

**CALENDAR ITEM
C03**

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10/16/15
PRC 7449.1
M.J. Columbus

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

Selective Rubicon Property, LLC; Thomas R. Harry, Trustee of The Thomas R. Harry and Carolyn D. Harry Family Decedent's Trust, established October 23, 1997; Michael R. Harry; Anne L. Harry; Thomas J. Harry; Cynthia A. Harry; Debora D. Goehring; and Arden Goehring

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8579 Meeks Bay Avenue and 8581 North Lane, near Rubicon Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier and two mooring buoys.

LEASE TERM:

10 years, beginning March 23, 2009.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends that rent be revised from \$2,081 per year to \$969 per year, effective March 23, 2016.

PROPOSED AMENDMENT:

Amend the lease to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, 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. Lessee owns the upland adjoining the lease premises.

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2. On June 28, 2010, the Commission authorized a General Lease – Recreational Use to Selective Rubicon Property, LLC; Thomas R. Harry, Trustee of The Thomas R. Harry and Carolyn D. Harry Family Decedent's Trust, established October 23, 1997; Michael R. Harry; Anne L. Harry; Thomas J. Harry; Cynthia A. Harry; Debora D. Goehring; and Arden Goehring, beginning March 23, 2009, for an existing joint-use pier and two mooring buoys. The lease will expire on March 22, 2019.
3. On July 1, 2014, California Code of Regulations, Title 2, section 1900 was amended. The proposed modification of the lease area is consistent with Section 1900 as amended.
4. Staff conducted the rent review called for in the lease. Due to changes in the impact area surrounding the pier, staff recommends the rent be reduced.
5. 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 subject 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 7449.1, a General Lease – Recreational Use, effective March 23, 2016, to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and

CALENDAR ITEM NO. **C03** (CONT'D)

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 7449.1 from \$2,081 per year to \$969 per year, effective March 23, 2016.

EXHIBIT A

PRC 7449.1

LAND DESCRIPTION

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 5 of fractional Section 29 and Lot 1 of fractional Section 32, Township 14 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved January 17, 1866, County of El Dorado, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing joint-use pier, two catwalks and two steel steps lying adjacent to those parcels described in Grant Deed recorded March 23, 2009 in Document No. 2009-0012985-00 and Grant Deed recorded December 2, 1997 in Document No. 1997-061544 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

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

PARCEL 2 & 3 – BUOYS

Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to those parcels described in Grant Deed recorded March 23, 2009 in Document No. 2009-0012985-00 and Grant Deed recorded December 2, 1997 in Document No. 1997-061544 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 08/20/2015 by the California State Lands Commission Boundary Unit.



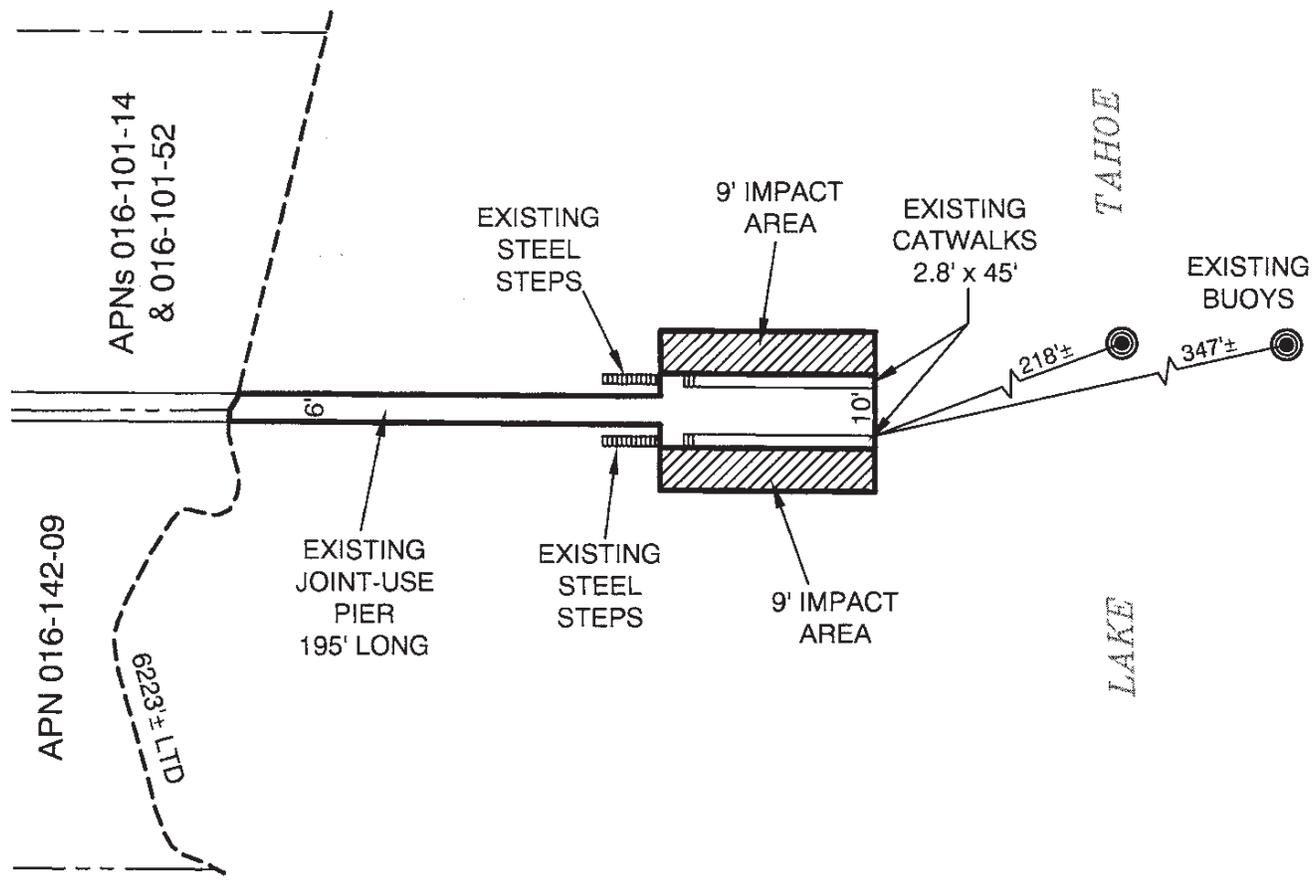


EXHIBIT A

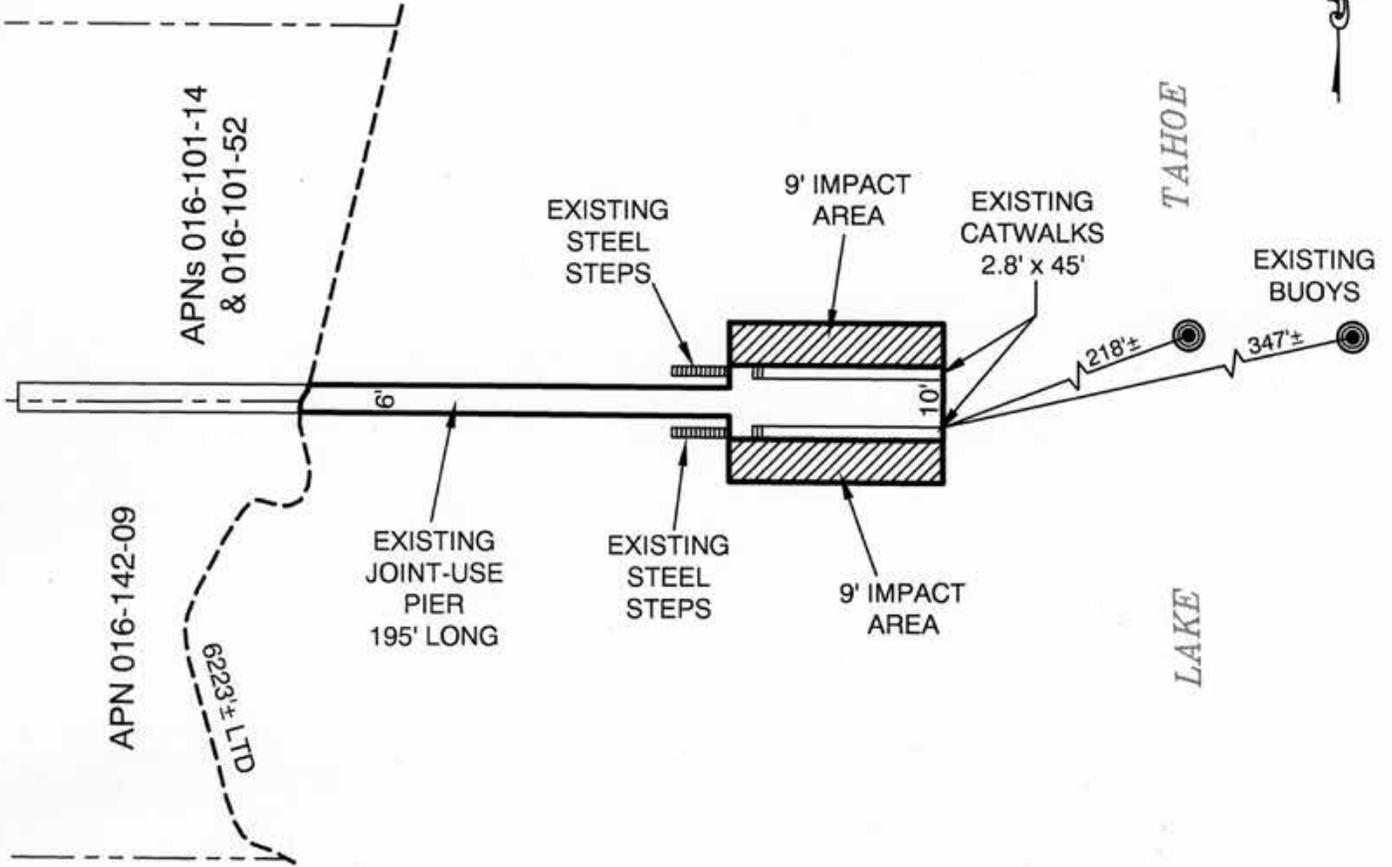
LAND DESCRIPTION PLAT
PRC 7449.1, SELECTIVE RUBICON
PROPERTY, LLC AND HARRY
EL DORADO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



8579 MEEKS BAY AVENUE & 8581 NORTH LANE, MEEKS BAY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 7449.1
 SELECTIVE RUBICON
 PROPERTY, LLC AND HARRY
 APNs 016-142-09,
 016-101-14 & 52
 GENERAL LEASE-
 RECREATIONAL USE
 EL DORADO COUNTY



TS 08/20/15

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.