

13. (SALE OF VACANT FEDERAL LAND OBTAINED THROUGH THE USE OF BASE, LIEU LAND APPLICATION 4846, SACRAMENTO LAND DISTRICT, LAKE COUNTY, ERNEST M. McKEE, SR. - S.W.O. 5403.)

Following presentation of Calendar Item No. 20 attached, Mr. G. N. Tocher, Attorney for Mr. McKee, appeared again to request the Commission to sell the land in question on the basis that it was a scrip transaction, indicating that he disagreed with the Answer filed by the Attorney General in response to the brief which had been submitted on behalf of his client. He suggested that the Commission itself refer the problem to the Superior Court in Lake County for consideration, and asked to be allowed to have certified copies from the Commission's files of the various pertinent documents. Deputy Attorney General Paul M. Joseph stated that he knew of no procedure whereby the Commission itself could refer the problem to the Superior Court; he indicated that as long as the information requested by Mr. Tocher was in the files there apparently would be no objection to furnishing true copies, and informed the Commission that he concurred with the recommendation made by the staff. The Executive Officer explained that, after consultation with the Attorney General's office, the documents requested would be furnished if a formal written request were submitted. Mr. Tocher then indicated that the standard method of filing suit against the State would be taken.

Mr. Ernest M. McKee, Sr., appeared on his own behalf to support the contention that the land should be sold to him at the price he had offered, rather than the appraised price.

Following a statement by the Chairman that the advice of its technical staff and of the State's Attorney General was being followed, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE APPLICANT, ERNEST M. McKEE, SR., IS GRANTED AN ADDITIONAL 10 DAYS FROM MARCH 11, 1957, WITHIN WHICH TO SUBMIT THE REQUIRED AMOUNT OF \$97,900.00 TO MEET THE APPRAISED VALUE OF THE $S\frac{1}{2}$, $W\frac{1}{2}$ OF $NE\frac{1}{4}$, AND $SE\frac{1}{4}$ OF $NE\frac{1}{4}$ OF SECTION 15, T. 11 N., R. 8 W., M.D.M., CONTAINING 440 ACRES IN LAKE COUNTY. IN THE EVENT MR. McKEE DOES NOT MAKE THIS DEPOSIT WITHIN THE TIME SPECIFIED, THE EXECUTIVE OFFICER IS AUTHORIZED TO CANCEL MR. McKEE'S APPLICATION AND TO RETURN THE LAND TO THE VACANT STATE SCHOOL LAND LIST TO BE AVAILABLE FOR NEW APPLICATIONS AND FOR ACQUISITION UNDER THE PUBLIC BIDDING PROCEDURE.

Attachment

Calendar Item 20 (1 page)

SUPPLEMENTAL

20.

(SALE OF VACANT FEDERAL LAND OBTAINED THROUGH THE USE OF BASE, LIEU LAND APPLICATION 4846, SACRAMENTO LAND DISTRICT, LAKE COUNTY, ERNEST M. McKEE, SR., S.W.O. 5403.)

The sale of the $S\frac{1}{2}$, $W\frac{1}{2}$ of the $NE\frac{1}{4}$, and $SE\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 15, T. 11 N., R. 8 W., M.D.M., containing 440 acres in Lake County, to Ernest M. McKee, Sr., was referred to the State Lands Commission for consideration at its meeting held in Sacramento on February 7, 1957, together with the letter opinion rendered by the Attorney General pertaining thereto.

At the aforesaid meeting, the Commission adopted the following resolution:

"THE COMMISSION DEFERS ACTION ON THE SALE OF THE $S\frac{1}{2}$, $W\frac{1}{2}$ OF THE $NE\frac{1}{4}$, AND $SE\frac{1}{4}$ OF THE $NE\frac{1}{4}$ OF SECTION 15, T. 11 N., R. 8 W., M.D.M., CONTAINING 440 ACRES IN LAKE COUNTY, TO ERNEST M. McKEE, SR., UNTIL AN OPPORTUNITY IS HAD FOR THE STAFF OF THE STATE LANDS COMMISSION TO CONFER FURTHER WITH THE OFFICE OF THE ATTORNEY GENERAL AS TO THE APPROPRIATE ACTION TO BE RECOMMENDED AT A COMMISSION MEETING; SAID RECOMMENDATION IS TO BE MADE AT THE NEXT MEETING OF THE COMMISSION THAT IS NOT EARLIER THAN 30 DAYS BEYOND THE DATE OF THE CURRENT MEETING; THE TIME IN WHICH MR. McKEE MAY MAKE PAYMENT OF THE ADDITIONAL APPLICATION DEPOSIT IS TO BE EXTENDED CONCURRENTLY."

During said meeting, it was agreed that the attorneys for Mr. McKee would furnish a brief within 20 days. The brief was received by the Attorney General's office, and the opinion of that office as well as the Commission's staff is that the application of Mr. McKee and any sale thereunder, must be for the current appraised value of the land, with the Commission vested with the authority to set such value.

The time within which Mr. McKee may submit the additional amount of \$97,900.00, to meet that value expires March 11, 1957.

IT IS RECOMMENDED THAT THE APPLICANT, ERNEST M. McKEE, SR., BE GRANTED AN ADDITIONAL 10 DAYS FROM MARCH 11, 1957, WITHIN WHICH TO SUBMIT THE REQUIRED AMOUNT OF \$97,900.00 TO MEET THE APPRAISED VALUE OF THE $S\frac{1}{2}$, $W\frac{1}{2}$ OF $NE\frac{1}{4}$, AND $SE\frac{1}{4}$ OF $NE\frac{1}{4}$ OF SECTION 15, T. 11 N., R. 8 W., M.D.M., CONTAINING 440 ACRES IN LAKE COUNTY. IN THE EVENT MR. McKEE DOES NOT MAKE THIS DEPOSIT WITHIN THE TIME SPECIFIED, THE EXECUTIVE OFFICER IS AUTHORIZED TO CANCEL MR. McKEE'S APPLICATION AND TO RETURN THE LAND TO THE VACANT STATE SCHOOL LAND LIST TO BE AVAILABLE FOR NEW APPLICATIONS AND FOR ACQUISITION UNDER THE PUBLIC BIDDING PROCEDURE.