

MINUTE ITEM

10. APPLICATION TO APPROVE RIGHT-OF-WAY, SCHOOL LANDS, SAN BERNARDINO COUNTY, ATCHINSON, TOPEKA AND SANTA FE RAILWAY COMPANY - W.O. 2868, P.R.C. 2355.9.

After consideration of Calendar Item 28 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO APPROVE A RIGHT-OF-WAY 200 FEET IN WIDTH ACROSS SECTION 36, T. 1 N., R. 22 E., S.B.B.& M., SAN BERNARDINO COUNTY, ACCORDING TO THE CERTIFIED PLAT SUBMITTED BY ATCHISON, TOPEKA AND SANTA FE RAILWAY. NO FEES ARE TO BE CHARGED.

Attachment

Calendar Item 28 (1 page)

CALENDAR ITEM

28.

(APPLICATION TO APPROVE RIGHT OF WAY, SCHOOL LANDS, SAN BERNARDINO COUNTY, ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY - W.O. 2868.)

Action on the following item was deferred at the direction of the chairman on January 29, 1959 to permit the inclusion and review of the opinion of the Attorney General upon which the staff recommendation for action is based.

The State Lands Commission at its meeting on September 13, 1957 (Minute Item 10, page 3457), withdrew from sale school land Section 36, T. 1 N., R. 22 E., S.B.B. & M., until such time as the title had been clarified and the salable area determined. This action was required by the fact that the Atchison, Topeka and Santa Fe Railway has been occupying a portion of said Section 36 since 1911 as a railroad right of way without submitting plats and obtaining the approval thereof, as provided in former Section 478 of the Civil Code.

The applicant has now submitted certified tracings of its right of way across Section 36, denoting a 200-foot right of way, comprising an area of approximately 24.7 acres in order to comply with the Public Utilities Code and the Public Resources Code.

In accordance with an opinion of the Attorney General's office (see attachment), no fees or rentals are to be charged.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO APPROVE A RIGHT OF WAY 200 FEET IN WIDTH ACROSS SECTION 36, T. 1 N., R. 22 E., S.B.B. & M., SAN BERNARDINO COUNTY, ACCORDING TO THE CERTIFIED PLAT SUBMITTED BY ATCHISON, TOPEKA AND SANTA FE RAILWAY. NO FEES ARE TO BE CHARGED.