MINUTE ITEM
This Calendar Item No. C53 was approved as Minute Item No. 53 by the California State Lands Commission by a vote of 2 to 0 at its 5/9/96 meeting.

CALENDAR ITEM
C53

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05/09/96
PRC5859 WP 5859.1
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ASSIGNMENT AND CONSENT TO ENCUMBER GENERAL LEASE - COMMERCIAL USE

LESSEE/ASSIGNOR:

The Heirs and Devisees of Lyman B. Sutter, Jr.,
dba Richardson's Marina and/or Camp Richardson Resort and Marina, Inc.
aka Anchorage Marina

PROPOSED ASSIGNEE:

Seven Summits Corporation
dba Camp Richardson Resort, Inc.

LOCATION:

A 3.4 acre parcel, more or less, of submerged land located in the bed of Lake Tahoe at Camp Richardson, El Dorado County.

AUTHORIZED USES:

Operation of a commercial marina.

TERM:

Twenty years beginning July 22, 1982, and ending July 21, 2002.

CONSIDERATION:

1. A minimum annual rental of $825 applied against five 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.

2. During review of this lease, it was determined that there were unauthorized activities conducted on the Lease Lands and that rental payments were in arrears. Staff propose a negotiated settlement to resolve all use and back rent issues with regard to this lease. As part of this comprehensive settlement, Staff recommends waiver of penalty and interest on back rent

due. The lessee has agreed to this proposal.

3. Staff is currently negotiating with the proposed assignee for the authorization of the unapproved activities and will bring a recommendation to the Commission at its next meeting.

Authority: 2. Cal. Code Regs. 1911(c)(1)(B)

AB 884:

N/A

OTHER PERTINENT INFORMATION:

This lease was originally issued on February 4, 1985 to Richard Schwartz, dba Richardson's Marina and/or Camp Richardson Resort and Marina, Inc. The Commission later approved an assignment of the lease by Schwartz to Lyman Sutter, effective September 23, 1985. Upon the death of Mr. Sutter, the lease was transferred to his Heirs and Devisees, effective August 15, 1988. The Heirs and Devisees now request approval of the assignment of the lease to Seven Summits Corporation, dba Camp Richardson Resort, Inc. The Heirs and Devisees are selling the business to Seven Summits and will remain as a secured party lender under a note from Seven Summits. They are also seeking Commission approval of the encumbrance of the lease premises as partial security for this note.

EXHIBITS:

A. Site Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE 21065 AND 14 CAL. CODE REGS. 15378.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

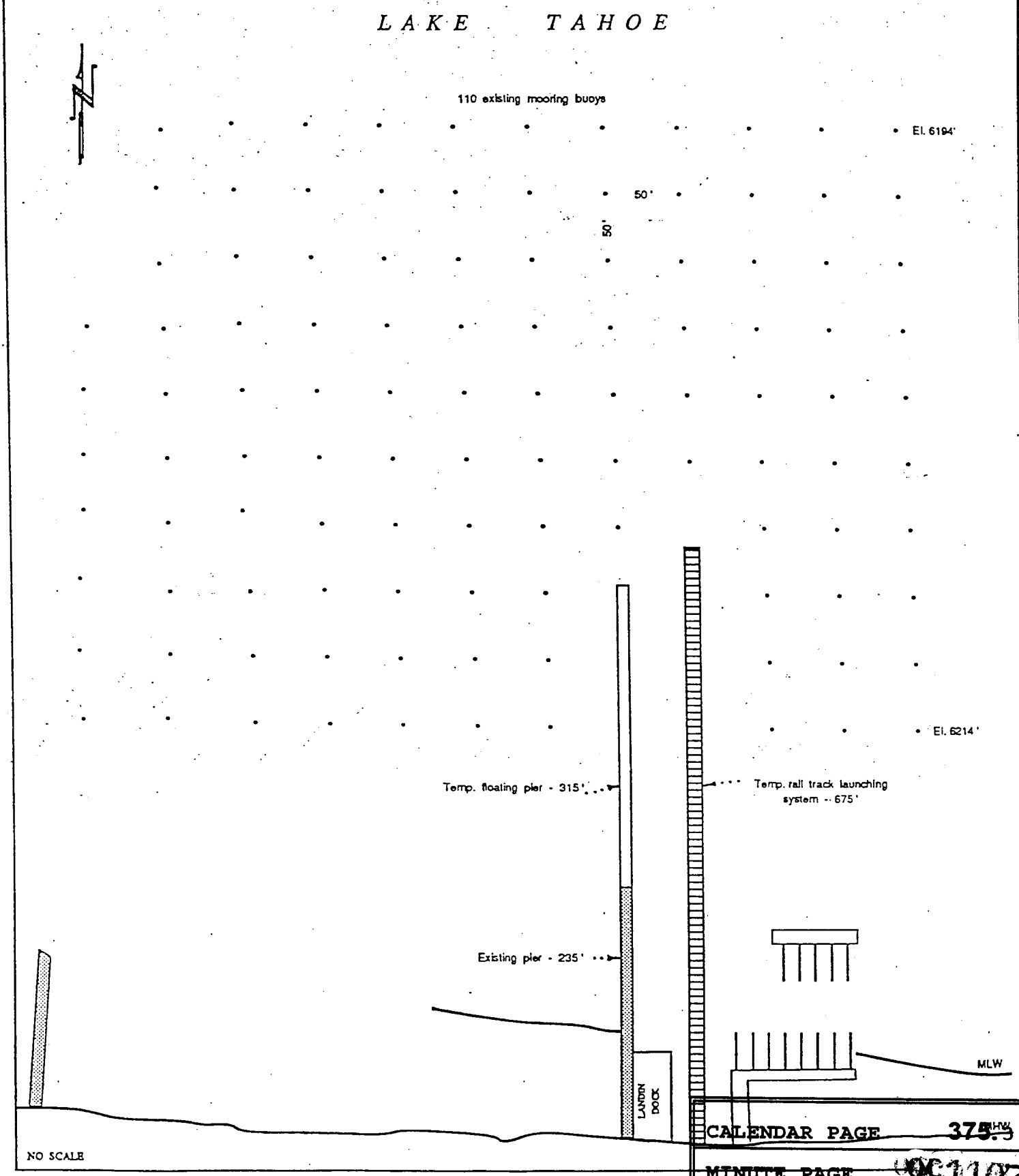
AUTHORIZATION:

1. AUTHORIZE THE ASSIGNMENT AND ENCUMBRANCE OF A GENERAL LEASE - COMMERCIAL USE, EFFECTIVE SEPTEMBER 21, 1995, FOR THE OPERATION OF A COMMERCIAL MARINA AT LAKE TAHOE, EL DORADO COUNTY, AS SET FORTH HEREIN.

2. APPROVE A NEGOTIATED SETTLEMENT IN SATISFACTION OF PAST DUE RENTALS AND WAIVE PENALTY AND INTEREST DUE ON SUCH AMOUNTS.

EXHIBIT "A"
Land Description

PRC 5859.1



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