

Property owners file lawsuit to stop KGID from expanding pump station along Tahoe's shores

By Kathryn Reed

A lawsuit was filed this week to stop Kingsbury General Improvement District from making more than \$6 million in improvements to its water pumping plant at the shore of Lake Tahoe.

Tahoe Shores, which owns the land where the KGID facility is located in Stateline, has the authority per prior agreements to prevent further expansion. Tahoe Shores is the one who owns the land. But KGID is not abiding by those agreements.

This property is where a mobile home park sits and the future Tahoe Beach Club will go.



KGID and the property owners disagree on who has final say regarding future improvements to the Stateline facility. Photo/Provided.

In October, the KGID board voted for a rate increase to cover

the costs of switching to meters. Some question if the fee is really to pay for the upgrades to the intake facility that are mandated by federal water guidelines.

KGID General Manager Cameron McKay told *Lake Tahoe News* he could not comment on anything regarding the lawsuit until he spoke with legal counsel, which was not expected to be until at least next week.

“We want to put them on notice they are violating the state and federal Constitutions by taking land. And if they want to, they must pay for it,” attorney Lew Feldman, who is representing Tahoe Shores, told *Lake Tahoe News*. “This would be government taking if they do it.”

A non-exclusive easement exists, which allows Tahoe Shores and KGID to have rights to the land where the water pump house is. Among other things, it means KGID is not supposed to have locked gates, like it does, to prevent Tahoe Shores from accessing that area.

The agreement states, “KGID is not permitted to add on, modify, increase or relocate the ‘improvements’ without the prior written consent of Tahoe Shores, which may be withheld in its sole and absolute discretion.”

The two sides have been exchanging letters this fall, but not to a resolution that satisfies the owners of Tahoe Shores.

Tahoe Shores has offered a parcel at the other end of the project area where KGID could build the improved facility. This would be inland and not on the shore. It is also being offered for free.

According to Feldman, KGID has turned down that offer.

It would be an obvious boon to the Tahoe Beach Club project because it would mean getting rid of the structure that is a bit of an eyesore.

As a government agency, KGID does have the power of eminent domain and therefore could take the land after paying fair market value for it.

But as long as Tahoe Shores owns the land KGID will have a hard time getting a permit from the Tahoe Regional Planning Agency because the property owner has to be involved in that process.

Unless a resolution is found outside of the courthouse, it will be up to a judge in the District Court of Douglas County to resolve the dispute.