

EXHIBIT K
UNITED STATES ARMY CORPS OF
ENGINEERS CORRESPONDENCE
SHEET 1 OF 3



CERTIFIED MAIL

RECEIPT REQUESTED

DEPARTMENT OF THE ARMY
SACRAMENTO DISTRICT, CORPS OF ENGINEERS
650 CAPITOL MALL
SACRAMENTO, CALIFORNIA 95814

REPLY TO SPKGO-0
ATTENTION OF

16 January 1976

Mr. Emil S. Von Dessonneck
123 Edgewood Avenue
San Francisco, California 94117

Dear Mr. Von Dessonneck:

This letter concerns the portion of your chain link fence which extends into Lake Tahoe adjacent to Placer County Assessor's Parcel No. 93-060-00.

An inspection of your fence was conducted by personnel of this office as part of our continuing program to see that all facilities in or over navigable waters of the United States are not an existing or potential hazard to navigation. Further, such facilities require Federal approval in the form of a Department of the Army Permit in compliance with the River and Harbor Act of 3 March 1899. This Act prohibits the placing of any structures in navigable waters, unless work has been recommended by the Chief of Engineers and authorized by the Secretary of the Army.

The Corps of Engineers' Regulations for evaluating applications for permits to construct facilities in or over navigable waters of the United States state "A landowners general right of access to navigable waters is subject to similar rights of access held by nearby landowners and to the general public's right of navigation on the water surface. Proposals which create undue interference with access to, or use of, navigable waters will generally not receive favorable consideration." Since your fence impedes access to the waters of Lake Tahoe by extending approximately 15' into the lake beyond Elevation 6229.1 we feel that allowing this fence to remain would not be in the public interest. Therefore, you are hereby directed to take the necessary action to effect the removal of that portion of the fence which extends lakeward of the normal high water line of Lake Tahoe (Elevation 6229.1 Lake Datum), by no later than 1 May 1976. Disposal of all material is to be in a manner that will prevent reentry into the waterway. If removal of the fence is not completed by the above date appropriate action will be initiated by this office under the River and Harbor Act of 3 March 1899.



WJH

16 January 1976

SP500-0

Mr. Paul S. Von Dessenbeck

Thank you for your cooperation in this matter and if you have any questions concerning this action, please contact our Regulatory Section, Room 6527, or telephone (916) 440-2580.

Sincerely yours,

F. G. ROCKWELL, JR.
Colonel, CE
District Engineer

Copy furnished:
Tahoe Regional Planning Agency
P. O. Box 8896
South Lake Tahoe, CA 95705

State Lands Commission
1807 - 13th Street
Sacramento, CA 95814

Placer County Dept. of Public Works
County Administration Center
Auburn, CA 95602

Feb. 76

1121043

123 Edgewood Ave

S. 7 94117.

Phone # 687 4896

Dear Sirs

Re your letter to my late husband
File ref: S.D. 76-1-28 about a chain link fence
When the property was purchased about
18 to 20 years ago from Mr Robert Hamilton &
his mother, he had the fence put in then,
at that time it was 7 or 8 feet from the water
line - the lake was very low that year. He also
at that time retained 5 feet of property running
all the way back to the back of the property to
insure there being no road cut-through to
the Dollen side.

The entire Hamilton estate was then
taken over by Dr John Hamilton, who also disliked
the idea of opening up the property as we did
ourselves.

Many years later the entire property was
purchased by Grubb & Ellis for condominiums & they
also retained rights to the five feet for the water
sewerage for these houses.

Very Truly Yours

Wimpey van Ossenmarkt

(23-000-08)

P.S. Your people have already taken the fence down