

MINUTE ITEM

This Calendar Item No. 27
was approved as a Calendar Item
No. 27 by the State Lands
Commission by a vote of 3
to 0 at its 10/26/78
meeting.

CALENDAR ITEM

27.

10/78
W 503.869
Johas-
Rusconi

AUTHORIZATION FOR DISCLAIMER

The State Lands Commission is a party to condemnation action brought by the United States, entitled United States of America v. 1.58 Acre of Land, More or Less, filed in the United States District Court, Eastern District of California, Civil No. S76-584-TJM involving land in Tehama County. A perpetual nonexclusive easement for road purposes is the interest being condemned.

Upon examination of the Commission's records pertinent to the area, it was ascertained that a small segment of the proposed easement would extend approximately 50 feet into an area subject to a possible State claim of sovereign ownership. Extensive historical research and engineering work-up would be necessary to determine precisely whether any State land under the jurisdiction of the State Lands Commission is being condemned.

Because the compensation for the State's portion, if any, of the easement would be minimal, the expense of additional investigation necessary to positively determine if any State land is involved would not appear to be justified.

Accordingly, it is proposed that the Commission disclaim any right to compensation without disclaiming any ownership interest which it may have in a portion of the land subject to the easement.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE ATTORNEY GENERAL TO FILE A DISCLAIMER OF THE RIGHT TO COMPENSATION BUT NOT OF ANY OWNERSHIP INTEREST IN THE 1.58 ACRES, MORE OR LESS, ON BEHALF OF THE STATE LANDS COMMISSION IN THE CASE OF UNITED STATES OF AMERICA V. 1.58 ACRES OF LAND, MORE OR LESS, TEHAMA COUNTY, CIVIL NO. S76-584-TJM, FILED IN THE UNITED STATES DISTRICT COURT, EASTERN DISTRICT.
2. AFFIRM THAT THE DISCLAIMER RATIFIED ABOVE IS WITHOUT PREJUDICE TO ANY CLAIM OR OWNERSHIP INTEREST WHICH THE STATE MAY HAVE IN THE 1.58 ACRES.

A 1

S 1

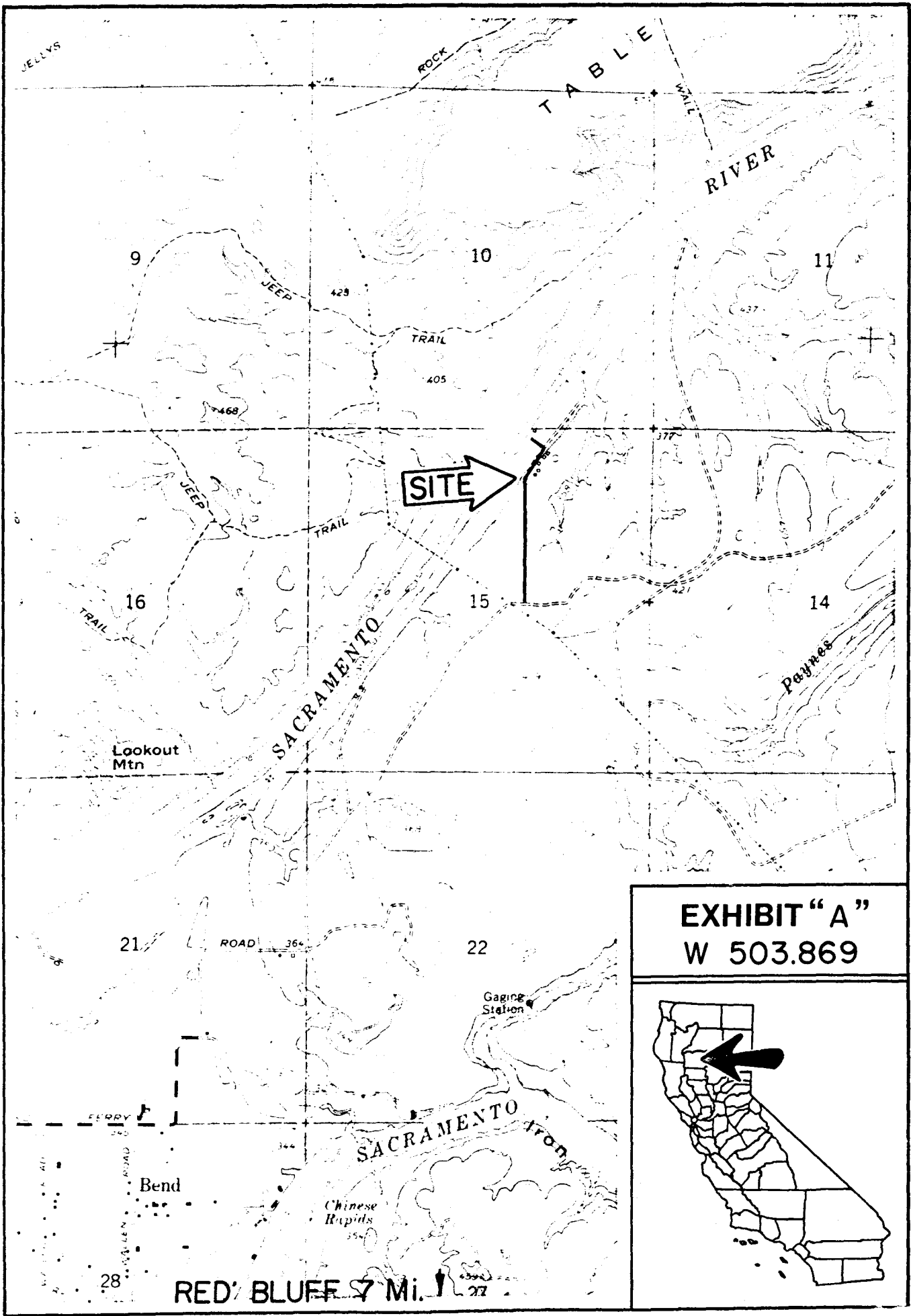


EXHIBIT "A"
W 503.869