

MINUTE ITEM

15. (SALE OF VACANT FEDERAL LAND, LIEU LAND APPLICATION 5099, SACRAMENTO LAND DISTRICT, SANTA CLARA COUNTY, JAMES K. STONIER - S.W.O. 5965.)

After presentation of Calendar Item 14 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE RESOLUTION ADOPTED BY THE COMMISSION AT ITS MEETING OF MAY 13, 1957, IS RESCINDED AS TO THAT PARCEL OF LAND INCLUDED THEREIN AND DESCRIBED AS THE SW $\frac{1}{4}$  OF SW $\frac{1}{4}$  OF SECTION 35, T. 7 S., R. 4 E., M.D.M., CONTAINING 40 ACRES, FOR THE REASON THAT THE STATE'S APPLICATION FOR SAID LAND WAS SUBSEQUENTLY REJECTED BY THE UNITED STATES BUREAU OF LAND MANAGEMENT. FURTHER, AUTHORITY IS GRANTED THE ACTING EXECUTIVE OFFICER TO ISSUE A CERTIFICATE OF RESTITUTION, IN ACCORDANCE WITH LAW, PROVIDING FOR REFUND TO THE APPLICANT, JAMES K. STONIER, OF THE PURCHASE PRICE OF \$280 PAID FOR SAID PARCEL.

Attachment

Calendar Item 14 (1 page)

CALENDAR ITEM

SALE OF VACANT FEDERAL LAND

14.

(SALE OF VACANT FEDERAL LAND, LIEU LAND APPLICATION 5099, SACRAMENTO LAND DISTRICT, SANTA CLARA COUNTY, JAMES K. STONIER - S.W.O. 5965.)

The Commission, by resolution adopted at its meeting held May 13, 1957 in Sacramento (Minute Item 3074), approved the sale of 586.49 acres of land in Santa Clara County to James K. Stonier at a total price of \$5,407.93. Said lands included the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 31, Lots 11 and 12 of Section 32 and the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 35, T. 7 S., R. 4 E., M.D.M., containing 160.50 acres valued at \$1,484.62. Subsequent to this approval, the application was processed in the usual manner to the point where certificate of purchase was issued to James K. Stonier showing payment in full for the land as required by Section 2401 (d) of Article 6 of the rules and regulations of the Commission. Thereafter, patent normally would be issued following conveyance of the land to the State by the United States.

The State's application to select the land was approved by Decision of the United States Bureau of Land Management dated August 23, 1956. A subsequent Decision rendered by the United States Bureau of Land Management dated September 24, 1957, indicates that the original Decision was rendered prior to completion of a field examination of the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 35, T. 7 S., R. 4 E., M.D.M., containing 40 acres. As a result, the application was rejected by the latter Decision as to the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 35. The Decision states that said parcel is considered suitable for retention as public domain to be utilized for grazing administration.

The State applicant did not wish to appeal the aforesaid Decision and another parcel containing 40 acres has been substituted in lieu thereof.

Pursuant to law, all funds deposited toward the purchase price of said parcel were deposited to the credit of the School Land Fund, per Treasurer's Receipt No. 482, dated July 15, 1957, upon issuance of certificate of purchase. The applicant is now entitled to a refund of the purchase price of said parcel in the amount of \$280, which constitutes the appraised value and full amount paid for the 40 acres in question. By substitution of another forty-acre parcel the application has been cancelled as to the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 35, T. 7 S., R. 4 E., M.D.M.

IT IS RECOMMENDED THAT THE RESOLUTION ADOPTED BY THE COMMISSION AT ITS MEETING OF MAY 13, 1957, BE RESCINDED AS TO THAT PARCEL OF LAND INCLUDED THEREIN AND DESCRIBED AS THE SW $\frac{1}{4}$  OF SW $\frac{1}{4}$  OF SECTION 35, T. 7 S., R. 4 E., M.D.M., CONTAINING 40 ACRES FOR THE REASON THAT THE STATE'S APPLICATION FOR SAID LAND WAS SUBSEQUENTLY REJECTED BY THE UNITED STATES BUREAU OF LAND MANAGEMENT. FURTHER, THAT AUTHORITY BE GRANTED THE ACTING EXECUTIVE OFFICER TO ISSUE A CERTIFICATE OF RESTITUTION, IN ACCORDANCE WITH LAW, PROVIDING FOR REFUND TO THE APPLICANT, JAMES K. STONIER, OF THE PURCHASE PRICE OF \$280 PAID FOR SAID PARCEL.