

MINUTE ITEM

This Calendar Item No. C37 was approved as Minute Item No. 37 by the California State Lands Commission by a vote of 2 to 0 at its 06/07/04 meeting.

**CALENDAR ITEM
C37**

A 34

06/07/04

S 18

SA 5758

J. Porter

J. Frey

**AUTHORIZE, AS SCHOOL LAND TRUSTEE, THE SALE AND SUBSEQUENT
ISSUANCE OF A PATENT TO THE COUNTY OF SAN BERNARDINO
FOR 11.27 ACRES MORE OR LESS OF STATE SCHOOL LAND IN SAN
BERNARDINO COUNTY, AND AUTHORIZE THE MODIFICATION
OF SURFACE ENTRY RIGHTS**

PURCHASER:

County of San Bernardino
Right-of-Way Department
825 E. Third Street
San Bernardino, CA 92415

AREA, LAND TYPE, AND LOCATION:

11.27 acres, more or less, of State School Land along Fort Irwin Road northeast of Barstow, San Bernardino County.

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:

- 1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15061(b)(1) and 15282), the staff has determined that this activity is statutorily exempt from the requirements of the CEQA because it involves an action taken pursuant to the School Land Bank Act, Public Resources Code, sections 8700, et seq.

Authority: Public Resources Code section 8710.

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2. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.
3. The County of San Bernardino is proposing to purchase the State's land for road construction to widen and improve Fort Irwin Road between Interstate 15 and Fort Irwin, northeast of Barstow in San Bernardino County.
4. The purchase price of \$4,510 is within the range of fair market value for the subject property, supported by a staff review of the County of San Bernardino's Appraisal Summary Statement and other pertinent area sales data. In addition to the \$4,510 purchase price, the applicant also will pay a patent fee and other costs associated with the purchase.
5. The consideration of \$4,510 will be deposited into the School Land Bank to: 1) facilitate the management of school lands; 2) generate revenue, and 3) carry out the goals of the School Land Bank Act. The California State Lands Commission will be acting as trustee for the School Land Bank, pursuant to Division 7.7 of the Public Resources Code for this transaction.
6. The proposed sale to the County of San Bernardino is an all cash transaction at a price of \$4,510.
7. Staff has filed a general plan for this activity with the Legislature pursuant to the Public Resources Code section 6373.
8. The County of San Bernardino has requested that the Commission relinquish the right of surface use or entry in and above a plane located 500 feet below the surface of the property pursuant to Public Resources Code section 6401(b). Staff has prepared a mineral resource potential evaluation of the property in question. Staff concluded that there are no known commercially valuable minerals in and above a plane located 500 feet below the surface of the property. Staff recommends that the sale of the property be made with the reservation of the mineral rights and modification of the accompanying rights of surface entry in and above a plane located 500 feet below the surface of the property. Pursuant to the

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Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by the CEQA and the State CEQA Guidelines.

9. This parcel is identified in an eminent domain action entitled County of San Bernardino v Sung Sik Yang, et al., Case No. BCV 07601 filed on February 20, 2004. The Office of the Attorney General has filed an Answer on behalf of the Commission. Discussions have been held with San Bernardino County Counsel and the County has agreed to dismiss the Commission from the eminent domain action if the sale is approved by the Commission and when the sale is consummated.

EXHIBITS:

- A. Land Description
- B. Site Map
- C. General Plan

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 8710, AN ACTION TAKEN PURSUANT TO THE SCHOOL LAND BANK ACT, PUBLIC RESOURCES CODE SECTIONS 8700 ET SEQ.
2. FIND THAT THE MODIFICATION OF THE RIGHT OF SURFACE ENTRY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY THE PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.
3. FIND THAT A GENERAL PLAN FOR THIS ACTIVITY WAS FILED WITH THE LEGISLATURE PURSUANT TO PUBLIC RESOURCES CODE SECTION 6373 AND THAT THE USE OF THE LAND DESCRIBED IN EXHIBIT A WILL BE CONSISTENT WITH SUCH PLAN.

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4. AUTHORIZE THE EXECUTIVE OFFICER, OR HIS DESIGNEE, TO EXECUTE, CONSISTENT WITH THE GENERAL PLAN, THAT CERTAIN DOCUMENT ENTITLED "OFFER TO PURCHASE REAL ESTATE AND ACCEPTANCE", IN SUBSTANTIALLY THE SAME FORM AS ON FILE WITH THE COMMISSION, AND ANY OTHER DOCUMENT NECESSARY TO COMPLETE THIS TRANSACTION.
5. AUTHORIZE ISSUANCE OF A PATENT TO THE COUNTY OF SAN BERNARDINO, SUBJECT TO APPLICABLE STATUTORY AND CONSTITUTIONAL RESERVATIONS, FOR THE LAND DESCRIBED IN EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.
6. AUTHORIZE THE DEPOSIT OF \$4,510 INTO THE SCHOOL LAND BANK FUND.
7. FIND THAT THERE ARE NO KNOWN DEPOSITS OF COMMERCIALY VALUABLE MINERALS IN AND ABOVE A PLANE LOCATED 500 FEET BELOW THE SURFACE OF THE SUBJECT PARCELS PROPOSED FOR SALE TO THE COUNTY OF SAN BERNARDINO.
8. AUTHORIZE THE MODIFICATION OF THE RIGHT OF SURFACE ENTRY IN AND ABOVE A PLANE LOCATED 500 FEET BELOW THE SURFACE OF THE PARCELS.

EXHIBIT "A"
LAND DESCRIPTION

SA5758

All that portion of State – owned school land in the North 1/2 of the Northeast 1/4 of Section 31 together with all that portion of the East 1/2 of the East 1/2 of Section 30, Township 10 North, Range 1 East, San Bernardino Meridian, in the County of San Bernardino, State of California, according to the official plat thereof, lying within a strip of land 200.00 feet wide, being 100.00 feet on each side of and coincident with the centerline of Fort Irwin Road as shown per County Surveyor Plats 10092-1 through 10092-11, on file with the Office of the County Surveyor of said County, said centerline being more particularly described as follows:

COMMENCING at the south 1/4 corner of said Section 31;

thence South 88°50'46" West along the south line of said Section 31 a distance of 76.44 feet to a point in said centerline of Fort Irwin Road, said point being the TRUE POINT OF BEGINNING;

thence North 47°10'37" East, along said centerline a distance of 2,216.10 feet to a point described as a one inch diameter iron pipe with a San Bernardino County Surveyor tag as per County Surveyor Plat 10092-1, said point being the beginning of a tangent curve concave to the northwest and having a radius of 2,000.00 feet;

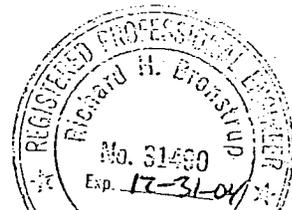
thence northeasterly and northerly along said centerline and curve, through a central angle of 52°20'37", an arc distance of 1,827.14 feet to a point described as a one inch diameter iron pipe with a San Bernardino County Surveyor tag as per County Surveyor Plat 10092-1;

thence tangent to last said curve North 05°10'00" West along said centerline a distance of 7,399.17 feet to a Point of Terminus in the north line of said Section 30, said point bears North 89°53'50" West a distance of 1,164.33 feet as measured along said north line from the northeast corner of said Section 30.

EXCEPTING THEREFROM that portion of lands as described in Book 62; page 206 of the Book of Patents in the office of the California State Lands Commission, dated February 22, 1985.

Note: the sidelines of said strip shall be prolonged or shortened to end in said north line of Section 30.

END OF DESCRIPTION



A handwritten signature in black ink, appearing to read "Richard H. Brost", written over the bottom portion of the professional seal.

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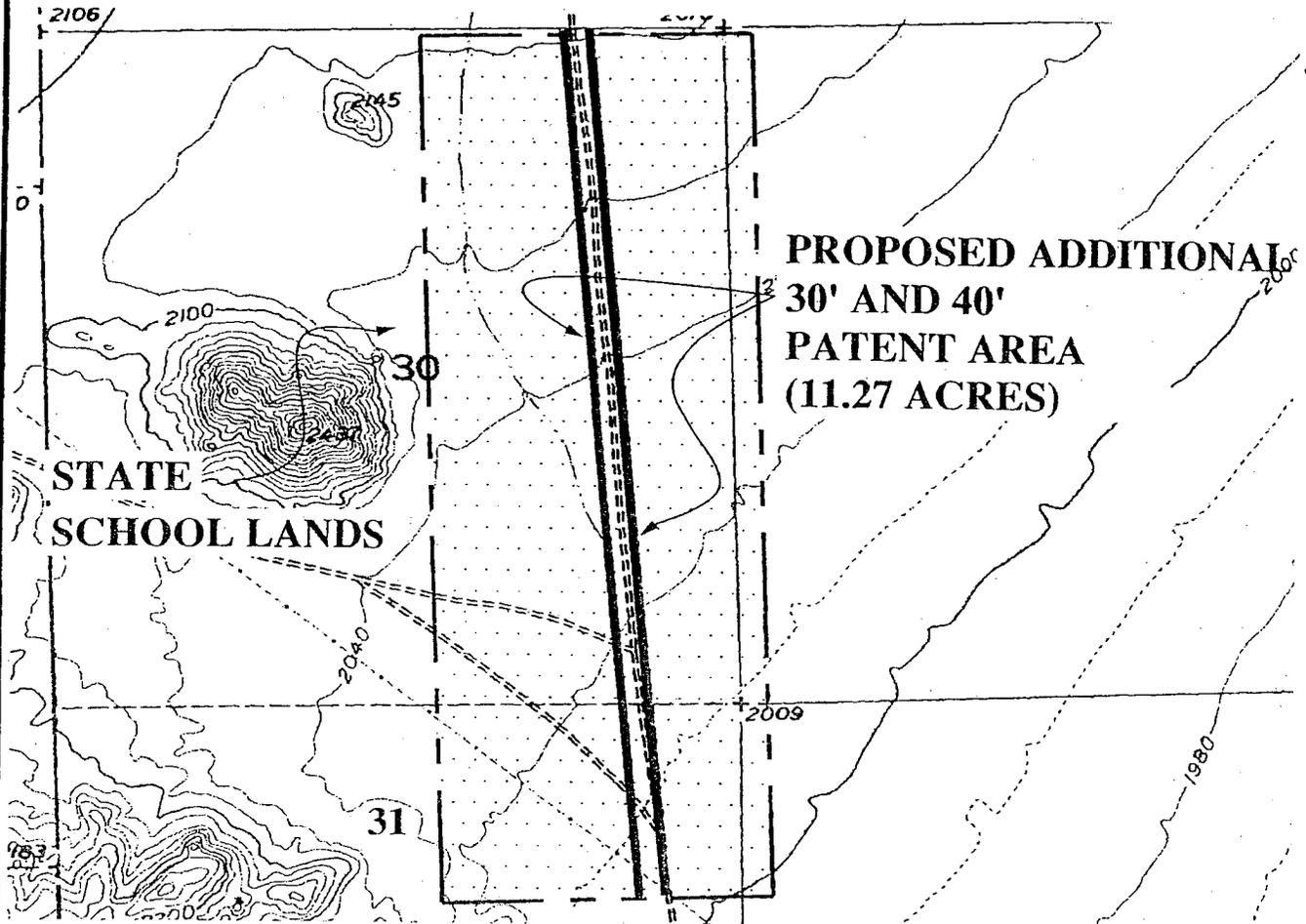
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NO SCALE

SITE



**PROPOSED ADDITIONAL
30' AND 40'
PATENT AREA
(11.27 ACRES)**

PORTIONS OF SEC30 &31, T10N, R1E,SBM
APN 0517-011-30&31,APN 0517-021-06&07

NO SCALE

LOCATION

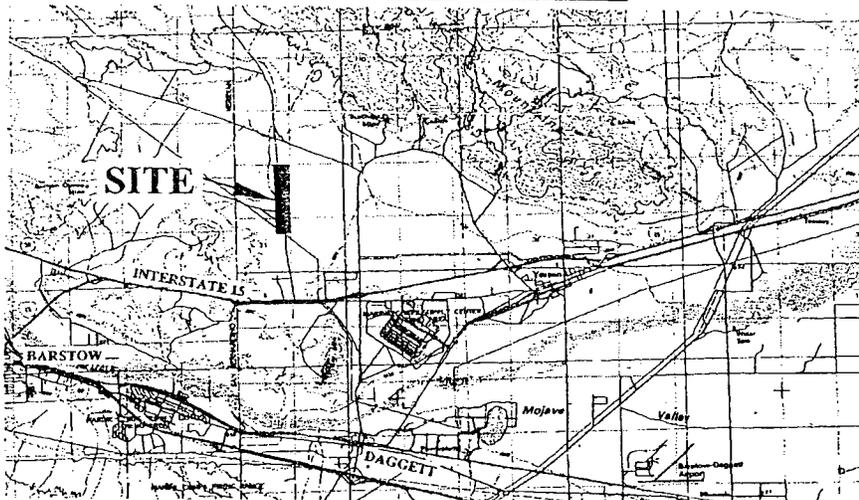


Exhibit B

SA5758
PATENT TO COUNTY
OF SAN BERNARDINO
FORT IRWIN ROAD
SAN BERNARDINO
COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or 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.

MAP SOURCE: USGS QUAD

RAB 0504

EXHIBIT C

GENERAL PLAN

PROPOSED TRANSACTION

The County of San Bernardino proposes to purchase 11.27 acres, more or less, of State School Land in San Bernardino County for road improvement purposes.

PROPERTY LOCATION/INFORMATION

The property proposed for acquisition lies within the boundary of State School Land identified as the E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 30 and the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 31, T. 10 N., R. 1 E., SBM. The property is located along the east and west sides of Fort Irwin Road, between Interstate 15 and Fort Irwin Military Reservation. The property consists of two strips of land varying from 30 to 40 feet in width.

LAND USE

The subject property is vacant land zoned R-C (Resource Conservation). The area is characterized by sparse residential development and open desert, with private ownerships interspersed with federal and state owned properties. Uses surrounding the property appear to be consistent with zoning and include mostly undeveloped land and scattered rural residential dwellings. Uses immediately surrounding the property consist vacant land to the north, south, east and west.

PROPOSED USE

Fort Irwin Road is a narrow two-lane highway that lacks adequate road shoulders. The County of San Bernardino is proposing to acquire strips of land along both sides of the existing highway as part of a project to 1) improve public safety by widening and repaving the road, and 2) protect local endangered species by constructing desert tortoise fencing.

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