

MINUTE ITEM

15. SALE OF STATE LAND, APPLICATION NO. 5520, SACRAMENTO LAND DISTRICT, TRINITY COUNTY; MILDRED J. VODJANSKY, S.W.O. 7925.

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

THE COMMISSION:

1. FINDS THAT THE SE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SECTION 27, T. 33 N., R. 9 W., M.D.M., IS NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION;
2. FINDS THAT SAID LAND IS OCCUPIED BY THE APPLICANT, MILDRED J. VODJANSKY, THEREBY BRINGING THE SALE THEREOF WITHIN THE PROVISIONS OF SECTION 2303 OF TITLE 2, DIVISION 3, OF THE CALIFORNIA ADMINISTRATIVE CODE; AND
3. APPROVES THE SALE OF SAID LAND TO THE OCCUPANT, MILDRED J. VODJANSKY, PURSUANT TO THE AFORESAID SECTION 2303, SUBJECT TO ALL STATUTORY AND CONSTITUTIONAL RESERVATIONS INCLUDING MINERALS, AT A CASH PRICE OF \$5,400.

Attachment
Calendar Item 14 (2 pages)

CALENDAR ITEM

14.

SALE OF STATE LAND, APPLICATION NO. 5520, SACRAMENTO LAND DISTRICT, TRINITY COUNTY; MILDRED J. VODJANSKY, S.W.O. 7925.

Under an exchange transaction with the United States Bureau of Land Management (Exchange 60, S.W.O. 6062), the State acquired, for the benefit of Mrs. Mildred J. Vojdansky, the following described land in Trinity County:

SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27, T. 33 N., R. 9 W.,
M.D.M., containing 40 acres more or less

Conveyance of the land to the State by the United States was accomplished by United States Patent dated September 13, 1961.

The exchange application was initiated by Mrs. Vojdansky in March 1955, under the procedure then in effect permitting individuals to apply through the Commission for acquisition of federal lands. The land in question has been occupied and held by Mrs. Vojdansky for a number of years under properly filed mining claims. Since it was not possible to acquire title to the property directly from the United States under federal mining laws, the procedure for acquiring federally owned land through the State was followed.

Under the mining claims, a two-story frame house of rough-lumber construction, a barn, and several sheds and outbuildings, together with other minor improvements, have been placed upon the property. By reason of such improvements, including the right of use and occupancy of the property by Mrs. Vojdansky over a period of years, the question arose as to whether the sale of the land by the Commission came within Sections 2300 to 2303, inclusive, of Title 2, Division 3, of the California Administrative Code, which govern the sale of unoccupied school and swamp and overflowed lands, or within Section 2303 of said Code, which governs the sale of occupied lands. Furthermore, the status of ownership of the improvements situated on the land under the particular circumstances involved was not entirely clear.

An informal letter opinion, dated May 17, 1962, prepared by Mr. Paul M. Joseph, Deputy Attorney General, states, in effect, that the sale of the land involved properly should fall under Section 2303 of Title 2, Division 3, of the California Administrative Code, governing the sale of occupied lands. In accordance with said section, sales are required to be accomplished by negotiation. The informal opinion also indicated that it would be improper for the State to make a charge for improvements which were placed upon the land and paid for by the applicant. A copy of said letter opinion is attached hereto as Exhibit "A".

THE PROPERTY

Location: Lewiston is five miles northeast of the parcel by county road. Elevation is between 1700 and 1900 feet.

Access: Excellent access by one mile of hard-surfaced county road leading from Highway No. 299, which crosses the southeast corner of the subject tract.

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Water: There is no surface water on the subject tract. There is a well situated thereon, with water at a depth of 24 feet, but this well is reported to be dry in seasons of extreme drouth and is suspected of possible pollution from surface runoff.

Cover: Brush cover of oak, manzanita, and madrone, with scattered pine trees. No commercial value.

Highest Use: The highest and best use of the parcel is considered to be for rural homesite purposes, with recreational cabin site use considered fair.

A staff appraisal shows that the land is not suitable for cultivation without artificial irrigation, and establishes the total value of the parcel at \$6,400 (or an average of \$160 per acre), which amount has been deposited by the applicant.

The foregoing value is considered by the staff to represent the current market value of the land in question, exclusive of improvements.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE SE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SECTION 27, T. 33 N., R. 9 W., M.D.M., IS NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION;
2. FIND THAT SAID LAND IS OCCUPIED BY THE APPLICANT, MILDRED J. VODJANSKY, THEREBY BRINGING THE SALE THEREOF WITHIN THE PROVISIONS OF SECTION 2303 OF TITLE 2, DIVISION 3, OF THE CALIFORNIA ADMINISTRATIVE CODE; AND
3. APPROVE THE SALE OF SAID LAND TO THE OCCUPANT, MILDRED J. VODJANSKY, PURSUANT TO THE AFORESAID SECTION 2303, SUBJECT TO ALL STATUTORY AND CONSTITUTIONAL RESERVATIONS INCLUDING MINERALS, AT A CASH PRICE OF \$6,400.