

9. REQUEST FOR RELINQUISHMENT BY THE STATE OF ANY AND ALL RIGHT IT MAY HAVE TO ENTER UPON THE DESCRIBED LANDS TO DEVELOP MINERALS IN AND ABOVE A PLANE 500' BELOW THE SURFACE; LIEU LANDS, SAN BERNARDINO COUNTY; DART INDUSTRIES, INC. - LA 10286.

After consideration of Calendar Item 25 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. FINDS THAT THERE ARE NO KNOWN DEPOSITS OF COMMERCIALY VALUABLE MINERALS IN AND ABOVE A PLANE LOCATED 500' BELOW THE SURFACE OF THE SUBJECT PARCEL, AS DISCLOSED BY INDEPENDENT STUDIES BY A CONSULTING GEOLOGIST AND THE STATE LANDS DIVISION.
2. AUTHORIZES THE EXECUTIVE OFFICER TO EXECUTE A QUITCLAIM DEED RELINQUISHING ANY AND ALL RIGHT TO SURFACE ENTRY THAT THE STATE MAY HAVE TO ENTER UPON THE NW $\frac{1}{4}$ OF NW $\frac{1}{4}$ SECTION 30, T. 8 N., R. 4 W., AND THE SW $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 2, T. 7 N., R. 5 W., S.B.B. & M., SAN BERNARDINO COUNTY, IN AND ABOVE A PLANE 500' BELOW THE SURFACE, AS REQUESTED BY THE SURFACE OWNER, DART INDUSTRIES, INC.

Attachment:

Calendar Item 25 (2 pages)

CALENDAR ITEM

9/71
LA 10286
JFS

25.

REQUEST FOR RELINQUISHMENT BY THE STATE OF ANY AND ALL RIGHT IT MAY HAVE TO ENTER UPON THE DESCRIBED LANDS TO DEVELOP MINERALS IN AND ABOVE A PLANE 500' BELOW THE SURFACE.

APPLICANT: Dart Industries, Inc.

LOCATION: Parcel No. 1, NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, T. 8 N., R. 4 W., S.B.B.M. (41.72 acres).
Parcel No. 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, T. 7 N., R. 5 W., S.B.B.M. (40 acres).
San Bernardino County.

TYPE OF LAND: Lieu land with a 100% mineral reservation on Parcel No. 1 and 1/16 mineral reservation on Parcel 2.

ACREAGE: Approximately 80 acres.

REQUEST: Request for relinquishment by the State of any and all right it may have to enter upon the described lands in and above a plane 500' below the surface so as to permit the development of said parcel by the surface owner free of any hindrance that may be imposed by the State reservation of a 1/16th and 100% mineral interest.

PURPOSE: To develop Parcel No. 1, 41.72 acres, as part of the acreage designated for medium density housing within the 5200 acres of the proposed Silver River Lakes Project. The Silver River Lakes Project has been presented as a complete recreational community to be developed around two man-made lakes, with 5100 residential lots and featuring a 27-hole golf course and an equestrian area.

Parcel No. 2 lies outside the boundary of the proposed development, but within close proximity and may be included in future development plans.

OTHER PERTINENT INFORMATION:

1. Section 6401(b) of the Public Resources Code provides in part that ... "upon a finding by the commission that there are no known deposits of commercially valuable minerals in and above a plane located 500 feet below the surface of any lands sold ... and wherein any ... of the mineral deposits ... are required by law to be reserved to the State, the commission may by ... appropriate instrument, modify the accompanying rights of the State to the use of the surface of such lands, including any right to enter such lands to a depth of 500 feet below the surface of such lands, as will permit the orderly use and development of all such sold or exchanged lands".

CALENDAR ITEM 25. (CONTD.)

OTHER PERTINENT INFORMATION: (CONTD.)

2. Section 6373 provides in part that "Before any disposition of State lands to a private party or other governmental agency, the intended recipient of such lands shall submit to the commission and to the Legislature a general plan"
3. The community General Plan and the zoning were adopted by the San Bernardino County Board of Supervisors in January of 1971. Initial construction was scheduled to start in the summer of 1971 with a projected cost estimated at \$30,000,000.
4. A geological study made by a registered consulting geologist on behalf of the Dart Industries, Inc., reports that the subject parcel's commercial mineral potential is minimal. An independent study conducted by the State Lands Division concurs.
5. The project has been reviewed by interested agencies.
6. The consideration will be the public benefit in permitting an orderly development of primarily river bottom farm land, presently cultivated for alfalfa, along with some acreage of vacant desert land.
7. The applicant has filed with the State Lands Division three copies of a general plan of the proposed development area, which have been distributed as follows:
 - a. One copy for State Lands Division.
 - b. One copy for Chief Clerk of the Assembly.
 - c. One copy for Secretary of the Senate.

EXHIBIT: A. Location map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THERE ARE NO KNOWN DEPOSITS OF COMMERCIALY VALUABLE MINERALS IN AND ABOVE A PLANE LOCATED 500' BELOW THE SURFACE OF THE SUBJECT PARCEL, AS DISCLOSED BY INDEPENDENT STUDIES BY A CONSULTING GEOLOGIST AND THE STATE LANDS DIVISION.
2. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE A QUITCLAIM DEED RELINQUISHING ANY AND ALL RIGHT TO SURFACE ENTRY THAT THE STATE MAY HAVE TO ENTER UPON THE NW $\frac{1}{4}$ OF NW $\frac{1}{4}$ SECTION 30, T. 8 N., R. 4 W., AND THE SW $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 2, T. 7 N., R. 5 W., S.B.B.&M., SAN BERNARDINO COUNTY, IN AND ABOVE A PLANE 500' BELOW THE SURFACE, AS REQUESTED BY THE SURFACE OWNER, DART INDUSTRIES, INC.