

MINUTE ITEM

This Calendar Item No. 20  
was approved as Minute Item  
No. 20 by the State Lands  
Commission by a vote of 3 CALENDAR ITEM  
to 0 at its 7/26/77  
meeting.

7/77  
W 8620  
GDG  
PRC 5360

GENERAL LEASE - COMMERCIAL USE

APPLICANT: Agate Lay Properties, Inc.  
P. O. Box 444  
Carnelian Bay, California 95711

AREA, TYPE LAND AND LOCATION: 14 circular parcels, each 40 feet in diameter,  
each containing 0.029 acre and one 0.004 acre  
parcel, totally comprising an aggregate of  
0.41 acre of submerged land in Agate Bay,  
Lake Tahoe near Flick Point, Placer County.

LAND USE: Maintenance of 14 existing mooring buoys and  
one existing floating platform utilized for  
recreational boating and swimming, respectively.

TERMS OF PROPOSED LEASE: Initial period: 15 years from March 1, 1977.

Public liability insurance: \$600,000 per  
occurrence for bodily injury  
and \$100,000 for property  
damage.

Special: 1. The lease is conditioned  
on lessee's conformance with  
the Tahoe Regional Planning  
Agency's Shorezone Ordinance.

2. The lease is entered into  
by both parties without pre-  
judice to their respective  
claims of boundary.

CONSIDERATION: \$3,336.18 back rent from October 1, 1969  
through February 28, 1977, and \$450 per annum  
thereafter with the State reserving the right  
to fix a different rental on each fifth  
anniversary of the lease.

BASIS FOR CONSIDERATION: 2 Cal. Adm. Code 2006. Consideration based on  
rental of \$30/buoy/year; represents approximately  
15% of gross economic rent which is believed  
fair and equitable and in the best interests  
of the State.

PREREQUISITE TERMS, FEES AND EXPENSES:  
Applicant is owner of the upland.  
Filing fee has been received.

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CALENDAR ITEM NO. 20. (CONTD)

APPROVALS REQUIRED AND OBTAINED:

This transaction covers existing facilities of long standing. The staff has received no negative comments relative to their existence from any other agency.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code: Div. 6, Parts 1 & 2.

B. Administrative Code: Title 2, Div. 3, Arts. 1, 2, 10, & 11.

OTHER PERTINENT INFORMATION:

1. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907(a) which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.

2. This project is situated on State land identified as possessing significant environmental values pursuant to Public Resources Code 6370.1, and is classified in a use category, Class B which authorizes limited use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO AGATE BAY PROPERTIES, INC. OF A 15-YEAR GENERAL LEASE - COMMERCIAL USE FROM MARCH 1, 1977; IN CONSIDERATION OF BACK RENT IN THE AMOUNT OF \$3,336.18 FROM OCTOBER 1, 1969 THROUGH FEBRUARY 28, 1977; ANNUAL RENT IN THE AMOUNT OF \$450 WITH THE STATE RESERVING THE

CALENDAR ITEM NO. 20. (CONTD)

RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$500,000 PER OCCURRENCE FOR BODILY INJURY AND \$100,000 FOR PROPERTY DAMAGE; FOR 14 EXISTING MOORING BUOYS AND ONE EXISTING FLOATING PLATFORM ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W. 8620

BUOYS

Fourteen circular parcels of submerged land, each being 40.00 feet in diameter, and one rectangular parcel, situated in the State owned bed of Lake Tahoe, Placer County, State of California, and lying adjacent to fractional Section 15, T16N, R17E, M.D.M.

Parcels 1 through 10 lie easterly of Lot 11 and Parcels 11 through 15 lie easterly of Lot 13 as said lots are shown on plat of Agate Bay Shore Subdivision filed for record May 6, 1947, in Book "E" of Maps, page 16, Placer County Records.

END OF DESCRIPTION

Prepared John M. Kern Checked Pat Blak  
Reviewed Ed. Gunnecke Date 3/10/77