

**STAFF REPORT
C23**

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11/29/17
PRC 4994.1
J. Toy

**AMENDMENT OF LEASE AND
REVISION OF RENT**

LESSEE:

Jon W. Ball and Paula K. Ball, Trustees of the Jon W. Ball and Paula K. Ball Family Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4850 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift, marine railway, and one mooring buoy.

LEASE TERM:

10 years, beginning December 16, 2012.

CONSIDERATION:

This lease provides that the Commission 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 \$1,904 per year to \$1,600 per year, effective December 16, 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.

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Public Trust and the State's Best Interests Analysis:

On February 22, 2013, the Commission authorized a 10-year General Lease – Recreational Use to Jon W. Ball and Paula K. Ball, Trustees of the Jon W. Ball and Paula K. Ball Family Trust, for an existing pier, boat lift, marine railway, and one mooring buoy ([Item C47, February 22, 2013](#)). That lease will expire on December 15, 2022.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$1,904 per year to \$1,600 per year based on changes to the lease (impact) area for the pier and application of the current Lake Tahoe Benchmarks. 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 4994.1 will not substantially interfere with the Public Trust needs and values at this

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location, at this time, and for the foreseeable term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 4994.1, a General Lease – Recreational Use, effective December 16, 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 4994.1 from \$1,904 per year to \$1,600 per year, effective December 16, 2017.

EXHIBIT A

PRC 4994.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 5 of fractional Section 22, Township 16 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, and more particularly described as follows:

PARCEL 1-PIER

All those lands underlying an existing pier, catwalk, and boatlift lying adjacent to that Lot as described in Exhibit "A" of that Grant Deed recorded March 19, 2012 as Document Number 2012-0023775 in Official Records of said County.

PARCEL 2-MARINE RAIL

All those lands underlying an existing Marine Rail lying adjacent to said Lot.

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 3 -BUOY

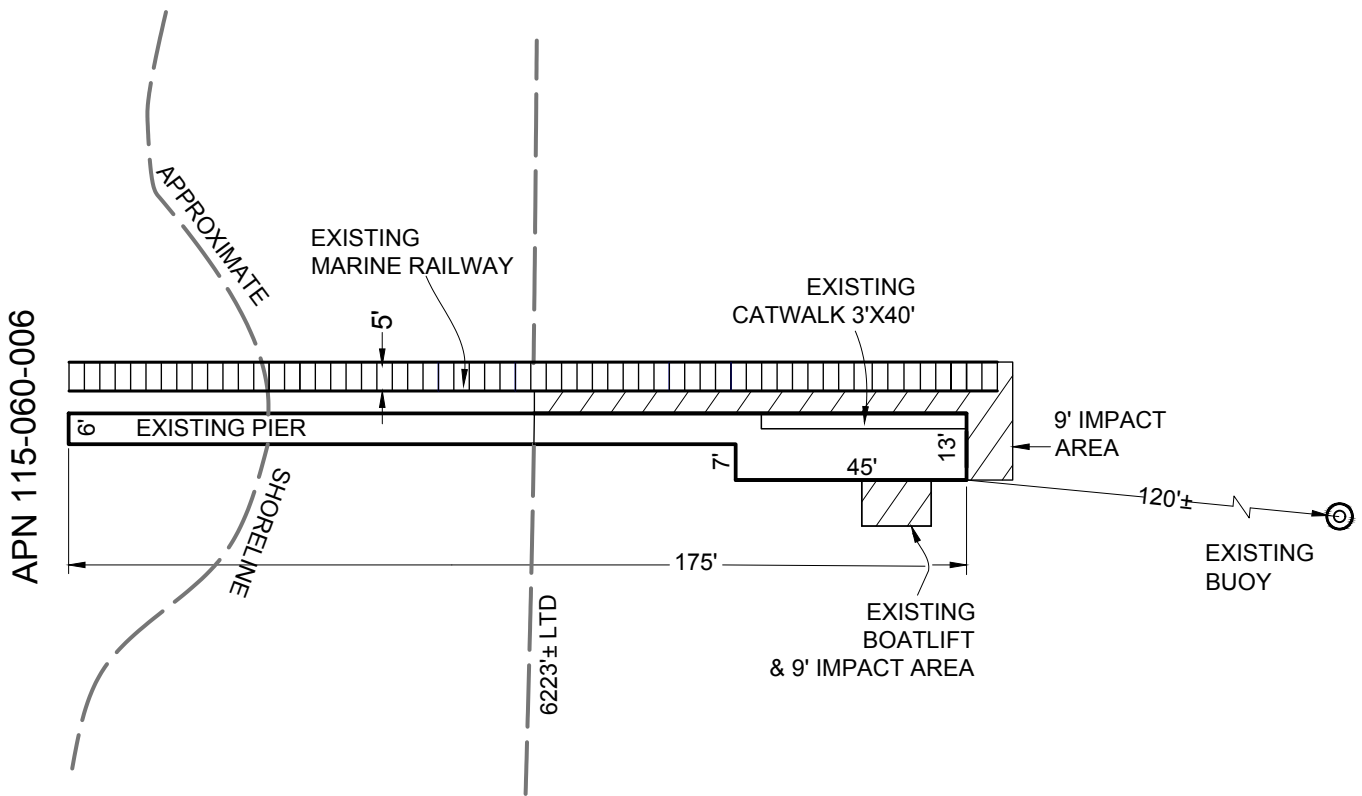
One (1) circular parcel of land, being 50 feet in diameter, underlying one (1) existing buoy lying adjacent to said Lot.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared October 12, 2017 by
the California State Lands Commission Boundary Unit.





L A K E
T A H O E

EXHIBIT A

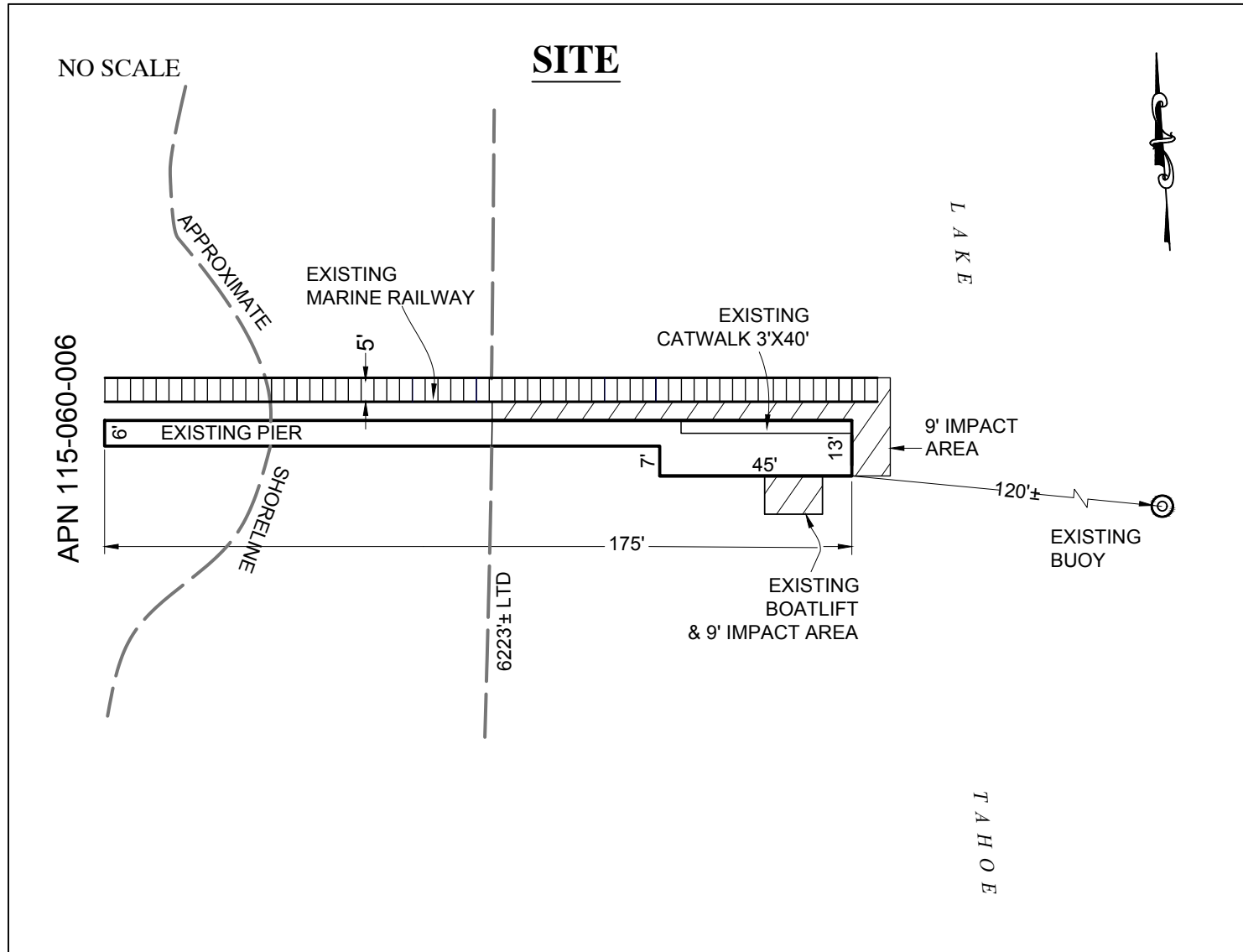
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MJJ 10/16/17

LAND DESCRIPTION PLAT
PRC 4994.1, BALL
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION





4850 NORTH LAKE BLVD., NEAR CARNELIAN BAY



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 4994.1
BALL
APN 115-060-006
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY

