

**CALENDAR ITEM
C24**

A 2
S 4

12/17/09
SA 5766
J. Porter
J. Frey

**CONSIDER AUTHORIZATION, AS SCHOOL LAND TRUSTEE, OF THE SALE
AND SUBSEQUENT ISSUANCE OF A PATENT TO TERRI R. LEBARON, FOR
2,116 SQUARE FEET, MORE OR LESS, OF STATE LIEU LAND IN
SISKIYOU COUNTY**

PURCHASER:

Terri R. LeBaron
311 Humbug Road
Yreka, CA 96097

AREA, LAND TYPE, AND LOCATION:

2,116 square feet, more or less, of State lieu land located in the City of Yreka, Siskiyou County.

BACKGROUND:

School Lands were granted to the State of California by the federal government under the Act of March 3, 1853 (10 Stat. 244), and consisted of the 16th and 36th sections of land in each township (with the exceptions of lands reserved for public use, lands taken by private land claims, and lands known to be mineral in character). In cases of preemption due to the exceptions described above, the State was given the opportunity to select replacement lands from the United States in lieu of a Section 16 or a Section 36. These replacement lands are now known as Indemnity School Lands or Lieu Lands.

The purpose of the acquisition by the Purchaser is to correct a surveying error that was committed during the 1950s by the Bureau of Land Management. The Purchaser owns an improved residential property that abuts the lieu lands and intends to apply for a lot line adjustment to assemble the properties to form a larger residential parcel and would like to correct the existing parcel boundaries before applying for the lot line adjustment.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities, Title 14, California Code of Regulations, section 15301.

CALENDAR ITEM NO. **C24** (CONT'D)

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

2. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
3. The purchase price of \$9,522 is within the range of fair market value for the subject property, supported by a staff review of an appraisal of the property and other pertinent area sales data. In addition to the \$9,522 purchase price, the Applicant is required to pay a patent fee and other costs associated with the purchase.
4. The consideration of \$9,522 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.
5. The proposed sale to Terri R. LeBaron, is an all cash transaction at a price of \$9,522.
6. Staff has filed a general plan for this activity with the Legislature pursuant to Public Resources Code section 6373.

EXHIBITS:

- A. Site Map
- B. Land Description
- 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 CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15301.

CALENDAR ITEM NO. **C24** (CONT'D)

2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.
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 SHOWN ON EXHIBIT A AND DESCRIBED IN EXHIBIT B WILL BE CONSISTENT WITH SUCH PLAN.
4. FIND THAT THE SALE IS IN THE BEST INTEREST OF THE STATE OF CALIFORNIA.
5. AUTHORIZE THE EXECUTIVE OFFICER, OR HIS DESIGNEE, TO EXECUTE, CONSISTENT WITH THE GENERAL PLAN, THAT CERTAIN DOCUMENT ENTITLED "OFFER TO PURCHASE REAL ESTATE IN THE COUNTY OF SISKIYOU AND ACCEPTANCE OF OFFER TO PURCHASE", IN SUBSTANTIALLY THE SAME FORM AS ON FILE WITH THE COMMISSION, AND ANY OTHER DOCUMENT NECESSARY TO COMPLETE THIS TRANSACTION.
6. AUTHORIZE ISSUANCE OF A PATENT TO TERRI R. LEBARON, SUBJECT TO APPLICABLE STATUTORY AND CONSTITUTIONAL RESERVATIONS, FOR THE LAND SHOWN ON EXHIBIT A AND DESCRIBED IN EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.
7. AUTHORIZE THE DEPOSIT OF \$9,522 INTO THE SCHOOL LAND BANK FUND.