

**CALENDAR ITEM
C69**

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12/05/12
IND 1891
C. Hudson
J. Frey

**CONSIDER AUTHORIZATION OF THE PREPARATION AND PROCESSING OF A
STATE PATENT TO BE ISSUED TO MARY JANE GOULD FOR INDEMNITY LAND
IN MONO COUNTY**

APPLICANT:

Green Creek, LLC, a Nevada Limited Liability Company
c/o Greg James
Attorney at Law
712 Owens Gorge Road
Mammoth Lakes, CA 93546

AREA, LAND TYPE, AND LOCATION:

40 acre parcel of State Indemnity School land located in the Northeast ¼ of Southwest ¼ of Section 33, Township 4 North, Range 25 East, MDM, near the town of Bridgeport, Mono County.

BACKGROUND INFORMATION:

On March 6, 1893, a Certificate of Purchase was issued to Mary Jane Gould for approximately 40 acres of Indemnity School Land. Although the property was paid for, Ms. Gould did not surrender the Certificate of Purchase to the State and therefore a State Patent was not issued. The property has since been transferred and the current owners do not have the Certificate of Purchase. Public Resources Code section 7729 provides for the issuance of a Patent if the original Certificate of Purchase is "lost, destroyed, or beyond the control of the owner or owners of the land" and that the Patent shall be issued in the name of the original applicant. Upon issuance, the Patent shall inure to the benefit of the assigns, grantees, or successors in interest of the original applicant.

The Applicant has supplied title evidence that it is a current owner of the property. The lack of a State Patent has created a "cloud" on the title for the Applicant, who wishes to donate its interest in the property to the non-profit Eastern Sierra Land Trust. However, the Eastern Sierra Land Trust cannot accept the property unless its title is clear and can be insured. In order to

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remedy this, the Applicant has applied to the Commission for the issuance of a State Patent to Mary Jane Gould, the original purchaser. The Patent will then inure to the Applicant, which is a current owner. Staff is recommending that the State issue the Patent.

PREREQUISITE CONDITIONS, FEES, AND EXPENSES:

Processing and patent fees have been received.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Division 6, Parts 1 and 2, Division 13.
- B. California Code of Regulations: Title 3, Division 3: Title 14, Division 6

OTHER PERTINENT INFORMATION:

1. The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a statutorily exempt project. The project is exempt as a ministerial project.

Authority: Public Resources Code section 21080, subdivision (b)(1) and California Code of Regulations, Title 14, section 15268, subdivision (c) and California Code of Regulations, Title 2, section 2904.

2. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by California Code of Regulations, Title 2, section 2954 is not applicable.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a statutorily exempt project pursuant to Public Resources Code section 21080, subdivision (b)(1) and

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California Code of Regulations, Title 14, section 15268, subdivision (c) and California Code of Regulations, Title 2, section 2904, a ministerial project.

STATE PATENT FINDING:

Find that the laws' requirements in relation to the issuance of a State Patent have been met, that payment in full has been made for such parcels, and that the person name in such patent (Mary Jane Gould) is entitled to it.

AUTHORIZATION:

Authorize staff and the Office of the Attorney General to prepare and process a State Patent to be issued in the name of Mary Jane Gould to the 40 acres, more or less, of former State indemnity School land in Mono County, as described on Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof.

EXHIBIT A

IND 1891

LAND DESCRIPTION

All those Indemnity School Lands near the community of Bridgeport, Mono County, State of California, described as follows:

The Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 33, Township 4 North, Range 25 East, M.D.M., according to the official government township plat approved December 17, 1857.

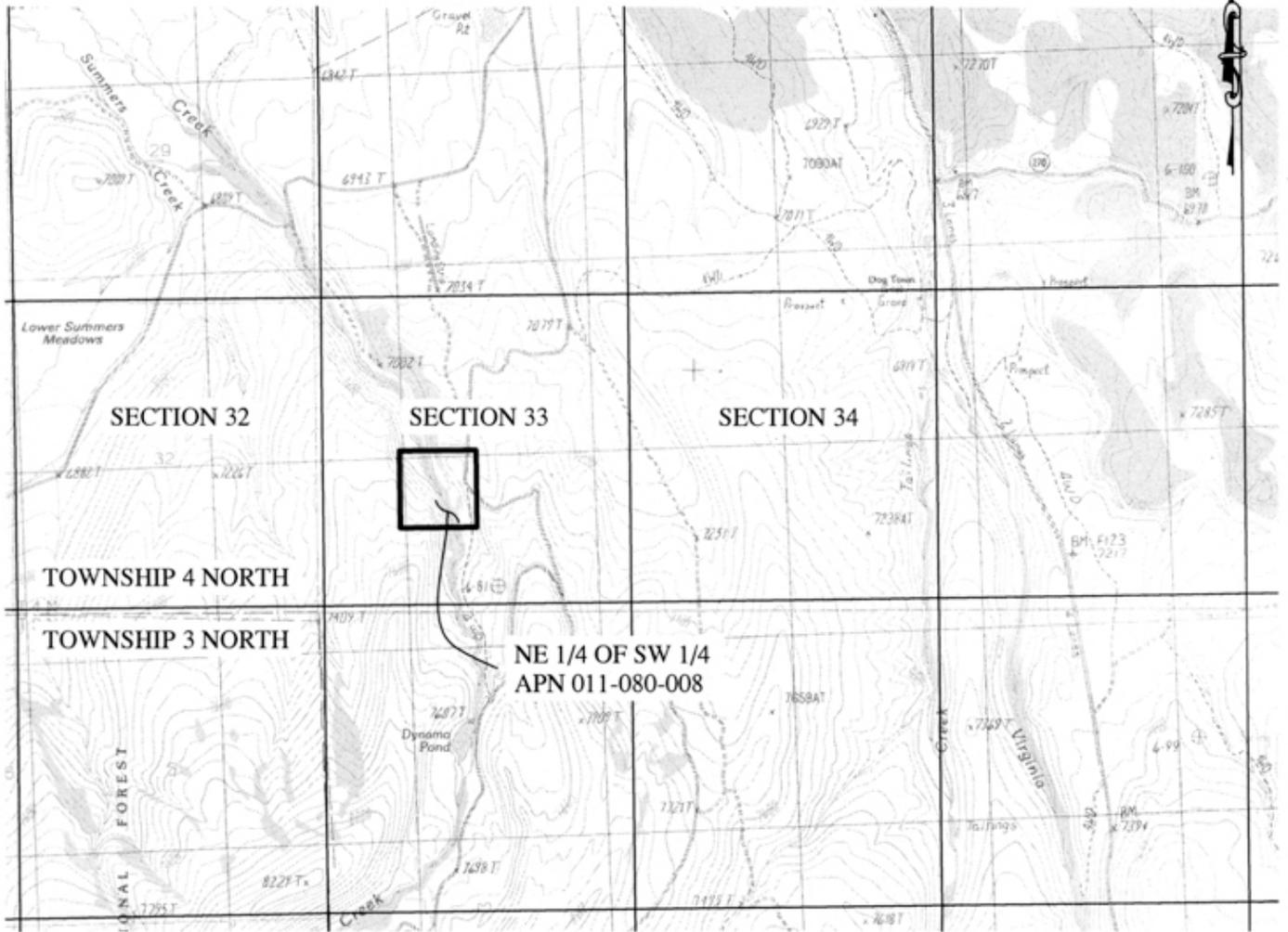
END OF DESCRIPTION

Prepared 6/27/2012 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE

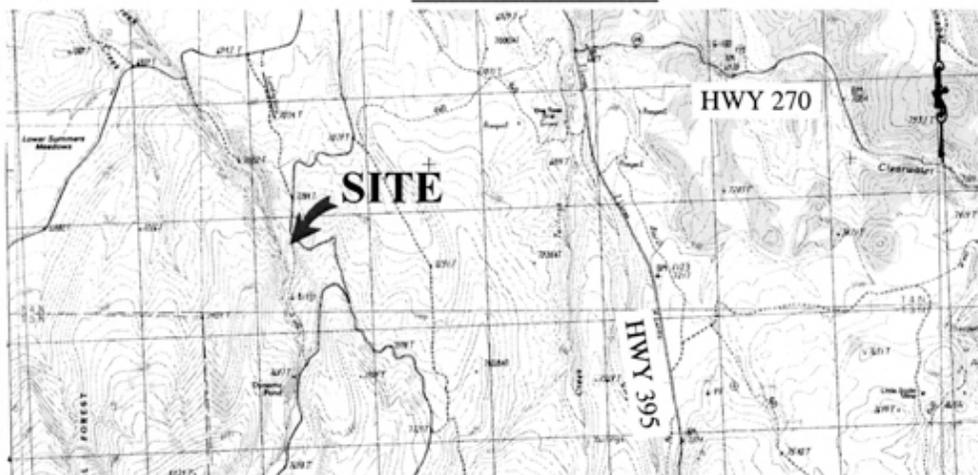


INDEMNITY SCHOOL LAND

NE 1/4, OF SW 1/4, OF SECTION 33, TOWNSHIP 4 NORTH, RANGE 25 EAST, M.D.M.

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

IND 1891
GREEN CREEK LLC.
APN 011-080-008
PATENT APPLICATION
MONO COUNTY



DJF 06/27/12