

MINUTE ITEM

This Calendar Item No. 28  
was approved as Minute Item  
No. 18 by the State Lands  
Commission by a vote of 5  
to 0 at its 5-29-80  
meeting.

CALENDAR ITEM

28.

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MODIFICATION OF THE STATE'S RIGHT OF SURFACE ENTRY

APPLICANT: Lizzie Mae Ingle  
710 West Norman  
Broken Arrow, Oklahoma

AGENT: Lawrence O. Bliss  
7333 Hellman Ave.  
Rancho Cucamonga, CA 94730

AREA, TYPE OF LAND, LOCATION:  
Approximately 1.30 acres of patented lieu  
land, being a portion of the W $\frac{1}{2}$  N $\frac{1}{2}$  of Gov.  
Lot 1 of SW $\frac{1}{4}$  of Sec. 30, T.14N., R.9E.,  
SBB&M. The State retained a 100% mineral  
interest in the land when patented. Located  
in San Bernardino County on the western  
fringe of the Town of Baker in a narrow  
strip of land between Baker Blvd., the  
main thoroughfare of Baker, and Interstate  
Highway #15; the site abuttes Baker Blvd.  
on the north between a garage and a service  
station. Directly across the street on  
the north side of Baker Blvd. are existing  
shops and a motel.

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 the 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,

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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:

"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. Mr. Lawrence O Bliss, agent for 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 considered to be in the best interests of State, whereby the State will immediately relinquish its right to the use of the surface of the 1.30 acres of subject land for valuable consideration of \$1000 to cover staff expenses and those rights modified by the State.

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 #106 has been prepared and certified by the County of San Bernardino, covering the 1.30 acres proposed for the development by Burger King Corp.
5. The Staff has conducted an evaluation of the mineral potential in the upper 500 feet of the subject land 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 #106 prepared by the County of San Bernardino.
  - b. The applicant's plan of development for the subject land.
  - c. The geologic report prepared by the State Lands Commission staff.

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 Assembly.
- c. One copy of each to the Secretary of the Senate.

EXHIBITS: A. Legal Description. B. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS PROJECT, BUT THAT A NEGATIVE DECLARATION HAS BEEN PREPARED BY THE COUNTY OF SAN BERNARDINO ON DECEMBER 19, 1979.
2. CERTIFY THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THIS NEGATIVE DECLARATION.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

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4. FIND THAT THERE ARE NO KNOWN DEPOSITS AT THIS TIME OF COMMERCIALY VALUABLE MINERALS IN AND ABOVE A PLANE LOCATED 500 FEET BELOW THE SURFACE OF THE SUBJECT LAND.
5. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE A QUITCLAIM DEED, MODIFYING ANY AND ALL RIGHT TO SURFACE ENTRY THAT THE STATE MAY HAVE TO ENTER UPON A PORTION OF THE W $\frac{1}{2}$  N $\frac{1}{2}$  OF GOV. LOT 1 OF SW $\frac{1}{4}$  OF SECTION 30, T.14N., R.9E., SBB&M, SAN BERNARDINO COUNTY, DESIGNATED ON THE SAN BERNARDINO COUNTY ASSESSOR'S MAP AS PARCEL NO. 544-312-06 AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, IN AND ABOVE A PLANE 500 FEET BELOW THE SURFACE, AS REQUESTED BY THE APPLICANT'S AGENT, LAWRENCE O. BLISS ON BEHALF OF THE SURFACE OWNER AND APPLICANT, LIZZIE MAE INGLE.

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EXHIBIT "A"

LEGAL DESCRIPTION

That portion of the West one-half of the North one-half of Government Lot 1 of the Southwest one-quarter of Section 30, Township 14 North, Range 9 East, San Bernardino Meridian, according to the official plat thereof, in the County of San Bernardino, State of California, described as follows:

Commencing at the point of intersection of the Southerly Right of Way line of Baker Boulevard, formerly State Highway 91-466, 100 feet wide, with a line 20 feet due East of the East line of the aforementioned West one-half of the North one-half of said Government Lot 1;

Thence along said Southerly line of Baker Boulevard, South  $52^{\circ} 24' 50''$  West, 400.00 feet to the Point of Beginning;

Thence South, 371.71 feet to South line of the North one-half said Government Lot 1;

Thence South  $89^{\circ} 41' 50''$  West, along said South line of the North one-half of Government Lot 1, 158.49 feet;

Thence North, 250.52 feet to the aforementioned Southerly Right of Way line of Baker Boulevard;

Thence North  $52^{\circ} 24' 50''$  East, along said Southerly Right of Way line of Baker Boulevard, 200.00 feet to the Point of Beginning.

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