

MINUTE ITEM

This Calendar Item No. 41
was approved as Minute Item
No. 41 by the State Lands
Commission by a vote of 2
to 0 at its 6/23/83
meeting.

CALENDAR ITEM
41

6/23/83
W 503.1323
Davis

AUTHORIZATION TO
FILE DISCLAIMER OF COMPENSATION IN
UNITED STATES OF AMERICA V.
19.1 ACRES, OF LAND, MORE OR LESS, IN
THE COUNTIES OF YOLO AND NAPA,
STATE OF CALIFORNIA, ET AL.,
UNITES STATES DISTRICT COURT,
EASTERN DISTRICT OF CALIFORNIA,
CIVIL NO. S-83-313

The State Lands Commission is a party to a United States condemnation action brought by the United States Attorney entitled, United States of America v. 19.1 Acres of Land, More or Less, et al., filed in the United States District Court, Eastern District of California, Civil No. S-83-313. The action involves land in the counties of Yolo and Napa in which the United States seeks to condemn a nonexclusive easement for the repair, improvement, maintenance, and use of an existing access road and for the development, management, protection and utilization of public land near Berryessa Peak for the Bureau of Land Management, United States Department of the Interior.

Examination of Commission records has revealed no fee ownership interest held by the State Lands Commission as to the tract described in the notice of condemnation. As indicated by the Federal Government's complaint, however, the United States will take the easement interest subject to (1) reservations contained in patents issued by the United States or by the State of California, (2) existing rights-of-way in favor of the public or third parties for highways, roads, and public utilities, and (3) estates, interests, and rights in or to coal, gas, oil and any and all other minerals, reserved to or outstanding in third parties. In addition, a litigation guarantee indicates that the right of the people to fish upon the land has been reserved in a patent from the State of California.

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CALENDAR ITEM NO. 41 (CONT'D)

To preserve any interest which may arise with respect to the above-mentioned reservations and rights-of-way in the parcel of land which is the subject of this condemnation action, it is recommended that the Commission file a disclaimer only as to all right, title and interest in and to any compensation that may be awarded.

AB 884: N/A.

EXHIBIT: A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE ATTORNEY GENERAL TO FILE, ON BEHALF OF THE STATE LANDS COMMISSION, A DISCLAIMER OF RIGHT, TITLE AND INTEREST IN AND TO COMPENSATION IN THE CASE OF UNITED STATES OF AMERICA v. 19.1 ACRES OF LAND, MORE OR LESS, ET AL., UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA, CIVIL NO. S-83-313.

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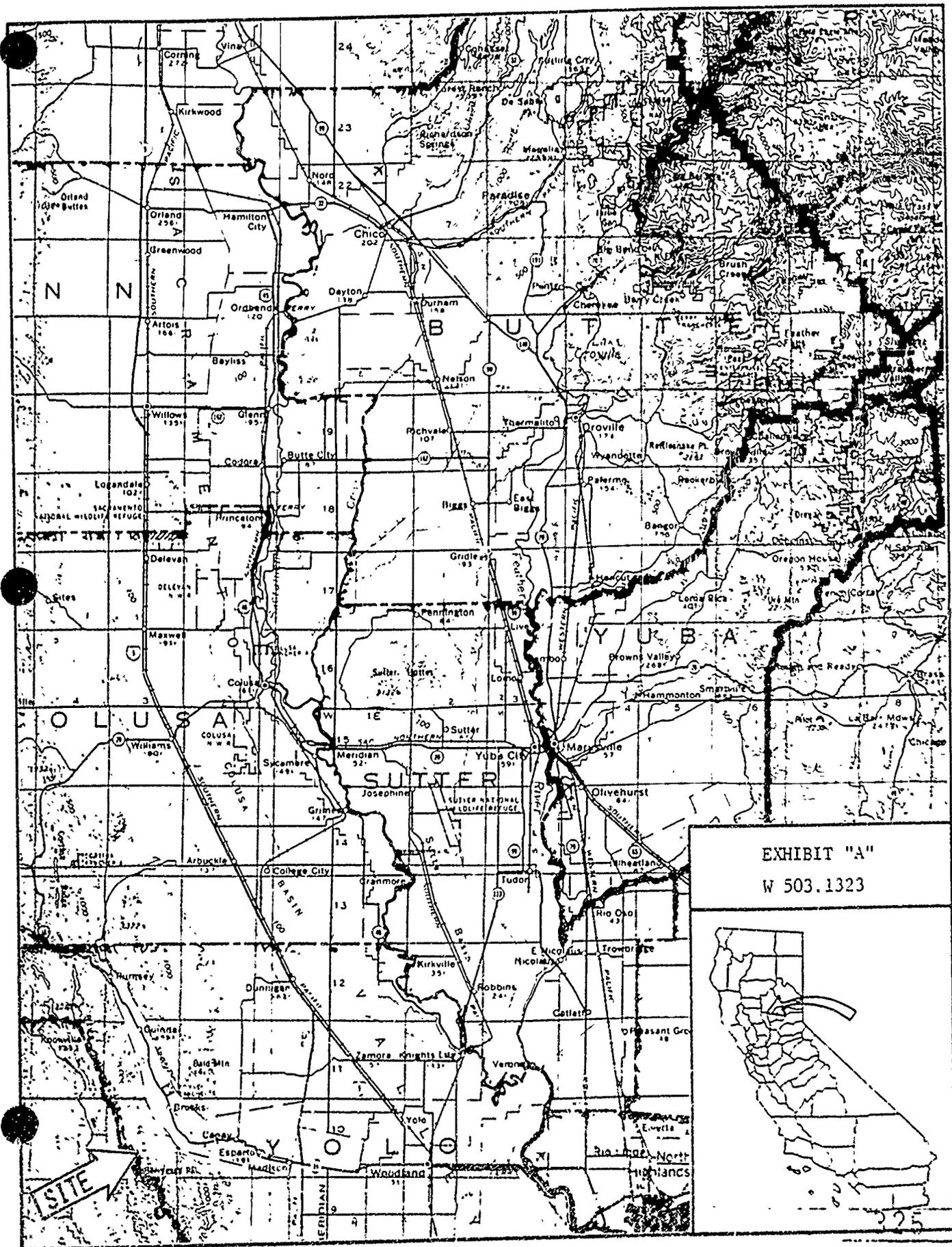


EXHIBIT "A"
W 503.1323

