

MINUTE ITEM

4/1/69

41. AUTHORIZATION TO THE ATTORNEY GENERAL TO EXECUTE STIPULATION FOR JUDGMENT IN THE CASE OF UNITED STATES OF AMERICA v. 28.82 ACRES OF LAND ETC., UNITED STATES DISTRICT COURT, CALIF. EASTERN DISTRICT, CIVIL NO. 9326, TEHAMA COUNTY - W.O. 503.473.

After consideration of Calendar Item 10 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE OFFICE OF THE ATTORNEY GENERAL TO EXECUTE, ON BEHALF OF THE STATE ACTING BY AND THROUGH THE COMMISSION, THE STIPULATION FOR JUDGMENT IN THE CASE OF UNITED STATES v. 28.82 ACRES OF LAND ETC., U. S. DISTRICT COURT, CAL. EASTERN DIST. CIVIL CASE NUMBER 9326, ON FILE IN THE OFFICE OF THE COMMISSION AND MADE A PART HEREOF BY REFERENCE.

Attachment

Calendar Item 10 (2 pages)

10.

AUTHORIZATION TO THE ATTORNEY GENERAL TO EXECUTE STIPULATION FOR JUDGMENT IN THE CASE OF UNITED STATES OF AMERICA v. 28.82 ACRES OF LAND ETC., UNITED STATES DISTRICT COURT, CALIF. EASTERN DISTRICT, CIVIL NO. 9326; TEHAMA COUNTY - W.O. 503.473.

On May 10, 1965, the United States commenced a condemnation action entitled United States of America v. 28.82 Acres of Land More or Less in the County of Tehama, U. S. District Court, Eastern District of California, Case Civil No. 9326, for the acquisition of lands in connection with the construction of the Red Bluff Diversion Dam on the Sacramento River (a part of the Central Valley Project). The State was named as the owner of Parcels Three and Four and was joined as a party to the action. The Attorney General filed a Notice of Appearance on behalf of the State Lands Commission. No private parties have filed any Notices of Appearance concerning said parcels.

Both of the aforementioned parcels are islands located in the Sacramento River. They are popularly referred to as Dog Island or Island Park, and Ski Island, respectively (see Exhibit "B"). Legal descriptions of the parcels are attached hereto as Exhibit "A". The basis of State ownership is the fact that said parcels were created as accretions arising out of the bed of the river as opposed to being connected and growing out from the shore of the river. Therefore, the State obtained title thereto by virtue of its sovereignty. The Federal Government deposited with the court the sum of \$1,850.00 for Parcel Three and \$975.00 for Parcel Four, as compensation for the interests of the State taken. The Commission staff has appraised the subject parcels and has found that the amounts so deposited are reasonable.

The Federal Government has proposed a Stipulated Judgment to conclude the case and to provide for the payment of the funds deposited with the court to the State. Included in the proposed Stipulation is a warranty of title by the State as to its interests. The reason for the inclusion of the warranty provision is the fact that the title companies will not insure the title to said parcels since there is no specific record of ownership thereto in the County Records of Tehama County. The alternative to a Stipulated Judgment is a trial to prove the State's ownership of said parcels. Both the staff and the Office of the Attorney General agree that the cost of preparing exhibits and presenting the State's case would exceed the value of the parcels in question and that the most reasonable course to be followed is the conclusion of the case through a Stipulated Judgment.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO EXECUTE, ON BEHALF OF THE STATE ACTING BY AND THROUGH THE COMMISSION, THE STIPULATION FOR JUDGMENT IN THE CASE OF UNITED STATES v. 28.82 ACRES OF LAND ETC., U. S. DISTRICT COURT, CAL. EASTERN DIST. CIVIL CASE NUMBER 9326, ON FILE IN THE OFFICE OF THE COMMISSION AND MADE A PART HEREOF BY REFERENCE.

Attachment: Exhibit "A"

EXHIBIT "A"PARCEL THREE (Unit R-69-1)

A parcel of land in Section Seventeen (17) and Twenty (20), Township Twenty-seven (27) North, Range Three (3) West, Mount Diablo Meridian, containing an area of 18.5 acres, more or less, being an island in the Sacramento River known locally as Island Park, bounded by the mean low water line of the Sacramento River, a point at or near the north end of said island being distant North $89^{\circ} 40'$ East 1,586.8 feet from the northwest corner of said Section 20.

PARCEL FOUR (Unit R-69-2)

A parcel of land in Section Eight (8) and Nine (9), Township Twenty-seven (27) North, Range Three (3) West, Mount Diablo Meridian, containing an area of 9.69 acres, more or less, including an island known locally as Ski Island, which was formerly an island in the Sacramento River, more particularly described as follows:

All of said Ski Island and that portion of accretion land lying between said Ski Island and Lots 13 and 14 of Hamman's Tract, as said lots are shown on the map entitled: "Map of the Hamman's Tract, Tehama County, California", filed March 23, 1892 in Book A of Maps, Page 17, Records of Tehama County, California, that would pass by operation of law with the conveyance of said Ski Island. A point at or near the southerly end of said Ski Island in distant North $40^{\circ} 33'$ West 505.1 feet from the southwest corner of said Section 9.