

# MINUTE ITEM

This Calendar Item No. 44  
was approved as Minute Item  
No. 44 by the State Lands  
Commission by a vote of 2  
to 0 at its 5/23/85  
meeting.

## CALENDAR ITEM

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WP 5177

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### AUTHORIZATION FOR ASSIGNMENT OF A GENERAL PERMIT - RECREATIONAL USE, AND SEPARATE AGREEMENT IN LIEU OF LITIGATION REGARDING CERTAIN FACILITIES IN THE BED OF LAKE TAHOE NEAR CARNELIAN BAY

#### A. BACKGROUND:

In April of 1979 the Commission authorized the issuance of a General - Permit to Jerome I. Anolik for a pier and boathouse on submerged land in Carnelian Bay, and a separate Agreement in lieu of Litigation regarding an adjacent rock cribbing structure adjoining this structure. The rock cribbing was considered a hazard and therefore inappropriate for coverage by a lease or permit. In lieu of taking legal action to compel removal of the rock cribbing the Commission authorized a separate Agreement designed to minimize the State's liability exposure. In the Agreement, Mr. Anolik agreed to (1) accept complete ownership and responsibility for the rock cribbing, (2) to indemnify the State and to carry a policy of a liability insurance with the State named as an additional insured, and (3) to mark the structure according to Coast Guard and Department of Boating and Waterways hazard marking standards.

By a quitclaim deed in lieu of foreclosure Wells and Bennett Realtors, a California partnership, has succeeded to Mr. Anolik's interest in the subject upland property as well as General Permit PRC 5177, the Agreement in lieu of Litigation, and all structure, improvements, fixtures and other personal property associated with the subject General Permit and separate Agreement. Wells and Bennett wishes to become the approved assignee of the subject General Permit and Agreement further and requests that approval of a subsequent purchaser/assignee be delegated to the Commission's Executive Officer. Their requested delegation is based on the fact that they will be holding the uplands, General Permit and Agreement for as short

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a time as possible and merely for purposes of sale. They would like to avoid a lengthy escrow required for purposes of subsequently securing approval of a prospective purchaser as assignee.

**B. TERMS:**

**1. General Permit - Recreational Use**

- (a) Proposed Assignee: Wells and Bennett Realtors, a California Partnership
- (b) Area, Type Land and Location: .037 acre submerged lands, Placer County
- (c) Land Use: Maintenance of boating and other recreational facilities
- (d) Term: 20 years (April 1, 1979 to March 31, 1999)
- (e) Surety bond: None
- (f) Public liability insurance: \$500,000 combined single limit
- (g) Consideration: \$143.55 per annum, (effective October 1983 per five-year rent review)

**2. Agreement in Lieu of Litigation dated June 15, 1979 (terms summarized above).**

**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.

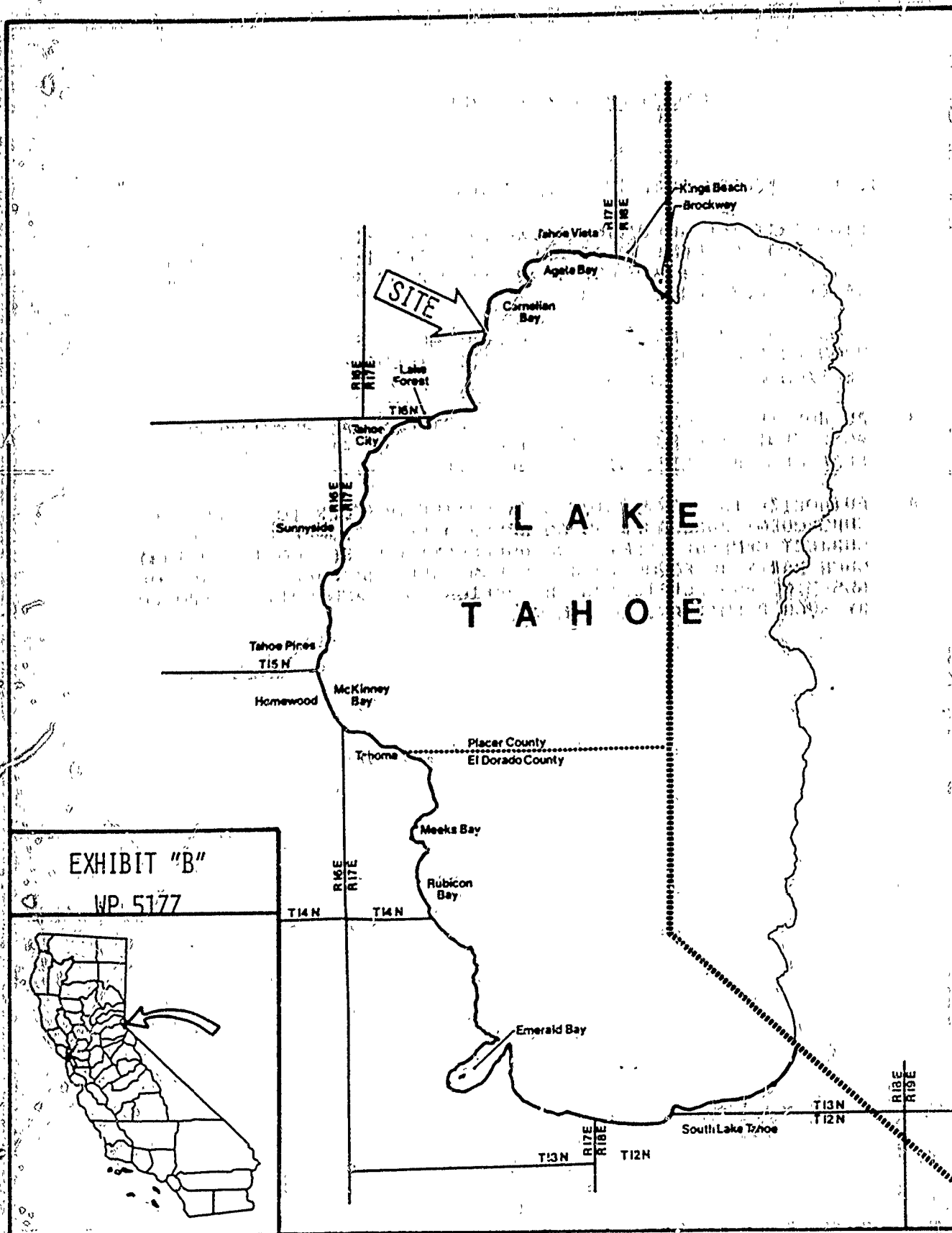
**EXHIBIT:**

- A. Location Map.

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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. FIND THAT THIS ACTIVITY WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
3. AUTHORIZE ASSIGNMENT OF THE SUBJECT GENERAL PERMIT AND AGREEMENT IN LIEU OF LITIGATION TO WELLS AND BENNETT REALTORS, A CALIFORNIA PARTNERSHIP.
4. AUTHORIZE THE COMMISSION'S EXECUTIVE OFFICER TO APPROVE A SUBSEQUENT PURCHASER AS AN ACCEPTABLE ASSIGNEE FOR THE SUBJECT GENERAL PERMIT AND AGREEMENT ON THE CONDITION THAT SUCH PARTY BE FOUND TO BE RESPONSIBLE AND FULLY CAPABLE OF ASSUMING AND FULFILLING THE OBLIGATIONS AND DUTIES IMPOSED BY SUCH PERMIT AND AGREEMENT.



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