

MINUTE ITEM

This Calendar Item No. C3
was approved as Minute Item
No. 3 by the State Lands
Commission by a vote of 2
to 0 at its 12-20-79
meeting.

CALENDAR ITEM

C3.

12/79
WP 1691
Gordon
PRC 1691

AMENDMENT, RENEWAL AND ASSIGNMENT OF
NON-COMMERICAL LEASE PRC 1691.1

APPLICANT: Brockway Development Company, Inc.
c/o Ziegler and Harris
600 Montgomery Street, 37th Floor
Transamerica Pyramid
San Francisco, California 94111

ASSIGNEE: The Brockway Club
2656 Bridgeway Boulevard
Sausalito, California 94965

AREA, TYPE LAND AND LOCATION:
A 0.62 acre parcel, 11 circular parcels,
each 40 feet in diameter that together
total 0.317 acre, and a 0.20 acre parcel,
all of which totally compose an aggregate
of 1.137 acres of submerged lands in Agate
Bay, Lake Tahoe at Brockway, Placer County.

LAND USE: Maintenance and operation of 2 piers, 3 floating
docks, related ancillary structures, and
11 mooring buoys, respectively, for non-
commercial multiple-use recreational purposes.

TERMS OF ORIGINAL LEASE:
Initial period: 15 years, from April 20,
1956.

Renewal options: 2 successive periods
of 10 years each.

Surety bond: \$1,000.

Consideration: \$30 per annum for a pier
and breakwater.

TERMS OF PROPOSED AMENDED LEASE DURING FIRST RENEWAL PERIOD:
Initial period: 10 years, from April 20,
1971.

Renewal options: 1 successive period of
10 years.

Surety bond: \$3,000.

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S 1

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Public liability insurance: \$800,000 per occurrence of bodily injury and \$200,000 for property damage, or combined single limit coverage of \$1,000,000.

Special:

1. The amendment increases the rental, insurance coverage, area of use, and brings the provisions for monetary consideration and standard covenants into conformance with current regulations and policies.

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

3. All other terms and conditions of the lease remain in full force and effect.

CONSIDERATION: Structures - \$1,143.23 from April 20, 1973 through April 19, 1980, and \$70 per annum thereafter; Buoys - \$1,456.46 from May 1, 1974 through September 28, 1978 and no fee thereafter pursuant to the provisions of PRC Section 6503.5 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 through June 29, 1975, 2006 from June 30, 1975 through July 1, 1978 and 2005 thereafter.

PREQUISITE TERMS, FEES AND EXPENSES:
Applicant is the lessee of the sovereign lands.

Assignee is the owner of the upland.

STATUTORY AND OTHER REFERENCES:

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- A. P.R.C.: Div. 6, Parts 1 & 2.
- B. Cal. Adm. Cod: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:

1. These facilities are utilized to accommodate the owners, tenants and guests of the condominium complexes located on the adjacent upland.
2. The consideration set forth herein is based on the current general permit fee schedule as approved by the Commission and made effective March 1, 1977. In the interest of settling the amount of rents due prior to March 1, 1977, and bringing certain long term existing facilities under lease, staff has negotiated, and recommends approval of, settlement of rents from April 20, 1973, to present using the current fee schedule.
3. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1(B) 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.
4. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 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 California Tahoe Regional Planning Agency, Tahoe Regional Planning Agency,

United States Army Corps of Engineers,
California Department of Fish and Game,
Lahontan Region - Water Quality Control
Board, and the County of Placer. The proposed
lease amendment 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 APPROVAL OF THE ASSIGNMENT AND GRANTING OF THE AMENDMENT AND RENEWAL OF LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 OF THE P.R.C.
3. AUTHORIZE THE AMENDMENT AND THE 10-YEAR RENEWAL OF NONCOMMERCIAL LEASE PRC 1691.1 FROM APRIL 20, 1971, WITH LESSEE'S OPTION TO RENEW FOR 1 SUCCESSIVE PERIOD OF 10-YEARS; IN CONSIDERATION OF RENT IN THE AMOUNT OF \$1,143.23 FROM APRIL 20, 1973 THROUGH APRIL 19, 1980 AND \$70 PER ANNUM THEREAFTER FOR THE STRUCTURES; AND \$1,456.46 FROM MAY 1, 1974 THROUGH SEPTEMBER 28, 1978 AND EXEMPT THEREAFTER PURSUANT TO THE PROVISIONS OF PRC SECTION 6503.5, FOR THE BUOYS; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; WITH PROVISION OF A \$3,000 SURETY BOND; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$800,000 PER OCCURRENCE FOR BODILY INJURY AND \$200,000 FOR PROPERTY DAMAGE; OR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000 FOR THE MAINTENANCE, OPERATION AND NONCOMMERCIAL USE OF 2 PIERS, 3 FLOATING DOCKS, RELATED ANCILLARY STRUCTURES, AND 11 MOORING BUOYS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
4. APPROVE THE ASSIGNMENT OF LEASE PRC 1691.1, COVERING THE SUBJECT FACILITIES, FROM BROCKWAY DEVELOPMENT COMPANY, INC. TO THE BROCKWAY CLUB.

EXHIBIT "A"

WP 1691

Two parcels of land in the State owned bed of Lake Tahoe, Placer County, California, described as follows:

PARCEL A

BEGINNING at a point which bears N 63° 03' 59" W, 2,571.93 feet from the A. W. Von Schmidt boundary monument, said monument being on the California-Nevada boundary line and approximately 325 feet north of Lake Tahoe; thence N 30° 57' 50" W, 180.76 feet; thence S 59° 02' 10" W, 150 feet; thence S 30° 57' 50" E, 180.76 feet; thence N 59° 02' 10" E, 150 feet to the point of beginning, said parcel "A" containing approximately 0.62 acres of submerged land in Lake Tahoe.

ALSO TOGETHER WITH 11 circular parcels of land, 40 feet in diameter, said parcels being adjacent to that land described as "Parcel 2" in the Corporation Quitclaim Deed recorded April 14, 1970, in Volume 1290, page 336, Official Records of Placer County.

PARCEL B

BEGINNING at a point which bears N 67° 45' 58" W, 2,386.39 feet from the A. W. Von Schmidt boundary monument, said monument being on the California-Nevada boundary line and approximately 325 feet north of Lake Tahoe; thence N 24° 19' 10" W, 114.13 feet; thence S 65° 40' 50" W, 75 feet; thence S 24° 19' 10" E, 114.13 feet; thence N 65° 40' 50" E, 75 feet to the point of beginning, said parcel "B" containing approximately 0.2 acres of submerged land in Lake Tahoe.

This lease description is not intended to constitute the establishment of the State's boundaries and is made without prejudice to any boundary claims which have been made or may be asserted in the future.

END OF DESCRIPTION

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EXHIBIT "B"

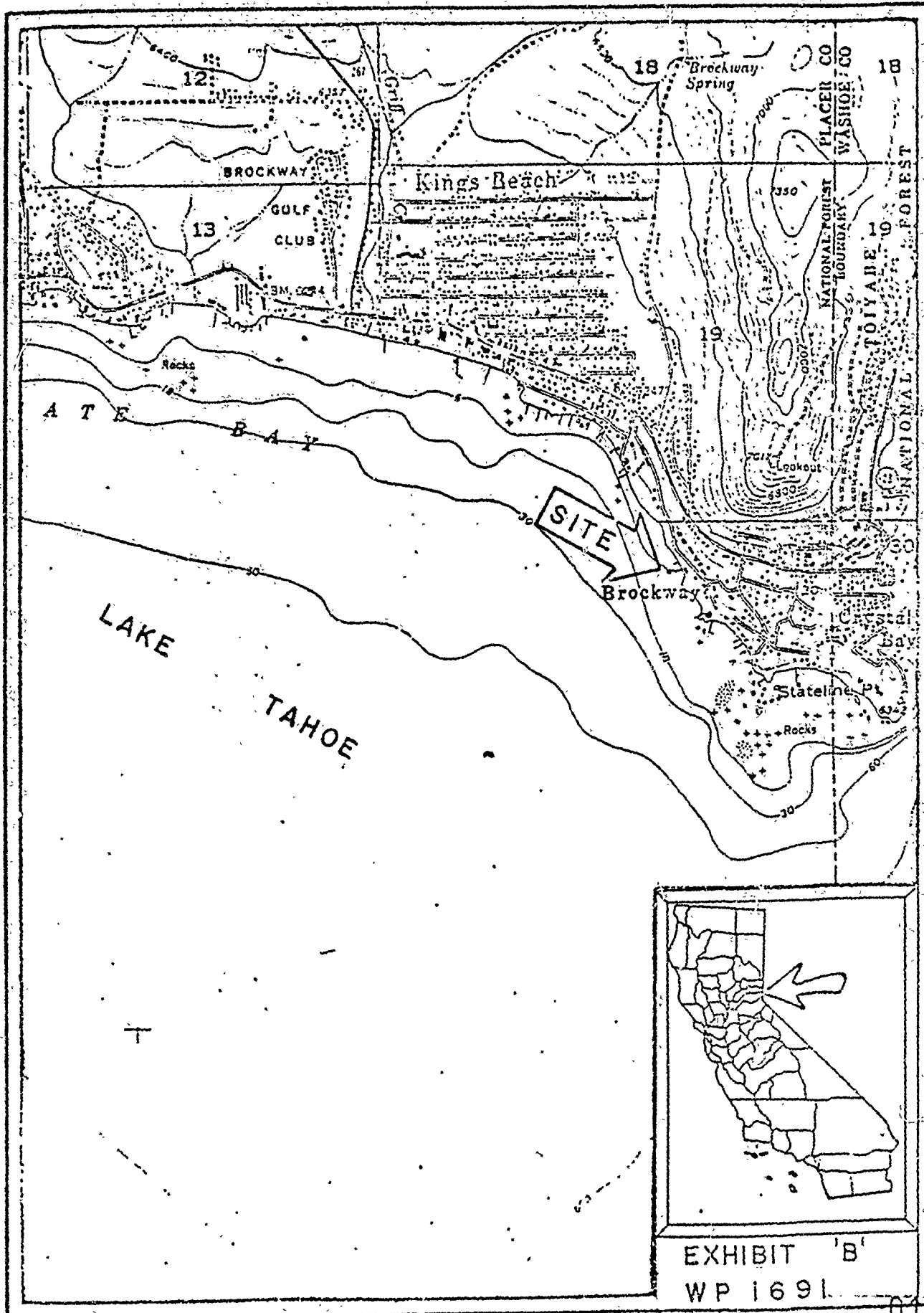


EXHIBIT 'B'
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