

MINUTE ITEM

3/30/72
ATD

4. ASSIGNMENT, AMENDMENT AND RENEWAL OF RIGHT-OF-WAY EASEMENT PRC 4222.1 FROM JAMES T. AND NINA MUNSON TO TAHOE CITY PUBLIC UTILITY DISTRICT; SUBMERGED LAND IN LAKE TAHOE SOUTHERLY OF HOMEWOOD, PLACER COUNTY - W 8987, PRC 4222.9.

After consideration of Calendar Item 2 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. AUTHORIZES THE APPROVAL OF AN ASSIGNMENT OF LEASE PRC 4222.1 FROM JAMES T. AND NINA MUNSON TO TAHOE CITY PUBLIC UTILITY DISTRICT, A PUBLIC UTILITY DISTRICT;
2. AUTHORIZES THE ISSUANCE TO TAHOE CITY PUBLIC UTILITY DISTRICT OF A RENEWAL OF LEASE PRC 4222.1 FOR A PERIOD OF TEN YEARS, EFFECTIVE MARCH 13, 1972, AS PROVIDED IN THE ORIGINAL LEASE; AND
3. AUTHORIZES THE ISSUANCE TO TAHOE CITY PUBLIC UTILITY DISTRICT OF AN AMENDMENT TO LEASE PRC 4222.1 TO DELETE PARAGRAPH 13 OF SAID LEASE, AND TO DELETE PARAGRAPH 2 AND SUBSTITUTE THEREFOR THE FOLLOWING PARAGRAPH: "THE SOLE AND ENTIRE CONSIDERATION TO THE STATE FOR THE WITHIN PERMIT SHALL BE THE PUBLIC BENEFIT. HOWEVER, THE STATE RESERVES THE RIGHT TO REVIEW THE CONSIDERATION AT ANY TIME AND TO SET A MONETARY RENTAL IF THE STATE LANDS COMMISSION SHALL DETERMINE THAT SUCH ACTION IS IN THE STATE'S BEST INTEREST". ALL OTHER TERMS AND CONDITIONS OF SAID LEASE PRC 4222.9 TO REMAIN IN FULL FORCE AND EFFECT.

Attachment:

Calendar Item 2 (2 pages)

CALENDAR ITEM

3/72
W 8987
ATD

2.

ASSIGNMENT, AMENDMENT AND RENEWAL
OF RIGHT-OF-WAY EASEMENT P.R.C. 4222.1

ASSIGNOR: James T. and Nina Munson
ASSIGNEE: Tahoe City Public Utility District
LOCATION: A 0.06-acre (approximately) parcel of submerged land in Lake Tahoe, southerly of Homewood, Placer County.
LAND USE: The operation of a water system consisting of a pump and piping.

TERMS OF EXISTING LEASE:

Initial period: 5 years, from March 13, 1967.
Renewal options: 3 additional periods of 10 years each.
Surety bond: \$1,000.

CONSIDERATION: \$216 per annum.

BASIS FOR CONSIDERATION:

6% of appraised value of land.

TERMS OF AMENDED AND RENEWED LEASE:

Same terms as existing lease except:

- 1) Rental paragraph 2 shall be replaced with a no fee paragraph (with State reserving the right at any time to set a rental if indicated).
- 2) Deletion of the bond requirement.

OTHER PERTINENT INFORMATION:

- 1) The annual rental value of the site is estimated to be \$216.
- 2) The water system, which was acquired by the assignor on March 13, 1967, is installed on a pier now covered by permit to McKinney Shores Property Owners Association. The system provides water to homes owned by Association members.
- 3) The necessary evidence of the publicly owned status of the water company is in the Division files.
- 4) According to an informal opinion of the Attorney General dated December 10, 1970, no environmental finding as required by Chapter 1555, Statutes of 1970 is required when

CALENDAR ITEM NO. 2. (CONTD)

the basic purpose of the lease is not changed by an amendment. Neither the assignment, the change of rental nor the change of bond provision appears to constitute sufficient change of purpose to require an impact analysis.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE APPROVAL OF AN ASSIGNMENT OF LEASE P.R.C. 4222.1 FROM JAMES T. AND NINA MUNSON TO TAHOE CITY PUBLIC UTILITY DISTRICT, A PUBLIC UTILITY DISTRICT;
2. AUTHORIZE THE ISSUANCE TO TAHOE CITY PUBLIC UTILITY DISTRICT OF A RENEWAL FOR A PERIOD OF TEN YEARS, EFFECTIVE MARCH 13, 1972, AS PROVIDED IN THE ORIGINAL LEASE; AND
3. AUTHORIZE THE ISSUANCE TO TAHOE CITY PUBLIC UTILITY DISTRICT OF AN AMENDMENT TO LEASE P.R.C. 4222.1 TO DELETE PARAGRAPH 13 OF SAID LEASE, AND TO DELETE PARAGRAPH 2 AND SUBSTITUTE THEREFOR THE FOLLOWING PARAGRAPH: "THE SOLE AND ENTIRE CONSIDERATION TO THE STATE FOR THE WITHIN PERMIT SHALL BE THE PUBLIC BENEFIT. HOWEVER, THE STATE RESERVES THE RIGHT TO REVIEW THE CONSIDERATION AT ANY TIME AND TO SET A MONETARY RENTAL IF THE STATE LANDS COMMISSION SHALL DETERMINE THAT SUCH ACTION IS IN THE STATE'S BEST INTEREST". ALL OTHER TERMS AND CONDITIONS OF SAID LEASE P.R.C. 4222.1 TO REMAIN IN FULL FORCE AND EFFECT.