MINUTE ITEM
This Calendar Item No. C47
was approved as Minute Item
No. 47 by the State Lands
Commission by a vote of 3
to 0 at its 10-28-96
meeting.

CALENDAR ITEM
C47

A 4

S 1

PRC3709

10/28/96
WP 3709
B. Young

RECREATIONAL PIER LEASE

APPLICANTS:

Warren Lewis Simmons, Jr. and Nancy Gale Simmons, Trustees of the
Warren Lewis Simmons, Jr. and Nancy Gale Simmons Trust
12 Maybridge Road
Belvedere, California 94920

LOCATION:

A parcel of submerged land located in the bed of Lake Tahoe near Homewood, Placer County.

AUTHORIZED USE:

Use and maintenance of one existing pier, boat hoist and two existing mooring buoys, one of which was previously unauthorized, as shown on the attached Exhibit A.

TERM:

Ten-year lease beginning October 4, 1993.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code Section 6503.5.

EXHIBIT:

A. Site Map

AB 884:

02/02/97

OTHER PERTINENT INFORMATION:

On June 30, 1992, the Commission authorized a General Lease - Recreational Use to Westlake Partners for a term of five years commencing July 23, 1991, with an annual rental of $700.75. Lessee informed staff on March 1, 1993, that the property was sold to Mr. David Milton. Mr. Milton never complied with staff's request to obtain a new lease. The property was sold seventeen months later to the Simmons (current owners). Therefore, staff recommends the following:

1. Acceptance of a Quitclaim Deed, effective May 15, 1992, from Westlake Partners transferring its interest in the lease-hold back to the State of California. Because Lessee informed staff that the property was sold and all rent has been paid to the date of the sale, staff recommends waiver of penalty and interest.

2. Termination of General Lease - Recreational Use, No. PRC 3709.1, issued to Westlake Partners, with an annual rent of $700.75.

3. Authorization of issuance to Warren Lewis Simmons, Jr. and Nancy Gale Simmons, Trustees of the Warren Lewis Simmons, Jr. and Nancy Gale Simmons Trust, a ten-year Recreational Pier Lease, effective October 4, 1993 as reflected on the recorded Grant Deed to Simmons.

This lease is conditioned on the Lessee obtaining authorization from the Tahoe Regional Planning Agency for the existing two buoys within two years from the effective date of the authorization of the buoys by the Commission.

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

(Pier & One Buoy)

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. CODE REGS. 2905(a)(2).

CEQA FINDING:

(One Additional Buoy)

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, SMALL BOAT MOORING BUOYS, 2 CAL. CODE REGS. 2905(c)(3).

SIGNIFICANT LANDS INVENTORY FINDING:

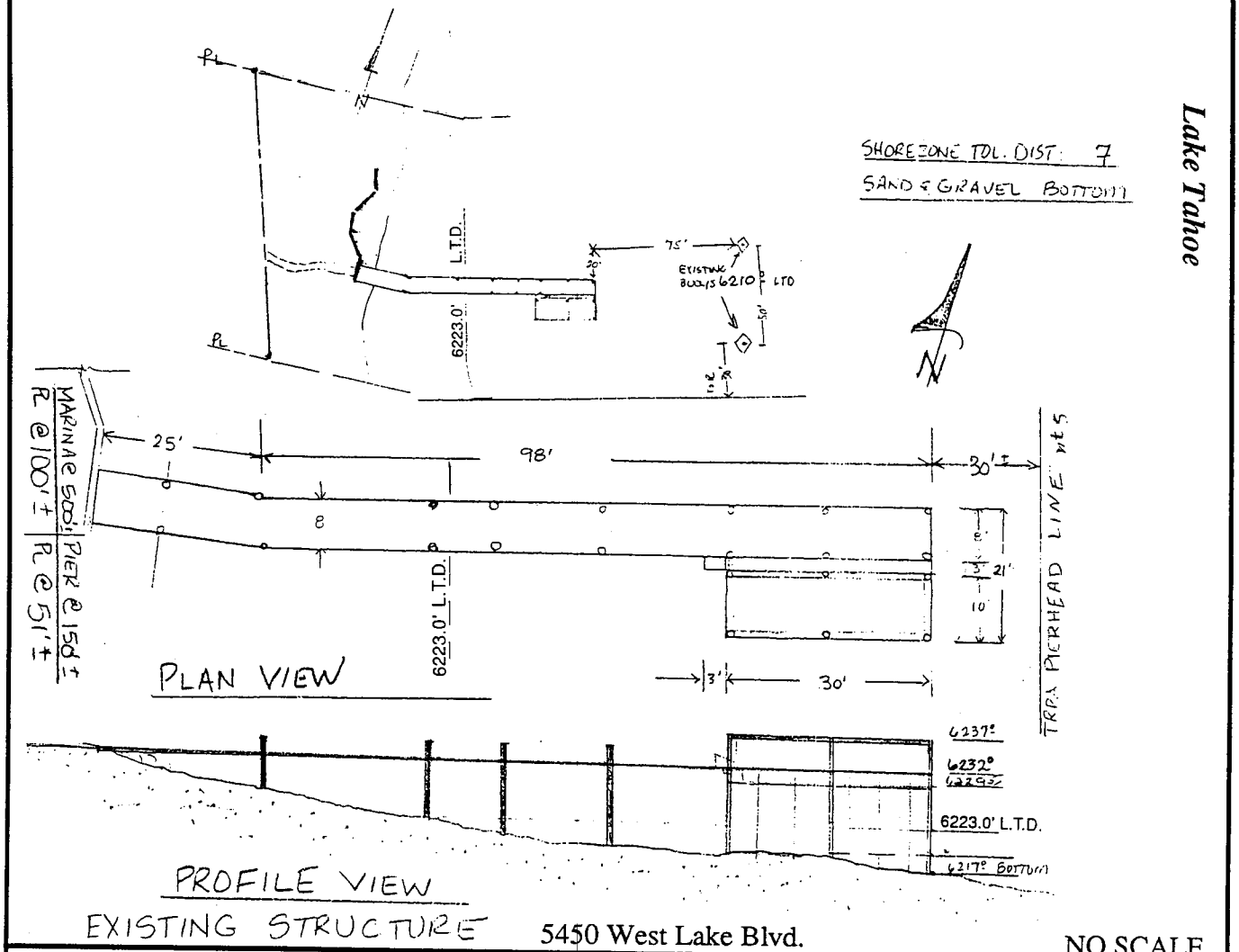
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE ACCEPTANCE OF A QUITCLAIM DEED FROM WESTLAKE PARTNERS TRANSFERRING ITS INTEREST IN THE LEASEHOLD BACK TO THE STATE OF CALIFORNIA, EFFECTIVE MAY 15, 1992, AND WAIVER OF PENALTY AND INTEREST ON ANY RENT DUE FOR THE PERIOD FOLLOWING THE DATE OF SALE.

AUTHORIZE TERMINATION EFFECTIVE MAY 15, 1992, OF GENERAL LEASE - RECREATIONAL USE, NO. PRC 3709.1, ISSUED TO WESTLAKE PARTNERS FOR A TERM OF FIVE-YEARS COMMENCING JULY 23, 1991 AS AUTHORIZED BY THE COMMISSION ON JUNE 30, 1992 WITH AN ANNUAL RENT OF $700.75.

AUTHORIZE ISSUANCE TO WARREN LEWIS SIMMONS, JR. AND NANCY GALE SIMMONS, TRUSTEES OF THE WARREN LEWIS SIMMONS, JR. AND NANCY GALE SIMMONS TRUST, OF A TEN-YEAR RECREATIONAL PIER LEASE ON FILE IN THE COMMISSION'S OFFICES, FOR ALL OF THE STATE'S SOVEREIGN LANDS BELOW THE ELEVATION OF 6223 FEET LAKE TAHOE DATUM UNDER APPLICANT'S PIER, BOAT HOIST AND TWO MOORING BUOYS AS DEPICTED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, BEGINNING OCTOBER 4, 1993; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5.

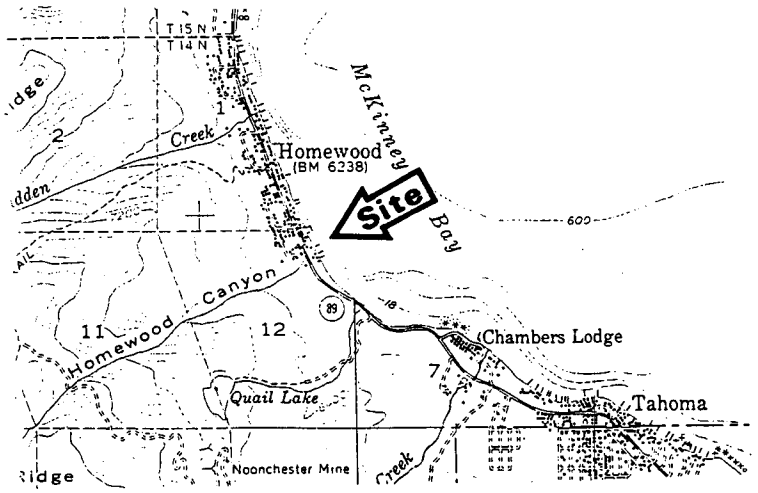


5450 West Lake Blvd.

NO SCALE

LOCATION MAP

Lake Tahoe



NO SCALE

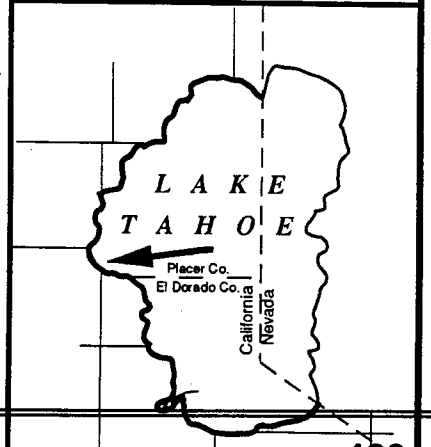
EXHIBIT "A"

PRC 3709.9

APN 97 - 164 - 03

Lake Tahoe

PLACER COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

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