

8. (PERRY V. STATE, SACRAMENTO COUNTY SUPERIOR COURT CASE NO. 82058 - W. O. 574.)

Following presentation of Calendar Item No. 15 attached, during which the Executive Officer indicated that he had recommended to the Attorney General's office that the matter be settled out of court, Deputy Attorney General Paul M. Joseph informed the Commission that he concurred in the recommendation of the staff, based on the fact that the Perrys had spent considerable money developing the land in question and that continuing prosecution of the lawsuit would be expensive and would not clear up the problems involved.

Upon being questioned by the Chairman as to the value of the property, the Executive Officer reported that at the time the Perrys had started their improvements the area involved probably was not worth more than \$200 or \$300. He indicated that the fault lay with the State in not having determined years ago what was being done in the area and taking some action at that time.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE STATE WILL ACCEPT A PAYMENT IN THE AMOUNT OF \$1,000.00 FOR RELEASING ITS CLAIMS TO THE ISLAND AND, FURTHER, WILL ARRANGE FOR A LEASE FOR THE WATER AREA IN THE CHANNEL BETWEEN THE ISLAND AND THE MAINLAND, OCCUPIED BY FINGER PIERS, AT THE COMMISSION'S ESTABLISHED MINIMUM RATE OF \$100.00 PER YEAR.

Attachment

Calendar Item 15 (1 page)

MISCELLANEOUS

15.

(PERRY V. STATE, SACRAMENTO COUNTY SUPERIOR COURT CASE NO. 82058 - W. O. 574.)

On September 1, 1949, a Complaint to Quiet Title was filed by B. F. Perry and Anona Dunbar Perry, his wife, as plaintiffs, v. State of California, et al., defendants, in the Superior Court of the State of California, in and for the County of Sacramento. This case had to do with the ownership of a channel and an island along the right bank of the Mokelumne River. This matter has been in litigation ever since. The Superior Court having jurisdiction found in favor of State ownership of this channel and island, but upon appeal the matter was recently remanded for further testimony.

There appear to be equities involved in this case beyond the mere letter of the law and, upon consultation with the office of the Attorney General, it appears to be advisable not to prolong this case in the courts any longer, but to attempt to make an equitable adjustment with the present occupants, Mr. & Mrs. Perry.

IT IS RECOMMENDED THAT THE STATE ACCEPT A PAYMENT IN THE AMOUNT OF \$1,000.00 FOR RELEASING ITS CLAIMS TO THE ISLAND, AND FURTHER ARRANGE FOR A LEASE FOR THE WATER AREA IN THE CHANNEL BETWEEN THE ISLAND AND THE MAINLAND, OCCUPIED BY FINGER PIERS, AT THE COMMISSION'S ESTABLISHED MINIMUM RATE OF \$100.00 PER YEAR.