

MINUTE ITEM
This Calendar Item No. C 35
was approved as Minute Item
No. 35 by the State Lands
Commission by a vote of 3
to 0 at its 2-25-93
meeting.

CALENDAR ITEM

C35

A 26
S 12

02/25/93
W 503.1753
Frey
Crow

AUTHORIZATION TO FILE A DISCLAIMER

The State Lands Commission is a party defendant to a Complaint to Quiet Title brought by plaintiffs in an action entitled Kenneth E. Piekut, et al. v. ATC Realty Ten, Inc., et. al. (Stanislaus County Superior Court Case No. 285547).

Upon examination of the Commission's records pertinent to the area, it was ascertained by the staff that the complaint involves lands that are located within federally patented lands per Railroad Grant Number 20 and that were never acquired by the State. Based on this analysis, staff believes that the State has no interest in the lands and recommends that a disclaimer be filed with the Court.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

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 the CEQA and the State CEQA Guidelines.

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

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)

CALENDAR ITEM NO. C35 (CONT'D)

PURSUANT TO 14 CAL. 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 KENNETH E. PIEKUT, ET AL. V. ATC REALTY TEN, INC., ET AL. (STANISLAUS COUNTY SUPERIOR COURT CASE NO. 285547).

EXHIBIT "A"

WO 503.1753

LAND DESCRIPTION

PARCEL NO. 1:

Those portions of Sections 7, 17, and 21, Township 8 South, Range 7 East, Mount Diablo Base and Meridian, lying Southerly and Westerly of the following described line:

BEGINNING at the West one-quarter corner of Section 31, Township 7 South, Range 7 East and running East along the East-West one-quarter line of said Section 31 a distance of 3,200 feet; thence South 8° East a distance of approximately 2,640 feet to a point on the South line of said Section 31, said point being East 3,400 feet from the Southwest corner of said Section 31; thence South 19° East, into Section 6, Township 8 South, Range 7 East, a distance of 1,300 feet to the intersection with a trail as shown on U.S. Geological Survey Orestimba Peak Quadrangle; thence Southerly along said trail a distance of approximately 4,100 feet to a point in the South line of said Section 6, said point being East 4,900 feet from the Southwest corner of Section 6; thence continuing along said trail into Section 7, Southeasterly 3,600 feet to the East line of Section 7 to a point North 2,000 feet from the Southeast corner of Section 7; thence leaving said trail South 55° West 800 feet; thence South $38^{\circ}30'$ East 1100 feet to the East line of Section 7 to a point North 600 feet from the Southeast corner of Section 7; thence South $36^{\circ}30'$ East 762 feet to a point on the South line of Section 8 which is East 470 feet from the Southwest corner of Section 8; thence South 46° East 2,170 feet; thence South $28^{\circ}30'$ East 1,470 feet; thence South $54^{\circ}45'$ East 1,054 feet; thence South $60^{\circ}15'$ East 2,079 feet to a point on the East line of Section 17 which is North 750 feet from the Southeast corner of Section 17; thence South $62^{\circ}30'$ East 1,588 feet to a point on the South line of Section 16 which is East 1,400 feet from the Southwest corner of Section 16; thence continuing South $62^{\circ}30'$ East 671 feet; thence North 75° East 1,520 feet to a point on the North line of Section 21, which is West 1,800 feet from the Northeast corner of Section 21; thence East 1,800 feet along the North line of Section 21 to the Northeast corner of Section 21; thence South along the East line of said Section one mile to the Southeast corner of Section 21; thence continuing South along the West line of Section 27 a distance of 1,300 feet; thence South 55° East 1,965 feet; thence South $35^{\circ}30'$ East 3,140 feet to a point on the South line of Section 27 lying East 3,300 feet from the Southwest corner of Section 27; thence South 8° West 5,321 feet to the South one-quarter corner of sec 34 and the termination point of said line.

PARCEL NO. 2:

All of Sections 7, 17 and 21, Township 8 South,
Range 7 East, Mount Diablo Base and Meridian.

EXCEPTING THEREFROM all that portion thereof,
lying Southerly and Westerly of the following
described line:

COMMENCING at the West one-quarter corner of
Section 31, Township 7 South, Range 7 East, and
running East along the East-West one-quarter line
of said Section 31 a distance of 3,200 feet;
thence South 8° East a distance of approximately
2,640 feet to a point on the South line of said
Section 31, to the True Point of Beginning. Said
point being East 3,400 feet from the Southwest
corner of said Section 31; thence South 19° East,
into Section 6, Township 8 South, Range 7 East, a
distance of 1,300 feet to the intersection with a
trail as shown on U.S. Geological Survey Orestimba
Peak Quadrangle; thence Southerly along said trail
a distance of approximately 4,100 feet to a point
in the South line of said Section 6, said point
being East 4,900 feet from the Southwest corner of
Section 6; thence continuing along said trail into
Section 7, Southeasterly 3,600 feet to the East
line of Section 7 to a point North 2,000 feet from
the Southeast corner of Section 7; thence leaving
said trail South 55° West 800 feet; thence South
38° 30' East, 1100 feet to the East line of
Section 7 to a point North 600 feet from the
Southeast corner of Section 7; thence South 36°
30' East 762 feet to a point on the South line of
Section 8 which is East 470 feet from the
Southwest corner of Section 8; thence South 46°
East 2,170 feet; thence South 28° 30' East, 1,470
feet; thence South 54° 45' East 1,054 feet; thence
South 60° 15' East 2,079 feet to a point on the
East line of Section 17 which is North 750 feet
from the Southeast corner of Section 17; thence
South 62° 30' East 1,588 feet to a point on the
South line of Section 16 which is East 1,400 feet
from the Southwest corner of Section 16; thence
continuing South 62° 30' East 671 feet; thence
North 75° East 1,520 feet to a point on the North
line of Section 21, which is West 1,800 feet from
the Northeast corner of Section 21; thence East
1,800 feet along the North line of Section 21 to
the Northeast corner of Section 21; thence South
along the East line of said Section one mile to
the Southeast corner of Section 21; thence
continuing South along the West line of Section 27
a distance of 1,300 feet; thence South 55° East
1,965 feet; thence South 35° 30' East 3,140 feet
to a point on the South line of Section 27 lying
East 3,300 feet from the Southwest corner of
Section 27; thence South 8° West 5,321 feet to the
South one-quarter corner of Section 34 and the
termination point of said line.

END OF DESCRIPTION

