

MINUTE ITEM

This Calendar Item No. 23
was approved as Minute Item
No. 23 by the State Lands
Commission by a vote of 2
to 0 at its 3/29/85
meeting.

CALENDAR ITEM

A 30
S 16

23

03/28/85
W 23049
Maricle
Stevenson
AD 20

TERMINATION OF SOVEREIGN INTERESTS IN EXCHANGE FOR
OTHER LAND AND A \$3,900 CONTRIBUTION TO
KAPILOFF LAND BANK FUND; SOUTH FORK OF
THE KINGS RIVER, KINGS COUNTY

APPLICANTS: John H. Crosswell, Vicky J. Crosswell
and Crosswell Pollination Service,
A California Corporation
2137 Woodbridge Way.
Hanford, California 93230

In 1982, the staff was contacted by a surveying firm engaged in a boundary survey for John H. Crosswell and Crosswell Pollination Service (Crosswell), regarding titles to property located along the south fork of the Kings River, in Kings County. Discussions and subsequent research disclosed that Crosswell is using filled sovereign land which is part of the historic bed of the south fork of the Kings River, and that some of Crosswell's privately-owned land is within the present channel. Further research revealed that these conditions were caused by a re-alignment project by the Corps of Engineers in the 1960's prior to Crosswell's occupation of the property.

Crosswell and the staff have negotiated an agreement as to the sovereign lands involved. In the agreement, TRUST TERMINATION PARCELS 1, 2 and 3 (shown in their general locations on Exhibit "B" which is attached and by reference incorporated herein) will be conveyed to Crosswell free of the sovereign interest. In exchange, Crosswell will convey to the State all of PARCELS A, B, C, D, and E (also shown generally on Exhibit "B" and incorporated by reference), and \$3,900 which will be deposited into the Kapiloff Land Bank Fund. Parcel A through D are in the present south fork of the Kings River, as realigned; Parcel E is an upland parcel which adjoins the River and a public highway. In sum, the land conveyance to Crosswell

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accrues to 6.47 acres; the land conveyances to the State accrues to 4.28 acres; the \$3,900 payment from Crosswell will go to the Land Bank Fund pursuant to Section 8625 of the P.R.C.

The proposed agreement has been drafted to clear title to the Trust Termination Parcels utilizing Division 6, (including Section 6307) of the P.R.C. The staff recommends Commission approval and execution of the Exchange Agreement in a form similar to that now on file in the Commission's offices. The TRUST TERMINATION PARCELS are filled above the waters of the Kings River. The PARCELS TO STATE will provide State ownership within the present waterway and deeded access to it along the left bank of the River.

Staff has appraised the TRUST TERMINATION PARCELS and the PARCELS TO THE STATE and has found that the TRUST TERMINATION PARCELS to be more valuable by \$3,900. The contribution of that amount will make up for the difference in value.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutory exempt project. The project is exempt because it involves settlements of title and boundary problems.

Authority: P.R.C. 21080.11, and because it involves an action taken pursuant to the Kapiloff Land Bank Act, P.R.C. 8600, et seq.

Authority: P.R.C. 8631.

EXHIBITS:

- A. General Site Map.
- B. Specific Site Map showing the TRUST TERMINATION PARCELS, AND THE PARCELS COMING TO THE STATE.

ADDED 03/25/85)

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IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A STATUTORY EXEMPT PROJECT PURSUANT TO P.R.C. 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS, AND P.R.C. 8631, AN ACTION TAKEN PURSUANT TO THE KAPILOFF LAND BANK ACT, P.R.C. 8600, ET SEQ.
2. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE AND TO DELIVER INTO ESCROW FOR RECORDATION IN THE OFFICE OF THE COUNTY RECORDER OF KINGS COUNTY, THE SUBJECT EXCHANGE AGREEMENT IN A FORM SIMILAR TO THAT NOW ON FILE WITH THE OFFICE OF THE STATE LANDS COMMISSION.
3. FIND, UPON RECORDATION OF THE EXCHANGE AGREEMENT, THAT THE TRUST TERMINATION PARCELS HAVE BEEN FILLED AND RECLAIMED AND ARE NO LONGER USEFUL FOR COMMERCE, NAVIGATION, OR FISHERIES.
4. FIND, UPON RECORDATION OF THE EXCHANGE AGREEMENT, THAT THIS EXCHANGE IS IN THE BEST INTEREST OF THE STATE FOR THE IMPROVEMENT OF NAVIGATION, AID IN RECLAMATION, OR FOR FLOOD CONTROL PROTECTION, OR TO ENHANCE THE CONFIGURATION OF THE SHORELINE FOR THE IMPROVEMENT OF THE WATER AND UPLAND, ON A NAVIGABLE RIVER AND THAT IT WILL NOT SUBSTANTIALLY INTERFERE WITH THE RIGHT OF NAVIGATION AND FISHING IN THE WATERS INVOLVED.
5. FIND THAT THE LANDS, FUNDS AND BENEFITS COMING TO THE STATE ARE EQUAL TO OR GREATER THAN THE VALUE OF THE SOVEREIGN INTERESTS IN THE TRUST TERMINATION PARCELS.
6. AUTHORIZE THE EXECUTIVE OFFICER OR HER DESIGNEE AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS DEEMED NECESSARY OR APPROPRIATE TO EFFECTUATE THIS EXCHANGE INCLUDING REPRESENTATION OF THE COMMISSION IN ANY LEGAL ACTION TO DETERMINE THE LEGALITY OF THIS AGREEMENT.

(ADDED 03/25/85)

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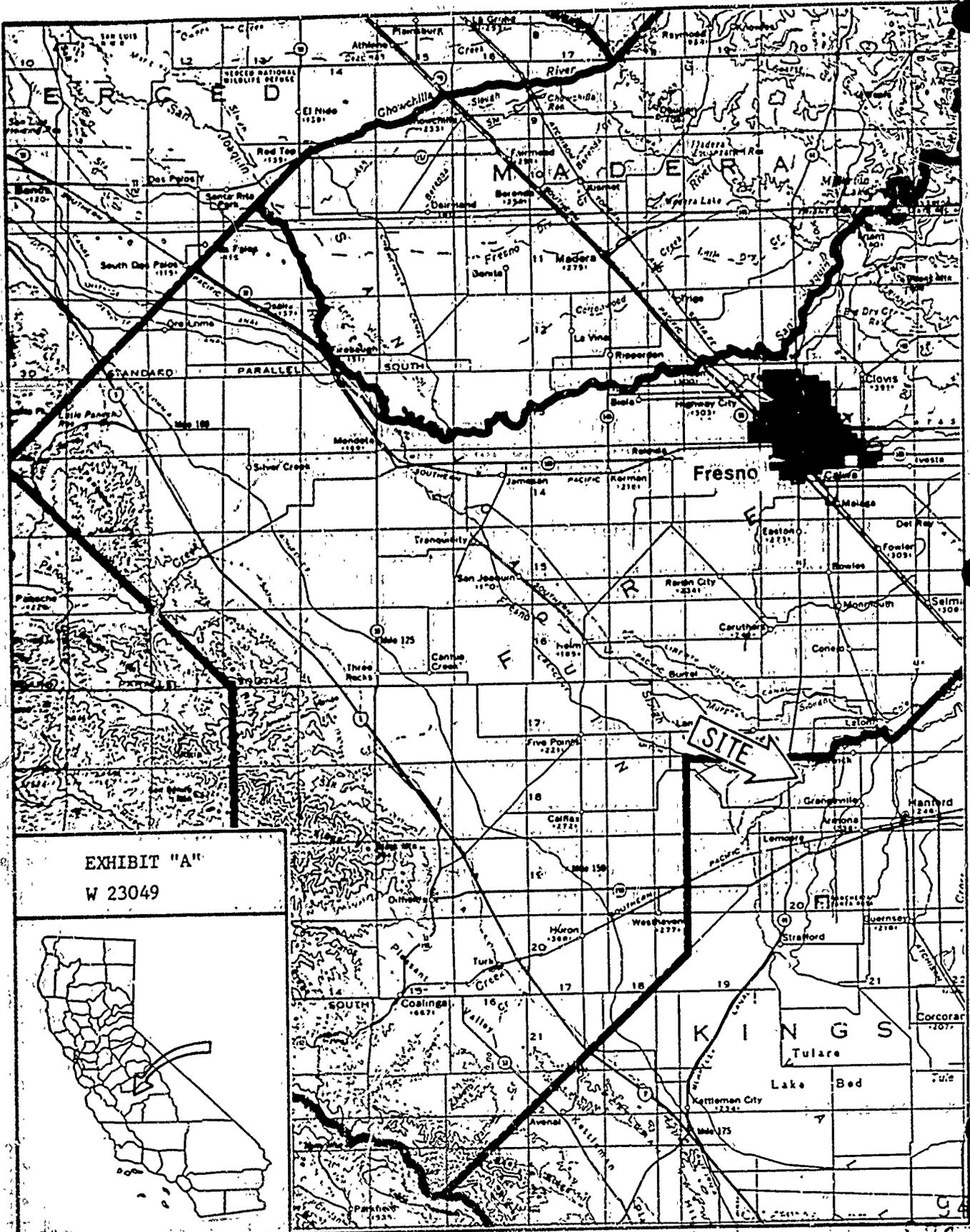


EXHIBIT "A"
W 23049

An inset map of the state of California is located in the bottom left corner. A rectangular box is drawn on the map, indicating the geographical location of the main map's area within the state, specifically in the Central Valley region.

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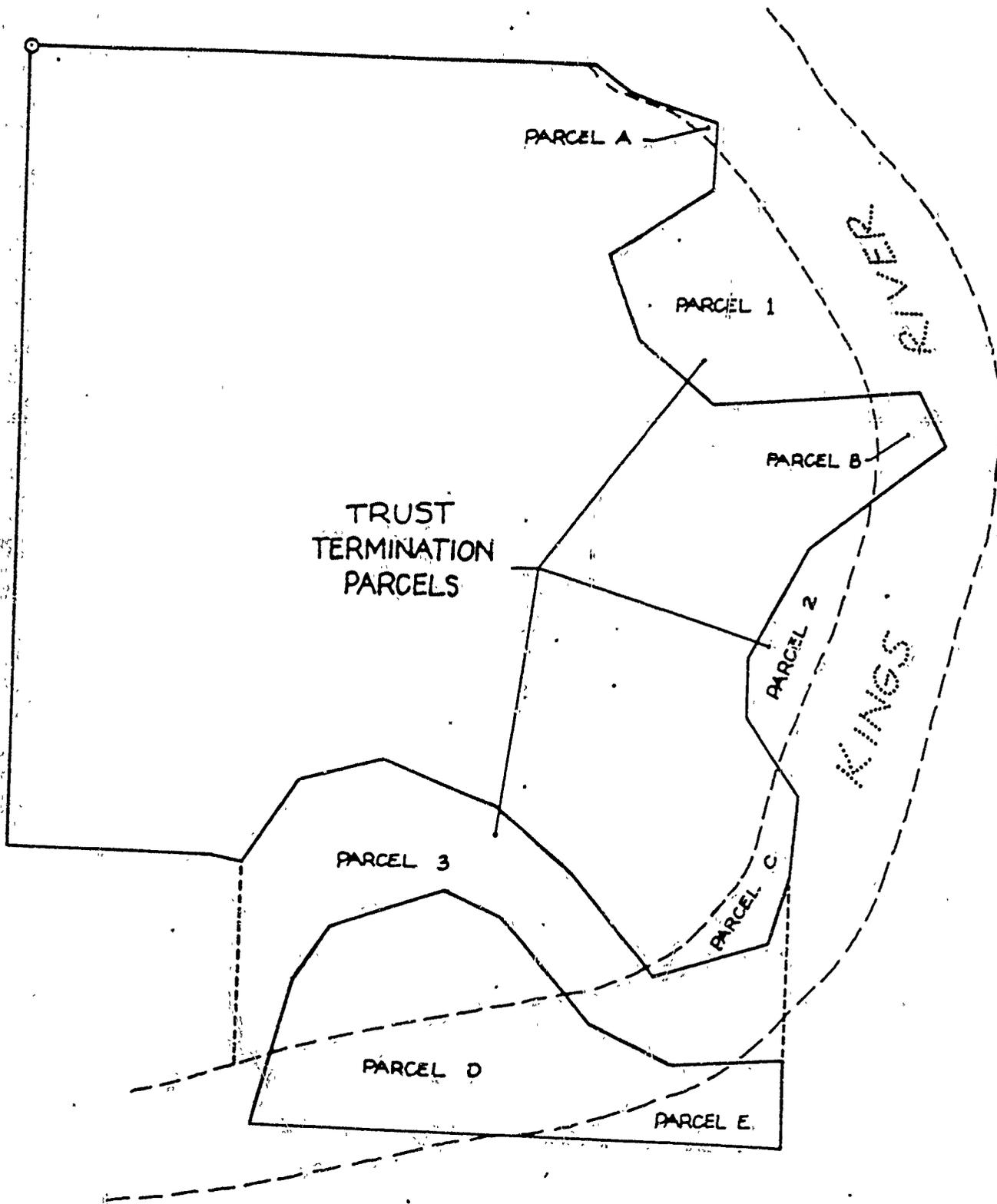


EXHIBIT 'B'

(ADDED 03/25/85)

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