

MINUTE ITEM

10/21/65

28. SALE OF VACANT STATE SCHOOL LAND, THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA, APPLICATION NO. 81, RIVERSIDE LAND DISTRICT - S.W.O. 8152.

After consideration of Calendar Item 13 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION:

1. FINDS THAT THE $S\frac{1}{2}$ OF $SE\frac{1}{4}$ OF SECTION 16, T. 1 S., R. 19 E., S.B.M., CONTAINING 80 ACRES IN SAN BERNARDINO COUNTY, IS NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION, AND;
2. AUTHORIZES THE SALE OF SAID LAND, SUBJECT TO ALL STATUTORY AND CONSTITUTIONAL RESERVATIONS INCLUDING MINERALS, TO THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA FOR THE CASH SUM OF \$100, UNDER AND PURSUANT TO THE PROVISIONS OF THE METROPOLITAN WATER DISTRICT ACT (CHAPTER 429, STATUTES OF 1927) AS AMENDED.

Attachment

Calendar Item 13 (2 pages)

SALE OF VACANT STATE SCHOOL LAND, THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA, APPLICATION NO. 81, RIVERSIDE LAND DISTRICT - S.W.O. 8152.

An application has been received from The Metropolitan Water District of Southern California to purchase vacant State school land described as the $S\frac{1}{2}$ of $SE\frac{1}{4}$ of Section 16, T. 1 S., R. 19 E., S.B.M., containing 80 acres in San Bernardino County, pursuant to the provisions of Subdivision 6 of Section 5 of the Metropolitan Water District Act (Chapter 429, Statutes of 1927) as amended.

The aforesaid act, among other things, fixes the purchase price of State public lands applied for by the District at \$1.25 per acre, if the lands are sought for purposes other than the construction of roads or certain designated public works. While limited sales of school lands were made to the District under this act several years ago, the filing of the instant application caused certain questions to be raised which were not previously considered.

Accordingly, such questions were referred to the office of the Attorney General, and the answers thereto are contained in a memorandum dated July 27, 1965 (copy of which is attached hereto as Exhibit "A").

In effect, the opinion states that while Section 7301 of the Public Resources Code and the Rules and Regulations of the State Lands Commission contained under Article 5, Title 2, Division 3 of the California Administrative Code, provide for the sale of such lands for cash, based upon a current appraisal, the provisions of the Water District Act are controlling, requiring the Commission to sell the land under the instant application for \$1.25 per acre. Furthermore, the filing fee, the Secretary of State's fee, and the patent fee required by sections of the Public Resources Code and Commission's regulations must be waived.

The Metropolitan Water District application states that the land is desired for "...the sanitary protection of the District's open canal adjacent thereto, for protection of the canal against damage from flash floods, for the prevention of incompatible land uses in the proximity to the canal, to the end that the people of Southern California may be assured of an uninterrupted water supply from the Colorado River Aqueduct". Review of available maps and an on-the-ground inspection by staff appraisers reveals that the northerly line of the aqueduct right-of-way extends to the southeast corner of the 80-acre parcel. (A map depicting the location of the existing aqueduct in relation to the 80 acres is attached hereto as Exhibit "B".)

The water District Act, above referred to, provides also that upon the filing of an application "the Fee Title to so much of such State lands as shall be found by the (State Lands Commission) to be necessary or convenient to enable such District to construct or maintain its works and/or to establish or maintain its facilities, shall be conveyed to such District..." By this provision the Commission is given authority to diminish the area applied for. In view of the reasons stated in the application for acquisition of the land by the District, and based upon the detailed on-the-ground inspection by staff appraisers, no justification is found for recommending to the Commission that the area of 80 acres applied for be diminished.

CALENDAR ITEM 13 (CONED.)

No formal appraisal of the land has been made in view of the circumstances requiring the land to be sold at \$1.25 per acre. A preliminary estimate of value by the appraisal staff indicates the 80 acres to be worth \$15 per acre, for a total of \$1,200.

The private individual who previously filed a purchase application for all of said Section 16, including the 80 acres referred to herein, has voluntarily withdrawn his application as to the 80 acres. The District has submitted in cash the total purchase price of \$100.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE $S\frac{1}{2}$ OF $SE\frac{1}{4}$ OF SECTION 16, T. 1 S., R. 19 E., S.B.M., CONTAINING 80 ACRES IN SAN BERNARDINO COUNTY, IS NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION, AND;
2. AUTHORIZE THE SALE OF SAID LAND, SUBJECT TO ALL STATUTORY AND CONSTITUTIONAL RESERVATIONS INCLUDING MINERALS, TO THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA FOR THE CASH SUM OF \$100, UNDER AND PURSUANT TO THE PROVISIONS OF THE METROPOLITAN WATER DISTRICT ACT (CHAPTER 429, STATUTES OF 1927) AS AMENDED.