

MINUTE ITEM

This Calendar Item No. C8
was approved as Minute Item
No. 8 by the State Lands
Commission, by a vote of 3
to 0 at its 10/30/81
meeting.

CALENDAR ITEM

C 08

10/30/81
WP 3994
Gordon

TERMINATION OF LEASE NO. 3994.1 AND
ISSUANCE OF GENERAL LEASE - COMMERCIAL USE

APPLICANT: Agate Bay Properties, Inc.
P. O. Box 444
Carnelian Bay, California 95711

AREA, TYPE LAND AND LOCATION:
A 0.133-acre parcel of submerged lands
in Lake Tahoe near Flick Point, Placer
County.

LAND USE: Maintenance of an existing pier utilized
for recreational purposes.

TERMS OF ORIGINAL LEASE:

Period: Five years from August 23,
1966.

Renewal options: Three successive periods
of ten years each.

Surety bond: \$2,000.

Consideration: \$150 per annum.

TERMS OF LEASE DURING FIRST RENEWAL PERIOD:

Period: Ten years from August 23,
1971.

Renewal options: Two remaining periods
of ten years each.

Surety bond: \$5,000.

Public liability insurance: \$100,000/\$300,000
for personal injury and
\$50,000 for property
damage.

Consideration: \$480 per annum revised
to \$1,016 per annum,
with the State reserving
the right to fix a different
rental on each fifth
anniversary of the lease.

A 7
S 13

-1-

CALENDAR PAGE	35
MINUTE PAGE	2057

CALENDAR ITEM NO. C 0 8 (CONTD)

TERMS OF PROPOSED LEASE:

Initial period: 20 years from August 23, 1981.

Surety bond: \$5,000.

Public liability insurance: Combined single limit coverage of \$600,000 per occurrence for bodily injury and property damage.

Special:

1. The lease is conditioned on lessee's conformance with the Shorezone Ordinances of California Tahoe Regional Planning Agency and Tahoe Regional Planning Agency.
2. The lease is entered into by all parties without prejudice to their respective claims of boundary.
3. All parties agree that Lease No. 3994.1 P.R.C. Series, dated April 2, 1969 and the amendment thereto dated February 25, 1975, shall terminate August 23, 1981.

CONSIDERATION: \$1,016.00 per annum with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

CALENDAR ITEM NO. C 08 (CONTD)

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. The subject facility is utilized by members of applicant's recreational club located on upland property.
2. To facilitate the issuance of a lease agreement consistent with the Commission's current rules and regulations, termination of the original lease is recommended.
3. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1(B), which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.
4. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B, which authorizes Limited Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

APPROVALS REQUIRED AND OBTAINED:

This facility is subject to the jurisdiction of the California Tahoe Regional Planning Agency, Tahoe Regional Planning Agency, United States Army Corps of Engineers, California Department of Fish and Game, Lahontan Regional Water Quality Control Board, and the County of Placer. The proposed lease is conditioned on the approval of all agencies having jurisdiction.

EXHIBITS:

- A. Land Description.
- B. Location Map.

CALENDAR ITEM NO. C-8 (CONTD)

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT TERMINATION OF THE ORIGINAL LEASE AND GRANTING OF THE REPLACEMENT LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
3. AUTHORIZE TERMINATION OF LEASE "NO. 3994.1, P.R.C SERIES," DATED APRIL 2, 1969 AND THE AMENDMENT THERETO DATED FEBRUARY 25, 1975, EFFECTIVE AUGUST 23, 1981; AND THE ISSUANCE TO AGATE BAY PROPERTIES, INC. OF A 20-YEAR GENERAL LEASE - COMMERCIAL USE FROM AUGUST 23, 1981; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$1,016 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; WITH PROVISION OF A \$5,000 SURETY BOND; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE OF COMBINED SINGLE LIMIT COVERAGE IN THE AMOUNT OF \$600,000 PER OCCURRENCE FOR BODILY INJURY AND PROPERTY DAMAGE, FOR MAINTENANCE OF A PIER UTILIZED FOR RECREATIONAL PURPOSES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

WP 3994

A parcel of land in Lake Tahoe, Placer County, California, said parcel described as follows:

All that land lying immediately beneath a pier TOGETHER WITH a necessary use area extending 10 feet from the extremities of said pier, said pier being adjacent to Lot 13, as shown on the map entitled "Agate Bay Shore Subdivision", said map recorded in Book "E" of Maps, page 15, Placer County Records

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

END OF DESCRIPTION

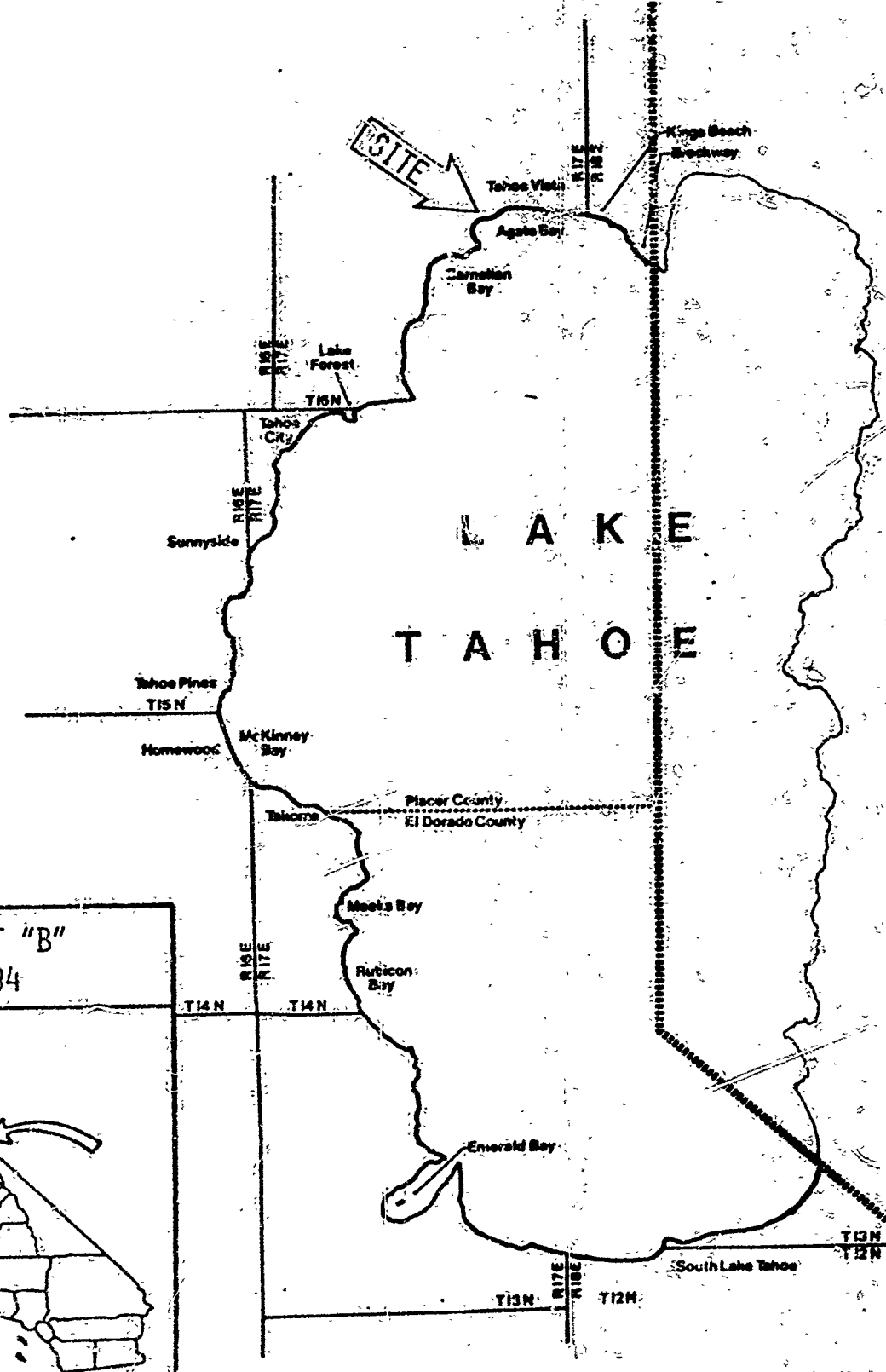
PREPARED JUNE 4, 1981 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

SITE

L A K E T A H O E



EXHIBIT "B"
WP 3994



CALENDAR PAGE 40
MINUTE PAGE 20E2