

MINUTE ITEM

15. QUIET TITLE ACTION IN RESPECT TO THE  $N\frac{1}{2}$  OF  $SE\frac{1}{4}$  (TRACT 81) OF SECTION 16, T. 15 S., R. 12 E., S.B.B.& M., CONTAINING 80 ACRES MORE OR LESS, IN IMPERIAL COUNTY - W.O. 396.17D, GEO.-IMPERIAL CO.

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

THE EXECUTIVE OFFICER IS AUTHORIZED TO REQUEST THE OFFICE OF THE ATTORNEY GENERAL TO FILE AN ACTION TO QUIET TITLE TO THE  $N\frac{1}{2}$  OF  $SE\frac{1}{4}$  (TRACT 81) OF SECTION 16, T. 15 S., R. 12 E., S.B.B.& M., CONTAINING 80 ACRES MORE OR LESS, IN IMPERIAL COUNTY, AND TAKE WHATEVER FURTHER ACTION IS NECESSARY TO PROTECT THE INTERESTS OF THE STATE.

Attachment

Calendar Item 14 (1 page)

CALENDAR ITEM

14.

QUIET TITLE ACTION IN RESPECT TO THE  $N\frac{1}{2}$  OF  $SE\frac{1}{4}$  (TRACT 81) OF SECTION 16, T. 15 S., R. 12 E., S.B.B. & M., CONTAINING 80 ACRES MORE OR LESS, IN IMPERIAL COUNTY - W.O. 396.17D.

On November 10, 1892, a Certificate of Purchase, No. 2084 (Application No. 5713), was issued by the State of California to Alfred D. Masca for the purchase of the  $N\frac{1}{2}$  of  $SE\frac{1}{4}$  (tract 81) of Section 16, T. 15 S., R. 12 E., S.B.B. & M., containing 80 acres more or less, in Imperial County.

A patent was never issued to Alfred D. Mason on the said land because of a protest from one John Caldwell filed with the State Surveyor General on October 3, 1904. The protest of Caldwell was based upon an agreement between Mason & Caldwell to convey to each other portions of school lands which each was to acquire from the State. Although the conflicting claims of Caldwell and Mason were referred to the Superior Court of San Diego, there is no copy of a judgment foreclosing the rights of Alfred D. Mason to said land on file in the Sacramento office of the Commission.

On December 28, 1917, the State Surveyor General cancelled Application No. 5713, Los Angeles Land District, and noted the subject land as vacant in the records of the Sacramento office.

In 1917, in 1937, and again in 1952, despite the State's claim of ownership, the lands were sold for delinquent taxes by the Imperial Irrigation District. As of March 8, 1960, the property was being assessed to one Dick C. Ingle by the Imperial Irrigation District. The most recent title report indicates that the property is the subject of numerous creditors' liens.

A legal staff review shows that the State has never issued a patent on the land and has not been divested of title, although title is clouded because of the acts of the Imperial Irrigation District and the purported interests which have been recorded over the years. A field inspection of the property on June 30, 1961, indicates the further possibility that the irrigation ditches erected on the adjacent property may be encroaching on the subject land. The land is presently unoccupied. The State, in the exercise of the public trust, should clear its title to this land, regardless of the fact that it cannot be sold because of the withdrawal from sale of school lands pursuant to Commission action of May, 1960.

The office of the Attorney General has reviewed the matter with staff counsel and has found the proposed course of action acceptable.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO REQUEST THE OFFICE OF THE ATTORNEY GENERAL TO FILE AN ACTION TO QUIET TITLE TO THE  $N\frac{1}{2}$  OF  $SE\frac{1}{4}$  (TRACT 81) OF SECTION 16, T. 15 S., R. 12 E., S.B.B. & M., CONTAINING 80 ACRES MORE OR LESS, IN IMPERIAL COUNTY, AND TAKE WHATEVER FURTHER ACTION IS NECESSARY TO PROTECT THE INTERESTS OF THE STATE.