

23. SALE OF VACANT SCHOOL LAND, APPLICATION NO. 176, RIVERSIDE LAND DISTRICT, INYO COUNTY, STATE DIVISION OF HIGHWAYS.

After consideration of Calendar Item 2 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. FINDS THAT THIS SALE IS NECESSARY FOR THE HEALTH, WELFARE AND SAFETY OF THE PEOPLE OF THE STATE OF CALIFORNIA.
2. FINDS THAT A PORTION OF SECTION 16, T. 24 S., R. 38 E., M.D.M., AS DESCRIBED IN EXHIBIT "A" ATTACHED, IS NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION.
3. AUTHORIZES THE SALE TO THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, OF:
  - (a) FEE INTEREST TO PARCELS 1 AND 2, SUBJECT TO ALL STATUTORY AND CONSTITUTIONAL RESERVATIONS INCLUDING MINERALS, FOR A TOTAL PRICE OF \$26,754.50.
  - (b) A PERPETUAL EASEMENT FOR DRAINAGE PURPOSES OVER PARCELS 3 AND 4 FOR A TOTAL PRICE OF \$197.75.
4. AUTHORIZES ACCEPTANCE OF RENTAL IN THE AMOUNT OF \$51.45 FOR USE AND OCCUPANCY OF A 2.10-ACRE PORTION OF THE PREMISES FOR A PERIOD OF ONE YEAR (2-16-70 THROUGH 1-14-71).
5. AUTHORIZES THE TERMINATION OF PRC 4192.9 EFFECTIVE SEPTEMBER 30, 1971.
6. AUTHORIZES ACCEPTANCE OF RENT DUE UNDER PRC 4192.9 IN THE AMOUNT OF \$2,407.91.

Attachment:

Calendar Item 2 (6 pages)

CALENDAR ITEM

9/71  
RA 176  
LHG

2.

SALE OF VACANT SCHOOL LAND, APPLICATION NO. 176, RIVERSIDE LAND DISTRICT,  
INYO COUNTY, STATE DIVISION OF HIGHWAYS.

On August 5, 1970, an offer was received from the State Department of Public Works, Division of Highways, to purchase a portion of Section 16, T. 24 S., R. 36 E., M.D.M., containing 76.44 acres more or less in Inyo County (see Parcel Nos. 1 and 2 in Exhibit "A"). Also, an offer for acquisition of two perpetual easements for State highway drainage purposes, totalling 1.13 acres, within the described Section 16 was embraced in said purchase application (see Parcel Nos. 3 and 4 in Exhibit "A"). In addition, a rental offer, as compensation for use and occupancy of 2.10 acres of said Section 16 during highway construction for a one-year period, was made by the applicant; this 2.10 acre area was not embraced in PRC 4192.9, described below.

The applicant has offered the following with respect to each of the items described above:

Highway Rights of Way (fee).....	\$26,754.50
Parcel No. 1 53.57 acres at \$350 per acre.	
Parcel No. 2 22.87 acres at \$350 per acre.	
Easements for Drainage Purposes.....	\$ 197.75
Parcel No. 3 0.65 acre at \$175 per acre.	
Parcel No. 4 0.48 acre at \$175 per acre.	
Right of Entry (Rental) for Use and Occupancy.....	\$ 51.45
2.10 acres for one year period.	

The land is not suitable for cultivation without artificial irrigation. The State Lands Division staff concurs with the Division of Highways valuations, sales price, and rental in the total amount of \$27,003.70, as set forth above.

In accordance with Section 6371, Part 1 of Division 6 of the Public Resources Code, the Division has found that this sale is necessary for the health, welfare and safety of the people of the State of California, substantiation of which is evidenced by the information in Exhibit "C". In compliance with Section 6373, the recipient of the land embraced in this sale has submitted a general plan for the use of the subject land to be transferred, including comments on the coordinated planning with other State and local agencies (see Exhibit "C").

The Division of Highways has determined that it is necessary to purchase the State land for the purposes of a freeway, adjacent frontage road, and interchange.

A right-of-entry permit for a period of one year was issued by the State Lands Commission on April 28, 1969 (PRC 4192.9), giving the Division of Highways the right and privilege of going upon the property described in Parcel Nos. 1, 2, 3, and 4, for the purpose of construction and protection of a public highway. The subject permit was extended for a period of eighteen months from April 28, 1970,

CALENDAR ITEM 2. (CONTD.)

with the provision that permittee shall pay rental for said land at 6% of the appraised value from date of occupancy (February 16, 1970) of the land. Fair rental for 1½ years occupancy is estimated to be \$2,407.91. The right of entry will no longer be required after the patent to the land is issued.

The Property

LOCATION: At the junction of Nine Mile Canyon Road and U.S. Highway 395. It is located 58 miles north of Mojave and 54 miles south of Lone Pine (see Exhibit "B").

ACCESS: Highway 395.

WATER: None.

TERRAIN: Flat, with vegetative cover of creosote brush and other low desert shrubs.

HIGHEST AND BEST USE:  
Speculation and limited industrial.

OTHER PERTINENT INFORMATION:

This is the first time that the Commission has been asked to authorize a patent for a permanent easement. The staff feels that by limiting the drainage take to an easement, the value of the remaining land is greatly enhanced. Staff counsel has approved the procedure and the form of patent to be used. The Attorney General will review the form of patent prior to execution by the Governor.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS SALE IS NECESSARY FOR THE HEALTH, WELFARE AND SAFETY OF THE PEOPLE OF THE STATE OF CALIFORNIA.
2. FIND THAT A PORTION OF SECTION 16, T. 24 S., R. 38 E., M.D.M., AS DESCRIBED IN EXHIBIT "A" ATTACHED, IS NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION.
3. AUTHORIZE THE SALE TO THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, OF:
  - (a) FEE INTEREST TO PARCELS 1 AND 2, SUBJECT TO ALL STATUTORY AND CONSTITUTIONAL RESERVATIONS INCLUDING MINERALS, FOR A TOTAL PRICE OF \$26,754.50.
  - (b) A PERPETUAL EASEMENT FOR DRAINAGE PURPOSES OVER PARCELS 3 AND 4 FOR A TOTAL PRICE OF \$197.75.

CALENDAR ITEM 2. (CONTD.)

4. AUTHORIZE ACCEPTANCE OF RENTAL IN THE AMOUNT OF \$51.45 FOR USE AND OCCUPANCY OF A 2.10-ACRE PORTION OF THE PREMISES FOR A PERIOD OF ONE YEAR (2-16-70 THRU 1-14-71).
5. AUTHORIZE THE TERMINATION OF PRC 4192.9 EFFECTIVE SEPTEMBER 30, 1971.
6. AUTHORIZE ACCEPTANCE OF RENT DUE UNDER PRC 4192.9 IN THE AMOUNT OF \$2,407.91.

Attachment: Exhibit "A"

EXHIBIT "A"

9-Iny-395 - 3.0/4.0  
Parcel 1284 (1306)  
RA 176

Those portions of Section 16, T. 24 S., R. 38 E., M.D.B.& M.,  
bounded and described as follows:

Parcel No. 1:

(1306)

Beginning at a point in the SE $\frac{1}{4}$  of said Section 16 which lies distant N. 61° 04' 14" W., 1183.47 feet from the cap stamped RE1495 set in concrete which marks the Southeast corner of said Section, said point also lies distant N. 86° 55' 59" E., 710.00 feet from Engineer's Station 175+00.00 P.O.T. on the RT.PG. baseline of the State Department of Public Works Survey for State freeway in Inyo County from Kern County line to 1.3 miles South of Little Lake, Road 9-Iny-395, PM 0.0/8.7; THENCE (1), from said point of beginning, S. 30° 14' 37" W., 683.14 feet to the South line of said Section; thence (2), along said South line, S. 89° 15' 58" W., 481.23 feet to the Easterly right of way line of the existing State highway, Road 9-Iny-395, as established by map application to the State Lands Commission approved June 12, 1957, a copy of which was recorded in the Records of Inyo County on June 27, 1957 in State highway map Book 1 at Page 80; thence (3), along said Easterly highway line, N. 3° 04' 01" W., 4523.13 feet; thence (4), continuing along said Easterly highway line, along a tangent curve to the left with a radius of 7,550 feet, through an angle of 5° 54' 41", an arc distance of 778.96 feet to the North line of said Section 16; thence (5), along said North line, N. 89° 57' 54" E., 323.23 feet to a point which lies distant S. 89° 57' 54" W., 1897.33 feet from the post and rock mound marking the Northeast corner of said Section 16; thence (6), from a tangent bearing S. 6° 20' 57" E., along a curve to the right with a radius of 8,150 feet, through an angle of 3° 16' 56", an arc distance of 466.88 feet; thence (7), S. 3° 04' 01" E., 3065.69 feet; thence (8), S. 33° 23' 40" E., 1158.54 feet; thence (9), S. 71° 15' 56" E., 403.89 feet; thence (10), S. 13° 35' 16" E., 355.98 feet; thence (11), S. 31° 13' 39" W., 166.58 feet; thence (12), S. 25° 40' W., 182.74 feet to a point on the South line of said Section 16, said point lying distant S. 89° 15' 58" W., 721.20 feet from said cap stamped RE1495 set in concrete which marks the Southeast corner of said section; thence (13), along said South line, S. 89° 15' 58" W., 89.31 feet; thence (14), N. 25° 40' E., 222.45 feet; thence (15), N. 5° 08' 01" W., 299.22 feet; thence (16), N. 74° 02' 29" W., 306.76 feet to the point of beginning; Containing 53.57 acres, more or less.



EXHIBIT "A" (CONTD.)

Parcel No. 2:

(1284-1)

Beginning at a point in the SE $\frac{1}{4}$  of said Section 16 which lies distant N. 89° 58' 06" W., 2367.12 feet from said cap stamped RE1495 marking the Southeast corner of Section 16, said point also lies distant S. 86° 55' 59" W., 650.00 feet from Engineer's Station 170+00.89 on said RT.PG. baseline; THENCE (1), from said point of beginning, N. 56° 43' 30" E., 57.86 feet; thence (2), N. 46° 03' 52" W., 505.89 feet; thence (3), S. 88° 47' 13" W., 298.13 feet; thence (4), S. 68° 35' 34" W., 480.38 feet; thence (5), S. 59° 07' 50" W., 121.66 feet; thence (6), S. 21° 24' 26" E., 125.00 feet; thence (7), S. 82° 50' E., 273.28 feet; thence (8), S. 0° 47' 41" E., 30.74 feet to the South line of said section; thence (9), along said South line, S. 89° 15' 58" W., 534.20 feet; thence (10), N. 0° 47' 41" W., 30.17 feet; thence (11), N. 63° 04' 51" E., 100.46 feet; thence (12), N. 16° 01' 05" W., 53.24 feet; thence (13), S. 72° 59' 29" W., 325.96 feet; thence (14), S. 68° 35' 34" W., 17.76 feet to said South line of Section 16; thence (15), along said South line, S. 89° 15' 58" W., 226.60 feet; thence (16), N. 68° 35' 34" E., 1390.15 feet; thence (17), N. 54° 39' 34" E., 273.72 feet; thence (18), N. 19° 44' 48" E., 401.99 feet; thence (19), N. 14° 02' 10" E., 1700.00 feet; thence (20), N. 4° 07' 24" E., 678.23 feet to the Westerly line of said existing highway right of way; thence (21), along said Westerly line, S. 3° 04' 01" E., 681.08 feet; thence (22), S. 15° 46' 10" W., 117.20 feet; thence (23), S. 14° 02' 10" W., 1600.00 feet; thence (24), S. 8° 19' 32" W., 301.50 feet; thence (25), N. 73° 59' 53" E., 48.27 feet; thence (26), N. 82° 28' 38" E., 77.12 feet; thence (27), N. 26° 06' 33" E., 687.19 feet; thence (28), N. 13° 08' 26" E., 390.52 feet to said Westerly highway line; thence (29), along said Westerly line, S. 3° 04' 01" E., 1720.20 feet to the South line of said section; thence (30), along said South section line, S. 89° 15' 58" W., 354.30 feet; thence (31), N. 3° 04' 01" W., 31.67 feet to the point of beginning; Containing 22.87 acres, more or less.

Parcel No. 3:

(1284-2)

An easement for State highway drainage purposes upon, over and across the land described as follows:

Beginning at a point on course (28) of Parcel No. 2 above which lies N. 13° 08' 26" E., 140.59 feet from the Southerly terminus of said course (28); THENCE, from said point of beginning, N. 78° 59' 18" W., 285.45 feet to course (23) of said Parcel No. 2; thence, along said course (23), N. 14° 02' 10" E., 100.00 feet; thence, S. 78° 47' 12" E., 283.85 feet to said course (28) of Parcel No. 2; thence, along said course (28), S. 13° 08' 26" W., 98.93 feet to the point of beginning; Containing 0.65 acres, more or less.

Parcel No. 4:

(1284-3)

An easement for State highway drainage purposes upon, over, and across the land described as follows:

EXHIBIT "A" (CONTD.)

Beginning at the post with RE1495 tag and rock mound which marks the North quarter corner of said Section 16, said post being distant S.  $89^{\circ} 57' 54''$  W., 611.44 feet from Engineer's Station 222+40.57 P.O.C. on said RT.PG. baseline; THENCE, from said point of beginning, along the North line of said Section 16, N.  $89^{\circ} 57' 54''$  E., 185.94 feet; thence, S.  $69^{\circ} 03' 49''$  W., 338.02 feet; thence, N.  $13^{\circ} 22' 15''$  W., 123.97 feet to said North line of Section 16; thence, along said North line, N.  $89^{\circ} 58' 46''$  E., 158.41 feet to the point of beginning; Containing 0.48 acres, more or less.

This conveyance is made for the purposes of a freeway and adjacent frontage roads and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights including access rights appurtenant to grantor's remaining property in and to said freeway, provided, however, that such remaining property shall abut upon and have access, as hereinafter provided, to said frontage roads which will be connected to the freeway only at such points as may be established by public authority.

The said right of access to a frontage road, as to such Easterly remaining property is hereby expressly limited to course (9) through (12) inclusive and (14) through (16) inclusive of Parcel No. 1 hereinabove.

Bearings above are grid bearings of the California Coordinate System, Zone 4. Distances are ground distances.

The construction of said frontage roads may be deferred for an indefinite period of time. Until said frontage roads are constructed, said remaining property shall have access to the nearest roadway of said freeway, provided, however, that all rights of access to said freeway shall cease and terminate when said frontage roads are constructed and said remaining property shall then abut upon and have access to said frontage roads which will be connected to said freeway only at such points as may be established by public authority.