

36. AUTHORIZATION OF SUIT FOR EJECTMENT AND COLLECTION OF RENTALS, SUBMERGED LAND IN LAKE TAHOE NEAR CAMP RICHARDSON, EL DORADO COUNTY; EUGENE D. AND CHARLOTTE F. SHEA - W 20488.

During consideration of Calendar Item 36 attached, Mr. Eugene Shea appeared in pro per. Mr. Shea protested the Division's position that the one-room structure he built adjacent to his home is interpreted as a single family residence. He explained the room was not built as an addition to his house because trees would have had to be cut down. In addition, he expressed his willingness to pay his rent as long as others in the area also paid. Mr. James P. Trout, Manager, Land Operations, reported that the staff is bringing under lease all similarly-situated property owners. Mr. Shea also pointed out his application should be considered as a Recreational Pier Permit.

Mr. Trout explained that the staff's strict interpretation of the law could be changed whereby the one-room structure could be considered as part of the main residence instead of a separate dwelling. He further explained that the staff is seeking back rent from Mr. Shea for his pipeline which extend into the lake.

Mr. N. Gregory Taylor, Assistant Attorney General, stated that there is a question of whether or not Mr. Shea is the littoral upland owner. However, Chairman Wory stated that until he has been duly noticed, it should be assumed Mr. Shea is the littoral owner.

Due to the questions raised, Mr. Trout suggested the item be deferred one month, during which time negotiations for a lease could be entered into. The Commission concurred, and the item was deferred until the June meeting.

Attachment:
Calendar Item 36 (2 pages)

CALENDAR ITEM

5/76
W 20488
GDG

36.

AUTHORIZATION OF SUIT FOR EJECTION AND
COLLECTION OF RENTALS

APPLICANT: Eugene D. and Charlotte F. Shea
916 - A Marin Street
Vallejo, California 94590

AREA, TYPE LAND, LOCATION AND FACILITY:

An 0.042 acre parcel, and an 0.029 acre circular parcel 40 feet in diameter, accommodating 1 existing pier and 1 buoy, respectively, for recreational boating; and an 0.016 acre parcel used for 1 domestic water intake pipeline right of way, all on submerged land in Lake Tahoe near Camp Richardson, El Dorado County.

BACKGROUND:

On November 6, 1972, the Division received applicant's letter application for a replacement rent-free recreational pier permit. Staff analysis and review of the application revealed that existing improvements on the littoral land do not qualify this application in a rent-free status under Public Resources Code, Section 6503.

With transmittal letters dated April 10, 1974, and January 9, 1975, the latter being certified mail with a return receipt requested, the staff advised the applicant of having a term of 5 years from October 11, 1972 through October 10, 1977, for applicant's consideration and execution. By certified mail dated December 20, 1974, applicant was advised that erection or maintenance of structures on State-owned land under the jurisdiction of the State Lands Commission without written authorization from the Commission is a violation of the Public Resources Code. Under applicant's protest on January 20, 1975, the Division received partial payment of the first 3 years' rental; however, no executed Use Permit documents have been returned to staff for Commission consideration. Applicant has failed to respond to communication's of the State Lands Division since May 15, 1975; appears to be indifferent to leasing efforts; and further appears to intend to flagrantly trespass upon State sovereign land.

EXHIBIT: A. Location Map.

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CALENDAR ITEM NO. 36. (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE STAFF OF THE STATE LANDS DIVISION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, IN ORDER TO ELIMINATE THE CONTINUING TRESPASS OF EUGENE D. AND CHARLOTTE F. SHEA FROM STATE-OWNED SUBMERGED LAND IN LAKE TAHOE, EL DORADO COUNTY, AND TO COLLECT JUST COMPENSATION FOR THE UNAUTHORIZED USE OF SAID LAND.

Attachments: Exhibit "A"