

MINUTE ITEM
This Calendar Item No. 56
was approved as Minute Item
No. 56 by the State Lands
Commission by a vote of 2
to 0 at its 12/13/88
meeting.

CALENDAR ITEM

A 34

56

12/13/88
W 503.1590
Fossum
Judson

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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 0.70 Acres of Land, More or Less, in the County of Kern, State of California, et al., Civil No. CV-7-88-315-REC, filed in the United States District Court, Eastern District of California. The easement in 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 the easement to be taken crosses lands the State never acquired or disposed of. 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.

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(ADDED 12/09/88 - pgs. 314-314.3)

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CALENDAR ITEM NO. 56 (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 0.70 ACRES OF LAND, MORE OR LESS, IN THE COUNTY OF KERN, ET AL., CIVIL NO. CV-7-88-315-REC, FILED IN THE UNITED STATES DISTRICT COURT, EASTERN DISTRICT, STATE OF CALIFORNIA.

EXHIBIT "A"

LEGAL DESCRIPTION

A parcel of land having one (1) easement within the County of Kern, State and California, containing 0.70 acres, and described by the following metes and bounds description:

BEGINNING at the Northwest corner of Section 27, Township 10 North, Range 15 West, San Bernardino Meridian, said point of beginning being a 2 1/2 inch GLO Brass Cap on a 1 1/2 inch iron pipe per 1936 GLO survey notes and plat; thence South 13°23' East, 1,528.69 feet along the West line of said Section to a 2x2 wood hub and tack; thence South 89°34'08" East, 20.60 feet along the east-west centerline of the Northwest 1/4 of said Section; thence North 13°23' West, 1,428.67 feet, along a line parallel with the west line of said Section and 20 feet distance there from measured at right angles to the North line of said Section; thence North 90°30' West 20.60 feet along the north line of said Section to the point of beginning.

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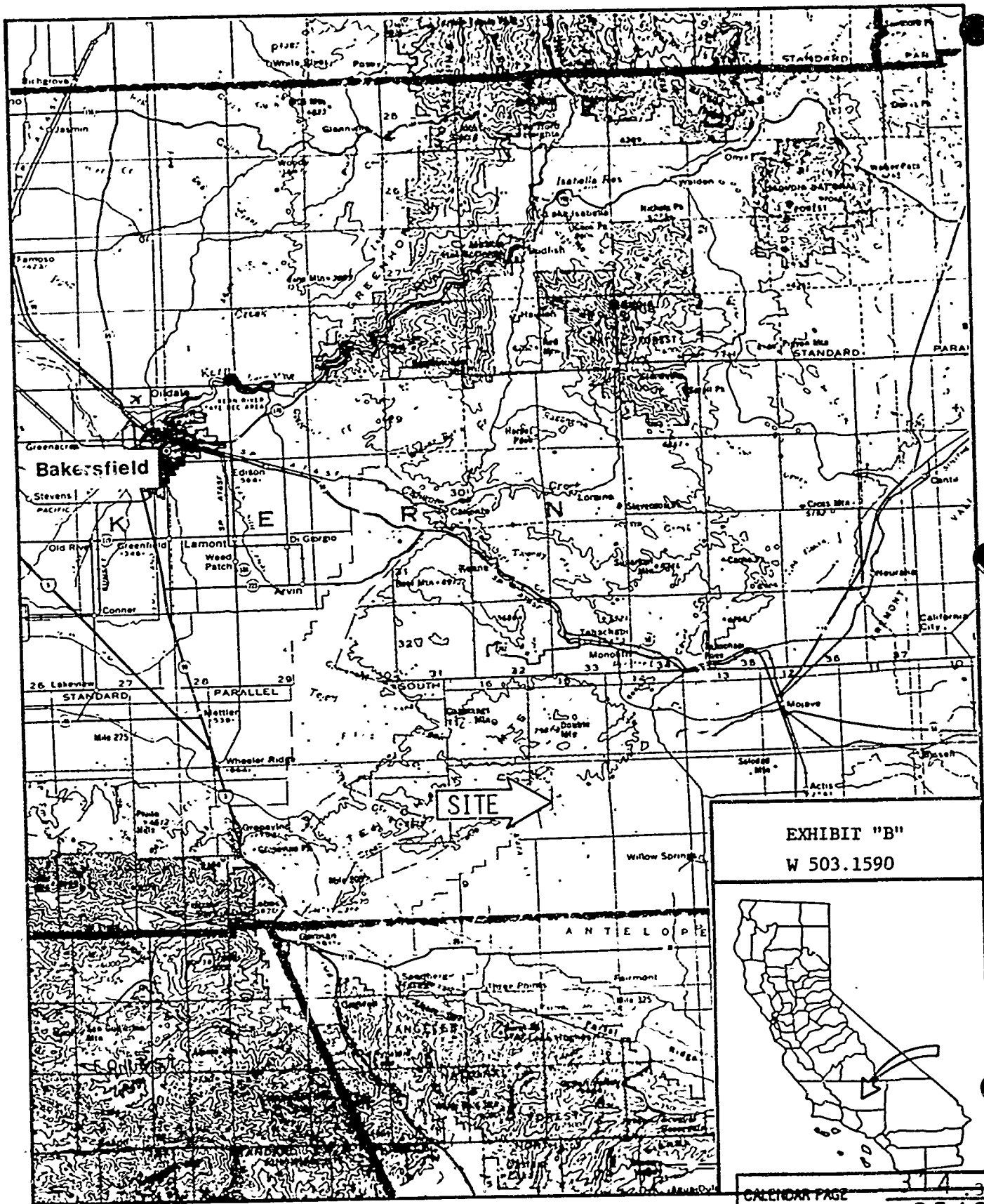


EXHIBIT "B"
W 503.1590

