

MINUTE ITEM
This Calendar Item No. C12
was approved as Minute Item
No. 12 by the State Lands
Commission by a vote of 2
to 0 at its 11/5/91
meeting.

CALENDAR ITEM

A 1, 30, 32, 33

C 1 2

11/05/91

S 1, 15, 16

W 24692

AD 168

Atkins

AUTHORIZE REQUEST OF CERTAIN SWAMP AND OVERFLOW PARCELS
TO BE PATENTED TO THE STATE

BACKGROUND:

By Federal legislation in 1850, the United States granted to the states lands within their respective borders characterized as Swamp and Overflowed Lands (S&O Lands), to be conveyed into private ownership for reclamation purposes. Procedurally, a private purchaser requested a State patent, or deed, to lands identified by the applicant and county surveyor as possessing the characteristics of S&O Lands. After issuing a patent, the State notified the United States that the specified S&O Lands had been selected and sold into private ownership. The United States then reviewed the sales and issued an approved list of the sold S&O Lands and a patent to the State confirming that the State had sufficient title to convey the lands to private parties. In some cases, for various substantive reasons or mere inadvertence, the United States failed to issue a list or patent to the State.

The State has recently received a list of four parcels of S&O Lands described on Exhibit "A" attached hereto. These parcels comprise all, or portions of, parcels conveyed by the State into private ownership in the 1800's. Apparently, at the time these conveyances were made by the State, the United States inadvertently failed to confirm these parcels as S&O Lands which had passed to the State.

In order to confirm that title to these lands passed to the State, and support the title that the State conveyed into private ownership, it is necessary to complete the processing of the S&O Lands described on Exhibit "A". In order to complete the process, the Governor must request that the United States issue to the State a patent for the subject lands.

Staff has examined the files relating to this authorization and have concluded that the State is in conformance with the laws dealing with issuance of a S&O Lands patent from the United States to the State.

CALENDAR ITEM NO. C 1 2 (CONT'D)

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutorily exempt project. The project is exempt as a ministerial project.

Authority: P.R.C. 21080(b)(1) , 14 Cal. Adm. Code Regs. 15268(c), and 2 Cal. Code Regs. 2904.

EXHIBITS:

- A. Land Description
- B. Location 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 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO P.R.C. 21080(b)(1) AND 14 CAL. CODE REGS. 15268(c), AND 2 CAL. CODE REGS. 2904, A MINISTERIAL PROJECT.
2. FIND THAT THE LAWS, IN RELATION TO REQUESTING A SWAMP AND OVERFLOWED LAND PATENT FROM THE UNITED STATES, HAVE BEEN COMPLIED WITH AND THE COMMISSION MAY REQUEST A LETTER FROM THE GOVERNOR TO THE UNITED STATES REQUESTING THAT THESE SWAMP AND OVERFLOWED LANDS BE PATENTED TO THE STATE.
3. AUTHORIZE STAFF AND THE OFFICE OF ATTORNEY GENERAL TO PREPARE AND PROCESS A REQUEST, BY THE GOVERNOR, FOR A FEDERAL PATENT FOR THE SWAMP AND OVERFLOWED LANDS DESCRIBED ON EXHIBIT "A" ATTACHED HERETO.

EXHIBIT "A"

W 24692

LAND DESCRIPTION

Parcel 1

A parcel of land located in Lassen County, State of California, being more directly described as follows:

The SE 1/4 of the SE 1/4 of Sec. 34, and the W 1/2 of the SW 1/4 of Sec. 35,
T 32 N, R 12 E, MDM.

Parcel 2

A parcel of land located in Kings County, State of California, being more directly described as follows:

Lot 4 of Sec. 8, T 18 S, R 21 E, MDM.

Parcel 3

A parcel of land located in Tulare County, State of California, being more directly described as follows:

Lot 4 of Sec. 4, T 19 S, R 25 E, MDM.

Parcel 4

A parcel of land located in Tulare County, State of California, being more directly described as follows:

Lot 1 of Sec. 16, T 20 S, R 25 E, MDM.

END OF DESCRIPTION

PREPARED APRIL, 1991 BY LLB

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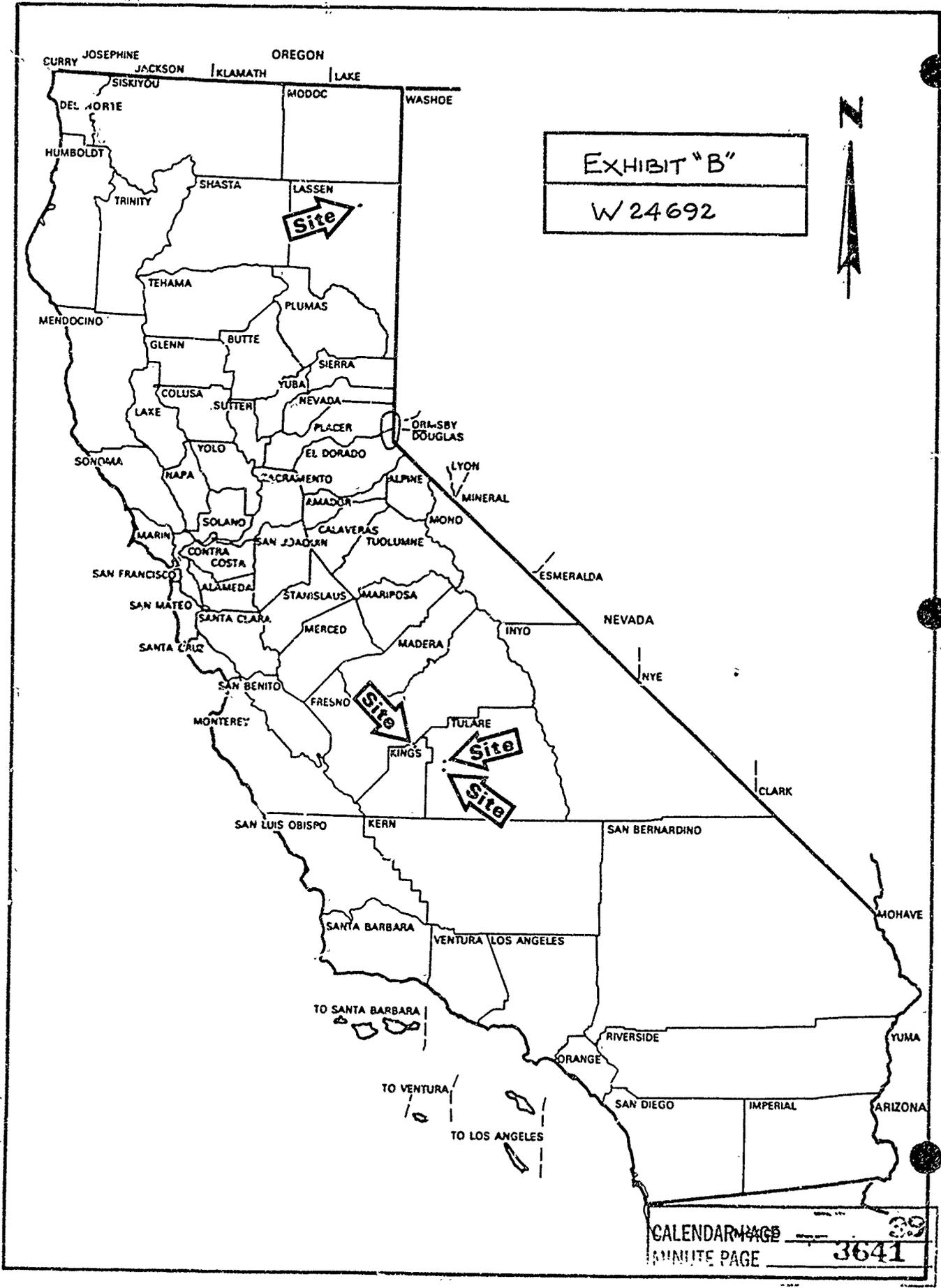


EXHIBIT "B"
W 24692

