

MINUTE ITEM

This Case No. 16  
Meeting 7/19/78

CALENDAR ITEM

15.

GENERAL LEASE  
COMMERCIAL USE

7/78  
W 6185  
Gordon  
P R C 5513

APPLICANT: Michael R. Phillips  
dba Ski Run Marina  
P. O. Box 14272  
South Lake Tahoe, California 95702

AREA, TYPE LAND AND LOCATION:  
A 0.261 acre parcel and 70 circular parcels  
totalling 2,019 acres, each 40 feet in  
diameter containing 0.029 acre with all  
parcels together composing an aggregate  
of 2.28 acres of submerged land in Lake  
Tahoe at South Lake Tahoe, El Dorado County.

LAND USE: Maintenance of 1 pier, 1 walkway float,  
1 gas pump facility and 70 mooring buoys  
utilized in the operation of a marina.

TERMS OF PROPOSED LEASE:

Initial period: 15 years from July 1,  
1977.

Surety bond: \$5,000.

Public liability insurance: \$450,000 per  
occurrence for bodily  
injury and \$50,000 for  
property damage.

Special: 1. The lease is conditioned  
on lessee's conformance  
with the Tahoe Regional  
Planning Agency's Shorezone Ordinance.

2. The lease is entered  
into by both parties  
without prejudice to  
their respective claims  
of boundary.

3. Lessee covenants  
to practice water conser-  
vation on the leased  
premises.

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S 13

CALENDAR ITEM NO. 16. (CONTD)

CONSIDERATION: \$4,502 back rent from July 1, 1967 through June 30, 1977, and \$2,663 per annum thereafter, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:  
2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES AND EXPENSES:  
Applicant is owner of the upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:  
A. Public Resources Code: Div. 6, Parts 1 & 2.  
B. Administrative Code: Title 2, Div. 3,  
Arts. 1, 2, 10 & 11.

OTHER PERTINENT INFORMATION:

1. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907(a) which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.
2. This project is situated on State land identified as possessing significant environmental values pursuant to Public Resources Code 6370.1, and is classified in a use category, Class B, which authorizes Limited Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

APPROVALS REQUIRED AND OBTAINED:

This facility is subject to the jurisdiction of the Tahoe Regional Planning Agency, United States Army Corps of Engineers, California Department of Fish and Game,

CALENDAR ITEM NO. 16. (CONTD)

Lahontan Regional Water Quality Control Board, and the County of El Dorado. The proposed lease is conditioned on the approval of all agencies having jurisdiction.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO MICHAEL R. PHILLIPS OF A 15-YEAR GENERAL LEASE - COMMERCIAL USE FROM JULY 1, 1977, IN CONSIDERATION OF BACK RENT IN THE AMOUNT OF \$4,502 FROM JULY 1, 1967 THROUGH JUNE 30, 1977; AND ANNUAL RENT IN THE AMOUNT OF \$2,663, THEREAFTER; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; WITH PROVISION OF A \$5,000 SURETY BOND; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$450,000 PER OCCURRENCE FOR BODILY INJURY AND \$50,000 FOR PROPERTY DAMAGE, FOR MAINTENANCE OF 1 PIER, 1 WALKWAY FLOAT, 1 GAS PUMP FACILITY AND 70 MOORING BUOYS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

N 6185

Seventy-one parcels of land in the bed of Lake Tahoe, El Dorado County, State of California, and being more particularly described as follows:

PARCEL 1 -MARINA

BEGINNING at a point designated "15" as shown on the map recorded in Book 2 of Record of Survey, page 12, records of said county, said point having coordinates of X=2,580,636 and Y=474,260 conforming to the California Coordinate System, Zone II;

thence N 45° 31' 24" E a distance of 86.00 feet;  
thence S 44° 28' 36" E a distance of 22.00 feet;  
thence S 04° 15' 00" E a distance of 43.00 feet;  
thence S 48° 25' 00" W a distance of 298.00 feet;  
thence N 03° 15' 00" W a distance of 63.00 feet;  
thence N 35° 25' 50" W a distance of 22.00 feet;  
thence N 54° 34' 10" E a distance of 77.00 feet;  
thence N 18° 45' 00" W a distance of 104.00 feet;  
thence N 71° 15' 00" E a distance of 29.00 feet;  
thence S 18° 45' 00" E a distance of 81.00 feet;  
thence N 20° 45' 00" E a distance of 18.00 feet;  
thence N 14° 45' 00" W a distance of 33.00 feet;  
thence N 75° 40' 00" E a distance of 58.00 feet;  
thence S 30° 05' 00" E a distance of 50.00 feet;  
thence S 14° 45' 00" E a distance of 5.00 feet;  
thence S 20° 45' 00" W a distance of 12.06 feet;  
thence N 54° 34' 10" E a distance of 61.79 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark.

PARCEL 2-70 BUOYS

Seventy circular parcels of land 40 feet in diameter situated adjacent to and northwesterly of that land described in the Grant deed recorded May 9, 1963, in Book 636, page 236, Official Records of El Dorado County.

The bearings used in this description are based on the California Coordinate System, Zone II.

END OF DESCRIPTION

Prepared M. L. Shafiq Checked R. N. Hill  
Reviewed A. J. Bussecke Date 6/10/77

