

**CALENDAR ITEM
C15**

A 5
S 1

10/14/14
PRC 5558.1
M. J. Columbus

AMENDMENT OF LEASE

LESSEES:

George Stanley Langston and Betty Lea Langston as Trustees of the Langston Family Trust of 1990, U.D.T. dated September 28, 1990

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8501 and 8503 Meeks Bay Avenue, near Meeks Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat hoist, and three existing mooring buoys.

LEASE TERM:

10 years, beginning December 1, 2012.

CONSIDERATION:

\$1,587 per year, 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:

1. Approve annual rent in the amount of \$1,587 due for the remaining term of the lease, commencing on December 1, 2014, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the Lease.
2. Accept the first two lease years of annual rent totaling \$3,174 in eight equal annual installments of \$397 starting with first payment due December 1, 2014 and ending with last payment due December 1, 2021.
3. Waive penalty and interest accrued, to date, on the past due amount of \$3,174.

All other terms and conditions of the lease shall remain in effect without amendment.

CALENDAR ITEM NO. **C15** (CONT'D)

OTHER PERTINENT INFORMATION:

1. On June 19, 2014, the Commission authorized a General Lease – Recreational Use with the Lessees for an existing pier, boat hoist, and three existing mooring buoys. Annual rent was set at \$1,587. Because the Lessees' prior lease expired on November 30, 2012, the lease authorized by the Commission on June 19, 2014 had a commencement date of December 1, 2012. Because rent of \$1,587 became effective December 1, 2012, the Lessees owe a total of \$3,174 covering the first two lease years. They have asked to extend the balance over the remaining term of the lease.
2. Staff recommends that penalty and interest accrued, to date, on the past due amount of \$3,174 be waived. Staff recommends amending the Lease to allow the Lessees to pay the balance of \$3,174 on a pro rata basis over the remaining eight years of the lease term. An annual installment of \$397 and the current annual rent will be due and payable for the remaining term of the lease. Future late or insufficient payments will be subject to penalty and interest, and may entitle Lessor to other remedies as provided in the Lease.
3. The lease is still subject to a five-year rent review at its normal interval as outlined in the lease.
4. The staff recommends that the Commission find that the subject lease amendment does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project 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, California Code of Regulations, Title 2, section 1911(c).

EXHIBITS:

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

CALENDAR ITEM NO. **C15** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject lease amendment is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

Authorize the amendment of Lease No. PRC 5558.1, a General Lease – Recreational Use, effective October 14, 2014, to approve annual rent in the amount of \$1,587 due for the remaining term of the lease, commencing on December 1, 2014, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the Lease; accept the first two lease years of annual rent totaling \$3,174 in eight equal annual installments of \$397 starting with first payment due December 1, 2014 and ending with last payment due December 1, 2021; waive penalty and interest accrued, to date, on the past due amount of \$3,174. All other terms and conditions of the lease shall remain in effect without amendment.

EXHIBIT A

PRC 5558.1

LAND DESCRIPTION

Four (4) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 5 of fractional Section 29, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 - PIER

All those lands underlying an existing pier, boat hoist and catwalk lying adjacent to those parcels as described in Exhibit One of that Grant Deed recorded October 3, 1990, in Book 3439 Page 56, in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

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

PARCELS 2, 3 & 4 - BUOYS

Three (3) circular parcels of land, each being 50 feet in diameter, underlying three (3) existing buoys lying adjacent to said parcels.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared May 22, 2014 by the California State Lands Commission Boundary Unit.



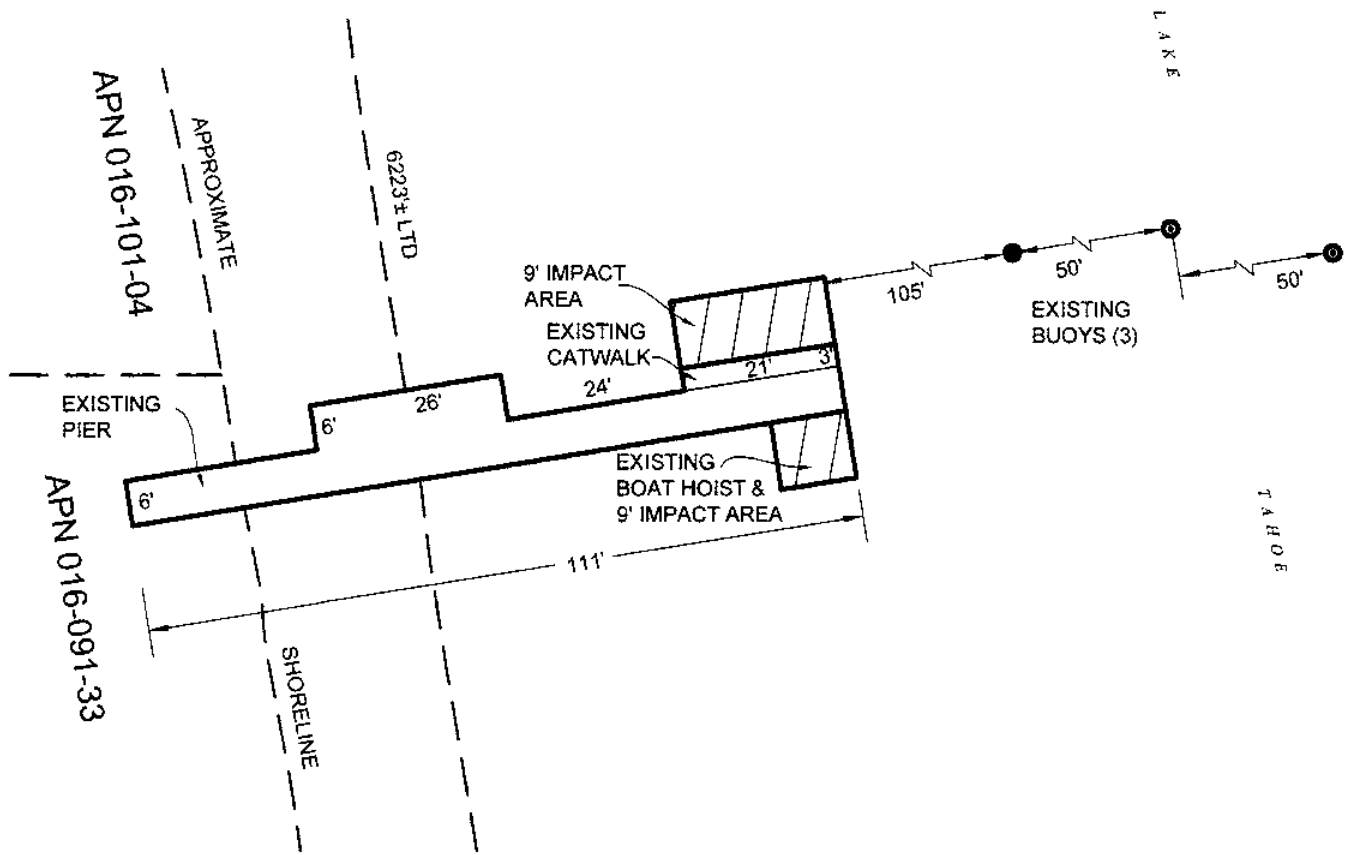


EXHIBIT A

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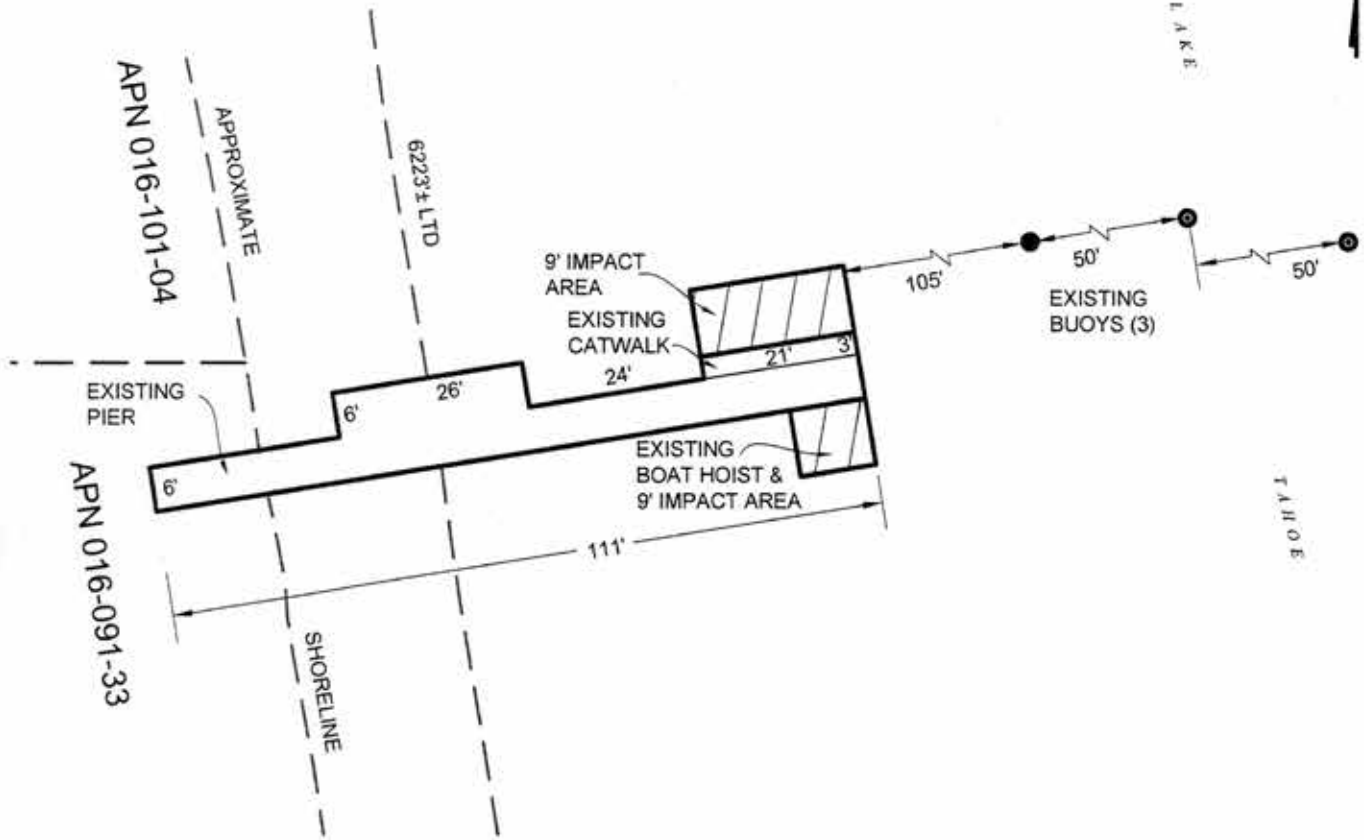
LAND DESCRIPTION PLAT
 PRC 5558.1, LANGSTON
 EL DORADO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

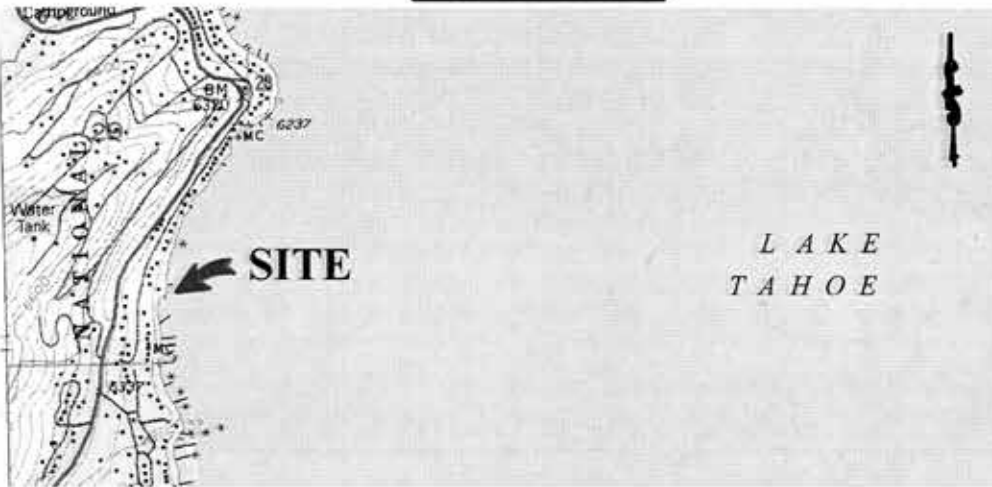
SITE



8501 & 8503 MEEKS BAY AVE., NEAR MEEKS BAY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 5558.1
 LANGSTON
 APN 016-091-33
 APN 016-101-04
 GENERAL LEASE -
 RECREATIONAL USE
 EL DORADO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

MJJ 5/22/2014