10/79
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Gordon

MINUTE ITEM

46. AUTHORIZATION OF SUIT FOR EJECTMENT AND COLLECTION OF RENTALS

Calendar Item 46., attached, was pulled from the agenda prior to the Meeting.

Attachment: Calendar Item 46. (3 Pages)

CALENDAR ITEM

46.

10/79
WP 653
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Gordon

AUTHORIZATION OF SUIT FOR
EJECTMENT AND COLLECTION OF RENTALS

APPLICANT: Obexer and Son, Inc.
P. O. Box 186
Homewood, California 95716

AREA, TYPE LAND AND LOCATION:
A 0.910 acre parcel and eleven 0.0288 acre circular parcels, each 40 feet in diameter aggregating 0.317 acres, all totalling 1.227 acres of submerged lands in Lake Tahoe at McKinney Bay near Homewood, Placer County.

LAND USE: Maintenance of an existing commercial marina facility and 11 existing mooring buoys; plus emergency dredging.

BACKGROUND: On July 15, 1976, staff received applicant's application for a replacement lease. Following completion of a staff appraisal, a proposed 15-year General Lease - Commercial Use agreement, beginning September 20, 1976, was transmitted to applicant for review and execution.

Pursuant to applicant's separate letter application dated March 11, 1977, relative to an emergency dredging project within the subject marina, the Commission at its April 28, 1977 meeting approved, as Minute Item No. 27, its prior authorization to issue such emergency dredging permit for 1,000 cubic yards; with spoils to be placed on a privately-owned upland site at a charge of $0.25 per cubic yard; and with the permit to expire May 1, 1978.

In staff's subsequent contacts with applicant, applicant has refused to cooperate with and accept staff's recommended lease terms, offers, or suggestions, relative to execution of said proposed lease agreement. As permittee

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of the Commission's emergency dredging permit, applicant has failed to provide the required quarterly and final reports of operation and to pay the royalty for dredged material removed from sovereign lands. Applicant's conduct indicates a clear lack of intent to comply with the Commission's applicable leasing regulations in spite of staff' numerous personal and written contacts, and attempts of cooperation. It appears that applicant further intends to continue in open trespass and use of the subject sovereign lands, with continued disregard for the Commission's jurisdiction.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE STAFF AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO TERMINATE THE CONTINUING TRESPASS OF OBEXER AND SON, INC. ON STATE-OWNED SUBMERGED LANDS IN LAKE TAHOE, PLACER COUNTY, AND TO COLLECT JUST COMPENSATION FOR THE UNAUTHORIZED USE OF SAID LANDS.

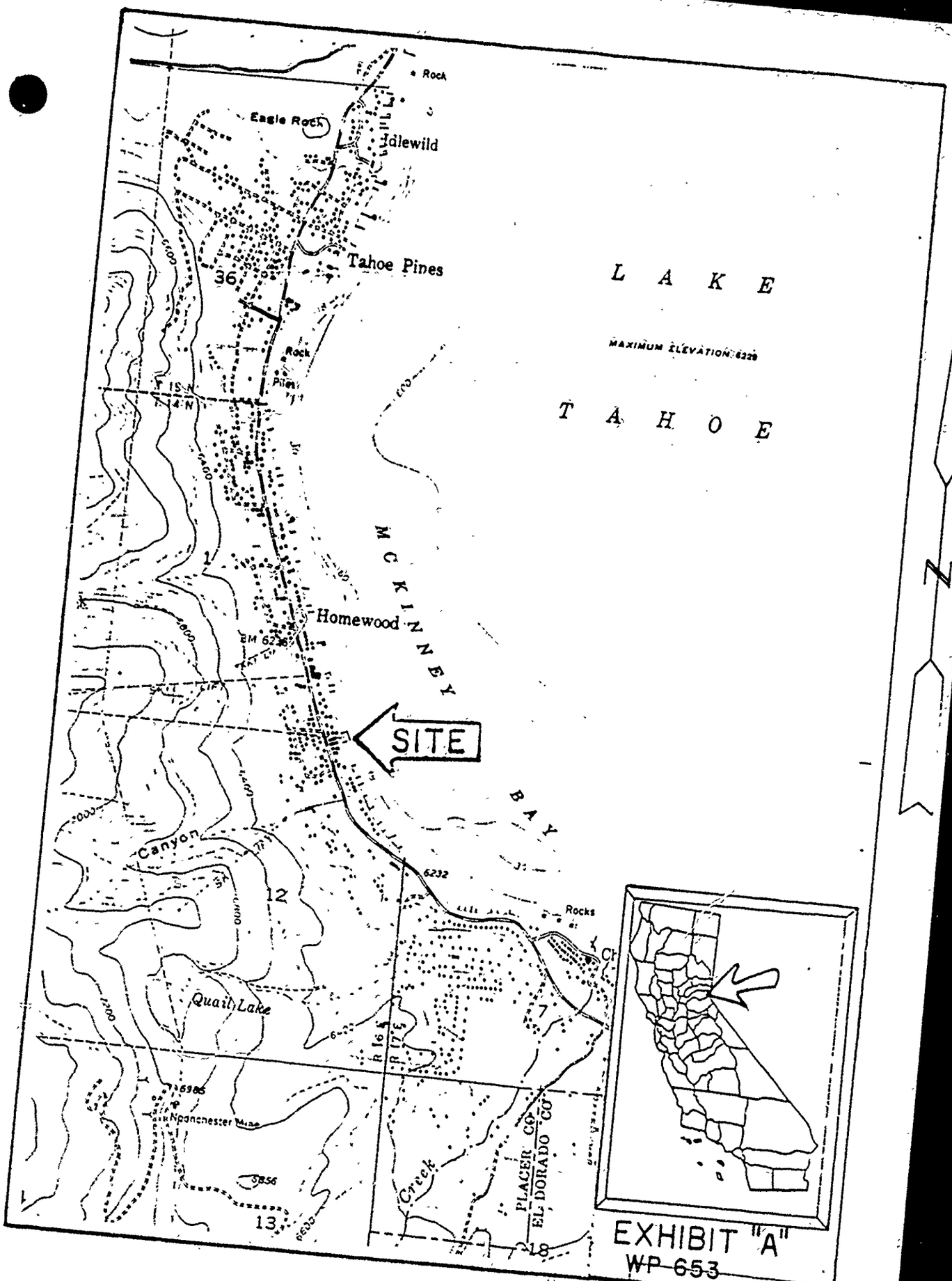

EXHIBIT "A"
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