

MINUTE ITEM

6/6/74
PJF

31. PROPOSED DISCLAIMER TO BE FILED IN STATE OF CALIFORNIA V. NEWTON, ETC., ET AL., CONTRA COSTA COUNTY SUPERIOR COURT CIVIL NO. 141845 - W 503.757.

After consideration of Calendar Item 29 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES STAFF COUNSEL TO FILE A DISCLAIMER OF INTEREST ON BEHALF OF THE STATE LANDS COMMISSION IN THE CASE OF STATE OF CALIFORNIA V. NEWTON, ETC., ET AL., FILED IN THE CONTRA COSTA COUNTY SUPERIOR COURT, CIVIL NO. 141845, TO ANY COMPENSABLE RIGHT, TITLE, OR INTEREST IN PARCELS 15A, 15B, 15C, 15D, 15E, 15F, AND 15G.

Attachment:

Calendar Item 29 (1 page)

CALENDAR ITEM

5/74

PJF

W 503.757

29.

PROPOSED DISCLAIMER TO BE FILED IN
STATE OF CALIFORNIA V. NEWTON, ETC., ET AL.,
CONTRA COSTA COUNTY SUPERIOR COURT CIVIL NO. 141845

The State Lands Commission is a party to a State of California condemnation action brought by the Department of Transportation entitled State of California v. Newton, etc., et al., filed in the Contra Costa County Superior Court, Civil No. 141845, involving lands in that county.

The action was commenced for freeway purposes and it involves seven parcels of land. Upon examination of the Commission's records pertinent to the area, it was ascertained that there is no land involved in this condemnation action which is subject to the jurisdiction of the State Lands Commission. The condemnation area is located within the NE $\frac{1}{4}$ of Section 16, T 2 N, R 1 W, MDM, and this entire section was acquired by the State pursuant to the School Land grant. The land actually passed into State ownership upon acceptance of the plat of survey which occurred in 1870. However, the NE $\frac{1}{4}$ of this Section 16 was patented into private ownership on March 16, 1886. The records of the Division indicate that the patentee was one John Rogers, and the location file, SF 4406, reflects that the patentee obtained 167.44 acres and that there was no reservation of minerals by the State.

Inasmuch as this suit involves lands over which the Commission no longer has jurisdiction, it is recommended that a disclaimer be filed on behalf of the State Lands Commission, disclaiming any compensable right, title, or interest in the seven parcels involved.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE STAFF COUNSEL TO FILE A DISCLAIMER OF INTEREST ON BEHALF OF THE STATE LANDS COMMISSION IN THE CASE OF STATE OF CALIFORNIA V. NEWTON, ETC., ET AL., FILED IN THE CONTRA COSTA COUNTY SUPERIOR COURT, CIVIL NO. 141845, TO ANY COMPENSABLE RIGHT, TITLE, OR INTEREST IN PARCELS 15A, 15B, 15C, 15D, 15E, 15F, AND 15G.