

MINUTE ITEM

4/29/71
WAS

26. AUTHORIZATION FOR THE ATTORNEY GENERAL TO EXECUTE A STIPULATION TO JUDGMENT IN FULL SETTLEMENT OF CIVIL 9207, U.S. DISTRICT COURT, IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA, SCHOOL LAND, NEVADA COUNTY - W 503.467.

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 TO EXECUTE A STIPULATION TO JUDGMENT IN THE AMOUNT OF \$2200, INCLUDING INTEREST, IN FULL SETTLEMENT OF CIVIL 9207, U.S. DISTRICT COURT, IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA, INVOLVING PORTIONS OF STATE SCHOOL LAND IN THE NE $\frac{1}{4}$ OF SECTION 36, T. 18 N., R. 16 E., M.D.M., NEVADA COUNTY, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 11 (3 pages)

CALENDAR ITEM

4/71
W 503.467
WAS

11.

CONDEMNATION OF EASEMENT IN PERPETUITY, CIVIL 9207

APPLICANT: United States of America.

LOCATION: Portions of the NE $\frac{1}{4}$ of Section 36, T. 18 N., R. 16 E., M.D.M., Nevada County.

CONSIDERATION: \$2200 total.

On February 11, 1965, the Office of the Governor and the Director of Finance were served with a Complaint in Condemnation "Civil U.S. District Court, in and for the Eastern District of California, No. 9207, United States of America vs. 10.37 acres of land in the County of Nevada, State of California; State of California and Unknown Owners, defendants". Also served on the same date was an "Order for Delivery of Possession".

The taking was for an easement in perpetuity for a road right-of-way, a buried telephone cable right-of-way, and an electric transmission line right-of-way needed in connection with the construction of Prosser Dam. The taking included a roving easement over the entire tract of State land and an offer of settlement in the amount of \$1,190.

The Division considered the roving easement objectionable and the offer of settlement to be less than the value of the taking.

Through negotiation, the U.S. Bureau of Reclamation amended the Complaint for the roving easement, stipulated to two fixed easement locations, and increased the offer of settlement to \$2200.

The State's original estimate of damage was \$4,127.75. However, in consideration of the costs of the litigation, and with the approval of the Attorney General, it is the Division opinion that it would be in the State's best interest to accept the offer of the U.S. Bureau of Reclamation of \$2200 in full settlement, including interest, for the State claim.

EXHIBITS: A. Land description. B. Location map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ATTORNEY GENERAL TO EXECUTE A STIPULATION TO JUDGMENT IN THE AMOUNT OF \$2200, INCLUDING INTEREST, IN FULL SETTLEMENT OF CIVIL 9207, U.S. DISTRICT COURT, IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA, INVOLVING PORTIONS OF STATE SCHOOL LAND IN THE NE $\frac{1}{4}$ OF SECTION 36, T. 18 N., R. 16 E., M.D.M., NEVADA COUNTY, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

SCHEDULE "A"

Three tracts of land in Section Thirty-six (36), Township Eighteen (18) North, Range Sixteen (16) East, Mount Diablo Meridian, in the County of Nevada, State of California, containing a combined area of 10.37 acres, more or less, and described separately as follows:

TRACT ONE: A strip of land in said Section 36, having a uniform width of 137.5 feet where measurable at right angles, lying within 100 feet on the left or northwesterly side and within 37.5 feet on the right or southeasterly side of the line described as follows: Beginning at a point in the west boundary of the northeast quarter ($NE\frac{1}{4}$) of said Section 36, distant therealong South 1664.0 feet from the north quarter corner of said Section 36; thence North $53^{\circ} 03'$ East 2739.7 feet to a point in the north boundary of said Section 36 that is distant therealong North $89^{\circ} 33' 30''$ West 459.0 feet from the northeast corner of said Section 36. The sidelines of said strip are to be extended or shortened, as the case may be, so as to begin in the said west boundary and to terminate in said north boundary, and containing an area of 8.65 acres, more or less.

TRACT TWO: A strip of land in said Section 36, having a uniform width of 60 feet, where measurable at right angles, lying within 30 feet on each side of the centerline described as follows: Beginning at a point in the west boundary of the northeast quarter ($NE\frac{1}{4}$) of said Section 36, distant therealong South 826.3 feet from the north quarter corner of said Section 36; thence North $47^{\circ} 42'$ East 1217.3 feet to a point in the north boundary of said Section 36 that is distant therealong North $89^{\circ} 33' 30''$ West 1748.1 feet from the northeast corner of said Section 36. The sideline boundaries of said strip are to be extended or shortened, so as to begin in said west boundary and to terminate in said north boundary, and containing an area of 1.68 acres, more or less.

TRACT THREE: A strip of land in said Section 36, having a uniform width of 20 feet, where measurable at right angles, lying within 10 feet on each side of the centerline described as follows: Beginning at a point in the north boundary of said Section 36, distant therealong South $89^{\circ} 33' 30''$ East 1011.6 feet from the north quarter corner of said Section 36; thence South $58^{\circ} 17' 30''$ West 91.2 feet to a point in the centerline of the existing Pacific Telephone line right of way that is distant South $86^{\circ} 35'$ East 935.7 feet from the north quarter corner of said Section 36. The sideline boundaries of said strip are to be extended or shortened so as to begin in said north boundary and to terminate in said existing telephone right of way, and containing an area of 0.04 acre, more or less.

EXHIBIT "A" (CONTD.)

PARCEL ONE:

A strip of land having a uniform width of 15 feet where measurable at right angles, lying within 7.5 feet on each side of the following described centerline: Beginning at a point 7.5 feet east of a point in the west boundary of the Northeast Quarter ($NE\frac{1}{4}$) of said Section 36; distant therealong South 846.00 feet from the north quarter corner of said Section 36, being a point in the existing county road; thence South 434.00 feet; thence North $87^{\circ} 09' 54''$ East 423.29 feet to a point in the centerline of the existing Sierra Pacific Power Company transmission line maintenance road, BUT EXCEPTING from said strip that portion thereof lying within the boundary of the 8.65 acre and the 1.68 acre parcels of land described as Tract One and Tract Two in Schedule "A" of the Declaration of Taking, recorded in the Office of the County Recorder of said County on February 3, 1965, in Book 373 of Official Records, page 520, containing after said exception an area of 0.25 acre, more or less.

PARCEL TWO:

A strip or parcel of land having a uniform width of 15 feet where measurable at right angles, lying within 7.5 feet on each side of the following described centerline: Beginning at a point in the centerline of the existing Sierra Pacific Power Company transmission line maintenance road, that is distant South $53^{\circ} 02' 34''$ West 1306.00 feet from a point in the north boundary of said Section 36, distant therealong West 440.26 feet from the Northeast corner of said Section 36; thence from said point of beginning South $37^{\circ} 42' 06''$ East 155.90 feet; thence tangent to the preceding course along a curve to the left with a radius of 78.01 feet, an arc distance of 57.27 feet; thence tangent to the preceding and following curves South $79^{\circ} 46' 06''$ East 113.42 feet; thence along a curve to the left with a radius of 133.66 feet, an arc distance of 136.69 feet; thence tangent to the preceding and following curves North $41^{\circ} 38' 14''$ East 154.95 feet; thence along a curve to the left with a radius of 116.74 feet, an arc distance of 94.48 feet; thence tangent to the preceding and following curves North $4^{\circ} 44' 06''$ West 91.68 feet; thence along a curve to the left with a radius of 42.46 feet, an arc distance of 45.19 feet; thence tangent to the preceding and following curves North $65^{\circ} 43' 06''$ West 78.42 feet; thence along a curve to the right with a radius of 10.00 feet, an arc distance of 22.85 feet; thence tangent to the preceding and following curves North $65^{\circ} 12' 14''$ East 140.25 feet; thence along a curve to the left with a radius of 126.86 feet, an arc distance of 95.26 feet; thence tangent to the preceding curve North $22^{\circ} 10' 54''$ East 224.27 feet to the centerline of the existing Sierra Pacific Power Company transmission line maintenance road, said point being approximately in the centerline of the existing Sierra Pacific Power Company H-frame 120-kv transmission line, BUT EXCEPTING from said strip that portion thereof lying within the boundary of the 8.65 acre parcel of land described as Tract One in Schedule "A" of the Declaration of Taking recorded in the Office of the County Recorder of said County on February 2, 1965, in Book 373 of Official Records at page 520, and containing after said exception an area of 0.37 acre, more or less.