

**CALENDAR ITEM  
C27**

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06/22/17  
PRC 4859.1  
J. Toy

**AMENDMENT OF LEASE AND REVISION OF RENT**

**LESSEE:**

Mark A. Mariani and Melody Ann Mariani, Trustees of the Mark and Melody Ann Mariani Revocable Trust UAD 1/9/97

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Lake Tahoe, adjacent to 2820 Lake Terrace Avenue, near Tahoe City, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier, covered boathouse, and two mooring buoys.

**LEASE TERM:**

10 years, beginning June 19, 2012.

**CONSIDERATION:**

This lease provides that lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff reviewed the rent under this lease and recommends that rent be revised from \$1,815 per year to \$1,479 per year, effective June 19, 2017.

**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.

**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 the State's Best Interests Analysis:**

On September 20, 2013, the Commission authorized a 10-year General Lease – Recreational Use to Mark A. Mariani and Melody Ann Mariani,

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Trustees of the Mark and Melody Ann Mariani Revocable Trust UAD 1/9/97, for a pier, covered boathouse, and two existing mooring buoys ([Calendar Item C23, September 20, 2013](#)). That lease will expire on June 18, 2022.

The existing lease requires the payment of annual rent to compensate the people of the State for the use of sovereign land. Staff conducted the rent review called for in the lease and recommends the rent be revised from \$1,815 per year to \$1,479 per year based on changes to the lease (impact) area for the pier and application of the Lake Tahoe Benchmark. Staff also recommends the lease be amended to reflect the new reduced lease area.

The lease does not alienate the State's fee simple interest or permanently impair public rights. The recommended action will not substantially interfere with the Public Trust needs at this time and at this location. For these reasons, staff recommends finding the proposed action is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 2.2 of the Commission's Strategic Plan to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Amendment of the lease to make an adjustment in the lease area and approving the revision of the rent are not projects as defined by the California Environmental Quality Act because they are administrative actions 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 actions will not substantially interfere with the Public Trust needs and values at this location, at this time or for the foreseeable term of the lease, and are in the best interests of the State.

**AUTHORIZATION:**

1. Authorize the amendment of Lease No. PRC 4859.1, a General Lease – Recreational Use, effective June 19, 2017, 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).
2. Approve the revision of rent for Lease No. PRC 4859.1 from \$1,815 per year to \$1,479 per year, effective June 19, 2017.

**EXHIBIT A**

**PRC 4859.1**

**LAND DESCRIPTION**

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 of fractional Section 20, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880, County of Placer, State of California, and more particularly described as follows:

**PARCEL 1 – PIER**

All those lands underlying an existing pier, and covered boathouse lying adjacent to that parcel as described in that Grant Deed recorded June 19, 2012 as Document 2012-0054583 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

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

**PARCEL 2 & 3 – BUOYS (2)**

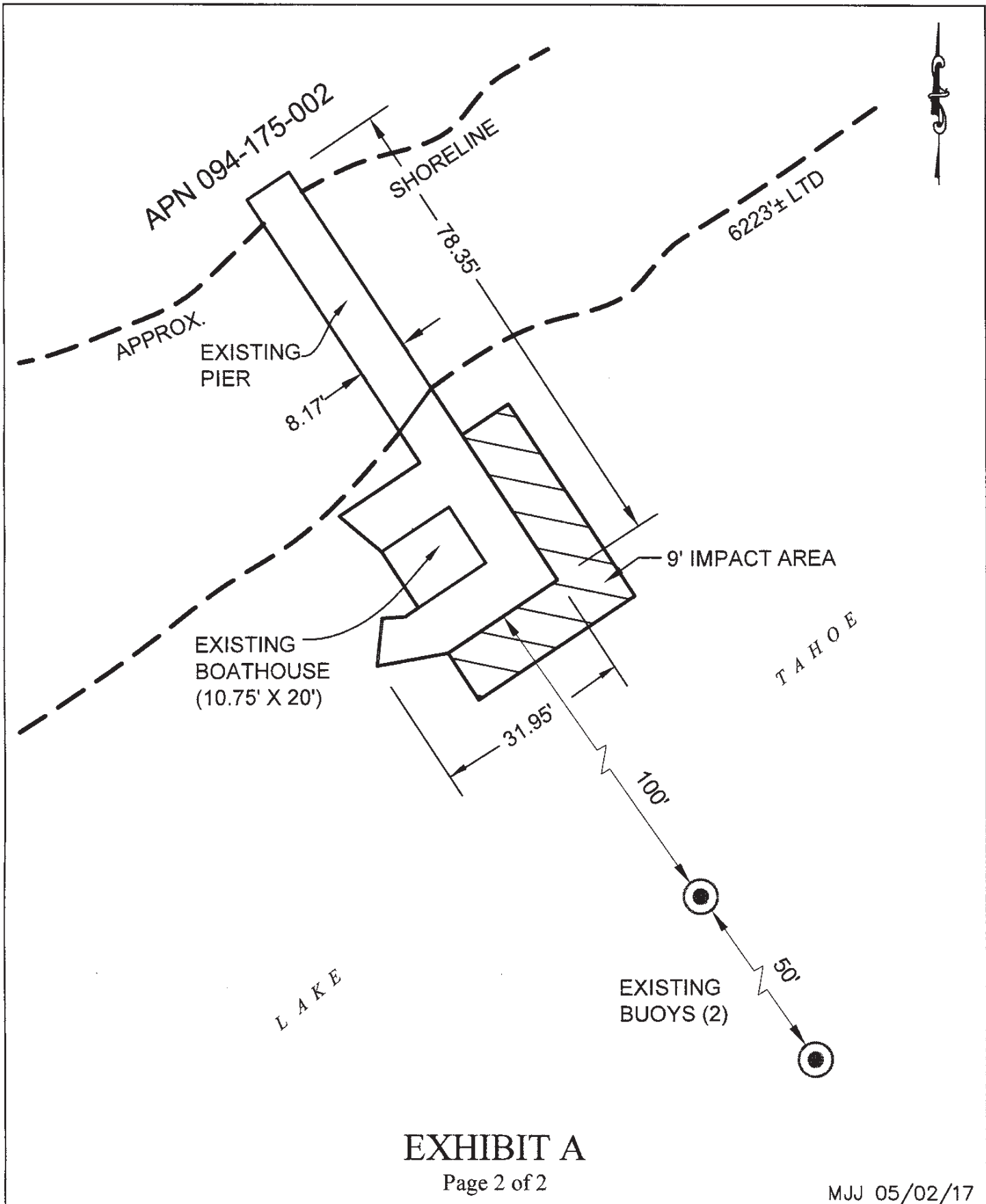
Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to said parcel.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared May 3, 2017 by the California State Lands Commission Boundary Unit.

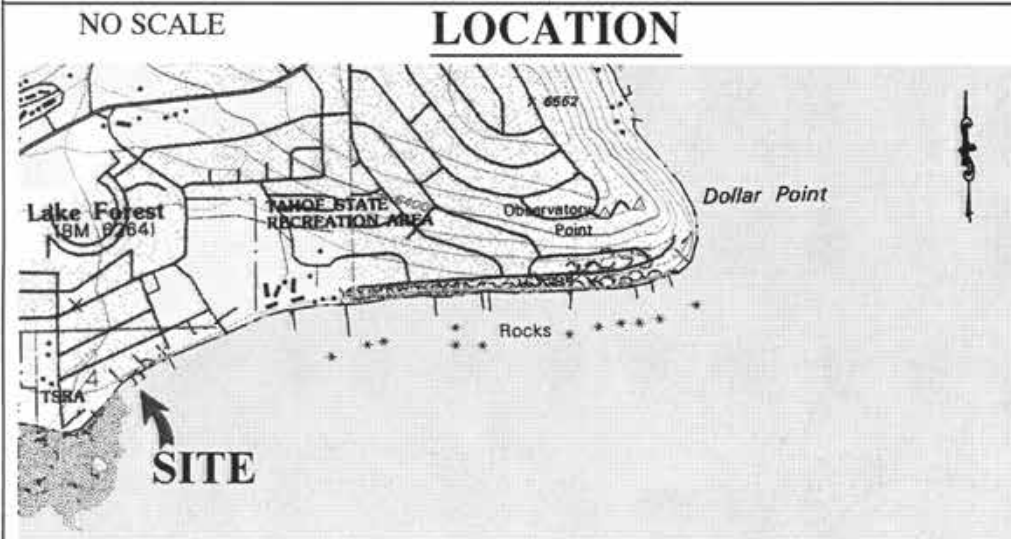
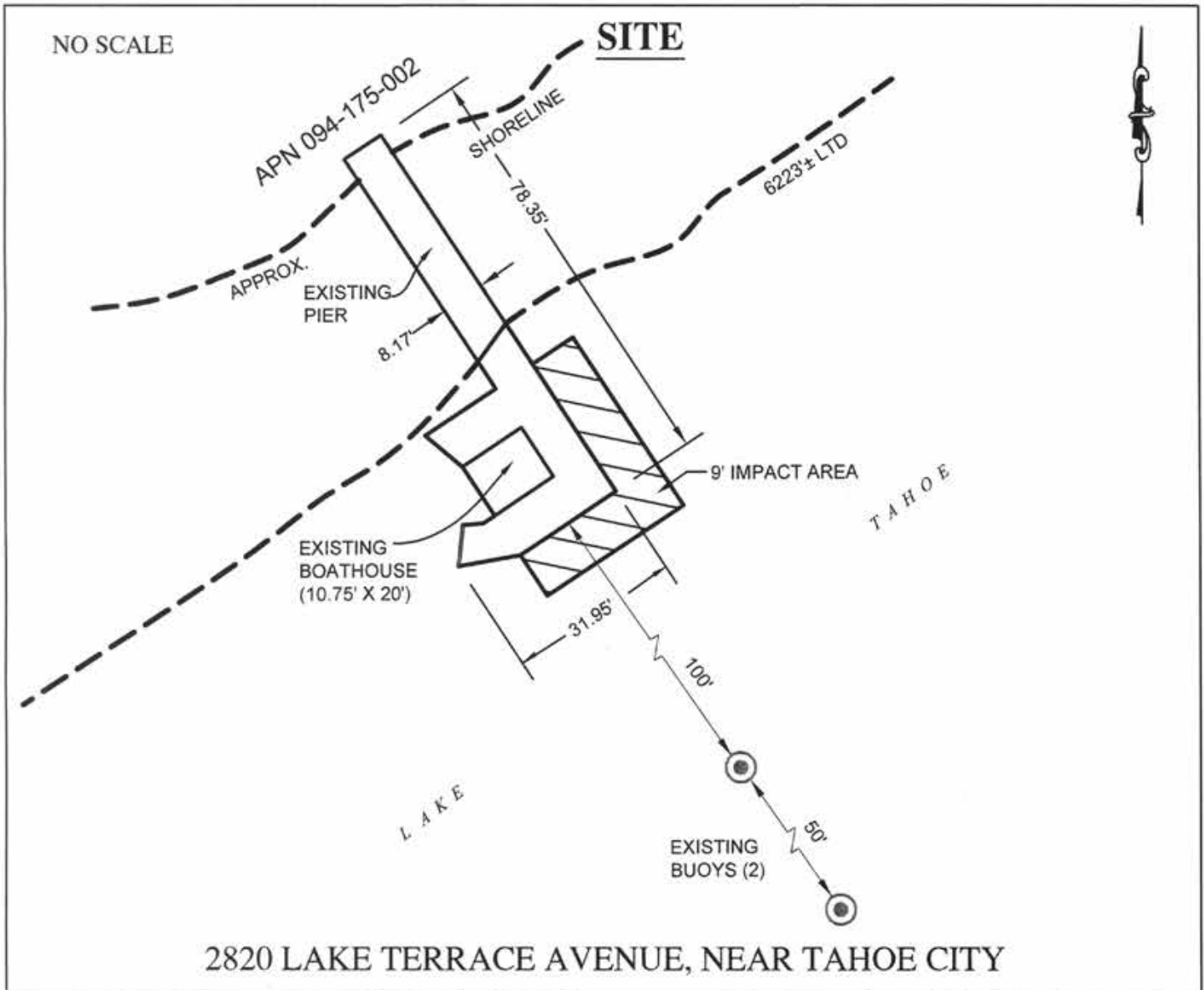




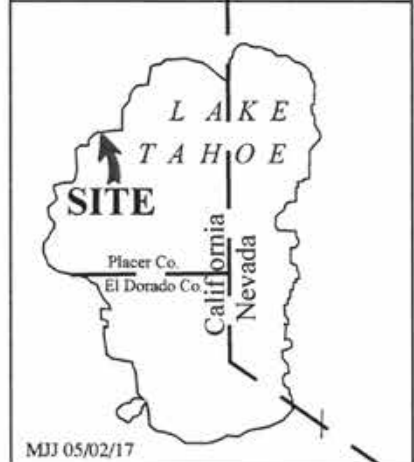
LAND DESCRIPTION PLAT  
 PRC 4859.1, MARIANI TRUSTEES  
 PLACER COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION





**Exhibit B**  
 PRC 4859.1  
 MARIANI TRUSTEES  
 APN 094-175-002  
 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.