

MINUTE ITEM

This Calendar Item No. 38
was approved as Minute Item
No. 38 by the State Lands
Commission by a vote of 3
to 0 at its 6/24/81
meeting.

CALENDAR ITEM

38

6/81
W 503.1113
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AUTHORIZATION TO FILE DISCLAIMER IN UNITED STATES OF AMERICA V. 1840.0 ACRES OF LAND, MORE OR LESS, ETC., ET AL., IN THE COUNTIES OF MERCED AND MARIPOSA, UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA, CIVIL NO. F-81-121 EDP

The State Lands Commission is a party to a United States condemnation action brought by the United States Attorney entitled United States of America v. 1840.0 Acres of Land, etc., et al., in the Counties of Merced and Mariposa, filed in the United States District Court, Eastern District of California, Civil No. F-81-121 EDP involving land in Merced and Mariposa Counties; to be used in connection with the Merced County Streams Project. The interest to be condemned consists of a temporary easement for a period not to exceed thirty months for surveys, test borings and archeological investigations. A temporary easement in, on, over and across this same land was condemned in Case Number F-78-196-CIV, of the same name, State Lands Commission Work Order Number 503.965. Investigation in that case revealed there were no areas owned in fee by the State within the area condemned but that the property was traversed by Bear Creek. The Commission authorized a disclaimer of compensation in that case by Minute Item No. 34, January 25, 1979. Said disclaimer was filed by the Attorney General's office January 30, 1979.

Because the intrusion is minimal and will not interfere with any interests the State may possess in the lands described in the Notice of Condemnation, it is recommended that the Commission file a similar disclaimer as to compensation in this case, thereby preserving any interest which may exist or arise over the waters which cross lands which are the subject of this condemnation action.

EXHIBIT: A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE ATTORNEY GENERAL TO FILE DISCLAIMER OF COMPENSATION ON BEHALF OF THE STATE LANDS COMMISSION IN THE CASE OF UNITED STATES OF AMERICA V. 1840.0 ACRES OF LAND, MORE OR LESS, ETC., ET AL., IN THE COUNTIES OF MERCED AND MARIPOSA, STATE OF CALIFORNIA, ETC., ET AL., UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA, CIVIL NO. 81-121 EDP.

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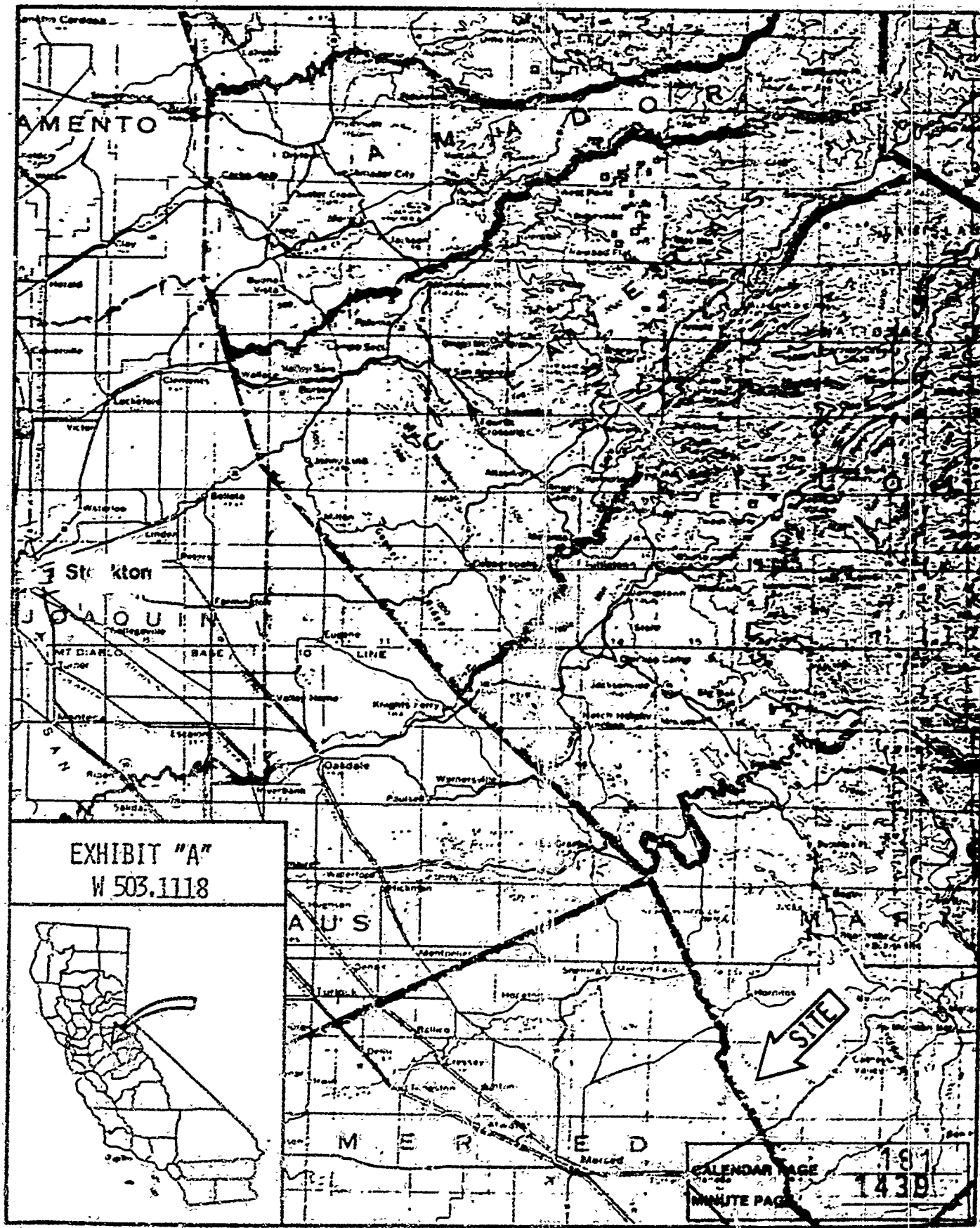


EXHIBIT "A"
W 503.1118



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