

**STAFF REPORT
C12**

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S 1

10/19/17
PRC 2366.1
M. Schroeder

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

Tharsing Family Limited Partnership, a California Limited Partnership

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8341 Meeks Bay Avenue, near Meeks Bay, El Dorado County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning September 1, 2011.

CONSIDERATION:

This lease provides that the Commission may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease, and recommends that rent be revised from \$908 per year to \$610 per year, effective September 1, 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, section 2000 and 2003.

Public Trust and State's Best Interests Analysis:

On October 19, 2012, the Commission authorized a 10-year General Lease – Recreational Use to Tharsing Family Limited Partnership, a California Limited Partnership, beginning September 1, 2011, for an existing pier and one mooring buoy ([Item C30, October 19, 2012](#)). That lease will expire on August 31, 2021.

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Staff conducted the rent review called for in the lease and recommends the rent be revised from \$908 per year to \$610 per year based on changes to the impact area for the pier and application of the current Lake Tahoe Benchmark. Staff also recommends the lease be amended to reflect the new reduced lease (impact) area.

The amendment and revision of rent is an administrative action unlikely to result in any changes to the use of the lease premises. 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 at this time.

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 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

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed amendment of Lease No. PRC 2366.1 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 is in the best interests of the State.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 2366.1, a General Lease – Recreational Use, effective September 1, 2017, to replace the existing Exhibit A, Land Description and Exhibit B, Site and Location Map with the attached Exhibit A, Land Description, and

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Exhibit B, Site and Location Map (for reference purposes only); all other terms and conditions of the lease will remain in effect without amendment.

2. Approve the revision of rent for Lease No. PRC 2366.1 from \$908 per year to \$610 per year, effective September 1, 2017.

EXHIBIT A

PRC 2366.1

LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 29, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880, County of El Dorado, State of California and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier and catwalk lying adjacent to Parcel No. 2 as described in Exhibit "A" of that Quitclaim Deed recorded December 28, 1995 in Book 4605 at Page 312 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 – BUOY

One (1) circular parcel of land, being 50 feet in diameter, underlying one (1) existing buoy lying adjacent to said parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared September 14, 2012 by the California State Lands Commission Boundary Unit.



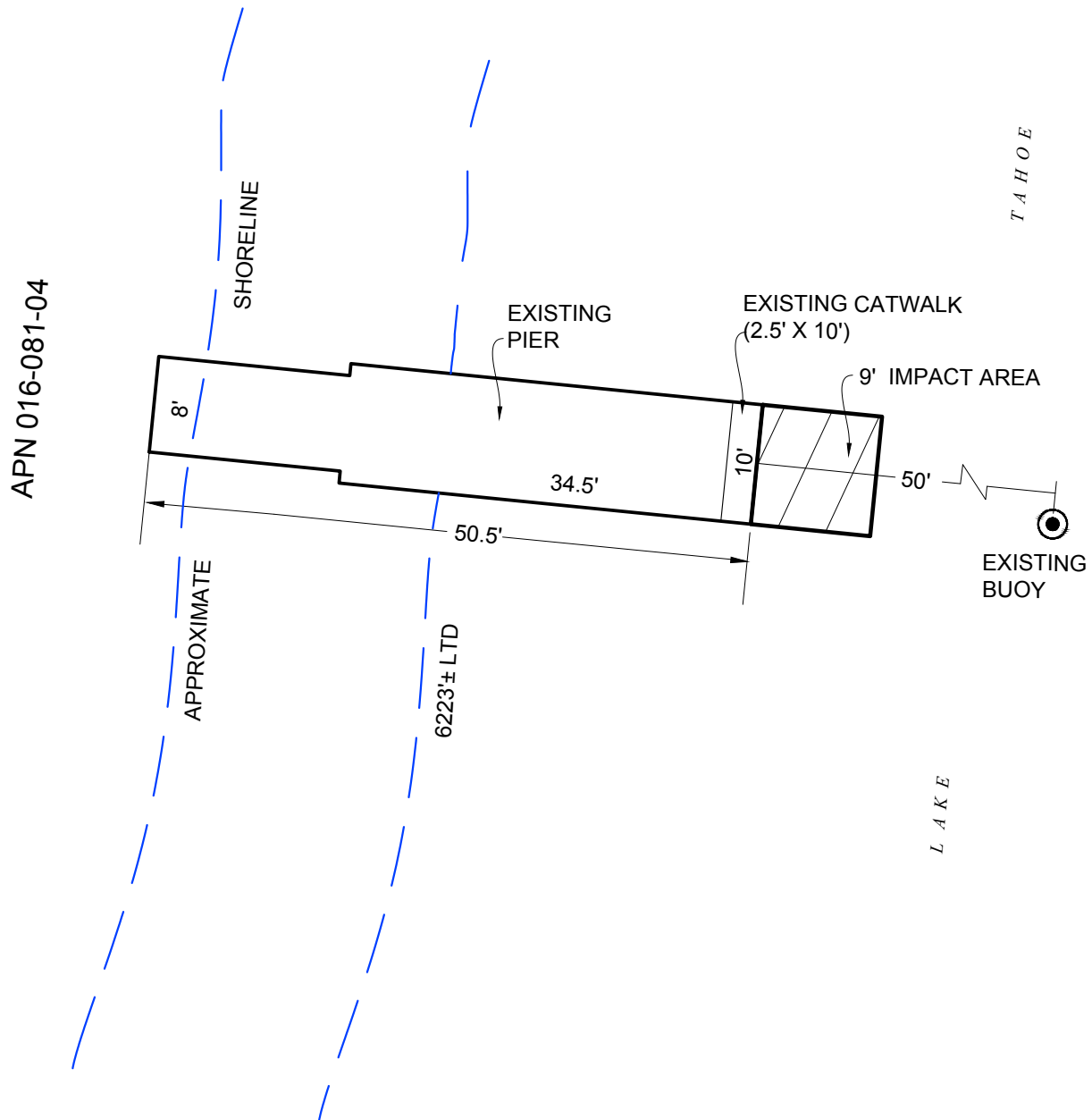


EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 2366.1, THARSING FAMILY LP
EL DORADO COUNTY

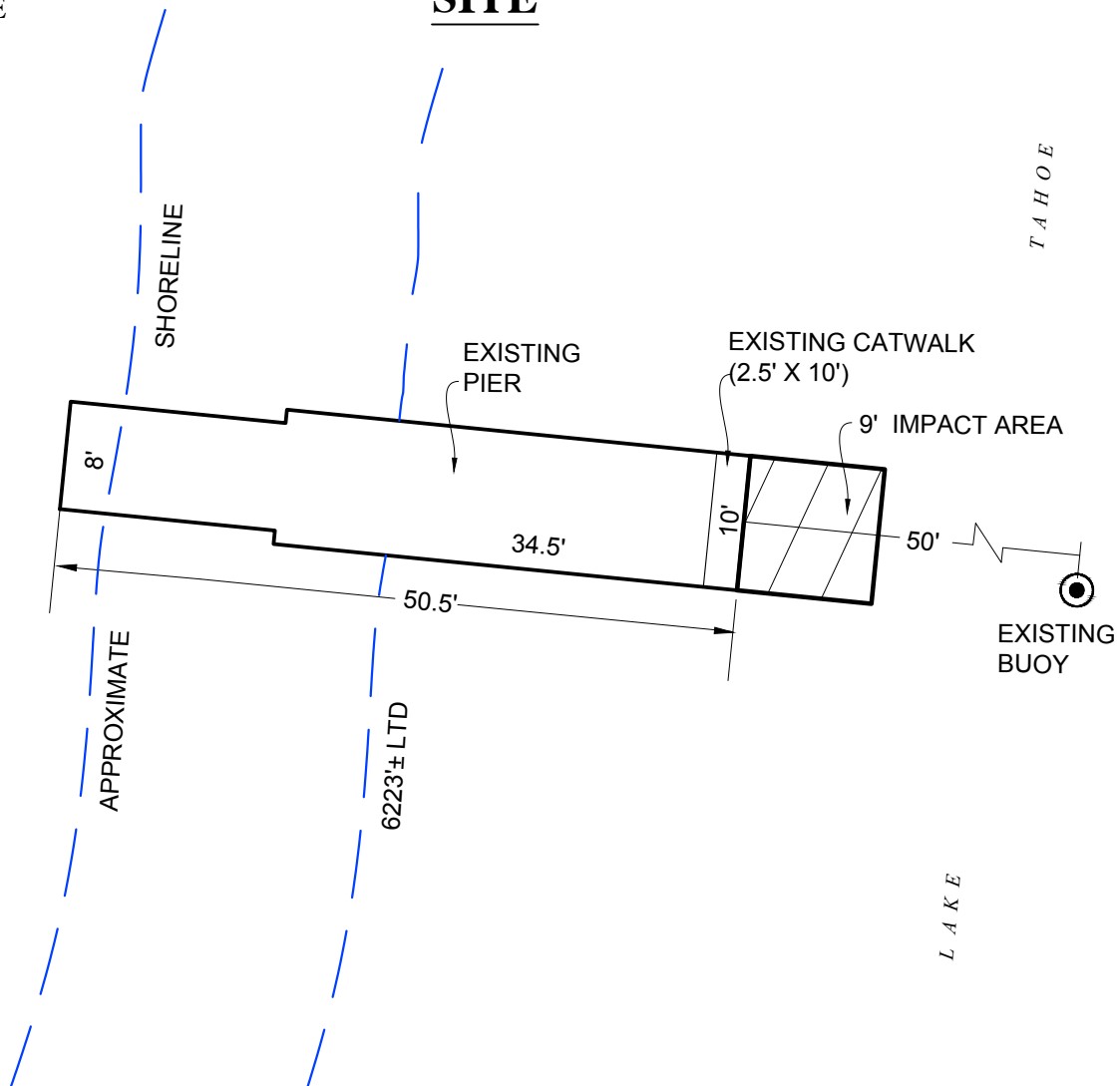
CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

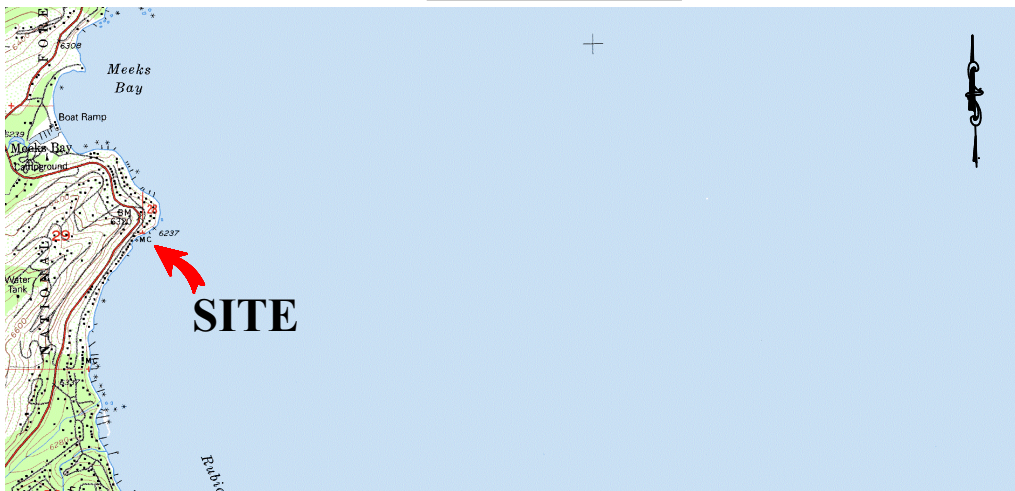
APN 016-081-04



8341 MEEKS BAY AVENUE, NEAR MEEKS BAY

NO SCALE

LOCATION

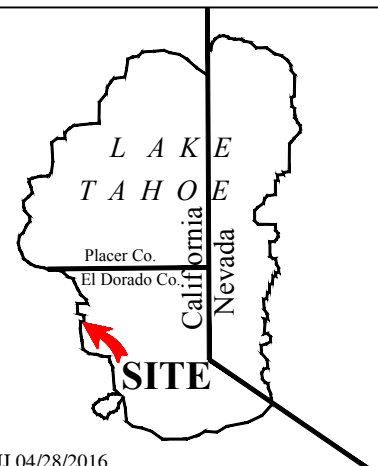


MAP SOURCE: USGS QUAD

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 2366.1
THARSING FAMILY
LIMITED PARTNERSHIP
APN 016-081-04
GENERAL LEASE -
RECREATIONAL USE
EL DORADO COUNTY



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