

MINUTE ITEM

27. PROPOSED PURCHASE OF VACANT STATE SCHOOL LAND, SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT, S.W.O.s 7590, AND 7511.

In presenting Calendar Item No. 43 attached, the Executive Officer called attention to the fact that subsequent to its preparation a request had been received from Max Schlosser for withdrawal of his application for 131.84 acres; therefore, in the recommendation the reference to the rejection "from the purchase application of Max Schlosser" should be disregarded.

The Executive Officer explained that the San Bernardino County Flood Control District had concluded that the only practical approach to obtaining the lands for use was to purchase them rather than to apply for a lease. No less than the full market value may be accepted by the Commission, but it is not necessary to require competitive bidding. The District has not yet filed an application for the purchase of the lands, the recommendation under consideration being for the purpose of clearing the record for such action.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 8 EAST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 8 EAST; THENCE ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER NORTH $89^{\circ} 57'$ EAST 2310.61 FEET TO A POINT IN THE SAID NORTH LINE DISTANT SOUTH $89^{\circ} 57'$ WEST 358.43 FEET FROM THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH $0^{\circ} 14'$ EAST PARALLEL TO, AND 358.43 FEET WESTERLY OF, THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 1050.41 FEET; THENCE SOUTH PARALLEL TO, AND 358.43 FEET WESTERLY OF, THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 1002.50 FEET TO A POINT, SAID POINT BEING DISTANT NORTH 700 FEET FROM THE INTERSECTION OF THE SOUTHERLY PROLONGATION OF AFORESAID PARALLEL LINE WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH $37^{\circ} 43' 41''$ WEST 885.04 FEET TO A POINT IN THE SOUTH LINE OF SAID SOUTHEAST QUARTER, SAID POINT BEING DISTANT EAST 1769.32 FEET FROM THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE WEST ALONG SAID SOUTH LINE 1369.32 FEET TO A POINT IN THE SAID SOUTH LINE DISTANT EAST 400 FEET FROM THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH $0^{\circ} 05'$ WEST, PARALLEL TO AND 400 FEET EASTERLY OF THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 750.01 FEET; THENCE NORTH $31^{\circ} 40' 07''$ WEST 763.71 FEET TO A POINT IN THE WEST LINE OF SAID SOUTHEAST QUARTER, DISTANT ALONG SAID WEST LINE NORTH $0^{\circ} 05'$ WEST 1400 FEET FROM THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER NORTH $0^{\circ} 05'$ WEST 1350.88 FEET TO THE POINT OF BEGINNING, CONTAINING 131.84 ACRES, MORE OR LESS,

IS REJECTED FROM THE PURCHASE APPLICATION OF RUSSELL W. BLEDSOE AND WITHDRAWN FROM SALE PENDING THE FILING OF A PROPER APPLICATION TO PURCHASE BY THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT, AT WHICH TIME IT IS TO BE RESTORED TO THE SCHOOL LAND LISTS; FURTHER, MR. BLEDSOE IS TO BE PERMITTED TO PROCEED WITH THE PURCHASE OF THE BALANCE OF THE LANDS CONTAINED IN LOTS 1 TO 8, INCLUSIVE, OF SAID SECTION 36, T. 1 N., R. 8 E., S.B.M., IN THE USUAL MANNER, IF IT IS HIS DESIRE TO DO SO. IN THE EVENT THE PRESENT PURCHASE APPLICANT, RUSSELL W. BLEDSOE, DOES NOT DESIRE TO PROCEED WITH PURCHASE OF THE REMAINING LANDS, HIS APPLICATION IS TO BE CANCELED AND ALL DEPOSITS REFUNDED.

Attachment

Calendar Item 43 (2 pages)

43.

PROPOSED PURCHASE OF VACANT STATE SCHOOL LAND, SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT, S.W.O.s 7590, AND 7511.

On January 11, 1960, an application to purchase Lots 1, 2, 3, 4, 5, 6, 7 and 8 (or $S\frac{1}{2}$) of Section 36, T. 1 N., R. 8 E., S.B.M., containing 337.77 acres in San Bernardino County, was received from Russell W. Bledsoe of Inglewood, California. The applicant made an offer of \$50 per acre, or a total of \$16,888.50, the minimum value established by a prior appraisal.

Prior to the filing of the above-mentioned purchase applications, there had been correspondence with the San Bernardino County Flood Control District of San Bernardino, California, relating to use of a portion of the land containing approximately 131.84 acres situated within the $SE\frac{1}{4}$ of Section 36, T. 1 N., R. 8 E., S.B.M. As a result, an application was filed on July 17, 1958, by the Flood Control District to lease this portion for flood control purposes and protection of the town of Twentynine Palms.

During pendency of this application, a question arose as to the rental to be paid to the State by the District. The District contended that under the statutes governing its operation it was entitled to the use of these lands without charge for flood control purposes. The question was referred to the office of the Attorney General, and resulted in an informal opinion dated April 29, 1959. In effect the opinion states that, notwithstanding the statutes governing the Flood Control District's operation, the District is required to pay to the State a rental consideration for use of State school lands.

The necessity of paying the State rental under a leasehold resulted in a request from the District to purchase the land outright rather than to lease it on a long-term basis. Accordingly, a meeting was held between the Commission's staff and representatives of the District on March 4, 1960, during which the problems of the District were fully outlined. The staff was advised that the Flood Control District, as a public agency, felt that it should be permitted to purchase the land without entering into competitive bidding.

Subsequent advice from the District indicates that a substantial portion of the $SE\frac{1}{4}$ of Section 36, T. 1 N., R. 8 E., S.B.M., lies in active wash areas at the mouth of 49 Palms Canyon and is subject to frequent heavy thunderstorm flood discharges. The District owns the active wash adjoining the State land to the north and is acquiring channel rights-of-way downstream therefrom, all planned to become a part of the "Twentynine Palms Flood Channel" system to serve the area by protecting it from flood hazards. The State land within the $SE\frac{1}{4}$ of said Section 36 therefore forms a necessary and vital link between the District's present rights-of-way and the canyon mouth, and is required for the ultimate project as a floodway, debris-deposition and water-conservation area. Additionally, the District points out that this parcel is considered subject to serious flood hazards, and that occupation for subdivision and habitation purposes could not be recommended without flood protection measures.

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Based upon an independent appraisal which they obtained, a written offer was made by the District to purchase the 131.84 acres in the southeast quarter of said Section 36 for the sum of \$4,871. An appraisal to determine the value of the land under the pending purchase application has not yet been completed by the staff.

IT IS RECOMMENDED THAT THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 8 EAST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

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