

MINUTE ITEM

21. SALE OF VACANT STATE SCHOOL LANDS, APPLICATION NO. 11608, LOS ANGELES LAND DISTRICT, SAN BERNARDINO COUNTY; J. STANLEY JOHNSON - S.W.O. 7616.

After consideration of Calendar Item 4 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION FINDS THAT THE S $\frac{1}{2}$ OF SECTION 16, T. 7 N., R. 2 W., S.B.M., AS SHOWN ON THE OFFICIAL UNITED STATES PLAT OF DEPENDENT RESURVEY ACCEPTED MARCH 2, 1961, CONTAINING 320 ACRES MORE OR LESS IN SAN BERNARDINO COUNTY, IS NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION, AND AUTHORIZES THE SALE OF SAID LAND, SUBJECT TO ALL STATUTORY AND CONSTITUTIONAL RESERVATIONS INCLUDING MINERALS, TO THE FIRST APPLICANT, J. STANLEY JOHNSON, AT A CASH PRICE OF \$10,400.

Attachment

Calendar Item 4 (2 pages)

CALENDAR ITEM

4.

SALE OF VACANT STATE SCHOOL LANDS, APPLICATION NO. 11608, LOS ANGELES LAND DISTRICT, SAN BERNARDINO COUNTY; J. STANLEY JOHNSON - S.W.O. 7616.

The Commission, at its meeting of November 22, 1961, considered the sale of State school land described as the S $\frac{1}{2}$ of Section 16, T. 7 N., R. 2 W., S.B.M., to the applicant, J. Stanley Johnson, as provided by the Commission's rules and regulations set forth under Sections 2300 to 2302, inclusive, of Title 2, Division 3 of the California Administrative Code.

A representative of the State Department of Fish and Game appeared on behalf of the Director to indicate the Department's objection to the sale of the land into private ownership, as expressed in the Department's letter to the Commission dated November 3, 1961. This letter indicated that the parcel is included within a block of public-domain land in the Ord Mountain area in which the Department has considerable interest for wildlife and recreation purposes. As of that time, the Department had requested the Bureau of Land Management to consider classifying federal lands in this area for retention in public ownership and management for wildlife and recreation under Section 7 of the Taylor Grazing Act.

In view of the foregoing objections of the Department of Fish and Game, the Commission adopted the following resolution on November 22, 1961:

UPON MOTION DULY MADE AND CARRIED UNANIMOUSLY, ACTION WAS DEFERRED WITHOUT COMMITMENT AS TO DISPOSITION OF THE LAND UNTIL SPRING OF 1962 ON THE APPLICATION OF J. STANLEY JOHNSON, NO. 11608, LOS ANGELES LAND DISTRICT, TO PURCHASE THE S $\frac{1}{2}$ OF SECTION 16, T. 7 N., R. 2 W., S.B.M., CONTAINING 320 ACRES MORE OR LESS, IN SAN BERNARDINO COUNTY, WITH THE OPTION TO THE APPLICANT TO:

1. HAVE HIS DEPOSITS REFUNDED;
2. LEAVE HIS MONEY ON DEPOSIT PENDING FINAL DETERMINATION BY THE COMMISSION AS TO DISPOSITION OF THE PARCEL CONSISTENT WITH THE COMMISSION'S FUTURE LAND ADMINISTRATION AND SALES POLICY DETERMINATION.

A staff appraisal as of December 8, 1960 established a value of \$32.50 per acre for the 320 acres, or a total of \$10,400. The sale was not referred to the Commission until November 1961 because of the directive of the Commission on May 24, 1960, that all school, lieu and exchange application-processing was to be deferred pending completion of staff reports and the submittal thereof to the Commission for review.

In accordance with regulation requirements, the applicant, on February 3, 1961, deposited the full amount to meet the appraised value of \$10,400. Immediately thereafter, notice of intention to receive sealed bids was published in a major newspaper in San Bernardino County. No bids were received during the thirty-day advertising period.

CALENDAR ITEM 4. (CONTD.)

The purchase application of J. Stanley Johnson comes within the following policy of the Commission, adopted at its meeting of September 16, 1963:

13. DIRECTS THE REJECTION OF ANY APPLICATION BY PRIVATE PARTIES TO PURCHASE STATE LANDS PRESENTLY AUTHORIZED TO BE SOLD PURSUANT TO SECTIONS 2300 TO 2302, INCLUSIVE, OF TITLE 2, DIVISION 3, OF THE CALIFORNIA ADMINISTRATIVE CODE, IN INSTANCES WHERE ANY STATE OR LOCAL AGENCY HAS OBJECTED TO SUCH SALE INTO PRIVATE OWNERSHIP AND OFFERS TO PURCHASE OR LEASE THE LAND WITHIN TWO YEARS FROM THE DATE SUCH OBJECTION IS RECEIVED BY THE STATE LANDS COMMISSION.

In accordance with this policy, the Department of Fish and Game was notified on December 6, 1963, that within sixty days a firm offer was required to be submitted indicating that the Department would purchase the land within two years, and that failure to submit such an offer would result in a recommendation to the Commission that the land be sold to Mr. J. Stanley Johnson. By letter dated January 22, 1964, the Department indicated that it will not be in a position to lease or purchase the parcel.

After notification under the general circularization policy adopted by the Commission, the City of Victorville, by letter dated December 26, 1963, requested that the parcel be held for the allowable two-year period. On March 6, 1964, the City waived its prior hold request, indicating it was not in a position to make a commitment to lease or purchase within two years.

The question of whether the land should be reappraised and the December 8, 1960, valuation should be updated has been discussed informally with a representative of the office of the Attorney General. Advice received indicates that this is not a legal matter but strictly a matter of policy as to whether the Commission wishes to sell the land to Mr. Johnson at the appraised value as of December 1960, or to revise the value to reflect the current-day price. In view of the fact that the land probably would have been sold to the applicant by action of the Commission at its meeting of November 22, 1961, except for the objection to the sale expressed by the Department of Fish and Game which caused the sale deferral, and the fact that the total appraised value of \$10,400 plus expenses of \$236 has been on deposit since February 3, 1961, as well as publication to receive competitive bids having occurred for the required thirty-day period with no bids received, it would appear inequitable to the applicant to reappraise the property and to republish for the purpose of calling for new bids. Therefore, it is felt the applicant is entitled to purchase the land for the price which he was willing and had expected to pay as of November 22, 1961, having, at that time, complied with all regulations and requirements of law and completed all acts required on his part to be performed.

IT IS RECOMMENDED THAT THE COMMISSION FIND THAT THE S $\frac{1}{2}$ OF SECTION 16, T. 7 N., R. 2 W., S.B.M., AS SHOWN ON THE OFFICIAL UNITED STATES PLAT OF DEPENDENT RESURVEY ACCEPTED MARCH 2, 1961, CONTAINING 320 ACRES MORE OR LESS IN SAN BERNARDINO COUNTY, IS NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION, AND AUTHORIZE THE SALE OF SAID LAND, SUBJECT TO ALL STATUTORY AND CONSTITUTIONAL RESERVATIONS INCLUDING MINERALS, TO THE FIRST APPLICANT, J. STANLEY JOHNSON, AT A CASH PRICE OF \$10,400.