

MINUTE ITEM

This Calendar Item No. 35  
was approved as Minute Item  
No. 35 by the State Lands  
Commission by a vote of 3  
to 0 at its 5-22-76  
meeting.

CALENDAR ITEM

5/76  
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AUTHORIZATION OF SUIT FOR COLLECTION OF RENTAL

APPLICANT: L. Stabeford Smith and  
Ernestine M. Smith  
1735 Belford Road  
Reno, Nevada 89502

AREA TYPE LAND AND LOCATION: An 0.139 acre parcel of submerged land in  
Agate Bay, Lake Tahoe near Brockway, Placer  
County

LAND USE: Maintenance of an existing pier.

BACKGROUND: Since August 9, 1968, the date of the Division's  
correspondence initially advising the applicant  
that the existing pier is subject to the juris-  
diction and authorization of the State Lands  
Commission, the staff has exerted a continuously  
patient effort, without the applicant's co-  
operation, to fully process applicant's appli-  
cation which was received by the Division  
September 5, 1969. Since this date on three  
different occasions, July 23, 1970, October  
19, 1973, and December 23, 1975, staff trans-  
mitted noncommercial lease documents to appli-  
cant for review and execution. To date, none  
of these agreements have ever been executed and  
returned to staff.

In the Division's notice of July 13, 1970,  
applicant was advised that erection or maintenance  
of structures situated on those state-owned  
lands under the jurisdiction of the State Lands  
Commission without the Commission's written  
authorization is a violation of the Public  
Resources Code.

By Grant Deed dated January 27, 1976, applicant  
conveyed to other parties all applicant's interest  
in the subdivided lands adjacent to the subject  
pier without giving prior notice of intent to  
the State or payment of compensation to the State  
for the unauthorized use of the subject State  
land.

Applicant is now failing to respond to communi-  
cations of the State Lands Division for payment  
of rentals.

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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 TAKE ALL STEPS NECESSARY INCLUDING LITIGATION, IN ORDER TO COLLECT FROM L. STABFORD SMITH AND ERNESTINE M. SMITH JUST COMPENSATION FOR THEIR PRIOR UNAUTHORIZED USE OF THE SUBMERGED LANDS IN AGATE BAY, LAKE TAHOE NEAR BROCKWAY, PLACER COUNTY.