

MINUTE ITEM

This Calendar Item No. 51 was approved as Minute Item No. 51 by the State Lands Commission by a vote of 2 to 0 at its 8-23-79 meeting.

CALENDAR ITEM
51.

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RESCISSION OF PRIOR AUTHORIZATION TO
ISSUE GENERAL LEASE - COMMERCIAL USE,
PRC 5682.1; AUTHORIZATION OF SUIT FOR
EJECTMENT AND COLLECTION OF RENTALS

APPLICANT: John and Barbara Kearns
P. O. Box 42
Tahoe City, California 95730

AREA, TYPE LANDS AND LOCATION:

A 0.375 acre parcel, twenty-four 0.02884 acre circular parcels, each 40 feet in diameter aggregating 0.692 acre, and a 0.218 acre parcel, all totalling 1.285 acres of submerged lands in Lake Tahoe at Tahoe City, Placer County.

LAND USE:

Maintenance of 1 existing pier and 12 mooring buoys utilized for commercial recreational boating, plus 12 mooring buoys utilized for noncommercial recreational boating, and fill, respectively.

BACKGROUND:

The Commission's application forms were transmitted to applicant for completion and filing September 17, 1971. Pursuant to staff's repeated contacts, said application was received for filing November 12, 1974. Subsequent to the completion of an appraisal, a proposed 15-year General Lease - Commercial Use agreement, beginning November 1, 1972, was transmitted to applicant for review and execution January 3, 1979. In accordance with the time limits established by Government Code 65950, this application was scheduled for denial on the Commission's July 17, 1979 agenda.

However, in lieu thereof, as Minute Item No. 9, the Commission approved Calendar Item C9 July 17, 1979, authorizing the issuance to applicant of said 15-year lease for maintenance of the subject pier, pursuant to applicant's promises to staff to return said executed agreement and rental payment.

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Applicant has failed to return said executed lease rental payment, or otherwise cooperate and respond to staff's numerous phone and personal contacts.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21065, 14 CAL. ADM. CODE 15037 AND 2 CAL. ADM. CODE 2903(d).
2. RESCIND ITS ACTION OF ^{June 27 *} ~~JULY 17~~ 1979 (MINUTE ITEM NO. 9) WHICH AUTHORIZED ISSUANCE OF A GENERAL LEASE - COMMERCIAL USE TO JOHN AND BARBARA KEARNS.
3. AUTHORIZE STAFF AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO TERMINATE THE CONTINUING TRESPASS OF JOHN AND BARBARA KEARNS ON STATE-OWNED SUBMERGED LANDS IN LAKE TAHOE, PLACER COUNTY, AND TO COLLECT REASONABLE COMPENSATION FOR THE UNAUTHORIZED USE OF SAID LANDS.

** typographical error*

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