

MINUTE ITEM

This Calendar Item No. C15
was approved as Minute Item
No. 15 by the State Lands
Commission by a vote of 3
to 0 at its 5/27/82
meeting.

CALENDAR ITEM

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5/27/82
SF 11354
Fossum

REQUEST FOR ISSUANCE
OF CORRECTORY PATENT

An application has been received by the State Lands Commission for a Correctory Patent to be issued to the present claimants as successors in interest to the original purchaser and patentee of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 30, T9S, R3W, MDM, Santa Cruz County. The facts show that the State acquired the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 30 as an indemnity selection in lieu of lands granted to California for school purposes (43 USC 851, 852). James Matthew Pollock was issued a certificate of purchase (No. 2300) for these lands in 1893, describing said lands as the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 30, containing 80 acres. In 1954, the successors in interest to Pollock applied for and received Patent No. 19639. The patent however, apparently through a staff clerical error, described the land patented as the East 80 acres of the SW $\frac{1}{4}$ of Section 30. Upon subsequent survey, the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ was found to contain approximately 99.425 acres. If the patent issued in 1954 had described the parcel consistently with prior descriptions, the entire E $\frac{1}{2}$ of the SW $\frac{1}{4}$, containing 99+ acres would have been validly patented and confirmed; as it was, only the easternmost 80 acres was described, thereby creating a conflict and ambiguity in the description. The present claimants request that a Correctory Patent be issued to properly show the land as applied for and sold as the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 30, T9S, R3W, MDM, containing 80 acres, more or less.

AB 884: N/A.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ISSUANCE OF THIS PATENT IS A MINISTERIAL ACT PURSUANT TO 2 CAL. ADM. CODE SECTION 2904 AND THEREFORE STATUTORILY EXEMPT FROM CEQA.
2. AUTHORIZE THE ISSUANCE OF A CORRECTORY PATENT COVERING THE E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of SECTION 30, T9S, R3W, MDM, SANTA CRUZ COUNTY, IN THE NAME OF THE ORIGINAL APPLICANT, JAMES MATTHEW POLLOCK.

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