

MINUTE ITEM

23. STATE INDEMNITY SELECTION APPLICATION NO. 10687, LOS ANGELES LAND DISTRICT, SAN BERNARDINO COUNTY, MELVYN M. STEPHENS - S.W.O. 5813.

After consideration of Calendar Item 19 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION:

1. DETERMINES THAT IT IS TO THE ADVANTAGE OF THE STATE TO SELECT THE FEDERAL LAND EMBRACED IN LOTS 7 TO 14, INCLUSIVE; LOTS 23 TO 30, INCLUSIVE; AND LOTS 39 TO 42, INCLUSIVE; OF SECTION 5, T. 5 N., R. 12 E., S.B.M., CONTAINING 54.25 ACRES IN SAN BERNARDINO COUNTY, AS SHOWN ON THE OFFICIAL UNITED STATES SUPPLEMENTAL PLAT OF SURVEY OF SAID TOWNSHIP ACCEPTED JANUARY 25, 1960;
2. FINDS THAT SAID LANDS ARE NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION;
3. APPROVES THE SELECTION OF SAID LAND;
4. AUTHORIZES THE SALE OF SAID LAND, FOR CASH, TO MELVYN M. STEPHENS, AT THE APPRAISED PRICE OF \$4,394.25, SUBJECT TO ALL STATUTORY AND CONSTITUTIONAL RESERVATIONS INCLUDING MINERALS.

Attachment

Calendar Item 19 (2 pages)

CALENDAR ITEM

19.

STATE INDEMNITY SELECTION APPLICATION NO. 10687, LOS ANGELES LAND DISTRICT, SAN BERNARDINO COUNTY, MELVYN M. STEPHENS - S.W.O. 5813.

On May 28, 1954, an offer was received from Melvyn M. Stephens of Amboy, California, to purchase Lots 7 to 14, inclusive; Lots 23 to 30, inclusive; and Lots 39 to 42, inclusive; of Section 5, T. 5 N., R. 12 E., S.B.M., containing 54.25 acres in San Bernardino County. The land may be obtained by the State from the Federal government under indemnity selection procedure. The applicant offered the minimum of \$271.25, or \$5.00 an acre.

A staff appraisal shows that less than 50% of the land is suitable for cultivation without artificial irrigation, and establishes the appraised value at an average of \$86.00 per acre, for a total of \$4,394.25.

Due notice of the appraised value was given the applicant by certified mail. The applicant deposited the required amount within the 20-day time limit specified by Section 2402(c) of Title 2, Division 3, of the California Administrative Code.

The selection of the subject land is considered to be to the advantage of the State in that it will assist in satisfying deficiencies under the School Land Grant.

The State's application to select the land was accepted by the Bureau of Land Management, and the lands were listed (conveyed) to the State on August 6, 1963.

LOCATION: On the Westerly side of the town of Amboy, approximately 50 miles northeast of Twenty Nine Palms.

ACCESS: Excellent public highway (U.S. Highway 66) provides access to and through the property.

WATER: No surface water. Domestic water for the town of Amboy is transported from Newberry, 60 miles to the West, via railroad tank cars.

COVER: Typical desert land with little or no growth.

HIGHEST USE: Desert home site.

PRESENT USE: Desert home site.

Two occupied houses are located on the property. These improvements, owned by the applicant-to-purchase, Mr. Melvyn M. Stephens, were purchased by him shortly before filing his application with the Commission in May of 1954. Information developed during staff appraisal work indicates that the houses were constructed some years previously by the United States Gypsum Company under mining claims which later were abandoned. The purchase of the

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improvements by Mr. Stephens from the then-purported owner involved only the improvements, with the understanding that the land on which they were situated was owned by the United States.

The question of whether title to the improvements passed to the State under the conveyance of the land by the United States on August 6, 1963, was referred to the Office of the Attorney General, particularly for a determination as to whether any value should be assigned to the improvements in arriving at the total appraised value for sale purposes to Mr. Stephens. An opinion under date of May 25, 1964, from the Office of the Attorney General, a copy of which is attached hereto as Exhibit "A", concludes that the fair market value of the two houses should not be included in the amount Mr. Stephens should be required to pay for the land.

Pursuant to policies adopted by the Commission on September 16, 1963, all State agencies, as well as city and county governments and school districts, were circularized during the latter part of 1963 and the first part of 1964, and no indication of interest was expressed by any agency. In view of the improvements situated on the property and the views expressed in the Attorney General's opinion, it would not appear expedient to consider a sale of the land to anyone other than the applicant.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT IT IS TO THE ADVANTAGE OF THE STATE TO SELECT THE FEDERAL LAND EMBRACED IN LOTS 7 TO 14, INCLUSIVE; LOTS 23 TO 30 INCLUSIVE; AND LOTS 39 TO 42, INCLUSIVE; OF SECTION 5, T. 5 N., R. 12 E., S.B.M., CONTAINING 54.25 ACRES IN SAN BERNARDINO COUNTY, AS SHOWN ON THE OFFICIAL UNITED STATES SUPPLEMENTAL PLAT OF SURVEY OF SAID TOWNSHIP ACCEPTED JANUARY 25, 1960;
2. FIND THAT SAID LANDS ARE NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION;
3. APPROVE THE SELECTION OF SAID LAND;
4. AUTHORIZE THE SALE OF SAID LAND, FOR CASH, TO MELVYN M. STEPHENS, AT THE APPRAISED PRICE OF \$4,394.25, SUBJECT TO ALL STATUTORY AND CONSTITUTIONAL RESERVATIONS INCLUDING MINERALS.