

MINUTE ITEM

14. (REQUEST FOR RESTORATION TO PUBLIC SALE OF VACANT STATE SCHOOL LAND, RALPH R. LEAVERS - S.W.O. 6665.)

After presentation of Calendar Item 6 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION RETAINS THE  $E\frac{1}{2}$  OF  $NW\frac{1}{4}$  OF SECTION 16, T. 41 N., R. 12 W., M.D.M., CONTAINING 80 ACRES IN SISKIYOU COUNTY, IN A WITHDRAWN STATUS, TO BE HELD FOR EXCHANGE PURPOSES ONLY WITH THE UNITED STATES, WITH MR. RALPH LEAVERS TO BE ADVISED ACCORDINGLY.

Attachment

Calendar Item 6 (2 pages)

CALENDAR ITEM

MISCELLANEOUS

6.

(REQUEST FOR RESTORATION TO PUBLIC SALE OF VACANT STATE SCHOOL LAND.)

Mr. Ralph R. Leavers, by letter dated May 21, 1957, has requested that the  $E\frac{1}{2}$  of  $NW\frac{1}{4}$  of Section 16, T. 41 N., R. 12 W., M.D.M., be restored from withdrawal status and made available for public sale.

Based upon discussions with Mr. Leavers and information contained in the aforesaid request, Mr. Leavers has been negotiating with the United States Forest Service for the purpose of working out a private exchange. The United States Forest Service is desirous of acquiring title to the subject school land and as a means of concluding an exchange with Mr. Leavers has suggested that he purchase the land from the State and in turn offer it to the Forest Service under an exchange agreement.

An application for the purchase of the land was filed with the Commission on August 26, 1947 by Mr. C. E. Patty of Redwood City, California, under Application 4622, Sacramento Land District. The calendar item submitted to the Commission for consideration at its meeting held June 14, 1949 stated that before the sale was completed Honorable Randolph Collier, State Senator from Yreka, addressed a letter to the Chairman of the State Lands Commission, requesting that the 80-acre tract be withheld from private sale, and further requested that it be turned over to the Federal Government for administration as the land is in the Marble Mountain Primitive Area entirely surrounded by Federal land. Furthermore, administrative difficulties would be created if the land were acquired by private interests. The Commission, by resolution unanimously adopted, authorized the cancellation of the application submitted by Mr. C. E. Patty, and in a separate action authorized the Executive Officer to negotiate with the Regional Forester for exchange of said parcel for other Federal lands. The records indicate that negotiations were undertaken looking toward an exchange of the land; however, an exchange has not been consummated.

In view of the action of the Commission above referred to, the subject land has been considered withdrawn from public sale and has been held available for exchange purposes only with the United States.

In recent discussions with Senator Collier in connection with the proposed purchase of the land by Mr. Ralph Leavers, Senator Collier has indicated his approval of the sale on the assumption that if Mr. Leavers is the successful purchaser he will in turn offer it to the Federal Government under a private exchange and thereby title in public ownership will be retained.

It must be pointed out that the land, if restored to entry, must be sold under the competitive bid procedure, in which event the first applicant has the privilege of meeting the highest bid submitted. There is no assurance that Mr. Leavers, in the event he is the first applicant, will be desirous of meeting the appraised price or the highest bid. Also to be considered is the right of the original applicant, Mr. C. E. Patty, to be notified and allowed the

MISCELLANEOUS 6. (CONTD.)

privilege of filing a prior application to purchase in view of the rejection of his application in 1949. An item further complicating a public sale is the fact that the official United States plat of survey discloses the land to contain 80 acres. However, based upon the United States surveys of this area, which appear erroneous, it is impossible to identify the land on the ground. This fact is concurred in by the United States Forest Service. As a result of office computations of other survey data, the parcel appears to contain considerably less than 80 acres. A sale under this condition could very well cause complications in the future with respect to the area purportedly offered for sale and sold by the State. However, under a direct exchange with the United States, the State would receive credit for the full 80 acres as disclosed by the official plat of survey.

The Forest Service has indicated its willingness to work out a direct exchange for the land with the State; also that a private exchange with Mr. Leavers following his purchase of the subject land from the State would be acceptable.

In view of the complications presented by the sale of the land to Mr. Leavers, it does not appear appropriate to restore the land to entry and make it available for sale.

IT IS RECOMMENDED THAT THE COMMISSION RETAIN THE  $E\frac{1}{2}$  OF  $NW\frac{1}{4}$  OF SECTION 16, T. 41 N., R. 12 W., M.D.M., IN A WITHDRAWN STATUS, TO BE HELD FOR EXCHANGE PURPOSES ONLY WITH THE UNITED STATES, WITH MR. RALPH LEAVERS TO BE ADVISED ACCORDINGLY.