

This Calendar Item No. 40  
was approved as Minute Item  
No. 40 by the State Lands  
Commission by a vote of 3  
to 0 at its 7-22-76  
meeting.

CALENDAR ITEM

7/76  
W 20761  
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40.

AUTHORIZATION FOR SUIT FOR EJECTMENT

APPLICANT: Elmer D. and Phyllis Hill  
6498 Surfside Way  
Sacramento, California 95831

AREA, TYPE LAND AND LOCATION: Parcel of tide and submerged land in the  
Sacramento River, City of Sacramento,  
Sacramento County.

LAND USE: Trespass.

BACKGROUND: The Division received Department of the Army,  
Corps of Engineers, Public Notice 5207, dated  
May 17, 1974, relative to an existing floating  
dock in the Sacramento River at Assessor's  
Parcel No. 030-141-03, City of Sacramento,  
Sacramento County. By letter dated June 6,  
1974, Mr. Hill was advised that it will be  
necessary for him to secure a permit or lease  
from the State Lands Commission.

The Secretary for Resources, by letter dated  
July 16, 1974, advised the U. S. Army, Corps  
of Engineers, "The State Lands Division states  
it would be necessary for applicant to secure  
a permit or lease from the State Lands Com-  
mission. Information relative to application  
requirements forwarded to applicant by letter  
dated June 6, 1974. To date a reply has not  
been received by the Commission."

By letters dated July 3, 1975, September 5, 1975,  
and April 29, 1976, all of which were by cert-  
ified mail - return receipt requested - Mr. Hill  
was advised that the erection or maintenance of  
structures on State owned land under the juris-  
diction of the State Lands Commission without  
written authorization is in violation of the  
Public Resources Code.

Mr. Hill was personally contacted on January 21,  
1976. Mr. Hill was very uncooperative and would  
not rationally discuss this matter with the  
State Lands Division representative.

In April, 1976, the Division conducted a field  
investigation which revealed:

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CALENDAR ITEM NO. 40. (CONTD)

1. Stationary walkway, 18' of floating ramp and 3' x 6' float.

2. It was noted that a privately-owned single family dwelling is situated on the upland.

Since June 6, 1974, Mr. Hill has not responded to the communications of the State Lands Division.

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 ELIMINATE THE CONTINUING TRESPASS OF ELMER D. HILL FROM STATE-OWNED TIDE AND SUBMERGED LAND IN THE SACRAMENTO RIVER, CITY OF SACRAMENTO, SACRAMENTO COUNTY.