

MINUTE ITEM

This Calendar Item No. 53
is a 3 page item
of 3 pages
dated 11/27/78
meeting.

MINUTE ITEM

11/78
Rusconi

53. AUTHORIZATION FOR LITIGATION - W 21481

During consideration of Calendar Item 53, attached, Mr. Robert C. Hight, Chief Counsel, stated the staff had just been advised that Boatworks Marina may not be under lease and is refusing to accept an assignment from a prior tenant. In view of the foregoing, he requested that the staff's recommendation be amended to include the staff's right to enter into litigation to bring Boatworks Marina under lease.

Upon motion duly made and carried, the following resolution, as amended, was adopted by a vote of 3-0.

Attachment: Calendar Item 53 (3 pages)

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CALENDAR ITEM

5 3.

11/78
W 21481
Rusconi

AUTHORIZATION FOR LITIGATION

APPLICANT: Boatworks Marina
P. O. Box 1341
Tahoe City, California 95730

AREA, TYPE LAND AND LOCATION:
Submerged land in the bed of Lake Tahoe,
waterward of Lots 2 and 3, Bittencourt
Tract, Tahoe City, Placer County.

BACKGROUND: On April 7, 1977, an application was received from the Boatworks Marina in Lake Tahoe, Placer County, for a dredging permit to dredge 8,000 cubic yards of material from the State owned bed of Lake Tahoe. All necessary approvals from other responsible agencies were secured by the applicant and on December 16, 1977, pursuant to authority delegated to him by the State Lands Commission, the Executive Officer of the Commission issued the dredging permit. A condition of that permit required the payment of \$0.25 royalty per cubic yard for all materials dredged.

The permit was then forwarded to the applicant for signature. The permit was never returned nor was any of the total \$2,000 royalty payment ever received. All or substantially all of the work on the project has been completed at this time.

The State Lands Commission's staff has made numerous contacts, both by telephone and in writing, with the permittee as well as his attorney concerning the failure to execute the dredging permit and forward the royalty payment. These contracts have resulted in either unfulfilled promises of action on the requests, or total silence.

EXHIBIT: A. Site Map.

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CALENDAR ITEM NO. 53. (CONTD)

IT IS RECOMMENDED THAT THE STATE LANDS COMMISSION AUTHORIZE STAFF COUNSEL AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY INCLUDING LITIGATION TO PROTECT ANY AND ALL STATE INTERESTS IN THE BED OF LAKE TAHOE AND TO COLLECT THE \$2,000 ROYALTY DUE FOR DREDGING COMPLETED BY THE BOATWORKS MARINA, LAKE TAHOE, PLACER COUNTY.

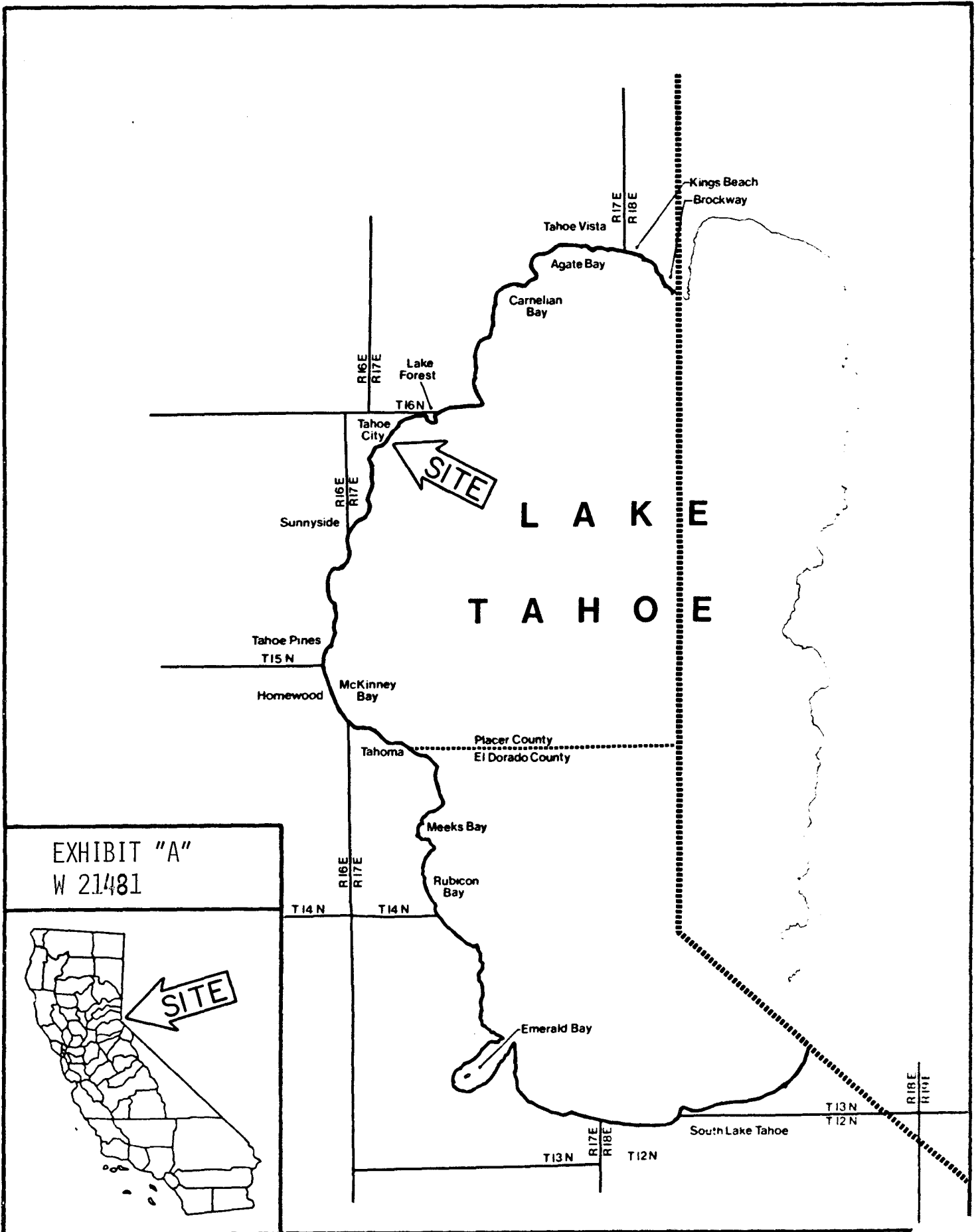


EXHIBIT "A"
W 21481