

**STAFF REPORT
C01**

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06/21/18
PRC 5751.1
J. Toy

**ASSIGNMENT AND AMENDMENT OF LEASE
AND REVISION OF RENT**

LESSEE/ASSIGNOR:

3790 NLB, LLC, a California Limited Liability Company

APPLICANT/ASSIGNEE:

James C. Blakemore and Grace E. Hackmeier

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3790 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning February 1, 2013.

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 \$1,196 per year to \$971 per year, effective February 1, 2018.

PROPOSED LEASE AMENDMENT:

Amend the lease to 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 and conditions of the lease shall remain in effect without amendment.

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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 February 22, 2013, the Commission authorized a General Lease – Recreational Use to 3790 NLB, LLC, a California Limited Liability Company for an existing pier, boat lift, and two mooring buoys ([Item C26, February 22, 2013](#)). That lease will expire on January 31, 2023.

On December 6, 2013, ownership of the upland property was transferred to James C. Blakemore and Grace E. Hackmeier. The proposed Assignee agrees to perform and be bound by the terms, conditions, covenants, and agreements contained within the lease.

Staff recommends an assignment of the lease to reflect the change in ownership of the upland property from the Assignor to the Assignee.

The lease amendment will reflect a new reduced lease area. Staff conducted the rent review called for in the Lease and recommends the rent be revised from \$1,196 per year to \$971 per year based on changes to the lease (impact) area for the pier and application of the Lake Tahoe Benchmark.

The recommended actions will not result in a change in the use of Public Trust resources or the impacts thereto. Staff believes approval of the proposed actions are 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. The assignment of the lease, amendment to revise the lease area, and revision of rent are not projects as defined by the California Environmental

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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).

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 of the lease and amendment to revise the lease area 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:

1. Authorize the assignment of Lease No. PRC 5751.1, a General Lease – Recreational Use, of sovereign land from 3790 NLB, LLC, a California Limited Liability Company, to James C. Blakemore and Grace E. Hackmeier, effective December 6, 2013.
2. Authorize the amendment of Lease No. PRC 5751.1, a General Lease – Recreational Use, effective February 1, 2018, to 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).
3. Approve the revision of rent for Lease No. PRC 5751.1 from \$1,196 per year to \$971 per year, effective February 1, 2018.

EXHIBIT A

PRC 5751.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 of fractional Section 28, Township 16 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 – PIER

All those lands underlying an existing pier, one catwalk, stairs and a boatlift adjacent to that Parcel described in Grant Deed recorded December 6, 2013 as Document Number 2013-0112095-00 in 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.

PARCEL 2 & 3 – BUOYS

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



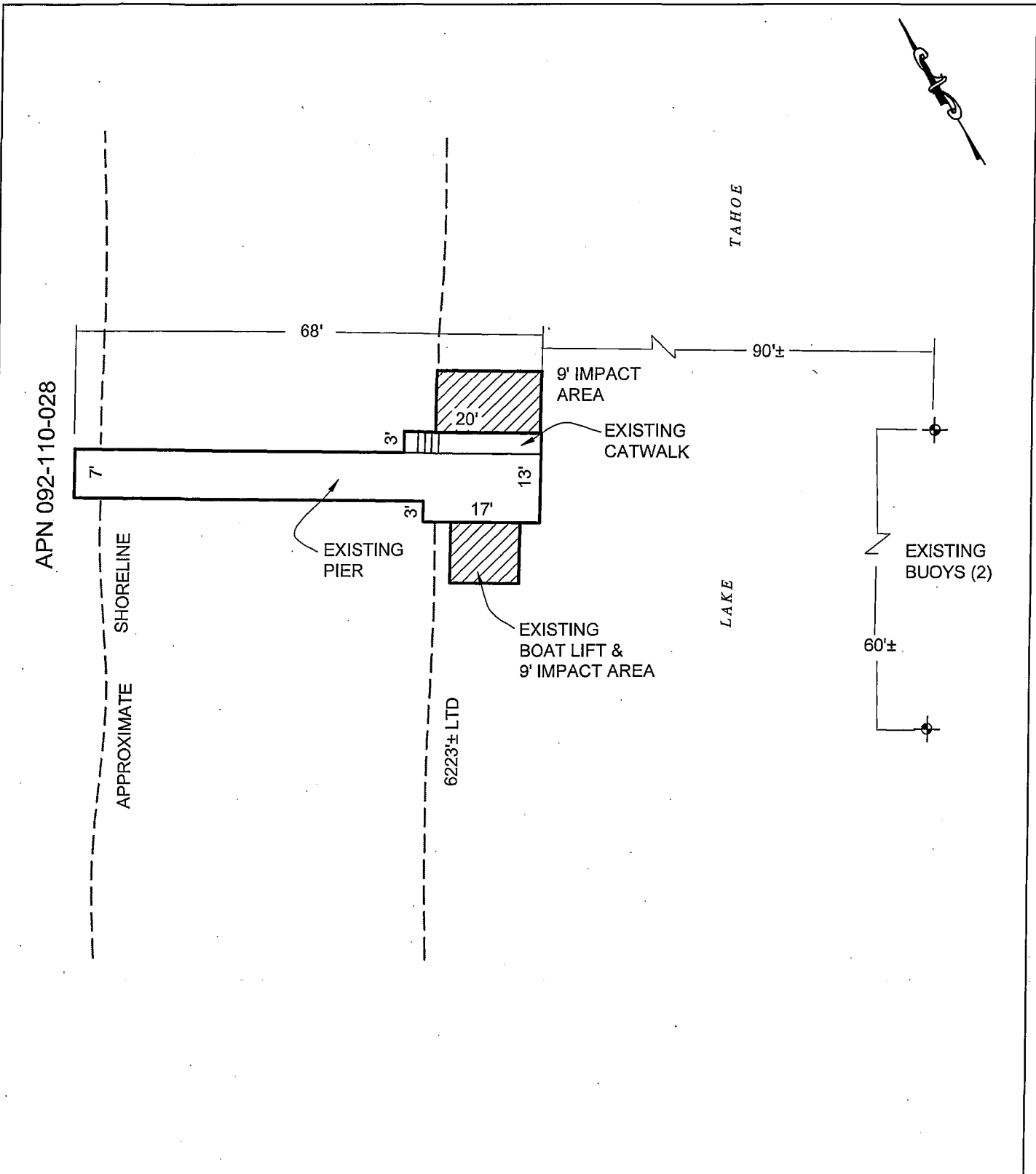


EXHIBIT A

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LAND DESCRIPTION PLAT
 PRC 5751.1, BLAKEMORE ET AL.
 PLACER COUNTY

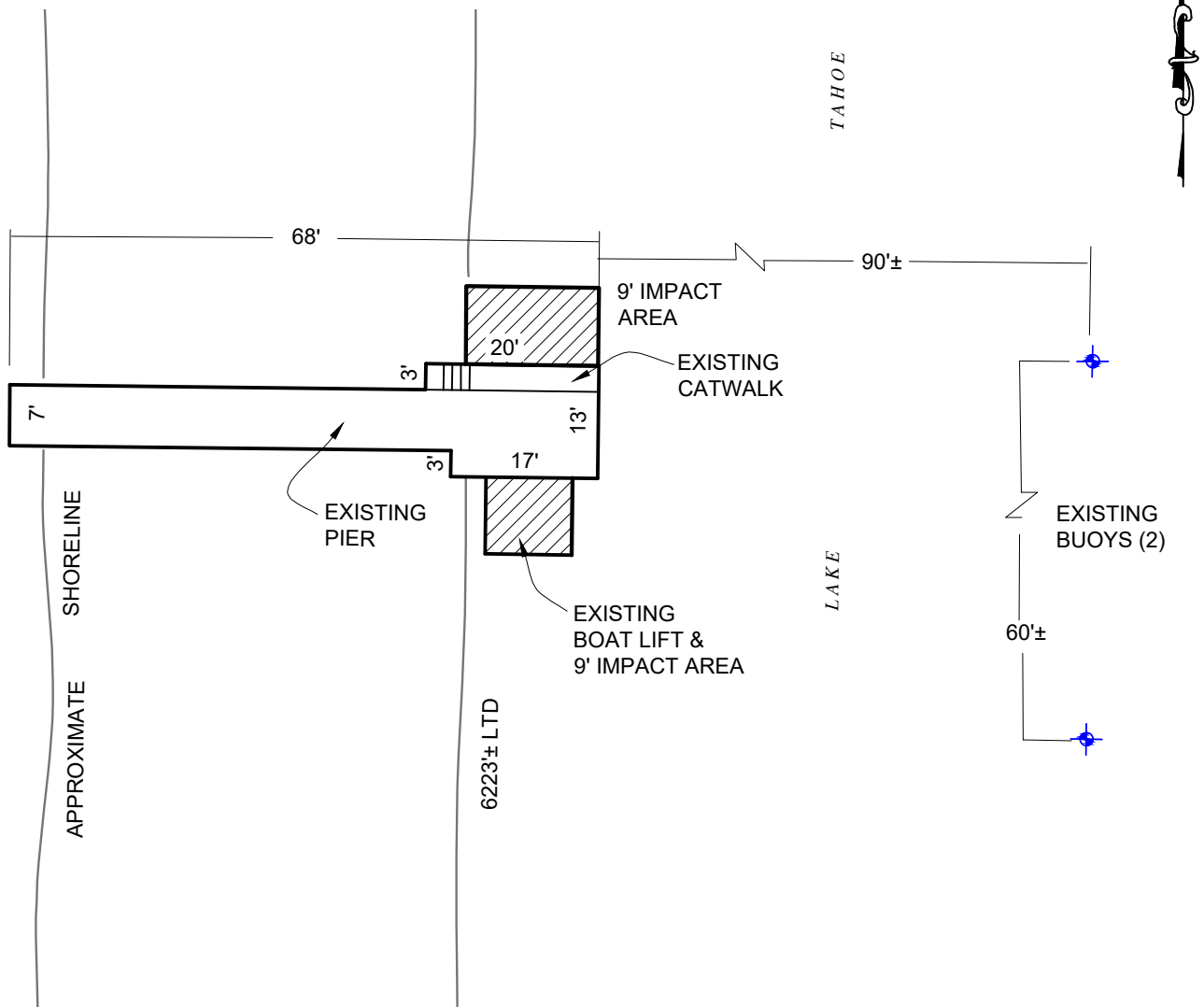
CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE

APN 092-110-028



3790 NORTH LAKE BLVD., NEAR CARNELIAN BAY

NO SCALE

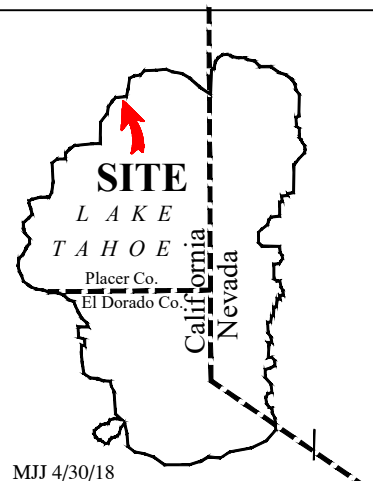
LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 5751.1
 BLAKEMORE ET AL.
 APN 092-110-028
 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.

MJJ 4/30/18