MINUTE ITEM
This Calendar Item No. C26 was approved as Minute Item No. 26 by the California State Lands Commission by a vote of 2 to 0 at its 10-20-05 meeting.

CALENDAR ITEM
C26

A 34

S 18

10/20/05
SA 5760
J. Porter,
J. Frey

AUTHORIZE, AS SCHOOL LAND BANK TRUSTEE, THE EXECUTIVE OFFICER TO EXECUTE A FINAL PARCEL MAP, AND AUTHORIZE MODIFICATION OF SURFACE RIGHT OF ENTRY AFFECTING 100% RESERVED MINERAL INTEREST IN APPROXIMATELY 13.95 ACRES OF SCHOOL LANDS LOCATED AT THE INTERSECTION OF INTERSTATE 15 AND L STREET, CITY OF BARSTOW, SAN BERNARDINO COUNTY

APPPLICANT:

Home Depot U.S.A., Inc.
Attn: George Ray - Real Estate Manager
3800 Chapman Ave., 5th Floor
Orange, CA 92868

AREA, LAND TYPE, AND LOCATION:

13.95 acres, more or less of State school land located at the intersection of Interstate 15 and L Street, city of Barstow, San Bernardino County.

BACKGROUND INFORMATION:

At its meeting of April 26, 2005, pursuant to Item 45, the Commission approved the sale and subsequent issuance of a Patent to Home Depot U.S.A., Inc. (Applicant) for approximately 13.95 acres of school lands located at the intersection of Interstate 15 and L Street in Barstow, San Bernardino County. The sales contract was finalized and deposited along with the buyer's earnest money into an escrow account on September 14, 2005.

The original Calendar Item contained a metes and bounds description of the property to be conveyed. Subsequently, there have been several minor modifications to that description. None substantially affect the project and the net acreage remains unchanged. Also, the city of Barstow has required a parcel map for the project. Tentative Parcel Map #05-03 was approved by the City on May 24, 2005. The Final Parcel Map will be reviewed by Commission staff and submitted to the Executive Officer for execution. Authority from the Commission

for the Executive Officer to do so is sought in this Calendar Item. The Final Parcel Map will then be submitted to the City for final approval and recorded in the Official Records of San Bernardino County. The property description in the Patent to Home Depot will describe the property by reference to the Final Parcel Map rather than the metes and bounds description in the Commission's original Calendar Item.

The sales contract also specifies that the State of California reserves 100% mineral interest in the subject property. Subsequently, the Applicant has submitted an application for the modification of the State's right of surface entry under section 6401(b) of the Public Resources Code. Staff of the Mineral Resources Management Division performed an analysis of the commercial mineral potential of the subject property. Their report concludes that there are no economic mineral deposits of any kind known to exist on the parcel. Based on this analysis, other geologic information, a local land use designation that currently does not permit mineral development, and the proximity of the subject property to existing urban areas, staff recommends that the Commission find, pursuant to Public Resources Code section 6401(b), that there are no commercially valuable mineral deposits in the upper 500 feet underlying the subject property. This finding will permit the orderly use and development of the subject property.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code section 6401(b).

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, section 8710.

   Authority: Public Resources Code section 8710.

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 tide and submerged 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.

EXHIBITS:

A. Location Map
B. Land Description

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF 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 SECTION 8710, ET SEQ.

AUTHORIZATION:

1. AUTHORIZE MINOR TECHNICAL MODIFICATIONS TO THE METES AND BOUNDS PROPERTY DESCRIPTION AMENDING THE DESCRIPTION FOUND IN CALENDAR ITEM C45 APPROVED APRIL 26, 2005 AUTHORIZING THE CONVEYANCE OF A 13.95 ACRE PARCEL OF LAND TO HOME DEPOT U.S.A., INC.; SAID NEW DESCRIPTION IS CONTAINED IN EXHIBIT B HERETO AND BY REFERENCE MADE A PART HEREOF.

2. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE A FINAL PARCEL MAP IN CONJUNCTION WITH THE SALE OF APPROXIMATELY 13.95 ACRES OF SCHOOL LANDS TO HOME DEPOT U.S.A., INC., AND TO RECORD IT IN THE OFFICIAL RECORDS OF SAN BERNARDINO COUNTY.

3. AUTHORIZE THE CONVEYANCE TO HOME DEPOT U.S.A., INC., OF A PARCEL OF LAND BY REFERENCE TO THE ABOVE MENTIONED FINAL PARCEL MAP RATHER THAN BY THE METES AND BOUNDS DESCRIPTION CONTAINED IN EXHIBIT B HERETO AND BY REFERENCE MADE A PART HEREOF.

4. FIND, PURSUANT TO PUBLIC RESOURCES CODE SECTION 6401(b) AND BASED ON A STAFF ANALYSIS OF THE MINERAL POTENTIAL OF THE LANDS DESCRIBED IN EXHIBIT B, THAT THERE ARE NO ECONOMIC MINERAL DEPOSITS OF ANY KIND KNOWN TO EXIST ON THESE LANDS.

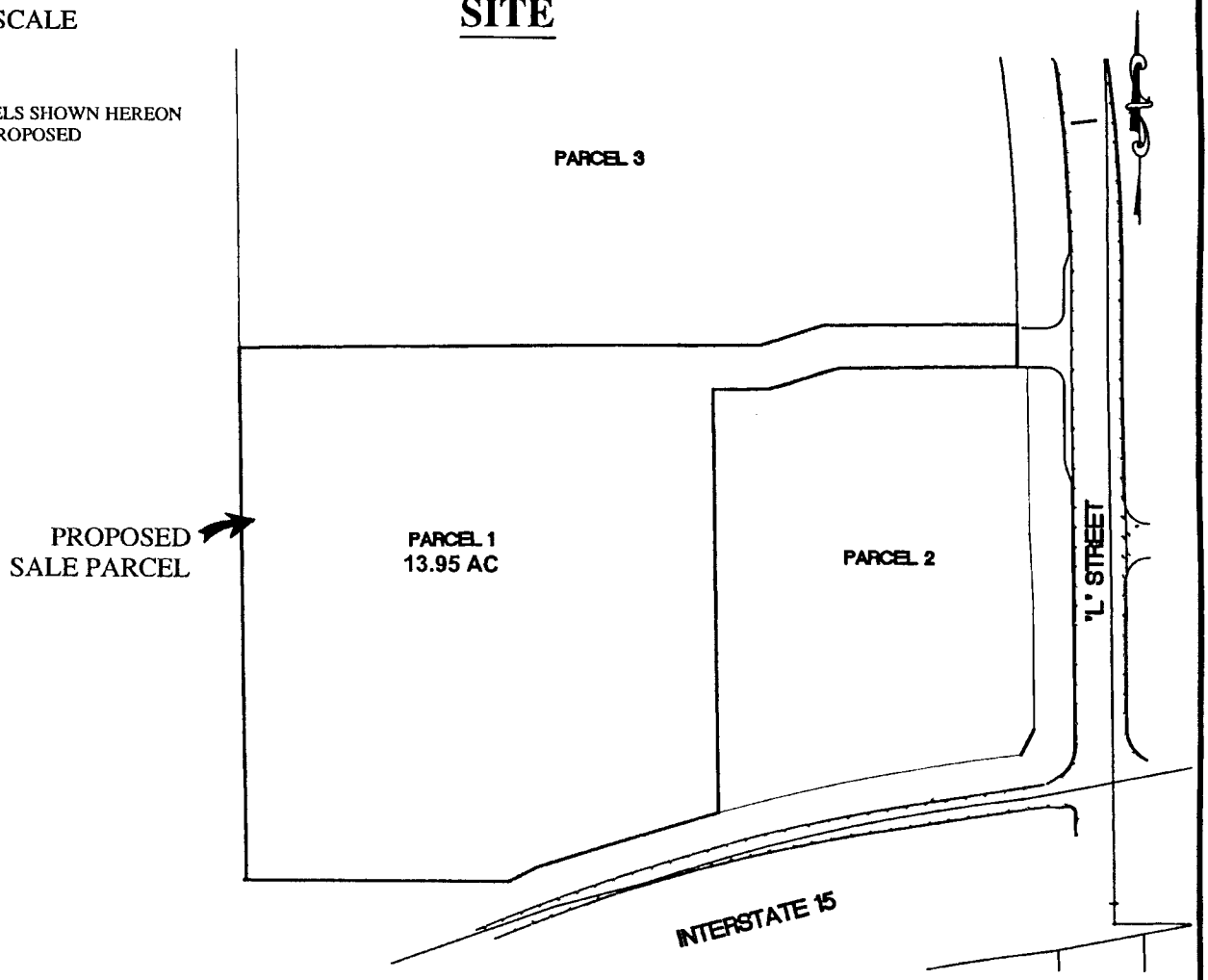
5. AUTHORIZE, PURSUANT TO PUBLIC RESOURCES CODE SECTION 6401(b), THE EXECUTIVE OFFICER TO EXECUTE AND DELIVER TO HOME DEPOT U.S.A, INC., A RELEASE OF THE RIGHT OF SURFACE ENTRY, SURRENDERING ANY AND ALL RIGHTS TO SURFACE ENTRY THAT THE STATE MAY HAVE TO ENTER UPON THOSE LANDS DESCRIBED IN EXHIBIT B, ATTACHED HERETO, AND BY REFERENCE MADE A PART HEREOF, IN AND ABOVE A PLANE 500 FEET BELOW THE SURFACE.

6. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY TO IMPLEMENT THE COMMISSION'S ACTION AND THE SALE OF APPROXIMATELY 13.95 ACRES OF SCHOOL LANDS TO HOME DEPOT U.S.A., INC., AUTHORIZED BY THE COMMISSION ON APRIL 26, 2005 AND AS MODIFIED HEREIN.

NO SCALE

SITE

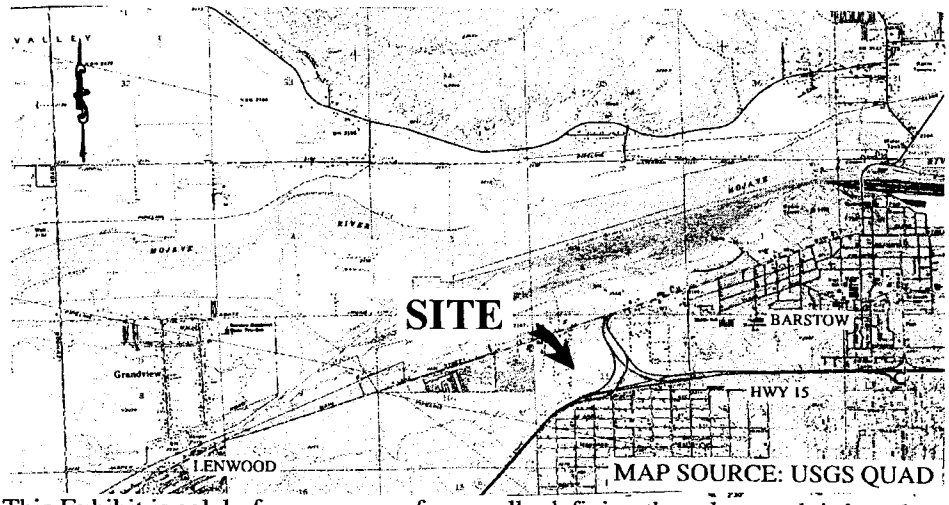
NOTE:
PARCELS SHOWN HEREON
ARE PROPOSED



PORTION OF S½ NW¼ OF SECTION 11 T9N R2W, SBBM, BARSTOW

NO SCALE

LOCATION



This Exhibit is solely for purposes of generally defining the sale parcel, 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.

Exhibit A

SA 5760
STATE SCHOOL LANDS
CITY OF BARSTOW
SAN BERNARDINO CO.

MJ 03/05

EXHIBIT "B"
LAND DESCRIPTION

THAT CERTAIN PARCEL OF STATE SCHOOL LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 9 NORTH, RANGE 2 WEST, S.B.M., AS SHOWN ON THE OFFICIAL U.S. GOVERNMENT TOWNSHIP PLAT APPROVED AUGUST 22, 1955, CITY OF BARSTOW, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 11, MARKED BY U.S. GOVERNMENT LAND OFFICE BRASS CAP STAMPED C-W 1/16 SECTION 11, 9/2 PER CERTIFIED SURVEY CORNER RECORD DOCUMENT # 165044; THENCE ALONG THE FOLLOWING EIGHTEEN (18) COURSES:

1) NORTH 00°42'54" WEST (NORTH 0°10' WEST PER SAID TOWNSHIP PLAT), ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 11, A DISTANCE OF 810.57 FEET; THENCE
2) DEPARTING SAID WEST LINE, NORTH 89°29'10" EAST, A DISTANCE OF 779.66 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 115.00 FEET, FROM WHICH POINT A RADIAL LINE BEARS NORTH 00°30'50" WEST; THENCE
3) EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 21°35'00", AN ARC LENGTH OF 43.32 FEET; THENCE
4) NORTH 67°54'10" EAST, A DISTANCE OF 36.17 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 185.00 FEET, FROM WHICH POINT A RADIAL LINE BEARS SOUTH 22°05'50" EAST; THENCE
5) EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 21°35'00", AN ARC LENGTH OF 69.69 FEET; THENCE
6) NORTH 89°29'10" EAST, A DISTANCE OF 254.39 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF "L" STREET PER DOCUMENT NO. 19960057318 OFFICIAL RECORDS IN THE OFFICE OF THE SAN BERNARDINO COUNTY RECORDER AND AS SHOWN ON THE CALIFORNIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR PROJECT NUMBER E.A. 043502, DATED MAY 15, 1992, SHEET 28; THENCE
7) SOUTH 00°33'06" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 65.00 FEET; THENCE
8) DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 89°29'10" WEST, A DISTANCE OF 254.44 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 120.00 FEET, FROM WHICH POINT A RADIAL LINE BEARS SOUTH 00°30'50" EAST; THENCE
9) WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 21°35'00", AN ARC LENGTH OF 45.20 FEET; THENCE
10) SOUTH 67°54'10" WEST, A DISTANCE OF 36.17 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 180.00 FEET, FROM WHICH POINT A RADIAL LINE BEARS NORTH 22°05'50" WEST; THENCE

EXHIBIT "B"
LAND DESCRIPTION
CONTINUED

11) WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 21°35'00", AN ARC LENGTH OF 67.81 FEET; THENCE
12) SOUTH 89°29'10" WEST, A DISTANCE OF 24.09 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 20.00 FEET, FROM WHICH POINT A RADIAL LINE BEARS SOUTH 00°30'50" EAST; THENCE
13) SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°12'04", AN ARC LENGTH OF 31.49 FEET; THENCE
14) SOUTH 00°42'54" EAST, A DISTANCE OF 619.90 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROUTE 15 (INTERSTATE 15) PER DOCUMENT NO. 19960057318 OFFICIAL RECORDS IN THE OFFICE OF THE SAN BERNARDINO COUNTY RECORDER AND AS SHOWN ON THE CALIFORNIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR PROJECT NUMBER E.A. 043502, DATED MAY 15, 1992, SHEET 24, ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 3000.55 FEET, FROM WHICH POINT A RADIAL LINE BEARS SOUTH 15°44'03" EAST; THENCE
15) SOUTHWESTERLY ALONG SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 03°09'17", AN ARC LENGTH OF 165.21 FEET; THENCE
16) SOUTH 73°06'09" WEST, CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 139.39 FEET; THENCE
17) SOUTH 63°38'50" WEST, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 51.85 FEET; THENCE
18) NORTH 89°55'40" WEST, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 396.38 FEET TO THE POINT OF BEGINNING.

CONTAINING 13.95 ACRES, MORE OR LESS.

THE BASIS OF BEARINGS ARE BASED ON CCS27, ZONE 5 AND ON CALIFORNIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP NUMBER 443584.

THE DISTANCES DESCRIBED ARE GROUND DISTANCES. MULTIPLY GROUND DISTANCES BY 0.9998167 TO OBTAIN GRID DISTANCES.

END OF DESCRIPTION

LICENSED LAND SURVEYOR
GREGORY T. SCHLARBAUM
PLS 6704
Exp. 6-30-09
STATE OF CALIFORNIA

000123
CALENDAR PAGE
001050
MINUTE PAGE