

**CALENDAR ITEM
C59**

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04/26/13
PRC 7937.1
B. Terry

**CONSIDER ACCEPTANCE OF A QUITCLAIM DEED
AND ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE**

LESSEES:

Jonathan S. Kitchen and Nina Hatvany, Trustees of the Jonathan S. Kitchen and Nina Hatvany Declaration of Trust dated April 29, 1999

APPLICANTS:

Richard Kent Ledbetter II and Julie Rae Ledbetter, Trustees of the Ledbetter Revocable Trust dated October 8, 2007

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe adjacent to 656 Olympic Drive, Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of two existing mooring buoys.

LEASE TERM:

10 years, beginning August 10, 2012.

CONSIDERATION:

\$754 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$1,000,000.

Other:

The proposed lease contains a provision requiring the Applicants to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. This is a continuation of the process the Commission used from approximately

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1995 to October 2008 when TRPA adopted an FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the Amendments. When additional information is available, Commission staff will advise the Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and amended ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On March 25, 2008, the Commission authorized a 10-year Recreational Pier Lease with Jonathan S. Kitchen and Nina Hatvany, Trustees of the Jonathan S. Kitchen and Nina Hatvany Declaration of Trust dated April 29, 1999. That lease will expire on November 30, 2016. On August 10, 2012, the upland parcel was deeded to Richard Kent Ledbetter II and Julie Rae Ledbetter, Trustees of the Ledbetter Revocable Trust dated October 8, 2007. Applicants are now applying for a new General Lease – Recreational Use. The Lessees requested termination of the lease and executed a Lease Quitclaim Deed. Staff is recommending acceptance of the Quitclaim Deed and issuance of a new lease to the Applicant.
3. A pier is located adjacent to the upland parcel; however, the pier does not extend onto State fee-owned land waterward of the low water mark elevation 6,223-feet, Lake Tahoe Datum. Therefore, the pier is not included in the authorized improvements in the lease.
4. **Acceptance of Quitclaim Deed:** The staff recommends that the Commission find that the subject acceptance of quitclaim deed does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project 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.

5. **Issuance of Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Acceptance of Quitclaim Deed: Find that the subject acceptance of quitclaim deed is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of Lease: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize acceptance of a quitclaim deed effective August 9, 2012, of Lease No. PRC 7937.9, a Recreational Pier Lease, issued to Jonathan S. Kitchen and Nina Hatvany, Trustees of the Jonathan S. Kitchen and Nina Hatvany Declaration of Trust dated April 29, 1999.

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2. Authorize issuance of a General Lease – Recreational Use to Richard Kent Ledbetter II and Julie Rae Ledbetter, Trustees of the Ledbetter Revocable Trust, dated October 8, 2007, beginning August 10, 2012, for a term of 10 years, for the continued use and maintenance of two existing mooring buoys, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$754 with the State reserving the right to fix a different rent periodically during the least term, as provided in the lease; and liability insurance with coverage of no less than \$1,000,000.

EXHIBIT A

PRC 7937.1

LAND DESCRIPTION

Two (2) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 5 of fractional Section 7, Township 15 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 9, 1866, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 & 2 – BUOYS

Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to that Lot as described in that Grant Deed recorded August 10, 2012 as Document Number 2012-0072965-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared December 6, 2012 by the California State Lands Commission Boundary Unit.



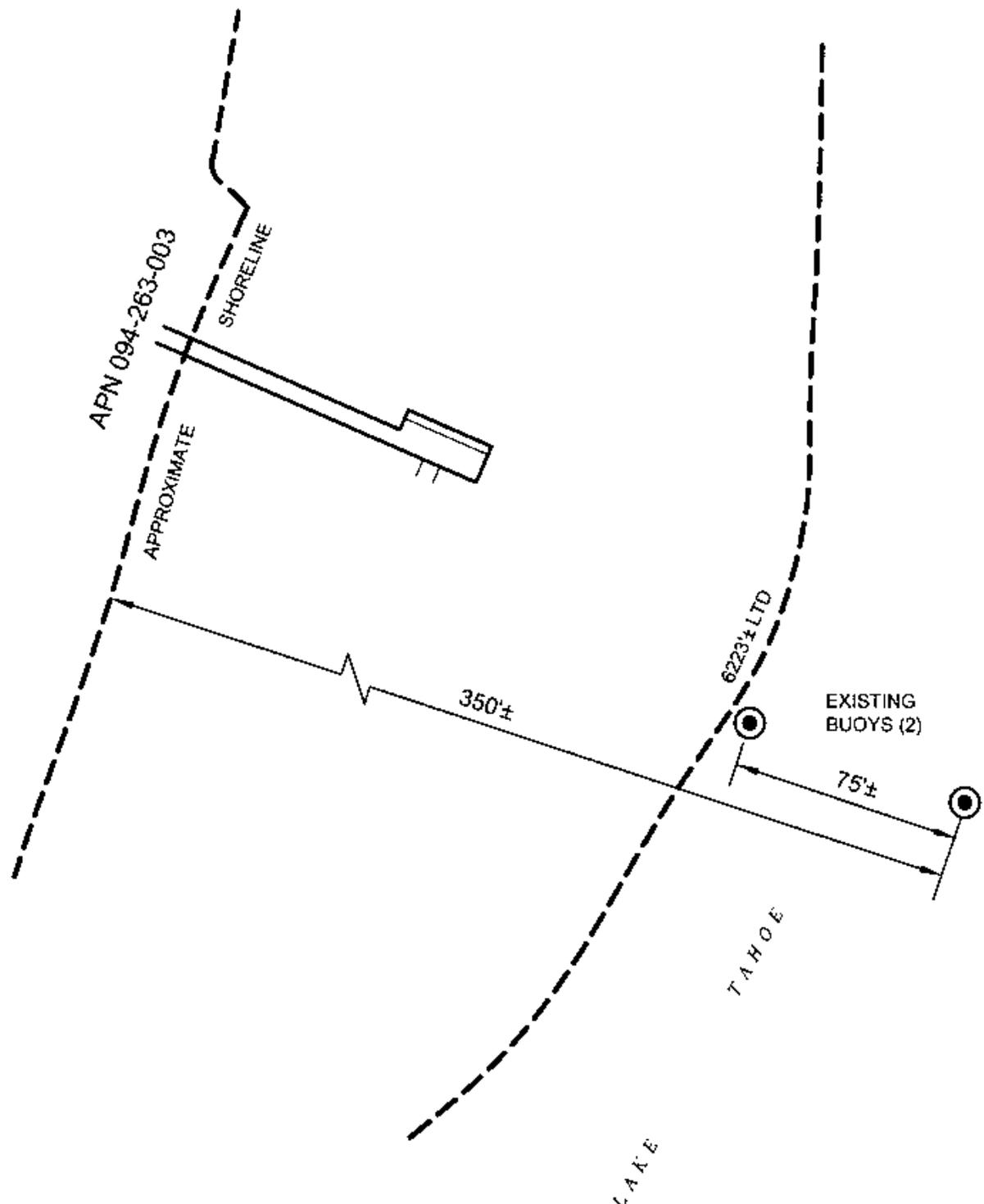


EXHIBIT A

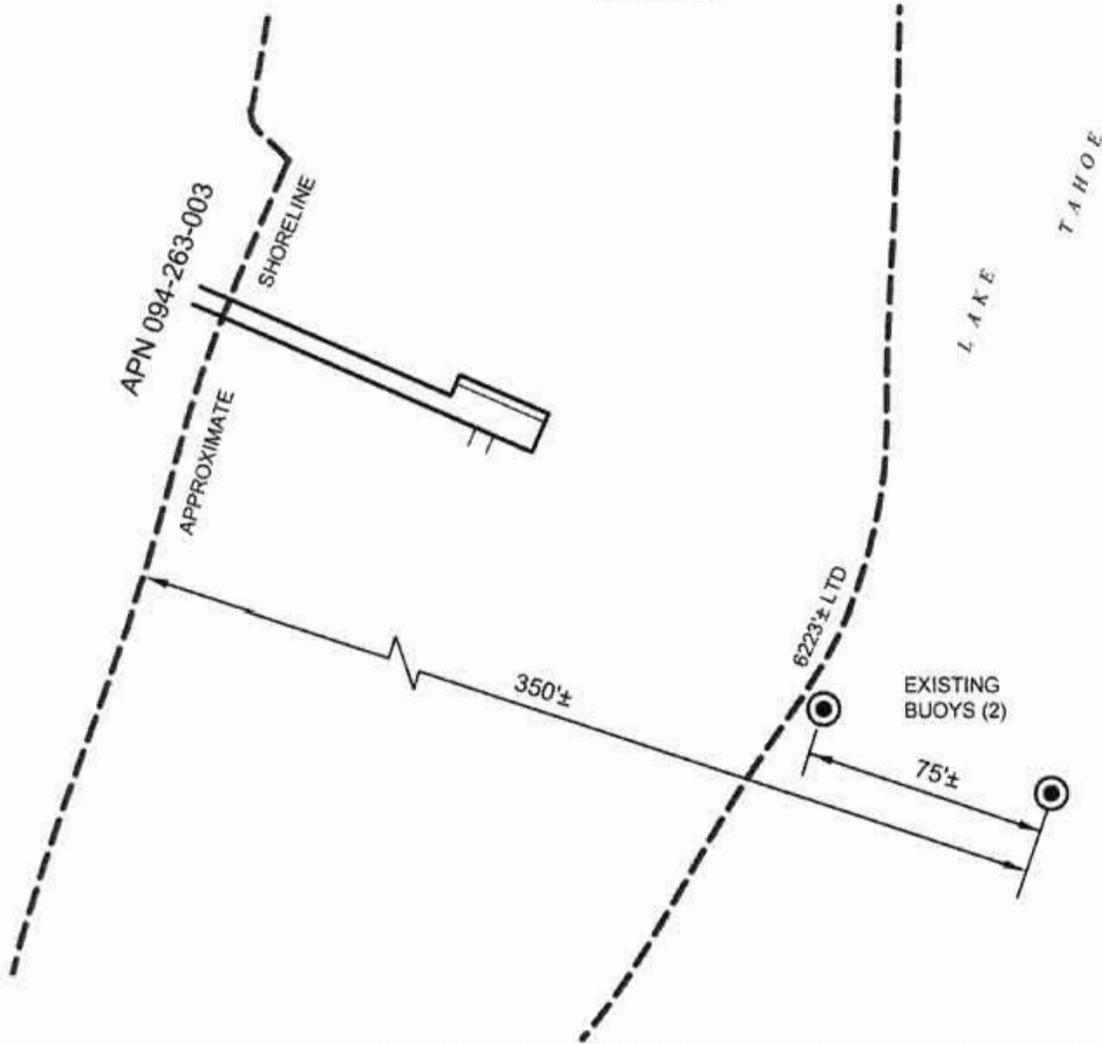
LAND DESCRIPTION PLAT
PRC 7937.1, LEDBETTER
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



656 OLYMPIC DRIVE, NEAR TAHOE CITY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit B

PRC 7937.1
 LEDBETTER
 APN 094-263-003
 GENERAL LEASE -
 RECREATIONAL USE
 PLACER COUNTY



MJJ 12/06/12