MINUTE ITEM

This Calendar Item No. C24 was approved as Minute Item No. 24 by the California State Lands Commission by a vote of 2 to 0 at its 12-08-05 meeting.

CALENDAR ITEM
C24

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PRC 4204

12/08/05
WP 4204.1
R. Barham

TERMINATION AND ISSUANCE OF GENERAL LEASE - RECREATIONAL USE

LESSEES:

Carl D. Arnold Jr. and Barbara P. Arnold as Trustees of the Arnold Family Trust U/A Dated June 1, 1989

APPLICANT:

Alexander Court, L.L.C., A Ltd. Liability Co.

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Kings Beach, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier with two boatlifts, and two existing mooring buoys as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning December 1, 2005.

CONSIDERATION:

$1,115 per year for the pier with two boatlifts and two mooring buoys; with the State reserving the right to fix a different rent periodically during the lease term.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than $500,000.

Other:

This lease is conditioned on the Applicant obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

OTHER PERTINENT INFORMATION:

1. On December 16, 1998, the Commission authorized a ten-year General Lease - Recreational Use to Carl D. Arnold Jr. and Barbara P. Arnold as Trustees of the Arnold Family Trust U/A Dated June 1, 1989. That lease will expire on March 31, 2008.

2. Lessees have transferred ownership of the uplands to Alexander Court, L.L.C., A Ltd. Liability Co. (Applicant). Applicant is now applying for a new General Lease – Recreational Use. Applicant does not qualify for a rent-free lease because the Applicant is not a natural person. Staff is recommending termination of the existing lease and issuance of a new lease, effective December 1, 2005.

3. **Termination of existing Lease**
   Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

   Authority: Public Resources Code Section 21065 and Title 14, California Code of Regulations, section 15060(c)(3) and 15378.

4. **Issuance of a new Lease:**
   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.

APPROVAL REQUIRED:
Buoys: Tahoe Regional Planning Agency

EXHIBIT:
A. Site and Location Map

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060 (c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF NEW LEASE: 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).

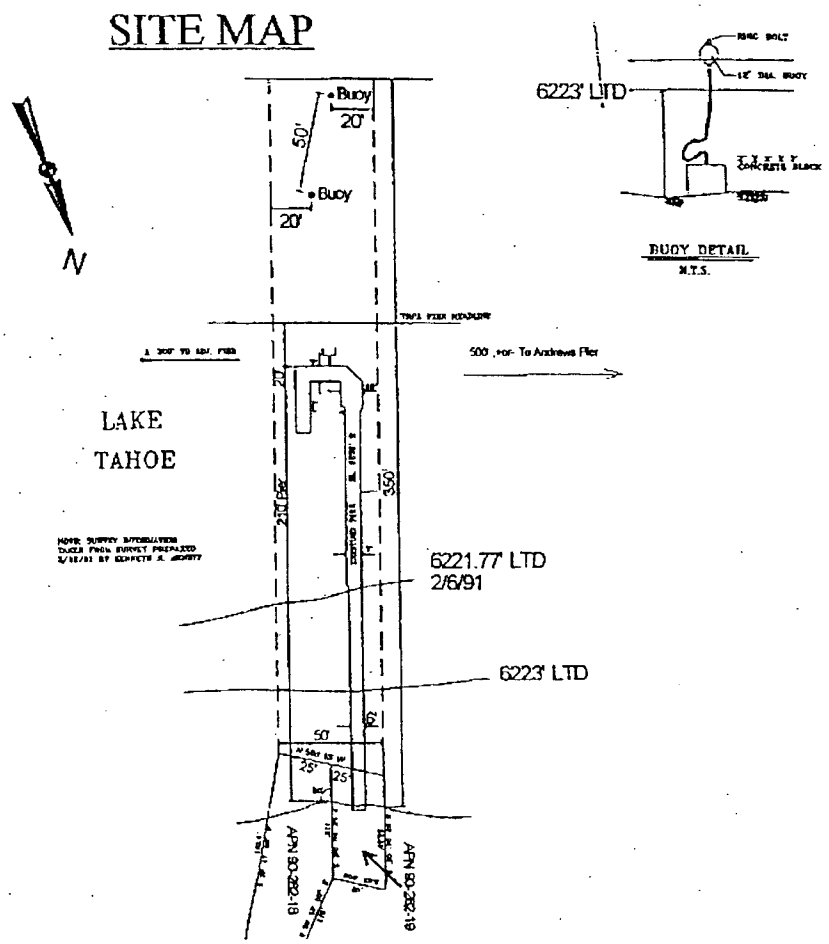
SIGNIFICANT LANDS INVENTORY FINDING:
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:
AUTHORIZE TERMINATION OF A GENERAL LEASE – RECREATIONAL USE NO. PRC 4204.1, EFFECTIVE DECEMBER 1, 2005, ISSUED TO CARL D. ARNOLD JR. AND BARBARA P. ARNOLD AS TRUSTEES OF THE ARNOLD FAMILY TRUST U/A DATED JUNE 1, 1989, APPROVED BY THE COMMISSION ON DECEMBER 16, 1998; AND AUTHORIZE ISSUANCE TO ALEXANDER COURT, L.L.C., A LTD. LIABILITY CO., OF A TEN-YEAR GENERAL LEASE – RECREATIONAL USE PRC 4204.1, BEGINNING

DECEMBER 1, 2005, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER WITH TWO BOATLIFTS AND TWO EXISTING MOORING BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF $1,115, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN $500,000.

NO SCALE

SITE MAP



125 Speedboat Avenue, Kings Beach

NO SCALE

LOCATION MAP

Lake Tahoe

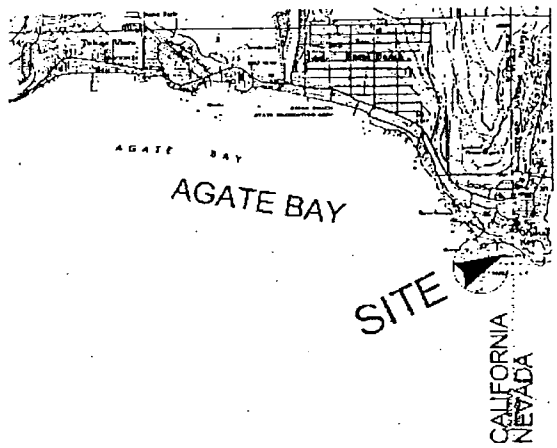
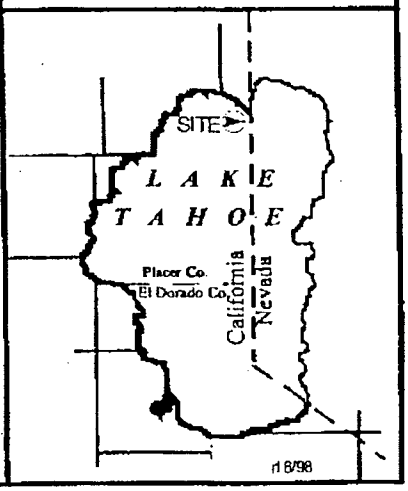


Exhibit A
PRC 4204.1
APN 090-282-018
Lake Tahoe
PLACER COUNTY



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.