

**CALENDAR ITEM
C63**

A 33

08/15/14

SA 5770

J. Porter

J. Frey

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**CONSIDER AUTHORIZATION OF THE SALE AND
ISSUANCE OF A PATENT OF INDEMNITY SCHOOL LANDS**

APPLICANT:

State of California, Department of Transportation (Caltrans)
1120 N Street
Sacramento, CA 95814

AREA, LAND TYPE, AND LOCATION:

0.48 acre, more or less, of state indemnity school lands located along State Highway 247 in Section 3, Township 3 North, Range 4 East, SBM, east of the community of Lucerne Valley, San Bernardino 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.

OTHER PERTINENT INFORMATION:

1. Caltrans has applied to purchase 0.48 acre of indemnity school lands for the State Highway 247 widening project. The property required for the project is vacant desert land located on the north side of the highway, east of the community of Lucerne Valley. The proposed project is designed to enhance public safety in the area.
2. The purchase price of \$3,100 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 \$3,100

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- purchase price, the Applicant is required to pay a patent fee and other costs associated with the purchase.
3. The consideration of \$3,100 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.
 4. Staff filed a General Plan for this activity with the Legislature pursuant to Public Resources Code section 6373.
 5. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; California Code of Regulations, Title 14, section 15304; and under Class 1, Existing Facilities; California Code of Regulations, Title 14, section 15301.

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

6. 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 section 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 California Code of Regulations, Title 2, section 2954 is not applicable.

EXHIBITS:

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

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 4, Minor Alterations to Land; California Code of Regulations, Title 14, section 15304, and Class 1, Existing Facilities; California Code of Regulations, Title 14, section 15301.

AUTHORIZATION:

1. Find that a General Plan for this activity (attached as Exhibit C) was filed with the Legislature pursuant to Public Resources Code section 6373 and that the proposed use of the land as described in Exhibit A and shown on Exhibit B will be consistent with such plan.
2. Authorize the Executive Officer, or her designee, to execute, consistent with the General Plan, that certain document entitled "Offer to Purchase Real Estate in the County of San Bernardino and Acceptance of Offer to Purchase", in substantially the same form as on file with the Commission, and any other document(s) necessary to complete this transaction.
3. Authorize issuance of a patent to the State of California, Department of Transportation (Caltrans), subject to applicable statutory and constitutional reservations, for the land described in Exhibit A and as shown on Exhibit B, both attached and by this reference made a part hereof.
4. Authorize the deposit of \$3,100 into the School Land Bank Fund.

LAND DESCRIPTION

A Parcel of State owned School Lands, being those portions of the Southwest quarter of Section 2, and the Southeast quarter of Section 3, Township 3 North, Range 4 East of the San Bernardino Base and Meridian, according to the Official Plat thereof, in the county of San Bernardino, California, described as follows:

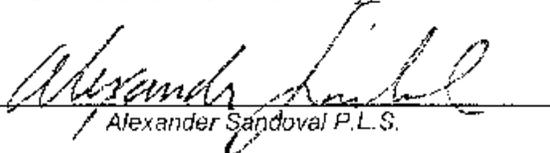
BEGINNING at the Southeast corner of said Section 3; thence along the South line of said Section 3, South $89^{\circ}47'38''$ West 1325.76 feet to the East one-sixteenth corner of Section 10; thence North $00^{\circ}17'07''$ West, 15.00 feet to a line parallel with and distant 15.00 feet northerly measured at right angles from the South line of said Section 3; thence along said parallel line North $89^{\circ}47'38''$ East, 1194.82 feet to a curve concave southerly having a radius of 3110.00 feet; thence easterly along said curve 290.86 feet through a central angle of $05^{\circ}21'30''$ to the South line of said Section 2; thence along said South line South $89^{\circ}17'19''$ West, 159.48 feet to the **POINT OF BEGINNING**.

The distances used in the above description are based on the California Coordinate System of 1983, (2007) Zone 5. Divide all distances used in the above description by 0.99979571 to obtain ground level distances.

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature



Alexander Sandoval P.L.S.

Date: April 22, 2014



NO SCALE

SITE



STATE LANDS
TO BE SOLD
±0.48 ACRES

SECTION 3

SECTION 2

HWY 247

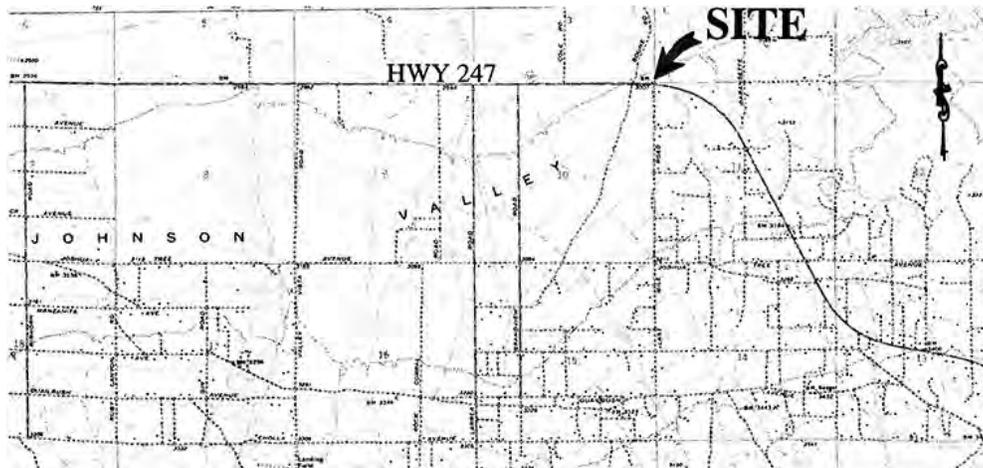
SECTION 10

SECTION 11

Portions of Sections 2 & 3 T3N, R4E, SBM - State Highway 247

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit B

SA 5770
CALIFORNIA DEPARTMENT
OF TRANSPORTATION
SCHOOL LANDS SALE
SAN BERNARDINO COUNTY



MJP 7/16/14

EXHIBIT C

GENERAL PLAN

PROPOSED TRANSACTION

The Department of Transportation (Caltrans), proposes to purchase 0.48 acre, more or less, of State indemnity school lands in San Bernardino County.

PROPERTY LOCATION/INFORMATION

The property proposed for acquisition (Subject Property) is comprised of state indemnity school lands located in Section 3, Township 3 North, Range 4 East, SBM, east of the community of Lucerne Valley, San Bernardino County.

LAND USE

The Subject Property is vacant, unincorporated desert land. The property to be acquired by Caltrans is a long strip of land that abuts State Highway 247 on the north side and is approximately 15 feet in width.

PROPOSED USE

Caltrans will be acquiring the land as part of a widening project for the State Highway 247. Overall, the Caltrans project proposes to construct 8-foot standard paved shoulders with a centerline rumble strip as well as rumble strips on both shoulders between Post Miles 9.6 and 20.3. The objective of the project is to enhance public safety.