

2011-02
ML-12763



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

MAR 23 2011

IN REPLY REFER TO:

Notice of (Non-Gaming) Land Acquisition Application

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10, notice is given of the application filed by the Pala Band of Luiseno Mission Indians (Tribe) to have real property accepted "into trust" for said applicant by the United States of America. The determination whether to acquire this property "in trust" will be made in the exercise of discretionary authority which is vested in the Secretary of the Interior, or his authorized representative, U.S. Department of the Interior. To assist us in the exercise of that discretion, we invite your comments on the proposed acquisition. In order for the Secretary to assess the impact of the removal of the subject property from the tax rolls, and if applicable to your organization, we also request that you provide the following information:

- (1) If known, the annual amount of property taxes currently levied on the subject property allocated to your organization;
- (2) Any special assessments, and amounts thereof, that are currently assessed against the property in support of your organization;
- (3) Any government services that are currently provided to the property by your organization; and
- (4) If subject to zoning, how the intended use is consistent, or inconsistent, with current zoning.

We are providing the following information regarding this application:

Applicant:

Pala Band of Luiseno Mission Indians of California

Legal Land Description/Site Location:

The land referred to herein is situated in the State of California, County of San Diego, and is described as follows:

All that real property situated in the County of San Diego, unincorporated area, State of California, and more particularly described as:

The North half of the Southeast quarter of Section 23, Township 9 South, Range 2 West, San Bernardino Meridian, in the County of San Diego, State of California, according to the Official Plat thereof.



PAL 4633

ab 01

APN: 110-040-13

Project Description/Proposed Land Use:

The subject property consists of a parcel of land, encompassing approximately 78.5 acres more or less, commonly referred to as Assessor's Parcel Number: 110-040-13. The parcel is approximately one (1) mile east of Pala Temecula Road and approximately one and one-quarter (1 ¼) mile north of Highway 76. The property is surrounded on all but its western boundary by the Pala Indian Reservation and is contiguous to trust lands.

The Subject Parcel is currently used for agricultural purposes. Approximately 80% of the property is used to grow citrus and the remaining 20% is used to grow avocados. There is a single family dwelling on the property which is currently occupied by an individual who works on the property for the Tribe. The subject property will continue to be used for agricultural purposes.

Current Use/Taxes and Zoning:

Assessed property taxes for 2008-2009:

110-040-13- \$34,384.52

The total of all assessed property taxes in San Diego County for the same tax year was \$391,186,058,062. Taxes on the Duker property are de minimus in comparison to the County's overall tax revenue, representing merely 0.000000088% of the annual property tax revenue.

Existing Easements/Encumbrances:

See attached Schedule B

As indicated above, the purpose for seeking your comments regarding the proposed trust land acquisition is to obtain sufficient data that would enable an analysis of the potential impact on local/state government, which may result from the removal of the subject property from the tax roll and local jurisdiction.

This notice does not constitute, or replace, a notice that might be issued for the purpose of compliance with the National Environmental Policy Act of 1969.

Your written comments should be addressed to the Bureau of Indian Affairs at the address at the top of this notice. Any comments received within thirty days of your receipt of this notice will be considered and made a part of our record. You may be granted an extension of time

to furnish comments, provided you submit a written justification requesting such an extension within thirty days of receipt of this letter. An extension of ten to thirty days may be granted. Copies of all comments will additionally be provided to the applicant. You will be notified of the decision to approve or deny the application.

If any party receiving this notice is aware of additional governmental entities that may be affected by the subject acquisition, please forward a copy of this notice to said party or timely provide our office with the name and address of said party.

A copy of the application, excluding any documentation exempted under the Freedom of Information Act, is available for review at the above address. A request to make an appointment to review the application, or questions regarding the application, may be directed to Lorrae Russell, Realty Specialist, at (916) 978-6071.

Sincerely,


Acting Regional Director

Enclosures

cc: Distribution List

SCHEDULE B – SECTION II

EXCEPTIONS

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

- A. Any facts, rights, interest or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
- B. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
- C. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
- D. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.

- 1. "Terms and conditions of Treaties and Statutes affecting the land and the subject tribe."
- 2. Property taxes, including any assessments collected with taxes, for the fiscal year 2009 – 2010 that are a lien not yet due.
- 3. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Chapter 3.5 (commencing with Section 75) of the revenue and taxation code of the State of California
- 4. The fact that the public record does not disclosed that the ownership of said land includes rights of access to or from any public street. Notwithstanding the insuring clauses of the policy, the Company does not insure against loss or damage by reason of a lack of a right of access to and from the land.
- 5. Water rights, claims or title to water, whether or not shown by the public records.
- 6. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To:	San Diego Gas and Electric Company
Purpose:	public utilities, ingress, egress
Recorded:	<u>October 3, 1951 as File No. 120805 in book 4253, page 37 of Official Records</u>
Affects:	The route thereof affects a portion of said land and is more fully described in said document.

- 7. Record of Survey Map No. 3113, recorded June 17, 1955 which discloses variances from the record legal description of said land.

Reference is made to said map for further particulars.

SCHEDULE B – SECTION II
(continued)

8. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company
Purpose: public utilities, ingress, egress
Recorded: December 14, 1955 as File No. 162869 in book 5904, page 482 of Official Records
Affects: The route thereof affects a portion of said land and is more fully described in said document.

9. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company
Purpose: public utilities, ingress, egress
Recorded: August 15, 1963 as File No. 145518 of Official Records
Affects: The route thereof affects a portion of said land and is more fully described in said document.

10. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company
Purpose: public utilities, ingress, egress
Recorded: November 8, 1963 as File No. 201153 of Official Records
Affects: The route thereof affects a portion of said land and is more fully described in said document.

11. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company
Purpose: public utilities, ingress, egress
Recorded: September 10, 1980 as File No. 1980-291988 of Official Records
Affects: The route thereof affects a portion of said land and is more fully described in said document.

12. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company
Purpose: public utilities, ingress, egress
Recorded: October 22, 1980 as File No. 1980-350444 of Official Records
Affects: The route thereof affects a portion of said land and is more fully described in said document.

SCHEDULE B – SECTION II
(continued)

13. Any rights of parties in possession of said land, based on any unrecorded lease, or leases.

This Company will require a full copy of any unrecorded lease, together with all supplements, assignments, and amendments for review.

14. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

Note: The policy of title insurance will include an arbitration provision. The Company or the insured may demand arbitration. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the insured arising out of or relating to this policy, any service of the Company in connection with its issuance or the breach of a policy provision or other obligation. Please ask your escrow or title officer for a sample copy of the policy to be issued if you wish to review the arbitration provisions and any other provisions pertaining to your Title Insurance coverage.

Note: Notwithstanding anything to the contrary in this Commitment, if the policy to be issued is other than an ALTA Owner's Policy (6/17/06) or ALTA Loan Policy (6/17/06), the policy may not contain an arbitration clause, or the terms of the arbitration clause may be different from those set forth in this Commitment. If the policy does contain an arbitration clause, and the Amount of Insurance is less than the amount, if any, set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.

END OF SCHEDULE B