

MINUTE ITEM NO. 46
APPROVED J. S. H.

CALENDAR ITEM

46.

2/76
RS
PRC 2709.2

SETTLEMENT OF A CONDEMNATION ACTION

Two successive actions were filed by the United States condemning a leasehold interest in lands lying within Mojave "B" Gunnery Ranges covering the period from July 1, 1965, through June 30, 1975. On June 25, 1975, a third action was filed that would cover the period from July 1, 1975, through June 30, 1976, extendable thereafter until September 30, 1976, and yearly thereafter until September 30, 1980.

Prior to the 1965 condemnation action, the State had received \$3,775 per year for the 4,115.40 acres of school land within the Gunnery Range. After lengthy negotiations, a compromise rental of \$5,400 per year was agreed upon for rental up to June 30, 1975. The United States has now offered \$6,380 per year rental for the same lands for the period covered by the new action up to September 30, 1980.

It is the opinion of the Attorney General's Office and the State Lands Division that the offer made by the United States is acceptable provided it is stipulated such rental is not agreed to be fair rent and will not prejudice either party's claim of fair market value for the lands. Negotiations have been initiated which hopefully will lead to an exchange of the school lands for federal lands elsewhere. An appraisal will be made to further the exchange proposal and a determination of fair rental determined at that time.

Exhibit: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ATTORNEY GENERAL ON BEHALF OF THE STATE LANDS COMMISSION TO ENTER INTO APPROPRIATE JUDGMENTS AND STIPULATIONS THEREFORE IN THE MATTER OF UNITED STATES VS. 6,104.48 ACRES OF LAND IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, UNITED STATES DISTRICT COURT, CENTRAL DISTRICT, NO. CV75-2128 LTL, WHEREIN THE STATE IS TO RECEIVE \$6,380 PER ANNUM FOR THE PERIOD JULY 1, 1975, THROUGH SEPTEMBER 30, 1980.