

MINUTE ITEM.

9/24/70
NB

27. PROPOSED SETTLEMENTS OF ACTIONS BY THE UNITED STATES IN THE MATTERS OF UNITED STATES V. 6,305.70 ACRES OF LAND IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, NO. 65-1008-PH, AND UNITED STATES V. 6,393.72 ACRES OF LAND IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, NO. 70-1379-JWC CIVIL - W-503.500, P.R.C. 2709.2.

After consideration of Calendar Item 11 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE ATTORNEY GENERAL, ON BEHALF OF THE STATE, TO ENTER INTO APPROPRIATE JUDGMENTS AND STIPULATIONS THEREFOR IN THE MATTERS OF UNITED STATES OF AMERICA V. 6,305.70 ACRES OF LAND IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, UNITED STATES DISTRICT COURT, CENTRAL DISTRICT, NO. 65-1008-PH, AND UNITED STATES V. 6,393.72 ACRES OF LAND IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, UNITED STATES DISTRICT COURT, CENTRAL DISTRICT, NO. 70-1379-JWC CIVIL, WHEREIN THE STATE IS TO RECEIVE \$27,046, AMOUNTING TO \$5,000 PER ANNUM FOR THE PERIOD JULY 1, 1965, THROUGH JUNE 30, 1970, PLUS \$2,046 FOR THE OPTION TO RENEW, AND \$5,400 PER ANNUM FOR THE PERIOD JULY 1, 1970, THROUGH JUNE 30, 1971, AND PROVIDING FOR THE PAYMENT OF \$5,400 PER ANNUM FOR A RENEWAL PERIOD THEREAFTER THROUGH JUNE 30, 1975.

Attachment:

Calendar Item 11 (1 page)

11.

PROPOSED SETTLEMENTS OF ACTIONS BY THE UNITED STATES IN THE MATTERS OF UNITED STATES V. 6,305.70 ACRES OF LAND IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, NO. 65-1008-PH, AND UNITED STATES V. 6,393.72 ACRES OF LAND IN THE COUNTY OF SAN BERNARDINO, NO. 70-1379-JWC CIVIL - W-503.500, P.R.C. 2709.2.

The subject condemnation actions were filed by the United States in respect to lands lying within the Mojave "B" Gunnery Range. In the first action, the United States condemned a leasehold interest for a term of years beginning July 1, 1965, and ending June 30, 1966, and extendible yearly thereafter until June 30, 1970, at the election of the United States. In the second action, the United States condemned a leasehold interest for a term of years beginning July 1, 1970, and ending June 30, 1971, and extendible yearly thereafter until June 30, 1975. The State previously had received an annual rental of \$3,775 per year for the 4115.40 acres of school land Sections 16 and 36 included within the Mojave "B" Gunnery Range (P.R.C. 2709.2). The identical school land Sections 16 and 36 are involved in both civil actions and P.R.C. 2709.2.

In June 1969, the United States offered a settlement of \$2,711 per year plus \$2,046 for the option to renew for the period of the first action. This offer was unacceptable to the State. Negotiations for a settlement have continued and litigation is imminent. In the course of the proceeding of the negotiations, the United States offered to pay \$5,000 per annum plus \$2,046 for the right to renew for the period of the first action and \$5,400 per annum for the period of the second action. This amount was submitted as a compromise agreement, and the United States has submitted proposed Judgments and Stipulations Therefor for each of the two matters to be executed by the State if the amounts of the offer are acceptable. It is the opinion of the Attorney General's Office and the State Lands Division that such compromise settlement is satisfactory and in the best interests of the State.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ATTORNEY GENERAL ON BEHALF OF THE STATE TO ENTER INTO APPROPRIATE JUDGMENTS AND STIPULATIONS THEREFOR IN THE MATTERS OF UNITED STATES OF AMERICA V. 6,305.70 ACRES OF LAND IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, UNITED STATES DISTRICT COURT, CENTRAL DISTRICT, NO. 65-1008-PH AND UNITED STATES V. 6,393.72 ACRES OF LAND IN THE COUNTY OF SAN BERNARDINO, UNITED STATES DISTRICT COURT, CENTRAL DISTRICT, NO. 70-1379-JWC CIVIL, WHEREIN THE STATE IS TO RECEIVE \$27,046, AMOUNTING TO \$5,000 PER ANNUM FOR THE PERIOD JULY 1, 1965, THROUGH JUNE 30, 1970, PLUS \$2,046 FOR THE OPTION TO RENEW, AND \$5,400 PER ANNUM FOR THE PERIOD JULY 1, 1970, THROUGH JUNE 30, 1971, AND PROVIDING FOR THE PAYMENT OF \$5,400 PER ANNUM FOR A RENEWAL PERIOD THEREAFTER THROUGH JUNE 30, 1975.