MINUTE ITEM
This Calendar Item No. 35
was approved as Minute Item
No. 35 by the State Lands
Commission by a vote of 3
to 0 at its 3-5-81
meeting.

CALENDAR ITEM

35

2/81
W 9488
Gonzalez

MODIFICATION OF STATE'S RIGHT OF SURFACE ENTRY

APPLICANT: Thomas Winn
8925 Folsom Boulevard, Suite "N"
Sacramento, California 95814

AGENT: Elias D. Bardis, Esq.
555 Capitol Mall, Suite 280
Sacramento, California 95814

AREA, TYPE OF LAND, LOCATION:
Approximately 0.44 acres of escheated lands sold with a 100% mineral reservation to the State, described as lots 5 through 10 inclusive in Block 10, town of Sheridan, as shown on the map thereof filed in the office of the County Recorder of Placer County. The parcel is a portion of Section 13, T13N R5E, MDM. Sheridan is an unincorporated community on State Highway 65 approximately 30 miles north of Sacramento.

PERTINENT INFORMATION:

1. The surface owner-applicant is currently constructing three single-family residences on the parcel for sale to limited-income buyers through the Federal Farm Home Administration. In order to obtain marketable title to the parcel, the applicant has requested this modification.

2. 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 place located 500 feet below the surface of any land 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

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of 500 feet below the surface of such lands, as will permit the orderly use and development of all such sold or exchanged lands".

3. A geologic study completed by an acceptable Geotechnical Consulting firm at a cost of $800 to the applicant, reports that the subject parcel does not contain commercially valuable mineralization. Further, an independent study made by the State Lands Commission's staff concurs with that finding.

4. Section 6373 of the PRC 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...".

5. The Applicant has filed with the Commission's staff copies of the development plan, permits, maps and the geologic report. These have been distributed as follows:

   a. One copy of each to the Commissioners 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.

6. This action has been determined to be exempt from the requirements of CEQA since the resulting project is exempt under Class 3.

   Authority: PRC 21084, CAC 15103(a).

7. This project is situated on lands not identified as possessing environmental values. A staff review of available environmental information indicates no reason to identify the subject land as having such values at this time.

8. The applicant has also submitted:

   a) Payment of required filing fee and expense deposit totaling $125.

   b) Submission of a geologic report on the area prepared by a registered geologist for applicant at a cost of $300.

APPROVALS OBTAINED:
All required approvals and clearances have been obtained for the project and a building permit has been issued by Placer County.

EXHIBITS:
A. Land Description.
B. Location Map.
C. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN ENVIRONMENTAL DOCUMENT IS NOT REQUIRED FOR THE PROJECT AS IT HAS BEEN EXEMPTED FROM THE REQUIREMENTS OF CEQA AS A CATEGORICAL EXEMPTION, CLASS III.

2. FIND THAT THERE ARE NO KNOWN DEPOSITS OF COMMERCIALLY VALUABLE MINERALS IN AND ABOVE A PLANE LOCATED 500 FEET BELOW THE SURFACE OF THE SUBJECT PARCEL, AS DISCLOSED BY INDEPENDENT STUDIES BY A CONSULTING FIRM AND THE COMMISSION'S STAFF.

3. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE A QUITCLAIM DEED TO THOMAS WINN, MODIFYING ANY AND ALL RIGHT TO SURFACE ENTRY THAT THE STATE MAY HAVE TO ENTER UPON A PORTION OF SECTION 13, T13N, R5E, MDM, PLACER COUNTY, DESIGNATED AS LOTS 5 THROUGH 10 INCLUSIVE IN BLOCK 10, SHERIDAN, AS SHOWN ON THE MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF PLACER COUNTY 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.

EXHIBIT "A"

LAND DESCRIPTION W 9488

A parcel of land where all mineral deposits are reserved by the State of California in deed recorded May 26, 1954, in Book 651, Page 475, Official Records in Sheridan, Placer County, California, Section 13, T13N, R5E, MDM, more particularly described as follows:

Lots 5 through 10 inclusive in Block 10 as shown on the map of the unincorporated area of Sheridan filed in the Office of the County Recorder of Placer County.

END OF DESCRIPTION

PREPARED FEBRUARY 2, 1981 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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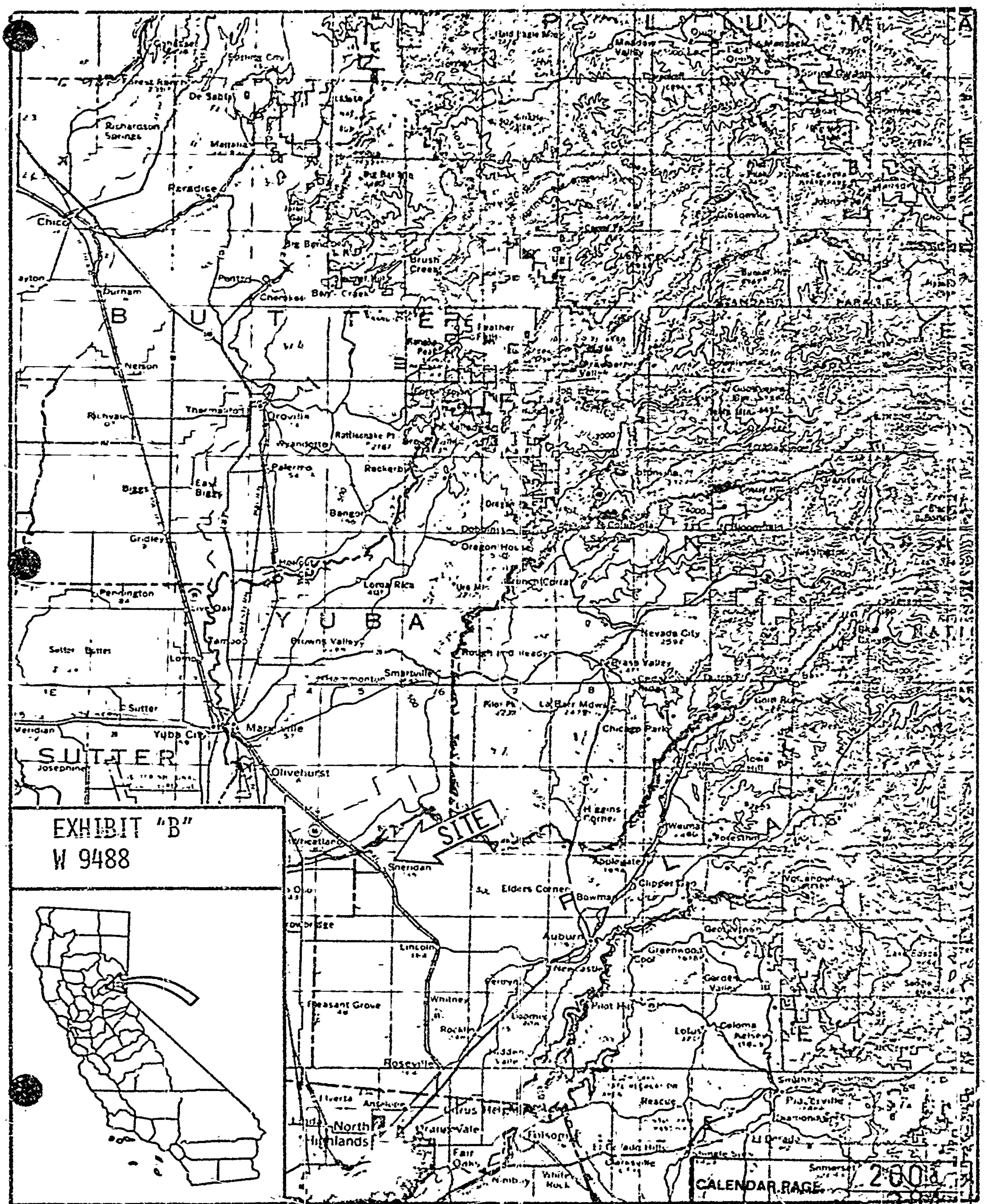

EXHIBIT "B"
W 9488

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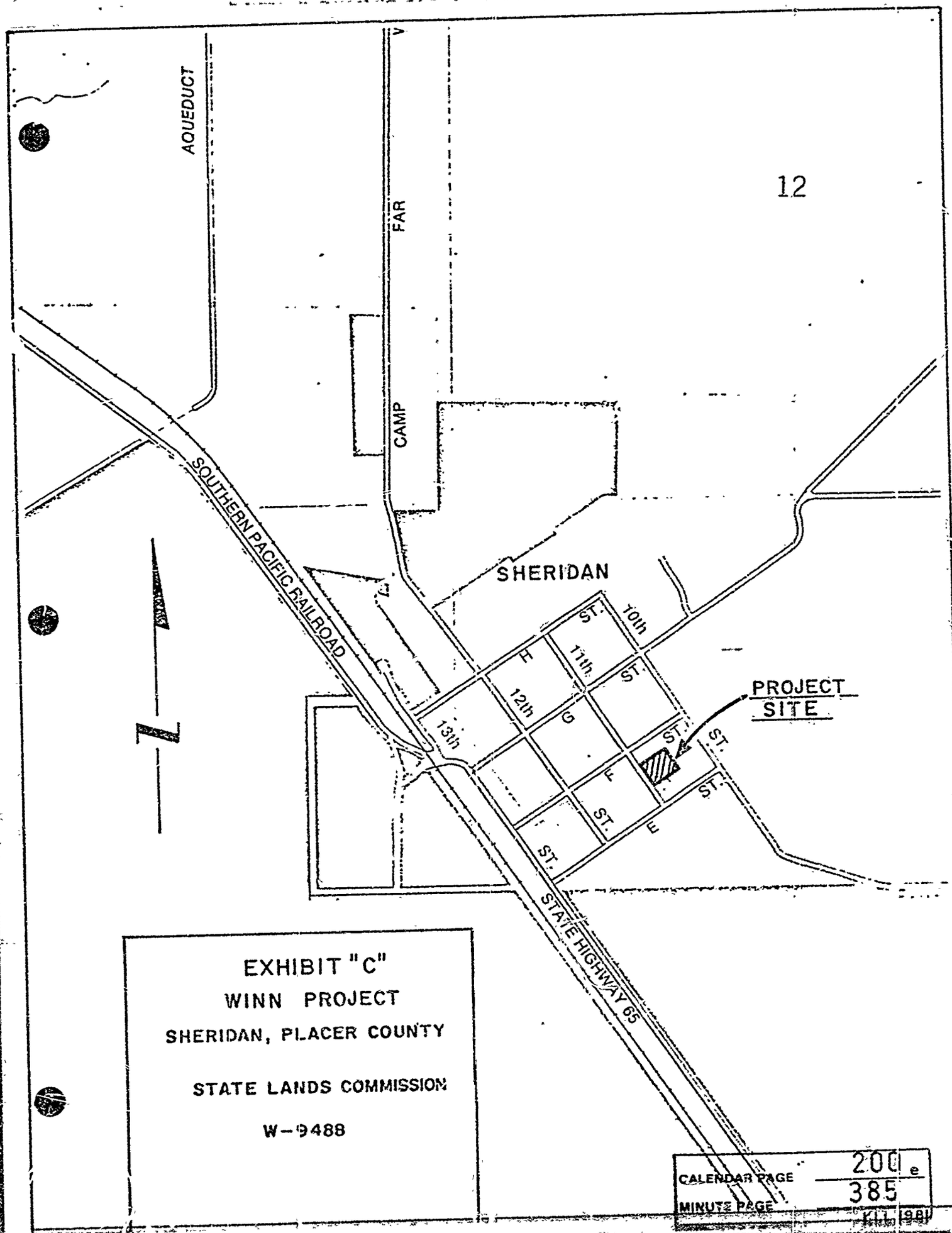

EXHIBIT "C"
WINN PROJECT
SHERIDAN, PLACER COUNTY

STATE LANDS COMMISSION

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