

MINUTE ITEM

This Calendar Item No. 43
was approved as Minute Item
No. 43 by the State Lands
Commission by a vote of 3
to 0 at its 3-5-81
meeting.

CALENDAR ITEM

43

2/81
W 503.1063
Fossum
Mills
Stevenson

UNITED STATES V. 164.37 ACRES OF LAND,
MORE OR LESS, SITUATE IN TUOLUMNE COUNTY,
UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF CALIFORNIA
CIVIL NO. S-80-295-PCW

Several years ago the United States indicated an interest in acquiring several parcels of school lands located in Tuolumne County as part of the New Melones Dam project. Negotiations with the federal government broke down over language in the mineral reservation. Because of further complications involving a third party claimant to the land, the United States has now filed a condemnation action entitled United States v. 164.37 Acres of land, more or less, situate in Tuolumne County, United States District Court, Eastern District of California, Civil No. S-80-275-PCW.

The United States has secured an order for immediate possession and has tendered into court the sums of \$23,500 for tract 707 which contains approximately 154 acres and \$1,500 for tract 705 which contains approximately 10 acres. Both tracts are described in Exhibit A and depicted in their approximate location on Exhibit B. The staff of the Commission has determined that the sums offered are equal to or greater than the value of the parcels to be condemned.

It also appears there may be a claim or claim adverse to both the United States and the State of California. However, no other party has appeared in the action.

tract 705
California.
nation

EXHIBITS: A. Land Description. B. Site Map.

IN ORDER TO RESOLVE THIS LITIGATION, THEREFORE, IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO ENTER INTO A STIPULATED JUDGMENT GIVING TITLE TO TRACTS 707 AND 705 TO THE UNITED STATES IN EXCHANGE FOR THE SUMS OF \$23,500 AND \$1,500 RESPECTIVELY; AND
2. AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL AND THE STAFF OF THE COMMISSION TO CONTEST ANY ADVERSE CLAIMS

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CALENDAR ITEM NO. 43 (CONT'D)

AND TO TAKE ANY AND ALL STEPS NECESSARY TO PROTECT
THE INTERESTS OF THE STATE OF CALIFORNIA; AND

3. TO AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL AND/OR
THE STAFF OF THE COMMISSION TO TAKE ALL STEPS NECESSARY
TO EFFECTUATE THE PRECEEDING RECOMMENDATIONS.

EXHIBIT "A"

LAND DESCRIPTION

W 503.1063

PARCEL A - TRACT 705

A tract of land in Section 34 T3N, R14E, MDM, Tuolumne County, California, described as follows:

SE-1/4 SW-1/4 NW-1/4, containing 10 acres, more or less.

PARCEL B - TRACT 707

All that land in Section 35, T3N, R14E, MDM, Tuolumne County, California, described as follows:

NW-1/4 NW-1/4; N-1/2 SW-1/4 NW-1/4; SW-1/4 NE-1/4; N-1/2 NE 1/4 NW-1/4 SE-1/4; NE-1/4 NW-1/4 NW-1/4 SE-1/4; and Lots 5 and 6 as shown on Segregation Survey plat dated August 3, 1914.

EXCEPTING THEREFROM the southerly 660 feet of said Lot 6, the northerly line of said southerly 660 feet being parallel with the east-west center line of said Section 35. Said Parcel B, less the exception, contains 154.37 acres, more or less.

END OF DESCRIPTION

REVIEWED NOVEMBER 26, 1980 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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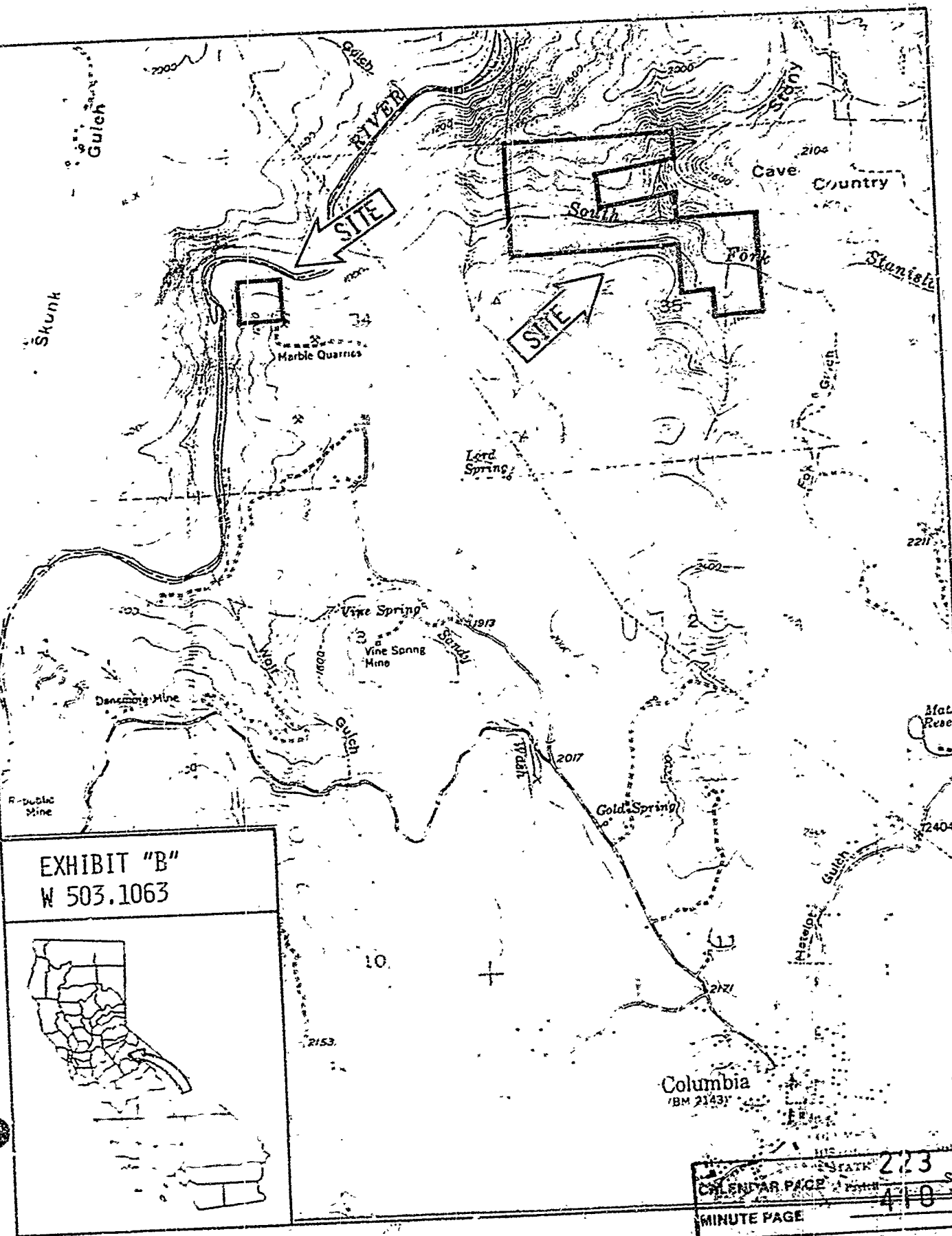


EXHIBIT "B"

W 503.1063



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