

MINUTE ITEM

This Calendar item No. 18
was approved as Minute Item
No. 18 by the State Lands
Commission by a vote of 3
to 0 at its 7/19/70
meeting.

MINUTE ITEM

7/78
Childress

18. GENERAL LEASE - PUBLIC AGENCY USE - WP 2710

During consideration of Calendar Item 18, attached, Commission-Alternate Sid McCausland was concerned that a trespasser could unknowingly detonate an ordnance on the property, and questioned the type of control that is exercised over trespassers. Mr. James F. Trout, Chief, Land Management and Conservation, stated that the applicant's past performance has shown that their timeliness over discovering and evicting trespassers has been excellent.

Upon motion duly made and carried, the resolution as presented in Calendar Item 18 was adopted by a vote of 3-0.

Attachment: Calendar Item 18

A 75

S 38

CALENDAR ITEM

18.

GENERAL LEASE
PUBLIC AGENCY USE

7/78
WP 2710
Childress

APPLICANT: Department of the Navy
P. O. Box 727
San Bruno, California 94066

AREA, TYPE LAND AND LOCATION: A 10,700 acre parcel of State school land within the Chocolate Mountain Aerial Gunnery Range, Imperial County.

LAND USE: Aerial target practice.

BACKGROUND: The United States Navy has been occupying lands under the jurisdiction of the State Lands Commission for a number of years. Although, the records concerning the actual dates are unclear, it appears the Navy has been actively using school land within the Chocolate Mountain Aerial Gunnery Range for some time prior to 1944. A brief rental history of the subject is discussed below:

The Commission and the Navy entered into lease PRC 510.2 which expired on June 30, 1960, the rental paid by the Navy was \$319.20 per annum.

A new lease PRC 2710.2 was entered into on July 1, 1960 for a period of 5 years. Originally the Navy offered \$3,494.40 per annum but after lengthy negotiations the offer was increased to \$5,274 per annum. The \$5,274 was 6% of the appraised market value as determined by a State Lands Commission staff appraisal.

In 1965, the Navy decided to renew the lease for an additional 5 years. The rental offered was \$3,424.68 per annum. The offer was unacceptable and the State Lands Commission staff suggested a rental of \$9,660 per annum. A compromised rental at \$5,600 per

A 75

S 38

CALENDAR ITEM NO.18. (CONTD)

annum was finally agreed upon. The United States of America condemned a leasehold interest in the subject property. The Stipulated Judgment stated that \$5,600 per annum as just compensation for the lease.

In 1970, the Navy desired to renew the lease for 5 additional years. The staff's opinion of the market rental was \$12,104 but the Navy offered \$5,552 per annum under the threat of Leasehold Condemnation. By Judgment and Stipulation the rental was established at \$6,000 per annum.

TERMS OF PROPOSED LEASE:

Initial period: 5 years and 3 months
from July 1, 1975.

CONSIDERATION:

The United States Navy has offered \$7,710 per annum for the rental of the subject property.

The State and the Navy are currently negotiating an exchange involving the subject property and federal land elsewhere. Due to the impending exchange, the staff is recommending the acceptance of the rental of \$7,710 per annum, provided the lease stipulates that the rental is a negotiated settlement and that such rental is not an indication of fair market value and will not prejudice either party's claims concerning the fair market value for the property.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Div. 6, Parts 1 & 2.
- B. Administrative Code: Title 2, Div. 3,
Arts. 1, 2, 10 & 11.

OTHER PERTINENT INFORMATION:

1. This agreement shall terminate upon the finalization of negotiation concerning the proposed exchange of State school lands for federal lands elsewhere or on September 30, 1980, whichever occurs first.

CALENDAR ITEM NO. 18. (CONTD)

2. This project is situated on school lands not identified as possessing significant environmental values. A staff review of available environmental information indicates no reason to identify the subject school land parcel as having such values at this time.
3. Inasmuch as the proposed lease renewal continues a use that began more than 30 years ago, staff believes that no change in the existing environment setting will occur. The issuance of this lease is therefore exempt from the EIR/Negative Declaration requirements of CEQA.

Authority: P.R.C. 21085, 14 Cal. Adm. Code 15100 et seq., 2 Cal. Adm. Code 2907.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21085, 14 CAL. ADM. CODE 15100 ET. SEQ., AND 2 CAL. ADM. CODE 2907.
2. AUTHORIZE THE ISSUANCE TO THE UNITED STATES NAVY OF A 5 YEAR AND 3 MONTHS LEASE FROM JULY 1, 1975; IN CONSIDERATION OF ANNUAL RENTAL IN THE AMOUNT OF \$7,710; PROVIDED THAT THE RENTAL IS AGREED NOT TO NECESSARILY BE FAIR MARKET RENT AND WILL NOT PREJUDICE EITHER PARTY'S CLAIM OF THE FAIR MARKET VALUE OF THE PROPERTY.
3. AUTHORIZE THE ATTORNEY GENERAL AND/OR STAFF COUNSEL ON BEHALF OF THE STATE LANDS COMMISSION TO ENTER INTO APPROPRIATE JUDGMENTS AND STIPULATIONS THEREFORE IN THE MATTER OF THE UNITED STATES VS. 10,700 ACRES OF LAND IN THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA, CIVIL NO. 75-0351-N-MF-025, WHEREIN THE STATE LANDS COMMISSION IS TO RECEIVE \$7,710 PER ANNUM FOR THE PERIOD JULY 1, 1975 THROUGH SEPTEMBER 30, 1980.

EXHIBIT "A"

LAND DESCRIPTION

PRC 2710.2

19 parcels of land within the boundary of the U. S. Navy Chocolate Mountain Aerial Gunnery Range, situated in Imperial County, State of California, more particularly described as follows:

PARCEL 3

Section 16, T9S, R16E, SBM, all except that portion as described in the Declaration of Taking by the United States of America dated February 12, 1942 in the District Court of the United States, Southern District of California, Central Division, Case No. 2054-Y Civil. A certified copy of said Declaration was recorded February 18, 1942 as Document No. 43 in Book 583, Page 412, of Official Records, Imperial County Records, containing 380 acres more or less.

PARCEL 97

Section 36, Township 9 South, Range 16 East SBM, containing 640 acres more or less.

PARCEL 202

Section 36, Township 9 South, Range 17 East SBM, containing 640 acres more or less.

PARCEL 397

Section 16, Township 10 South, Range 15 East SBM, containing 640 acres more or less.

PARCEL 619

Section 16, Township 10 South, Range 17 East SBM, containing 640 acres more or less.

PARCEL 1038

The NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36, Township 10 South, Range 15 East SBM, containing 40 acres more or less.

PARCEL 1117

The W $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 36, Township 10 South, Range 15 East SBM, containing 120 acres more or less.

PARCEL 1152.

Section 36, Township 10 South, Range 16 East SBM, containing 640 acres more or less.

PARCEL 1763

Section 36, Township 10 South, Range 17 East SBM, containing 640 acres more or less.

PARCEL 1828

Section 16, Township 10 South, Range 18 East SBM, containing 640 acres more or less.

PARCEL 2018

Section 36, Township 10 South, Range 18 East SBM, containing 640 acres more or less.

PARCEL 3034

Section 16, Township 11 South, Range 18 East SBM, containing 640 acres more or less.

PARCEL 2550

Section 16, Township 11 South, Range 17 East SBM, containing 640 acres more or less.

PARCEL 3454

Section 36, Township 11 South, Range 16 East SBM, containing 640 acres more or less.

PARCEL 3346

Section 16, Township 11 South, Range 19 East SBM, containing 640 acres more or less.

PARCEL 3859

Section 36, Township 11 South, Range 17 East SBM, containing 640 acres more or less.

PARCEL 4270

Section 36, Township 11 South, Range 18 East SBM, containing 640 acres more or less.

PARCEL 4700

The $N\frac{1}{2}$, the $SE\frac{1}{2}$ and the $N\frac{1}{2}$ of the $SW\frac{1}{4}$ of Section 16, Township 12 South, Range 18 East SBM, containing 560 acres more or less.

PARCEL 4724

Section 16, Township 12 South, Range 19 East SBM, containing 640 acres more or less.

END OF DESCRIPTION

Prepared Leroy F. Weed Checked John K. Jensen
Reviewed Kay Mink Date July 5/78

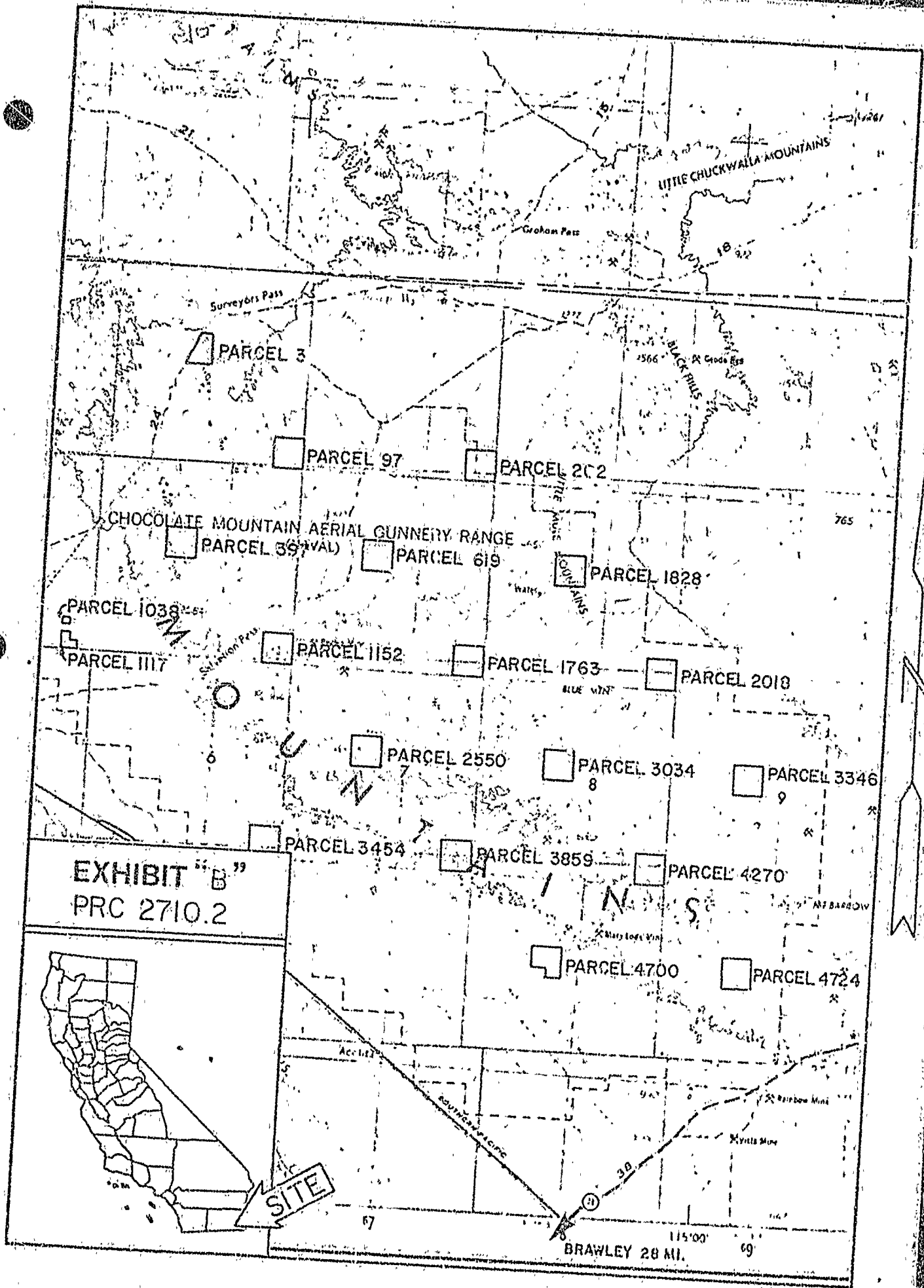


EXHIBIT "B"
 PRC 2710.2



SITE