

MINUTE ITEM

This Calendar Item No. C102 was approved as Minute Item No. 102 by the California State Lands Commission by a vote of 3 to 0 at its 12/16/98 meeting.

**CALENDAR ITEM
C102**

A 4
S 1

12/16/98
PRC 3994.1
B. Young

**TERMINATION OF LEASE
RELINQUISHMENT OF LEASE
ISSUANCE OF GENERAL LEASE - COMMERCIAL USE**

APPLICANT:

Agate Bay Properties, Inc.
5424 Tree Side Drive
Carmichael, CA 95698

AREA, LAND TYPE, AND LOCATION:

0.57 acre, more or less, of sovereign lands in Lake Tahoe, Agate Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, swim float and 14 mooring buoys, as shown on the attached Exhibit A.

LEASE TERM:

20 years, beginning July 1, 1998.

CONSIDERATION:

\$2,629 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. On August 23, 1966, the Commission issued a Noncommercial Lease, No. PRC 3994.1, to Agate Bay Properties, Inc., for the maintenance of a pier; for a term of five years; \$150 rent per year; with a renewal option of three additional terms of ten years each. Subsequently, on August 23, 1981, the Commission issued a General Lease - Commercial Use (PRC 3994.1) for a term of 20 years. This lease will expire on August 22, 2001.

CALENDAR ITEM NO. C102 (CONT'D)

2. On October 1, 1969, the Commission issued a Commercial Lease, No. PRC 5360.1, to Agate Bay Properties, Inc., for the maintenance of 14 mooring buoys; for a term of five years; \$700 rent per year. Subsequently, on March 1, 1977, the Commission issued a General Lease - Commercial Use (PRC 5360.1) for a term of 15 years. This lease expired on February 29, 1992. Lessee has been in hold-over status since that time.
3. Staff negotiated the collection of \$7,488.22, in back rent, including any penalty and interest, to cover the period of March 1, 1992 through June 30, 1998 for PRC 5360.1.
4. Agate Bay Properties, Inc., wishes to consolidate the two leases (PRCs 3994.1 and 5360.1) into one lease, PRC 3994.1, to cover the pier, swim float and 14 mooring buoys, by terminating Lease PRC 5360.1, and adding the improvements and area to PRC 3994.1. Lessee also wishes to obtain a new 20-year lease term since PRC 3994.1 will expire on August 22, 2001.
5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.
6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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 project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. Site and Location Map

CALENDAR ITEM NO. C102 (CONT'D)

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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

SIGNIFICANT LANDS INVENTORY FINDING:

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

AUTHORIZATION:

1. AUTHORIZE THE ACCEPTANCE OF BACK RENT, INCLUDING ANY PENALTY AND INTEREST, IN THE AMOUNT OF \$7,488.22, COVERING THE PERIOD OF MARCH 1, 1992 THROUGH JUNE 30, 1998, FOR PRC 5360.1.
2. AUTHORIZE THE TERMINATION OF PRC 5360.1, EFFECTIVE JULY 1, 1998.
3. AUTHORIZE LESSEE'S RELINQUISHMENT OF EXISTING LEASE, PRC 3994.1, ISSUED TO AGATE BAY PROPERTIES, INC., ON AUGUST 23, 1981, AND THE ISSUANCE TO AGATE BAY PROPERTIES, INC., OF A NEW GENERAL LEASE - COMMERCIAL USE, PRC 3994.1, BEGINNING JULY 1, 1998, FOR A TERM OF 20 YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF A PIER, SWIM FLOAT AND 14 MOORING BUOYS, AS SHOWN ON EXHIBIT A, ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: \$2,629 PER YEAR; WITH THE STATE RESERVING THE RIGHT

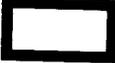
CALENDAR ITEM NO. C102 (CONT'D)

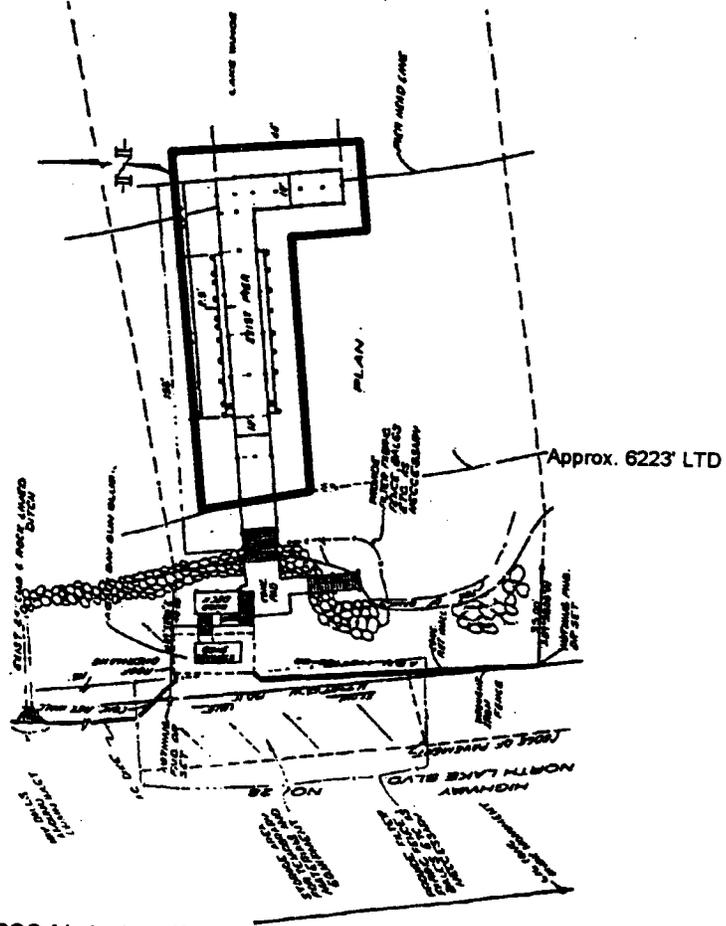
TO FIX A DIFFERENT RENT PERIODICALLY DURING THE
LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY
INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.

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NO SCALE

SITE MAP

LEGEND
USE AREA 



5690 N. Lake Blvd.

NO SCALE

LOCATION MAP

Lake

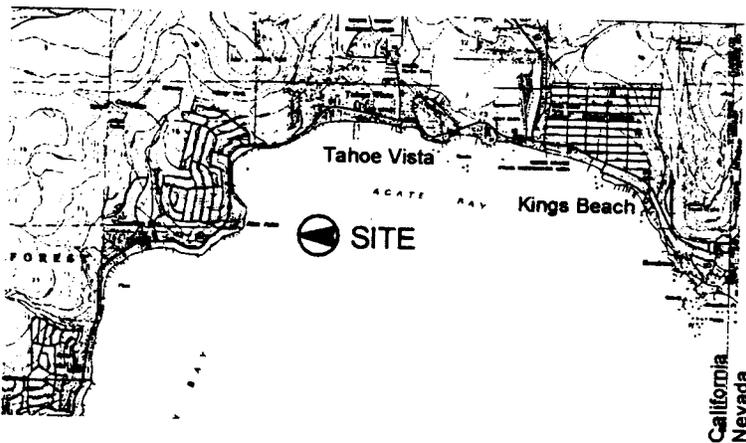
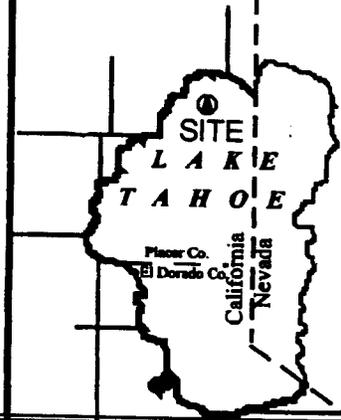


Exhibit A
 PRC 3994.1
 APN 116-100-002
 Lake Tahoe
 PLACER COUNTY
 Sheet 1 of 2



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.

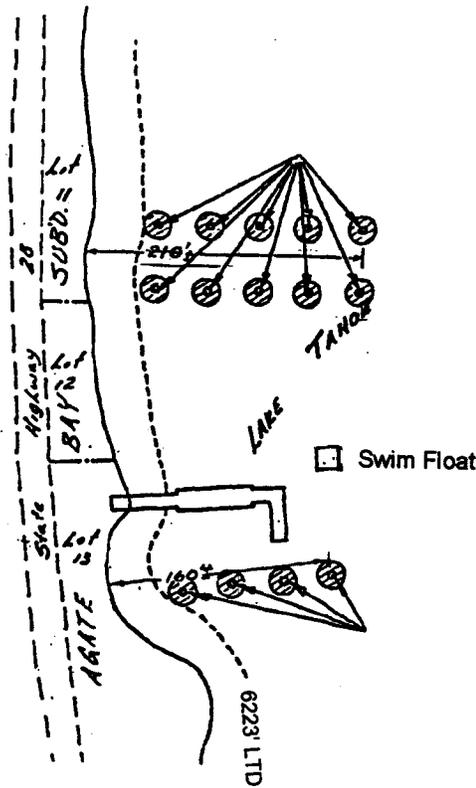
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NO SCALE

SITE MAP



~LEGEND~
USE AREAS (BUOYS)

5690 N. Lake Blvd.

NO SCALE

LOCATION MAP

Lake

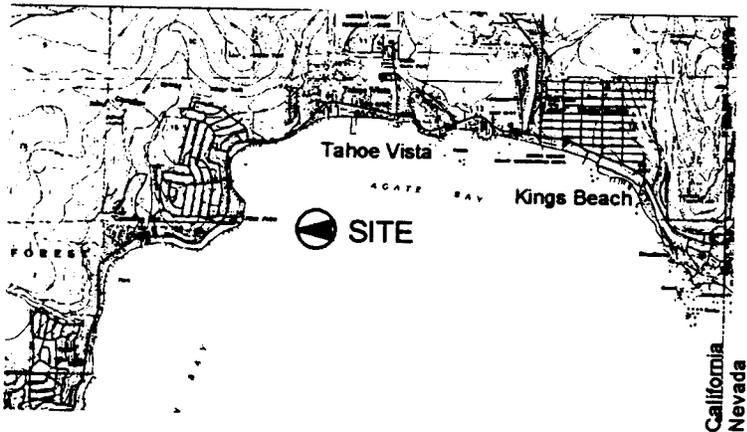
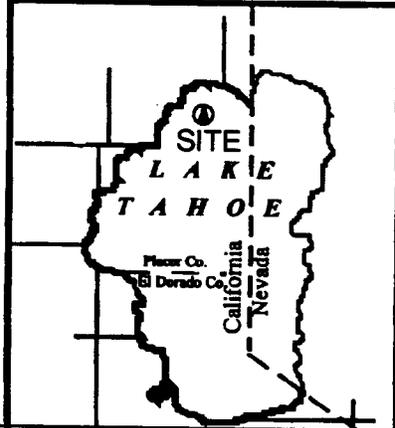


Exhibit A
 PRC 3994.1
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 Sheet 2 of 2



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