

**STAFF REPORT
C13**

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11/29/17
PRC 8250.1
K. Connor

ASSIGNMENT OF LEASE

LESSEE/ASSIGNOR:

Jaroslav Glembocki, or his successor(s), Trustee under Revocable Trust Agreement date August 24th, 2001, as amended

APPLICANT/ASSIGNEE:

Los Esteros Associates, Limited Partnership Agreement

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 5090 West Lake Boulevard, near Homewood, Placer County

AUTHORIZED USE:

Continued use and maintenance of two existing mooring buoys.

LEASE TERM:

10 years, beginning August 7, 2012.

CONSIDERATION:

\$754 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

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 December 2, 2013, the Commission authorized a General Lease – Recreational Use to Jaroslav Glembocki, or his successor(s), Trustee under Revocable Trust Agreement date August 24, 2001, as amended, for two existing mooring buoys ([Item C37, December 2, 2013](#)). The lease will expire on August 6, 2022. On August 31, 2017, ownership of the upland

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parcel transferred to Los Esteros Associates, Limited Partnership Agreement. The Applicant is now applying for an assignment of the lease. The assignment would be effective as of the date of sale, August 31, 2017.

The lease assignment will not result in a change in the use of public resources or the impacts thereto. Commission 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 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 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 8250.1, a General Lease – Recreational Use, of sovereign land as shown on Exhibit A, Site and Location Map (for reference purposes only), attached and by this reference made a part hereof, from Jaroslaw Glembocki, or his successor(s), Trustee under Revocable Trust Agreement date August 24, 2001, as amended, to Los Esteros Associates, Limited Partnership Agreement; effective August 31, 2017.

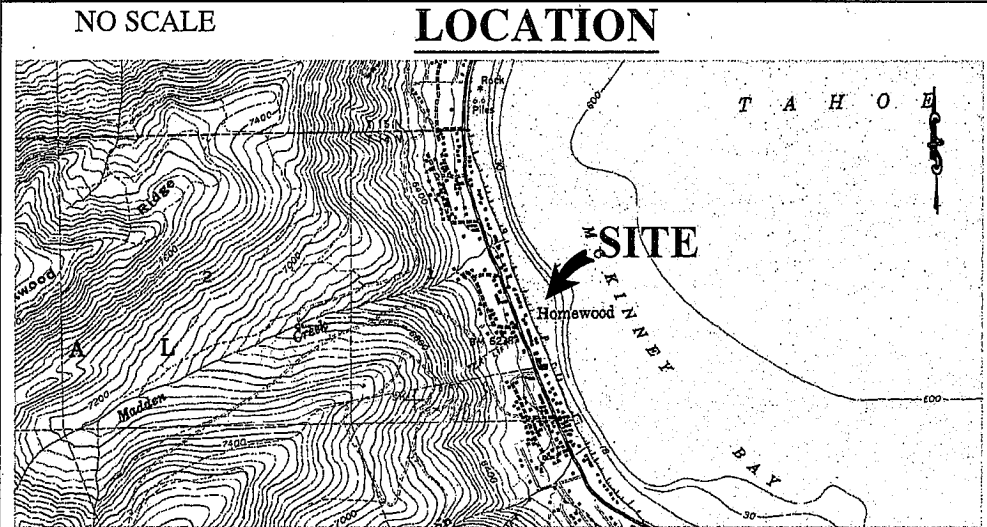
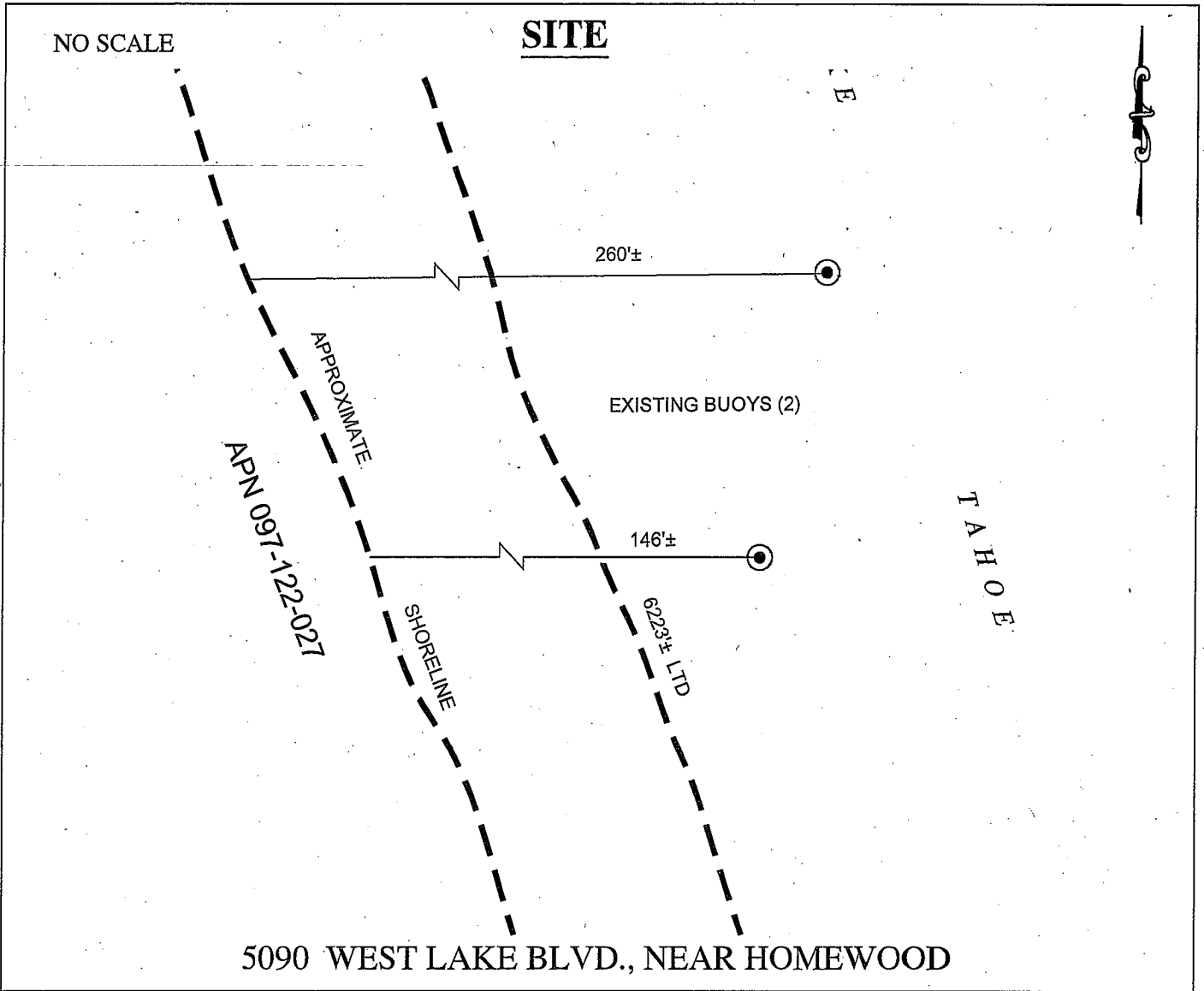
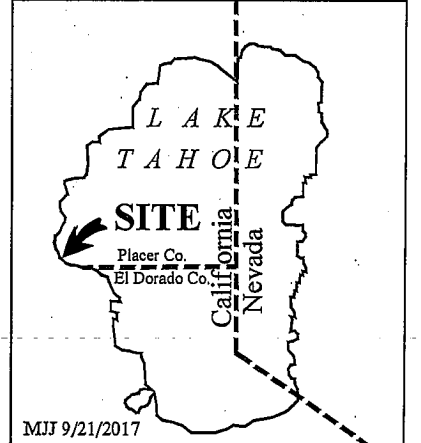


Exhibit A

PRC 8250.1
 LOS ESTEROS ASSOCIATES
 APN 097-122-027
 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.