

Notice of Non Gaming Land Acquisition Application

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10, 151.11, notice is given of the application filed by the Sycuan Band of Mission Indians, 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:

Sycuan Band of 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, State California, and is approximately 82.85 acres contiguous with the northwestern boundary of the Sycuan Reservation. Legal description is attached as Exhibit "1".

Project Description/Proposed Land Use:

The Sycuan Band of Mission Indians of California anticipates that the land will be used to facilitate space for future tribal housing continue to be used for both cultural purposes and additional future housing needs. The property is currently vacant and undeveloped and not used by the tribe.

Current Use/Taxes and Zoning:

The current taxes for Assessor's Parcel Numbers 513-072-16, and 513-072-19 are \$19,701.50 per year according to the San Diego County Tax Assessor's Office. Zoning for both parcels is A72 which is for limited agriculture and single family dwellings.

Existing Easements/Encumbrances:

Please refer to Exhibit "2" for encumbrances.

Supplemental Data:

See attached Exhibit "3", Map depicting general location of subject location. 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 and 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.

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 Jim Haynes, Realty Officer, at the following telephone number: (909) 276-6624, Ext. 227.

Attachments:

- Exhibit "1" Legal Description
- Exhibit "2" Title Exceptions
- Exhibit "3" Map of general location

EXHIBIT "1"

LEGAL DESCRIPTION

"LENORE" PARCEL

APN: 513-072-16

Parcel A:

Parcel 3 of Parcel Map 4978, filed in the Office of the County Recorder of San Diego County, August 5, 1976 as File/Page No. 76-251076 being a subdivision of a portion of Section 12, Township 16 South, Range 1 East, San Bernardino Meridian in the County of San Diego, State of California, according to United States Government Survey.

Parcel B:

An easement for road and utility purposes over that certain 60.00 foot wide strip of land lying within the land shown on the Parcel Map referred to in Parcel A above and described thereon as "Proposed 60.00 foot private road easement, Sycuan Road".

Excepting therefrom any portion thereof lying within Parcel A above.

LEGAL DESCRIPTION

"CULMER" PARCEL

APN: 513-072-19

3. The land referred to in this report is situated in the State of California, County of SAN DIEGO and is described as follows:

PARCEL 4 OF PARCEL MAP NO. 4978, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ON AUGUST 5, 1976.

EXCEPTING THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID PARCEL 4, SAID CORNER ALSO BEING THE INTERSECTION OF THE CENTERLINES OF DEHESA ROAD AND SYCUAN ROAD, AS SHOWN ON SAID PARCEL MAP NO. 4978, SAID CORNER BEING A POINT IN THE ARC OF A 875 FOOT RADIUS CURVE, CONCAVE NORTHERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 19° 47' 23" EAST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE CENTER LINE OF SAID DEHESA ROAD THROUGH A CENTRAL ANGLE OF 13° 22' 53" A DISTANCE OF 204.36 FEET; THENCE SOUTH 83° 35' 30", WEST, ALONG SAID CENTER LINE 35.64 FEET; THENCE LEAVING SAID CENTER LINE SOUTH 06° 24' 30" EAST 240.00 FEET; THENCE NORTH 83° 35' 30" EAST TO A POINT IN THE CENTER LINE OF SAID SYCUAN ROAD, AS SHOWN ON SAID PARCEL MAP NO. 4978; THENCE NORTHWESTERLY ALONG SAID CENTER LINE TO THE POINT OF BEGINNING.

EXHIBIT "2"



ORDER NO. 1259741-20

THE FORM OF POLICY TITLE INSURANCE CONTEMPLATED BY THIS REPORT IS:

ALTA OWNERS

TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

SYCUAN BAND OF MISSION INDIANS, A FEDERALLY RECOGNIZED INDIAN TRIBE

THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

FEE AND EASEMENT

THE LAND REFERRED TO HEREIN IS DESCRIBED AS FOLLOWS:

(SEE ATTACHED LEGAL DESCRIPTION)

AT THE DATE HEREOF EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS CONTAINED IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. GENERAL AND SPECIAL TAXES FOR THE FISCAL YEAR 2001-2002, A LIEN, NOT YET PAYABLE.
2. THE LIEN OF SUPPLEMENTAL TAXES OR ASSESSMENTS, IF ANY, ASSESSED PURSUANT TO CHAPTER 3.5 COMMENCING WITH SECTION 75 OF THE CALIFORNIA REVENUE AND TAXATION CODE AND ANY OTHER APPLICABLE STATUTES OF THE CALIFORNIA REVENUE AND TAXATION CODE.

SUPPLEMENTAL TAXES:

THE REQUIREMENT THAT THIS COMPANY BE FURNISHED WITH ALL SUPPLEMENTAL TAX BILLS, IF ANY, FROM THE OWNER OF THE HEREIN DESCRIBED PROPERTY BEFORE CLOSE OF ESCROW.

3. AN EASEMENT FOR ROAD AND INCIDENTAL PURPOSES IN FAVOR OF THE COUNTY OF SAN DIEGO, RECORDED MARCH 10, 1898 IN BOOK 257, PAGE 360 OF DEEDS.

THE ROUTE OR LOCATION CANNOT BE DETERMINED FROM SAID INSTRUMENT.

REFERENCE IS MADE TO SAID INSTRUMENT FOR FURTHER PARTICULARS.



4. AN EASEMENT FOR EITHER OR BOTH POLE LINES, UNDERGROUND CONDUITS AND INCIDENTAL PURPOSES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY BY INSTRUMENT RECORDED MARCH 24, 1947 IN BOOK 2369, PAGE 137 OF OFFICIAL RECORDS.

THE ROUTE OF SAID EASEMENT IS SET OUT IN SAID DOCUMENT AND AFFECTS A PORTION OF THE HEREIN DESCRIBED PROPERTY.

REFERENCE IS MADE TO SAID INSTRUMENT FOR FURTHER PARTICULARS.

5. COVENANTS, CONDITIONS AND RESTRICTIONS, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, MARITAL STATUS, ANCESTRY, DISABILITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN, TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 U.S.C. §3604 (C) OR CALIFORNIA GOVERNMENT CODE §12955. LAWFUL RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS SHALL NOT BE CONSTRUED AS RESTRICTIONS BASED ON FAMILIAL STATUS, IN AN INSTRUMENT RECORDED APRIL 1, 1957 IN BOOK 6517, PAGE 480 OF OFFICIAL RECORDS.

SAID INSTRUMENT PROVIDES THAT A VIOLATION THEREOF SHALL NEITHER DEFEAT NOR RENDER INVALID THE LIEN OF ANY MORTGAGE OR DEED OF TRUST MADE FOR VALUE.

AN INSTRUMENT DECLARING A MODIFICATION OF SAID COVENANTS, CONDITIONS AND RESTRICTIONS WAS RECORDED NOVEMBER 20, 1963 AS FILE NO. 208311 OF OFFICIAL RECORDS.

6. AN EASEMENT FOR EITHER OR BOTH POLE LINES, UNDERGROUND CONDUITS AND INCIDENTAL PURPOSES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY BY INSTRUMENT RECORDED DECEMBER 6, 1969 AS FILE NO. 220283 OF OFFICIAL RECORDS.

THE ROUTE OF SAID EASEMENT IS SET OUT IN SAID DOCUMENT AND AFFECTS A PORTION OF THE HEREIN DESCRIBED PROPERTY.

SAID INSTRUMENT FURTHER RECITES: "IT IS UNDERSTOOD BY THE PARTIES HERETO THAT THE GRANTEE MAY PLACE, ERECT AND MAINTAIN ON THE LANDS OF THE GRANTOR ADJACENT TO THE ABOVE DESCRIBED RIGHT OF WAY SUCH ANCHORAGE AS MAY BE NECESSARY TO PROPERLY GUY THE POWER LINE ERECTED OVER SAID RIGHT OF WAY."

REFERENCE IS MADE TO SAID INSTRUMENT FOR FURTHER PARTICULARS.



ORDER NO. 1259741-20

- 7. AN EASEMENT FOR EITHER OR BOTH POLE LINES, UNDERGROUND CONDUITS AND INCIDENTAL PURPOSES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY BY INSTRUMENT RECORDED NOVEMBER 27, 1970 AS FILE NO. 217709 OF OFFICIAL RECORDS.

THE ROUTE OF SAID EASEMENT IS SET OUT IN SAID DOCUMENT AND AFFECTS A PORTION OF THE HEREIN DESCRIBED PROPERTY.

SAID INSTRUMENT FURTHER RECITES: "IT IS UNDERSTOOD BY THE PARTIES HERETO THAT THE GRANTEE MAY PLACE, ERECT AND MAINTAIN ON THE LANDS OF THE GRANTOR ADJACENT TO THE ABOVE DESCRIBED RIGHT OF WAY SUCH ANCHORAGE AS MAY BE NECESSARY TO PROPERLY GUY THE POWER LINE ERECTED OVER SAID RIGHT OF WAY."

REFERENCE IS MADE TO SAID INSTRUMENT FOR FURTHER PARTICULARS.

- 8. AN EASEMENT FOR AN ACCESS ROAD, TOGETHER WITH THE RIGHT AND DUTY TO REPLACE AND RELOCATE EXISTING FENCE ALONG THE DESCRIBED ROADWAY AND TO RELOCATE EXISTING BURIED WATER LINES AND TO CONSTRUCT, OPERATE AND MAINTAIN OTHER BURIED PIPELINES, UTILITIES POLES AND OVERHEAD LINES AND INCIDENTAL PURPOSES IN FAVOR OF UNITED STATES OF AMERICA, RECORDED JANUARY 31, 1975 AS FILE NO. 75-023470 OF OFFICIAL RECORDS.

THE ROUTE OF SAID EASEMENT IS SET OUT IN SAID DOCUMENT AND AFFECTS A PORTION OF THE HEREIN DESCRIBED PROPERTY.

REFERENCE IS MADE TO SAID INSTRUMENT FOR FURTHER PARTICULARS.

- 9. AN EASEMENT FOR THE FLOWAGE OF WATER AND INCIDENTAL PURPOSES IN FAVOR OF SAN DIEGO COUNTY FLOOD CONTROL DISTRICT ZONE 3, RECORDED JULY 21, 1976 AS FILE NO. 76-230530 OF OFFICIAL RECORDS.

THE ROUTE OF SAID EASEMENT IS SET OUT IN SAID DOCUMENT AND AFFECTS A PORTION OF THE HEREIN DESCRIBED PROPERTY.

REFERENCE IS MADE TO SAID INSTRUMENT FOR FURTHER PARTICULARS.

- 10. THE PARCEL MAP REFERRED TO IN THE LEGAL DESCRIPTION HEREIN CONTAINS VARIOUS RESTRICTIONS IN IMPROVING OR DEVELOPING THE PROPERTY HEREIN DESCRIBED. REFERENCE IS MADE TO SAID PARCEL MAP FOR FURTHER PARTICULARS.

- 11. THE FACT THAT SAID LAND COULD BE SUBJECT TO INUNDATION, AS DISCLOSED BY PARCEL MAP NO. 4978.

- 12. A PROPOSED 60 FOOT PRIVATE ROAD EASEMENT AS SHOWN ON PARCEL MAP NO. 4978.



13. AN EASEMENT AND RIGHT OF WAY FOR ROAD AND UTILITY AND INCIDENTAL PURPOSES AS GRANTED BY INSTRUMENT RECORDED SEPTEMBER 24, 1976 AS FILE NO. 76-312958 OF OFFICIAL RECORDS, AND THE RIGHT OF OTHERS TO USE SAID EASEMENT AS CONVEYED OR RESERVED IN VARIOUS OTHER INSTRUMENTS OF RECORD, OVER, UNDER, ALONG AND ACROSS THAT CERTAIN 60.00 FOOT STRIP OF LAND WITHIN SAID PARCEL MAP DESIGNATED THEREON AS "PROPOSED 60 FOOT PRIVATE ROAD EASEMENT (SYCUAN ROAD)".
14. AN EASEMENT FOR EITHER OR BOTH POLE LINES, UNDERGROUND CONDUITS AND INCIDENTAL PURPOSES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY BY INSTRUMENT RECORDED JUNE 13, 1978 AS FILE NO. 78-244367 OF OFFICIAL RECORDS.

THE ROUTE OF SAID EASEMENT IS SET OUT IN SAID DOCUMENT AND AFFECTS A PORTION OF THE HEREIN DESCRIBED PROPERTY.

SAID INSTRUMENT FURTHER RECITES: "IT IS UNDERSTOOD BY THE PARTIES HERETO THAT THE GRANTEE MAY PLACE, ERECT AND MAINTAIN ON THE LANDS OF THE GRANTOR ADJACENT TO THE ABOVE DESCRIBED RIGHT OF WAY SUCH ANCHORAGE AS MAY BE NECESSARY TO PROPERLY GUY THE POWER LINE ERECTED OVER SAID RIGHT OF WAY."

REFERENCE IS MADE TO SAID INSTRUMENT FOR FURTHER PARTICULARS.

15. ANY EASEMENTS AND/OR SERVITUDES AFFECTING EASEMENT PARCEL B HEREIN DESCRIBED.
16. THE REQUIREMENT THAT THIS COMPANY BE FURNISHED WITH SATISFACTORY EVIDENCE THAT THE INDIAN TRIBE SHOWN HEREIN IS A FEDERALLY RECOGNIZED INDIAN TRIBE (25 C.F.R. 150-150.11) FROM THE DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS, AND ANY FACTS, RIGHTS, CLAIMS OF INTERESTS OR EASEMENTS WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS, BUT COULD BE ASCERTAINED BY THE ALL OF THE FOLLOWING:
 1. AN INSPECTION OR ALTA SURVEY OF THE LAND;
 2. MAKING AN INQUIRY OF THE PERSONS OR PARTIES IN POSSESSION OF SAID LAND; OR
 3. A SEARCH OF THE RECORDS ON FILE AT THE APPROPRIATE OFFICE OF THE DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS.

CLTA STANDARD COVERAGE POLICY - 1990

Policy No.: 75-00-808-142

Order No.: 222105-04

SCHEDULE B

PART II

1. Property taxes, including general and special taxes, personal property taxes, if any, and any assessments collected with taxes, to be levied for the fiscal year 1998-1999 which are a lien not yet payable.
2. Supplemental or escaped assessments of property taxes, if any, assessed pursuant to the Revenue and Taxation Code of the State of California.
3. An easement for the purpose shown below and rights incidental thereto as set forth in a document
Granted to: County of San Diego
Purpose: Road
Recorded: March 10, 1898 in Book 257, Page 360 of Deeds

The exact location and extent of said easement is not disclosed of record.

4. Easements and right of way for road and public utilities, and appurtenances thereto, as reserved and conveyed by various deeds of record.

Affects: Easement Parcel B

Any interest existing by virtue of covenants, conditions and restrictions and easements herein shown, have not been examined or traced beyond the dates of the instruments creating the same.

5. An easement for aerial and underground public utilities and purposes incidental thereto as granted to San Diego Gas and Electric Company, by deed recorded March 24, 1947 in Book 2369, Page 137 of Official Records.

Affects: The location of said easement is set forth in said document.

Reference is made to said document for full particulars.

6. Covenants, conditions and restrictions as set forth in the document.
Recorded: April 1, 1967 in Book 6517, Page 480 of Official Records

Said covenants, conditions and restrictions provide that a violation thereof shall not defeat the lien of any mortgage or deed of trust made in good faith and for value.

SCHEDULE B

NOTE: This exception omits any covenant, condition or restriction based on race, color, religion, sex, handicap, familial status or national origin, unless and only to the extent that the covenant, condition or restriction (a) is not in violation of state or federal law (b) is exempt under 42 U.S.C. Section 3607 or (c) relates to a handicap but does not discriminate against handicapped people.

Modification(s) of said covenants, conditions and restrictions

Recorded: November 20, 1963 as File/Page No. 208311 of Official Records

7. An easement for aerial and underground public utilities and purposes incidental thereto as granted to San Diego Gas and Electric Company, by deed recorded December 6, 1969 as File/Page No. 220283 of Official Records.

Affects: The location of said easement is set forth in said document.

Reference is made to said document for full particulars.

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

Granted to: United States of America

Purpose: An access road, together with the right and duty to replace and relocate existing fence along the described roadway and to relocate existing buried water lines and to construct, operate and maintain other buried pipelines, utilities poles and overhead lines

Recorded: January 31, 1975 as File/Page No. 75-023470 of Official Records

Affects: The location of said easement is set forth 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 County Flood Control District Zone 3

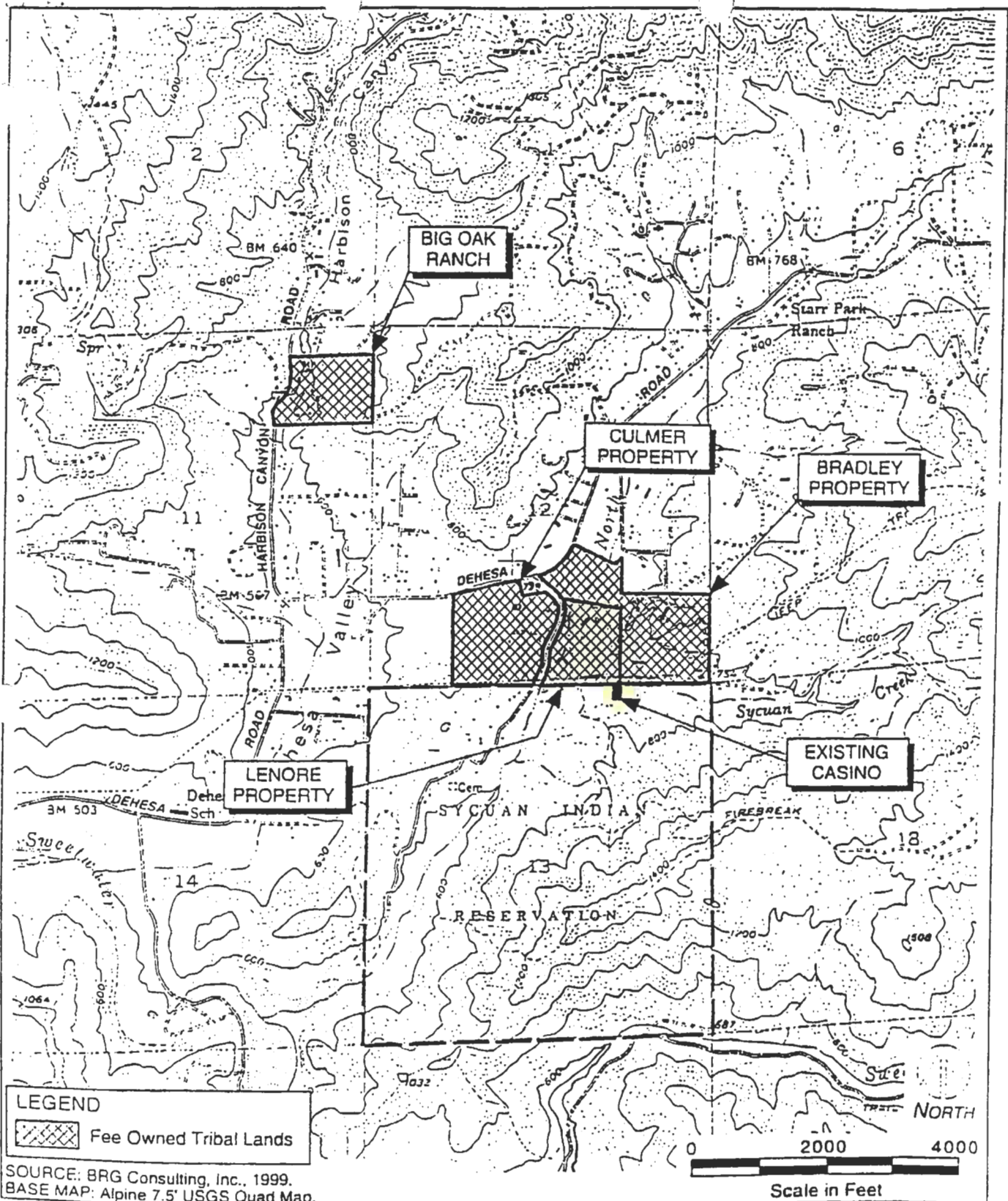
Purpose: Flowage

Recorded: July 21, 1976 as File/Page No. 76-230530 of Official Records

Affects: The location of said easement is set forth in said document.

EXHIBIT "2"

EXHIBIT "3"



Sycuan Band of Mission Indians

Vicinity Map

EXHIBIT
 "3"