

A special meeting of the State Lands Commission was held in Room 180, Business and Professions Building, Sacramento, California, on April 25, 1951 at 9:30 A.M.

Present: Honorable James S. Dean, Chairman
Honorable Goodwin J. Knight, Member
Honorable Thomas H. Kuchel, Member

1. UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE MINUTES OF THE MEETING OF APRIL 19, 1951, WERE APPROVED AND CONFIRMED AS SUBMITTED.
2. UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, IT WAS DECIDED TO DEFER SETTING A DATE FOR THE NEXT COMMISSION MEETING.

3. (SALE OF VACANT STATE SCHOOL LAND IN DEL NORTE COUNTY - SE¹/₄ OF SECTION 16, T. 16 N., R. 1 E., H. M. CONTAINING 160 ACRES - S.W.O.'S 5308, 5329, 5331 and 5332) On January 30, 1951, application to purchase the subject land was received from M. Bernardo (Application 4769, S.W.O. 5308) of Trinity County, California, together with his offer of \$10,000.00, or \$62.50 per acre. The land was advertised for sale in the Del Norte Tri-plate on March 23, 1951, in which the notice stated: "Within 30 days from date of publication of this notice, any qualified applicant may apply to purchase said land. Any such application must be in the form prescribed by, and filed with the Commission within said 30 days. Offers must be \$10,000.00 or more. Terms cash with application. The Commission reserves the right to reject any and all bids."

Pursuant to said advertisement, the application of Axel Lund (Appl. No. 4784, S.W.O. 5329) of Crescent City, California, to purchase said land was received and filed on April 1, 1951, together with his offer of \$10,000.00. On April 21, 1951, Mr. Lund submitted an additional bid of \$555.00, making his total bid for the land \$10,555.00.

On April 23, 1951, the application of Messrs. F. L. Humphrey, E. J. Lague and H. J. Cochran (Appl. No. 4786, S.W.O. 5331) of Oroville, California, to purchase said land was received, together with a check covering their offer of \$14,250.00, being \$89.06 plus per acre for said land. The envelope in which said application and check were received was postdated at Oroville April 21, 1951 at 11:00 A.M. and was postdated Sacramento April 21, 1951 at 10:30 P.M. The letter was delivered to the Division of State Lands at Sacramento and time stamped 10:19 A.M., April 23, 1951.

On April 24, 1951, the application of J. J. Russell (Appl. No. 4757, S.W.O. 5332) of Salem, Oregon, to purchase said land, accompanied with certified check covering his offer of \$16,960.00, or \$106.00 per acre, was received two days after the expiration of the 30 days allowed. The envelope in which said application and check were received was postdated Salem, Oregon, April 23, 1951 at 12:30 P.M. and postdated Sacramento April 23, 1951 at 10:30 P.M.

The notice having been published in the Del Norte TriPLICATE on March 23, 1951, the 30 days following said publication expired on April 22, 1951, a Sunday.

The subject land, lying about 11 miles northeasterly of Crescent City, was inspected by a member of the staff on April 5, 1946, and was estimated to contain 4,000,000 feet of Redwood and Fir with a small amount of Cedar, at a minimum estimated value of \$2.50 per thousand or \$10,000.00. The county assessor advised the Division of State Lands, on April 11, 1946, that a county cruise of said land showed 2,020,000 feet of Redwood assessed at 50¢ per thousand and 1,690,000 feet of Fir assessed at 25¢ per thousand, and 160 acres of land assessed at \$1.00 per acre, total assessed value \$1590.00.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE COMMISSION TO FIX THE PRICE OF \$17,000.00 FOR THE SD₂ OF SECTION 16, T. 16 N., R. 1 E., H. M., CONTAINING 160 ACRES IN DEL NORTE COUNTY, AND ALLOWING M. BERNARDO TO EXERCISE HIS RIGHT AS THE FIRST APPLICANT TO MEET THE PRICE SO FIXED; IF SUCH RIGHT IS NOT EXERCISED WITHIN THE 20 DAYS SO ALLOWED, THE COMMISSION MAY REJECT ALL BIDS AND RE-ADVERTISE.

NOTE: WHEN INFORMAL OPINION WAS RECEIVED FROM THE ATTORNEY GENERAL'S OFFICE AFTER THE MEETING THAT THE HIGHEST BIDDER, J. J. RUSSELL, MADE A LEGAL BID IN THAT HIS APPLICATION AND CERTIFIED CHECK WERE IN THE MAIL ON THE CLOSING DATE, APRIL 23, 1951, MR. DEAN ADVISED THAT THE MATTER SHOULD BE RE-REFERRED TO THE COMMISSION IN THE EVENT THE FIRST APPLICANT FAILS TO EXERCISE HIS RIGHT. IN THIS CONNECTION MRS. BERNARDO PHONED MR. TRELANT ON APRIL 26 (MORNING) AND SAID SHE HAD TALKED TO BUD LAST NIGHT AND HE WOULD PHONE TODAY WHETHER HE WOULD EXERCISE HIS RIGHT.

4. (RECONVEYANCE OF LAND ERRONEOUSLY DEEDED TO STATE - S. & G. APPLICATION 3167) Pursuant to the provisions of an act of the legislature, approved March 24, 1893 (Statutes of California 1893, page 341), the Surveyor General sold and patented certain unsegregated swamp and overflowed lands in Fresno County. The State was unable to obtain title to the lands from the United States. Therefore, the patents issued by the State were invalid.

Section 7971 et seq. of the Public Resources Code provides that where the State is unable to deliver good title to lands sold and patented by it, that the purchaser or his successor in interest may receive a certificate entitling him to a refund of the money paid for said land as principal and interest upon compliance with the provisions of said sections, i. e., reconvey to the State the land which was sold and patented by the State and furnish a county recorder's certificate showing that whatever title was conveyed by the State's patent was reconveyed to the State by the issuance of the deed of conveyance executed by the purchaser or his successor in interest.