MINUTE ITEM

This Calendar Item No. C5 was approved as Minute Item No. 5 by the State Lands Commission by a vote of 2 to 0 at its 5/22/86 meeting.

CALENDAR ITEM
C05

05/22/86
WP 5859
J. Ludlow

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FIRST AMENDMENT OF LEASE PRC 5859 -
GENERAL LEASE - COMMERCIAL USE

APPLICANT: Lyman B. Sutter
2010 East Ocean Boulevard
Long Beach, California 90803

AREA, TYPE LAND AND LOCATION:
A 3.496-acre parcel of submerged land, located in Lake Tahoe, El Dorado County.

LAND USE: Operation of a commercial marina.

TERMS OF ORIGINAL LEASE:
Initial period: 20 years beginning July 22, 1984.

Public liability insurance: Combined single limit coverage of $500,000.

CONSIDERATION: Minimum annual rental of $825 against percent of gross income derived from the rental of moorings; one cent per gallon of fuel sold during the reporting period to a maximum of 100,000 gallons and one and one-half cents per gallon thereafter, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:
Applicant is owner and permittee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

   Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

2. By Calendar Item 6, at the March 27, 1986 meeting, the Commission approved the assignment of a 20-year General Lease - Commercial Use, Lease PRC 5859 to Lyman B. Sutter, covering a parcel of submerged land in Lake Tahoe, El Dorado County.

3. The lease parcel is adjacent to two upland parcels; the first being the parcel owned in fee by Mr. Sutter, and the second parcel being owned by the United States Forest Service. The United States Forest Service has an existing pier adjacent to their parcel, which is authorized under PRC 5544 for a 49-year term, effective May 11, 1977

   The Assignee, Mr. Sutter, has obtained a Use Permit from the United States Forest Services to operate the upland resort, which includes use and maintenance of the pier.

4. An amendment to the lease has been prepared to revise the land description to include the State-owned land adjacent to and beneath the United States Forest Service pier. This has been done due to the fact that Mr. Sutter supplies the public liability insurance on the Forest Service property which includes the pier. The corrected description attached herein as Exhibit "A-1" will not affect the annual rental to be paid by lessee.

5. All other terms and conditions of the Lease PRC 5859 are to remain unchanged and in full force and effect.

EXHIBITS: A-1. Land Description.
B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.

2. AUTHORIZE AMENDMENT LEASE PRC 5859, GENERAL LEASE - COMMERCIAL USE, TO LYMAN B. SUTTER, TO REVISE THE LAND DESCRIPTION AS DESCRIBED ON EXHIBIT "A-1" ATTACHED AND BY REFERENCE MADE A PART HEREOF, EFFECTIVE SEPTEMBER 23, 1985. ALL CONDITIONS AND TERMS OF THE LEASE SHALL REMAIN UNCHANGED.

EXHIBIT "A-1"

LAND DESCRIPTION

WP 5859

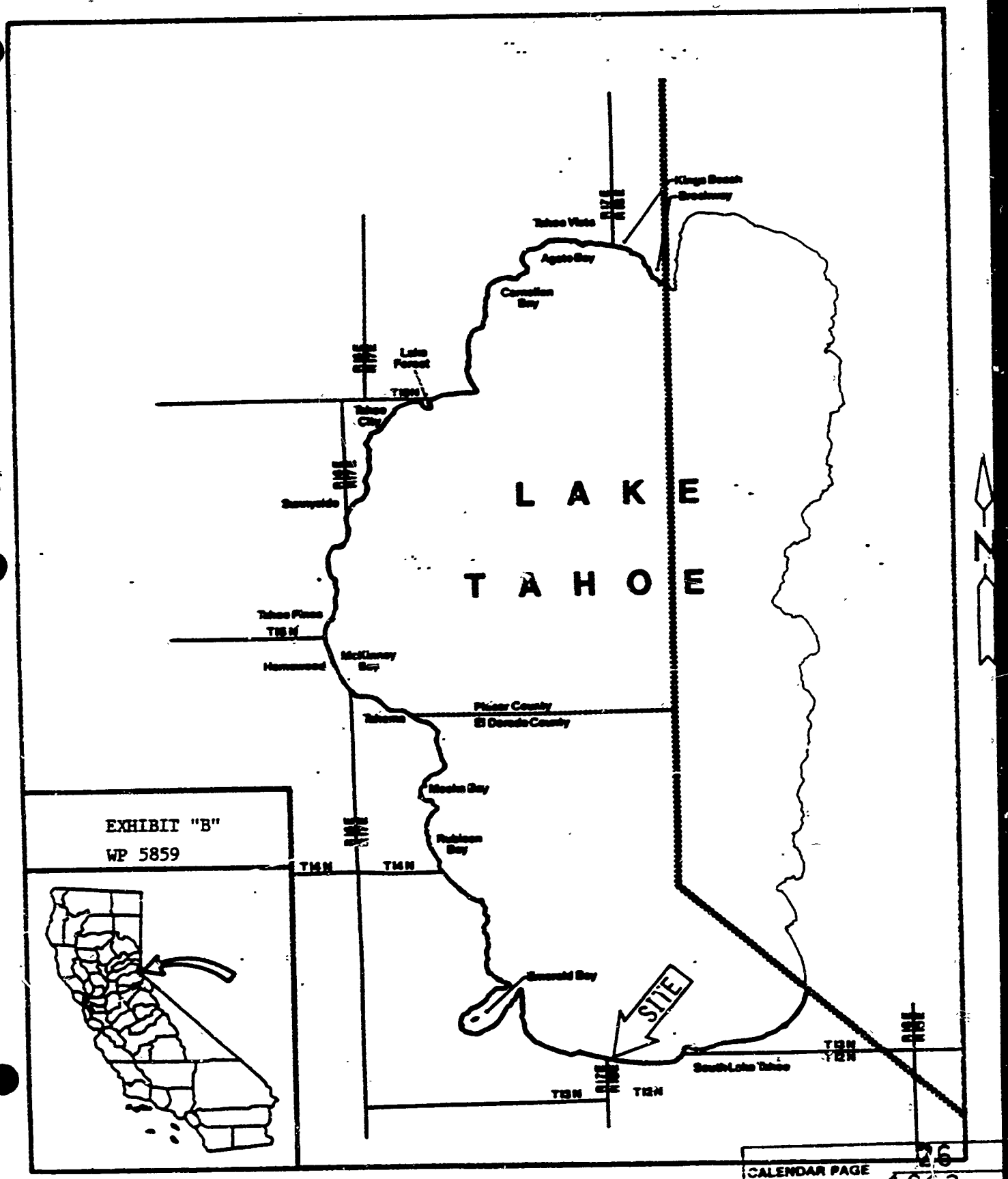
One hundred ten (110) circular parcels of submerged land 40 feet in diameter (for buoys) and two parcels of submerged land lying immediately beneath existing piers, TOGETHER WITH a necessary use area extending not more than 10 feet from the extremities of said piers, in the bed of Lake Tahoe, El Dorado County, California, all said parcels lying within the following described area:

> COMMENCING at GLO brass cap marking the southeast corner of Section 25 and the northeast corner of Section 36, T13N, R17E, MDM, and the west line of Section 6, T12N, R18E, MDM, as said GLO brass cap is shown upon Sheet 7 of 17 of that certain map entitled "Survey of the Low Water Mark on the Shore of Lake Tahoe" filed in Record of Surveys, Book No. 2, page 12, as Document No. 7367, El Dorado County Recorders Office; thence N 00° 27' E 409.77 feet to the TRUE POINT OF BEGINNING; thence S 77° 48' E 620.8 feet; thence N 00° 30' E 1180.43 feet; thence N 89° 30' W 146.87 feet; thence S 00° 30' W 354.14 feet; thence N 89° 33' W 461.64 feet; thence S 00° 27' W 700.00 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water mark of Lake Tahoe.

END OF DESCRIPTION

REVISED JANUARY 28, 1986, BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.


LAKE
TAHOE
Tahoe Vista
Agate Bay
Carnelian Bay
Lake Forest
T18N
Tahoe City
Sunnyside
Tahoe Pines
T15N
Homewood
McKinney Bay
Placer County
El Dorado County
Tahoma
Meeks Bay
Rubicon Bay
EXHIBIT "B"
WP 5859
T14N
T14N
Emerald Bay
SITE
South Lake Tahoe
T13N
T12N
T13N
T13N
N