

MINUTE ITEM
52

5/27/82
Grimmett
W 20732

AUTHORIZATION OF LITIGATION
FOR EJECTMENT AND DAMAGES FOR
UNAUTHORIZED OCCUPATION OF
STATE-OWNED LAND

Calendar Item 52 was pulled from the agenda prior to the meeting.

Attachment: Calendar Item 52.

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CALENDAR ITEM

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AUTHORIZATION OF LITIGATION
FOR EJECTMENT AND DAMAGES FOR
UNAUTHORIZED OCCUPATION OF
STATE-OWNED LAND

PROSPECTIVE DEFENDANT:

Robert L. Breeze,
Playmate Resort Marinas, et al.
730 S. Cypress
La Habra, California 90631

AREA, TYPE LAND AND LOCATION:

A 1.13[±] acre parcel of tide and submerged
land in Disappointment Slough, San Joaquin
County.

LAND USE:

Commercial marina known as Paradise Point
Marina.

BACKGROUND:

On or about September 24, 1979, Mr. Robert
L. Breeze assumed the operation of Paradise
Point Marina, a portion of which occupies
State-owned land in Disappointment Slough.
Prior to Mr. Breeze's operation, staff
had negotiated a proposed lease with Mr. Robert
Torrey, which was not consummated.

By letter dated January 22, 1980, Mr. Breeze
was advised to apply for a State Lands
Commission lease pursuant to United States
Army Corps of Engineers Public Notice 5191F,
dated January 7, 1980.

By letter dated October 29, 1981, the General
Manager of Paradise Point Marina was provided
a set of lease application forms to be
forwarded to Mr. Breeze.

By previous telephone calls and by letter
of March 19, 1982, Mr. Jerry Kelly, Vice
President of Playmate Resort Marinas and
designated as leasing agent of Paradise
Point Marina, was advised of the necessity
to apply for a lease to use State-owned

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land in Disappointment Slough. (Playmate Resort Marinas appears to be the operator of several commercial marinas owned or controlled by Mr. Robert L. Breeze.)

By letter of April 30, 1982, to Mr. Robert Breeze, Mr. Jerry Kelly and Playmate Resort Marinas, the parties were notified by certified mail that they must apply for a lease to use State-owned land.

CURRENT SITUATION:

The Commission staff has diligently attempted to bring Mr. Breeze under lease for the use of State land, but has not been successful.

To date there has been no response from Mr. Breeze or his organization.

AB 884: N/A.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE STAFF COUNSEL AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO TERMINATE THE CONTINUING UNAUTHORIZED OCCUPATION OF MR. ROBERT L. BREEZE AND PLAYMATE RESORT MARINAS, ET AL. AND ANY OTHER NECESSARY PARTIES ON STATE-OWNED TIDE AND SUBMERGED LAND IN DISAPPOINTMENT SLOUGH, SAN JOAQUIN COUNTY, AND TO COLLECT REASONABLE COMPENSATION FOR THE UNAUTHORIZED USE OF SAID LANDS.

