

**CALENDAR ITEM
C06**

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06/28/16
PRC 7449.1
M.J. Columbus

ASSIGNMENT OF LEASE

LESSEE/ASSIGNOR:

Selective Rubicon Property, LLC

ASSIGNEE:

Peter Mulligan and Sharmila Mulligan

AREA, LAND TYPE, AND LOCATION:

Sovereign land located 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:

\$969 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 an amount no less than \$1,000,000 per occurrence.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, and 6503.5; California Code of Regulations, Title 2, section 2000, subdivision (b).

Public Trust and State's Best Interests Analysis:

Assignment of this lease from Selective Rubicon Properties, LLC, to the individual owners will not result in a change in the use of public resources or the impacts thereto. Commission staff believes approval of this

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assignment is consistent with the common law Public Trust Doctrine and in the best interests of the state.

OTHER PERTINENT INFORMATION:

1. Applicant (Assignee) owns the upland adjoining the lease premises adjacent to Assessor's Parcel Numbers 016-142-09, 016-101-14, and 016-101-52. This assignment only transfers the interest under the lease of one lessee and all other lessees remain unchanged.
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. On December 30, 2011, ownership of the upland parcel, APN 016-142-09, was deeded from Selective Rubicon Property, LLC, to Peter Mulligan and Sharmila Mulligan. The Applicant is now applying for an assignment of the lease. The assignment will be effective June 28, 2016.
3. Peter Mulligan is the owner of Selective Rubicon Property, LLC. Mr. Mulligan dissolved the company on October 17, 2013.
4. On October 16, 2015, the Commission authorized an Amendment of Lease and Revision of Rent to modify the lease area and reduce the annual rent due to changes in the impact area surrounding the pier.
5. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction.
6. Assignment of the lease is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378, subdivision (b)(5).

EXHIBITS:

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

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RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed assignment will not impact the public rights to navigation and fishing or substantially interfere with the public trust needs and values at this location, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

AUTHORIZATION:

Authorize the assignment of Lease No. PRC 7449.1, a General Lease – Recreational Use, of sovereign land as shown on Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only), attached and by this reference made a part hereof, from Selective Rubicon Property, LLC, to Peter Mulligan and Sharmila Mulligan; effective June 28, 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 Quitclaim Deed recorded December 30, 2011 in Document No. 2011-0062926-00 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 parcel of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to those parcels described in Quitclaim Deed recorded December 30, 2011 in Document No. 2011-0062926-00 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 12/11/2015 by the California State Lands Commission Boundary Unit.



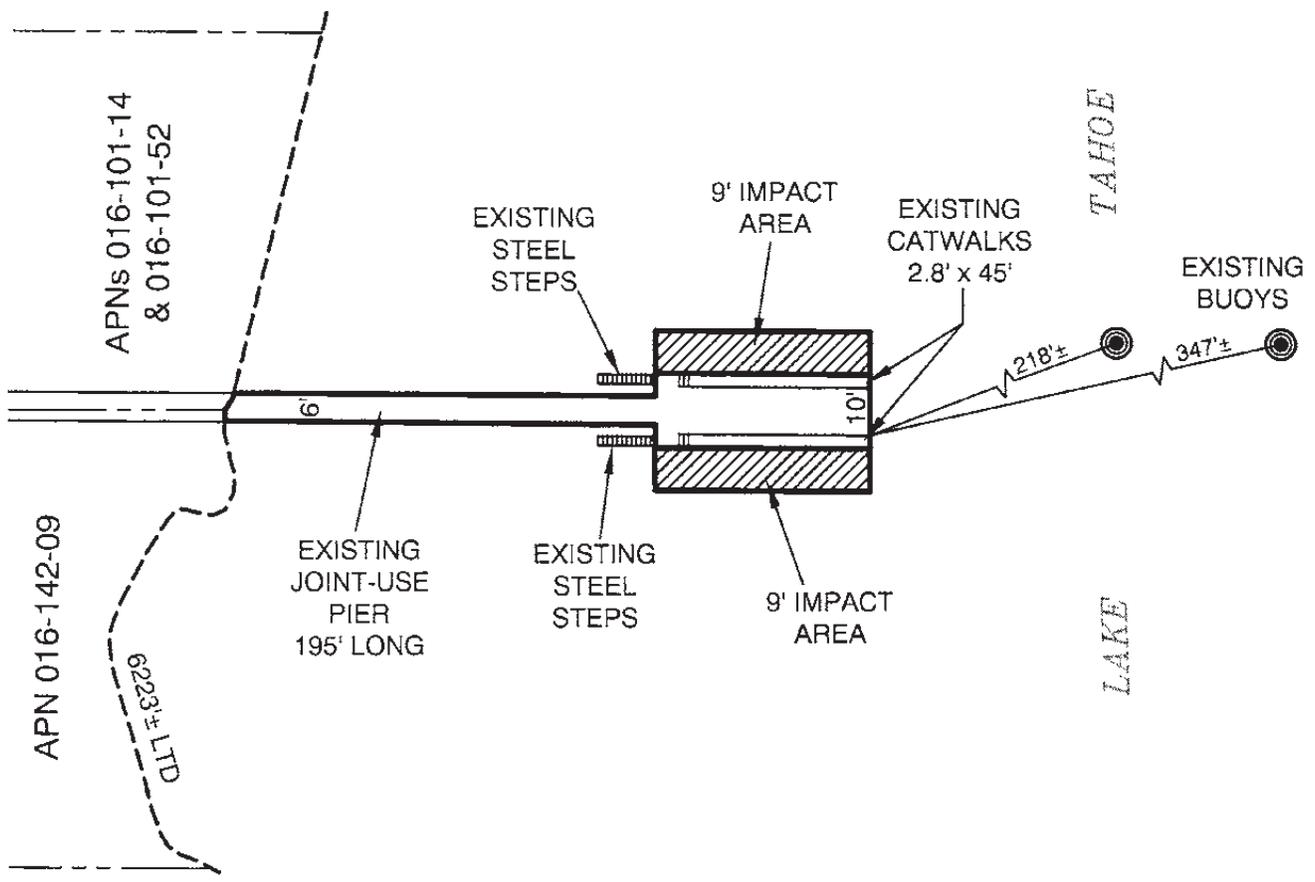
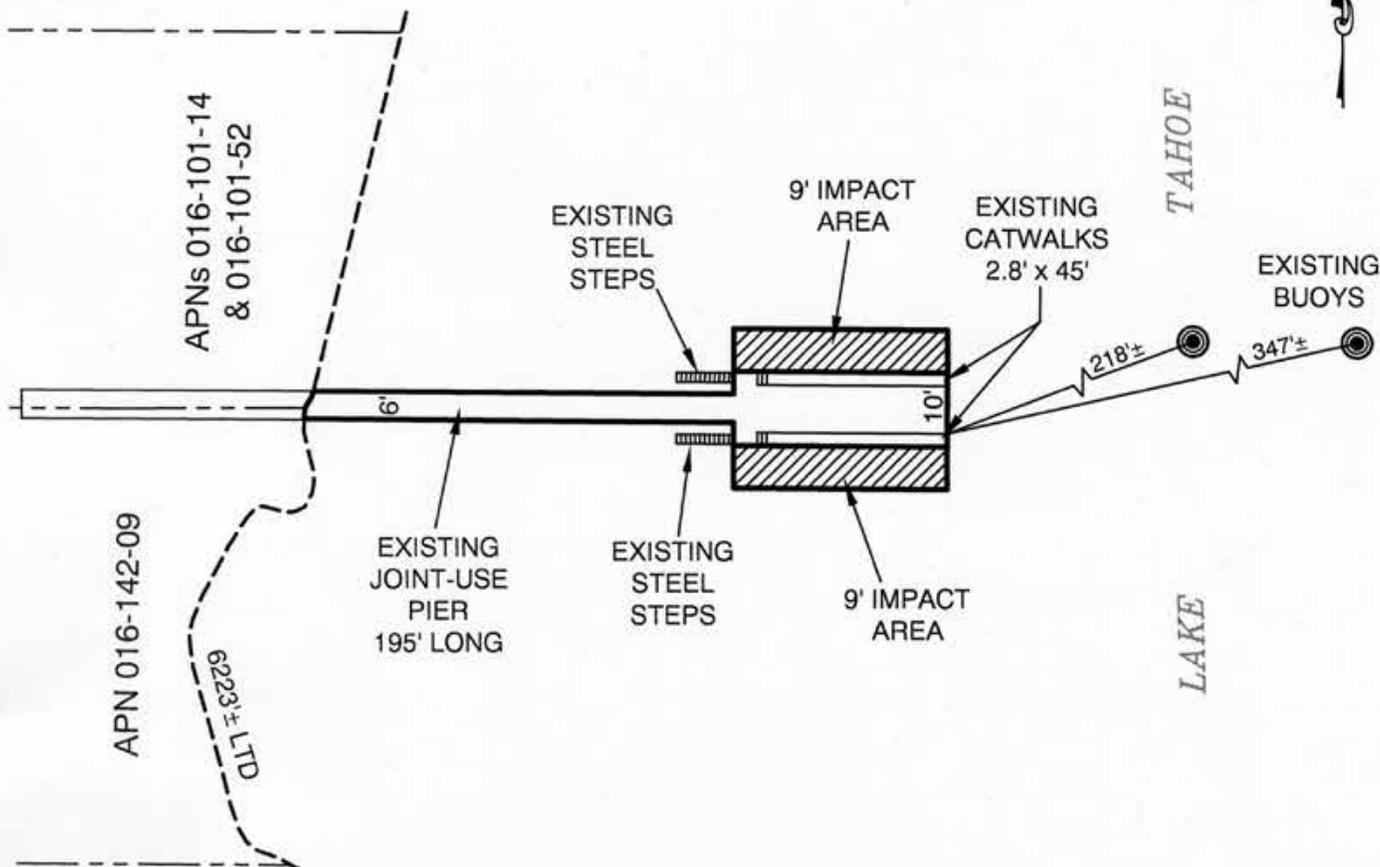


EXHIBIT A



NO SCALE

SITE



8579 MEEKS BAY AVENUE & 8581 NORTH LANE, NEAR RUBICON BAY

NO SCALE

LOCATION

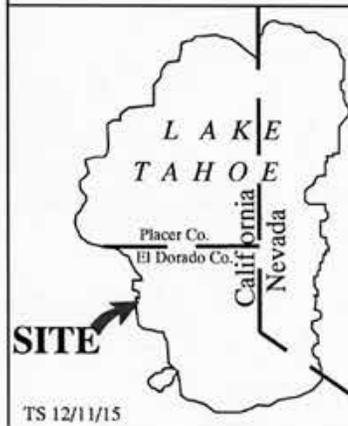


MAP SOURCE: USGS QUAD

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 7449.1
MULLIGAN AND HARRY
APNs 016-142-09,
016-101-14 & 52
GENERAL LEASE-
RECREATIONAL USE
EL DORADO COUNTY



TS 12/11/15