

STAFF REPORT

19

A 5
S 1

06/28/19
PRC 4869.1
S. Avila

**CORRECTION OF PRIOR AUTHORIZATION
OF A GENERAL LEASE – RECREATIONAL USE**

LESSEE:

Warren E. Spieker, Jr., Trustee of the Spieker 1991 Residential Trust No. 1 U/A/D November 21, 1991; and Warren E. Spieker, Jr., Trustee of the Spieker 2010 Irrevocable Children’s Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 251 and 261 (corrected) Paradise Flat Lane, near Rubicon Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift, and four mooring buoys.

LEASE TERM:

10 years beginning July 10, 2019.

CONSIDERATION:

\$2,312 per year, with an annual Consumer Price Index adjustment.

PROPOSED CORRECTION:

Change the incorrect address from 255 Paradise Flat Lane to 261 Paradise Flat Lane; and change the incorrect Assessor’s Parcel Number (APN) from APN 017-021-032, to APN 017-021-14. 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 of the lease shall remain in effect without change.

OTHER PERTINENT INFORMATION:

1. On April 5, 2019, the Commission authorized a General Lease – Recreational Use to Warren E. Spieker, Jr., Trustee of the Spieker 1991 Residential Trust No. 1 U/A/D November 21, 1991; and Warren E. Spieker, Jr., Trustee of the Spieker 2010 Irrevocable Children’s Trust, for a term of 10 years, beginning July 10, 2019, for the continued use and maintenance of an existing pier, boat lift, and two mooring buoys

STAFF REPORT NO. 19 (CONT'D)

previously authorized by the Commission, located adjacent to the Lessee's upland parcel at 251 Paradise Flat Lane; and for two existing mooring buoys not previously authorized by the Commission, located adjacent to the Lessee's upland parcel at 255 Paradise Flat Lane ([Item C16, April 5, 2019](#)).

2. Staff has since discovered that the Commission authorization misidentified one of the addresses and APNs as the location of the previously unauthorized mooring buoys. The correct address of the upland parcel is 261 Paradise Flat Lane and the correct APN is 017-021-14. The misidentified upland parcel at 255 Paradise Flat Lane (APN 017-021-032) is also owned by the Lessee, but no improvements exist on sovereign land at that location. Staff recommends the lease be corrected to reflect the correct adjacent upland area.
3. 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 land along the State's inland and coastal waterways.
4. Correction of the prior lease authorization to reflect the correct address 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:

AUTHORIZATION:

Authorize the correction of Lease No. PRC 4869.1, a General Lease – Recreational Use, effective April 5, 2019, to reflect the address of the previously unauthorized mooring buoys as 261 Paradise Flat Lane (APN 017-021-14); and to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land

STAFF REPORT NO. **19** (CONT'D)

Description, and Exhibit B, Site and Location Map (for reference purposes only).

EXHIBIT A

PRC 4869.1

LAND DESCRIPTION

Five parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 fractional Section 4, Township 13 North, Range 17 East, MDM., as shown on Official Government Township Plat approved May 19, 1875, County of El Dorado, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, boat lift and catwalk lying adjacent to that parcel as described in Exhibit A of that Grant Deed recorded April 24, 2012 as Document Number 2012-0019615 and parcels described in Exhibit A of that Individual Grant Deed recorded February 21, 1992, as Document Number 10408 of Official Records of said County.

TOGETHER WITH any applicable use area(s).

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

PARCEL 2 - 5 – 4 BUOYS

Four circular parcels of land, being 50 feet in diameter, underlying four existing buoys lying adjacent to said parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared February 27, 2019 by the California State Lands Commission Boundary Unit.



NO SCALE

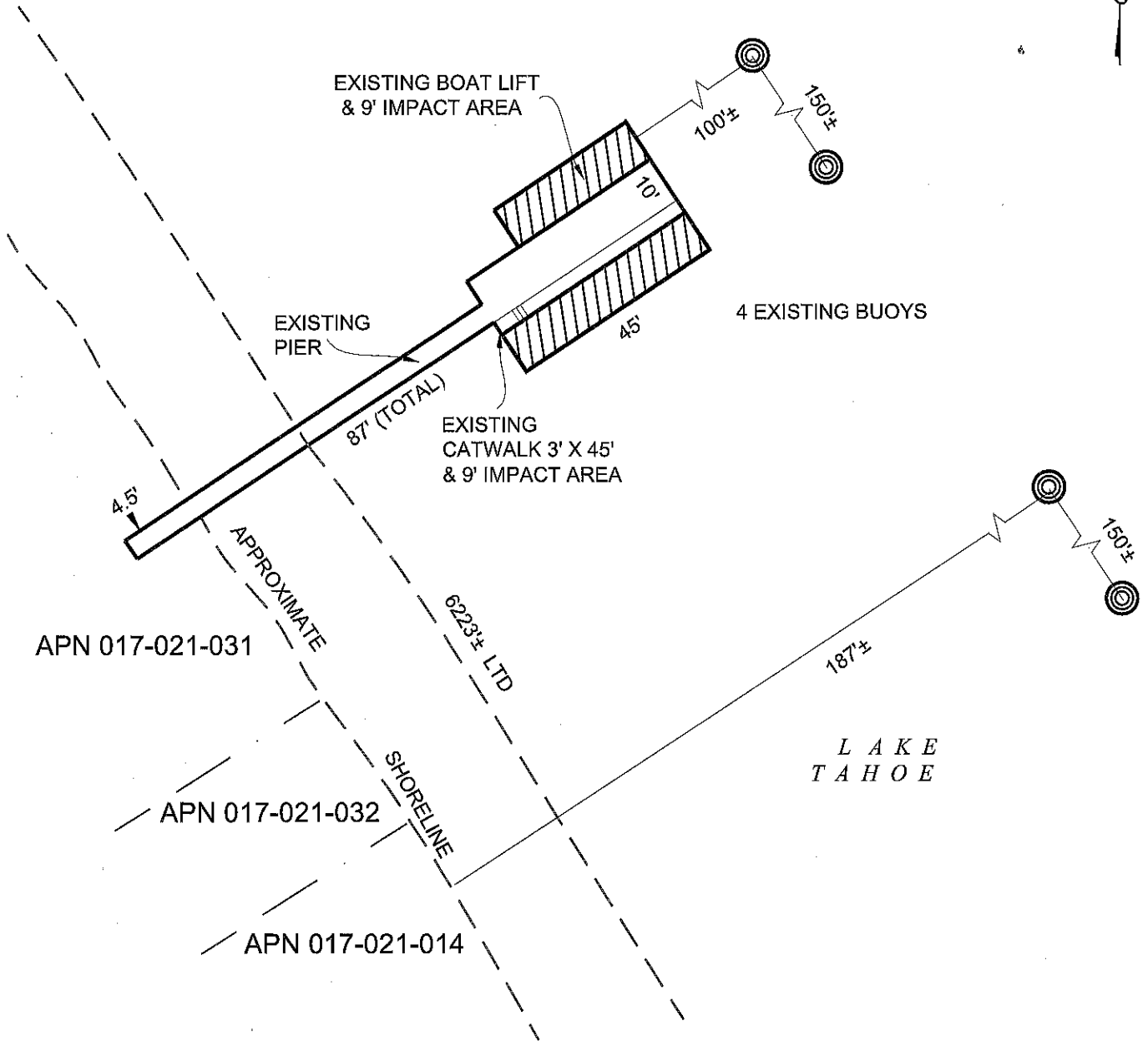


EXHIBIT A

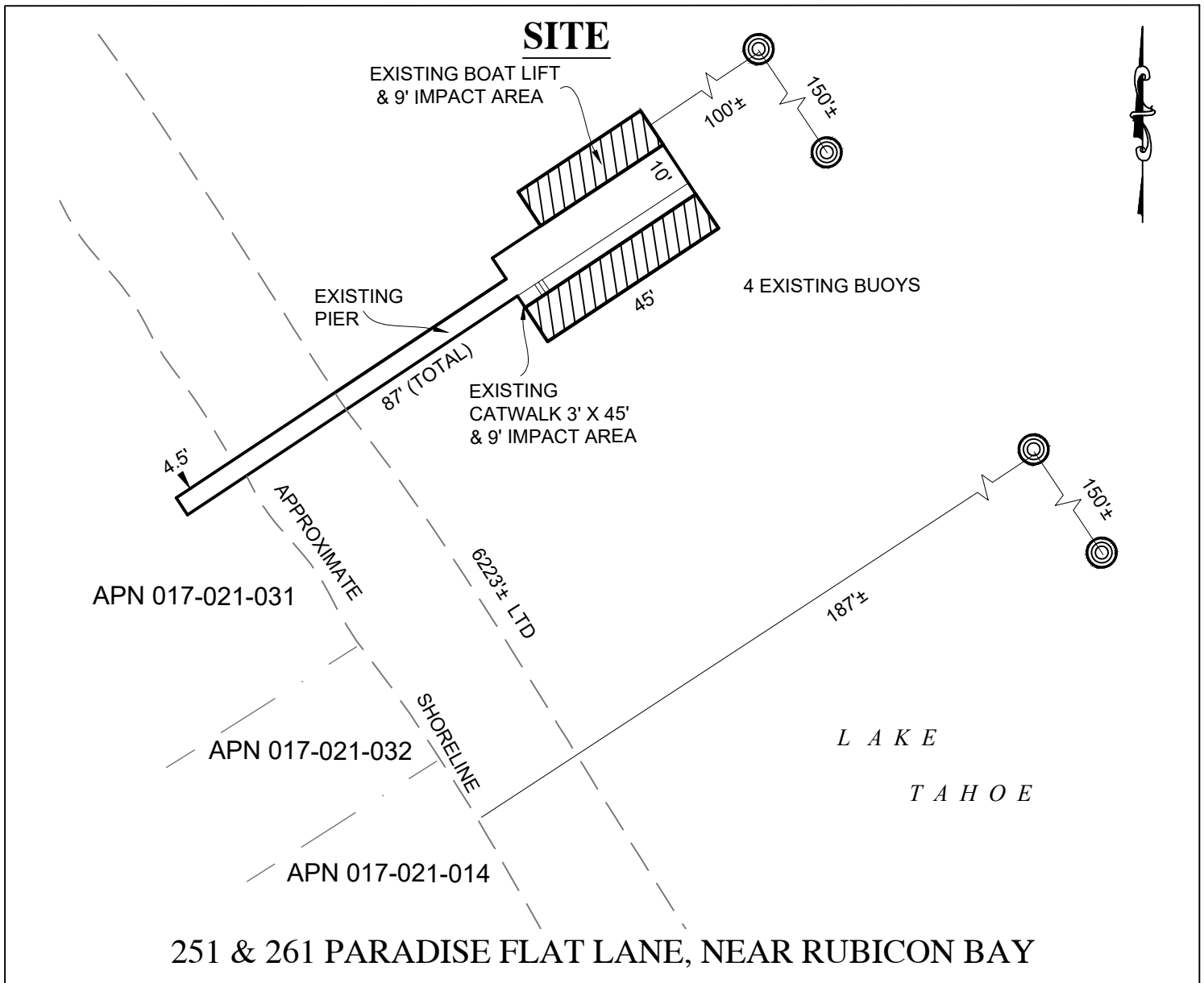
Page 2 of 2

MJJ 2/12/19

LAND DESCRIPTION PLAT
PRC 4869.1, SPIEKER TRUSTS
EL DORADO COUNTY

CALIFORNIA STATE
LANDS COMMISSION





NO SCALE

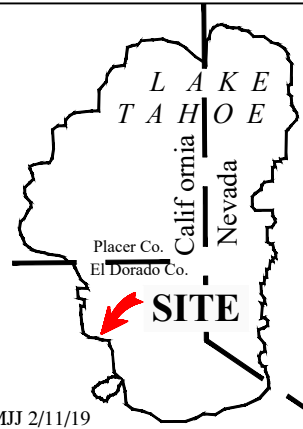
LOCATION



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 4869.1
SPIEKER. TRUSTS
APN 017-021-031 &
APN 017-021-014
GENERAL LEASE -
RECREATIONAL USE
EL DORADO COUNTY



MJJ 2/11/19