

MINUTE ITEM

5/24/72
VJB

31. AUTHORIZATION TO SETTLE AN ACTION IN CONDEMNATION ENTITLED GOLDEN HILLS COMMUNITY SERVICES DISTRICT V. SUBSTANTIAL ESCROW COMPANY, ET AL., KERN COUNTY SUPERIOR COURT CASE NO. 110227, AND TO QUITCLAIM TO A DEPTH OF 150 FEET THE STATE'S RIGHT OF SURFACE ENTRY TO LANDS TO BE USED AS A ROAD BY THE GOLDEN HILLS COMMUNITY SERVICES DISTRICT; KERN COUNTY - W 503.653.

After consideration of Calendar Item 30 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. AUTHORIZES THE EXECUTIVE OFFICER TO QUITCLAIM TO THE GOLDEN HILLS COMMUNITY SERVICES DISTRICT THE RIGHT OF SURFACE ENTRY DOWN TO A DEPTH OF 150 FEET IN LANDS DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, WITH SAID QUITCLAIM DEED PROVIDING THAT SAID RIGHT OF SURFACE ENTRY SHALL REVERT TO THE STATE WHENEVER SAID LAND IS NO LONGER USED AS A COUNTY ROAD.
2. FINDS THAT THERE ARE NO KNOWN DEPOSITS OF COMMERCIALY VALUABLE MINERALS IN AND ABOVE A PLANE LOCATED 150 FEET BELOW THE SURFACE OF SAID LANDS.
3. AUTHORIZES THE OFFICE OF THE ATTORNEY GENERAL TO SETTLE CASE NO 110227 IN THE KERN COUNTY SUPERIOR COURT ENTITLED GOLDEN HILLS COMMUNITY SERVICES DISTRICT V. SUBSTANTIAL ESCROW COMPANY, ET AL. BY THE ACCEPTANCE OF \$1000 AS PAYMENT IN FULL FOR THE STATE'S RIGHT OF SURFACE ENTRY ABOVE A PLANE LOCATED 150 FEET BELOW THE SURFACE OF SAID LAND, WITH A PROVISION THAT SAID RIGHT OF SURFACE ENTRY SHALL REVERT TO THE STATE WHENEVER SAID LAND IS NO LONGER USED FOR A COUNTY ROAD.

Attachment:

Calendar Item 30 (5 pages)

CALENDAR ITEM

5/72

VJB

30.

W 503.653

AUTHORIZATION TO SETTLE AN ACTION IN CONDEMNATION AND TO QUITCLAIM TO A DEPTH OF 150 FEET THE STATE'S RIGHT OF SURFACE ENTRY TO LANDS TO BE USED AS A ROAD BY THE GOLDEN HILLS COMMUNITY SERVICES DISTRICT; KERN COUNTY

The Golden Hills Community Services District has filed a suit in condemnation in the Superior Court of Kern County (Case No. 110227) for the purpose of obtaining a right-of-way for Pinon Canyon Road. The State of California has a 1/16th reserved mineral interest in some parcels aggregating approximately 2.5 acres, being condemned. The County of Kern has refused to accept the road as part of its county road system unless the State's right of surface entry is eliminated.

Public Resources Code Section 6401(b) provides in part that:

"The commission may by quitclaim, patent, agreement, or other appropriate instrument, modify the accompanying rights of the State to the use of the surface of such lands, including any right to enter such lands to a depth of 500 feet below the surface of such lands, as will permit the orderly use and development of all such sold or exchanged lands."

The Golden Hills Community Services District has offered to pay the State \$1,000 for the release of the right of surface entry down to a depth of 150 feet and in full settlement of the condemnation action.

The State Lands Division has investigated the mineral potential of the property described in Exhibit "A", has determined that there are no known deposits of commercially valuable minerals in the lands, and recommends the conveyance of the right to surface entry to a depth of 150 feet.

EXHIBIT: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE EXECUTIVE OFFICER TO QUITCLAIM TO THE GOLDEN HILLS COMMUNITY SERVICES DISTRICT THE RIGHT OF SURFACE ENTRY DOWN TO A DEPTH OF 150 FEET IN LANDS DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, WITH SAID QUITCLAIM DEED PROVIDING THAT SAID RIGHT OF SURFACE ENTRY SHALL REVERT TO THE STATE WHENEVER SAID LAND IS NO LONGER USED AS A COUNTY ROAD.
2. FIND THAT THERE ARE NO KNOWN DEPOSITS OF COMMERCIALY VALUABLE MINERALS IN AND ABOVE A PLANE LOCATED 150 FEET BELOW THE SURFACE OF SAID LANDS.
3. AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO SETTLE CASE NO. 110227 IN THE KERN COUNTY SUPERIOR COURT ENTITLED GOLDEN HILLS COMMUNITY SERVICES DISTRICT V. SUBSTANTIAL ESCROW COMPANY, ET AL. BY THE ACCEPTANCE OF \$1,000 AS PAYMENT IN FULL FOR THE STATE'S RIGHT OF SURFACE ENTRY ABOVE A PLANE LOCATED 150 FEET BELOW THE SURFACE OF SAID LAND, WITH A PROVISION THAT SAID RIGHT OF SURFACE ENTRY SHALL REVERT TO THE STATE WHENEVER SAID LAND IS NO LONGER USED FOR A COUNTY ROAD.

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A 28, 29
S 18

Attachment: Exhibit "A"

EXHIBIT "A"

W 503.653

Parcels 1, 2, 3, 4, 13, 14, 15, 16, 3D, 4D, 15D, 16D, 1S, 2S, 3S.1, 3S.2, 4S.1, 4S.2, 13S, 14S, 15S.1, 15S.2, 16S.1 and 16S.2 as shown on map of Pinon Canyon Road

Part A (1 Portion 2, 3, and 4)

The southerly 30 feet of Parcels 32 to 35, inclusive, as shown on Record of Survey Map, in the County of Kern, State of California, filed in Book 8, pages 38 to 44, inclusive of Record of Surveys, in the office of the County Recorder of said County, containing 0.926 acres more or less.

Part B (13 Portion 14, 15 and 16)

The northerly 30 feet of Parcels 75 to 78, inclusive, as shown on Record of Survey Map, in the County of Kern, State of California, filed in Book 8, pages 38 to 44, inclusive, of Record of Surveys, in the office of the County Recorder of said County, containing 0.926 acres more or less.

Part C (1 Portion)

That portion of Parcel 32, as shown on Record of Survey Map, in the County of Kern, State of California, filed in Book 8, pages 38 to 44, inclusive, of Record of Survey, in the office of the County Recorder of said County described as follows:

BEGINNING at the intersection of the northerly line of the southerly 30 feet of said Parcel 32 with the easterly line of said Parcel 32; thence northerly along said easterly line to the beginning of a curve concave northwesterly, having a radius of 20 feet, tangent to said easterly line and tangent to said northerly line; thence southwesterly along said curve to said northerly line; thence easterly along said northerly line to the point of beginning, containing 0.002 acres more or less.

Part D (13 Portion)

That portion of Parcel 78, as shown on Record of Survey Map, in the County of Kern, State of California, filed in Book 8, pages 38 to 44, inclusive, of Record of Survey, in the office of the County Recorder of said County described as follows:

BEGINNING at the intersection of the southerly line of the northerly 30 feet of said Parcel 78 with the easterly line of said Parcel 78; thence southerly along said easterly line to the beginning of a curve concave southwesterly, having a radius of 20 feet, tangent to said easterly line and tangent to said southerly line; thence northwesterly along said curve to said southerly line; thence easterly along said southerly line to the point of beginning, containing 0.002 acres more or less.

Part E (3D)

That portion of Parcel 34, as shown on Record of Survey Map, in the County of Kern, State of California, filed in Book 8, pages 38 to 44, inclusive, of Record of Survey, in the office of the County Recorder of said County, which lies within a strip of land 16.00 feet wide the centerline of which is described as follows:

BEGINNING at a point in the southerly line of said Parcel 34, distant North 89° 34' 04" East, (shown as North 89° 20' 12" East on said Record of Survey) 173.22 feet from the southwesterly corner of said Parcel 34; thence North 17° 08' 25" West, 51.32 feet, containing 0.007 acres more or less.

EXCEPTING THEREFROM the southerly 30 feet of said Parcel 34.

Part F (4D)

That portion of Parcel 35, as shown on Record of Survey Map, in the County of Kern, State of California, filed in Book 8, pages 38 to 44, inclusive, of Record of Survey in the office of the County Recorder of said County, which lies within a strip of land 20.00 feet wide the centerline of which is described as follows:

BEGINNING at a point in the southerly line of said Parcel 35 distant South 89° 34' 04" West (shown as North 89° 20' 12" East on said Record of Survey) thereon 40.93 feet from the southeasterly corner of said Parcel 35; thence North 25° 27' 48" West, 57.11 feet, containing 0.011 acres more or less.

EXCEPTING THEREFROM that portion thereof which lies within the southerly 30 feet of said Parcel 35.

Part G (15D)

That portion of Parcel 76, as shown on Record of Survey Map, in the County of Kern, State of California, filed in Book 8, pages 38 to 44, inclusive, of Record of Survey, in the office of the County Recorder of said County, which lies within a strip of land 16.00 feet wide the centerline of which is described as follows:

BEGINNING at a point on the northerly line of said Parcel 76 distant North 89° 34' 04" East (shown as North 89° 20' 12" East on said Record of Survey) thereon 173.22 feet from the northwesterly corner of said Parcel 76; thence South 17° 08' 25" East, 59.32 feet, containing 0.010 acres more or less.

EXCEPTING THEREFROM that portion thereof which lies within the northerly 30 feet of said Parcel 76.

Part H (16D)

That portion of Parcel 75, as shown on Record of Survey Map, in the County of Kern, State of California, filed in Book 8, pages

38 to 44, inclusive, of Record of Survey, in the office of the County Recorder of said County, which lies within a strip of land 20.00 feet wide the centerline of which is described as follows:

BEGINNING at a point in the northerly line of said Parcel 75 distant South 89° 34' 04" West (shown as North 89° 20' 12" East on said Record of Survey) thereon 40.93 feet from the northeasterly corner of said Parcel 75; thence South 25° 27' 48" East, 59.11 feet, containing 0.012 acres more or less.

EXCEPTING THEREFROM the northerly 30 feet of said Parcel 75.

Part I (1S, 2S, 3S.1, 3S.2, 4S.1 and 4S.2)

That portion of Parcels 32, 33, 34 and 35, as shown on Record of Survey Map, in the County of Kern, State of California, filed in Book 8, pages 38 to 44, inclusive, of Record of Survey, in the office of the County Recorder of said County which lies southerly of the following described line:

BEGINNING at a point in the westerly line of said Parcel 35 distant North 01° 08' 30" East (shown as North 00° 54' 38" East on said Record of Survey) thereon 34.10 feet from the southwesterly corner of said Parcel 35; thence North 86° 16' 33" East, 91.86 feet; thence North 89° 14' 28" East, 151.01 feet; thence North 81° 31' 44" East, 47.52 feet; thence South 79° 18' 54" East, 53.94 feet; thence North 83° 09' 26" East, 50.36 feet; thence South 81° 05' 06" East, 51.62 feet; thence North 78° 13' 54" East, 49.03 feet; thence South 84° 51' 26" East, 100.40 feet; thence North 88° 18' 55" East, 102.04 feet; thence North 89° 25' 16" East, 99.00 feet; thence North 88° 05' 27" East, 150.08 feet; thence South 88° 06' 57" East, 152.08 feet; thence North 86° 29' 47" East, 98.18 feet; thence South 88° 16' 54" East, 100.04 feet; thence North 74° 12' 47" East, 53.58 feet to the easterly line of said Parcel 32, containing 0.245 acres more or less.

EXCEPTING THEREFROM that portion thereof which lies within above described Parts A, C, the southerly 0.005 acres of Part E and the southerly 0.007 acres of Part F.

Part J (13S, 14S, 15S.1, 15S.2, 16S.1 and 16S.2)

Those portions of Parcel 75, 76, 77 and 78, as shown on Record of Survey Map, in the County of Kern, State of California, filed in Book 8, pages 38 to 44, inclusive, of Record of Survey, in the office of the County Recorder of said County, which lies northerly of the following described line.

BEGINNING at a point in the westerly line of said Parcel 75 distant South 01° 08' 30" West (shown as North 00° 54' 38" East, on said Record of Survey) thereon 38.91 feet from the northwesterly corner of said Parcel 75; thence North 88° 44' 55" East, 44.13 feet; thence South 88° 14' 48" East, 98.05 feet; thence North 88° 52' 36" East,

102.02 feet; thence South 76° 22' 49" East, 70.09 feet; thence North 64° 32' 12" East, 20.00 feet; thence North 78° 34' 10" East, 65.12 feet; thence South 79° 52' 31" East, 28.44 feet; thence North 76° 36' 27" East, 21.59 feet; thence South 74° 30' 18" East, 79.60 feet; thence North 72° 51' 35" East, 16.00 feet; thence North 80° 25' 39" East, 111.56 feet; thence North 88° 51' 15" East, 50.01 feet; thence South 89° 14' 10" East, 150.01 feet; thence North 88° 51' 56" East, 101.02 feet; thence South 87° 39' 46" East, 98.08 feet; thence North 88° 18' 55" East, 102.04 feet; thence South 81° 57' 03" East, 99.99 feet; thence North 83° 17' 24" East, 51.35 feet; thence South 89° 28' 21" East, 47.76 feet to the easterly line of said Parcel 78, containing 0.401 acres more or less.

EXCEPTING THEREFROM that portion thereof which lies within above-described Parts B, D, G and H.