

MINUTE ITEM

This Calendar Item No. C19 was approved as Minute Item No. 19 by the California State Lands Commission by a vote of 3 to 0 at its 04-05-04 meeting.

**CALENDAR ITEM
C19**

A 12, 13
S 28

04/05/04
W 25723
N. Lee
J. Frey
J. Kato

**CONSIDER ACCEPTANCE OF A PATENT TO THE STATE
FOR CERTAIN SWAMP AND OVERFLOWED PARCELS**

PARTY:

California State Lands Commission

AREA, LAND TYPE, AND LOCATION:

74.20 acres, more or less, of Swamp and Overflowed Lands in Lot 4 of Section 17 and Lot 1 and the Southeast 1/4 of the Northeast 1/4 of Section 20, Township 14 South, Range 6 East, MDM, near the city of Hollister, San Benito County.

BACKGROUND:

On September 28, 1850, the Congress passed the Arkansas Swamp Lands Act granting California and other states the Swamp and Overflowed lands (S&O lands) within their respective borders. Title to S&O lands did not pass to the State until the lands were identified by federal survey; a list of the S&O lands was issued to the State by the federal government and a patent issued by the United States. The California Legislature has enacted various statutes since the 1850s authorizing the sale of S&O lands to private parties. The lands were to be reclaimed for agricultural purposes. Procedurally, a prospective purchaser of S&O lands from the State must have the land surveyed by the local county surveyor. The county surveyor forwarded the plat and field notes to the State Surveyor General together with a copy of the required affidavits by the prospective purchaser. Upon approval by the State Surveyor General and the payment of deposit, a certificate of purchase was issued to the purchaser. Upon full payment and the surrender of the certificate of purchase, a State patent was issued to the purchaser. Upon approval of the U.S. township survey plat, the classification of the land by the U.S. as S&O lands, the federal government issued a Clear List of the S&O lands to the State. At the request of the Governor, the federal government issues a patent for the S&O lands to the State. The California State Lands Commission is the successor to the Office of the State Surveyor General.

CALENDAR ITEM NO. C19 (CONT'D)

In this case, the subject S&O lands in San Benito County were identified on the U.S. Township Survey plat approved on February 28, 1883. An application to purchase a portion of the subject S&O lands from the State in Section 20, Township 14 South, Range 6 East, MDB&M, was filed on April 23, 1863, as S&O Survey No. 33 and as later amended. These S&O lands were patented by the State into private ownership on April 7, 1884. The remaining subject S&O lands in Section 17 of said Township, containing 0.82 acres, more or less, have not been sold by the State. For reasons unknown, at the time of the approval of the U.S. Township Survey, the federal government inadvertently failed to confirm these lands as S&O lands that had passed to the State by issuance of a list and a patent.

When this situation was brought to the attention of the U. S. Bureau of Land Management, a clear list and federal patent for the subject lands was issued to the State of California on November 10, 2003.

The staff is requesting that the Commission authorize the acceptance and recordation of the federal S&O Land patent for the subject lands described in the attached Exhibit A.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code Division 6, Parts 1 and 2; Division 7.7; Division 13
- B. California Code of Regulations Title 3, Division 3; Title 14, Division 6.

OTHER PERTINENT INFORMATION:

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060(c)(3) and 15378.

EXHIBITS:

- A. Land Description
- B. Location and Site Map

CALENDAR ITEM NO. C19 (CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

AUTHORIZATION:

AUTHORIZE THE ACCEPTANCE AND RECORDATION OF A SWAMP AND OVERFLOWED LAND PATENT FROM THE UNITED STATES TO THE STATE OF CALIFORNIA FOR THE LAND DESCRIBED ON EXHIBIT A AND SHOWN ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART THEREOF.

EXHIBIT A

W25723

LAND DESCRIPTION

Those Swamp and Overflowed lands situate in San Benito County, State of California, according to the U.S. Government Survey approved November 19th, 1900, described as follows:

Lot 4, Section 17, Lot 1 and the SE ¼ of the NE ¼, Section 20,
T14S, R6E, MDM.

END OF DESCRIPTION

Prepared by the California State Lands Commission Boundary Unit March 8, 2004



000092

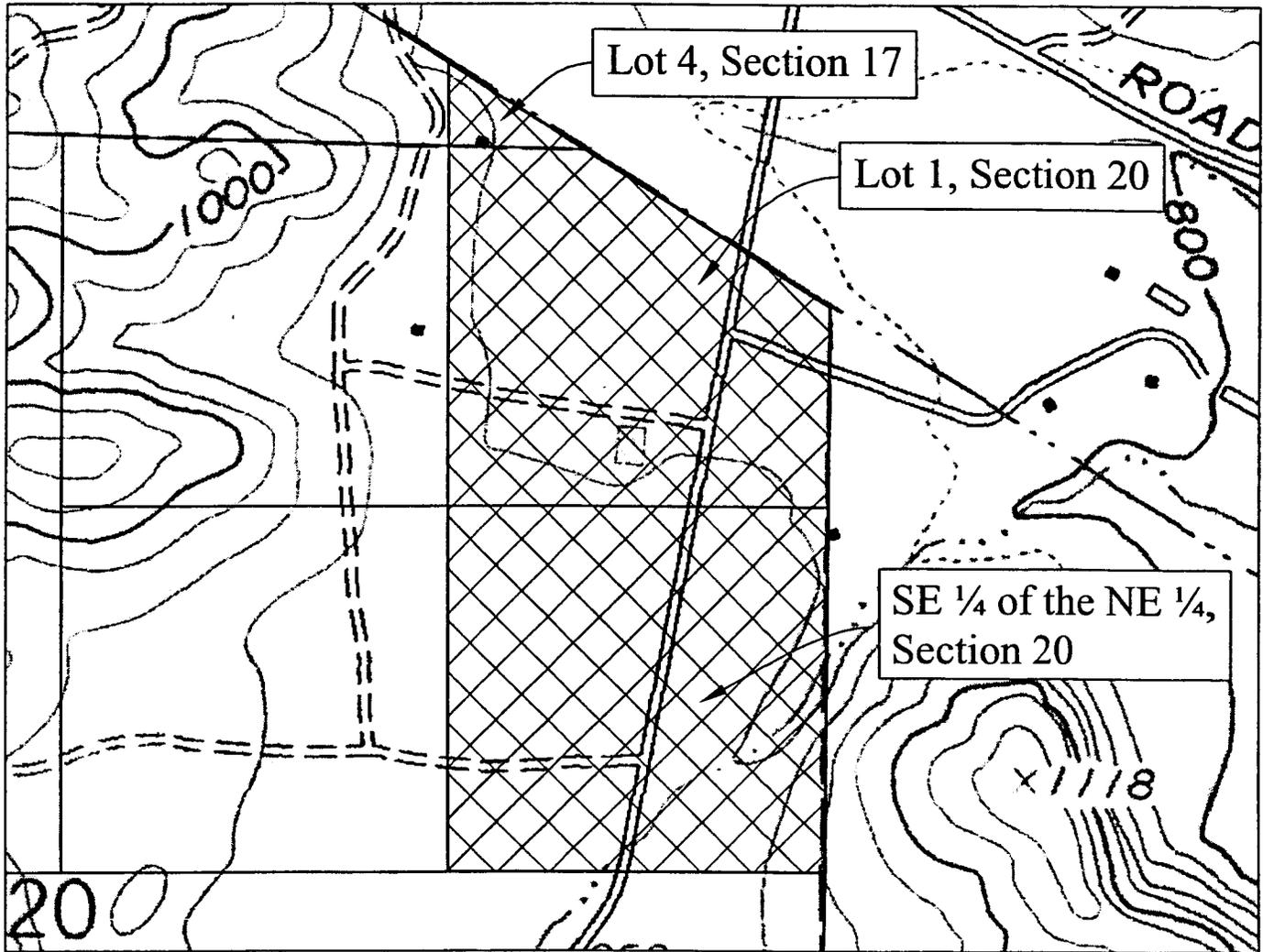
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NO SCALE

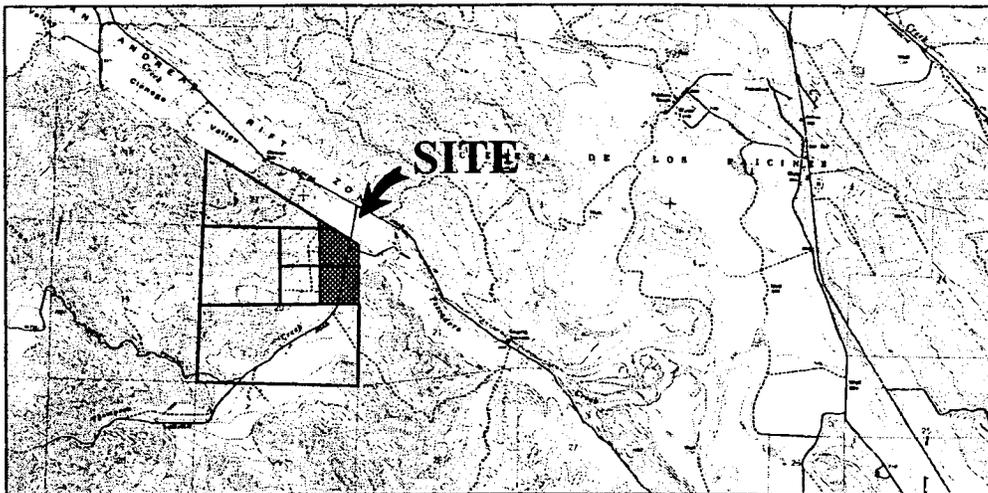
SITE



BLM SWAMP & OVERFLOWED LANDS T14S, R6E, MDM, CLEAR LIST No. 265
 PATENT No. 04-2004-0003, SERIAL No. CACA 43037, AGGREGATE AREA 74.20 ACRES

NO SCALE

LOCATION



MAP SOURCE: USGS 7.5' QUAD PAILINE

This Exhibit is solely for purposes of generally defining the patent area, is based on unverified information provided by other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

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Exhibit B W 25723

CONSIDER ACCEPTANCE
 OF A PATENT TO THE
 STATE FOR CERTAIN
 SWAMP AND
 OVERFLOWED LANDS
 SAN BENITO COUNTY



JED 3/09/04