

MINUTE ITEM

This Calendar Item No. 37
was approved as Minute Item
No. 37 by the State Lands
Commission by a vote of 2
to 0 at its 5-27-76 MINUTE ITEM
meeting.

5/27/76
EPW

37. REPORT OF COMMERCIAL MARINAS IN HOLDOVER STATUS ON THE
SACRAMENTO RIVER, SACRAMENTO COUNTY, AND AUTHORIZATION TO
COMMENCE LEGAL PROCEEDINGS IN EJECTMENT - WP 623, WP 2587,
WP 4081, W 320.604.

During consideration of Calendar Item 37 attached, Mr. William F.
Northrop requested the Commission to delete the Wittpen-Garcia
Bend Marina (WP 4308) because it was brought under lease.

Upon motion duly made and carried, the following resolution,
as amended, was adopted by a vote of 2-0:

THE COMMISSION AUTHORIZES STAFF OF THE STATE LANDS DIVISION
AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS
NECESSARY, INCLUDING LITIGATION, IN ORDER TO BRING THE HOLD-
OVER TENANTS IDENTIFIED UNDER WORK ORDER FILFS WP 623, WP 2587,
WP 4081, AND W 320.604 INTO COMPLIANCE WITH LEASE REGULATIONS
OR EJECT THEM FROM SOVEREIGN LANDS.

Attachment:
Calendar Item 37 (1 page)

A 4, 5
S 4, 3

CALENDAR ITEM

57.

REPORT OF COMMERCIAL MARINAS IN HOLDOVER
STATUS ON THE SACRAMENTO RIVER,
SACRAMENTO COUNTY, AND AUTHORIZATION TO
COMMENCE LEGAL PROCEEDINGS
IN EJECTMENT

5/76
WP 623.
WP 2587.
WP 4081
WP 4308
W 320.604
EPW

The owners of the following commercial marinas have been sent lease documents to continue their lawful use of State-owned tide and submerged lands but have not returned them to this Division together with the appropriate rent.

- | | |
|--|-----------|
| 1. Schilling (Formerly: Captain's Table) | WP 623 |
| 2. Hussey - Village Marina | WP 2587 |
| 3. Powell - Da Rosa Marina | WP 4081 |
| 4. Wittpen - Garcia Bend Marina | WP 4308 |
| 5. Robies - B. & B. Marina | W 320.604 |

Each of the owners of these marinas was personally contacted and notified of lease requirements in regard to the State Lands Commission. As of this date, no lease document of sovereign lands has been received from these marina owners. Each is in holdover status. It would appear that the marinas listed above are using State funds for personal gain without just compensation to the State.

In addition, if this condition is permitted to go unchecked, it becomes more difficult to bring other operations, as they become identified, under valid permit or lease.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Div. 6, Parts 1 & 2.
- B. Administrative Code: Title 2, Div. 3,
Arts. 1, 2, 10 & 11.

EXHIBITS: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE STAFF OF THE STATE LANDS DIVISION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, IN ORDER TO BRING THE HOLDOVER TENANTS IDENTIFIED UNDER WORKORDER FILES WP 623, WP 2587, WP 4081, WP 4308, AND W 320.604 INTO COMPLIANCE WITH LEASE REGULATIONS OR EJECT THEM FROM SOVEREIGN LANDS.

A. 4, 5

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