

MINUTE ITEM

This Calendar Item No. C19
was approved as Minute Item
No. 19 by the State Lands
Commission by a vote of 3
to 0 at its 5/26/77
meeting.

CALENDAR ITEM

5/77
W 503.860
SHM

C19.

RATIFICATION OF DISCLAIMER

The State Lands Commission is a party to a condemnation action brought by the United States, entitled, United States v. 20.66 acres of land, more or less, etc., et al., filed in the United States District Court, Eastern District of California, Civil No. S-76-453-TJM, involving land in Tuolumne County.

Upon examination of the Commission's records pertinent to the area, it was ascertained that Tract 802 is located in Section 12, Township 3 North, Range 14 East, and Section 7, Township 3 North, Range 15, East, Mount Diablo Meridian and that a small portion of Tract 802, approximately 1/4-acre in size, extends into the Stanislaus River. It was further determined that the extensive preparation and research would be required to determine possible State ownership of the bed of this portion of the Stanislaus River; that even if there were a tenable ownership claim and even if it could be proven to the satisfaction of the court, the compensation to the State for the parcel would be approximately \$150; and that the costs of such proof far outweigh any possible compensation the State would receive in the condemnation award.

The United States filed a motion for order of default as to Tract 802 and such motion was heard April 18, 1977. In order to prevent a Default Judgment being taken against the State Lands Commission, and for the foregoing reasons, the Office of the Attorney General filed a Disclaimer of the right to compensation but not of any ownership interest the State may have in the parcel.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. RATIFY THE ATTORNEY GENERAL'S ACTION IN FILING A DISCLAIMER OF THE RIGHT TO COMPENSATION BUT NOT OF ANY OWNERSHIP INTEREST IN TRACT NO. 802 ON BEHALF OF THE STATE LANDS COMMISSION IN THE CASE OF UNITED STATES V. 20.66 ACRES OF LAND, MORE OR LESS, ETC., ET AL., TUOLUMNE COUNTY, CIVIL NO. S-76-453-TJM FILED IN UNITED STATES DISTRICT COURT, EASTERN DISTRICT.
2. AFFIRM THAT THE DISCLAIMER RATIFIED ABOVE IS WITHOUT PREJUDICE TO ANY CLAIM OF OWNERSHIP INTEREST WHICH THE STATE MAY HAVE IN TRACT NO. 802.