

MINUTE ITEM

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7/25/85

CALENDAR ITEM

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W 23081

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

PARTIES: Sylvan Mondot and Ann Mondot dba Mossdale Marina 73 East Stewart Road Lathrop, California 95330

AREA, TYPE LAND AND LOCATION: A 0.667-acre area of tide and submerged land in the San Joaquin River near Manteca, Assessor's Parcel No. 213-320-02, San Joaquin County.

UNAUTHORIZED USE:

- 1. Nature of use: Commercial marina facilities; floating docks and a fuel pump.
2. Appropriate authorization: General Lease - Commercial Use.
3. Duration of use: From November 15, 1982 to present.
4. Value of use: Total of \$3,048 for use through July 14, 1985 and \$95.25 per month thereafter; plus interest of 1 1/2 percent per month on amounts due.
a. \$3,048 for use from November 15, 1982 through July 14, 1985 (based on nine percent of appraised value). Values based upon staff appraisal and rental rates based upon 2 Cal. Adm. Code 2003.

DEMANDS:

- 1. Written: By letters dated June 6, 1983, July 1, 1983; July 30, 1984, September 20, 1984, October 18, 1984, November 16, 1984;

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January 25, 1985, and February 27, 1985. The Party has been notified of the requirement for a lease.

2. Oral: Phone calls on December 13, 1983; June 27, 1984, August 2, 1984, and August 8, 1984; Personal contacts on October 23, 1984 and June 10, 1985.

**CURRENT STATUS:**

The Commission staff has diligently attempted to bring Sylvan Mondot and Ann Mondot, dba Mossdale Marina under lease for the use of State lands but has been unsuccessful to date.

**OTHER PERTINENT INFORMATION:**

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

AB 884: N/A.

EXHIBITS: A. Legal Description.  
B. Site Map.

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. 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 STATE-OWNED TIDE AND SUBMERGED LAND IN THE BED OF THE SAN JOAQUIN RIVER, SAN JOAQUIN COUNTY, BY SYLVAN MONDOT AND ANN MONDOT, DBA MOSSDALE MARINA, AND/OR ANY PARTY WITH INTEREST; AND TO COLLECT REASONABLE COMPENSATION FOR THE PRIOR USE OF SUCH LANDS; AND FOR WHATEVER OTHER LEGAL OR EQUITABLE REMEDIES THAT MAY BE NECESSARY OR APPROPRIATE.

EXHIBIT "A"

LAND DESCRIPTION

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A parcel of tide and submerged land in the bed of the San Joaquin River, San Joaquin County, California, described as follows:

BEGINNING at the most southerly corner of that parcel described in the Grant Deed recorded November 15, 1982 in the Official Records of San Joaquin County, Document No. 82067194; thence along the westerly boundary of said parcel N 41° 15' 00" W 125.30 feet; thence N 27° 50' 00" W 140.80 feet; thence N 20° 40' 00" W 71.00 feet; thence N 11° 36' 00" W 168.70 feet; thence along the northerly boundary of said parcel and the easterly prolongation of said northerly boundary N 72° 48' 00" E 106.00 feet; thence leaving said prolongation S 35° 39' 10" E 429.91 feet to the easterly prolongation of the southerly boundary of said parcel; thence along last said easterly prolongation and said southerly boundary S 47° 30' 00" W 196.00 feet to the point of beginning.

EXCEPTING THEREFROM any portion thereof lying landward of the ordinary high water mark of the San Joaquin River.

END OF DESCRIPTION

REVISED JUNE 4, 1985 BY BOUNDARY SERVICES UNIT, M.L. SHAFER, SUPERVISOR.

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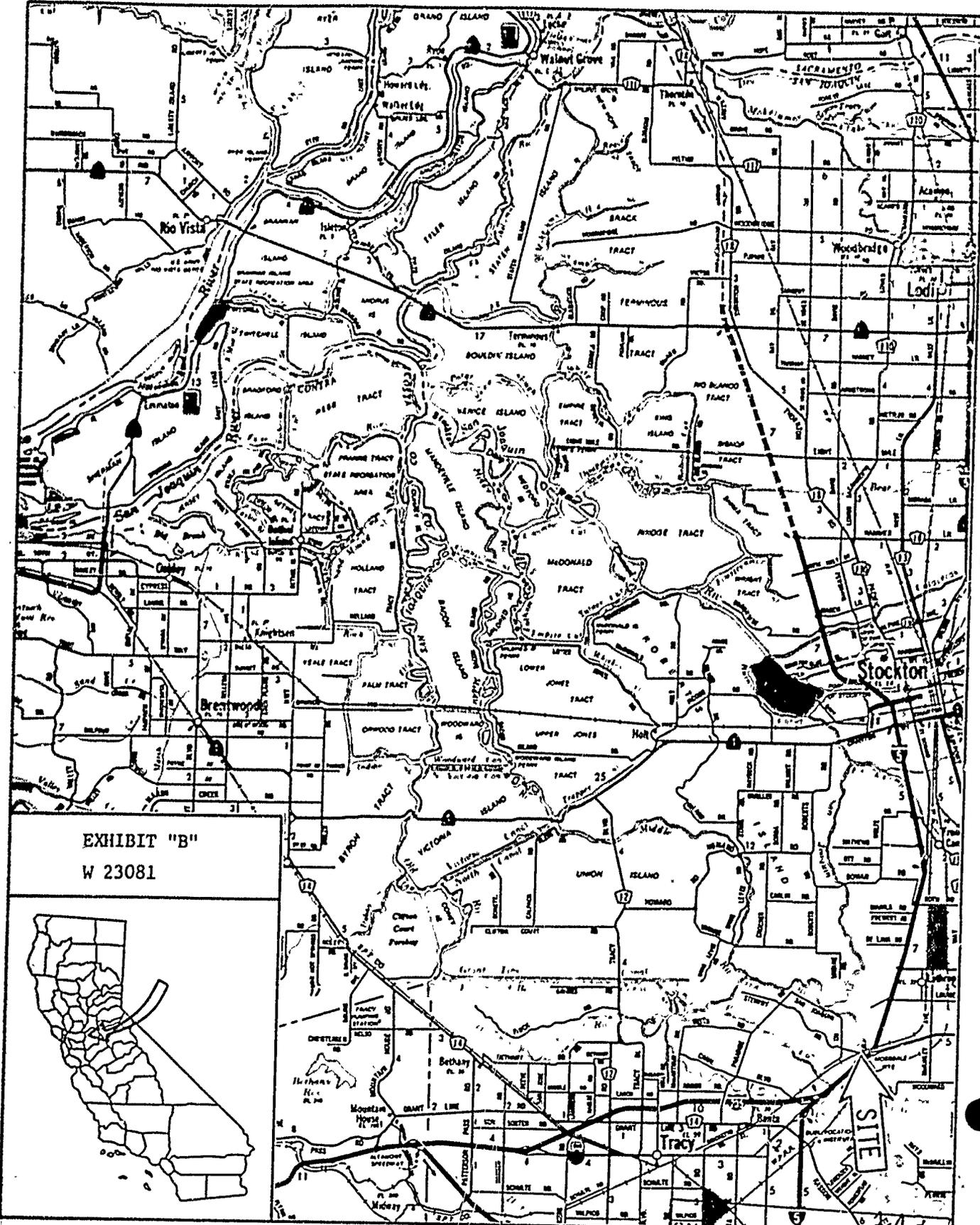


EXHIBIT "B"  
W 23081

