

MINUTE ITEM

8/21/75
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27. AUTHORIZATION TO INITIATE EJECTMENT PROCEEDINGS AGAINST STANLEY J. AND RUTH L. GALE, SACRAMENTO RIVER, SACRAMENTO COUNTY - WP 4218, PRC 4218.

After consideration of Calendar Item 27 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE STAFF OF THE STATE LANDS DIVISION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO INITIATE EJECTMENT PROCEEDINGS AGAINST STANLEY J. GALE FOR THE UNAUTHORIZED MAINTENANCE OF A PIER IN THE SACRAMENTO RIVER, SACRAMENTO COUNTY.

Attachment:

Calendar Item 27 (2 pages)

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AUTHORIZATION TO INITIATE EJECTMENT PROCEEDINGS

BACKGROUND

On March 10, 1969, the State Lands Division received an application from Stanley J. and Ruth L. Gale, 1214 "F" Street, Sacramento, 95814, for the construction and maintenance of a covered boat berth in the Sacramento River, Sacramento County. Following the processing of the application, a 5-year Use Permit was issued to Mr. and Mrs. Gale under PRC 4218, beginning June 1, 1969. At that time there were no improvements on the upland.

On May 22, 1970, the Division received notice from Mr. Gale that he was building a single family dwelling and believed he was exempt from rental under Public Resources Code 6503. He was advised by letter dated May 25, 1970, that when the residence was livable he would qualify for a rent-free permit. Until that time, however, he was still liable for rental for 1970-1971, which he remitted on June 3, 1970.

By letter dated April 3, 1973, Mr. Gale, an attorney, notified the Division that he had constructed a single family dwelling on the property and expected to move into it on or about April 5, 1973, and assumed he did not owe any further rent.

On April 30, 1973, a recreational pier permit application was sent to the Gales for their execution and return to the Division. The executed document was never returned. In spite of extensive correspondence, including letters to Mr. Gale from the Division's legal staff, he refused to sign the rent-free permit and to pay any further rental.

Mr. Gale's last letter of record dated May 9, 1974, cites various permits he had received which included the U. S. Army Corps of Engineers and the State Reclamation Board. He further stated: "In view of the unlimited permits which I now hold, I see no reason to submit a further application or to pay any further application fee "Because I have built my house, I am relieved from the obligation to pay further rent."

"I cannot and will not sign any further agreement with the State which limits my right to maintain the improvements for any term of years nor will I agree with you that my rights are not subject to assignment or transfer." The Use Permit expired May 31, 1974, and no further rental has been received since June 3, 1970.

CALENDAR ITEM NO. 27. (CONTD)

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE STAFF OF THE STATE LANDS DIVISION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO INITIATE EJECTMENT PROCEEDINGS AGAINST STANLEY J. GALE FOR THE UNAUTHORIZED MAINTENANCE OF A PIER IN THE SACRAMENTO RIVER, SACRAMENTO COUNTY.