

MINUTE ITEM
This Calendar Item No. 55
was approved as Minute Item
No. 55 by the State Lands
Commission by a vote of 2
to 0 at its 12/13/88
meeting.

CALENDAR ITEM

A 34

55

12/13/88
W 503.1575
Frey
Judson

S 16

AUTHORIZATION TO FILE A DISCLAIMER

The State Lands Commission is a party defendant to a condemnation action brought by the United States entitled United States of America v 8.55 Acres, More or Less, in the County of Kern, State of California, et al., Civil No. CV-7-88-320-EDP, filed in the United States District Court, Eastern District of California. The land is being acquired by the United States in connection with the construction and maintenance of the Pacific Crest National Scenic Trail.

Upon examination of the Commission's records pertinent to the area, it was ascertained by staff that Easements 1 and 2 cross lands the State never acquired or disposed of. Easement 3 crosses Section 9, T10N, R15W, SBM, which the State never acquired or disposed of. Easement 3 also crosses Section 16, T10N, R15W, SBM, which the State acquired and disposed of as school lands. No minerals were reserved on disposition. Based on this analysis, staff believes the State has no compensable interest and recommends that a disclaimer be filed with the court.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Code Regs. 15378.

CALENDAR ITEM NO. 55 (CONT'D)

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. AUTHORIZE THE ATTORNEY GENERAL TO FILE A DISCLAIMER ON BEHALF OF THE STATE LANDS COMMISSION IN THE CASE OF UNITED STATES OF AMERICA v 8.55 ACRES OF LAND, MORE OR LESS, IN THE COUNTY OF KERN, ET AL., CIVIL NO. CV-7-88-320-EDP, FILED IN THE UNITED STATES DISTRICT COURT, EASTERN DISTRICT, STATE OF CALIFORNIA.

EXHIBIT "A"

W 503.1575

LAND DESCRIPTION

Easement 1

A parcel of land having one easement within the County of Kern, State of California, containing 2.74 acres, and described by the following metes and bounds description:

Beginning at the section corner common to Sections 33 and 34 on the south line of Township 10 North, Range 15 West, San Bernardino Meridian. Said corner is an Iron Post with GLO brass cap in rock mound per GLO survey notes and plat approved July 14, 1936, thence; N 1° 11' W, 5962.44 feet, along the east line of Section 33 to the northeast corner of said section; thence S 86° 54' W, 20.01 feet along the north line of said section; thence S 1° 11' E, 5961.41 feet parallel with the east line of said section and 20.00 feet distant therefrom, measured at right angles, to the south line of said section; thence N 89° 51' E, 20.00 feet, along the south line of said section to the point of beginning.

Easement 2

A parcel of land having one easement within the County of Kern, State of California, containing 2.45 acres, and described by the following metes and bounds description:

Beginning at the section corner common to Sections 21, 22, 27 and 28, Township 10 North, Range 15 West, San Bernardino Meridian, which is a GLO brass cap set on an iron pipe in a rock mound per GLO survey notes and plat approved July 14, 1936; thence N 00° 22' E, 5328.18 feet along the west line of Section 22 to the section corner common to Sections 15, 16, 21 and 22 which is a GLO brass cap set on an iron pipe in a rock mound per GLO survey notes and plat approved July 14, 1936; thence S 89° 34' E, 20.00 feet along the north line of section 22; thence S 0° 22' W, 5328.20 feet, parallel with the west line of said section and 20.00 feet distance therefrom, measured at right angles to the south line of said section; thence N 89° 30' W, 20.00 feet to the point of beginning.

Easement 3

A parcel of land having one easement within the County of Kern, State of California, containing 3.36 acres, and described as follows:

Beginning at a point in the center of the trail easement on the east line of Section 16, Township 10 North, Range 15 West, San Bernardino Meridian, said point lying 20.50 feet north of the section corner common to Sections 16, 15, 21 and 22,

thence North 28° 18' 44" W, 19.48 feet;
thence North 02° 34' 00" E, 2,431.92 feet;
thence North 01° 18' 05" E, 181.84 feet;
thence North 04° 29' 32" E, 98.69 feet'
thence North 02° 59' 23" E, 142.46 feet;

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thence North 01° 41' 29" E, 94.53 feet;
 thence North 00° 07' 09" E, 96.22 feet;
 thence South 71° 00' 15" W, 66.88 feet;
 thence South 68° 51' 04" W, 93.76 feet;
 thence South 28° 11' 33" W, 58.10 feet;
 thence South 33° 56' 24" W, 19.72 feet;
 thence South 64° 50' 14" W, 22.30 feet;
 thence South 86° 57' 17" W, 25.98 feet;
 thence South 06° 40' 36" W, 40.42 feet;
 thence South 88° 21' 08" W, 42.78 feet;
 thence South 60° 36' 15" W, 100.79 feet;
 thence South 62° 45' 55" W, 100.65 feet;
 thence South 61° 42' 14" W, 99.04 feet;
 thence North 39° 34' 30" W, 27.08 feet;
 thence North 08° 56' 13" E, 70.96 feet;
 thence North 06° 57' 05" E, 98.16 feet;
 thence North 00° 05' 22" W, 102.32 feet;
 thence North 16° 05' 52" E, 98.02 feet;
 thence North 15° 54' 48" E, 101.35 feet;
 thence North 25° 10' 51" E, 86.27 feet;
 thence North 15° 15' 37" E, 104.65 feet;
 thence North 35° 49' 16" E, 32.89 feet;
 thence North 05° 46' 18" W, 25.36 feet;
 thence North 14° 14' 04" E, 42.01 feet;
 thence North 39° 39' 41" E, 29.57 feet;
 thence North 66° 15' 26" E, 40.24 feet;
 thence North 15° 53' 09" E, 30.36 feet;
 thence North 26° 36' 00" E, 73.12 feet;
 thence North 45° 23' 17" E, 57.44 feet;
 thence North 05° 34' 09" W, 27.41 feet;
 thence North 19° 02' 14" E, 64.69 feet;
 thence North 38° 45' 30" E, 31.80 feet;
 thence North 05° 55' 06" E, 32.39 feet;
 thence North 01° 35' 55" W, 73.49 feet;
 thence North 01° 37' 14" W, 47.38 feet;
 thence North 39° 53' 53" E, 34.91 feet;
 thence North 10° 16' 11" W, 30.68 feet;
 thence North 01° 20' 50" E, 35.30 feet;
 thence North 14° 54' 31" E, 37.27 feet;
 thence North 26° 38' 20" E, 70.61 feet;
 thence North 44° 15' 21" E, 77.31 feet;
 thence North 52° 18' 34" E, 75.97 feet;
 thence North 43° 58' 56" E, 72.04 feet;
 thence North 33° 44' 05" E, 35.58 feet;
 thence North 25° 12' 46" E, 74.09 feet;
 thence South 49° 57' 36" W, 30.67 feet;
 thence South 73° 25' 36" W, 28.33 feet;

thence North 88° 00' 24" W, 27.89 feet;
thence North 49° 34' 07" W, 18.64 feet;
thence North 21° 29' 54" W, 56.16 feet;
thence North 16° 21' 57" W, 44.75 feet;
thence North 25° 25' 01" E, 64.05 feet;
thence North 07° 28' 28" E, 35.59 feet;
thence North 18° 25' 10" W, 58.83 feet;
thence North 36° 36' 09" W, 40.28 feet;
thence North 15° 16' 37" W, 55.44 feet;
thence North 10° 15' 11" E, 43.48 feet;
thence North 06° 13' 55" W, 33.90 feet;
thence North 37° 35' 51" W, 38.75 feet;
thence North 03° 09' 35" E, 47.17 feet;
thence North 21° 32' 39" W, 38.47 feet;
thence North 35° 59' 11" E, 39.18 feet;
thence North 03° 37' 50" E, 50.69 feet;
thence North 01° 41' 20" E, 47.16 feet;
thence North 10° 21' 20" E, 98.91 feet;
thence North 09° 19' 31" E, 98.30 feet;
thence North 20° 00' 17" E, 99.97 feet;
thence North 20° 45' 14" E, 97.61 feet;
thence North 15° 58' 06" E, 96.32 feet;
thence North 12° 41' 12" E, 98.44 feet;
thence North 01° 37' 15" W, 99.00 feet;
thence North 15° 49' 53" E, 96.62 feet to a point in the center of the trail

easement on the east line of Section 9, said point lying 906.03 feet north of the section corner common to Section 9, 10, 16 and 15, all of Township 10 North, Range 15 West.

The width of Easement #3 shall be 20 feet, 10 feet on each side of the centerline of the easement, or more if necessary to accommodate cuts and fills. The boundary lines of said easement shall be prolonged or shortened to begin and end on, and conform to, the Grantors property lines.

END OF DESCRIPTION

REVISED OCTOBER 27, 1988 BY BIU 1.

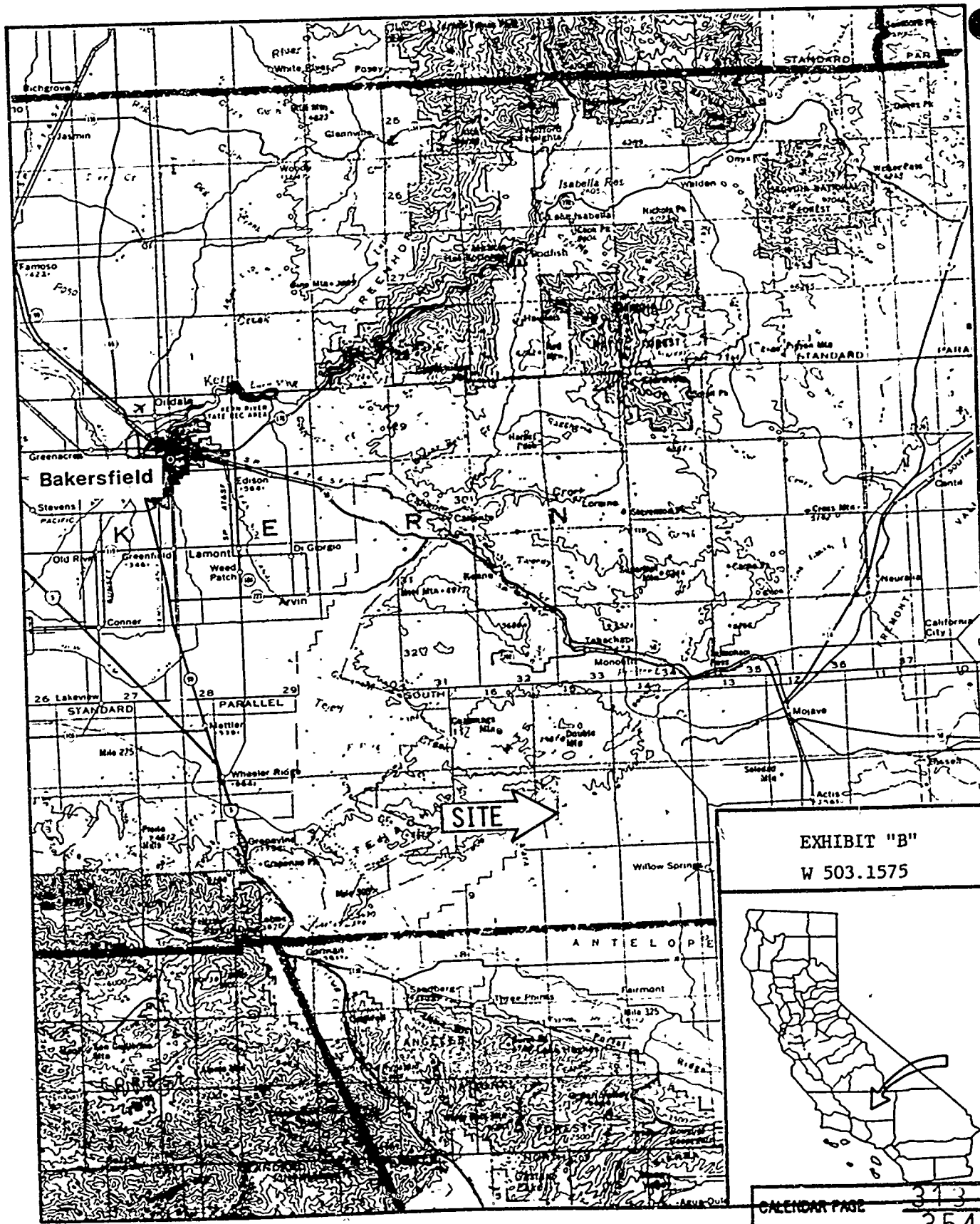


EXHIBIT "B"
W 503.1575



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