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CALENDAR ITEM

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35.

AUTHORIZATION FOR SUIT FOR EJECTMENT

APPLICANT: Robert Torrey, Bradford J. Jeffry, et al.,
dba Paradise Point Marina
c/o Jeffry, Gibson and Barbour
P. O. Box 1771
Stockton, California 95201

AREA, TYPE LAND AND LOCATION: A 1.13+ acre parcel of tide and submerged land
in Disappointment Slough, San Joaquin County.

BACKGROUND: The Division received Department of the Army,
Corps of Engineer's, Public Notice No. 5191
dated March 7, 1974, regarding the approval of
plans for an existing marina and authorization
for additional construction in Disappointment
Slough and Bishop Cut adjacent to Bishop
Tract, San Joaquin County. Investigation by
Division staff showed that a portion of the
proposed project would occupy State tide
and submerged land for which no permit or
lease existed. Applicant was so notified by the
Division's letter dated March 20, 1974, and
applicant was requested to make application
to the State Lands Commission for appropriate
authority for the proposed project.

Application dated July 10, 1974, was
received by the Division with a transmittal
letter dated November 11, 1974, claiming
exception from CPOA as an existing facility.
This application was denied and a request
was made by the Division that application be
made not by the upland owners but by the marina
operator. An application from the marina
operator was received on January 27, 1975.
Applicant was requested to supply additional
engineering data in March 1975.

CURRENT SITUATION: Upon completion of staff engineering and
appraisal, proposed lease documents were
submitted to applicant for review and execu-
tion on September 2, 1976. By letter dated
October 6, 1976, applicant/attorney responded
with a claim that the State had no ownership
of the area occupied by marina facilities.

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Division answered that although portions of the marina occupied Bishop Cut, an artificial channel not claimed by the State, other portions occupied an area of Disappointment Slough, a natural tidal waterway, claimed as sovereign lands of the State, and that the proposed lease covered only those portions located in Disappointment Slough. Applicant/attorney was again asked to execute and return lease. Applicant/attorney then requested maps showing lease area and such were supplied by letter dated November 16, 1976.

Several follow-up attempts by telephone and written correspondence were made by Division staff with the following result. Applicant/attorney now states that the State has made no effort to claim any interest in the property and that applicant will not concede anything or execute the lease form. Applicant/attorney stands ready to accept service of any litigation on behalf of the owner/operators.

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 CONTINUED TRESPASS OF ROBERT TORREY, BRADFORD J. JEFFRY ET AL, DEER PARADISE POINT MARINA FROM STATE-OWNED TIDE AND SUBMERGED LAND ADJACENT TO BISHOP TRACT IN DISAPPOINTMENT SLOUGH, SAN JOAQUIN COUNTY.