

MINUTE ITEM

This Calendar Item No. 45
was approved as Minute Item
No. 45 by the State Lands
Commission by a vote of 3
to 0 at its 10-27-79
meeting.

CALENDAR ITEM
45.

10/79
WP 706
Gordon
PRC 706

AUTHORIZATION OF SUIT FOR EJECTMENT
AND COLLECTION OF RENTALS

APPLICANTS: The Roundhouse
c/o John V. and Barbara J. Kearns
P. O. Box 1314
Tahoe City, California 95730

Moana Corporation
555 California Street, Suite 4340
San Francisco, California 94104
Attention: Frank J. Supon

AREA, TYPE LAND AND LOCATION:
A 3.84 acre parcel of submerged lands in
Lake Tahoe at Tahoe City, Placer County.

LAND USE: Maintenance of an existing commercial marina
facility.

BACKGROUND: Occasioned by the sale of the upland adjacent
to the subject marina, staff, on October 3,
1974, received from the new littoral owner,
Moana Corporation, a letter application
requesting assignment to Moana of lease
PRC 706.1 from the original lessee, Tahoe
Boat Company. Effective June 1, 1975, Moana
subleased said Marina to John V. and Barbara J.
Kearns, who are now the general partners
of The Roundhouse, a limited partnership.

Then, by a grant deed recorded February 2,
1978, Moana conveyed to The Roundhouse
approximately one-half of Moana's littoral
upland adjacent to the subject marina.
This action bifurcated the marina's littoral
ownership.

In the interim, lease PRC 706.1 expired
prior to the Commission's consideration
of the proposed assignment. Subsequent
to the completion of a staff appraisal,
a proposed 15-year General Lease - Commercial
Use agreement, beginning May 13, 1974,
was transmitted January 3, 1979, to Moana
and The Roundhouse for review, negotiation
and execution.

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Moana now disclaims any interest in the marina. The rental payment and the proposed lease agreement have not been returned. Applicants have otherwise failed to come to a meeting of minds with staff, or between them selves, following 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. AUTHORIZE STAFF AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO TERMINATE THE CONTINUING TRESPASS OF THE ROUNDHOUSE AND MOANA CORPORATION ON STATE-OWNED SUBMERGED LANDS IN LAKE TAHOE, PLACER COUNTY, AND TO COLLECT REASONABLE COMPENSATION FOR THE UNAUTHORIZED USE OF SAID LANDS.

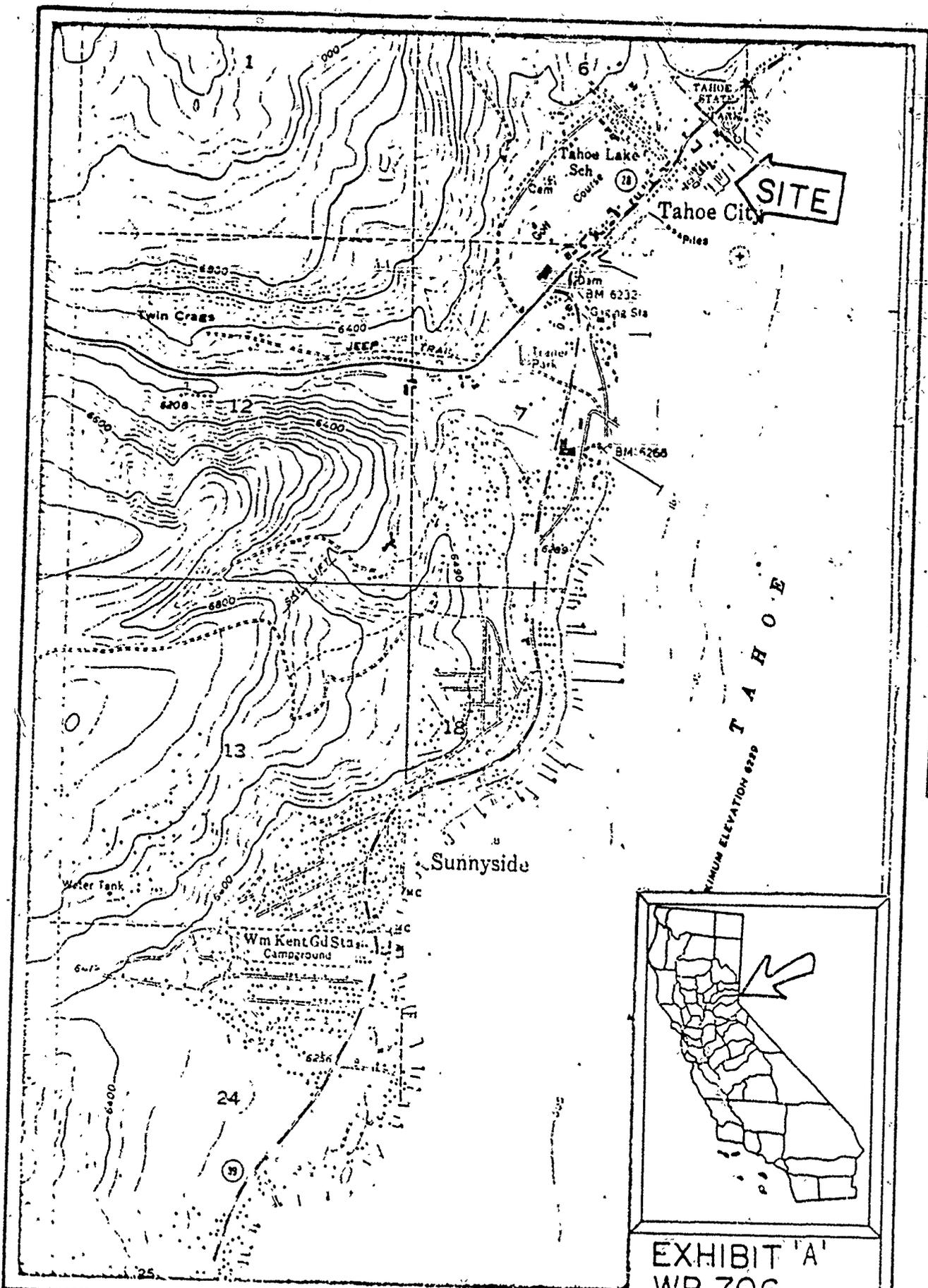


EXHIBIT 'A'
WP 706

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