



**MEMORANDUM
FACILITIES MANAGEMENT
REAL ESTATE SERVICES DIVISION**
County of Placer

TO: Honorable Board of Supervisors DATE: April 27, 2021
FROM: Steve Newsom, Director of Facilities Management
By: Laurie Morse, Deputy Director
SUBJECT: Real Estate Services / License Agreement / Obexer and Son, Inc. / Lake
Boulevard Right of Way, Homewood, California

ACTION REQUESTED

Approve a License Agreement with Obexer and Son, Inc. (Obexer), which provides Obexer a license to exclusively use a portion of Lake Boulevard right of way in exchange for Obexer granting Placer County a license to three Public Access Areas to Lake Tahoe and two Beach Areas on the Lake Tahoe shoreline, for a four (4)-year Initial Term and an automatic 10-year extension following Obexer's completion of access area improvements at its sole cost and expense.

Authorize the Director of Facilities Management, or designee, to execute the License Agreement.

BACKGROUND

The Lake Boulevard right of way located in Homewood, CA, identified as APN 097-154-004-000, 005-000, 007-000 (see Property Map - County Property Interest), was dedicated by the McKinney Tract subdivision map filed in 1909.

Since 1911, Obexer has owned and operated a store, boat marina, launch, boat maintenance, and storage business on the West Shore of Lake Tahoe in Homewood, CA.

From 1974 to 1994, Obexer leased a portion of the County's Property Interest from the County. Under this lease, Obexer was authorized to maintain encroachments and to exclude the general public. Thereafter, the County consistently maintained that public access must be allowed within the County Property Interest. Since then, Obexer has continued to use the County Property Interest without a lease or license allowing its use while allowing some public access to certain areas of the County Property Interest.

In recent years, following communications relative to Obexer's use of the County Property Interest, County staff and Obexer representatives engaged in negotiations and have reached a mutually beneficial approach to allow Obexer's commercial operations on a portion of the County Property Interest while also ensuring public access to the Lake Tahoe. The following describes key terms of the proposed License Agreement:

1. The County grants Obexer's a license to exclusively use a portion of the County Property Interest (see Obexer License Area on Property Map), in connection with its existing marina and boat storage use on its property. The Obexer License Area excludes the North Beach and South Beach Area. No permanent structures or other improvements shall be constructed within the Obexer License Area without County's advance written approval, which may be withheld in the County's sole discretion.

2. Obexer's grants the County three 15-foot wide Public Access Areas and shall allow public use of the North and South Beach Areas, which will be open to the public in June 2021. Within the initial term, which is four (4) years, Obexer's will construct pathway improvements and has the option to construct a vehicular loop which would improve traffic flow on and off the property, in addition to providing for pedestrian access to the public beach areas. Obexer's is responsible for maintaining and repairing the improvements.
3. Draft plans for the improvements, with the vehicular loop option, are attached to the Agreement, and the County agrees to support Obexer's in seeking all necessary approvals for the project.
4. Once the County accepts the pathway improvements and/or the vehicular loop as complete, a 10-year term will automatically commence.
5. Change in Use. If there is a change in use of the Obexer's property from the current marina and boat storage use, Agreement is subject to termination at County's sole discretion, in which case Obexer's exclusive use of the Obexer License Area would cease.
6. Indemnity / Insurance. Obexer will maintain property and liability insurance for the License Area, Public Access Areas, and South and North Beach Areas as required by County Risk Management.
7. Public Use and Public Benefit Services. Obexer will provide continued public access to boat fueling and allow at no cost, public use of the North Beach Area, public benefit services such as Placer County Sheriff and U.S. Coast Guard boat launching, and TCPUD Sailing School instruction and boat storage in the Northern Beach Area.

For resolution of this matter, your Board's approval of the recommended License Agreement is necessary.

ENVIRONMENTAL IMPACT

Approval of this license agreement is Categorical Exempt from review pursuant to Section 15301 of the California Environmental Quality Act. This Section provides for activities, including leasing of existing facilities, when there is no expansion of use beyond that previously existing.

FISCAL IMPACT

No rent will be paid for the use of the County Property Interest. Obexer will bear the cost of the design and construction of the Improvements to the Public Use Areas as well as perform ongoing maintenance and upkeep. The cost to administer this agreement is included in the Real Estate Services FY 2020-21 Adopted Budget.

Honorable Board of Supervisors

April 27, 2021

Subject: Real Estate Services / License Agreement / Obexer and Son, Inc. / Lake Boulevard Right of Way,
Homewood, California

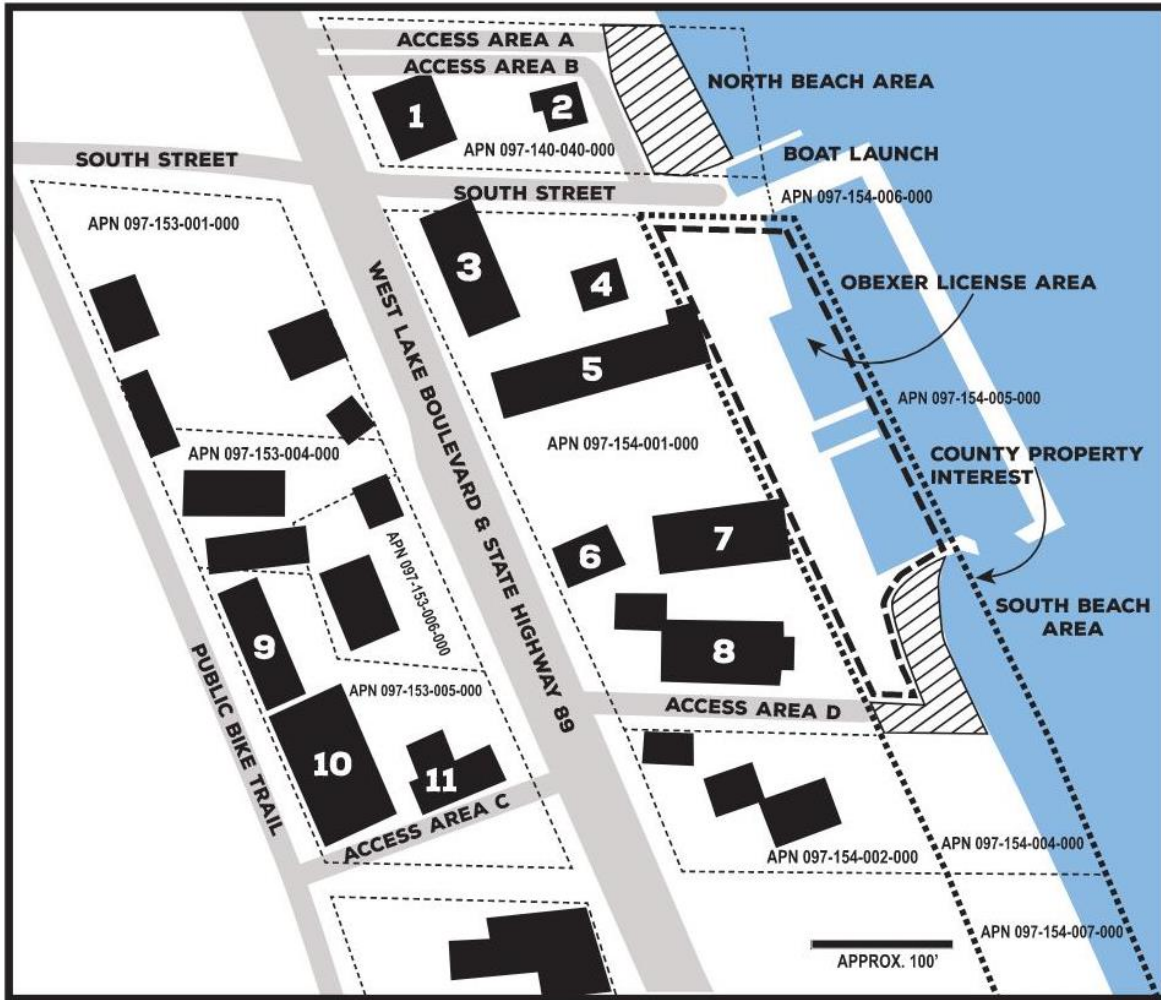
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ATTACHMENTS

Property Map

On file with Clerk of the Board: License Agreement

PROPERTY MAP



OBEXER STRUCTURES

1. MARINE SUPPLIES BUILDING
2. BROWN HOUSE BUILDING
3. GENERAL STORE
4. OFFICE BUILDING
5. BOAT STORAGE
6. MECHANICS SHOP BUILDING
7. BOAT STORAGE
8. GARAGE & BOAT STORAGE
9. BOAT STORAGE
10. BOAT STORAGE
11. WEST SHORE SPORTS

PUBLIC ACCESS AREAS

- A. FROM HWY 89 TO NORTH BEACH AREA
- B. ALTERNATIVE TO AREA A. HWY 89 TO NORTH BEACH AREA, CONNECTING TO LOOP
- C. FROM PUBLIC BIKE TRAIL TO HWY 89
- D. FROM HWY 89 TO SOUTH BEACH AREA

PUBLIC SHALL HAVE ACCESS TO NORTH BEACH AREA AND SOUTH BEACH AREA