

**CALENDAR ITEM
C35**

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09/20/13
PRC 5857.1
N. Lee

RESCISSION AND ACCEPTANCE OF QUITCLAIM DEED

LESSEE:

Nathan Topol, dba Homewood Resort

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to Assessor's Parcel Numbers (APN) 097-130-028 through 097-130-033, near Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of 30 mooring buoys.

LEASE TERM:

40 years, beginning July 1, 1980.

CONSIDERATION:

\$300 minimum annual rent per year, against five percent of the gross annual income derived from the commercial activities related to the pier and mooring buoys, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$500,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. On June 21, 2013, the Commission authorized an amendment of Lease No. PRC 5857.1, a General Lease – Commercial Use, with Nathan Topol, dba Homewood Resort, to remove a pier as an authorized improvement. In addition, Mr. Topol executed a quitclaim deed releasing the sovereign land under and around the pier back to the Commission. The Commission then authorized a General Lease – Recreational Use, Lease No. PRC 9071.1, with Homewood Villas, LLC for the pier.

CALENDAR ITEM NO. **C35** (CONT'D)

2. Nathan Topol requested that the land description made part of Lease No. PRC 9071.1 and the quitclaim deed for Lease No. PRC 5857.1 be replaced with a revised land description based on a recent survey. As a result, staff is requesting that the authorization made by the Commission at the June 21, 2013 meeting to accept a quitclaim deed be rescinded and that a new quitclaim deed with the revised land description be considered. Mr. Topol has since passed away but his executor has requested that staff proceed with issuance of a new quitclaim deed. A staff report and recommendation is also on the September agenda to amend Lease No. PRC 9071.1 to include the revised land description.
3. The staff recommends that the Commission find that the subject rescission and acceptance of a quitclaim deed do not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and are, therefore, not projects in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBIT:

- A. Land Description

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject rescission and acceptance of a quitclaim deed are not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activities are not projects as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

1. Authorize rescission of a quitclaim deed for Lease No. PRC 5857.1, a General Lease – Recreational Use, approved by the Commission on June 21, 2013.
2. Authorize acceptance of a quitclaim deed releasing the sovereign land under and around the existing pier from Lease No. PRC 5857.1 and as described in Exhibit A.

EXHIBIT "A"

PIER AREA DESCRIPTION

PRC 5857.1

Being a parcel of submerged land, situate in the bed of Lake Tahoe, lying adjacent to Lot 3, of Tract 799, Harborside at Homewood, as filed in Book U of Maps at Page 39, Official Records of Placer County, California and more particularly described as follows:

Beginning at a point on the easterly line of said Lot 3, which bears North 22°29'08" West, 44.36 feet from the southeasterly corner of said Lot 3; thence from said point of beginning, departing said easterly line of said Lot 3, North 70°33'24" East, 75.39 feet; thence North 19°42'27" West, 11.95 feet; thence South 70°34'12" West, 75.97 feet, to a point on the said easterly line of said Lot 3; thence southeasterly along said easterly line of said Lot 3 South 22°29'41" East, 11.98 feet more or less to the point of beginning.

Above described parcel contains 905 square feet, more or less.

TOGETHER WITH a ten foot impact area.

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



8/12/13