

**CALENDAR ITEM
C35**

A 1
S 1

06/21/13
PRC 5857.1
N. Lee

ACCEPTANCE OF QUITCLAIM DEED AND AMENDMENT OF LEASE

LESSEE:

Nathan Topol, dba Homewood Resort

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to Assessor's Parcel Numbers (APN) 097-130-028 through 097-130-033, near Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and 30 mooring buoys.

LEASE TERM:

40 years, beginning July 1, 1980.

CONSIDERATION:

\$300 minimum annual rent per year, against five percent of the gross annual income derived from the commercial activities related to the pier and mooring buoys, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

PROPOSED AMENDMENT:

Amend the lease to remove the existing pier as an authorized improvement and replace Section 3 (Land Description) with the attached Exhibit A. All other terms and conditions of the lease shall remain in effect without amendment.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$500,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. On June 26, 1980, the Commission authorized a General Lease – Commercial Use, Lease No. PRC 5857.1, to Peter Topol, Steve Topol, and Nathan Topol, dba Homewood Resort for the operation of a commercial boat mooring facility with 30 mooring buoys and an

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accommodation pier. On August 3, 1994, the Commission authorized the assignment of Peter and Steve Topol's interest in the lease to Nathan Topol. That lease will expire on June 30, 2020.

2. On October 8, 2004, the users of the pier recorded an agreement, which established that the owner of APN 097-130-028 (also known as Lot 3) would be responsible for applying for and holding a lease for the existing pier. This agreement and other recorded agreements confirmed that the Lessee owned the mooring buoys adjacent to APNs 097-130-026 through 097-130-030. On February 7, 2011, Homewood Villas, LLC was deeded ownership of APN 097-130-028 the parcel adjoining the pier. Homewood Villas LLC has applied for a General Lease – Recreational Use for the pier, which is before the Commission as Calendar Item 33 on the agenda.
3. To accommodate the issuance of a lease for the pier to Homewood Villas LLC, the Lessee has agreed to amend the lease to remove the pier as an authorized improvement and has executed a quitclaim deed releasing the sovereign land under and around the pier back to the Commission. Staff recommends that the Commission accept the quitclaim deed and authorize the lease amendment. The 30 mooring buoys will remain authorized under Lease No. PRC 5857.1.
4. The staff recommends that the Commission find that the subject acceptance of a quitclaim deed and lease amendment do not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and are, therefore, not projects in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBITS:

- A. Revised Land Description for Lease No. PRC 5857.1
- B. Land Description - Quitclaim Lease Area from Lease No. PRC 5857.1

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject acceptance of a quitclaim deed and lease amendment are not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activities are not projects as defined by Public

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Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

1. Authorize acceptance of a quitclaim deed releasing the sovereign land under and around the existing pier from Lease No. PRC 5857.1 and as described in Exhibit B.

2. Authorize the Amendment of Lease No. PRC 5857.1, a General Lease – Commercial Use, effective June 21, 2013, to remove the pier as an authorized improvement and replace Section 3 (Land Description) with the attached Exhibit A; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 5857.1

REVISED LAND DESCRIPTION

A parcel of submerged land, situate in the bed of Lake Tahoe, lying adjacent to fractional Section 1, Township 14 North, Range 16 East, MDM, as shown on the Official Township Plat, approved January 17th, 1866, County of Placer, State of California, also lying adjacent to Lots 89, 90, 91, 92 and 93 as shown on that "Map of Lakeside on Lake Tahoe" recorded in Book A of Maps at page 13, Placer County Records and more particularly described as follows:

BEGINNING at a point on the easterly line of said Lot 93 which bears N 20°10' W 0.73 feet from the southeasterly corner of said Lot 93, thence along the easterly lines of Lots 93, 92, 91, 90 and 89, the following four courses:

- 1) N 20°10' W 520 feet;
- 2) N 69°50' E 450 feet;
- 3) S 20°10' E 520 feet;
- 4) S 69°50' W 450 feet to the easterly line of Lot 93 and the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the elevation of 6223 feet LTD along the shoreline of Lake Tahoe.

ALSO EXCEPTING THEREFROM any portion lying within that California State Lands Commission lease parcel as described in Exhibit A of lease no. PRC 9071, said description dated 6/4/13 and on file at the office of said Commission.

END OF DESCRIPTION

REVISED BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT 6/17/2013. ORIGINAL DESCRIPTION PREPARED BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR 5/28/1980 IN PRC FILE PRC 5857.



EXHIBIT B

PRC 5857.1

LAND DESCRIPTION

One (1) parcel of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 1, Township 14 North, Range 16 East, MDM., as shown on Official Government Township Plat approved January 17, 1886, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier adjacent to those Lots as described in Exhibit “A” of that Grant Deed recorded February 7, 2011 in Document Number 2011-0010601 of Official Records of said County.

TOGETHER WITH a ten foot impact area.

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared June 11, 2013 by the California State Lands Commission Boundary Unit.





L A K E

APPROXIMATE

10' IMPACT AREA

EXISTING PIER

12'

APN 097-130-028

147.5'

62234 LTD

SHORELINE

T A H O E

EXHIBIT B

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MJJ 06/11/13

LAND DESCRIPTION PLAT
PRC 5857.1, TOPOL/HOMEWOOD RESORT
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION

