

MINUTE ITEM

This Calendar Item No. C44
was approved as Minute Item
No. C44 by the State Lands
Commission by a vote of 3
to 0 at its 06/11/90
meeting.

CALENDAR ITEM

A 7
S 5

C 4 4

06/11/90
W 40605
Willard
Gonzalez

MODIFICATION OF STATE'S RIGHT OF SURFACE ENTRY

APPLICANT: City of Ione
Attn: Mr. Merrell L. Watts
Administrator
P. O. Box 398
Ione, California 95640

AREA, TYPE OF LAND, LOCATION:

Approximately 160 acres of land in two parcels of 130 and 30 acres, respectively, of surplus California Youth Authority property sold by the Department of General Services to the City of Ione, Amador County. These parcels provide for a mineral reservation to the State pursuant to Public Resources Code Section 6407, together with the right of surface entry. The property is vacant land situated in the northwesterly part of the City of Ione. Immediately to the north of the parcels is State Route 104 and three State facilities, Mule Creek State Prison, Department of Forestry Fire Academy and the Preston Youth Authority.

BACKGROUND:

In 1988, the State conveyed title, by two quitclaim deeds, to approximately 493 acres of surplus Youth Authority land to the City of Ione. The City reconveyed title to about 333 acres to Mr. Pietro G. Denevi and retained title to approximately 160 acres. The 333 acres sold by General Services to the City and then sold to Denevi carried a mineral reservation to the State but without right of surface entry. The 160-acre portion (in two parcels) retained by the City provides for a mineral

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reservation to the State with the right of surface entry. These two parcels are the subject of an application by the City for a modification of the State's right of surface entry for the reserved mineral interest so as to provide for the development of these parcels and others in the "Castle Oaks Project".

The combined 493 acres is proposed for development by Mr. Denevi, the project sponsor, for a multi-use, phased development of 460 acres known as the Castle Oaks Golf and Country Club which will consist of a 200-acre golf course, about 900 housing units and 200,000 square feet of commercial use properties. The remaining 33 acres will be the site of a tertiary waste water treatment plant which will provide treated water for maintenance of the golf course. The Castle Oaks Golf Course and Country Club will be owned by the City and leased to Denevi. The housing and commercial development will be owned by Denevi or others without participation by the City.

In addition to the mineral reservation with right of surface entry, the two parcels totaling 160 acres were sold by the Department of General Services at less than market value with a deed restriction that the parcels shall be used for open space purposes approved by the Department of Parks and Recreation. The City of Ione has requested that Parks and Recreation approve the use of the non-contiguous 200-acre golf course as open space. This request for an amendment to a previously approved open space use plan is being processed by the Office of Real Estate, Department of General Services.

AB 884: 11/03/90

OTHER PERTINENT INFORMATION:

1. 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 plane 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 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".

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2. Section 6373, 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"

3. The City of Ione has submitted a geologic report prepared by a consulting geologist, Mr. J. Lessman. Mr. Lessman's report evaluates the two parcels for the existence of commercially valuable deposits of minerals in the upper 500 feet. The assessment was made based on geologic literature review, data from shallow auger holes drilled for a geotechnical study and projection of data obtained from nearby properties. Mr. Lessman concludes that the larger parcel (120 acres), in part, may contain deposits of valuable minerals; however, because of the limited areal extent of the deposits on the subject property, the circumstance that commercial development would likely require adjacent property not available for mineral development, and City restrictions, zoning and environmental, impacting such development, the properties are considered to be low priority for further exploration of commercial deposits.

Staff of the Commission has reviewed the report and generally concurs in its findings. Based strictly on the available geologic information, staff could not recommend the Commission find that there are no commercially valuable deposits in the upper 500 feet; however, in consideration of the location of the parcels within the City of Ione, proximity to existing residential areas and zoning which does not provide for mineral development, it is reasonable to conclude that the potential for commercial mineral development is minimal. Therefore, staff commands that the Commission make the required finding pursuant to Section 6401(b) which will permit the orderly use

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and development of the lands.

4. The City of Ione has prepared and certified an Environmental Impact Report (EIR), SCH 89030607 for the Castle Oaks Development project.
5. The City has filed with the Commission, copies the plan of development which have been distributed as follows:
 - a. One copy to the Chief Clerk of the Assembly.
 - b. One copy to the Secretary of the Senate.
6. Pursuant to the Commission's delegation of authority and the State CSEA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of CEQA, because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

EXHIBITS:

- A. Land Descriptions.
- B. Site Map.
- C. & C1. Development Plan Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061, BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. FIND THAT THE MINERAL DEPOSITS ARE NOT COMMERCIALY VALUABLE IN AND ABOVE A PLANE LOCATED 500 FEET BELOW THE SURFACE OF THE PROPERTIES DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
3. AUTHORIZE THE EXECUTIVE OFFICE TO EXECUTE A QUITCLAIM DEED, MODIFYING ANY AND ALL RIGHT TO SURFACE ENTRY THAT THE STATE MAY HAVE TO ENTER UPON THOSE LANDS 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 SURFACE OWNER THE CITY OF IONE.

EXHIBIT "A"

W 40605

LAND DESCRIPTION

PARCEL 1

Being all of Parcel E as described in that certain Record of Survey recorded in Book 31 of Maps and Plats at page 2 in the Amador County Recorder's Office on January 12, 1979, being a portion of the Rancho Arroyo Seco within the city limits of the City of Ione, County of Amador, State of California.

PARCEL 2

Being a portion of Parcel A and a portion of Parcel B as described in that certain Record of Survey recorded in Book 31 of Maps and Plats at page 2 in Amador County Recorder's Office on January 12, 1979, being a portion of the Rancho Arroyo Seco within the city limits of the City of Ione, County of Amador, State of California, the portions of Parcel A and Parcel B more particularly described as follows:

BEGINNING at a point on the southwesterly edge of State Highway 104 from which the most northerly corner of said parcel A, monumented on the ground by a 3/4 inch rebar tagged RCE 28543, bears N 67° 09' 28" W, 2,069.28 feet; thence

1. S 66° 57' 59" E along southwesterly edge of State Highway 104, 452.41 feet; thence
2. S 64° 23' 14" E along the southwesterly edge of State Highway 104, 222.21 feet to the beginning of a curve concave in a southwesterly direction; thence
3. Along the arc of the curve and the southwesterly edge of State Highway 104, and said curve having a radius of 1,930 feet, an arc length of 702.53 feet and a chord bearing S 56° 32' 19" E, a distance of 698.65 feet to the end of said curve; thence
4. S 27° 40' 13" W 20.00 feet; thence
5. Continuing along the southwesterly edge of State Highway 104, S 62° 19' 47" E 64.53 feet to the beginning of a curve concave in a southwesterly direction; thence
6. Along the arc of the curve and the southwesterly edge of State Highway 104, said curve having a radius of 1,930 feet, an arc length of 401.55 feet, and a chord bearing S 38° 08' 40" E, a distance of 400.83 feet to end of said curve; thence
7. S 32° 11' 03" E along the southwesterly edge of State Highway 104, 363.88 feet; thence
8. S 33° 49' 15" E along the southwesterly edge of State Highway 104, 340.40 feet to the northeasterly boundary of lot 3 of the Preston Subdivision per Record of Survey recorded in book 31 of Maps and Plats at page 3; thence
9. N 68° 42' 01" W along the northeasterly boundary of said Preston Subdivision, 207.35 feet to a 2 1/4 inch brass cap stamped LS 2956; thence
10. N 81° 58' 26" W along the northeasterly boundary of said Preston Subdivision, 145.20 feet to a 3/4 inch rebar tagged RCE 28543; thence

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11. N 40° 29' 13" W along the northeasterly boundary of said Preston Subdivision, 110.19 feet to a 1/2 inch rebar tagged RCE 28543; thence
12. N 70° 50' 41" W along the northeasterly boundary of said Preston Subdivision, 217.15 feet to a 2 1/4 inch brass cap stamped LS 2956; thence
13. S 62° 30' 44" W along the northwesterly boundary of said Preston Subdivision, 217.12 feet to a 1/2 inch rebar tagged RCE 28543; thence
14. S 16° 00' 44" W along the northwesterly boundary of said Preston Subdivision, 217.12 feet to a 3/4 inch rebar tagged RCE 28543; thence
15. S 30° 29' 16" E along the southwesterly boundary of said Preston Subdivision, 217.12 feet to a 2 1/4 inch brass cap stamped LS 2956; thence
16. S 76° 42' 38" E along the southwesterly boundary of said Preston Subdivision, 209.40 feet to a 3/4 inch rebar tagged RCE 28543; thence
17. N 62° 47' 45" E along the southeasterly boundary of said Preston Subdivision, 170.25 feet to a 1/2 inch rebar tagged RCE 28543; thence
18. N 86° 52' 26" E along the southeasterly boundary of said Preston Subdivision, 113.40 feet; thence
19. S 65° 49' 00" E along the southwesterly boundary of lots 26, 27, 28, 29, and a portion of lot 30 of said Preston Subdivision, 265.80 feet to the most northerly corner of lot 1 of Castle View Estates as recorded in Book 5 of Subdivisions at page 34 and monumented on the ground by a 5/8 inch rebar with an aluminum cap stamped LS 3488; thence
20. S 14° 58' 49" W along the northwesterly boundary of said Castle View Estates, 816.26 feet; thence
21. N 78° 00' 00" W, 2,432.17 feet; thence
22. S 12° 00' 00" W, 371.93 feet to the centerline of the proposed Castle View Drive extension; thence
23. N 78° 00' 00" W along said proposed centerline of Castle View Drive 500.00 feet to the centerline intersection of the proposed centerline of Country Club Drive; thence
24. N 15° 00' 00" E along said proposed centerline of Country Club Drive, 1,886.82 feet; thence
25. Leaving Country Club Drive, N 75° 00' 00" W, 637.72 feet to the proposed centerline of Palace Drive; thence
26. N 15° 00' 00" E along said proposed centerline of Palace Drive 354.90 feet to the centerline intersection of the proposed centerline of Sherwood Court; thence
27. S 70° 00' 00" E along said proposed centerline of Sherwood Court, 640.15 feet to the centerline intersection of the aforementioned proposed centerline of Country Club Drive; thence
28. N 15° 00' 00" E along said proposed centerline of Country Club Drive 28.60 feet; thence

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29. Leaving Country Club Drive, S 75° 00' 00" E, 638.08 feet; thence

30. N 15° 00' 00" E, 517.21 feet to the point of BEGINNING.

END OF DESCRIPTION

PREPARED MAY 23, 1990 BY LLB.

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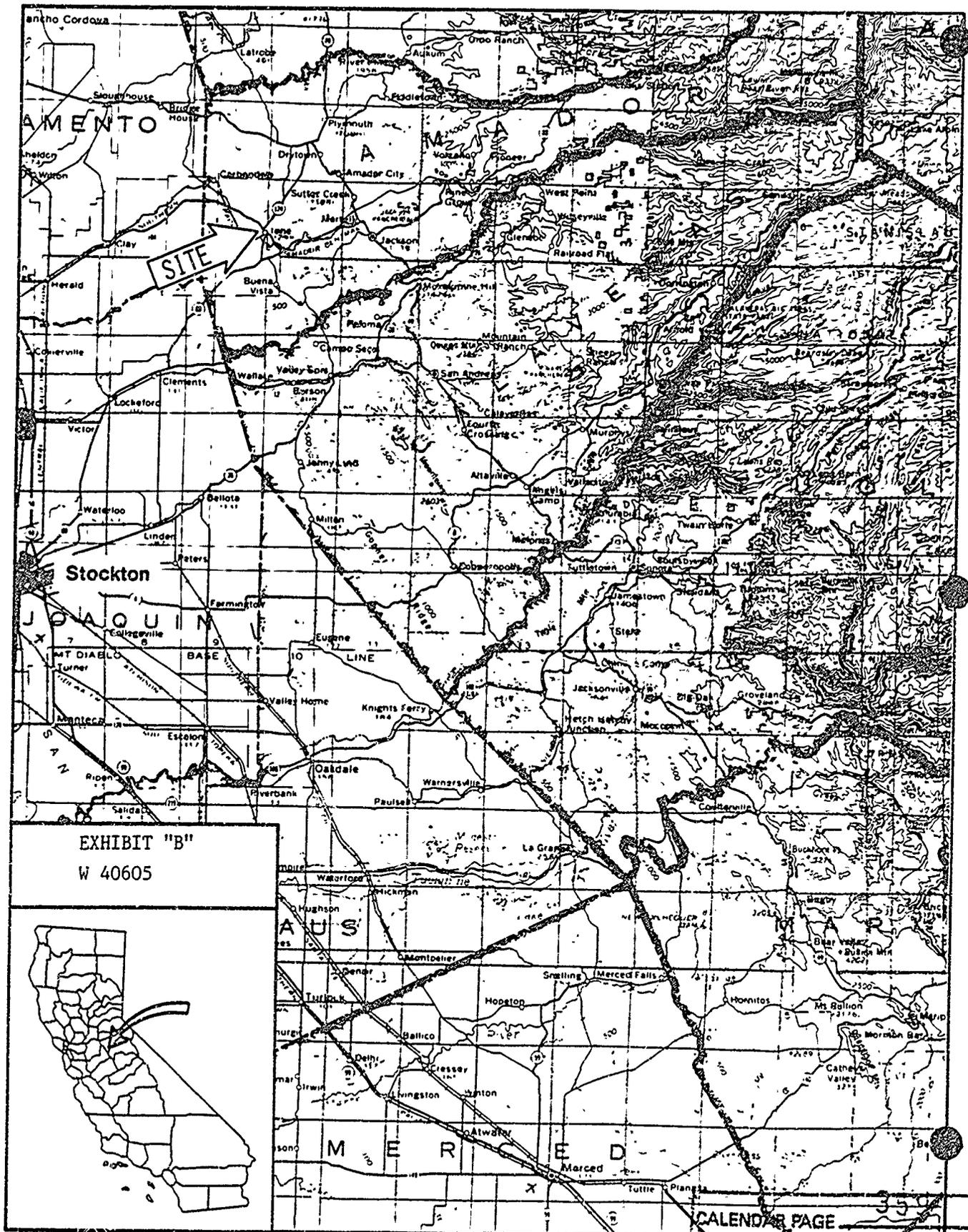


EXHIBIT "B"
W 40605



EXHIBIT C

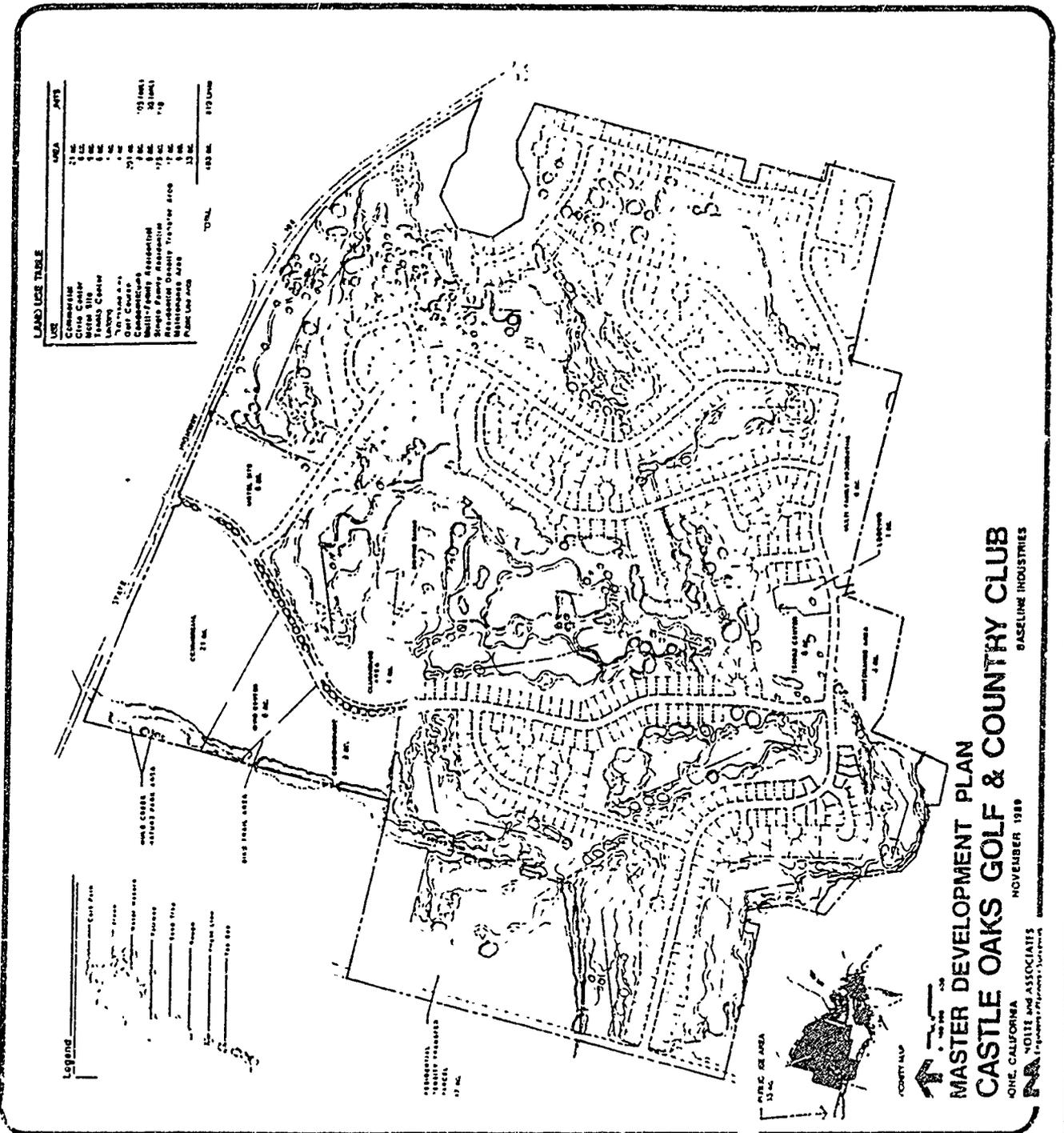
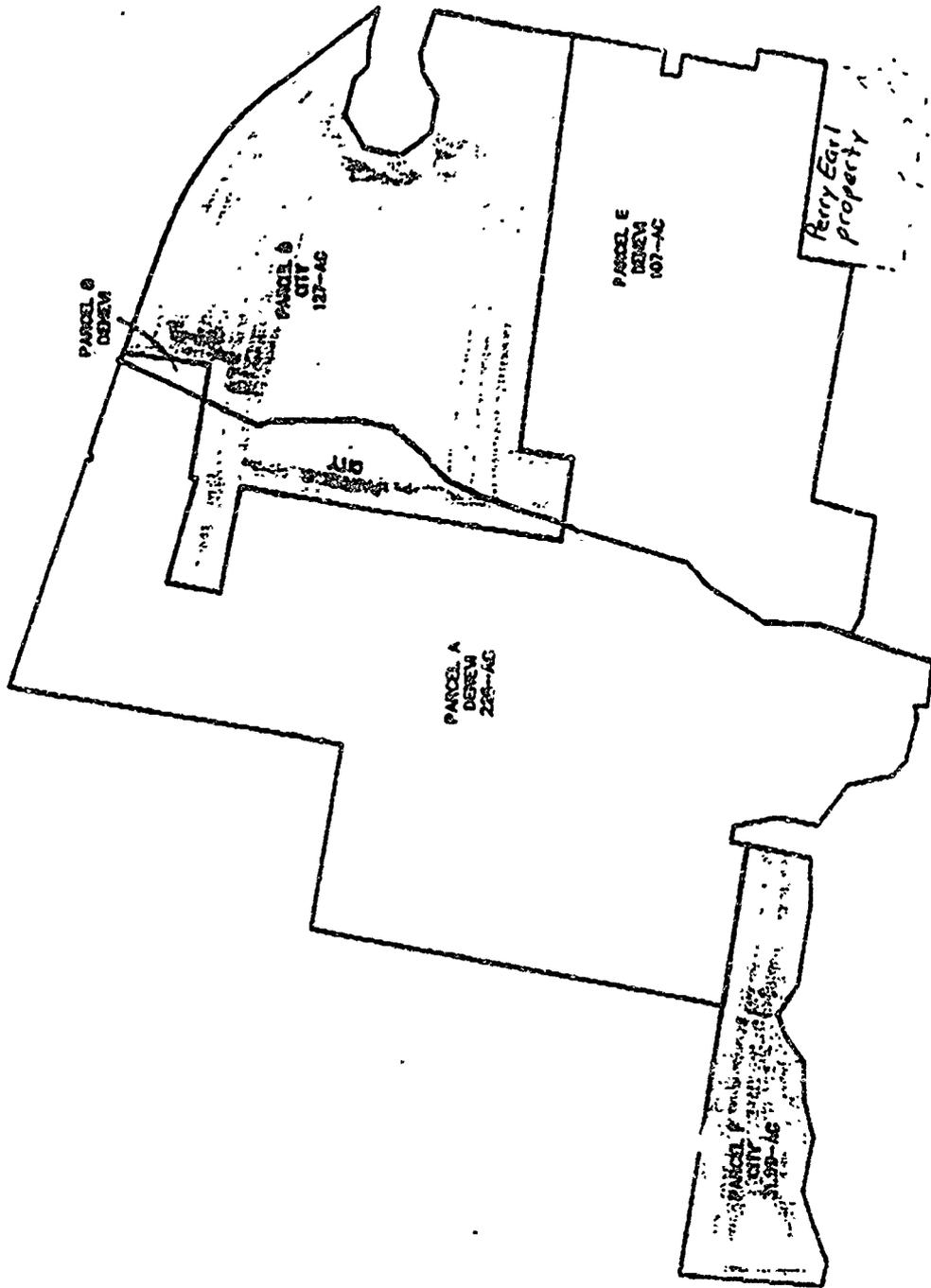


EXHIBIT C-1

W 40605



31-M-2

Figure 2 DESCRIPTION OF THE TWO PARCELS Ione Area, Amador Co.

SCALE 1" = 1000'

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