

MINUTE ITEM

7/26/73
RCH

18. REQUEST THE CONCURRENCE OF THE STATE LANDS COMMISSION IN THE FILING OF A COMPLAINT IN EJECTMENT BY THE OFFICE OF THE ATTORNEY GENERAL, SAID CASE BEING ENTITLED STATE OF CALIFORNIA ACTING BY AND THROUGH THE STATE LANDS COMMISSION, PLAINTIFF, V. DART INDUSTRIES, INC., ET AL., NEVADA COUNTY SUPERIOR COURT CASE NO. 18595 - W 503.743.

After consideration of Calendar Item 17 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION CONCURS IN THE ACTION OF THE EXECUTIVE OFFICER IN REQUESTING, AND THE OFFICE OF THE ATTORNEY GENERAL IN FILING, ACTION NO. 18595 NEVADA COUNTY SUPERIOR COURT, ENTITLED STATE OF CALIFORNIA ACTING BY AND THROUGH THE STATE LANDS COMMISSION, PLAINTIFF, V. DART INDUSTRIES, INC., ET AL., A COMPLAINT IN EJECTMENT, FOR DAMAGES, AND TO COMPEL THE REMOVAL AND PREVENT THE MAINTENANCE OF PURPRESTURES WHICH OBSTRUCT NAVIGATION AND INTERFERE WITH THE EXERCISE OF THE PUBLIC TRUST OVER NAVIGABLE WATERS, WHICH COMPLAINT WAS FILED JUNE 2, 1973, IN THE SUPERIOR COURT OF NEVADA COUNTY, AND WHICH COMPLAINT IS ON FILE WITH THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 17 (1 page)

CALENDAR ITEM

7/73

RCH

W 503.743

17.

REQUEST THE CONCURRENCE OF THE STATE LANDS COMMISSION
IN THE FILING OF A COMPLAINT IN EJECTMENT BY THE OFFICE OF THE
ATTORNEY GENERAL, SAID CASE BEING ENTITLED STATE OF CALIFORNIA
ACTING BY AND THROUGH THE STATE LANDS COMMISSION, PLAINTIFF,
V. DART INDUSTRIES, INC., ET AL., NEVADA COUNTY
SUPERIOR COURT CASE NO. 18595

On July 2, 1973, the Executive Officer of the State Lands Commission authorized the Attorney General's Office to file a Complaint in Ejectment against Dart Industries, Inc., et al., to compel Dart to remove purprestures constructed in Donner Lake.

Dart Industries is a Delaware and California corporation, and is the parent for several California corporations. Dart, through its various subsidiaries, constructed a landfill into the natural bed of Donner Lake during the summer and fall of 1971. The landfill operations consisted of a sandy beach reinforced with rock riprap projecting waterward of the last natural shoreline, approximately 40 feet. Approximately 60 feet southeast of the landfill, a concrete boat ramp has been constructed which projects about 40 feet waterward of the natural shoreline. The natural bed of Donner Lake is under the jurisdiction of the State Lands Commission.

On May 31, 1972, the contractor for the developer was notified that: "The bed of Donner Lake below the low water mark is sovereign land, owned by the State of California and under the jurisdiction of the State Lands Commission."

Within the past few months, Dart has caused to be constructed a water intake system composed of a pump and a 24-inch diameter pipeline which extends approximately 700 feet into Donner Lake. This pipeline will be used to supply water for a 6000-lot subdivision northwesterly of the Town of Truckee.

This pipeline and fill has been constructed without the necessary State Lands Commission's leases. Dart, or its subsidiaries, have never applied to the Commission for a lease.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE STATE LANDS COMMISSION CONCUR IN THE ACTION OF THE EXECUTIVE OFFICER IN REQUESTING, AND THE OFFICE OF THE ATTORNEY GENERAL IN FILING, ACTION NO. 18595 NEVADA COUNTY SUPERIOR COURT, ENTITLED STATE OF CALIFORNIA ACTING BY AND THROUGH THE STATE LANDS COMMISSION, PLAINTIFF, V. DART INDUSTRIES, INC., ET AL., A COMPLAINT IN EJECTMENT, FOR DAMAGES, AND TO COMPEL THE REMOVAL AND PREVENT THE MAINTENANCE OF PURPRESTURES WHICH OBSTRUCT NAVIGATION AND INTERFERE WITH THE EXERCISE OF THE PUBLIC TRUST OVER NAVIGABLE WATERS, WHICH COMPLAINT WAS FILED JUNE 2, 1973, IN THE SUPERIOR COURT OF NEVADA COUNTY, AND WHICH COMPLAINT IS ON FILE WITH THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.