

**CALENDAR ITEM
C30**

A 5
S 1

08/15/14
PRC 5899.1
M. Schroeder

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

Cascade Mutual Water Company, a California Nonprofit Mutual Benefit Corporation

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 2117 Cascade Road, near Emerald Bay, El Dorado County

AUTHORIZED USE:

Continued use and maintenance of a pier.

LEASE TERM:

10 years, beginning September 24, 2009.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease and recommends that rent be revised from \$1,454 per year to \$344 per year, effective September 24, 2014.

PROPOSED AMENDMENT:

Amend the Lease to replace the existing Site and Location Map in Section 3 with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only). All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. On February 8, 2011, the Commission authorized a General Lease – Recreational Use to Cascade Mutual Water Company, a California Nonprofit Mutual Benefit Corporation, for a term of 10 years. The Lease will expire on September 23, 2019.

CALENDAR ITEM NO. **C30** (CONT'D)

2. Staff conducted the rent review called for in the lease. In addition, at its January 23, 2014 meeting, the Commission adopted amendments to the regulations, which resulted in changes to the Commission's practice for the calculation of impact areas surrounding piers. Accordingly, staff recommends the rent be reduced.
3. The staff recommends that the Commission find that the subject lease amendment and revision of rent do not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and are, therefore, not projects in accordance with the California Environmental Quality Act (CEQA).

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

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject lease amendment and revision of rent are not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060 subdivision (c)(3), because the activities are not projects as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

1. Authorize the Amendment of Lease No. PRC 5899.1, a General Lease – Recreational Use, effective September 24, 2014, to replace the existing Site and Location Map in Section 3 with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only); all other terms and conditions of the lease will remain in effect without amendment.
2. Approve the revision of rent for Lease No. PRC 5899.1 from \$1,454 per year to \$344 per year, effective September 24, 2014.

EXHIBIT A

PRC 5899.1

LAND DESCRIPTION

One (1) parcel of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 6 of fractional Section 27, Township 13 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880, County of El Dorado, State of California, and more particularly described as follows:

PARCEL 1 - PIER

All those lands underlying an existing pier, lying adjacent to that parcel as described in that Corporation Grant Deed recorded February 27, 2001, in Document 32001-0009980, in Official Records of said County.

EXCEPTING THEREFROM any portion(s) lying landward of the elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared June 3, 2014 by the California State Lands Commission Boundary Unit.



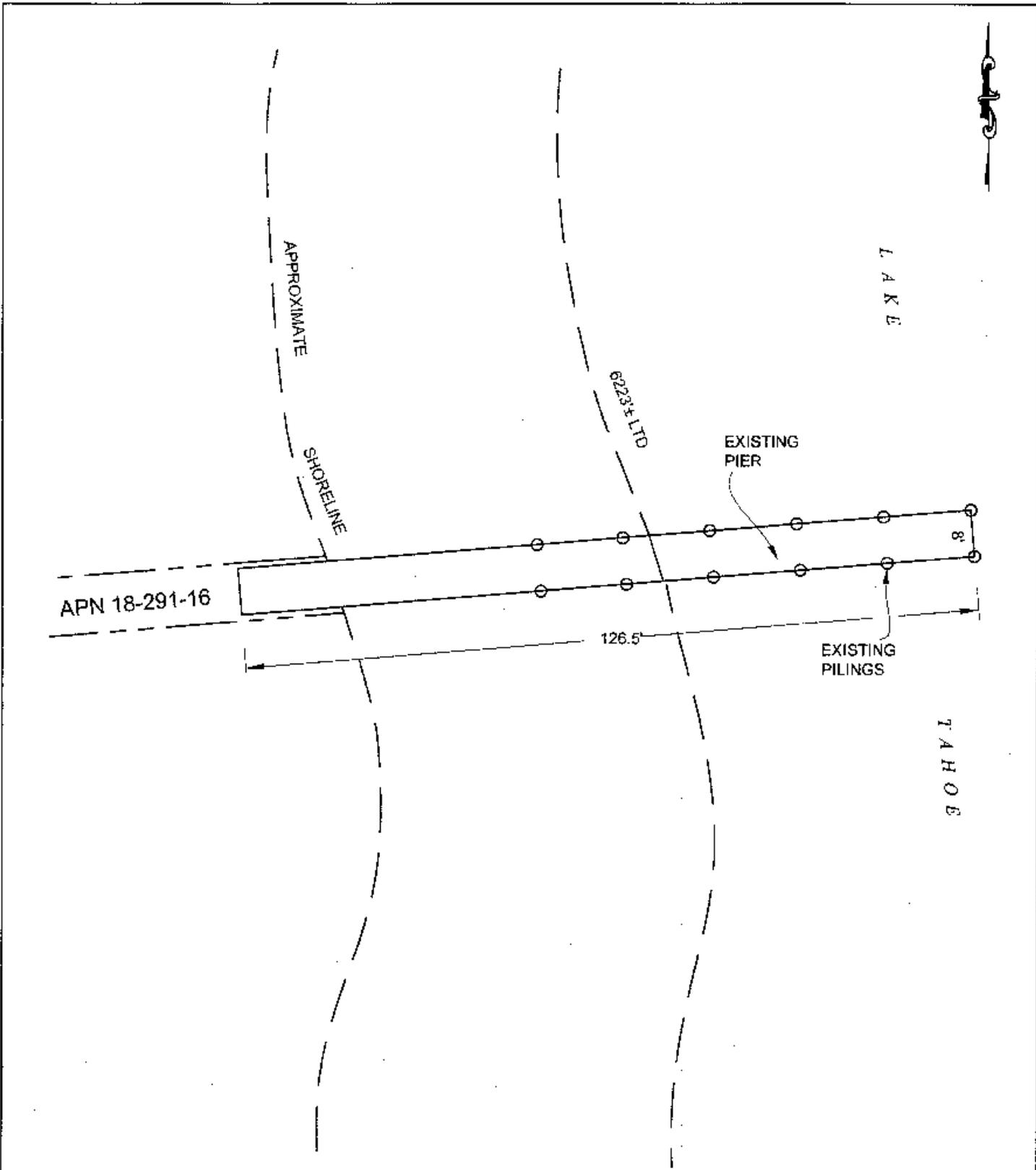


EXHIBIT A

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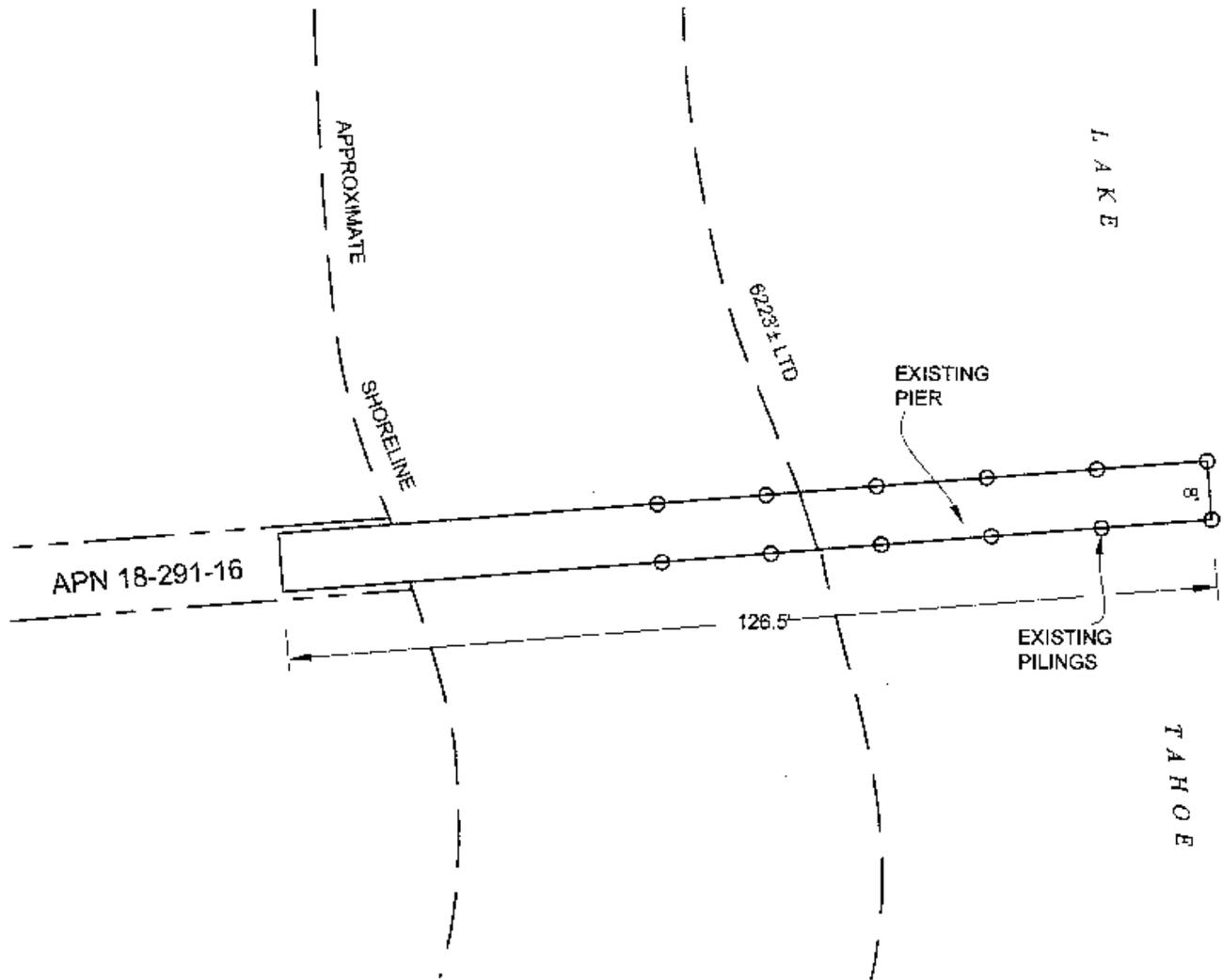
LAND DESCRIPTION PLAT
 PRC 5899.1, CASCADE MUTUAL WATER CO.
 EL DORADO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

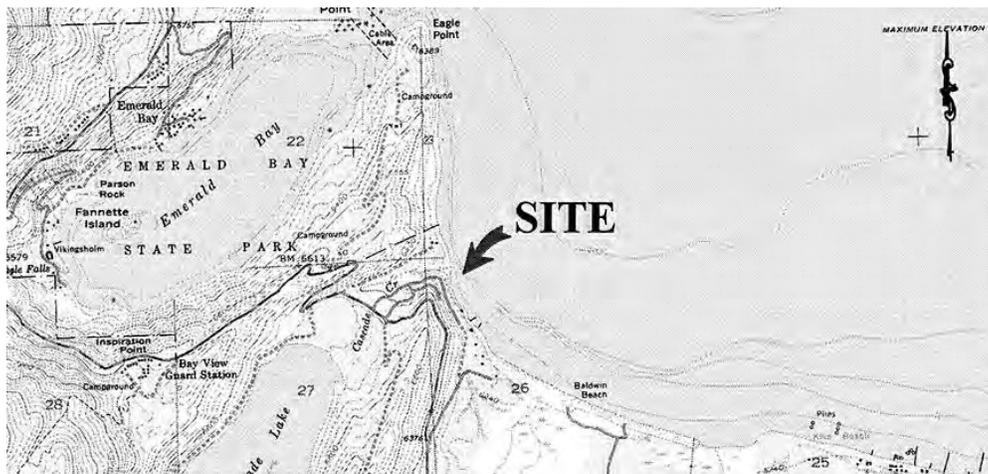
SITE



2117 CASCADE ROAD, NEAR EMERALD BAY

NO SCALE

LOCATION

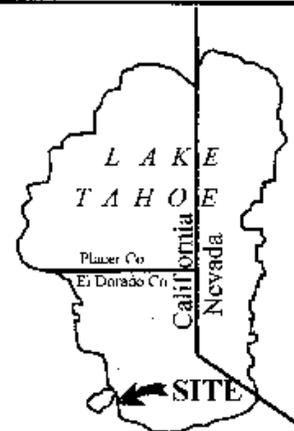


MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties 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.

Exhibit B

PRC 5899.1
 CASCADE MUTUAL WATER CO.
 APN 018-291-16
 GENERAL LEASE -
 RECREATIONAL USE
 EL DORADO COUNTY



MIJ 06/03/14