

MINUTE ITEM

21

02/28/85
SA 5649
Bjornsen
Frey

DENIAL OF THE SALE OF STATE
SCHOOL LAND AT LESS THAN FAIR MARKET VALUE

Calendar Item 21, attached, was pulled from the agenda prior to the meeting.

Attachment: Calendar Item 21.

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DENIAL OF THE SALE OF STATE SCHOOL LAND
AT LESS THAN FAIR MARKET VALUE

At its March 1983 Meeting, the Commission authorized the sale at fair market value of 163.38 acres of State school land in Tuolumne County. The authorization was conditioned upon the applicants quitclaiming whatever mineral interest they may have in the property.

The fair market value of the property was initially determined by Commission staff in May 1983 to be \$57,000. Because the Commission was to receive, in addition, an easement for access across the applicant's lands, and because the sale is in part in lieu of litigation, the Commission staff has agreed to reduce the fair market price to \$45,000, subject to Commission approval. The original fair market price was confirmed by a new and independent Commission appraisal done in August 1984. The applicants have not agreed with the appraisals. Initially they offered \$24,507. Several meetings between applicants and staff have failed to resolve the value question. The last offer dated October 25, 1984 by the applicants through their attorney was \$41,000. Staff has reviewed its appraisal and can find no reason to change its estimate of fair market value. The applicants have requested to speak to the Commissioners on this matter.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code Title 2, Div. 3; Title 14, Div. 6.

AB 884:

N/A.

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CALENDAR ITEM NO. 21 (CONT'D)

OTHER PERTINENT INFORMATION:

- A. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because CEQA does not apply to projects which a public agency rejects or disapproves

Authority: P.R.C. 21080(5) and 14 Cal. Adm. Code 15270(a).

EXHIBIT: A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15270(a) BECAUSE CEQA DOES NOT APPLY TO PROJECTS WHICH A PUBLIC AGENCY REJECTS OR DISAPPROVES.
2. DENY THE SALE OF STATE SCHOOL LAND IN LOTS 1, 2, 7 AND 8 SECTION 16 T1S, R1E, MDM, BECAUSE THE AMOUNT OFFERED IS AT LESS THAN THE ESTIMATED FAIR MARKET VALUE, AS DETERMINED BY COMMISSION STAFF.

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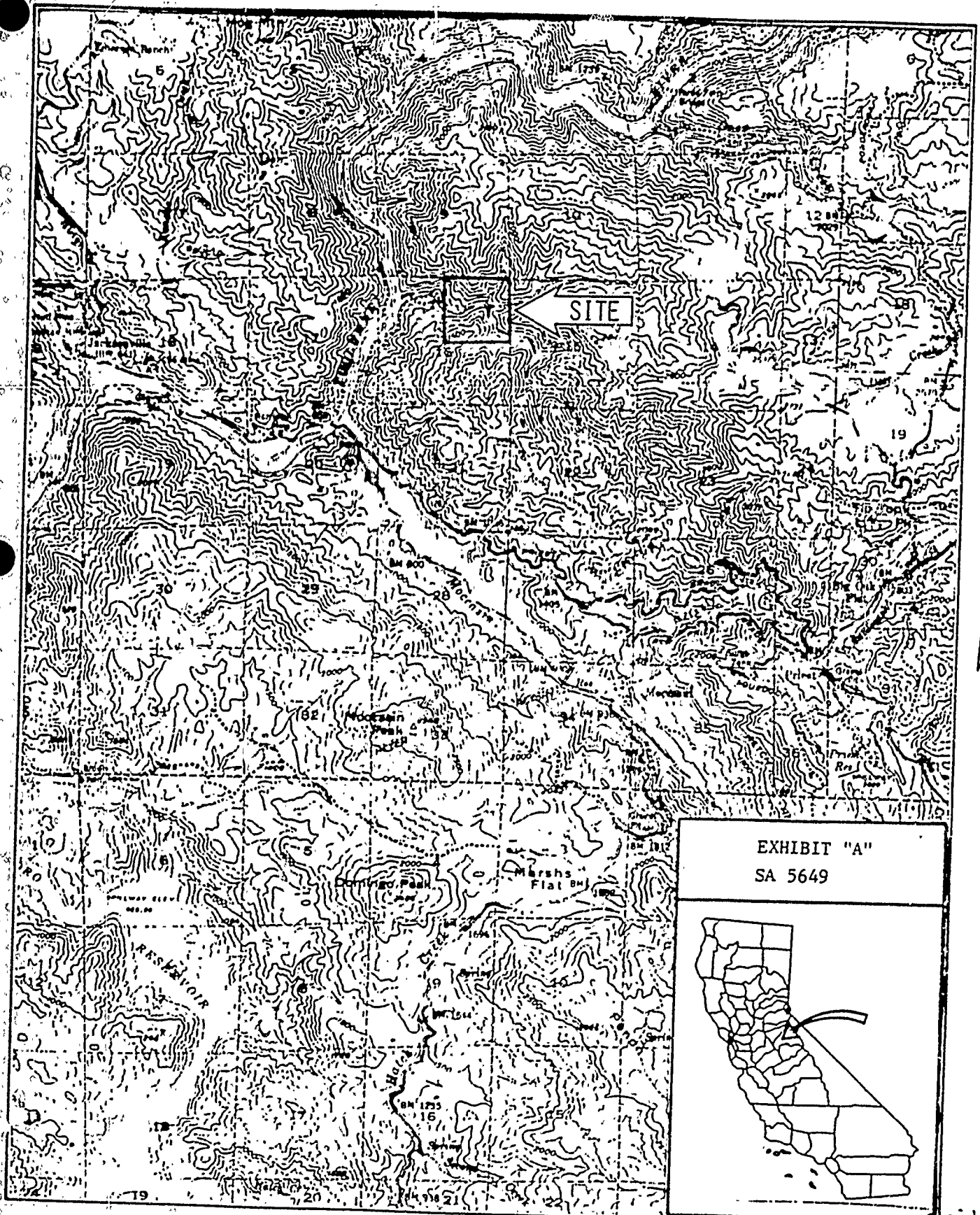


EXHIBIT "A"
SA 5649