

MINUTE ITEM

This Calendar Item No. C12  
was approved as Minute Item  
No. 13 by the State Lands  
Commission by a vote of 3  
to 0 at its 8/24/76  
meeting.

CALENDAR ITEM

C12.

8/76  
W 21219  
GDG

NONCOMMERCIAL LEASE

APPLICANT: Charles F. Fogerty, Stella Fogerty,  
Russell S. Grove, Nancy J. Grove and  
John R. Hollingsworth  
c/o Melvin E. Beverly, Esq.  
P. O. Box 8435  
South Lake Tahoe, California 95731

AREA, TYPE LAND AND LOCATION:  
An 0.082 acre parcel of submerged land in  
Lake Tahoe at South Lake Tahoe, El Dorado  
County.

LAND USE: Construction and maintenance of a pier for  
recreational boating.

TERMS OF PROPOSED LEASE:

Initial period: 15 years from September 1,  
1976.

Surety bond: \$3,000.

Consideration: \$225; 5-year review.

Special: 1. It is an express condition  
subsequent of this lease that if any structure  
hereby authorized is found to be in noncon-  
formance with the Tahoe Regional Planning  
Agency's Shorezone Ordinance and if any alter-  
ations, repairs, or removal required pursuant  
to said Ordinance is not accomplished within  
the designated time period, then this lease  
is automatically terminated, effective upon  
notice by the State, and the site shall be  
cleared pursuant to the terms thereof.

2. If any structure or appurtenances hereby  
authorized are found to be situated upon land  
of the County of El Dorado and/or the City of  
South Lake Tahoe, or adjacent thereto without legal  
access to said structure, without their consents  
and approvals, then this lease is automatically  
terminated, effective upon notice by the State,  
and the site shall be cleared pursuant to the  
terms herein.

3. As a supplement to Paragraph 6 of Section  
5, Permittee hereby agrees that when the  
State's boundaries are established, the State  
has the right to revise the rate and amount

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of the annual rental in addition to the rights stated in Paragraph 2 of Section 5 hereof; together with the right to approve existing improvements and fills in place.

CONSIDERATION: \$225 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION: \$225 minimum rental for this type of lease.

PREREQUISITE TERMS, FEES AND EXPENSES:  
Applicant is owner of the upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Div. 6, Parts 1 & 2.
- B. Administrative Code: Title 2, Div. 3, Arts. 1, 2, 10 & 11.

OTHER PERTINENT INFORMATION:

1. Completion of the proposed project will provide a common docking facility for two single family residences and a permanent berthing facility for the El Dorado County Sheriff's patrol boat.
2. A Negative Declaration was prepared by the City of South Lake Tahoe, pursuant to CEQA and implementing regulations. A copy of the Notice of Determination filed with the Secretary for Resources has been received.
3. This project is situated on State land identified as possessing significant environmental values, pursuant to Public Resources Code 6370.1, and is classified in a significant use category, Class B: Limited Use. Staff has discussed the project with agencies having nominated the parcel and finds that the project will be compatible with identified environmental values. No substantive adverse comments have been received.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Negative Declaration.

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IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS PROJECT BUT THAT A NEGATIVE DECLARATION HAS BEEN PREPARED BY THE CITY OF SOUTH LAKE TAHOE, AND PASSED AND ADOPTED BY THE CITY COUNCIL ON JULY 20, 1976.
2. CERTIFY THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE NEGATIVE DECLARATION.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. FIND THAT GRANTING OF THE APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ. OF THE PUBLIC RESOURCES CODE.
5. AUTHORIZE ISSUANCE TO CHARLES F. FOGERTY, STELLA FOGERTY, RUSSELL S. GROVE, NANCY J. GROVE AND JOHN R. HOLLINGSWORTH OF A 15-YEAR NONCOMMERCIAL LEASE FROM SEPTEMBER 1, 1976; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$225, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; AND WITH PROVISION OF A \$3,000 SURETY BOND; FOR CONSTRUCTION AND MAINTENANCE OF A PIER ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 21219

A parcel of submerged land in the State owned bed of Lake Tahoe, El Dorado County, State of California, situated adjacent to fractional Section 32, T 13 N, R 18 E, M.D.M., and more particularly described as follows:

All that land beneath and extending 10 feet from all sides of a proposed 6 foot by 125 foot pier, said pier to extend waterward from Lot 14 of Block 2 as shown on the Amended Map of Al Tahoe, filed in Map Book A, Map No. 3, records of El Dorado County.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Lake Tahoe.

END OF DESCRIPTION

Prepared M. J. Blain Checked R. L. Blak  
Reviewed J. W. Kunnecke Date 6/25/76  
S/B