

**STAFF REPORT
C11**

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04/05/19
PRC 8575.1
S. Avila

ASSIGNMENT OF LEASE

LESSEE/ASSIGNOR:

Niels T. Larsen and Susan E. Larsen

APPLICANT/ASSIGNEE:

Frederick T. Cline and Nancy J. Cline, Trustees of the Cline Family Trust dated March 5, 1991

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 5046 West Lake Boulevard, near Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of two mooring buoys.

LEASE TERM:

10 years, beginning December 1, 2014.

CONSIDERATION:

\$754 per year, with an annual Consumer Price Index adjustment.

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, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and State's Best Interests Analysis:

On October 14, 2014, the Commission authorized a General Lease – Recreational Use to Niels T. Larsen and Susan E. Larsen, for two existing mooring buoys ([Item C27, October 14, 2014](#)). The lease will expire on November 30, 2024. On October 4, 2018, ownership of the upland parcel transferred to Frederick T. Cline and Nancy J. Cline, Trustees of the Cline Family Trust dated March 5, 1991. The Applicant is now applying for an assignment of lease, effective October 4, 2018.

STAFF REPORT NO. **C11** (CONT'D)

Staff recommends an assignment of the lease to reflect the change in ownership of the upland property from the Assignor to the Assignee. The Assignment will be effective as of the date of transfer, October 4, 2018. The Assignee agrees to perform and be bound by the terms, conditions, covenants, and agreements contained within the lease.

The lease assignment will not result in a change in the use of, or impacts to, Public Trust resources. Staff believes approval of this assignment is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. 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.
2. On October 24, 2018, the Tahoe Regional Planning Agency's Governing Board certified a new Final Environmental Impact Report and adopted Lake Tahoe Shorezone Ordinance Amendments.
3. Assignment of 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, sections 15378, subdivision (b)(5).

EXHIBITS:

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

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, at this time, and for the foreseeable term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

STAFF REPORT NO. **C11** (CONT'D)

AUTHORIZATION:

Authorize the assignment of Lease No. PRC 8575.1, a General Lease – Recreational Use, of sovereign land as described in Exhibit A, Land Description, and shown on Exhibit B, Site and Location Map (for reference purposes only), attached and by this reference made a part hereof, from Niels T. Larsen and Susan E. Larsen to Frederick T. Cline and Nancy J. Cline, Trustees of the Cline Family Trust dated March 5, 1991; effective October 4, 2018.

EXHIBIT A

PRC 8575.1

LAND DESCRIPTION

Two parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 4 fractional Section 1 Township 14 North, Range 16 East, MDM., as shown on Official Government Township Plat approved January 17, 1866, County of Placer, State of California, and more particularly described as follows:

Two circular parcels of land, being 50 feet in diameter, underlying two existing buoys lying adjacent to those parcels as described in Exhibit "A" in that Grant Deed recorded October 4, 2018 as Document Number 2018-0071585 in Official Records of said County.

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

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared December 28, 2018 by The California State Lands Commission Boundary Unit.



NO SCALE

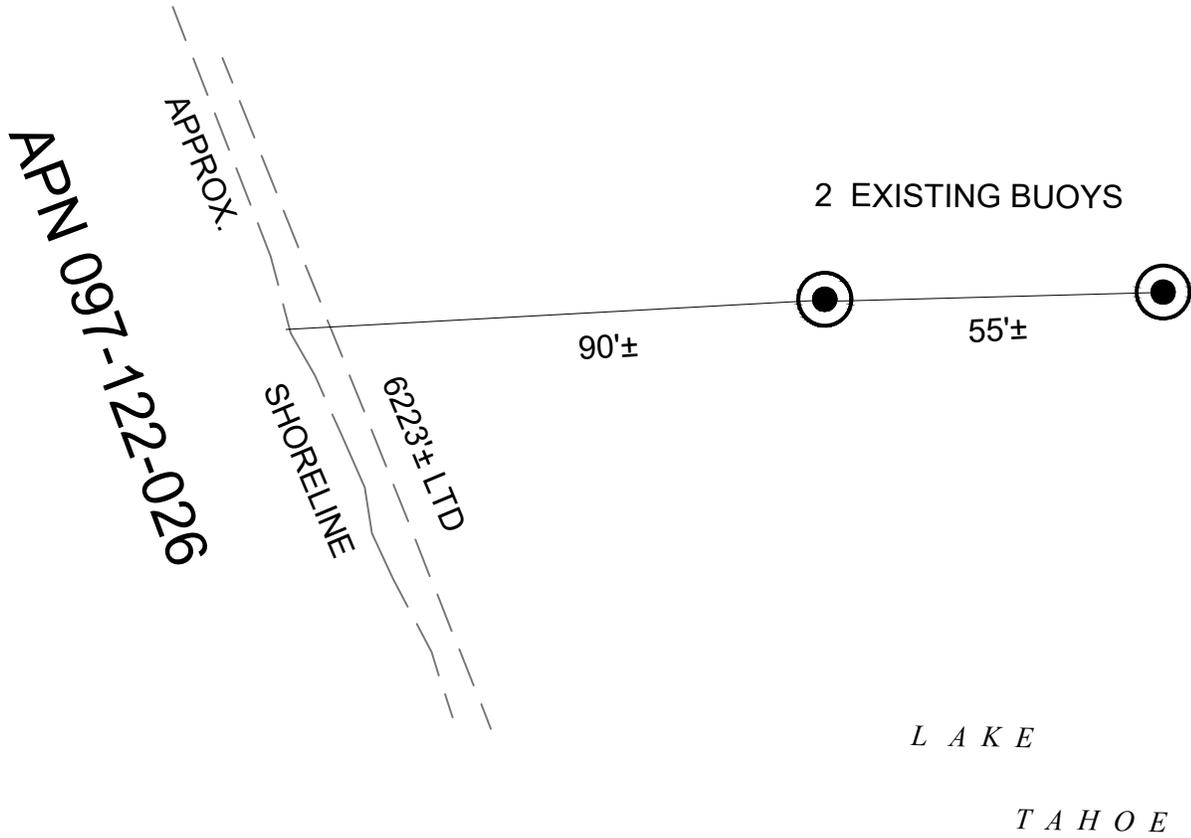


EXHIBIT A

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LAND DESCRIPTION PLAT
 PRC 8575.1, CLINE TRUSTEES
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION

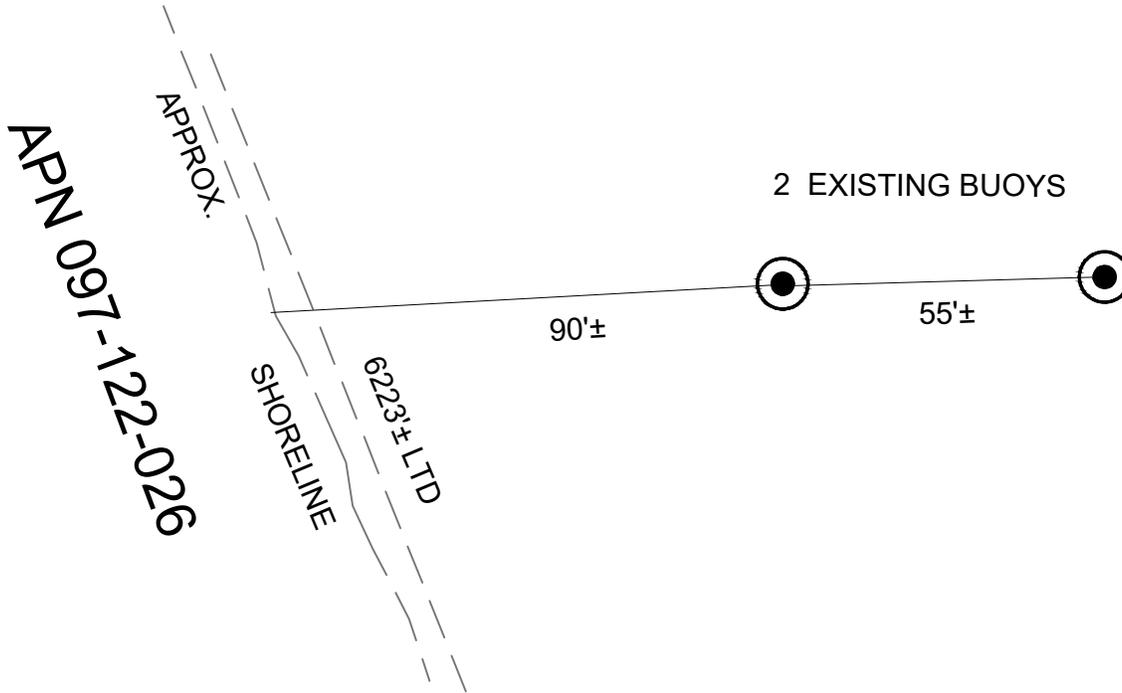


NO SCALE

SITE

L A K E

T A H O E



5046 WEST LAKE BLVD., NEAR HOMEWOOD

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

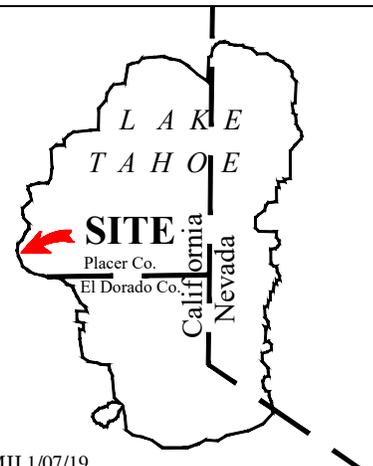
Exhibit B

PRC 8575.1

CLINE TRUSTEES

APN 097-122-026

GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



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.

MJJ 1/07/19