

MINUTE ITEM

This Calendar Item No. 17
was approved as Minute Item
No. 17 by the State Lands
Commission by a vote of 2
to 0 at its 7/24/86
meeting.

MINUTE ITEM

17

07/24/86
W 21213
Lane
Hadly

DENIAL OF APPLICATION AND AUTHORIZATION FOR
LITIGATION FOR EJECTMENT, AND DAMAGES FOR
UNAUTHORIZED OCCUPATION OF STATE-OWNED LAND

During consideration of Calendar Item 17 attached, William and Louise Wilcoxson appeared to dispute the Commission's claim of ownership over the subject property; however, in an attempt to negotiate a lease with staff, the Wilcoxson's stated they have been unable to obtain liability insurance.

Assistant Executive Officer James Trout recommended that the Commission adopt the calendar item as presented by staff with the understanding that staff will review information concerning ownership of the property with Mr. and Mrs. Wilcoxson.

Staff will advise the Commission prior to initiating litigation.

Without objection, Calendar Item 17 was approved, as presented, by a vote of 2-0.

Attachment: Calendar Item 17.

CALENDAR ITEM

A 8
S 4

17

07/24/86
W 21213
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DENIAL OF APPLICATION AND AUTHORIZATION FOR
LITIGATION FOR EJECTMENT, AND DAMAGES FOR
UNAUTHORIZED OCCUPATION OF STATE-OWNED LAND

APPLICANTS: William R. and Louise Wilcoxson
1998 Milton Road
Napa, California 94558

AREA, TYPE LAND AND LOCATION:
A 0.311-acre parcel of tide and submerged land,
located in the Napa River and Mud Slough
adjacent to Edgerly Island, Napa County.

LAND USE: Boat ramp and boat docking facilities.

1. Denial of Application. Current Law requires State agencies to compile lists of criteria specifying the detailed application information required of applicants for development projects. Accordingly, the State Lands Commission adopted its application criteria through Calendar Item 2 at its April 12, 1973 meeting.

Once an application has been accepted as complete, the Commission must act on the application within specified time periods. Failure to act within the time allowed, either by approving or denying the project, could result in approval of the project.

2. Rationale for Litigation for Ejectment, Damages, and Collection of Back Rent: the applicant purchased the upland parcel in 1973, together with the existing facilities located on State-owned lands. Application for lease was filed with State Lands Commission in August 1978, and denied by Calendar Item 8 on July 7, 1979 due to refusal to accept proposed lease terms by the applicant.

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CALENDAR ITEM NO. 17 (CONT'D)

Reapplication was filed on September 18, 1985 following many letters, telephone discussions, and Bay Area Conservation and Development Commission influence. The current application was deemed complete on October 27, 1985 and the Commission staff has diligently attempted to complete lease negotiations for the use of State lands but have been unsuccessful to date.

AB 884: 07/24/86.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because CEQA does not apply to projects which a public agency rejects or disapproves.

Authority: P.R.C. 21080(b)(5) and 14 Cal. Adm. Code 15270.

EXHIBITS: A. Land Description.
B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA BECAUSE CEQA DOES NOT APPLY TO PROJECTS WHICH A PUBLIC AGENCY REJECTS OR DISAPPROVES PURSUANT TO 14 CAL. ADM. CODE 15270.
2. DENY WITHOUT PREJUDICE TO THE APPLICANT'S RIGHT TO REAPPLY FOR THE SAME PROJECT, THE APPLICATION OF WILLIAM R. AND LOUISE WILCOXSON FOR A LEASE FOR USE OF TIDE AND SUBMERGED LAND IN THE NAPA RIVER AND MUD SLOUGH ADJACENT TO EDGERLY ISLAND, NAPA COUNTY (W 21213) IN COMPLIANCE WITH THE STANDARDS FOR DENIAL SET FORTH IN STATE ADMINISTRATIVE MANUAL SECTION 1099.
3. AUTHORIZE STAFF TO ADVISE THE APPLICANT OF THE COMMISSION'S ACTION TO DENY AND THE APPLICANT'S RIGHT TO REAPPLY.
4. AUTHORIZE STAFF COUNSEL AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO TERMINATE THE CONTINUED UNAUTHORIZED OCCUPATION OF SUCH STATE LAND AND TO COLLECT REASONABLE COMPENSATION FOR THE USE OF SUCH LANDS AND FOR WHATEVER OTHER LEGAL OR EQUITABLE REMEDIES THAT MAY BE NECESSARY OR APPROPRIATE.

EXHIBIT "A"

LAND DESCRIPTION

W 21213

Those parcels of tide and submerged land in the beds of the Napa River and Mud Slough adjacent to Edgerly Island, Napa County, California, lying immediately beneath an existing boat dock, boat ramp, and float, TOGETHER WITH a necessary use area extending 10 feet from the extremities of said structures, said structures being adjacent to and waterward of the following described line:

COMMENCING at the most southerly corner of Lot No. 8, Block No. 5, as shown on Map No. 3170, filed April 28, 1950, Book 5 of Maps, page 25, said point also being the point of commencement of the land described in Decree No. 13422 rendered October 6, 1953, in the Superior court of California, Napa County quieting title to a 5.48-acre parcel of land; thence along the adjudicated boundary line of said decree the following six courses:

1. N 68° 18' E 94.17 feet;
2. S 22° 19' E 250.48 feet;
3. S 11° 20' E 107.72 feet;
4. S 15° 57' W 106.32 feet;
5. S 15° 30' E 106.79 feet;
6. S 36° 05' E 70.52 feet to the TRUE POINT OF BEGINNING;

thence continuing along said adjudicated boundary line the following three courses:

7. S 01° 19' W 103.13 feet;
8. S 86° 21' W 319.72 feet;
9. N 48° 27' W 100.00 feet to the end of the herein described line.

END OF DESCRIPTION

REVISED OCTOBER 23, 1985, BY BOUNDARY SERVICES UNIT, M. I. SHAFER, SUPERVISOR.

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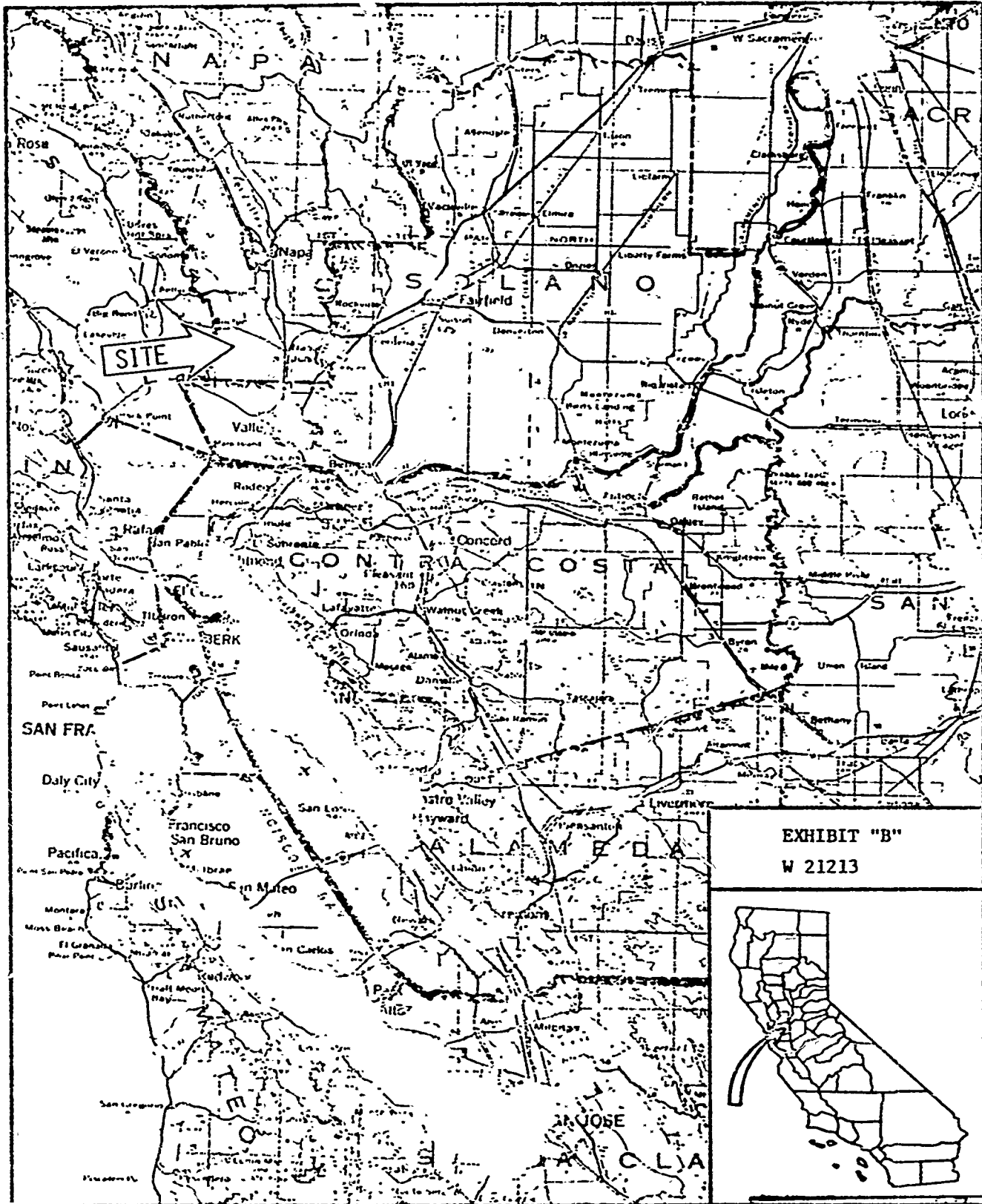


EXHIBIT "B"
W 21213

