

**STAFF REPORT
C27**

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10/19/17
PRC 1711.1
J. Toy

**AMENDMENT OF LEASE AND
REVISION OF RENT**

LESSEE:

Rubicon Park Estates Improvement Association

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 8820 Victoria Circle, near Rubicon Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, swim platform, and 50 mooring buoys.

LEASE TERM:

10 years, beginning October 19, 2012.

CONSIDERATION:

This lease provides that the Commission 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 \$712 per year to \$650 per year, effective October 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 October 19, 2012, the Commission authorized a 10-year General Lease – Recreational Use to Rubicon Park Estates Improvement

STAFF REPORT NO. C27 (CONT'D)

Association, for an existing pier, swim platform, and 50 mooring buoys ([Item C35, October 19, 2012](#)). That lease will expire on October 18, 2022.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$712 per year to \$650 per year based on changes to the lease (impact) area for the pier, application of the Lake Tahoe Benchmark, and proration for the members who do not qualify for rent-free status. 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 location, at this time, or for the foreseeable term of the lease. 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

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed amendment of Lease No. PRC 1711.1 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, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

STAFF REPORT NO. **C27** (CONT'D)

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 1711.1, a General Lease – Recreational Use, effective October 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 1711.1 from \$712 per year to \$650 per year, effective October 19, 2017.

EXHIBIT A

PRC 1711.1

LAND DESCRIPTION

Three parcels of submerged lands situate in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 32, Township 14 North, Range 17 East, M.D.M., as shown on Official Government Township Plat approved July 29, 1880, County of El Dorado, State of California, more particularly described as follows:

PARCEL 1 - PIER

All those lands underlying an existing pier lying adjacent to that parcel described in Grant Deed recorded April 30, 1962 in Book 589, Page 413 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

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

PARCEL 2 – SWIM PLATFORM

All those lands underlying an existing swim platform lying adjacent to that parcel described in Grant Deed recorded April 30, 1962 in Book 589, Page 413 in Official Records of said County.

PARCEL 3 – BUOY FIELD

COMMENCING at the westerly terminus of that line described as S 70°51' W 35 feet in Grant Deed recorded April 30, 1962 in Book 589, Page 413 in Official Records of said County, said line also being the southerly line of the parcel described in said deed; thence along said line, or the prolongation thereof N 70°51' E 289.00 feet to the POINT OF BEGINNING; thence continuing along the prolongation of said line N 70°51' E 640.00 feet; thence leaving the prolongation of said line N 19°09' W 199.68 feet to a point which intersects the easterly prolongation of the line described as N 70°51' E 72 feet in said Grant Deed; thence along the prolongation of said line S 70°51' W 640.00 feet; thence leaving the prolongation of said line S 19°09' E 199.68 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying within hereinabove described Parcel 1.

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

Updated 09/1/2017 by the California State Lands Commission Boundary Unit.



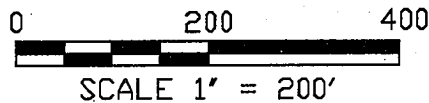
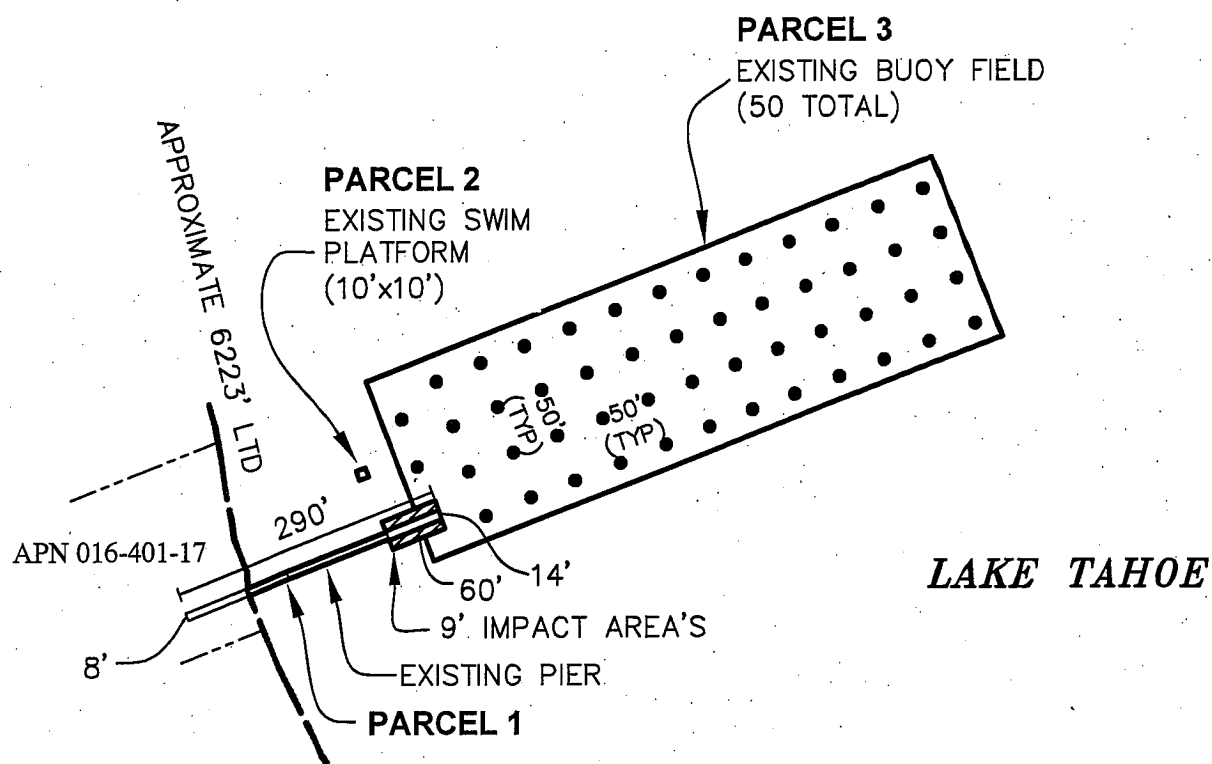


EXHIBIT A

Page 3 of 3

DJF 9/21/17

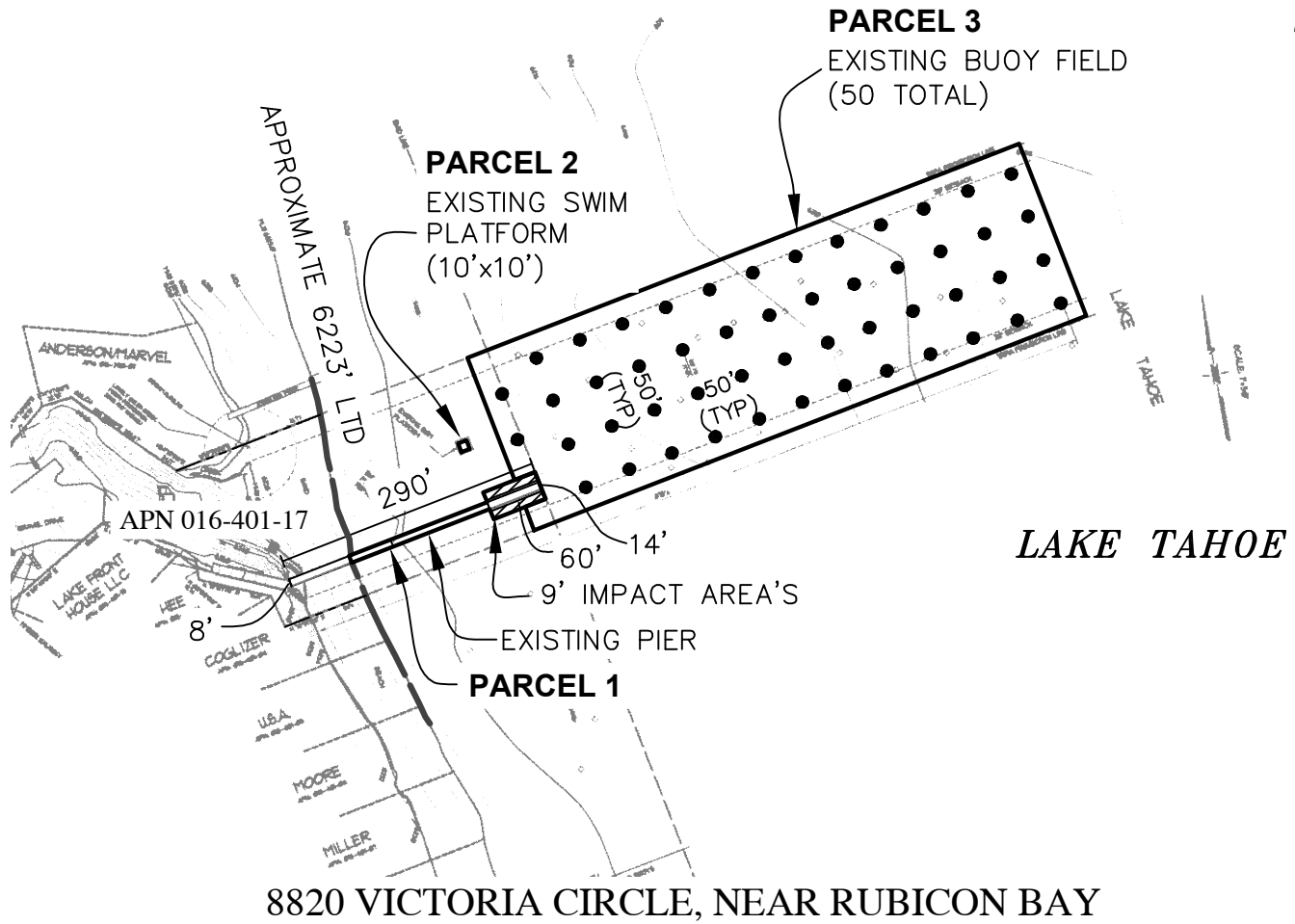
LAND DESCRIPTION PLAT
PRC 1711.1, RUBICON PARK ESTATES
EL DORADO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



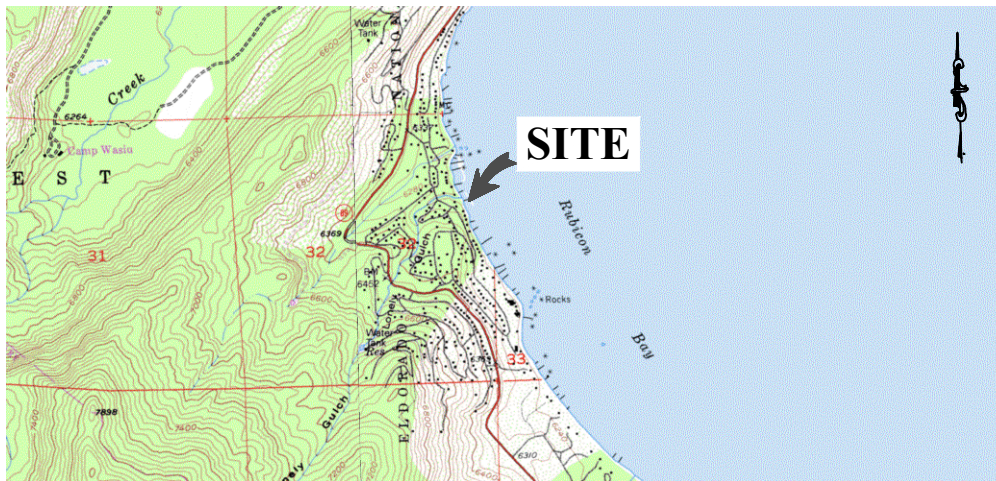
NO SCALE

SITE



NO SCALE

LOCATION

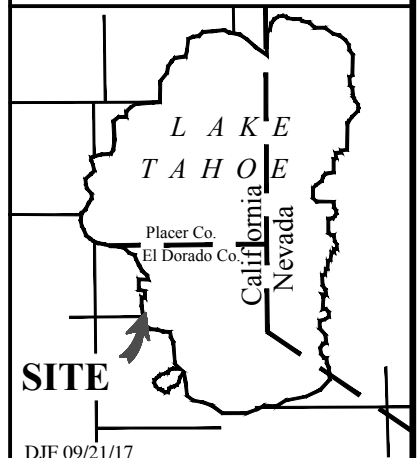


MAP SOURCE: USGS QUAD

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 1711.1
RUBICON PARK ESTATES
IMPROVEMENT ASSOCIATION
APN 016-401-17
GENERAL LEASE -
RECREATIONAL USE
EL DORADO COUNTY



DJF 09/21/17