

**STAFF REPORT
C27**

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08/17/17
PRC 4469.1
J. Toy

**AMENDMENT OF LEASE AND
REVISION OF RENT**

LESSEE:

Karen Stone McCown, Trustee of the Karen Stone McCown Revocable Trust Agreement dated May 11, 1990, Amended and Restated August 13, 2003

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 263 Drum Road, near Meeks Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boathouse, and one mooring buoy.

LEASE TERM:

10 years, beginning October 5, 2012.

CONSIDERATION:

This lease provides that lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff reviewed the rent under this lease and recommends that rent be revised from \$2,320 per year to \$1,511 per year, effective October 5, 2017.

PROPOSED AMENDMENT:

Amend the lease to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only). All other terms and conditions of the lease shall remain in effect without amendment.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000, and 2003.

STAFF REPORT NO. **C27** (CONT'D)

Public Trust and the State's Best Interests Analysis:

On June 21, 2013, the Commission authorized a 10 year General Lease – Recreational Use to Karen Stone McCown, Trustee of the Karen Stone McCown Revocable Trust Agreement dated May 11, 1990, Amended and Restated August 13, 2003, for an existing pier, boathouse, and one mooring buoy ([Item C15, June 21, 2013](#)). That lease will expire on October 4, 2022.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$2,320 per year to \$1,511 per year based on changes to the lease (impact) area for the pier and application of the current Lake Tahoe Benchmark. Staff also recommends the lease be amended to reflect the new reduced lease area.

The lease does not alienate the State's fee simple interest or permanently impair public rights. The recommended action will not substantially interfere with the Public Trust needs at this location, at this time or for the foreseeable term of the lease. For these reasons, staff recommends finding the proposed action is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 2.2 of the Commission's Strategic Plan to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Amendment of the lease to make an adjustment in the lease area and approving the revision of the rent are not projects as defined by the California Environmental Quality Act because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBITS:

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

STAFF REPORT NO. **C27** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed amendment of Lease No. PRC 4469.1 will not substantially interfere with the Public Trust needs and values at this location, at this time or for the foreseeable term of the lease, and is in the best interests of the State.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 4469.1, a General Lease – Recreational Use, effective October 5, 2017, to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only).
2. Approve the revision of rent for Lease No. PRC 4469.1 from \$2,320 per year to \$1,511 per year, effective October 5, 2017.

EXHIBIT A

PRC 4469.1

LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 of fractional Section 20, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880, County of El Dorado, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, covered boathouse and catwalks lying adjacent to that Parcel as described in Exhibit "A" of that Grant Deed recorded October 5, 2012 as Document Number 2012-0050881 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

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

PARCEL 2 – BUOY

One (1) circular parcel of land, being 50 feet in diameter, underlying one (1) existing buoy lying adjacent to said Parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared June 5, 2017 by the California State Lands Commission Boundary Unit.





APN 016-300-63

SHORELINE

EXISTING PIER

121'

EXISTING COVERED BOATHOUSE WITH CATWALK 16' X 43'

6223± LTD

EXISTING CATWALK 3' x 27'

28'

9' IMPACT AREA

±300'

L A K E T A H O E

EXISTING BUOY



EXHIBIT A

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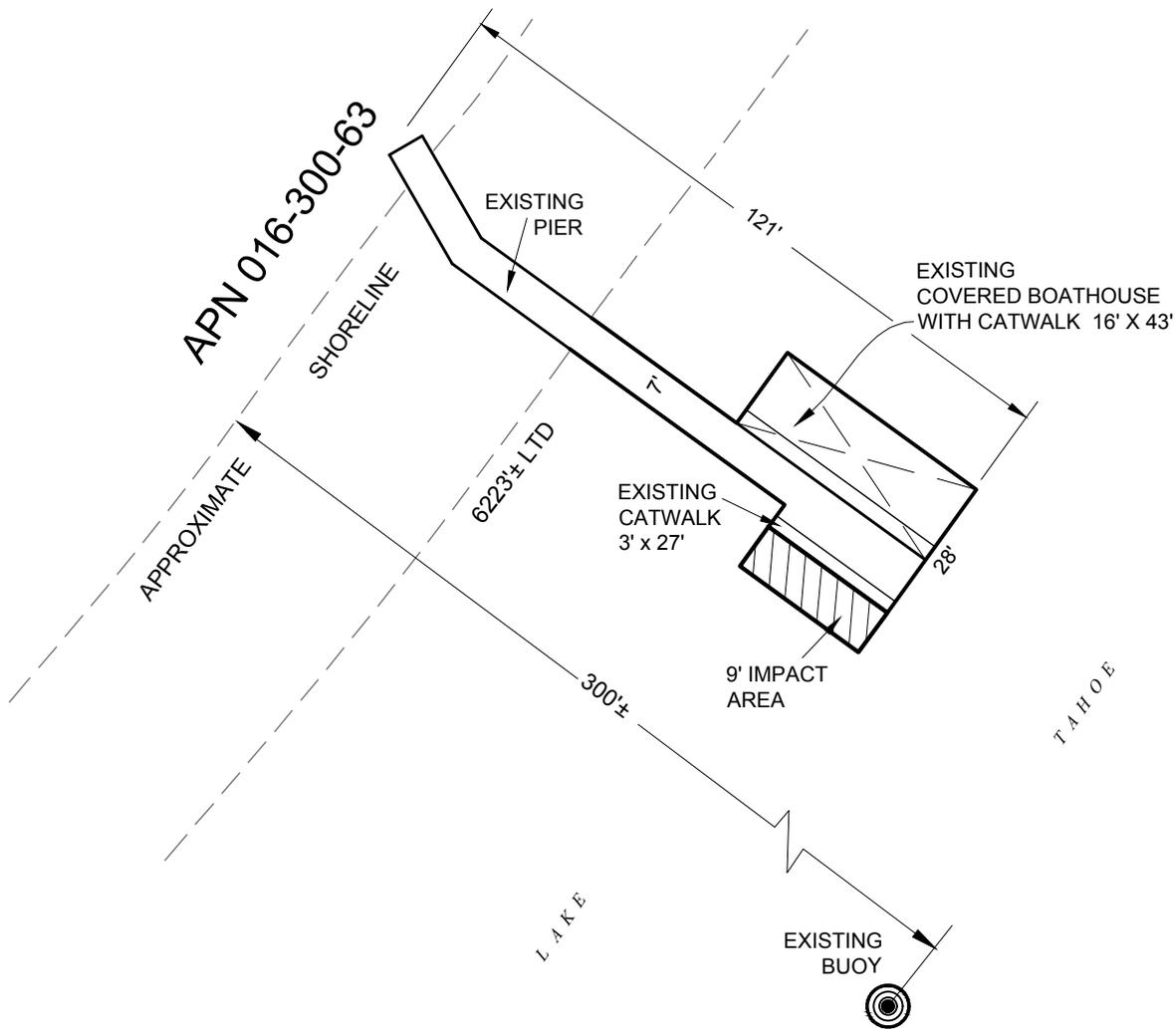
LAND DESCRIPTION PLAT
PRC 4469.1, McCOWN TRUST
EL DORADO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

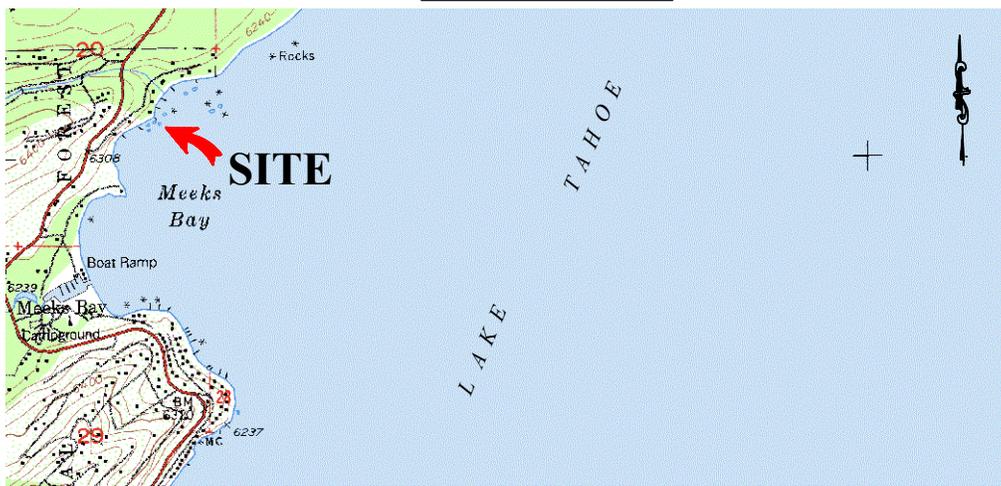
SITE



263 DRUM ROAD, NEAR MEEKS BAY

NO SCALE

LOCATION

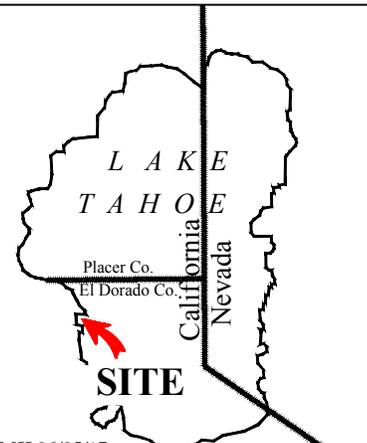


MAP SOURCE: USGS QUAD

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.

Exhibit B

PRC 4469.1
 McCOWN TRUST
 APN 016-300-63
 GENERAL LEASE -
 RECREATIONAL USE
 EL DORADO COUNTY



MJJ 06/05/17