

MINUTE

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Initials

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CALENDAR ITEM

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07/12/84
WP 5859
J. Ludlow
Hadly

AUTHORIZATION FOR LITIGATION
FOR EJECTMENT AND DAMAGES
FOR UNAUTHORIZED OCCUPATION
OF STATE-OWNED LAND

Party: Richard P. Schwartz; an Individual
dba Richardson's Marina
P. O. Box 10648
South Lake Tahoe, California 95731

AREA, TYPE LAND AND LOCATION:

A 2.702-acre parcel of submerged land in the
bed of Lake Tahoe, Assessor's Parcel No.
0 -110-01, Jameson Beach Tract, El Dorado
County,

UNAUTHORIZED USE:

1. Nature of use: Commercial marina facilities; pier, fuel pumps and mooring buoys.
2. Appropriate authorization: General Lease - Commercial Use.
3. Duration of use: From July 1982 to present.

CALENDAR PAGE	93
MINUTE PAGE	1578

- 4. Value of use: Total of \$9,360 for use to June 30, 1984, and \$390 per month thereafter; plus interest of 1-1/2 percent per month on amounts due.
 - a. \$9,360 for use from July 1, 1982 to June 6, 1984 (based on nine percent of appraised value). Values based upon staff appraisal and rental rates based upon 2 Cal. Adm. Code 2003.

DEMANDS:

- 1. Written: By letters dated January 31, 1983; March 24, 1983; July 7, 1983; October 19, 1983; February 22, 1984; and April 16, 1984, party notified of the requirement of a lease.
- 2. Oral: Phone calls on January 26, 1983; March 18, 1983; May 17, 1983; July 6, 1983; and August 16, 1983.

CURRENT STATUS:

The Commission staff has diligently attempted to bring Mr. Richard P. Schwartz, dba Richardson's Marina, under lease for the use of State lands but has been unsuccessful to date.

OTHER PERTINENT INFORMATION:

- 1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

AB 884:

N/A.

EXHIBITS:

- A. Site Map.
- B. Legal Description.

CALENDAR PAGE	84
MINUTE PAGE	1579

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. AUTHORIZE STAFF COUNSEL AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO TERMINATE THE CONTINUING UNAUTHORIZED OCCUPATION OF STATE-OWNED SUBMERGED LAND IN THE BED OF LAKE TAHOE, EL DORADO COUNTY, BY RICHARD P. SCHWARTZ, DBA RICHARDSON'S MARINA, AND ANY OTHER NECESSARY PARTIES AND TO COLLECT REASONABLE COMPENSATION FOR THE USE OF SUCH LANDS AND FOR WHATEVER OTHER LEGAL OR EQUITABLE REMEDIES THAT MAY BE NECESSARY OR APPROPRIATE.

EXHIBIT "A"

LAND DESCRIPTION NP 5859

Ninety one (91) parcels of submerged land in Lake Tahoe, at Camp Richardson, El Dorado County, California, described as follows:

PARCEL 1

COMMENCING at GLO brass cap marking the southeast corner of Section 25 and the northeast corner of Section 36, T13N, R17E, MDM; and the west line of Section 6, T12N, R18E, MDM, as said GLO brass cap is shown upon Sheet 7 of 17 of that certain map entitled "Survey of the Low Water Mark on the Shore of Lake Tahoe" filed in Record of Surveys, Book No. 2, page 12, as Document No. 7367, El Dorado County Recorders Office, thence N 00° 27' E 409.77 feet; and S 77° 48' E 470.6 feet to a point designated "A" being also the TRUE POINT OF BEGINNING, thence the following eight courses:

1. N 00° 30' E 245.00 feet;
2. S 89° 30' E 25.00 feet;
3. S 00° 30' W 60.00 feet;
4. S 89° 30' E 25.00 feet;
5. S 00° 30' W 70.00 feet;
6. S 99° 30' E 96.87 feet;
7. S 00° 30' W 145.41 feet;
8. N 77° 48' W 149.98 feet to the point of beginning.

PARCELS 2-91

Ninety (90) circular parcels of submerged land 40 feet in diameter (for buoys), located within the following described area:

From the point designated "A" being also the TRUE POINT OF BEGINNING, thence the following four courses:

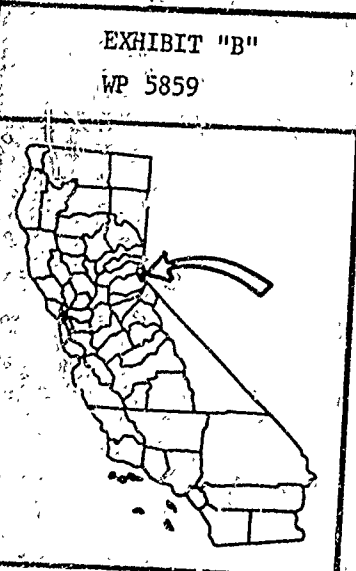
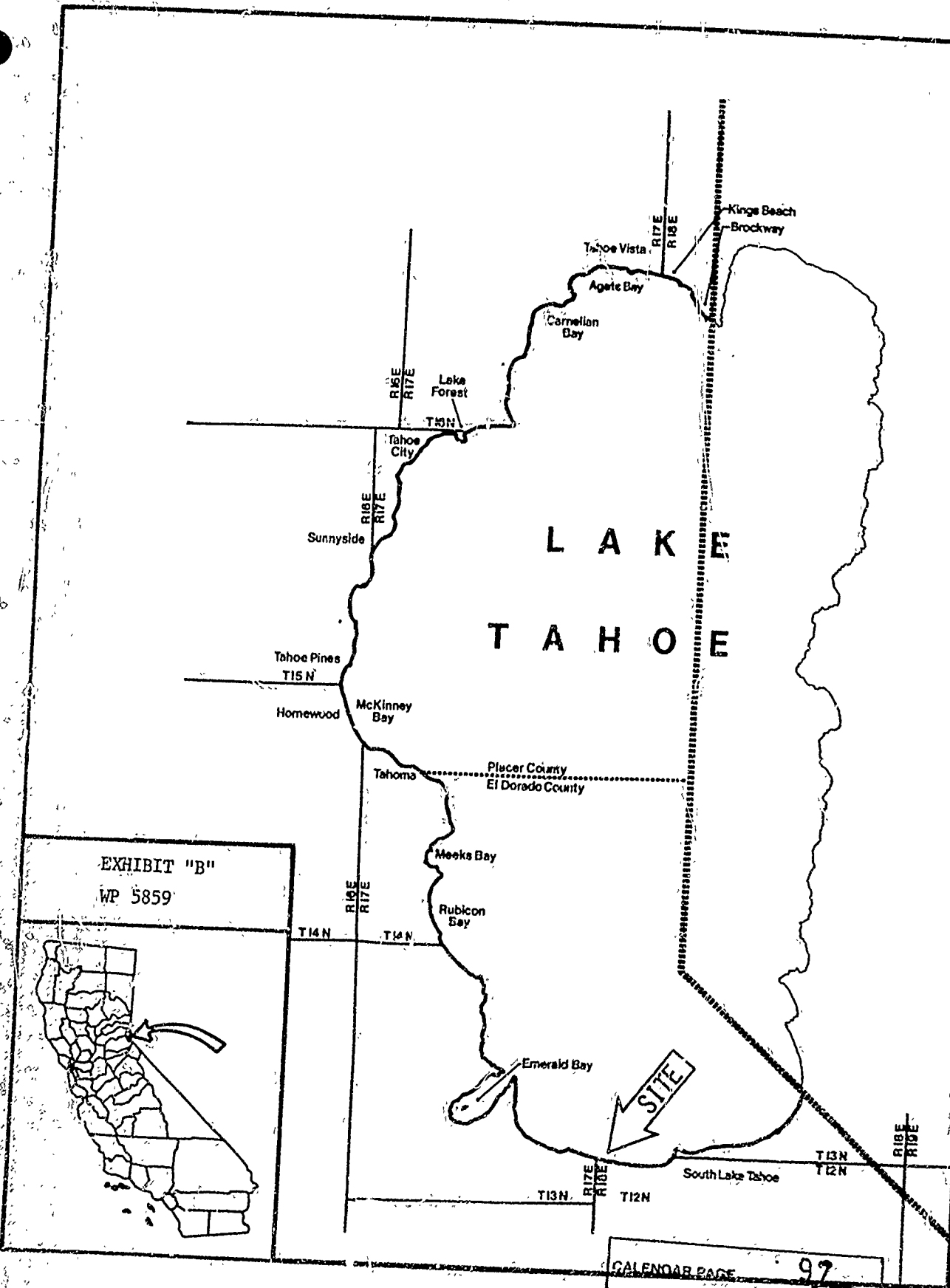
1. N 00° 30' E 1,150.00 feet;
2. S 89° 30' E 146.87 feet;
3. S 00° 30' W 1,180.43 feet;
4. N 77° 48' W 150.00 feet to the point of beginning.

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

END OF DESCRIPTION

REVIEWED MAY 29, 1984 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR

CALENDAR PAGE	96
MINUTE PAGE	1581



CALENDAR PAGE 97
MINUTE PAGE 1582