

**STAFF REPORT  
C05**

A 1  
S 1

10/18/18  
PRC 4924.1  
M.J. Columbus

**ASSIGNMENT OF LEASE**

**LESSEE/ASSIGNOR:**

Patrick W. Higgins and Leah E.C. Higgins; and McKinney Shores, LLC

**APPLICANT/ASSIGNEE:**

Leah E. Higgins and Patrick Higgins, Trustees of the Higgins Family Trust, under instrument dated December 13, 2001; and Zacko Investments II, LLC, a California Limited Liability Company

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

Sovereign land located in Lake Tahoe, adjacent to 6160 and 6190 West Lake Boulevard, near Tahoma, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing joint-use pier, boat lift, and two mooring buoys.

**LEASE TERM:**

10 years, beginning May 7, 2014.

**CONSIDERATION:**

\$1,217 per year, with an annual Consumer Price Index adjustment.

**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 August 15, 2014, the Commission authorized a 10-year General Lease – Recreational Use to the Lessee, for an existing joint-use pier, boat lift, and two mooring buoys ([Item C28, August 15, 2014](#)). That lease will expire on May 6, 2024. The lease authorized a pier shared between two upland parcels, Assessor's Parcel No. (APN) 098-031-005 and APN 098-

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031-006. Patrick W. Higgins and Leah E.C. Higgins held title and interest in APN 098-031-005; McKinney Shores, LLC, held title and interest in the upland property, APN 098-031-006.

On April 25, 2016, Leah E. C. Higgins and Patrick W. Higgins' ownership interest in the upland APN 098-031-005 was transferred to Leah E. Higgins and Patrick Higgins, Trustees of the Higgins Family Trust, under instrument dated December 13, 2001. On November 16, 2015, the ownership interest in APN 098-031-006 was deeded to Zacko Investments II, LLC, a California Limited Liability Company. The Applicant is now applying for an assignment of the lease.

The Applicant agrees to perform and be bound by the terms, conditions, covenants, and agreements contained in the lease. Staff recommends an assignment of the lease to reflect the change in ownership of the upland properties from the Assignor to the Assignee.

The recommended action will not substantially interfere with the Public Trust needs at this location, at this time, and 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 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; and Strategy 1.3 to promote, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
2. Approving the lease assignment 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, sections 15378, subdivision (b)(5).

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

STAFF REPORT NO. **C05** (CONT'D)

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed action will not 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 4924.1, 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 McKinney Shores, LLC, to Zacko Investments II, LLC, a California Limited Liability Company, effective November 16, 2015; and from Patrick W. Higgins and Leah E.C. Higgins, to Leah E. Higgins and Patrick Higgins, Trustees of the Higgins Family Trust, under instrument dated December 13, 2001, effective April 25, 2016.

**EXHIBIT A**

**PRC 4924.1**

**LAND DESCRIPTION**

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 4 fractional Section 7, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 10, 1865 County of Placer, State of California; and more particularly described as follows:

**PARCEL 1 – JOINT-USE PIER**

All those lands underlying an existing joint-use pier, one (1) catwalk, and one (1) boat lift lying adjacent to those parcels as described in that Grant Deed recorded January 31, 2002 in Document 2002-0011318 and Grant Deed recorded October 20, 2010 in Document 2010-0084939 of 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.

**PARCELS 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 June 2, 2014 by the California State Lands Commission Boundary Unit.





L A K E  
T A H O E

EXISTING  
BUOYS (2)

65'

50'

9' IMPACT AREA

EXISTING  
BOAT LIFT & IMPACT AREA  
(9' X 14')

12.5'

EXISTING CATWALK  
(2.5' X 28')

EXISTING  
JOINT-USE PIER

6223'± LTD

112'

APPROXIMATE

SHORELINE

7'

APN 098-031-005

APN 098-031-006

### EXHIBIT A

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LAND DESCRIPTION PLAT  
PRC 4924.1, HIGGINS / ZACKO INVESTMENTS II, LLC  
PLACER COUNTY

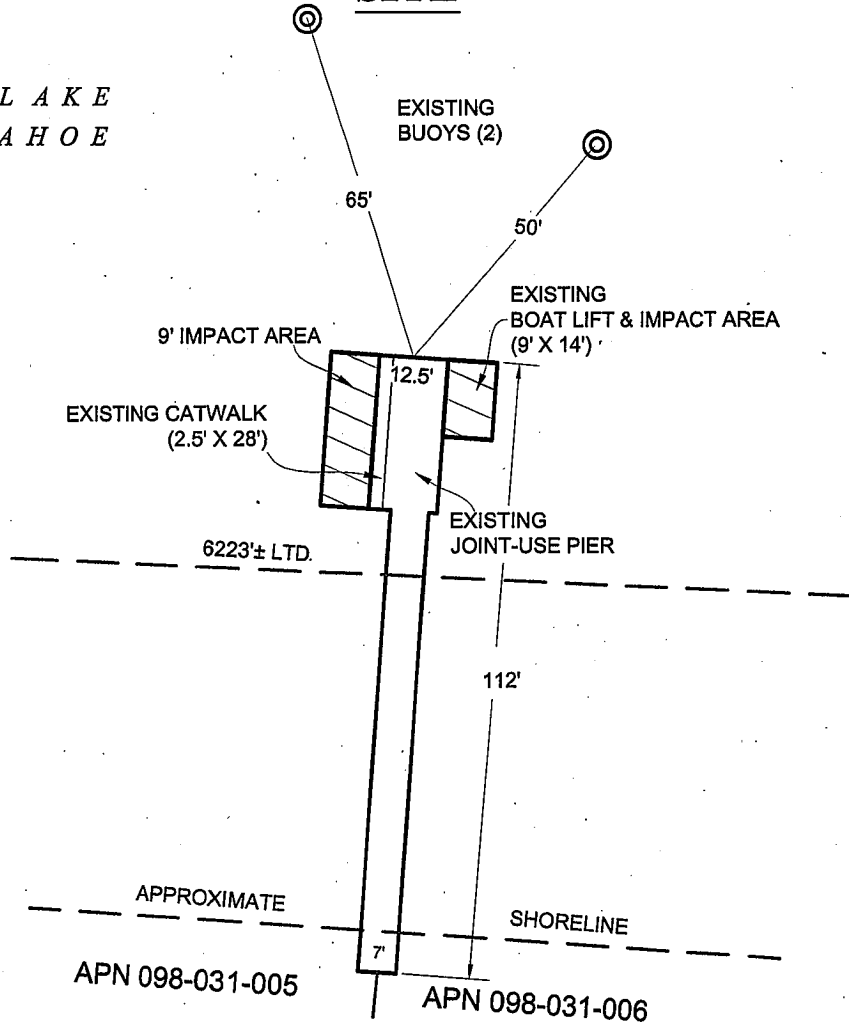
CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

# SITE

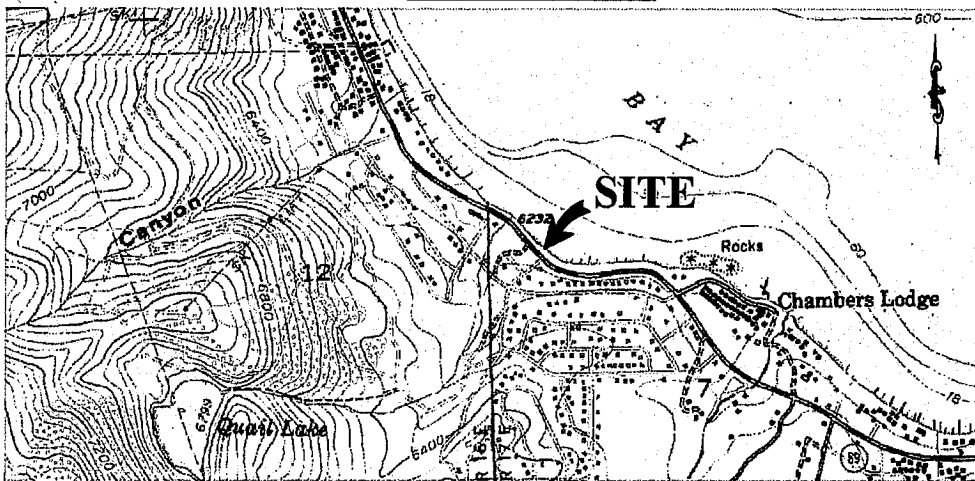
L A K E  
T A H O E



6160 & 6190 WEST LAKE BLVD., NEAR TAHOMA

NO SCALE

## LOCATION

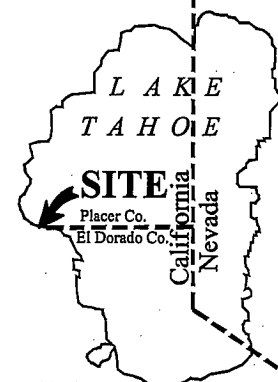


MAP SOURCE: USGS QUAD

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 4924.1  
 HIGGINS / ZACKO  
 INVESTMENTS II, LLC  
 APN 098-031-005 & 006  
 GENERAL LEASE -  
 RECREATIONAL USE  
 PLACER COUNTY



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