

MINUTE ITEM

This Calendar Item No. 41
was approved as Minute Item
No. 41 by the State Lands
Commission by a vote of 2
at its 2/17/76
meeting.

CALENDAR ITEM

41.

9/76
WR 2019
ACS
PRC 2019

AUTHORIZATION FOR REMOVAL OF ABANDONED FACILITIES

BACKGROUND:

In August, 1957, the Division received notice that Lessee, John Del Chiaro, was proposing to construct additions to an existing wharf in the San Joaquin River at Sherman Island, Sacramento County. Lessee made application for a lease covering both the existing facilities and those proposed for construction.

On October 22, 1957, Lessee was issued a Lease PRC 2019.1, which required upon termination of the lease among other things, the removal of all facilities, both those placed by Lessee and those placed on State land by previous owners.

In November, 1970, Lessee requested that Division inspect the leased area and specify those facilities which would have to be removed in order to comply with the terms of the lease. Lessee was notified that all facilities within the leased area would have to be removed before any termination of Lease PRC 2019.1 would be effective.

In April 1973, Lessee submitted an executed Quitclaim Deed covering the area leased under Lease PRC 2019.1. However, a field inspection showed that Lessee had not complied with the removal provision of the lease.

PRESENT SITUATION:

Since 1973, repeated attempts were made to have Lessee remove the remaining facilities from State land. These facilities have become a hazard to the public and Lessee has not complied with this Division's requests for removal.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE STAFF OF THE DIVISION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING THE FILING OF A LEGAL ACTION TO HAVE THOSE FACILITIES PRESENTLY EXISTING WITHIN THE AREA OF STATE LAND DESCRIBED IN LEASE PRC 2019.1, DATED OCTOBER 22, 1957, REMOVED BY LESSEE, JOHN DEL CHIARO.

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