

MINUTE ITEM

25. SALE OF VACANT SCHOOL LAND, APPLICATION NO. 5526, SACRAMENTO LAND DISTRICT, TULARE COUNTY; STATE DEPARTMENT OF FISH AND GAME - S.W.O. 8012.

After consideration of Calendar Item 1 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION:

1. FINDS THAT LOTS 2 AND 3 OF SECTION 12, T. 16 S., R. 28 E., M.D.M., CONTAINING 47.33 ACRES IN TULARE COUNTY, ARE NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION;
2. FINDS THAT THE STATE DEPARTMENT OF FISH AND GAME HAS ESTABLISHED ITS PREFERENTIAL RIGHT TO PURCHASE UNDER THE PROVISIONS OF SECTION 6223 OF THE PUBLIC RESOURCES CODE;
3. REJECTS THE APPLICATION OF F. T. ELLIOTT, JR. (APP. NO. 5086, SACRAMENTO LAND DISTRICT, S.W.O. 5905); AND
4. AUTHORIZES THE SALE OF SAID LAND TO THE STATE OF CALIFORNIA, DEPARTMENT OF FISH AND GAME, WITHOUT ADVERTISING, SUBJECT TO ALL CONSTITUTIONAL AND STATUTORY RESERVATIONS INCLUDING MINERALS, AT THE APPRAISED CASH PRICE OF \$2,539.25.

Attachment
Calendar Item 1 (3 pages)

CALENDAR ITEM

1.

SALE OF VACANT SCHOOL LAND, APPLICATION NO. 5526, SACRAMENTO LAND DISTRICT, TULARE COUNTY; STATE DEPARTMENT OF FISH AND GAME - S.W.O. 8012.

An offer has been received from the State Department of Fish and Game to purchase Lots 2 and 3 of Section 12, T. 16 S., R. 28 E., M.D.M., containing 47.33 acres in Tulare County. The applicant made an offer of \$1,763.04, or \$37.25 per acre.

On November 17, 1954, an application was filed by F. T. Elliott, Jr., of Cutler, California, to purchase the same land, pursuant to the Commission's regulations set forth under Sections 2400 to 2402, inclusive, of Title 2, Division 3, California Administrative Code. Mr. Elliott submitted the required minimum offer of \$5 per acre, pending an appraisal, and an expense deposit of \$100. The State's application filed with the United States Bureau of Land Management for the benefit of Mr. Elliott was approved, and the land was conveyed to the State by the United States on November 22, 1961. The lands were appraised by the staff at a total value of \$1,763.04, or an average of \$37.25 per acre. On February 26, 1962, the applicant submitted the necessary amount to meet this value.

In accordance with Commission policy, all State agencies were circularized with a notice of the proposed sale, which resulted in a letter from the State Department of Fish and Game under date of April 2, 1962, objecting to the sale of said land into private ownership. This letter stated, in part, as follows:

"Due to the fact that there is now a camp ground used by the public on the property, and to the fact that fishing access to the north fork of the Kaweah River is provided by the property, and since these lands are contiguous with those proposed for the Land and Wildlife Management Area, the Department requests that the State Lands Commission withhold disposition, as they have in previous such cases, until adoption of an overall land policy."

Accordingly, the Commission, at its meeting of April 26, 1962, adopted the following resolution:

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

THE COMMISSION:

- (1) DETERMINES THAT IT IS TO THE ADVANTAGE OF THE STATE TO SELECT THE FEDERAL LAND EMBRACED IN LOTS 2 AND 3 OF SECTION 12, T. 16 S., R. 28 E., M.D.M., AS SHOWN ON OFFICIAL UNITED STATES PLAT OF DEPENDENT RESURVEY OF SECTION BOUNDARIES AND SURVEY OF A PORTION OF THE WEST BOUNDARY OF SEQUOIA NATIONAL PARK ACCEPTED APRIL 5, 1933 (CONTAINING 47.33 ACRES MORE OR LESS IN TULARE COUNTY);

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- (2) FINDS THAT SAID LAND IS NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION;
- (3) APPROVES THE SELECTION OF SAID LAND; AND
- (4) DEFERS ACTION ON THE SALE OF SAID LAND TO THE APPLICANT, F. T. ELLIOTT, JR., UNTIL AFTER ADOPTION OF A LAND MANAGEMENT AND DISPOSITION POLICY, WITH ANY RIGHTS WHICH THE APPLICANT DESIRES TO HAVE PROTECTED TO BE PROTECTED AND TO BE HELD FOR HIM IN THE EVENT THAT THE LAND IS NOT FINALLY DISPOSED OF TO THE DEPARTMENT OF FISH AND GAME IN ACCORDANCE WITH THAT DEPARTMENT'S WRITTEN REQUEST OF APRIL 2, 1962.

The policy adopted by the Commission at its meeting of September 16, 1963, involving conflicts between private applicants and the expressed need for the same land by public agencies, is as follows:

"WITH RESPECT TO LANDS UNDER PENDING STATE INDEMNITY SELECTIONS, EXCEPT THOSE INVOLVING SURRENDERED CERTIFICATES OF INDEMNITY (I.E. SCRIP) UNDER WHICH A CONTRACT HAS BEEN CREATED, AND WITH RESPECT TO EXCHANGES FOR WHICH PRIVATE APPLICATIONS ARE IN GOOD STANDING, DIRECTS THE FOLLOWING PROCEDURE:

- (1) LEASE OR SELL TO PUBLIC AGENCIES WHEN SUCH AGENCY APPLICATIONS ARE SUBMITTED UNDER THE PROVISIONS OF SECTION 6223, PUBLIC RESOURCES CODE, WHEREBY THE PUBLIC AGENCY APPLICANT IS ACCORDED A PREFERENTIAL PURCHASE RIGHT.
- (2) SELL TO PRIVATE APPLICANTS IN INSTANCES WHERE, AT THE TIME THE MATTER OF SALE IS CONSIDERED BY THE COMMISSION, NO CONFLICTING APPLICATION OF A PUBLIC AGENCY HAS BEEN SUBMITTED PURSUANT TO THE PROVISIONS OF SECTION 6223, PUBLIC RESOURCES CODE."

In accordance with the foregoing policy, the State Department of Fish and Game, on April 30, 1964, submitted an application to purchase the land in question, thereby establishing its preferential purchase right under the provisions of Section 6223 of the Public Resources Code. Under this code section, it is mandatory that the Commission honor the application of the State Department of Fish and Game and reject the private application, providing all requirements of law and of the Commission's rules and regulations have been met by the public agency.

THE PROPERTY

Location: Thirty-five miles east of Visalia and eleven miles north of Three Rivers on the North Fork of the Kaweah River, adjacent to the Sequoia National Park near the former main park entrance.

Access: Road to parcel is not now used by motor vehicles beyond Section 12 because of park restrictions. Last five miles of the road from Three

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Rivers is narrow and winding. This portion which was once paved but has reverted to a gravel surface, extends just to the east boundary of the parcel.

Cover: Native grasses, manzanita, oak, and a few scattered pole-sized Ponderosa Pines.

Highest Use: Cabin sites.

Water: The North Fork of the Kaweah River is a year-round source of good water.

A staff appraisal shows that the land is not suitable for cultivation without artificial irrigation, and establishes its value at an average of \$53.65 per acre, or a total of \$2,539.25, which amount has been deposited in cash by the applicant.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT LOTS 2 AND 3 OF SECTION 12, T. 16 S., R. 28 E., M.D.M., CONTAINING 47.33 ACRES IN TULARE COUNTY, ARE NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION;
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