

**MEMORANDUM  
DEPARTMENT OF FACILITY SERVICES  
COUNTY OF PLACER**

To: Honorable Board of Supervisors

Date: August 18, 2015

From: Ken Grehm, Facility Services Interim Director

By: Laurie Morse, Property Manager

Subject: Property Management Division / Terminate Lease Associated with Kings Beach Pier

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**ACTION REQUESTED:**

Adopt a Resolution to terminate the January 1, 1977 Lease between the County of Placer and the California State Lands Commission for the submerged land associated with the Kings Beach Public Pier.

**BACKGROUND:**

In 1977 the County entered into a 49-year Public Agency Permit No. PRC 5338.9 (Lease) with the California State Lands Commission (SLC) for rights to maintain the Kings Beach Public Pier over a submerged portion of land located water-ward of the high water mark, which is defined as elevation 6,228.75-foot Lake Tahoe Datum (LTD), see Attachment 1 – Property Map. This Lease was required due to the State's claim of fee ownership of land located water-ward of high water. About that time, the County and the California Department of Parks and Recreation were in discussions on transfer of ownership of the Pier which culminated sometime in 1979. The requirement for this Lease changed in 1982 as a result of two court cases: State of California v. The Supreme Court of Placer County (Fogerty) (1981), and later Fogerty v. State of California (1986). These cases affirmed State ownership of the submerged lands of Lake Tahoe water-ward of elevation 6,223-foot LTD (low water), and that the State has a Public Trust Easement between high and low water. After this determination, the State did not take action to terminate prior leases over lands it no longer owned. The SLC has now determined the Lease, with eleven years remaining, should be terminated since the area covered by the Lease is no longer owned by the State, and the Pier does not extend water-ward of low water where the SLC has jurisdiction.

SLC requested Placer County provide written Notice of Termination, pursuant to Section 5, Paragraph 35, of the Lease, where it is stated the Lease may be terminated by mutual agreement of the parties. County Counsel has reviewed this request and advised staff to issue a Notice of Intent to Terminate, pursuant to Section 22 wherein the County may terminate with 60 days prior written notice. Staff issued this Notice of Intent to Terminate on June 18, 2015 indicating such Lease would terminate on August 18, 2015 subject to your Board's consent and approval of such termination. Consequently, your Board's adoption of the attached Resolution is necessary to terminate the Lease.

**ENVIRONMENTAL IMPACT:**

The termination of this Lease is Categorical Exempt from review pursuant to Section 15301 of the California Environmental Quality Act. The Section provides for activities, including leasing of existing facilities, where there is no expansion of use beyond that previously existing.

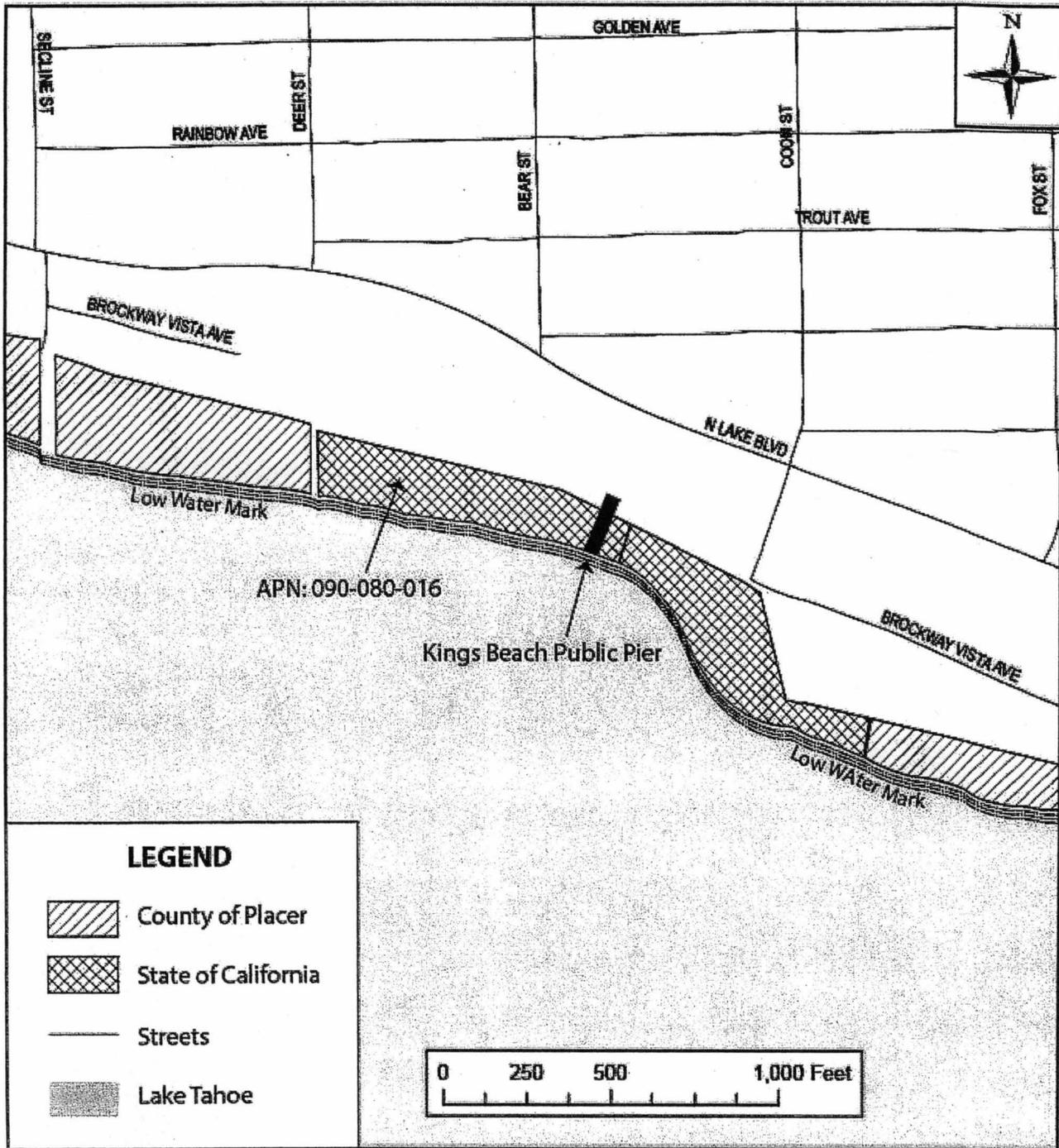
**FISCAL IMPACT:** There is no fiscal impact as there is no cost associated with this action.

Attachment 1- PROPERTY MAP  
Attachment 2 - RESOLUTION

KG:MR:LM

CC: COUNTY EXECUTIVE OFFICE

PROPERTY MAP



# Before the Board of Supervisors County of Placer, State of California

**In the matter of: TERMINATION OF THE LEASE  
ASSOCIATED WITH THE KINGS BEACH PUBLIC  
PIER BETWEEN THE COUNTY OF PLACER AND  
THE CALIFORNIA STATE LANDS COMMISSION**

Resol. No: \_\_\_\_\_

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held \_\_\_\_\_, 2015 by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

\_\_\_\_\_  
Chair, Board of Supervisors

Attest:

\_\_\_\_\_  
Clerk of said Board

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WHEREAS, In 1977 Placer County entered into a 49-year Lease with the California State Lands Commission (SLC) for rights to maintain the Kings Beach Public Pier over a submerged portion of land located water-ward of the high water mark, at no cost to County; and

WHEREAS, in 1977, the Lease was required because the State claimed fee ownership of land located water-ward of high water; and

WHEREAS, in 1982, the requirement for this Lease changed as a result of two court cases that affirmed State ownership of the submerged lands of Lake Tahoe water-ward of the low water mark; and

WHEREAS, the SLC has requested the County terminate the Lease since the area of the Lease is no longer owned by the State and the pier does not extend water-ward of low water; and

WHEREAS, the County has issued a Notice of Intent to Terminate to the SLC, pursuant to Section 5, Paragraph 35, of the Lease, where it states the Lease may be terminated by mutual agreement of the parties and Section 22 wherein the County may terminate with 60 days prior written notice.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors does hereby approve the termination of the Lease associated with the Kings Beach Pier.

