

MINUTE ITEM

This Calendar Item No. 18
was approved as Minute Item
No. 18 by the State Lands
Commission by a vote of 2
to 0 at its 3/30/78
meeting.

CALENDAR ITEM

18.

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AUTHORIZATION FOR SUIT FOR TRESPASS

PROSPECTIVE DEFENDANT:

Mr. Robert A. Sieglitz
1911 Garden Highway
Sacramento, California 95823

AREA, TYPE LAND AND LOCATION:

Tide and submerged lands of the Sacramento
River, Sacramento County, located adjacent
to Assessor Parcel No. 274-021-06, known
as 1911 Garden Highway, Sacramento.

BACKGROUND:

On February 23, 1976, the staff observed
and photographed the Sieglitz vessel, a
converted military vessel, moored on the
subject land. On March 19, 1976 the staff
wrote Mr. Sieglitz and informed him that
his exclusive occupation of such sovereign
land would require that he, Sieglitz, obtain
a lease or permit for use of the same from
the State Lands Commission. An application
for the lease or permit was enclosed therewith.

In April, 1976, Mr. Sieglitz informed the
staff that his position was that the land
in question is not within the Commission's
jurisdiction, because his vessel had been
registered by the United States Coast Guard.

On June 1, 1976, the staff responded to
the April letter, disputed Mr. Sieglitz's
claim, reiterated the need for a permit
or lease, and again enclosed an application.
On September 15, 1976, the staff again
informed Mr. Sieglitz of the necessity
for a lease or permit.

CURRENT SITUATION:

On October 7, 1977, the staff again informed
Mr. Sieglitz of the necessity of a lease
or permit and enclosed application for
the same therewith. On January 17, 1978,
the staff again informed Mr. Sieglitz of
the necessity, enclosed an application,

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and stated that if, within 30 days of January 17, the staff did not receive a completed application, its only recourse would be to recommend that the Commission institute litigation to resolve the matter. On March 3, 1978 the staff attempted to inform Mr. Sieglitz by certified mail that such recommendation would be made. Mr. Sieglitz, however, refused to accept the staff's letter.

The staff has received no communication from Mr. Sieglitz subsequent to his letter of April, 1976.

EXHIBIT:

A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE STAFF OF THE STATE LANDS COMMISSION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, IN ORDER TO ELIMINATE THE CONTINUING TRESPASS OF ROBERT A. SIEGLITZ FROM STATE-OWNED TIDE AND SUBMERGED LANDS IN THE BED OF THE SACRAMENTO RIVER, SACRAMENTO COUNTY.