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M. De Bernardo

M. Crow

CONSIDER AUTHORIZATION TO FILE A DISCLAIMER FOR ENTRY OF JUDGMENT IN <u>UNITED STATES OF AMERICA V. 12.94 ACRES OF LAND MORE OR LESS, SITUATED IN SOLANO COUNTY, STATE OF CALIFORNIA, ET AL.</u> UNITED STATES DISTRICT COURT, EASTERN DISTRICT, CIVIL NO. 2:07-CV-02172-FCD-EFB

The State of California is a party defendant in the subject condemnation action brought by the United States on behalf of the United States Air Force. The property involved includes lands lying outside the southeastern border of the Travis Air Force Base. The condemnation action is being taken to construct a new commercial gate in connection with Travis Air Force Base's Anti-Terrorism/Force Protection project requirements. The Complaint asserts that without this land, Security Force personnel will remain at risk because the Travis Air Force Base will continue to lack facilities for proper commercial vehicle inspections.

The property is approximately 19 to 20 feet above sea level and maps from 1853 and 1870 indicate that a small dry creek use to traverse through the property. Due to the elevation of the property and no evidence that dry creek contained navigable water, it has been ascertained that there is no interest held by the State Lands Commission as to the tract of the subject condemnation.

The proposed Disclaimer in this case disclaims, on behalf of the State Lands Commission and for no other agency of the State of California, all right, title, and interest in and to the estate and interest taken in the parcel of land described and referred to in Schedule "B" of the United States' Notice of Condemnation.

EXHIBIT: A. Site Map

 IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ATTORNEY GENERAL TO FILE A DISCLAIMER ON BEHALF OF THE STATE LANDS COMMISSION IN THE CASE OF UNITED STATES V. 12.94 ACRES OF LAND MORE OR LESS, SITUATED IN SOLANO COUNTY, STATE OF CALIFORNIA, ET AL., UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA, CIVIL NO. 2:07-CV-02172-FCD-EFB.