

9/29/75  
RCH

38. AUTHORIZATION TO INITIATE EJECTMENT PROCEEDINGS AGAINST JOHN WALSH; PIPER SLOUGH, CONTRA COSTA COUNTY - W 4052.

During consideration of Calendar Item 36 attached, Mr. John Walsh appeared. With regard to the ejectment action against him, Mr. Walsh stated that if the State could prove the land is presently state-owned, the ejectment action could be avoided. However, he stated at this time it is his opinion the land is not under the State's jurisdiction.

Mr. Walsh also spoke on behalf of Mr. Joseph Russo who is presently in the hospital. He requested the Commission defer taking action against Mr. Russo until he can personally look into the matter.

Mr. N. Gregory Taylor, Deputy Attorney General, suggested that with regard to Messrs. Walsh and Russo, the Commission could authorize filing suit against the parties with the understanding that discussions would be entered into prior to actually filing suit. If the discussions are not successful, the Commission's authorizations would stand.

Upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE LEGAL STAFF OF THE DIVISION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO INITIATE EJECTMENT PROCEEDINGS AGAINST JOHN WALSH FOR THE UNAUTHORIZED MAINTENANCE OF MARINA FACILITIES IN PIPER SLOUGH, CONTRA COSTA COUNTY.

Attachment:

Calendar Item 36 (1 page)

CALENDAR ITEM

36.

9/75  
EWC  
W 4052

AUTHORIZATION TO INITIATE EJECTMENT PROCEEDINGS

Bethel Harbor has been under several different ownerships since 1961 when the Division began its investigation of this marina. The various owners have all resisted the Division's efforts to bring it under lease.

The structures involved are quality covered berthing, a boat launcher, gasoline facility and an office, some of which occupy state-owned land in Piper Slough at Bethel Island, Contra Costa County.

The current owner since about 1973 is Mr. John Walsh, P. O. Box Drawer B, Bethel Island, California. He was last contacted by telephone on August 28, 1975. Mr. Walsh indicated he had received the Division's letter informing him of the necessity of entering into a lease, but he nevertheless refuses to execute a lease with the Division. He further states that the State has no claim to the land occupied by his improvements.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE LEGAL STAFF OF THE DIVISION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO INITIATE EJECTMENT PROCEEDINGS AGAINST JOHN WALSH FOR THE UNAUTHORIZED MAINTENANCE OF MARINA FACILITIES IN PIPER SLOUGH, CONTRA COSTA COUNTY.