

Addressing Trespass on Fee-Owned Lands

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Neighboring development owned by West Coast Home Builders



Pit 5, looking north to West Coast property

Pit 3, with Pit 4 in the background





Cut fence and tracks from
West Coast property



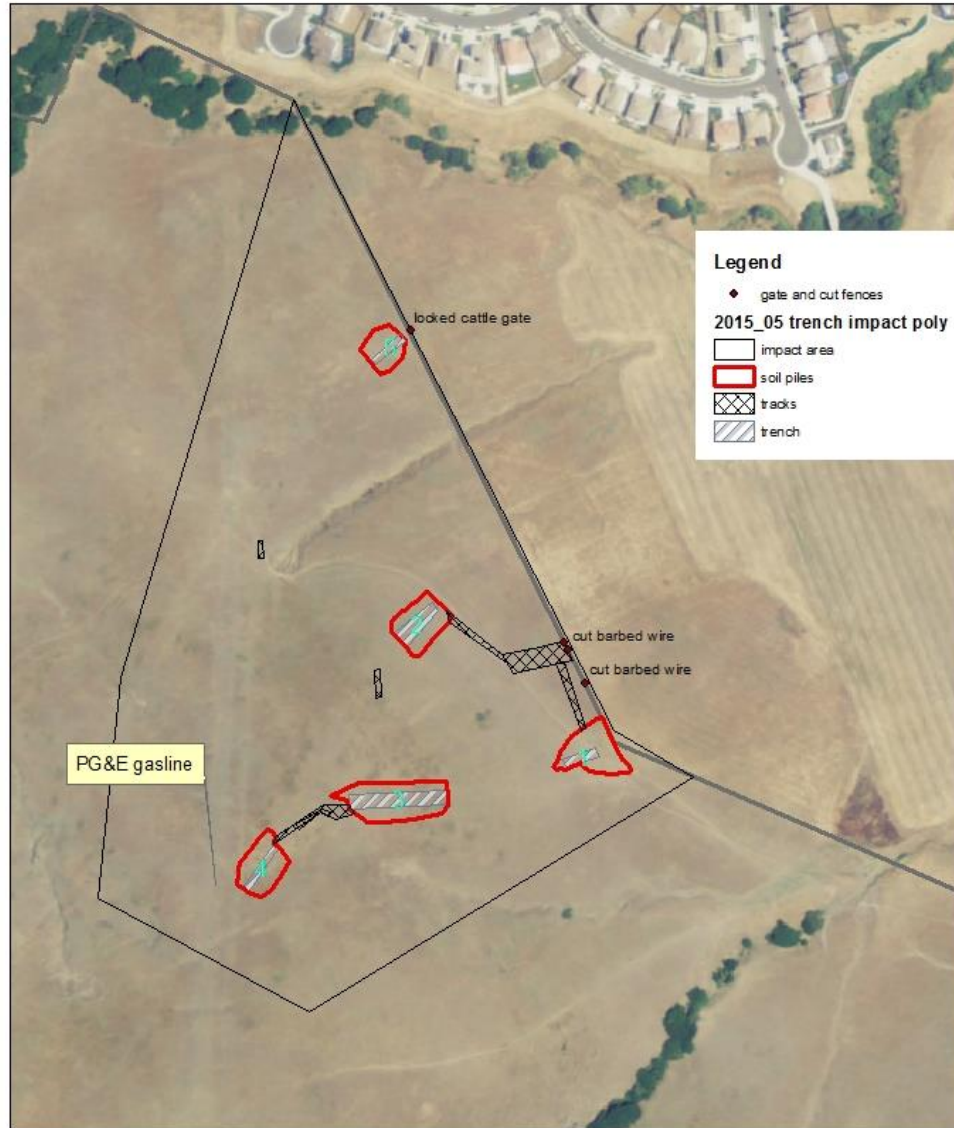
Pit 5



Pit 3

Solano Land Trust staff
measuring depth of Pit 3





Areas affected by original trespass and excavation

May 2015



Subsequent trespass by second contractor.

Causes of Action

- For fee owners:
 - Trespass
 - Nuisance
 - Possible site-specific claims such as harm to trees (Civil Code § 3346, Code Civ. Proc. § 733)
- For holders of conservation easements:
 - Injunctive relief (Civil Code § 815.7(b))
 - Damages (Civil Code § 815.7(c))
 - Breach of Contract

Provision for Attorneys' Fees

- Trespass on “lands either under cultivation or intended or used for the raising of livestock” (Code Civ. Proc. § 1021.9)
- Enforcement of conservation easement (Civil Code § 815.7(d))
- “[A]ny action which has resulted in the enforcement of an important right affecting the public interest” (Code Civ. Proc. § 1021.5)



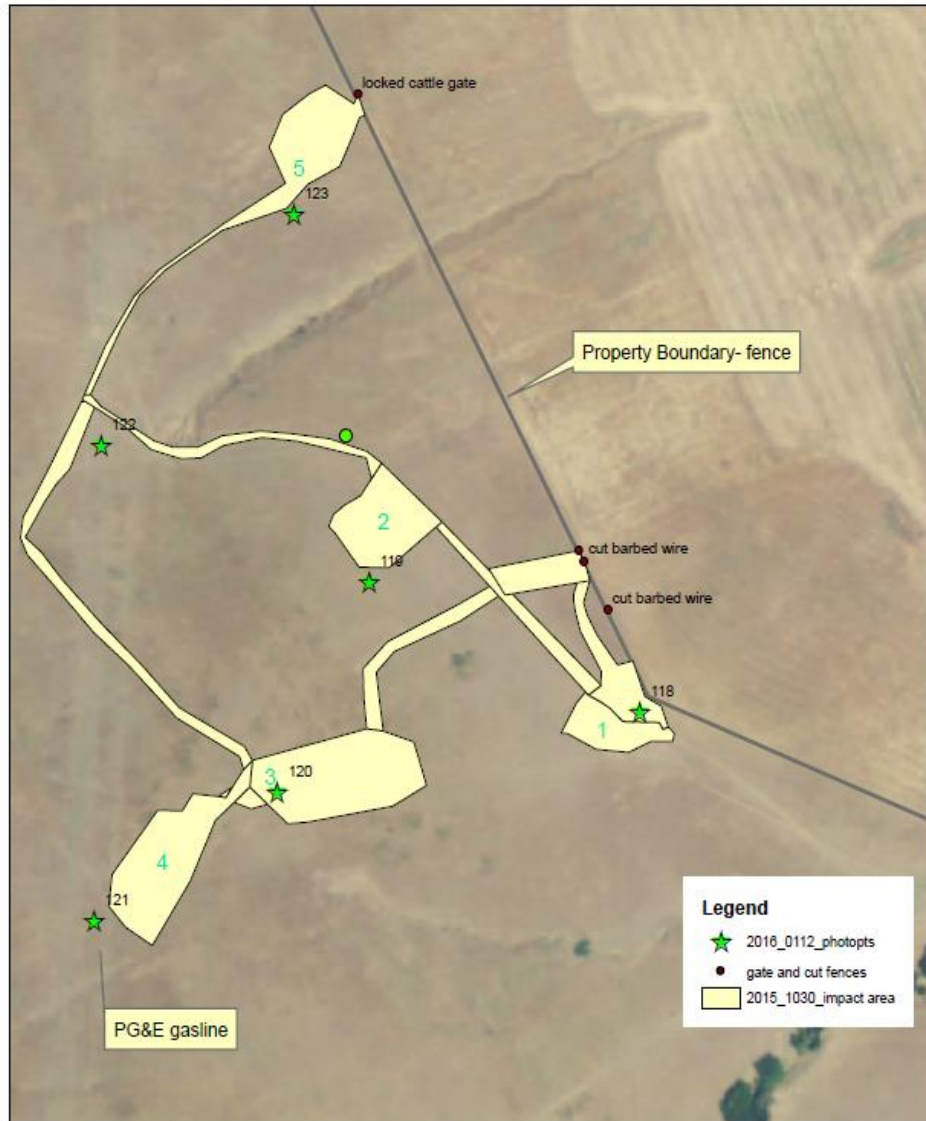
Pit 1, backfilled, reseeded, and staked with coir rolls



Pit 2

Route used by heavy equipment during restoration, reseeded and staked with coir rolls





Expanded impact area,
as a result of restoration
activities

January 2016