MINUTE ITEM
This Calendar Item No C50 was approved as Minute Item No 50 by the California State Lands Commission by a vote of 3 to 0 at its 4/13/99 meeting.

CALENDAR ITEM
C50

A 3

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04/13/99
PRC 7689.9
B. Young

ACCEPTANCE OF QUITCLAIM DEED
TERMINATION OF GENERAL LEASE - RECREATIONAL USE
ISSUANCE OF RECREATIONAL PIER LEASE

APPLICANTS:

Allen Ray Duemey and Suzanne Therese Duemey as Trustees
of the Duemey 1987 Family Trust dated April 27, 1992
42 Upper Golf Road
Pleasanton, California 94566

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Donner Lake, near Truckee, Nevada County.

AUTHORIZED USE:

Continued use and maintenance of a pier, as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning November 30, 1998.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than $300,000.

OTHER PERTINENT INFORMATION:

1. On May 12, 1997, the Commission issued a General Lease - Recreational Use to Allen R. Duemey and Suzanne T. Duemey for the continued use and maintenance of an existing pier at Donner Lake, for a term of ten years effective October 21, 1996. The Duemeys did not qualify for a rent-free lease due to the fact that the littoral parcel was a common area owned by the Donner Lakeside Landing Homeowners Association.

2. As a result of a Lot Line Adjustment survey, the littoral property was segregated among the upland property owners. Lessee is now the littoral

owner, and therefore, qualifies and has applied for a rent-free lease.

3. Since Lessee paid the rent on October 21, 1998, for the previous lease, staff recommends that the 1998 rent be prorated for the period from October 21, 1998 to November 29, 1998, and that a refund in the amount of $204.62 be sent to Lessee.

4. 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.

5. 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

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:

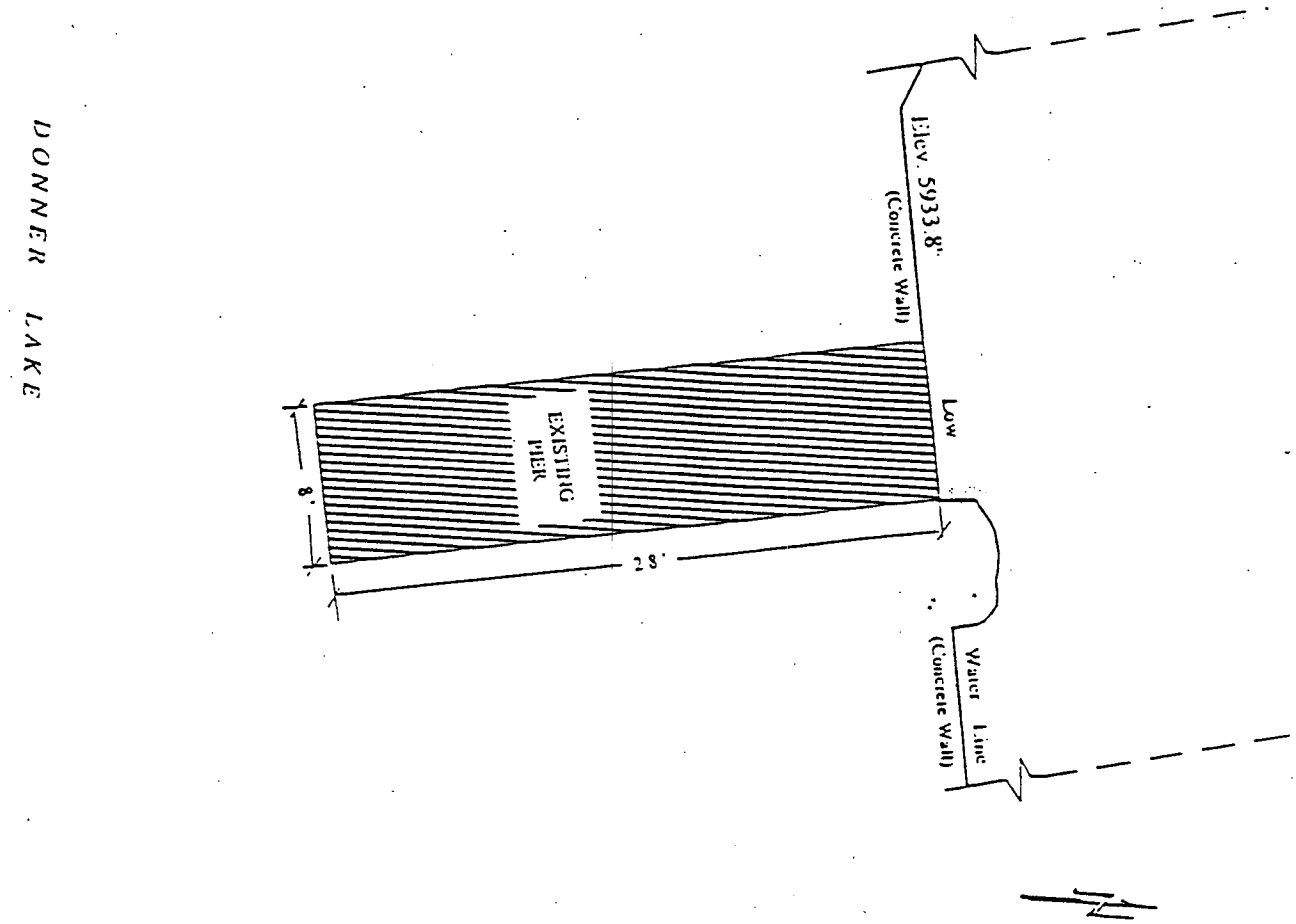
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE ACCEPTANCE OF A LEASE QUITCLAIM DEED FOR GENERAL LEASE - RECREATIONAL USE LEASE NO. PRC 7689.1, EXECUTED ON JANUARY 19, 1998, AND EFFECTIVE NOVEMBER 29, 1998.

AUTHORIZE THE TERMINATION OF GENERAL LEASE - RECREATIONAL USE LEASE NO. PRC 7689.1, ISSUED BY THE CALIFORNIA STATE LANDS COMMISSION ON MAY 12, 1997.

AUTHORIZE ISSUANCE TO ALLEN RAY DUEMEY AND SUZANNE THERESE DUEMEY AS TRUSTEES OF THE DUEMEY 1987 FAMILY TRUST DATED APRIL 27, 1992 OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING NOVEMBER 30, 1998 FOR A PIER ON THE LAND SHOWN ON EXHIBIT A, ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN $300,000.



15861 Lakeside Landing

NO SCALE

LOCATION MAP

NO SCALE

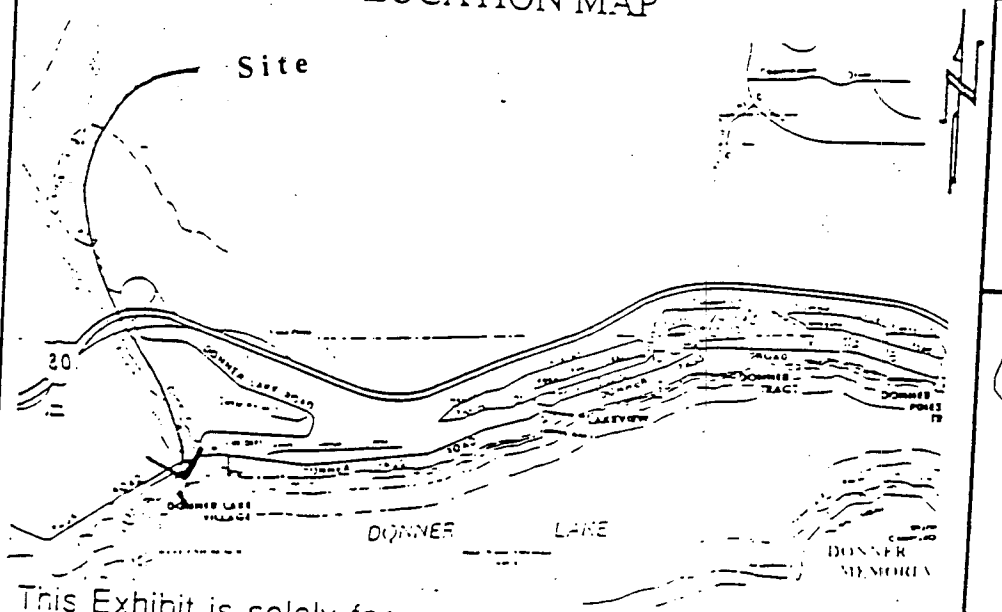
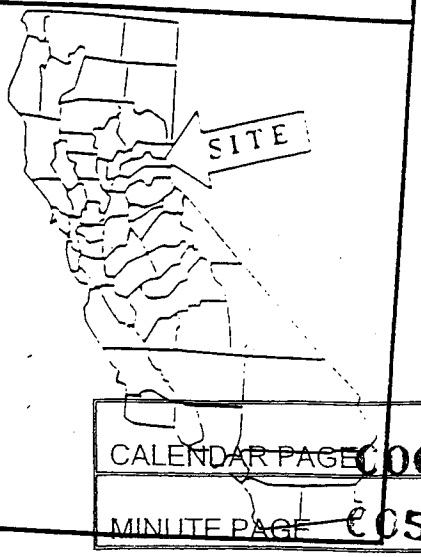


EXHIBIT A
PRC 7689.9

APN 17-160-28
Donner Lake
NEVADA 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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