

MINUTE ITEM

5/28/70
VJB

37. AUTHORIZATION FOR THE ATTORNEY GENERAL TO ENTER INTO A STIPULATED JUDGMENT ACCEPTING THE SUM OF \$12,000 AS PAYMENT IN FULL FOR THE STATE'S INTEREST IN UNITED STATES DISTRICT COURT OF ARIZONA CASE NO. CIV. 5188-PHX, FOR LAND ALONG THE COLORADO RIVER IN TOWNSHIP 9 SOUTH, RANGE 21 EAST AND RANGE 22 EAST, S.B.B.& M., RIVERSIDE COUNTY - W-503.458.

After consideration of Calendar Item 17 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE ATTORNEY GENERAL TO ENTER INTO AN APPROPRIATE STIPULATED JUDGMENT IN THE UNITED STATES DISTRICT COURT OF ARIZONA CASE NO. CIV. 5188-PHX, WHEREBY THE STATE LANDS COMMISSION WILL ACCEPT THE SUM OF \$12,000 FOR ITS INTEREST IN LANDS LOCATED ALONG THE COLORADO RIVER IN TOWNSHIP 9 SOUTH, RANGE 21 EAST AND RANGE 22 EAST, S.B.B.& M., RIVERSIDE COUNTY, CONTAINING APPROXIMATELY 53 ACRES.

Attachment:

Calendar Item 17 (1 page)

CALENDAR ITEM

5/70
VJB

17.

AUTHORIZATION FOR THE ATTORNEY GENERAL TO ENTER INTO A STIPULATED JUDGMENT ACCEPTING THE SUM OF \$12,000 AS PAYMENT IN FULL FOR THE STATE'S INTEREST IN UNITED STATES DISTRICT COURT OF ARIZONA CASE NO. CIV. 5188-PHX, FOR LAND ALONG THE COLORADO RIVER IN TOWNSHIP 9 SOUTH, RANGE 21 EAST AND RANGE 22 EAST, S.B.B. & M., RIVERSIDE COUNTY - W-503.458.

In 1969 the United States of America filed a condemnation involving 527.93 acres of land along the Colorado River for the purpose of straightening the channel. The State was joined as a party for any interest that it might have in approximately 53 acres in a former bed of the Colorado River. Over the years the Colorado River has occupied various channels in the area being condemned, and substantial doubts exist as to the extent of ownership of the many parties involved. Claims for adverse possession exist, and in 1930 the Keele Cut was made in the vicinity which raised the question of artificial changes in the bed of the river.

Extensive negotiations have taken place, as well as attempts to locate the last natural channel of the Colorado River in the area. All of the parties have concluded that an agreement dividing the \$51,370 available for settlement of the case would best serve the respective interests without a lengthy, involved, costly trial.

A staff appraiser has evaluated the State's interest in lands located along the Colorado River in Township 9 South, Range 21 East and Range 22 East, S.B.B. & M., Riverside County, containing approximately 53 acres, and recommended the acceptance of the sum of \$12,000; the acceptance of said sum is also recommended by the Office of the Attorney General.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ATTORNEY GENERAL TO ENTER INTO AN APPROPRIATE STIPULATED JUDGMENT IN THE UNITED STATES DISTRICT COURT OF ARIZONA CASE NO. CIV. 5188-PHX, WHEREBY THE STATE LANDS COMMISSION WILL ACCEPT THE SUM OF \$12,000 FOR ITS INTEREST IN LANDS LOCATED ALONG THE COLORADO RIVER IN TOWNSHIP 9 SOUTH, RANGE 21 EAST AND RANGE 22 EAST, S.B.B. & M., RIVERSIDE COUNTY, CONTAINING APPROXIMATELY 53 ACRES.