

MINUTE ITEM

This Calendar Item No. 34
was approved as Minute Item
No. 34 by the State Lands
Commission by a vote of 3
to 0 at its 6/29/82
meeting.

CALENDAR ITEM

34

6/29/82
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AUTHORIZATION FOR LITIGATION
FOR EJECTMENT AND DAMAGES FOR
UNAUTHORIZED OCCUPATION OF
STATE-OWNED LAND

PROSPECTIVE DEFENDANT:

Robert I. 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 tide and submerged lands in
Disappointment Slough. Prior to Mr. Breeze's
operation, staff had negotiated a proposed
lease with Mr. Robert Torrey, which was
not consumated.

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

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CALENDAR ITEM NO. 34 (CONTD)

Point Marina, was advised of the necessity to apply for a lease to use State-owned 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, et al., the parties were notified by certified mail that they must apply for a lease to use State-owned land.

By letter of May 26, 1982, staff counsel notified Mr. Breeze of the requirement of Playmate Resort Marinas coming under lease and the potential legal consequences for failure to do so.

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.

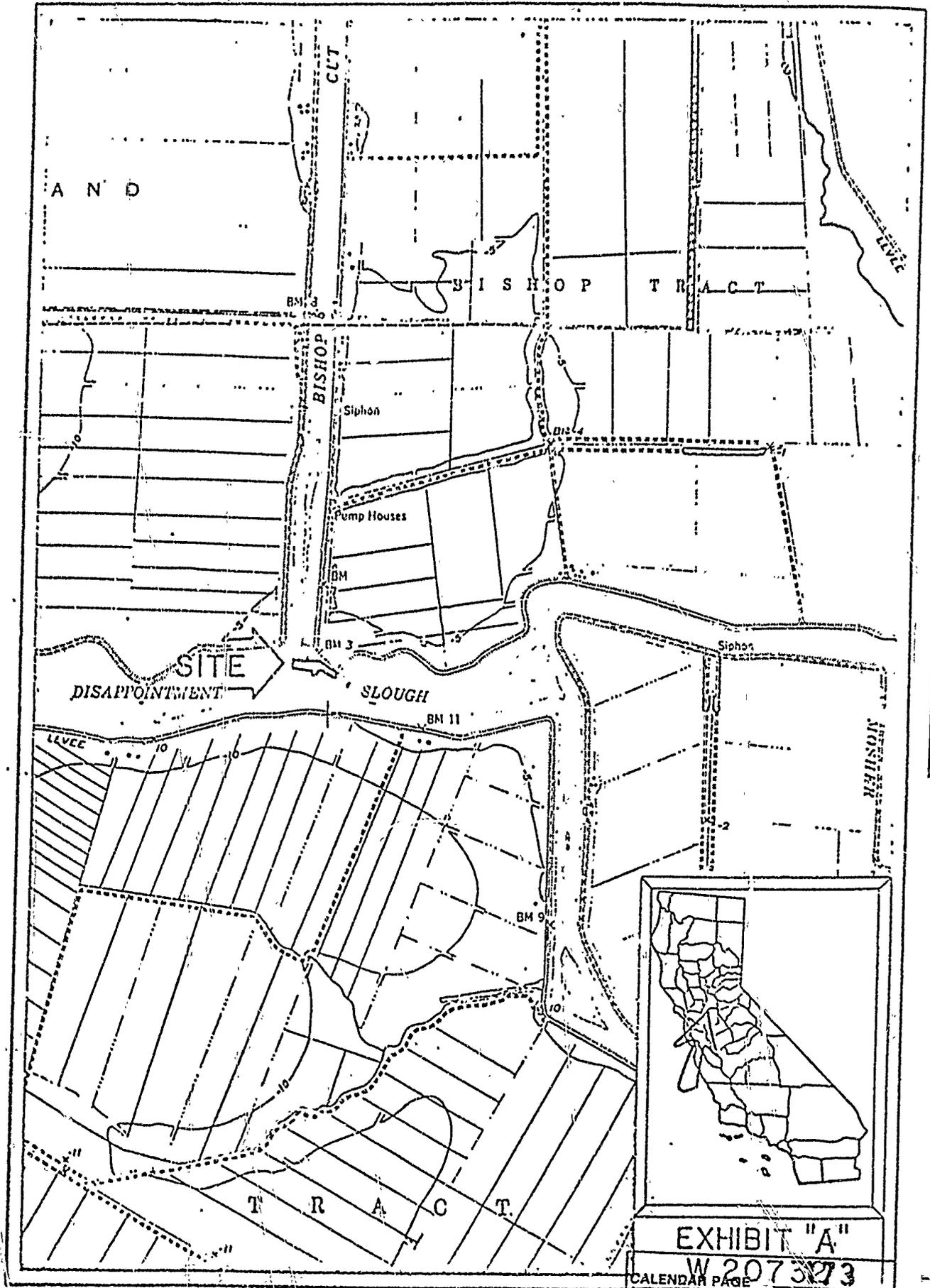


EXHIBIT "A"

W 2073273
CALENDAR PAGE

Stockton 10 Mi.

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