

39. AUTHORIZATION FOR EXECUTIVE OFFICER AND ATTORNEY GENERAL'S OFFICE TO EXECUTE STIPULATION ACCEPTING NOMINAL SUM OF \$10 FOR STATE'S RESERVED MINERAL RIGHTS AND SETTLING THE UNITED STATES GOVERNMENT'S CONDEMNATION ACTION INVOLVING PARCEL 70 NEAR TWENTYNINE PALMS, SAN BERNARDINO COUNTY - W.O. 3020, GEO.-SAN BERNARDINO COUNTY.

After consideration of Calendar Item 32 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO EXECUTE A STIPULATION ACCEPTING THE NOMINAL SUM OF TEN DOLLARS (\$10) AS PAYMENT IN FULL FOR THE STATE'S ONE-SIXTEENTH MINERAL INTEREST AND SETTLING THE UNITED STATES GOVERNMENT'S CONDEMNATION ACTION, U. S. DISTRICT COURT CASE NO. 648-58-PH, INVOLVING PARCEL 70, CONTAINING 40 ACRES OF STATE LAND, NEAR TWENTYNINE PALMS, SAN BERNARDINO COUNTY.

Attachment

Calendar Item 32 (1 page)

AUTHORIZATION FOR EXECUTIVE OFFICER AND ATTORNEY GENERAL'S OFFICE TO EXECUTE STIPULATION ACCEPTING NOMINAL SUM OF \$10 FOR STATE'S RESERVED MINERAL RIGHTS AND SETTLING THE UNITED STATES GOVERNMENT'S CONDEMNATION ACTION INVOLVING PARCEL 70 NEAR TWENTYNINE PALMS, SAN BERNARDINO COUNTY - W.O. 3020.

In 1958 the United States Government filed an action, designated as U. S. District Court Case No. 648-58-PH, to condemn 592,394.72 acres of land for the Twentynine Palms Marine Corps Base. Parcel 70, containing 40 acres of State land, described as the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 4, T. 3 N., R. 6 E., S.B.B.& M., San Bernardino County, involves lands in which, when sold, the State reserved one-sixteenth of the mineral rights under Chapter 303, Statutes of 1921. The state was not named a party in 1958, as the United States apparently was not aware of the State's interest in the minerals, and the case is being reopened to acquire those rights.

The Attorney General's Office has advised that the United States may acquire the State's mineral rights under the condemnation statutes, and Public Resources Code Section 6402 authorizes sales to the United States with or without mineral reservations. The Mineral Resources Section has reported that minerals of value are not expected to be found in Parcel 70, and that only a nominal value could be justified in a sale or condemnation.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO EXECUTE A STIPULATION ACCEPTING THE NOMINAL SUM OF TEN DOLLARS (\$10) AS PAYMENT IN FULL FOR THE STATE'S ONE-SIXTEENTH MINERAL INTEREST AND SETTLING THE UNITED STATES GOVERNMENT'S CONDEMNATION ACTION, U. S. DISTRICT COURT CASE NO. 648-58-PH, INVOLVING PARCEL 70, CONTAINING 40 ACRES OF STATE LAND, NEAR TWENTYNINE PALMS, SAN BERNARDINO COUNTY.