

**STAFF REPORT
C29**

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08/17/17
PRC 8227.1
J. Toy

**AMENDMENT OF LEASE AND
REVISION OF RENT**

LESSEE:

Richard J. Boyle, Jr. and Catherine M. Boyle, Trustees of the Boyle Family Trust
Dated April 13, 2006

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8789 Rubicon Drive, near Tahoma, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of existing pier and two mooring buoys.

LEASE TERM:

10 years, beginning August 15, 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 \$1,040 per year to \$823 per year, effective August 15, 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.

Public Trust and the State's Best Interests Analysis:

On June 21, 2013, the Commission authorized a 10-year General Lease – Recreational Use to Richard J. Boyle, Jr. and Catherine M. Boyle,

STAFF REPORT NO. **C29** (CONT'D)

Trustees of the Boyle Family Trust Dated April 13, 2006, for an existing pier and two mooring buoys ([Item C38, June 21, 2013](#)). That lease will expire on August 14, 2022.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$1,040 per year to \$823 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

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed amendment of Lease No. PRC 8227.1 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.

STAFF REPORT NO. **C29** (CONT'D)

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 8227.1, a General Lease – Recreational Use, effective August 15, 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 8227.1 from \$1,040 per year to \$823 per year, effective August 15, 2017.

EXHIBIT A

PRC 8227.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 32, 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 lying adjacent to that Lot as described in Exhibit "A" of that Grant Deed recorded August 15, 2012 as Document Number 2012-0040511 in Official Records of said County.

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

PARCELS 2 & 3 – BUOYS (2)

Two (2) circular parcels of land, each being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to said Lot.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared July 6, 2017 by the California State Lands Commission Boundary Unit.



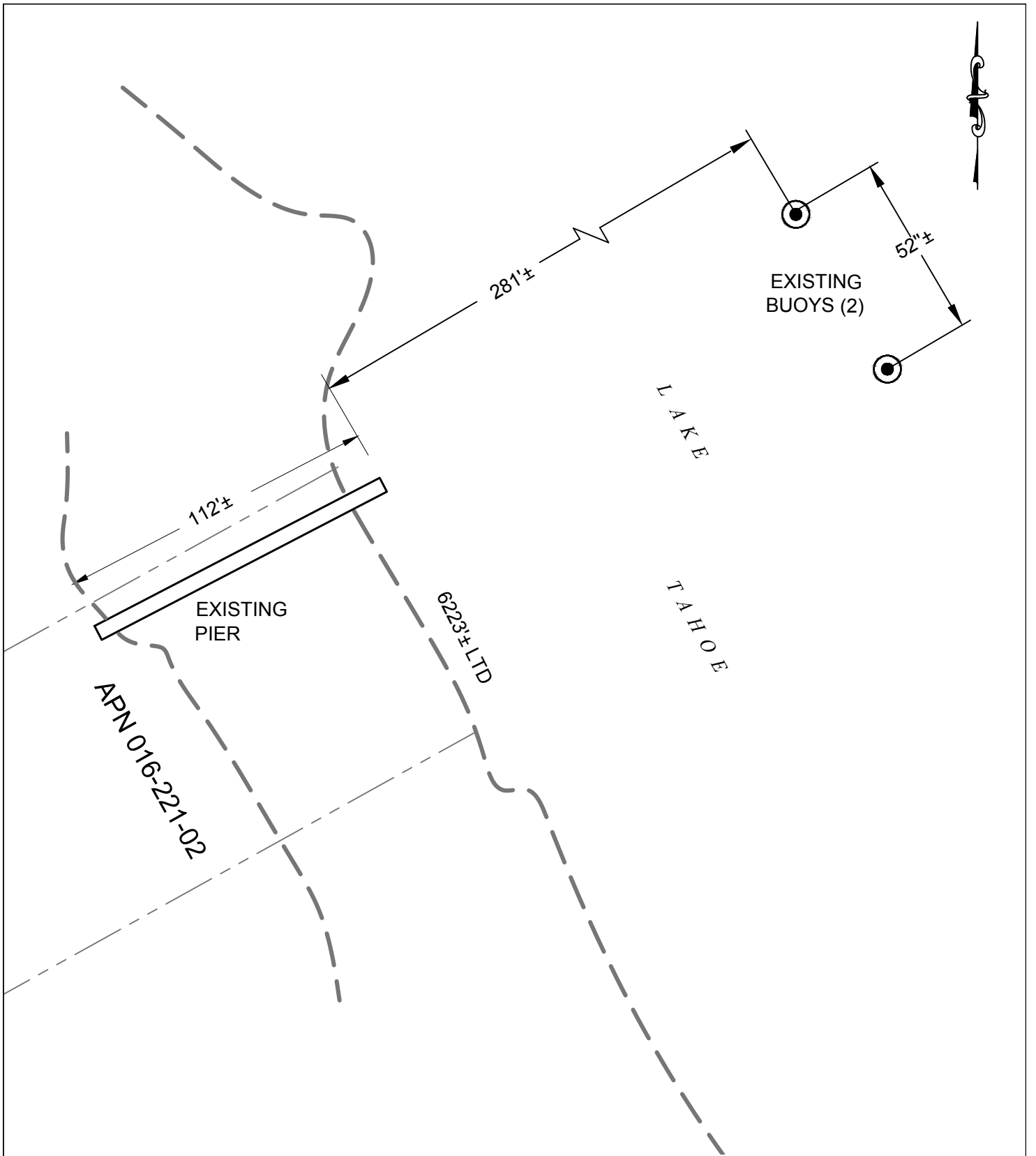


EXHIBIT A

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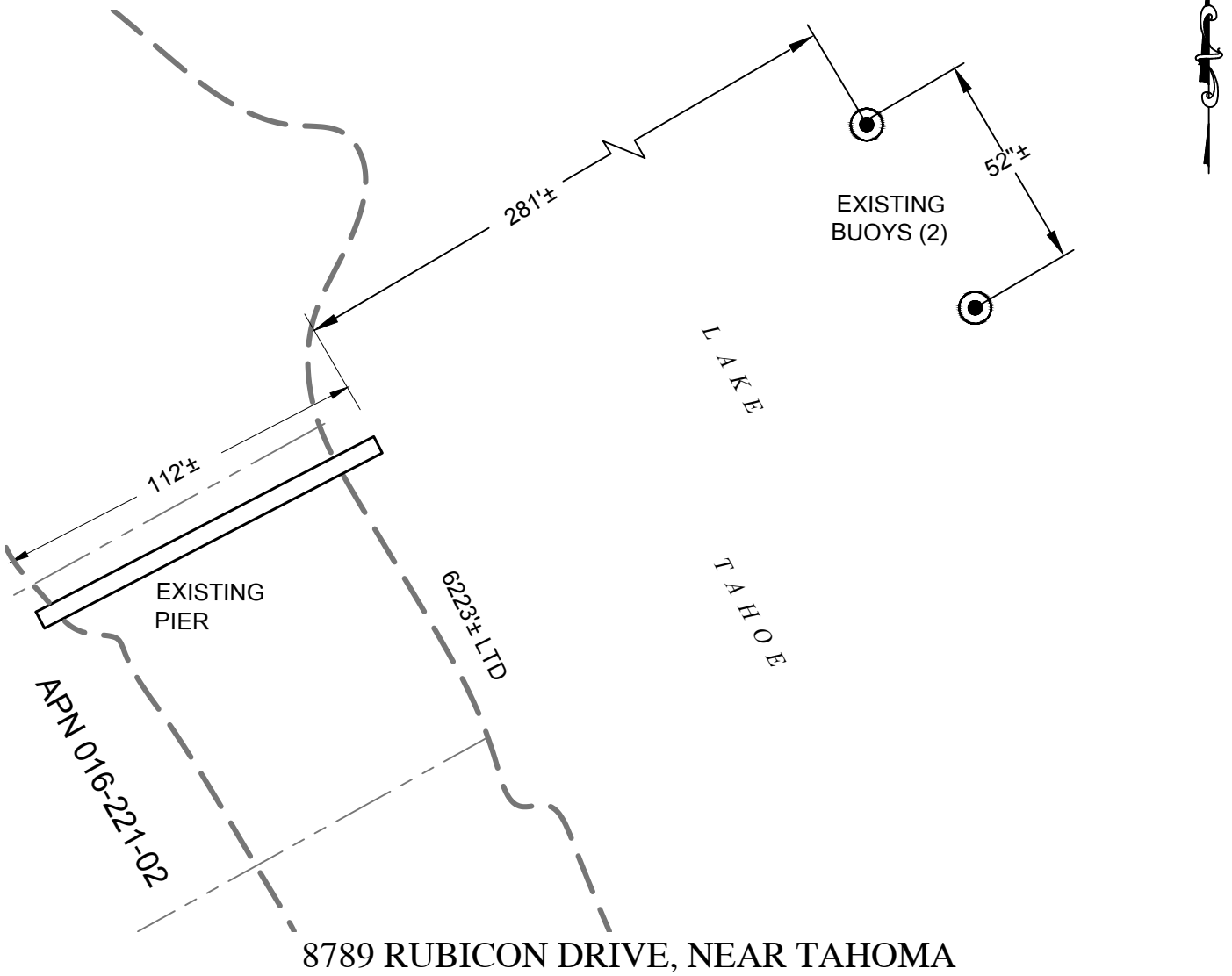
LAND DESCRIPTION PLAT
 PRC 8227.1, BOYLE TRUST
 EL DORADO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



NO SCALE

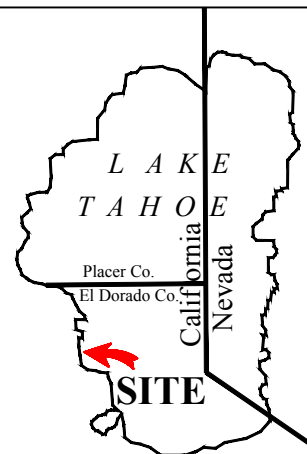
LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8227.1
 BOYLE TRUST
 APN 016-221-02
 GENERAL LEASE -
 RECREATIONAL USE
 EL DORADO COUNTY



MJJ 07/25/17

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.