

MINUTE ITEM

9/29/75
EWC

39. AUTHORIZATION TO INITIATE EJECTMENT PROCEEDINGS AGAINST JOSEPH RUSSO; BETHEL ISLAND, CONTRA COSTA COUNTY - W 5113.

During consideration of Calendar Item 37 attached, Mr. John Walsh appeared on behalf of Mr. Joseph Russo. He explained that Mr. Russo is presently in the hospital and requested that the Commission defer taking action against him until Mr. Russo can personally look into the matter.

Mr. N. Gregory Taylor, Deputy Attorney General, suggested that the Commission could authorize filing suit against Mr. Russo with the understanding that discussions would be entered into prior to actually filing suit. If the discussions are not successful, the Commission's authorization would stand.

Upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE LEGAL STAFF OF THE DIVISION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO INITIATE EJECTMENT PROCEEDINGS AGAINST JOSEPH RUSSO FOR THE UNAUTHORIZED MAINTENANCE OF MARINA FACILITIES IN PIPER SLOUGH AT BETHEL ISLAND, CONTRA COSTA COUNTY.

Attachment:
Calendar Item 37 (1 page)

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CALENDAR ITEM

37.

9/75
EWC
W 5113

AUTHORIZATION TO INITIATE EJECTMENT PROCEEDINGS

Russo's Harbor consists of docks, a residence, launching facility and extensive covered berthing in Piper Slough at Bethel Island, Contra Costa County. It is owned by Mr. Joseph Russo, P. O. Box 487, Bethel Island, California. The marina had been in operation for some time prior to the Division's investigation which began in 1964. In that year, Mr. Russo was mailed an offer to lease, based upon an appraisal. No response was received to the Division's letters.

In 1967 the Division was notified that Mr. Russo proposed to extend the existing structures further into Piper Slough. Another appraisal was scheduled and was completed, and an offer to lease was mailed to him.

Mr. Russo subsequently notified the Division that he was postponing plans to construct the dock extension.

The existing structures continue to occupy state-owned land in Piper Slough. In a telephone conversation on August 28, 1975, initiated by the Division, the Russo's still refused to enter into a lease agreement covering the submerged land they occupy.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE LEGAL STAFF OF THE DIVISION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO INITIATE EJECTMENT PROCEEDINGS AGAINST JOSEPH RUSSO FOR THE UNAUTHORIZED MAINTENANCE OF MARINA FACILITIES IN PIPER SLOUGH AT BETHEL ISLAND, CONTRA COSTA COUNTY.

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