

**STAFF REPORT
C09**

A 1
S 1

10/18/18
PRC 8016.1
J. Toy

ASSIGNMENT OF LEASE

LESSEE/ASSIGNOR:

Ronald F. Mack and Judy A. Mack, Co-Trustees of the Ron and Judy Mack Family Trust (U/T/A June 8, 1983)

APPLICANT/ASSIGNEE:

Thomas S. Dolan, Trustee of the Thomas S. Dolan Trust, dated June 22, 2001

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 1170 West Lake Boulevard, near Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of two existing mooring buoys.

LEASE TERM:

10 years, beginning November 1, 2017.

CONSIDERATION:

\$754 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 October 19, 2017, the Commission authorized a General Lease – Recreational Use to Ronald F. Mack and Judy A. Mack, Co-Trustees of the Ron and Judy Mack Family Trust (U/T/A June 8, 1983), for two existing mooring buoys ([Item C19, October 19, 2017](#)). The lease will expire on October 31, 2027.

STAFF REPORT NO. **C09** (CONT'D)

On March 9, 2018, ownership of the upland parcel transferred to Thomas S. Dolan, Trustee of the Thomas S. Dolan Trust, dated June 22, 2001. The Applicant is now applying for an assignment of lease, effective March 9, 2018.

Staff recommends an assignment of the lease to reflect the change in ownership of the upland property from the Assignor to the Assignee. The assignment will be effective as of the date of transfer, March 9, 2018. The Assignee agrees to perform and be bound by the terms, conditions, covenants, and agreements contained within the lease.

The lease assignment will not result in a change in the use of public resources or impacts to Public Trust resources. 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).

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 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.

STAFF REPORT NO. **C09** (CONT'D)

AUTHORIZATION:

Authorize the assignment of Lease No. PRC 8016.1, a General Lease – Recreational Use, of sovereign land as shown on Exhibit B, Site and Location Map (for reference purposes only), attached and by this reference made a part hereof, from Ronald F. Mack and Judy A. Mack, Co-Trustees of the Ron and Judy Mack Family Trust (U/T/A June 8, 1983) to Thomas S. Dolan, Trustee of the Thomas S. Dolan Trust, dated June 22, 2001; effective March 9, 2018.

EXHIBIT A

PRC 8016.1

LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 18 Township 15 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 9, 1866, County of Placer, State of California, and more particularly described as follows:

All those lands underlying two (2) circular parcels of land, 50 feet in diameter, underlying two (2) existing buoys lying adjacent to those parcels described in Exhibit A of that Grant Deed recorded December 5, 2016 as Document Number 2016-0106983 in Official Records of said County.

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

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared August 30, 2018 by the California State Lands Commission Boundary Unit.





APN 083-195-006

SHORELINE

APPROXIMATE

246'

PIER

104'

6223'± LTD



EXISTING
BUOYS (2)

L A K E

T A H O E

EXHIBIT A

Page 2 of 2

MJJ 8/30/2018

LAND DESCRIPTION PLAT
PRC 8016.1, DOLAN TRUST
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

APN 083-195-006

SHORELINE

APPROXIMATE

246'

PIER

104'

6223'± LTD

EXISTING
BUOYS (2)

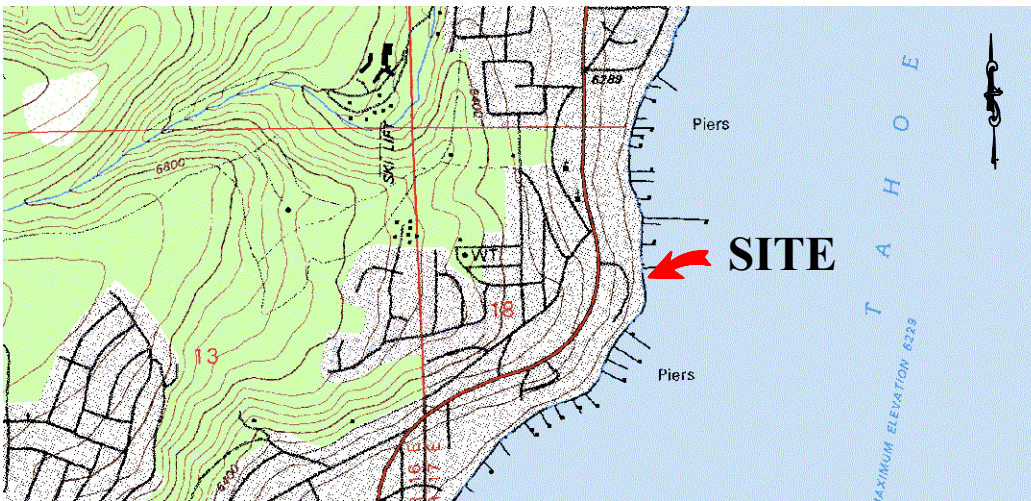
L A K E

T A H O E

1170 WEST LAKE BLVD., TAHOE CITY

NO SCALE

LOCATION

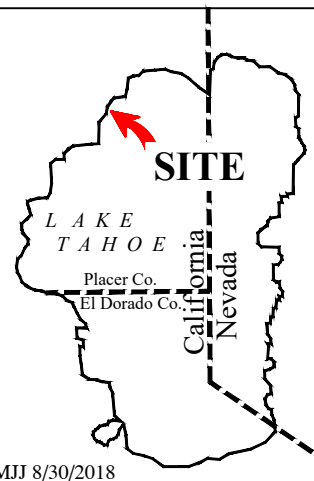


MAP SOURCE: USGS QUAD

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 8016.1
DOLAN TRUST
APN 083-195-006
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



MJJ 8/30/2018