

MINUTE ITEM

27. PROSECUTION FOR TRESPASS BY BOSS AND WILSON (D.B.A. B & W BOAT HARBOR), IN MOKELUMNE RIVER, SACRAMENTO COUNTY - W.O. 320.349, W.O. 503.382.

After consideration of Calendar Item 18 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO REQUEST THE ATTORNEY GENERAL TO INSTITUTE SUCH ACTION AS MAY BE REQUIRED TO FIX THE BOUNDARIES BETWEEN THE PRIVATELY OWNED LANDS OF BOSS AND WILSON (D.B.A. B & W BOAT HARBOR), BEING A PART OF ANDRUS ISLAND AND THE UNCONVEYED STATE SOVEREIGN LANDS IN THE BED OF THE MOKELUMNE RIVER, WITH A VIEW TO REQUIRING THE OPERATORS OF B. & W BOAT HARBOR TO ENTER INTO A LEASE FOR STATE LAND OCCUPIED BY THEM.

Attachment

Calendar Item 18 (1 page)

CALENDAR ITEM

18.

PROSECUTION FOR TRESPASS BY BOSS AND WILSON (D.B.A. B & W BOAT HARBOR), IN MOKELUMNE RIVER, SACRAMENTO COUNTY - W.O. 320.349, W.O. 503.382.

For more than ten years various boundary line problems have been in the process of being resolved along the Andrus Island frontage of the Mokelumne River between Georgiana Slough and the San Joaquin River, Sacramento County. Two extended quiet-title actions have been resolved in such manner as to produce fixed boundary lines between the patented swamp lands and the unconveyed area of sovereign land in the bed of the Mokelumne River. When the first of the problems in this vicinity was brought to the attention of the staff, contact was made with the owners of B & W Boat Harbor to urge them to enter into a lease with the Commission for the use of State lands being occupied by their operations. Despite the fact that little or no cooperation was received from the property owners, action against them was withheld, pending the completion of the Perry vs. State action (W.O. 574). Since the resolution of this case, another quiet title action has arisen between B & W Harbor owners and a neighboring land owner, in which action the State has also been named as a party defendant, inasmuch as land is involved that was at one time claimed by the Commission's staff as unconveyed State lands, but which is now also claimed by the owners of B & W Harbor.

During the pendency of litigation involving other lands in this general vicinity, the B & W Harbor operators have conducted, without State permit, several small dredging operations on areas within the bed of the Mokelumne River, the latest such operation having been conducted while attempting to dredge a lagoon within the area that is the subject of a recent quiet title action.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO REQUEST THE ATTORNEY GENERAL TO INSTITUTE SUCH ACTION AS MAY BE REQUIRED TO FIX THE BOUNDARIES BETWEEN THE PRIVATELY OWNED LANDS OF BOSS AND WILSON (D.B.A. B & W BOAT HARBOR), BEING A PART OF ANDRUS ISLAND AND THE UNCONVEYED STATE SOVEREIGN LANDS IN THE BED OF THE MOKELUMNE RIVER, WITH A VIEW TO REQUIRING THE OPERATORS OF B & W BOAT HARBOR TO ENTER INTO A LEASE FOR STATE LAND OCCUPIED BY THEM.