

**CALENDAR ITEM**

**C18**

A 5

04/20/17

S 1

PRC 3682.1

M. Schroeder

**AMENDMENT OF LEASE AND REVISION OF RENT**

**LESSEE:**

David B. Kent and Darcie T. Kent, as Trustees of the Kent Revocable Trust,  
dated June 8, 2005

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Lake Tahoe, adjacent to 803 Stateline Avenue, city of South  
Lake Tahoe, El Dorado County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier and one mooring buoy.

**LEASE TERM:**

10 years, beginning April 16, 2012.

**CONSIDERATION:**

This lease provides that the Commission may modify the rent periodically during  
the lease term. Pursuant to this provision, staff conducted a review of the rent  
under this lease, and recommends rent be revised from \$772 to \$597 per year,  
effective April 16, 2017.

**PROPOSED 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.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, and 6503.5; California  
Code of Regulations, title 2, section 2000, subdivision (b).

## CALENDAR ITEM NO. **C18** (CONT'D)

### **Public Trust and the State's Best Interests Analysis:**

On October 19, 2012, the Commission authorized a 10-year General Lease – Recreational Use to the Lessee, beginning April 16, 2012, for an existing pier and one mooring buoy ([Calendar Item C28, October 19, 2012](#)). That lease will expire on April 15, 2022.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$772 to \$597 per year based on seasonal use, reduced impact area for the pier, and application of the updated Lake Tahoe Benchmark. Staff also recommends the lease be amended to reflect the new reduced lease (impact) area.

The recommended action will not substantially interfere with the Public Trust needs at this time and at this location. For these reasons, staff recommends finding the proposed action is in the best interests of the State.

### **OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 2.2 of the Commission's Strategic Plan to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Amendment of the lease to make an adjustment in the lease area and approving the revision of rent are not projects as defined by the California Environmental 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 amendment and revision of rent 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; are consistent with the common law Public Trust Doctrine and are in the best interests of the State.

CALENDAR ITEM NO. **C18** (CONT'D)

**AUTHORIZATION:**

1. Authorize the amendment of Lease No. PRC 3682.1, a General Lease – Recreational Use, effective April 16, 2017, 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).
2. Approve the revision of rent for Lease No. PRC 3682.1 from \$772 to \$597 per year, effective April 16, 2017.

## **EXHIBIT A**

**PRC 3682.1**

### **LAND DESCRIPTION**

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 1 of fractional Section 27, Township 13 North, Range 18 East, MDM., as shown on Official Government Township Plat approved October 4, 1907, County of El Dorado, State of California and more particularly described as follows:

#### **PARCEL 1 – PIER**

All those lands underlying an existing pier lying adjacent to that parcel as described in that Exhibit “A” of that Grant Deed recorded October 04, 2011 as Document Number 2011-0046087-00 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 – BUOY**

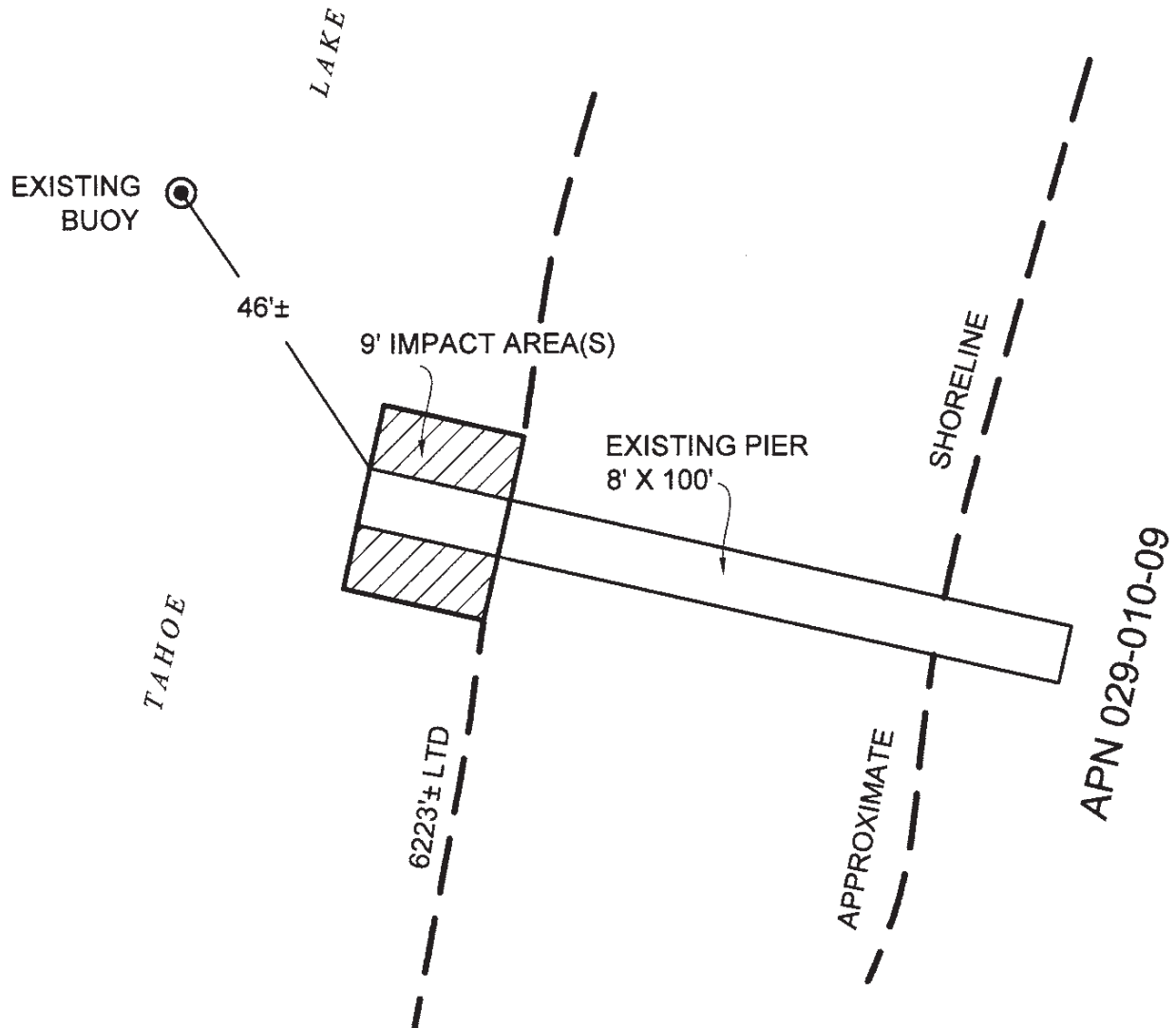
One (1) circular parcel of land, being 50 feet in diameter, underlying one (1) existing buoy lying adjacent to said parcel.

Accompanying plat is hereby made part of this description.

### **END OF DESCRIPTION**

Prepared November 29, 2016 by  
The California State Lands Commission Boundary Unit.





## EXHIBIT A

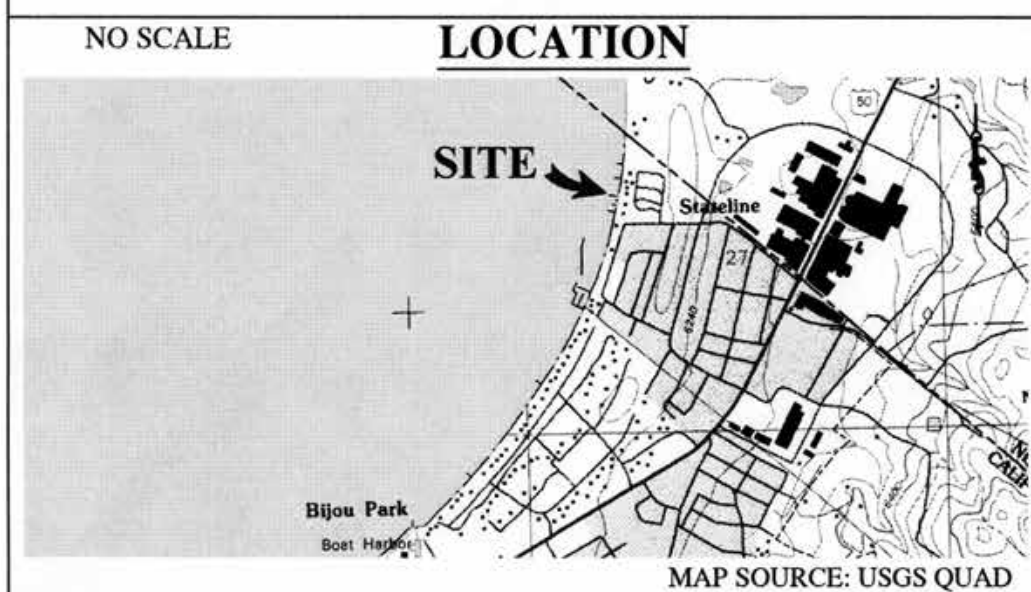
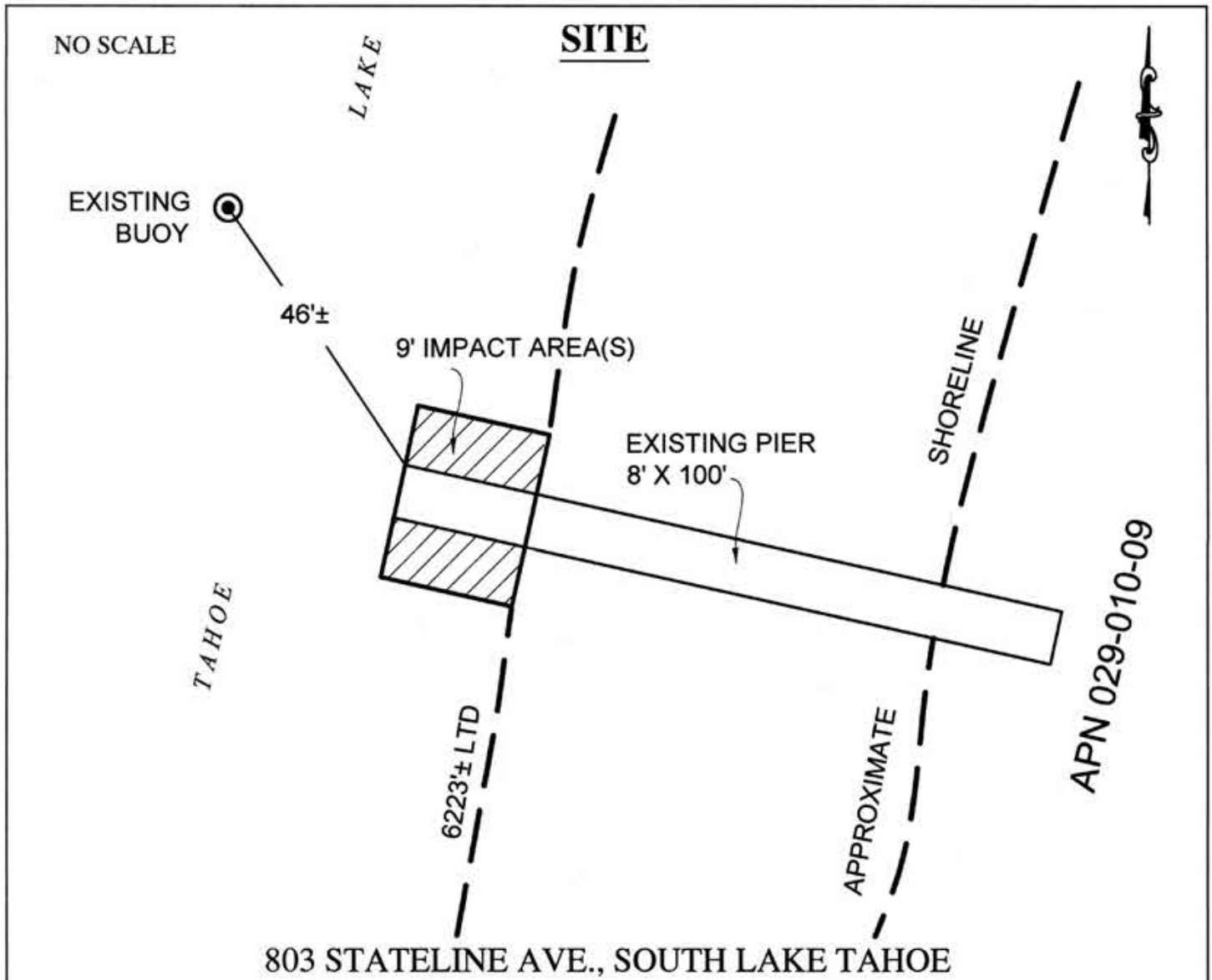
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MJJ 1/27/2017

LAND DESCRIPTION PLAT  
PRC 3682.1, KENT TRUST  
EL DORADO COUNTY

CALIFORNIA STATE  
LANDS COMMISSION





**Exhibit B**

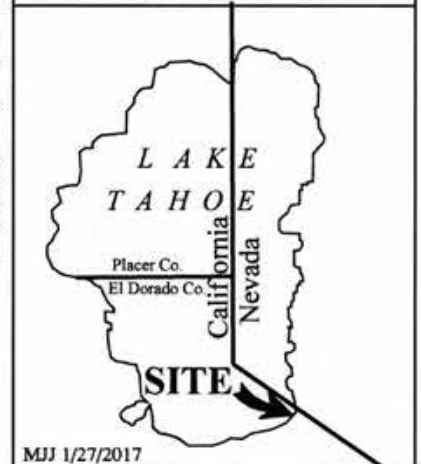
PRC 3682.1

KENT TRUST

APN 029-010-09

GENERAL LEASE -  
RECREATIONAL USE

EL DORADO 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.