE PREMISES.

Attachment

Calendar Item 3 (3 pages)

CALENDAR ITEM

5/68  
W.O. 6643

3.

COMMERCIAL LEASE

APPLICANT: Helen T. Alrich

LOCATION: A 55- x 85-foot parcel of submerged land in Lake Tahoe near Homewood, Placer County

PROPOSED USE: The construction of a breakwater and fueling facilities appurtenant to a mechanical berthing structure to be located on the upland

TERMS: Initial period: 5 years, from November 8, 1967  
Renewal options: 3 additional periods of 10 years each  
Surety bond: \$5,000  
Public liability insurance: \$100,000/\$300,000  
Property damage: \$5,000

CONSIDERATION: \$150 per annum

BASIS FOR CONSIDERATION: \$150 minimum rental for this type of lease

PREREQUISITE ITEMS: U.S.A. Corps of Engineers navigational permit has been issued.  
Applicant is owner of upland.

STATUTORY AND OTHER REFERENCES:  
a. Public Resources Code: Div. 6, Pt. 2, Ch. 1, Secs. 6501-6509  
b. Administrative Code: Title 2, Div. 3, Secs. 2000-2011  
c. Commission Policy: Minute Item 18 of November 18, 1959

EXHIBITS: A. Legal description B. Location map

OTHER PERTINENT INFORMATION:  
During the negotiation of this transaction several questions arose pertaining to applicant's property rights in the adjacent upland. While these questions were resolved to staff's satisfaction for purposes of leasing the affected submerged land, it was decided to require adequate protection of the State's interests. Accordingly, the applicant has executed an agreement to indemnify and hold harmless the State against adverse actions arising from the lease. Also, it has been agreed that the lease shall terminate if a court finds that lessee's use of the leased premises interferes with the legal rights of others.

CALENDAR ITEM 3. (CONTD.)

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ISSUANCE TO HELEN T. ALRICH OF A 5-YEAR COMMERCIAL LEASE FROM NOVEMBER 8, 1967, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$150 AND THE PROVISION OF A \$5,000 PERFORMANCE AND SURETY BOND AND PUBLIC LIABILITY INSURANCE IN THE AMOUNTS OF \$100,000/\$300,000 FOR PERSONAL INJURY AND \$5,000 FOR PROPERTY DAMAGE, FOR CONSTRUCTION OF A BREAKWATER AND MARINE FUELING STATION ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, WITH LESSEE'S RIGHT TO RENEW FOR THREE ADDITIONAL PERIODS OF TEN YEARS EACH UPON SUCH REASONABLE TERMS AND CONDITIONS AS THE STATE MIGHT IMPOSE; PROVIDED THAT LESSEE SHALL EXECUTE AN AGREEMENT TO HOLD HARMLESS THE STATE AGAINST ALL ADVERSE CLAIMS ARISING FROM EXERCISE OF THE LEASE; AND, FURTHER, THAT THE LEASE SHALL TERMINATE SHOULD A COURT FIND THAT LEGAL RIGHTS OF OTHERS ARE INTERFERED WITH BY USE OF THE DEMISED PREMISES.

Attachment: Exhibit "A"

EXHIBIT "A"

W.O. 6643

All that certain real property situate in Lake Tahoe, Placer County, California, described as follows:

BEGINNING at the most easterly corner of Lot 94, Lakeside Terrace, as the map of said subdivision is shown in Book A of Maps at Page 13, Placer County Recorder's Office, thence South  $88^{\circ} 56'$  East, 111.14 feet to the TRUE POINT OF BEGINNING of this description, said point being also on the mean low water line of Lake Tahoe (Ei. 6223); thence North  $70^{\circ} 16'$  East, 55.00 feet; thence North  $19^{\circ} 44'$  West, 85.00 feet; thence South  $70^{\circ} 16'$  West, 55.00 feet; thence South  $19^{\circ} 44'$  East, 85.00 feet to the TRUE POINT OF BEGINNING, and containing 4,675 square feet of land more or less.