

MINUTE ITEM

This Calendar Item No. 51.
was approved as Minute Item
No. 51 by the State Lands
Commission by a vote of 2
to 0 at its 8-23-79
meeting.

CALENDAR ITEM
51.

8/79
W 8715
Gordon

RESCISSION OF PRIOR AUTHORIZATION TO
ISSUE GENERAL LEASE - COMMERCIAL USE,
PRC 5682.1; AUTHORIZATION OF SUIT FOR
EJECTMENT AND COLLECTION OF RENTALS

APPLICANT: John and Barbara Kearns
P. O. Box 42
Tahoe City, California 95730

AREA, TYPE LANDS AND LOCATION:
A 0.375 acre parcel, twenty-four 0.02884
acre circular parcels, each 40 feet in
diameter aggregating 0.692 acre, and a
0.218 acre parcel, all totalling 1.285 acres
of submerged lands in Lake Tahoe at Tahoe
City, Placer County.

LAND USE: Maintenance of 1 existing pier and 12 mooring
buoys utilized for commercial recreational
boating, plus 12 mooring buoys utilized
for noncommercial recreational boating,
and fill, respectively.

BACKGROUND: The Commission's application forms were
transmitted to applicant for completion
and filing September 17, 1971. Pursuant
to staff's repeated contacts, said application
was received for filing November 12, 1974.
Subsequent to the completion of an appraisal,
a proposed 15-year General Lease - Commercial
Use agreement, beginning November 1, 1972,
was transmitted to applicant for review
and execution January 3, 1979. In accordance
with the time limits established by Government
Code 65950, this application was scheduled
for denial on the Commission's July 17,
1979 agenda.

However, in lieu thereof, as Minute Item
No. 9, the Commission approved Calendar
Item C9 July 17, 1979, authorizing the
issuance to applicant of said 15-year lease
for maintenance of the subject pier, pursuant
to applicant's promises to staff to return
said executed agreement and rental payment.

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Applicant has failed to return said executed lease rental payment, or otherwise cooperate and respond to staff's numerous phone and personal contacts.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21065, 14 CAL. ADM. CODE 15037 AND 2 CAL. ADM. CODE 2903(d).
2. RESCIND ITS ACTION OF ^{June 27 *} ~~JULY 17~~ 1979 (MINUTE ITEM NO. 9) WHICH AUTHORIZED ISSUANCE OF A GENERAL LEASE - COMMERCIAL USE TO JOHN AND BARBARA KEARNS.
3. AUTHORIZE STAFF AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO TERMINATE THE CONTINUING TRESPASS OF JOHN AND BARBARA KEARNS ON STATE-OWNED SUBMERGED LANDS IN LAKE TAHOE, PLACER COUNTY, AND TO COLLECT REASONABLE COMPENSATION FOR THE UNAUTHORIZED USE OF SAID LANDS.

* typographical error

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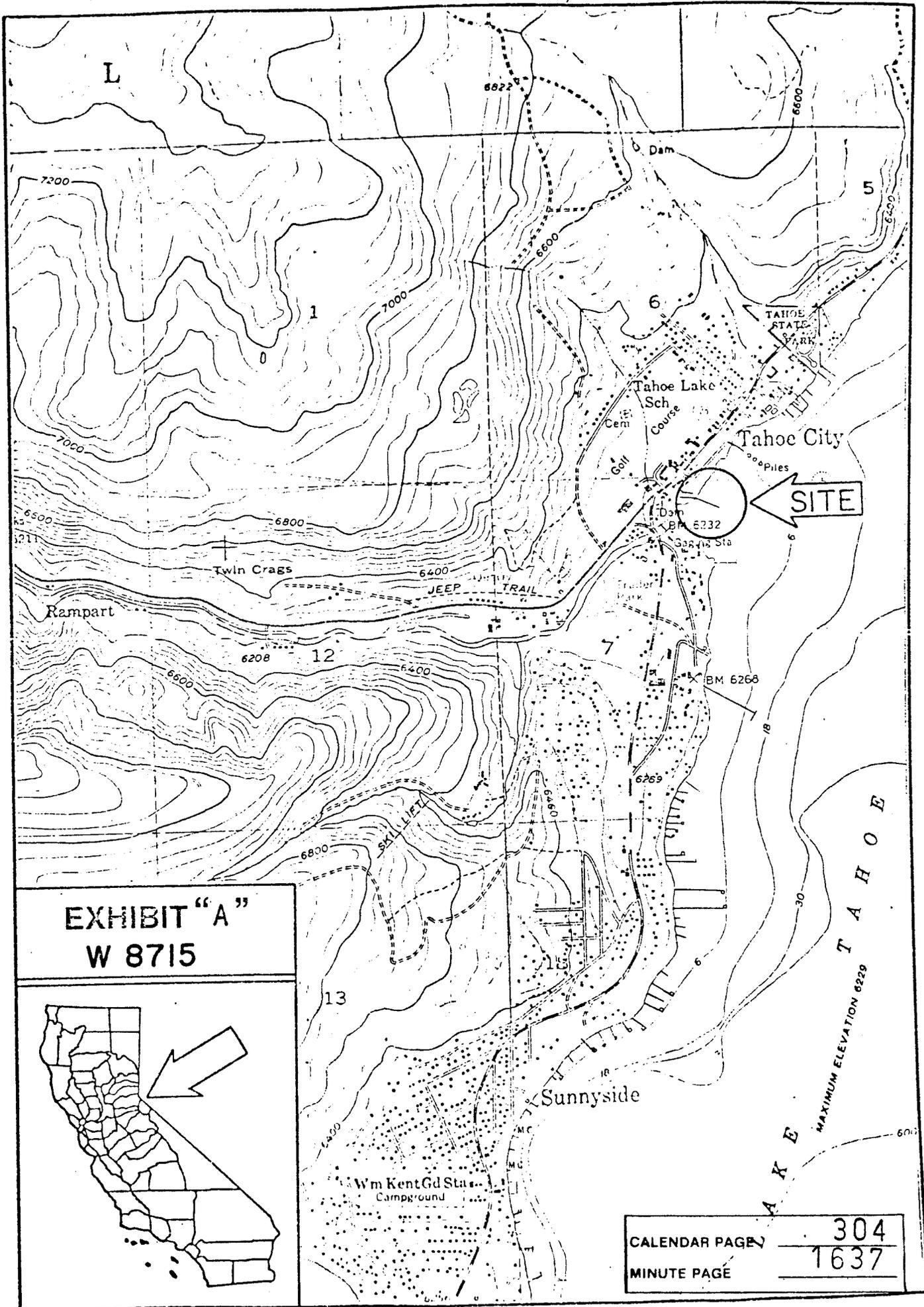


EXHIBIT "A"
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LAKE TAHOE
MAXIMUM ELEVATION 6229

