

**MINUTE ITEM**

This Calendar Item No. C20 was approved as Minute Item No. 20 by the California State Lands Commission by a vote of 3 to 0 at its 11-21-06 meeting.

**CALENDAR ITEM  
C20**

A 15, 26  
S 5

11/21/06  
W 26174  
D. Jones  
J. Frey

**CONSIDER AUTHORIZATION OF THE PREPARATION AND PROCESSING OF A STATE PATENT TO BE ISSUED TO R. C. SARGENT FOR SWAMP AND OVERFLOWED PATENT NO. 1213, DISAPPOINTMENT SLOUGH BISHOP TRACT, SAN JOAQUIN COUNTY**

**APPLICANT:**

The Spanos Corporation  
10100 Trinity Parkway  
Stockton, California 95219

**AREA, LAND TYPE, AND LOCATION:**

14.27 acres, more or less, of swamp and overflowed lands in T 2 N, R 5 E, MDM, being the fractional NW 1/4 of Section 10, north of Disappointment Slough, Bishop Tract, San Joaquin County.

**BACKGROUND INFORMATION:**

The Applicant has requested a State patent be issued for approximately 14.27 acres of swamp and overflowed lands located in the fractional NW 1/4 of Section 10 north of Disappointment Slough. This acreage was originally part of Swamp and Overflowed Lands Survey No. 1213, but was not patented at the time other lands within the Survey were patented.

The history that led to the omission of the NW 1/4 of Section 10 is as follows: On March 12, 1867, R. P. Lewis signed an application to purchase swamp and overflowed lands situate in T 2 N, R 5 E, MDM, and consisting of the W 1/2 of Section 3 and the fractional NW 1/4 of Section 10. These lands were surveyed on March 16, 1867, by E. J. Smith and assigned Swamp and Overflowed Survey No. 1213. On August 29, 1867, Certificate of Purchase No. 2461(COP) was issued to R. P. Lewis for these lands. Through mesne assignments the Tideland Reclamation Company acquired the COP on July 30, 1869. On March 21, 1874 a patent for the east half of Section 3 was issued to Sabin Harris who had acquired rights to these lands from the Tideland Reclamation Company. On

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April 15, 1879, the Tideland Reclamation Company assigned the COP and the remaining lands to Thomas Williams and David Bixler who in turn assigned them to George and Amanda McNear on March 1, 1892. On August 29, 1892, the McNears assigned the COP for the remaining lands to R. C. Sargent.

On January 5, 1892, R. C. Sargent petitioned the County of San Joaquin to establish Reclamation District No. 691 comprised of lands conveyed to Sabin and the remaining lands within COP 2461 and thereby completed the purchase of the remaining lands within the COP. Within the description of the land encompassed by the proposed Reclamation District is the NW ¼ of Section 10 north of Disappointment Slough. The petition was approved by the County Board of Supervisors on February 6, 1899 and a certified copy of the petition was filed with the Office of the State Surveyor General on February 21, 1899. The San Joaquin County Board of Supervisors found on February 25, 1899, that R. C. Sargent had expended sufficient funds reclaiming lands within the District. The Board's findings describe the lands by metes and bounds and by legal subdivisions. The legal subdivisions description referenced the NW ¼ of Section 10. The metes and bounds description did not.

On June 29, 1899, the remaining lands within the west portion of Section 3 were conveyed to R. C. Sargent and no mention was made of the NW ¼ of Section 10 north of Disappointment Slough. No further mention of this omitted parcel (NW ¼ of Section 10) is found in the chain of title after the petition by Sargent to the County in 1899. It appears that Sargent's intent was to acquire title to the omitted lands based on the descriptions for the establishment of the Reclamation District. However, it is unclear why the lands were not patented to him.

Over the years, the NW ¼ of Section 10 has always been included within the legal descriptions for the parcel of land commonly referred to as Bishop Tract. The Spanos Family Partnership, a California General Partnership, is the current owner of the land commonly known as Bishop Tract and believes they are the rightful owners of the omitted NW ¼ of Section 10. The original Certificate of Purchase is beyond the control of the present owners of the land and an affidavit pursuant to Public Resources Code Section 7729 has been provided. No State patent has yet been issued to complete the chain of title on the parcel.

Staff has examined the file and other information submitted on behalf of the Applicant and has concluded that the laws' requirements relating to issuance of a patent for the described land have been met and the person to be named in

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the State patent (R. C. Sargent) is entitled to it. The Applicant is the successor-in-interest to R. C. Sargent.

**EXHIBIT:**

- A. Location Map

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061, AS A STATUTORIY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080(b)(1) AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15268(c), AND TITLE 2 CALIFORNIA CODE OF REGULATIONS, SECTION 2904, A MINISTERIAL PROJECT.

**SIGNIFICANT LANDS INVENTORY FINDING:**

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

1. FIND THAT THE REQUIREMENTS IN RELATION TO THE ISSUANCE OF A STATE PATENT HAVE BEEN MET, THAT PAYMENT IN FULL HAS BEEN MADE FOR SUCH PARCEL, AND THAT R. C. SARGENT IS ENTITLED TO IT.
2. AUTHORIZE STAFF AND THE OFFICE OF THE ATTORNEY GENERAL TO PREPARE AND PROCESS A STATE PATENT TO BE ISSUED IN THE NAME OF R. C. SARGENT TO 14.27 ACRES, MORE OR LESS, OF SWAMP AND OVERFLOWED LANDS WITHIN THE SWAMP AND OVERFLOW LANDS SURVEY NO. 1213, SAN JOAQUIN COUNTY, AS SHOWN ON EXHIBIT A AND BY THIS REFERENCE MADE A PART HEREOF.

