

**STAFF REPORT
C02**

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10/18/18
PRC 3592.1
S. Avila

ASSIGNMENT OF LEASE

LESSEE/ASSIGNOR:

Julie E. Burt and K. Randall Burt, Trustees of the Burt Family Trust, U.D.T. dated March 25, 2003

APPLICANT/ASSIGNEE:

James F. Bagan and Meredith H. Bagan

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4760 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and one mooring buoy.

LEASE TERM:

10 years, beginning August 19, 2015.

CONSIDERATION:

\$855 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 August 19, 2015, the Commission authorized a General Lease - Recreational Use to Julie E. Burt and K. Randall Burt, Trustees of the Burt Family Trust, U.D.T. dated March 25, 2003, for a term of 10 years ([Item C26, August 19, 2015](#)). That lease will expire on August 18, 2025. On September 15, 2017, the upland was deeded to James F. Bagan and

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Meredith H. Bagan. The Applicant is now applying for an assignment of the lease.

Staff recommends an assignment of the lease to reflect the change in ownership from the Assignor to the Assignee. The assignment will be effective as of the date of transfer, September 15, 2017. 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. 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).

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

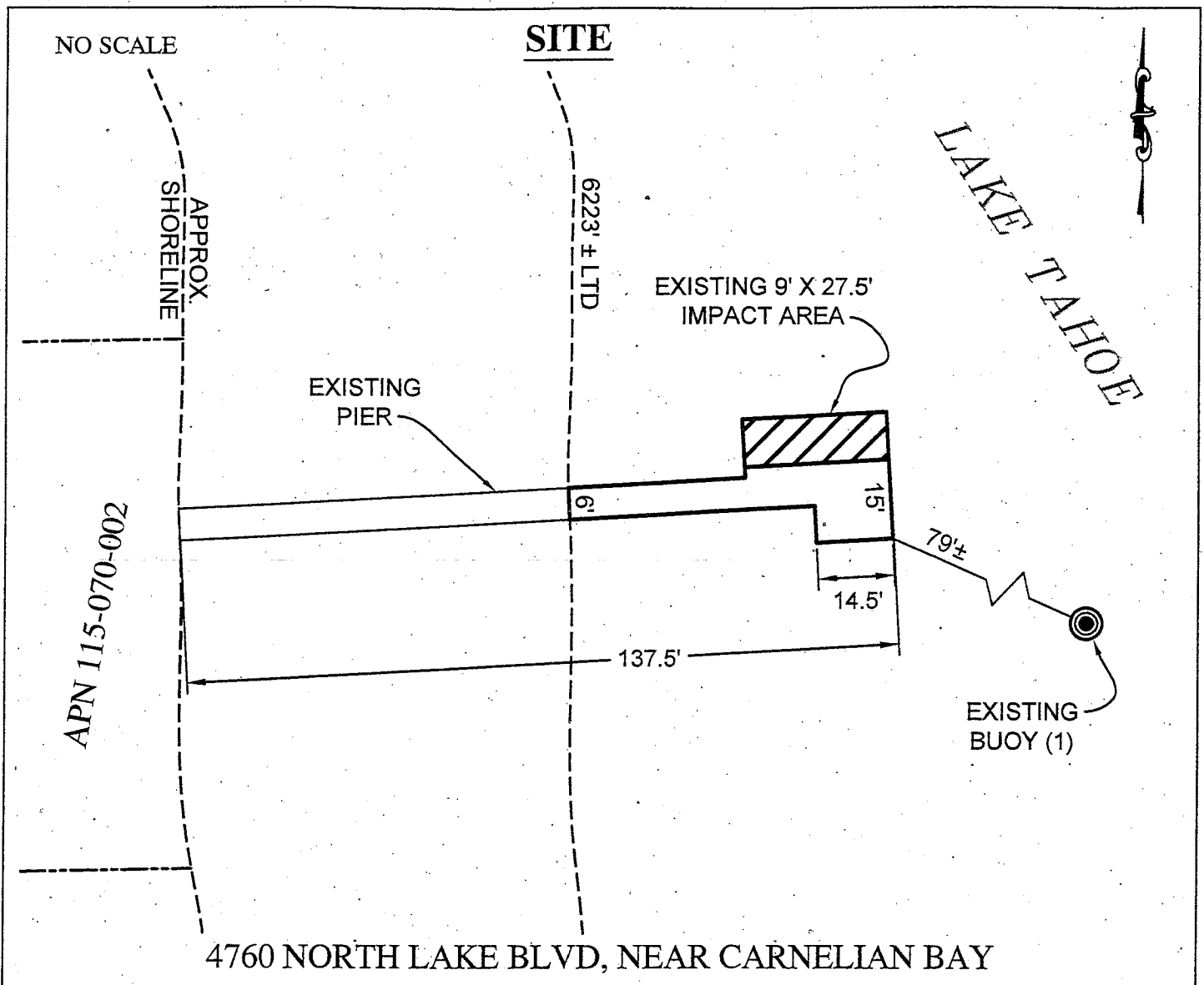
Find that the proposed lease assignment will not impact the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the common law Public Trust Doctrine; and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

AUTHORIZATION:

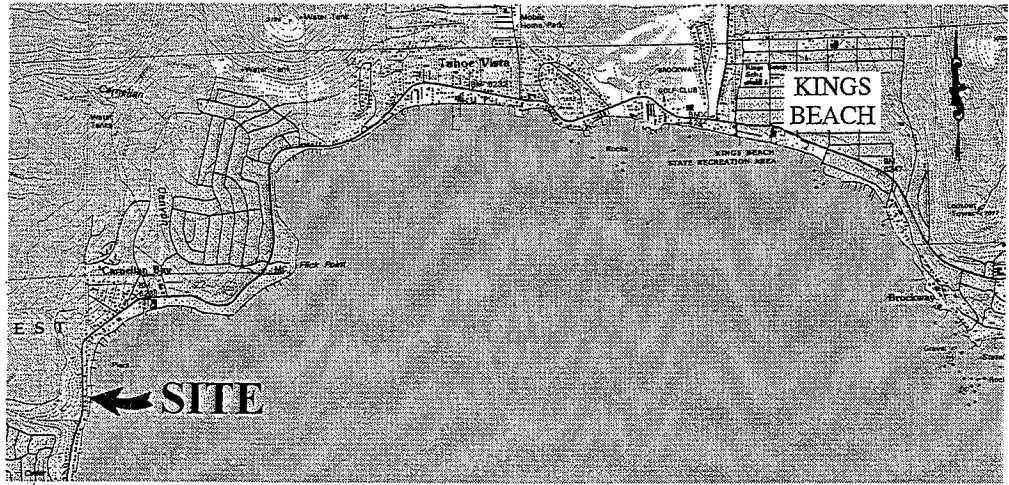
Authorize the assignment of Lease No. PRC 3592.1, a General Lease - Recreational Use, of sovereign land as shown on Exhibit A, Site and

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Location Map (for reference purposes only), attached and by this reference made a part hereof, from Julie E. Burt and K. Randall Burt, Trustees of the Burt Family Trust, U.D.T. dated March 25, 2003, to James F. Bagan and Meredith H. Bagan; effective September 15, 2017.



LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 3592.1
 JAMES & MEREDITH BAGAN
 APN 115-070-002
 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.