

MINUTE ITEM

9/79  
Gordon

44. AUTHORIZATION OF SUIT FOR EJECTION AND COLLECTION OF RENTALS

Calendar Item 44, attached, was pulled from the agenda prior to the meeting.

Attachment: Calendar Item 44 (3 pages).

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CALENDAR ITEM

44.

9/79  
WP 653  
Gordon  
PRC 653

AUTHORIZATION OF SUIT FOR  
EJECTION AND COLLECTION OF RENTALS

APPLICANT: Obexer and Son, Inc.  
P. O. Box 186  
Homewood, California 95716

AREA, TYPE LAND AND LOCATION:  
A 0.910 acre parcel and eleven 0.0288 acre  
circular parcels, each 40 feet in diameter  
aggregating 0.317 acres, all totalling  
1.227 acres of submerged lands in Lake  
Tahoe at McKinney Bay near Homewood, Placer  
County.

LAND USE: Maintenance of an existing commercial marina  
facility and 11 existing mooring buoys;  
plus emergency dredging.

BACKGROUND: On July 15, 1976, staff received applicant's  
application for a replacement lease. Following  
completion of a staff appraisal, a proposed  
15-year General Lease - Commercial Use  
agreement, beginning September 20, 1976,  
was transmitted to applicant for review  
and execution.

Pursuant to applicant's separate letter  
application dated March 11, 1977, relative  
to an emergency dredging project within  
the subject marina, the Commission at its  
April 28, 1977 meeting approved, as Minute  
Item No. 27, its prior authorization to  
issue such emergency dredging permit for  
1,000 cubic yards; with spoils to be placed  
on a privately-owned upland site at a charge  
of 0.25 per cubic yard; and with the permit  
to expire May 1, 1978.

In staff's subsequent contacts with applicant,  
applicant has refused to cooperate with  
and accept staff's recommended lease terms,  
offers, or suggestions, relative to execution  
of said proposed lease agreement. As permittee  
of the Commission's emergency dredging

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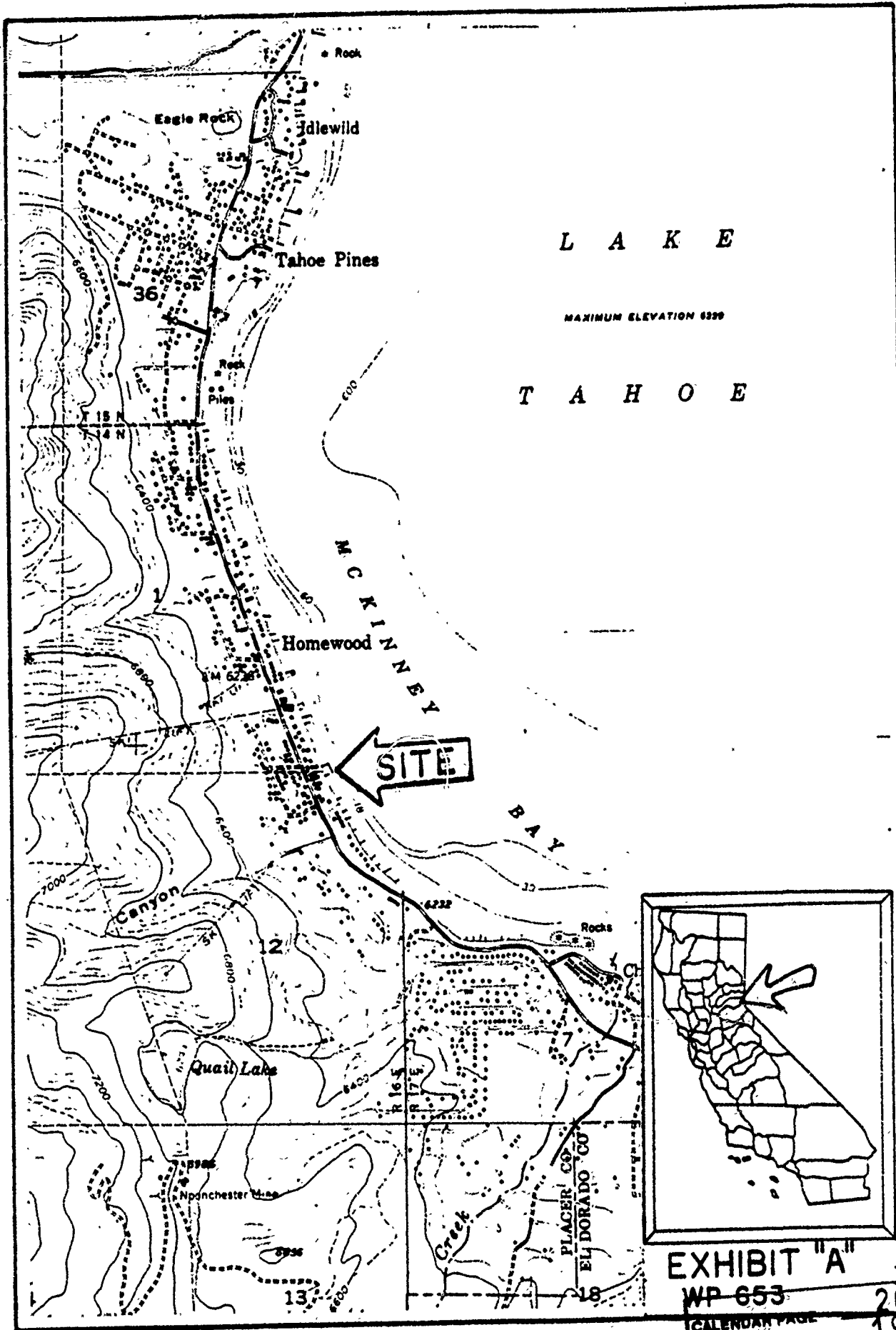
permit, applicant has failed to provide the required quarterly and final reports of operation and to pay the royalty for dredged material removed from sovereign lands. Applicant's conduct indicates a clear lack of intent to comply with the Commission's applicable leasing regulations in spite of staff's numerous personal and written contacts, and attempts of cooperation. It appears that applicant further intends to continue in open trespass and use of the subject sovereign lands, with continued disregard for the Commission's jurisdiction.

EXHIBIT:

A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE STAFF AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO TERMINATE THE CONTINUING TRESPASS OF OBEXER AND SON, INC. ON STATE-OWNED SUBMERGED LANDS IN LAKE TAHOE, PLACER COUNTY, AND TO COLLECT JUST COMPENSATION FOR THE UNAUTHORIZED USE OF SAID LANDS.

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**EXHIBIT "A"**  
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