

MINUTE ITEM

This Calendar Item No. 21  
was approved as Minute Item  
No. 21 by the State Lands  
Commission by a vote of 3  
to 0 at its 5/26/77  
meeting.

CALENDAR ITEM

21.

5/77  
RJS  
W 20704

EXCHANGE OF SCHOOL LANDS

Under the provisions of Chapter 973, Statutes of 1973, the State Lands Commission is authorized to exchange vacant State school land for lands of other public agencies or private parties for the purpose of acquiring land for the specific projects cited in the act including ocean front and upland property in Santa Cruz County, subject to the conditions that:

1. Lands acquired shall have equal or greater value than lands conveyed;
2. Lands acquired shall have the same status as to administration, control and disposition as the lands conveyed;
3. Mineral rights may be included with lands to be conveyed provided mineral rights are included with lands to be acquired;
4. The transactions are approved by the Department of General Services and the Public Works Board.

On November 29, 1973, the Commission endorsed the exchange concept for the projects authorized by the statute and directed the Division to proceed. According to the priority established by the Department of Parks and Recreation, appraisals were made of timbered State school land and privately-owned ocean front property in Santa Cruz County, and proposals were put forth for exchange. Delays occurred in negotiating the transaction because of third party interests in both the selected and offered lands. On the one hand the U.S. Forest Service is interested in ultimate ownership of the school lands within their administrative boundaries and the State was committed by prior agreements to this end. On the other hand, litigation initiated by a third party clouded the title to the Santa Cruz property and made a grant of clear title to the State impossible.

After a period of approximately three years from the start of negotiations, the third party interests have been either expunged or resolved and a tentative agreement has been reached with the Erickson Lumber Company owner of the Santa Cruz County beach property.

Under this agreement;

1. The State would patent to Erickson Lumber Company, 1000 acres of timbered State school lands (640 acres in Placer County and 360 acres in Plumas County) described in Exhibit "A" subject to all statutory and constitutional reservations and subject to a moratorium on logging and road construction on the Placer County parcel.

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2. Erickson Lumber Company would grant to the State all right, title and interest to 950 acres of ocean front and upland property in Santa Cruz County described in Exhibit "C".

3. The parties agree that each will provide such title insurance covering the parcels they receive as they consider necessary.

4. Erickson has agreed to pay all escrow costs providing they do not exceed \$500. If they exceed \$500, they will be borne equally by the State and Erickson.

In support of the provisions of Chapter 973, Statutes of 1973:

1. The Department of Parks and Recreation has determined that the lands to be acquired are valuable for park purposes;
2. The respective lands have been appraised and it has been determined that the value of the lands to be acquired are equal or greater than the lands conveyed considering the holding costs for a one-year moratorium on logging on a portion of the lands to be conveyed;
3. The Division has examined the mineral potential of the lands to be conveyed, and it has been determined there are no indicators of commercial quantities of minerals;
4. The proposed transaction is to be considered by the Department of General Services and the Public Works Board at its June 1977 meeting, and the recommendation for approval of this Calendar Item is subject to the General Services and Public Works Board approval.

OTHER PERTINENT INFORMATION:

As explained at the April 28, 1977 Commission meeting (Calendar Item No. 34), a one-year moratorium is to be established during which no road construction or logging is to be allowed on the school land parcel in Placer County. This moratorium is for completion of a U.S. Forest Service study to determine whether or not the area should remain roadless and to provide for an additional exchange between U.S.A. and Erickson if it is determined no logging should be allowed in the area permanently.

At the April 28, 1977, meeting the Commission:

1. Determined that an environmental impact report need not be prepared for this project but that a negative declaration (EIR ND 209) has been prepared by the Division.
2. Certified that negative declaration #209 has been completed in compliance with the California Environmental Quality Act

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of 1970, as amended, and the State Guidelines and that the Commission has reviewed and considered the information contained therein.

3. Determined that the project will not have a significant effect on the environment.
4. Authorized the Executive Officer to transmit a copy of the negative declaration and its initial study to the Legislature, as required by Section 6373 of the Public Resources Code.
5. Directed the Division to assist the Resources Agency in working with the U.S. Forest Service to complete an exchange with Erickson Lumber Company within the one year moratorium period.

- EXHIBITS:
- A. Land Description, Parcels A-1 & A-2 to be conveyed.
  - B-1. Site Map, Parcel A-1.
  - B-2. Site Map, Parcel A-2.
  - C. Land Description, Parcel to be Acquired.
  - D. Site Map, Parcel to be Acquired.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND AND DETERMINE THAT THE EXCHANGE OF STATE SCHOOL LANDS AS DESCRIBED IN EXHIBIT "A", FOR PRIVATE LANDS AS DESCRIBED IN EXHIBIT "C", BOTH EXHIBITS ATTACHED AND BY REFERENCE MADE A PART HEREOF, IS IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 973, STATUTES OF 1973;
2. AUTHORIZE ISSUANCE OF PATENTS TO THE LANDS DESCRIBED IN EXHIBIT "A" TO ERICKSON LUMBER COMPANY SUBJECT TO ALL STATUTORY AND CONSTITUTIONAL RESERVATIONS AND SUBJECT TO A ONE YEAR MORATORIUM ON LOGGING AND ROAD CONSTRUCTION AS TO THE PORTION OF SCHOOL LAND IN SECTION 8, T 15 N, R 14 E, MDM, AND ACCEPTANCE OF A GRANT DEED CONVEYING TO THE STATE OF ALL RIGHT, TITLE AND INTEREST TO THE LANDS DESCRIBED IN EXHIBIT "C", ALL SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF GENERAL SERVICES AND THE PUBLIC WORKS BOARD.

Attachments: Exhibits "A" and "C"

EXHIBIT "A"  
(PARCELS TO BE CONVEYED)

W 20704

PARCEL A-1

A parcel of State owned school land in Placer County,  
California described as follows:

SECTION 8, TOWNSHIP 15 NORTH  
RANGE 14 EAST  
M.D.M.

PARCEL A-2

The Northwest quarter, the North half of the Southwest quarter,  
the South half of the Southeast quarter, and the Northwest quarter  
of the Southeast quarter of:

SECTION 16, TOWNSHIP 22 NORTH  
RANGE 9 EAST  
M.D.M.

LAND DESCRIPTION

(PARCEL TO BE ACQUIRED)

BEGINNING on the shore of the Pacific Ocean at the mouth of Baldwin Creek at the Southwesterly corner of land of J. A. Scaroni; thence along the Westerly line of said land of J. A. Scaroni on the Easterly bank of a stream known as the Baldwin Creek, North 25° 30' West 12.93 chains; thence North 33° 15' East 14.60 chains to an alder stump on the South side of the County Road, as located August 21, 1885; thence continuing Northerly along the East bank of said Creek to an alder tree 36 inches in diameter marked "L. 3" at the Southerly corner of lands of Henry Cowell Lime & Cement Company (as described in Deed from Moses A. Meder to Henry Cowell & Isaac E. Davis, recorded in Volume 18 of Deeds, page 526); thence due North and along the Westerly line of said last mentioned lands 133.51 chains to the Southeast corner of lands conveyed to Willis J. Towne by Deed recorded in Volume 176 of Deeds, page 458, Records of said County; thence West along the South boundary of said last mentioned lands 11.64 chains to the Southwest corner of said last mentioned lands, and on the Easterly line of lands conveyed to Francisco Landino and wife by Deed dated January 12, 1911 and recorded in Volume 193, page 167, Official Records of Santa Cruz County; thence along the Easterly boundary of said last mentioned lands South 5° 03' West 21.19 chains to a stake standing on a prairie from which stake an oak tree 16 inches in diameter bears South 18° 15' West 4.38 chains distant; thence along said last mentioned lands and lands of Thomas Majors South 32° 30' West 51.20 chains to a stake and mound in a prairie; thence along said lands of Majors North 54° 45' West 8 chains to a post and South 35° 15' West 24.73 chains to a post and mound at the Northwest corner of lands conveyed to Victor Scaroni by Deed recorded in Volume 157 of Deeds Page 253, Records of said County; thence along the Northerly boundary of said last mentioned lands South 54° 45' East 24.95 chains to a point in the middle of Cojo Creek; thence Southerly down the middle of said Creek to a point about 13 chains Northerly from where the County Road, (as located April 8th 1904) crosses said Creek and from which point an alder tree 12 inches in diameter bears North 24° West 45 links distant; thence leaving said Creek North 57 1/4° West 2.90 chains to a post and mound standing in the flat near the base of the hill; thence South 16° West 5.50 chains to a post and mound; thence South 16° East 8.20 chains to a fence post on the bank of Cojo Creek and on the Northerly side of the County Road (as located April 8, 1904); thence South West 17.05 chains to a post and mound on the Ocean Bluff; thence continuing South 27° West to the Pacific Ocean; thence following along the Pacific Ocean Southeasterly to the point of beginning.

EXCEPTING THEREFROM the following:

1. A portion of land conveyed to Santa Cruz Water Company by Deed dated July 7, 1881 and recorded August 1, 1881 in Volume 32 of Deeds, page 22, Records of Santa Cruz County, and described as follows:

Commencing at a point in the middle of Gojo or Majors Creek 100 feet Northeastly of a post marked "O" standing in the middle of said Creek near to and above a fall in said Creek and near an oak tree on the West bank of said Creek marked "B. H." said point of beginning being about 100 feet Southerly from the point where the Easterly boundary of tract marked "D", Decree of Partition crosses said Creek the last time running Northerly; thence at a right angle with said Creek Westerly 50 feet; thence Southwesterly and parallel with said Creek 150 feet; thence Southeasterly and across said Creek 100 feet; thence Northeastly and parallel with said Creek 150 feet; thence Westerly 50 feet to the point of beginning.

2. A portion conveyed by L. F. Almstead and Fannie A. Almstead, his wife, to Santa Cruz Water Company, by Deed dated May 8, 1882 and recorded May 10, 1882 in Volume 33, page 406 of Deeds, Records of Santa Cruz County, as follows:

Commencing at a point in the middle of an open cut at the South end of Tunnel from which point the South portal of said tunnel bears North 41° West 22 feet distant; thence North 88° West 125 feet; thence North 2° East 30 feet; thence South 88° East 131 1/2 feet; thence South 68 1/4° East 130 feet; South 21° 45' West 30 feet to a stake; thence North 68 1/4° West 125 feet to a point of beginning.

3. A strip of land 50 feet wide conveyed to the County of Santa Cruz by Deed recorded in Volume 207 of Deeds, page 338, Records of Santa Cruz County.

4. A right of way for highway purposes, as granted by Coast Line Railway Company, a California corporation, and Southern Pacific Company, a Kentucky corporation, to County of Santa Cruz, a political subdivision of the State of California, by indenture dated June 29, 1914 and recorded September 11, 1914 in Volume 258 of Deeds page 279 Santa Cruz County Records, to which said Deed reference is made for a description of the devised lands; it is noted that the following is set out in the above mentioned document: "Should the party of the second part at any time abandon the use of said premises as a public highway, or should said premises not be used as a public highway for one year continuously, the easement hereby given shall cease and determine and said parties of the first part, or either of them, shall have the right to retake and resume absolute possession of said premises."

5. A strip of land 50 feet wide conveyed to the County of Santa Cruz by Deed dated August 30, 1913 and recorded in Volume 262 of Deeds, page 99, Records of Santa Cruz County, with the following

conditions: "This Deed is made on express condition that the present travelled County Road shall not be closed, or abandoned, so as to prevent the grantor, or his assigns from using same."

6. 25,454 Acres conveyed to the Ocean Shore Railroad Company by Deed recorded in Volume 285 of Deeds, page 68, Records of Santa Cruz County, 14,523 Acres of this 25,454 Acres were conveyed to Southern Pacific Railroad Company, a corporation in Volume 281 of Deeds page 16 Records of Santa Cruz County; Reserving the right to maintain pipe line and road crossings.

7. A strip of land 60 feet wide conveyed to the County of Santa Cruz by Deed recorded in Volume 319 of Deeds, page 163, Records of Santa Cruz County.

8. A right of way as reserved in the Deed to Ambrogio Gianone and Pio Scaroni, dated March 22, 1884 and recorded in Volume 41 of Deeds, page 26, from the 30 Acre Tract conveyed in Deed recorded in Volume 76 of Deeds, page 155, Santa Cruz County Records through and over the present used road between said tract and the County Road.

9. A parcel of land excepted in the Deed to Ambrogio Gianone and Pio Scaroni, by Deed dated March 22, 1884 and recorded in Volume 41 of Deeds, page 26, Records of Santa Cruz County, described as follows:

Commencing at maple tree marked B. H. on the East side of Majors Creek and about 10 feet from bank thereof; running Easterly direction and Westerly at right angles with the thread of said stream 40 feet to a stake; thence at right angles Northerly 150 feet; thence at a right angle Westerly 100 feet crossing said Creek to a stake; thence at right angles Southerly 150 feet to a stake on the West bank of said Creek; thence at right angles Easterly and across said Creek to the point of beginning.

10. That parcel of land containing "3.65 acres a little more or less including 1.40 acres, a little more or less within the limits of the existing State Highway", all as described and set out in that certain Final Order of Condemnation issued out of Superior Court County of Santa Cruz, State of California, Civil Suit Number 18924, wherein The People of the State of California etc., were the Plaintiffs and J. A. Scaroni, et al were the Defendants; a certified copy of said Decree being dated April 19, 1946 and recorded April 19, 1946 in Volume 644, page 223, Official records of Santa Cruz County.

11. A parcel of land contained "15.562 acres, more or less, in addition to 4.29 acres, more or less, within said existing State Highway", as conveyed to the State of California by Deed recorded September 17, 1959 in Volume 1271, page 400, Official Records of Santa Cruz County.