

**CALENDAR ITEM
C38**

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S 1

10/22/09
SUS 6110
J. Porter
J. Frey

**AUTHORIZE THE PREPARATION AND ISSUANCE
OF A PATENT TO BE ISSUED TO D.S. NELSON FOR
SCHOOL LANDS LOCATED IN MODOC COUNTY**

APPLICANT:

Stewart Title Guaranty Company
4780 Chabot Drive, Suite 100
Pleasanton, CA 94588

AREA, LAND TYPE, AND LOCATION:

The Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 27, and the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 34, and the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 26, all within Township 47 North, Range 14 East, MDM, according to the official government plat thereof approved September 20, 1872, containing 120 acres, more or less, of school lands in Modoc County.

BACKGROUND INFORMATION:

An application for the purchase of the properties (Susanville Land District 6110) was filed by D. S. Nelson on July 6, 1910, and approved by the Surveyor General on October 6, 1910. A Certificate of Purchase No. 159, showing payment in full, was issued to D. S. Nelson on October 14, 1910. However, as D. S. Nelson did not surrender the Certificate of Purchase or pay the required State Patent fee, a State Patent was never issued.

The lack of a State Patent being issued for the properties has created a "cloud" on the title for the present owners of the land; however, the original Certificate of Purchase is beyond their control. In order to remedy this, the Applicant has requested a State Patent be issued for the 120 acres, more or less, of former State-owned school lands in Modoc County. Staff is recommending that the Commission issue a Patent in the name of D. S. Nelson, the original purchaser and Certificate holder. The Patent will inure to the benefit of the successors and assigns of D. S. Nelson.

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PREREQUISITE CONDITIONS, FEES, AND EXPENSES:

Processing and patent fees have been received.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Division 6, Parts 1 and 2, Division 13.
- B. California Code of Regulations: Title 3, Division 3: Title 14, Division 6.

OTHER PERTINENT INFORMATION:

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff determined that this activity is exempt from the requirements of the CEQA as a ministerial project.

Authority: Public Resources Code section 21080 (b) (1), title 14, California Code of Regulations, section 15268 (c) and Title 2, California Code of Regulations, section 2904.

EXHIBITS:

- A. Location Map
- B. Land Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061, AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080 (b)(1) AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15268 (c), AND TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2904, A MINISTERIAL PROJECT.

STATE PATENT FINDING:

FIND THAT THE LAWS' REQUIREMENTS IN RELATION TO THE ISSUANCE OF A STATE PATENT HAVE BEEN MET, THAT PAYMENT IN FULL HAS BEEN MADE FOR SUCH PARCELS, AND THAT THE PERSON NAMED IN SUCH PATENT (D. S. NELSON) IS ENTITLED TO IT.

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AUTHORIZATION:

AUTHORIZE STAFF AND THE OFFICE OF THE ATTORNEY GENERAL TO PREPARE AND PROCESS A STATE PATENT TO BE ISSUED IN THE NAME OF D. S. NELSON TO THE 120 ACRES, MORE OR LESS, OF FORMER STATE SCHOOL LANDS IN MODOC COUNTY, AS SHOWN ON EXHIBIT A (FOR REFERENCE PURPOSES ONLY) AND DESCRIBED ON EXHIBIT B, AND BY THIS REFERENCE MADE A PART THEREOF.