

MINUTE ITEM

This Calendar Item No. 20
was approved as Minute Item
20 by the State Lands
Commission by a vote of 2
to 0 at its 8/28/86
meeting.

CALENDAR ITEM

A 68
S 36

20 1

08/28/86
SA 5672
N. Smith

AUTHORIZATION, AS SCHOOL LAND BANK TRUSTEES,
TO ISSUE A PATENT TO RIVERSIDE COUNTY
FOR A PORTION OF THE N1/2 OF SECTION 36, T6S R20E, SBM,
RIVERSIDE COUNTY

The State Office of the Attorney General, in conjunction with the Kern County District Attorney's office, initiated an action to enjoin the unlawful sale of parcels of real property in violation of the Subdivided Lands Act and the Subdivision Map Act. This resulted in the California Supreme Court opinion in the People of the State of California v. Pacific Land Research Company (1977) 20 Cal.3d 10; 141 Cal. Rptr 20; 569 p. 2d 125.

As a result of the above case, the State Attorney General is now in the process of transferring several parcels of land, located in the N1/2 of Section 36, T6S R20E, SBM, county of Riverside, to the county of Riverside. The transfer parcels are separated by odd-shaped strips or irregular-shaped pieces of land which are held by the State Lands Commission; Riverside County wants to acquire title to the pieces of land in order to have complete contiguous parcels.

Staff has reviewed the file and other information submitted by Riverside County and has concluded that issuance of a patent is cost effective and has been agreed to by both parties.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A.

CALENDAR ITEM NO. 20 ¹ (CONT'D)

OTHER PERTINENT INFORMATION:

1. The State Lands Commission has patented the majority of lands in the N1/2 of Section 36, T6S R20E, SBM, reserving fee title to several right-of-way easements to the State. Issuance of a patent to the County of Riverside will only convey whatever right, title, and interest the State Lands Commission has in the parcel, reserving to the State fee title to the existing right-of-way easements.

2. 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: 1) as a statutory exempt project. The project is exempt because it involves an action taken pursuant to the School Land Bank Act, P.R.C. 8700, et seq. Authority: P.R.C. 8710; and 2) under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes there is no possibility that this project may have a significant effect on the environment.

Authority: 14 Cal. Adm. Code 15061(b)(3).

3. The consideration of \$500 will be deposited in the School Land Bank Fund to facilitate the management of school lands for the purpose of generating revenue and carrying out the goals of the School Land Bank Act, the State Lands Commission will be acting as Trustee for the School Land Bank Fund, pursuant to Division 7.2 of the P.R.C.

4. Staff has determined that the subject lands are not suitable for cultivation without artificial irrigation.

5. Staff has filed a General Plan for this activity with the Legislature, pursuant to P.R.C. 6373.

CALENDAR ITEM NO. 2.0 (CONT'D)

EXHIBITS: A. Patent.
 B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION, AS SCHOOL LAND BANK TRUSTEE:

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. 8710, AN ACTION TAKEN PURSUANT TO THE SCHOOL LAND BANK ACT, P.R.C. 8700 ET SEQ., AND BECAUSE THERE IS NOT POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT. (P.R.C. 8710 AND 14 CAL. ADM. CODE 15061(b)(3)).
2. FIND THAT A GENERAL PLAN FOR THIS ACTIVITY WAS PREPARED BY COMMISSION STAFF AND FILED WITH THE LEGISLATURE PURSUANT TO P.R.C. 6373.
3. FIND THAT THE STATE SCHOOL LAND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO IS NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION.
4. AUTHORIZE ISSUANCE OF A PATENT TO THE COUNTY OF RIVERSIDE OF THE LAND DESCRIBED IN EXHIBIT "A", RESERVING THE APPLICABLE STATUTORY AND CONSTITUTIONAL RESERVATIONS, INCLUDING, BUT NOT LIMITED TO, ALL MINERALS, RIGHT-OF-ENTRY, RIGHT OF THE PUBLIC TO FISH, AND THOSE AREAS UNDER LEASE TO STATE LANDS COMMISSION.
5. AUTHORIZE THE DEPOSIT OF \$500 IN THE SCHOOL LAND BANK FUND FOR THE ACQUISITION OF LANDS TO FACILITATE THE MANAGEMENT OF SCHOOL LANDS FOR THE PURPOSE OF GENERATING REVENUE AND CARRYING OUT THE GOALS OF THE SCHOOL LAND BANK ACT.

EXHIBIT "A"

STATE OF CALIFORNIA

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, Under the provisions of an Act of the Congress of the United States, entitled "An act to provide for the survey of the public lands in California, the granting of preemption rights therein, and for other purposes," approved March third, eighteen hundred and fifty-three, there was granted to the State of California, the sixteenth and thirty-sixth sections of each township in said State and lands selected in lieu thereof under the provisions of said Act and also under the provisions of subsequent Acts of said Congress of the United States; and whereas, the Legislature of the State of California has provided for the sale and conveyance of said lands by statutes enacted from time to time; and whereas, it appears by the certificate of CLAIRE T. DEDRICK, Executive Officer of the State Lands Commission No. 20708, issued in accordance with the provisions of law, bearing date the _____ day of _____, 198____, that the tracts of land hereinafter described have been duly and properly located in accordance with law, that the laws in relation thereto have been complied with, that payment in full has been made, and that _____ is entitled to receive a patent therefor;

NOW, THEREFORE, the State Lands Commission, pursuant to the School Land Act of March 3, 1853 (LOSTAT 244), grants to the said County of Riverside the said tracts of land located as aforesaid, and which are known and described as follows, to wit:

All that right, title, and interest of the California State Lands Commission in the N1/2 of Section 36, T6S, R20E, SBM, Riverside County.

Excepting therefrom:

1. Those parcels under lease by the State Lands Commission, pursuant to the Public Resources Code Division 6, Part 2:
 - F 880.9 Right-of-Way Easement
 - PRC 1556.9 Right-of-Way Lease
 - PRC 1858.9 Easements
 - PRC 3643.2 Right-of-Way Lease
 - Lease 65.9Lease documents attached as Exhibit "A"

EXHIBIT "A"

RESERVING TO THE STATE OF CALIFORNIA:

1. All minerals and mineral deposits, including, but not limited to, oil and gas, other gasses, including, but not limited to, nonhydrocarbon and geothermal gasses, oil shale, coal, phosphate, alumina, silica, fossils of all geological ages, sodium, gold, silver, metals and their compounds, alkali, alkali earth, sand, clay, gravel, salts and mineral waters, uranium, trona, and geothermal resources, together with the right of the State or persons authorized by the State to prospect for, drill for, extract, mine and remove such deposits or resources, and to occupy and use so much of the surface of the lands as may be necessary therefor.
2. All of the property described herein, the absolute right of the people to fish thereupon, as provided by Section 25 of Article I of the Constitution of the State of California.
3. Its successors and assigns, pursuant to California Statutes of 1943, Chapter 641, Section 2, a perpetual easement and right-of-way for convenient access to other lands owned by the State, its successors and assigns.

IN TESTIMONY WHEREOF, I,

George Deukmejian, Governor of the State of California, have caused these Letters to be made Patent, and the seal of the State of California to be hereunto affixed. Given under my hand at the City of Sacramento, this, the _____ day of _____ in the year of Our Lord one thousand nine hundred and _____.

Governor of State

Attest _____

Secretary of State

Countersigned _____

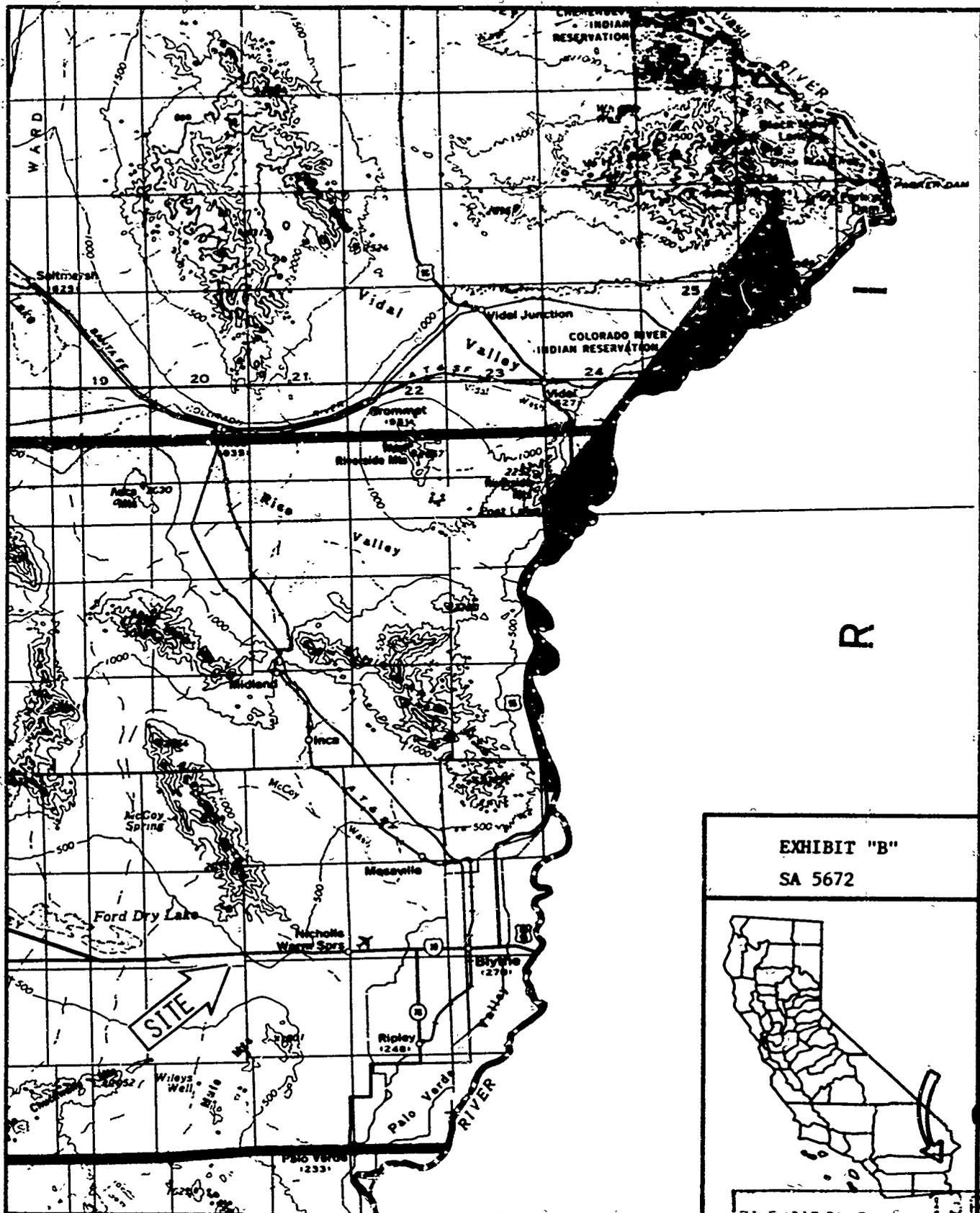
Executive Officer
STATE LANDS COMMISSION

CALENDAR PAGE

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EXHIBIT "B"
SA 5672

