

MINUTE ITEM

This Calendar Item No. 37.
was approved as Minute Item
No. 37 by the State Lands
Commission by a vote of 3
to 0 at its 10-29-79
meeting.

CALENDAR ITEM

37.

10/79
W 40021
Pinson

APPROVAL OF AGREEMENT REGARDING REAL PROPERTY
LOCATED IN NEVADA COUNTY

APPLICANT/SURFACE OWNER:

Earl E. Gillham
535 Dimm Street
Richmond, California 94805

AREA, TYPE OF LAND, LOCATION:

Approximately 480 acres of patented school
land, Section 16, T15N, R8E, MDBM, Nevada
County. The State retained a 100 percent
mineral interest in the land when patented.

PERTINENT INFORMATION:

1a. Section 6401(b) of the P.R.C. provides
in relevant part:

"...upon a finding by the State Lands
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 or exchanged ... by the
State to another ..., and wherein
any or all of the mineral deposits
have or are required by law to be
reserved to the State, the Commission
may be (sic) ... 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 Nothing in
this subdivision shall be construed
to authorize the relinquishment of
any mineral rights in such lands owned
or reserved to the State."

b. Section 6373 of the P.R.C. provides
in relevant part:

A 3
S 1

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"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, as specified by the Commission, for the use of the subject lands to be transferred, together with the review and comments of other interested State agencies."

2. The applicant/surface owner has applied to the Commission for the relinquishment of the State's surface entry rights pursuant to Section 6401(b) of the P.R.C.

The staff and the applicant have negotiated an agreement whereby the State will immediately relinquish its right to the use of the surface of 114[±] acres of the subject land.

The proposed Agreement further provides that, if within 10 years of the date when the Agreement becomes effective the applicant has obtained and recorded a subdivision of the remaining 366[±] acres of the subject land, the State will deliver a similar relinquishment to the applicant for that 366[±] acres. The applicant would simultaneously deliver grant deeds to the State of two 5[±] acres parcels which are designated in the proposed Agreement. The staff believes that State's title to these 2 parcels will allow the State to maintain lateral access to the land included in both quitclaim deeds for the purpose of mineral extraction.

3. The applicant has indicated that the proposed relinquishment is necessary for the applicant's orderly use and development of the subject land.

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4. A negative declaration, ND 76-244, has been prepared and certified by the County of Nevada. That negative declaration covers the 60[±] acres of presently subdivided land.
5. Sylvester Engineering Inc., an acceptable consulting firm, reports that the subject land does not contain commercially valuable minerals in and above a plane located 500 feet below the surface of the subject land. The staff has reviewed this report and has conducted an independent evaluation of the mineral potential in the upper 500 feet of the subject lands and has concluded that at this time there are no known commercially valuable minerals within this interval.
6. The applicant has filed the following items with the Commission:
 - a. Copies of ND 76-244.
 - b. The applicant's plan of development for the subject land.
 - c. The geologic report prepared by Sylvester Engineering, Inc.

The Commission staff has distributed these items as follows:

- a. One copy of each to the Chairman and Members of the State Lands Commission.
- b. One copy of each to the Chief Clerk of the Assembly.
- c. One copy of each to the Secretary of the Senate.

The applicant has duly executed copies of the proposed agreement and has returned them to the Commission.

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EXHIBITS:

A. Site 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 FEET BELOW THE SURFACE OF THE SUBJECT LAND.
2. AUTHORIZE THE EXECUTION OF THAT AGREEMENT ENTITLED "AGREEMENT REGARDING REAL PROPERTY LOCATED IN NEVADA COUNTY, CALIFORNIA" ON FILE IN THE OFFICE OF THE COMMISSION.
3. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO TAKE ALL ACTIONS WHICH ARE NECESSARY AND PROPER TO IMPLEMENT SAID AGREEMENT INCLUDING ACCEPTING GRANT DEEDS FOR PARCELS TO BE RECEIVED BY THE STATE.

EXHIBIT "A"

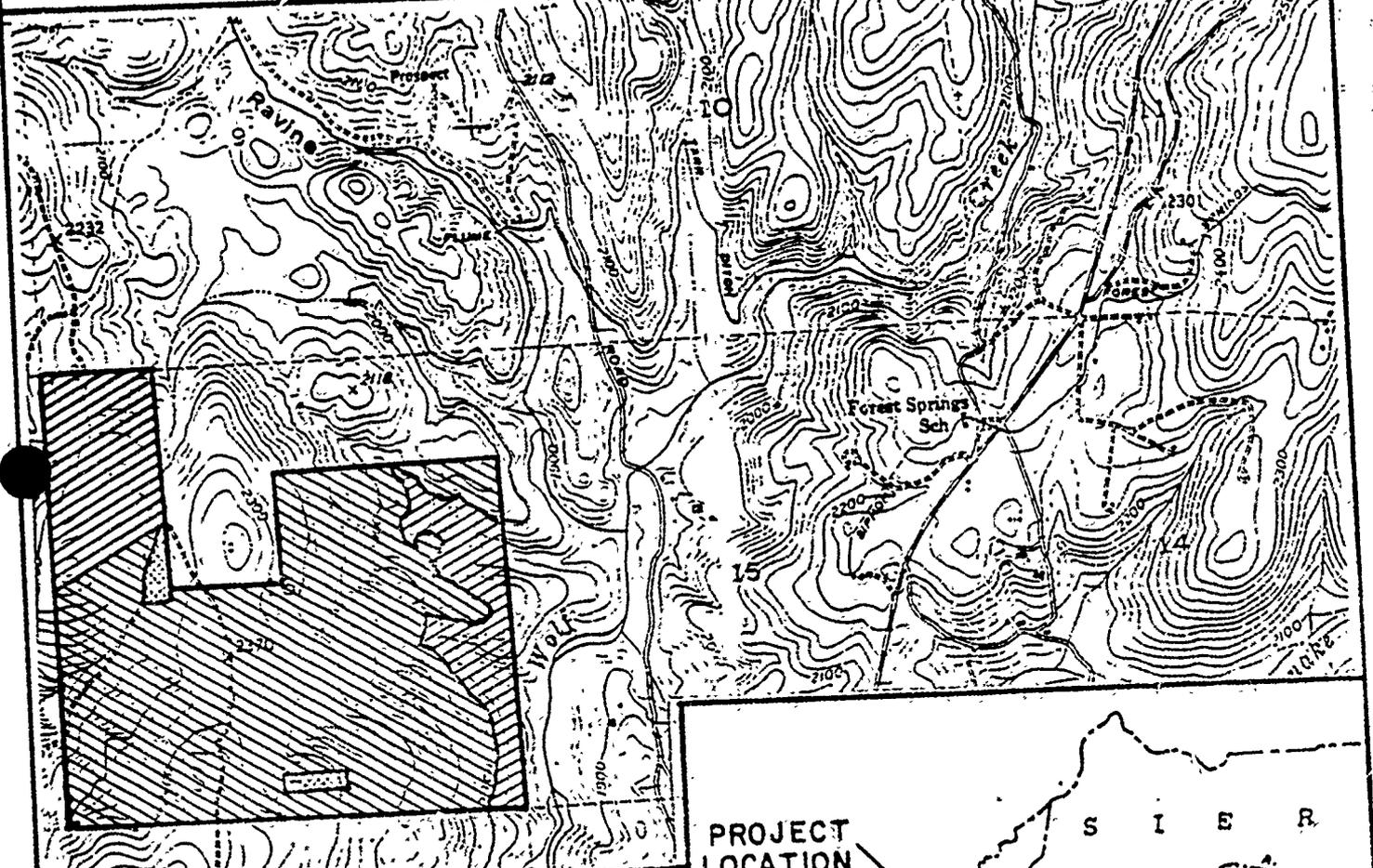
W 40021

STATE LANDS COMMISSION

**Application for Modification of State
Right of Surface Entry on W 1/2
NW 1/4, S 1/2 NE 1/4, S 1/2
Section 16, T.15, R.8E. MDB & M**

**By
Mr. Earl Gillham
Nevada County**

JFS



-  **IMMEDIATE RELINQUISHMENT**
-  **PROSPECTIVE RELINQUISHMENT**
-  **PROSPECTIVE LOTS TO BE DEEDED TO STATE**

PROJECT LOCATION

