

MINUTE ITEM

16. APPLICATION TO SELECT LIEU LAND (NO. 10496, LOS ANGELES LAND DISTRICT, S.W.O. 5359), INYO COUNTY, BLOSS A. ELIAS, TECOPA, CALIFORNIA.

Following presentation of Calendar Item 22 attached, Mr. M. L. Sorrells, Chairman of the Board of Supervisors of Inyo County, appeared to present a report of the circumstances as to the delayed request to have title to the subject 40-acre parcel remain in a public agency rather than have the State Lands Commission complete the sale of the land to the applicant, Mr. Bloss A. Elias. Mr. Sorrells stated that the land is needed to have sufficient area for a public bath facility and a supporting trailer area. He explained that the County had made prior lease application to the Bureau of Land Management and had been assured by the Bureau that the land would be leased to the County. Subsequently, the Bureau informed the County that the subject forty acres had been withdrawn for conveyance to the State. However, the County had assumed that this parcel would still be available to it.

At the request of the Chairman, the Executive Officer reviewed the history of this transaction, stating:

1. An application selecting a specific forty acres had been filed on July 2, 1951 by Mr. Bloss A. Elias. The application was accompanied by a \$300-check deposit.
2. On that same date, the application was forwarded by the State to the U. S. Department of the Interior, Bureau of Land Management.
3. From that time on the application was under the administrative cognizance of the Bureau of Land Management.
4. The Manager of the Los Angeles office of the Bureau of Land Management approved the State indemnity selection on August 20, 1958.
5. Thereafter, the standard form of notice to the public that the Bureau proposed to convey the land to the State was published in Inyo County and posted at the Courthouse for five consecutive weeks, starting on June 12, 1959, as required by law.
6. Staff appraisal showed the land to be worth \$40 an acre, or a total of \$1600, and Mr. Elias deposited the additional funds.

The Executive Officer stated further that, based upon an informal opinion received from the office of the Attorney General, the State is now bound to deliver a patent to the applicant, and indicated that the most effective procedure for the County to follow might be to initiate eminent domain proceedings.

UPON MOTION MADE BY COMMISSIONER CRANSTON, SECONDED BY COMMISSIONER ANDERSON, AND DULY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE EXECUTIVE OFFICER IS DIRECTED TO PROCEED WITH ISSUANCE OF A STATE PATENT TO BLOSS A. ELIAS COVERING THE NE $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SECTION 33, T. 21 N., R. 7 E., S.B.M., CONTAINING 40 ACRES IN INYO COUNTY, IN ACCORDANCE WITH THE RESOLUTION OF THE COMMISSION ADOPTED AT ITS MEETING OF MARCH 24, 1960, APPROVING THE SALE TO MR. ELIAS.

Attachment
Calendar Item 22 (2 pages)

CALENDAR ITEM

22.

APPLICATION TO SELECT LIEU LAND (NO. 10496, LOS ANGELES LAND DISTRICT, S.W.O. 5359), INYO COUNTY, BLOSS A. ELIAS, TECOPA, CALIFORNIA.

The Commission at its meeting held March 24, 1960 (Minute Item 27, page 5808), authorized the sale of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 33, T. 21 N., R. 7 E., S.B.M., containing 40 acres in Inyo County, to Bloss A. Elias at the appraised price of \$40 per acre under an application to purchase lieu lands filed by Mr. Elias in accordance with the provisions of Sections 2400 to 2402, inclusive, of Title 2, Division 3 of the California Administrative Code.

Subsequent to the aforesaid Commission approval and prior to completing the issuance of a State patent to Bloss Elias, a letter was received by the Chairman of the Commission from Senator Charles Brown of Shoshone, under date of May 6, 1960, reading as follows:

"Hon. Glenn M. Anderson, Chairman
State Lands Commission
Los Angeles, California

Dear Mr. Anderson:

"Reference is made to the minutes of March 24 meeting of the Land Commission in which item 23 on Calendar S.W.O. No. 5359 authorizes the sale of certain land to Bloss A. Elias.

"The County of Inyo has endeavored to obtain this land for the benefit of the public, as they are leasing the Hot Springs adjoining on a Federal Reserve. The Federal Government has insisted that the Hot Springs be taken over by some public agency as the Springs are widely used by the public and has no supervision by anyone.

"The forty acres named in your SWO No. 5359 is next to the Hot Springs and is need very badly by the County for Trailer Space. They are willing to pay the State any reasonable price for the land, and have protested to me the sale of this land to any private party, to which I thoroughly agree.

"I believe it is in the public interest that the land in question remain in a public agency. May I request that the sale of this land be held up pending further investigation.

Sincerely yours,

/s/ Charles Brown, State Senator
District Twenty-eight

cc: Allan Cranston
Frank W. Porter
F. J. Hortig"

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In view of the aforesaid letter from Senator Brown, the question as to whether the State Lands Commission might now, after having approved the sale of said land to Bloss Elias by resolution adopted at its meeting of March 24, 1960, rescind said action in favor of the County of Inyo, reject the application of Bloss Elias, and, in turn, sell said land to the County at current market value, was referred to the office of the Attorney General.

An informal letter opinion rendered by Deputy Attorney General Paul M. Joseph, under date of May 20, 1960, in effect states that under the principles of contract law, the State is now bound to deliver a patent to the applicant, Bloss Elias.

IT IS THEREFORE RECOMMENDED THAT THE EXECUTIVE OFFICER BE DIRECTED TO PROCEED WITH ISSUANCE OF A STATE PATENT TO BLOSS A. ELIAS COVERING THE NE $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SECTION 33, T. 21 N., R. 7 E., S.E.M., CONTAINING 40 ACRES IN INYO COUNTY, IN ACCORDANCE WITH THE RESOLUTION OF THE COMMISSION ADOPTED AT ITS MEETING OF MARCH 24, 1960, APPROVING THE SALE TO MR. ELIAS.