MINUTE ITEM

This Calendar Item No. C8 was approved as Minute Item No. 8 by the State Lands Commission by a vote of 2 to 0 at its 8/28/86 meeting.

CALENDAR ITEM

C08

08/28/86
PRC 5513
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TERMINATION OF
GENERAL LEASE - COMMERCIAL USE, PRC 5513

LESSEE: Michael R. Phillips
dba Ski Run Marina
P. O. Box 14272
South Lake Tahoe, California 95702

AREA, TYPE LAND AND LOCATION:
A 0.072-acre parcel, a 0.153-acre parcel, a 0.046-acre parcel and 70 circular parcels, each 40 feet in diameter containing 0.029-acre and totalling 2.019 acres, with all parcels composing an aggregate area of 2.29 acres of submerged land, located in Lake Tahoe at South Lake Tahoe, El Dorado County.

LAND USE: One pier and walkway together with two temporary easements for dredging related to reconstruction and 70 mooring buoys, all utilized in the operation of a marina.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years beginning July 1, 1977.

Land Use: Maintenance of one pier, one walkway float, one gas pump facility and 70 mooring buoys.

Surety bond: $5,000.

Public liability insurance: $450,000 per occurrence for bodily injury and $50,000 for property damage.

(PAGES 34 - 34.4 ADDED 08/27/86)

CALENDAR PG. 34
MINUTE PAGE 20[illegible]

Consideration: $563 per annum for one pier, one walkway float, and one gas pump facility and $2,100 per annum for 70 mooring buoys.

Special:

1. The lease is conditioned on lessee's conformance with the Tahoe Regional Planning Agency's Shorezone Ordinance.

2. The lease was entered into by both parties without prejudice to their respective claims of boundary.

TERMS OF AMENDED LEASE:

Initial period: 15 years beginning July 1, 1977.

Land Use: Construction, reconstruction, and maintenance of one pier and walkway together with two temporary easements for dredging related to reconstruction and 70 mooring buoys, all utilized in the operation of a marina.

Surety bond: $5,000.

Public liability insurance: $450,000 per occurrence for bodily injury and $50,000 for property damage.

Special:

1. The amendment to the General Lease decreased the number of facilities, the area of use, the annual rental and added a royalty of $0.25 per cubic yard for dredged material removed from the leased lands.

CONSIDERATION: $271 per annum for one pier and walkway effective on the completion date of the project; and $2,100 per annum for 70 mooring buoys, pursuant to the terms of the lease. Royalty is $0.25 per cubic yard, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

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. At its meetings on July 19, 1978 and August 23, 1979, the State Lands Commission, in Minute Items 16 and 9, approved the issuance and amendment, respectively, of General Lease - Commercial Use PRC 5513. The project consists of a commercial marina operated from an inland harbor. By a grant deed dated September 13, 1985, lessee breached the terms of the lease (Section 5, paragraph 21) when the facilities and agreement were assigned, transferred and sublet to El Dorado Improvement Corporation without receiving the prior written approval of the Commission. Lessee has also cancelled the surety bond and insurance coverage required under the lease. El Dorado Improvement Corporation was advised of the necessity to file an application for its activity on sovereign land. Its application has been received and is being processed. Termination of this lease is recommended.

2. 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.

3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the activity is consistent with its use classification.

EXHIBIT: A. 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. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

3. AUTHORIZE TERMINATION OF GENERAL LEASE - COMMERCIAL USE PRC 5513 DATED NOVEMBER 14, 1978, AND ALL AMENDMENTS THERETO, EFFECTIVE SEPTEMBER 13, 1985.

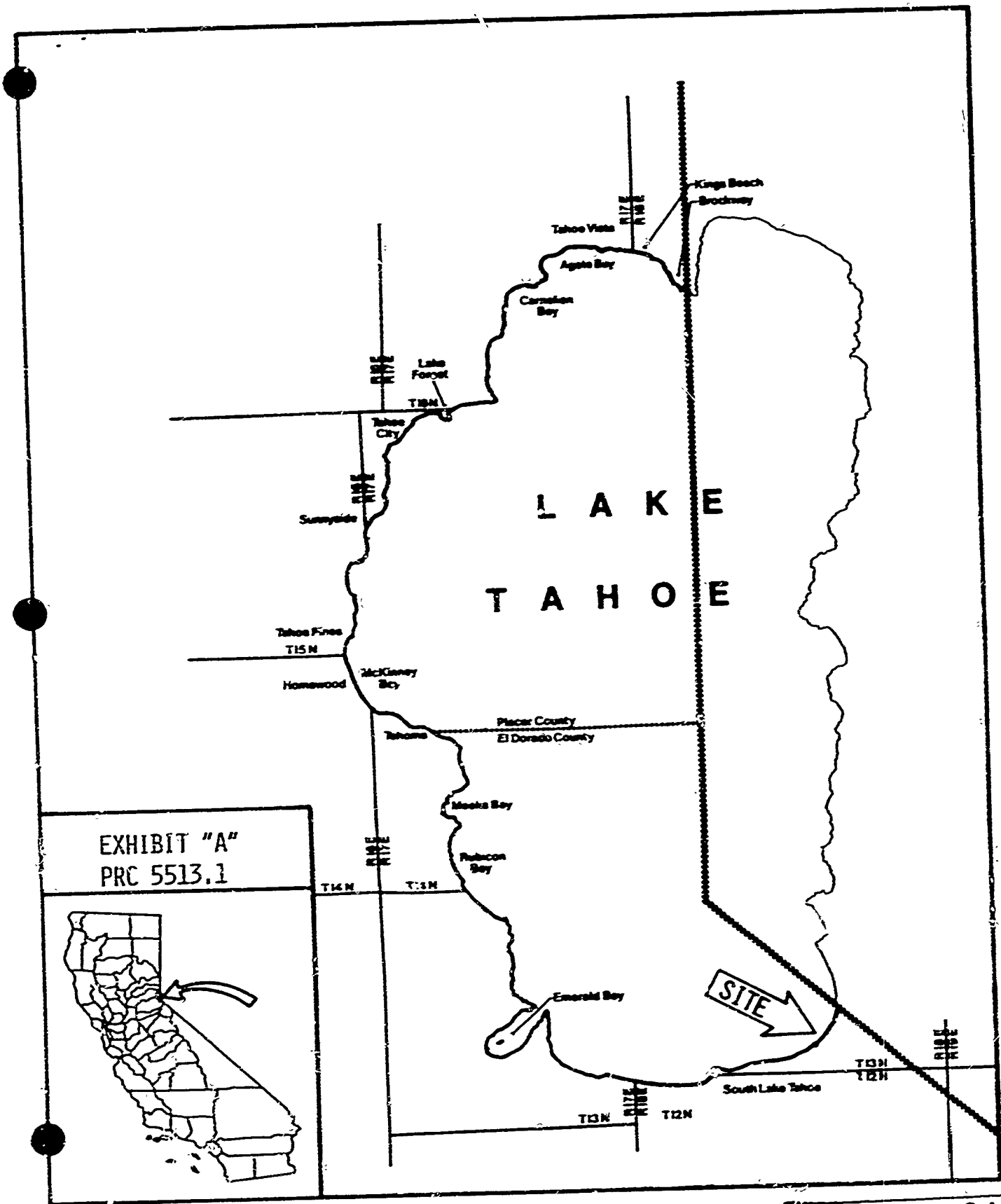

EXHIBIT "A"
PRC 5513.1

CALENDAR ... 34-4