

**STAFF REPORT
C08**

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02/04/19
PRC 4121.1
J. Toy

ASSIGNMENT OF LEASE AND REVISION OF RENT

LESSEE/ASSIGNOR:

John S. Gletne and Nydia Gletne, Trustees, U.D.T., dated May 27, 1992

APPLICANT/ASSIGNEE:

Nydia Gletne and Glenda L. Gaither, Trustees of the Glente Survivor's Trust as set forth in the Gletne Family Living Trust dated May 27, 1992

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 4020 North Lake Boulevard, near Tahoe City, Placer County

AUTHORIZED USE:

Continued use and maintenance of an existing pier, a portion of a boat lift, boathouse, sundeck, railing and stairs, and two mooring buoys.

LEASE TERM:

10 years, beginning August 14, 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 \$196 per year to \$668 per year, effective August 14, 2019.

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 14, 2012, the Commission authorized a General Lease – Recreational Use to John S. Gletne and Nydia Gletne, Trustees, U.D.T.,

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dated May 27, 1992, for an existing pier, a portion of a boat lift, boathouse, sundeck, railing and stairs, and two mooring buoys ([Item C24, August 14, 2012](#)). The lease will expire on August 13, 2022. John S. Gletne died in 2013 and on February 25, 2014, ownership of the upland parcel transferred to the Applicant. The Applicant is now applying for an assignment of lease, effective February 25, 2014.

In conjunction with the assignment of lease, staff reviewed the rent called for in the lease and recommends the rent be increased to \$668 per year, effective August 14, 2019.

The lease assignment and revision of rent will not result in a change in the use of public resources or the impacts thereto. Staff believes approval of this assignment and revision of rent 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; Strategy 1.3 to promote, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways; and Strategy 2.2 to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Assignment of lease and revision of 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).

EXHIBIT:

- A. Land Description

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed assignment and revision of rent will not impact the public rights to navigation and fishing or substantially interfere with the

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Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; are consistent with the common law Public Trust Doctrine; and are in the best interests of the State.

AUTHORIZATION:

1. Authorize the assignment of Lease No. PRC 4121.1, 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 John S. Gletne and Nydia Gletne, Trustees, U.D.T., dated May 27, 1992 to Nydia Gletne and Glenda L. Gaither, Trustees of the Gletne Survivor's Trust as set forth in the Gletne Family Living Trust dated May 27, 1992, effective February 25, 2014.

2. Approve the revision of rent for Lease No. PRC 4121.1 from \$196 per year to \$668 per year, effective August 14, 2019.

EXHIBIT A

PRC 4121.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 28, Township 16 North, Range 17 East, MDM., as shown on Official Government Township Plat approved September 25, 1907 County of Placer, State of California, and more particularly described as follows:

PARCEL 1 (PIER & BOATHOUSE)

All those lands underlying an existing pier, boathouse, sundeck, stairs, boatlift, and two catwalks lying adjacent to those Lots as described in that Individual Grant Deed recorded November 16, 1993 as Document Number 93-085143 of Official Records of said County.

TOGETHER WITH a ten foot use area.

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

PARCELS 2 & 3 (BUOYS)

Two (2) circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to said Lots as described in said Grant Deed.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared July 24, 2012 by the California State Lands Commission Boundary Unit.



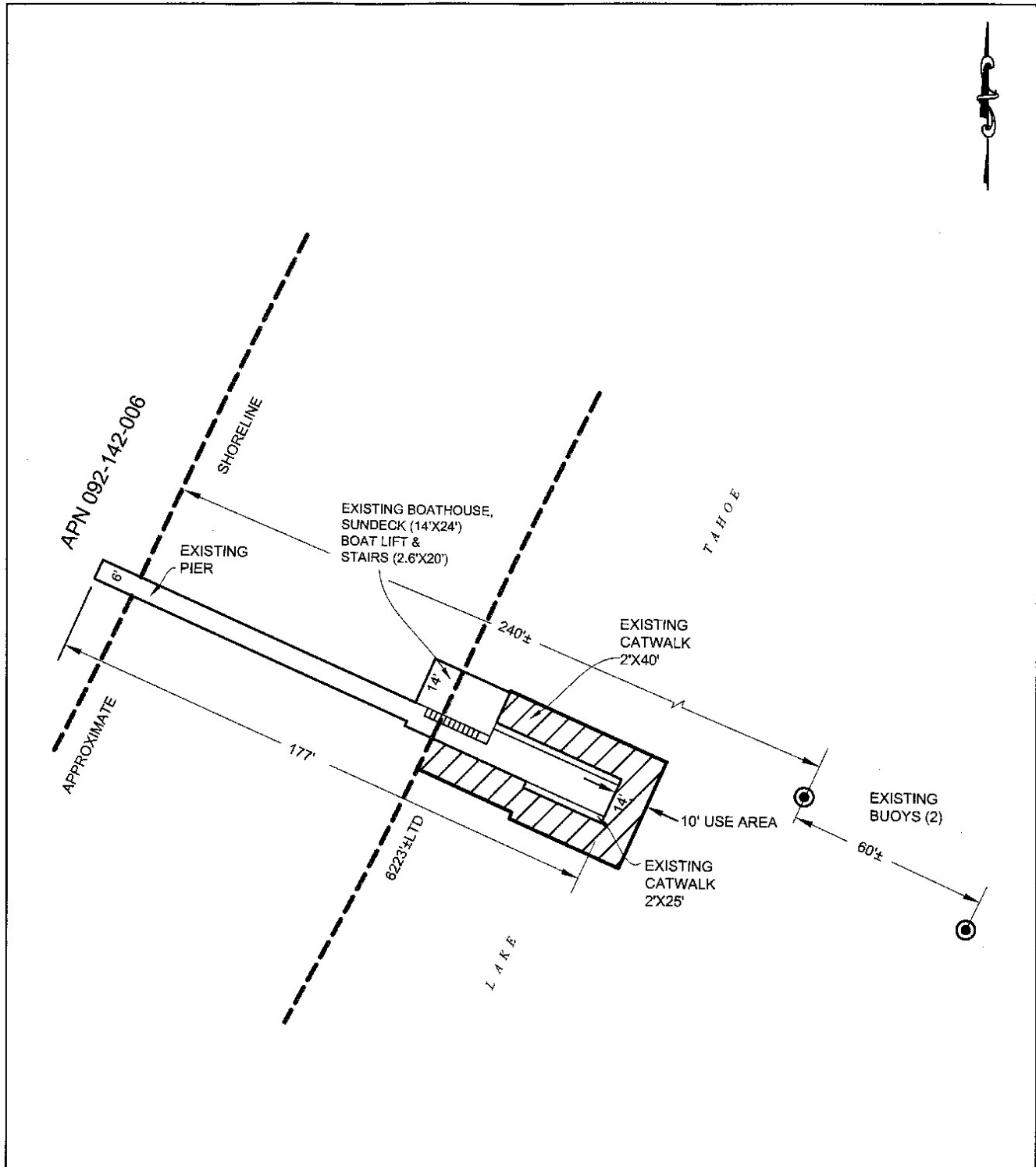


EXHIBIT A

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LAND DESCRIPTION PLAT
 PRC 4121.1, GLETNE
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION

