

Private Calendar No. 1

103D CONGRESS
1ST SESSION

H. R. 1183

[Report No. 103-1431]

A BILL

To validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Company.

JUNE 21, 1993

Reported with amendments, committed to the Committee of the Whole House and ordered to be printed

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[Report No. 103-143]

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IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 1993

Mr. DOOLITTLE introduced the following bill; which was referred to the Committee on Natural Resources

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[Omit the part struck through and insert the part printed in italic]

A BILL

To validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Company.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Railroad Right-of-Way
3 Conveyance Validation Act”.

4 **SEC. 2. VALIDATION OF CONVEYANCES.**

5 Except as provided in section 5, the conveyances de-
6 scribed in section 3 (involving certain lands in Nevada
7 County, State of California) and section 4 (involving cer-
8 tain lands in San Joaquin County, State of California)
9 concerning lands that form parts of the right-of-way
10 granted by the United States to the Central Pacific Rail-
11 way Company in the Act entitled “An Act to aid in the
12 Construction of a Railroad and Telegraph Line from the
13 Missouri River to the Pacific Ocean, and to secure to the
14 Government the Use of the same for Postal, Military, and
15 Other Purposes”, approved July 1, 1862 (12 Stat. 489),
16 hereby are legalized, validated, and confirmed, as far as
17 any interest of the United States in such lands is con-
18 cerned, with the same force and effect as if the land in-
19 volved in each such conveyance had been held, on the date
20 of such conveyance, under absolute fee simple title by the
21 grantor of such land.

22 **SEC. 3. CONVEYANCES OF LANDS IN NEVADA COUNTY,**
23 **STATE OF CALIFORNIA.**

24 The conveyances of land in Nevada County, State of
25 California, referred to in section 2 are as follows:

1 (1) The conveyances entered into between the
2 Southern Pacific Transportation Company, grantor,
3 and David G. 'Otis' Kantz and Virginia Thomas
4 Bills Kantz, husband and wife, as joint tenants,
5 grantees, recorded June 10, 1987, as instrument
6 number 87-15995 in the official records of the
7 county of Nevada.

8 (2) The conveyance entered into between the
9 Southern Pacific Transportation Company, grantor,
10 and Antone Silva and Martha E. Silva, his wife,
11 grantees, recorded June 10, 1987, as instrument
12 number 87-15996 in the official records of the
13 county of Nevada.

14 (3) The conveyance entered into between the
15 Southern Pacific Transportation Company, grantor,
16 and Charlie D. Roeschen and Renee Roeschen, hus-
17 band and wife as joint tenants, grantees, re-
18 corded June 10, 1987, as instrument number 87-
19 15997 in the official records of the county of
20 Nevada.

21 (4) The conveyance entered into between the
22 Southern Pacific Transportation Company, grantor,
23 and Manuel F. Nevarez and Margarita Nevarez, his
24 wife, as joint tenants, grantees, recorded June 10,

1 1987, as instrument number 87-15998 in the offi-
2 cial records of the county of Nevada.

3 (5) The conveyance entered into between the
4 Southern Pacific Transportation Company, grantor,
5 and Susan P. Summers, grantee, recorded June 10,
6 1987, as instrument number 87-15999 in the offi-
7 cial records of the county of Nevada.

8 (6) The conveyance entered into between the
9 Southern Pacific Transportation Company, grantor,
10 and James L. Porter, a single man, as his sole and
11 separate property, grantee, recorded June 10, 1987,
12 as instrument number 87-16000 in the official
13 records of the county of Nevada.

14 (7) The conveyance entered into between the
15 Southern Pacific Transportation Company, grantor,
16 and Robert L. Helin, a single man, grantee, re-
17 corded June 10, 1987, as instrument number 87-
18 16001 in the official records of the county of
19 Nevada.

20 (8) The conveyance entered into between the
21 Southern Pacific Transportation Company, grantor,
22 and Thomas S. Archer and Laura J. Archer, hus-
23 band and wife, as joint tenants, grantees, recorded
24 June 10, 1987, as instrument number 87-16002 in
25 the official records of the county of Nevada.

1 (9) The conveyance entered into between the
2 Southern Pacific Transportation Company, grantor,
3 and Wallace L. Stevens, a single man, grantee, re-
4 corded June 10, 1987, as instrument number 87-
5 16003 in the official records of the county of
6 Nevada.

7 (10) The conveyance entered into between the
8 Southern Pacific Transportation Company, grantor,
9 and Sierra Pacific Power Company, grantees, re-
10 corded June 10, 1987, as instrument number 87-
11 16004 in the official records of the county of
12 Nevada.

13 (11) The conveyance entered into between the
14 Southern Pacific Transportation Company, grantor,
15 and Truckee Public Utility District, grantees, re-
16 corded June 10, 1987, as instrument number 87-
17 16005 in the official records of the county of
18 Nevada.

19 (12) The conveyance entered into between the
20 Southern Pacific Transportation Company, grantor,
21 and Dwayne W. Haddock and Bertha M. Haddock,
22 his wife as joint tenants, grantees, recorded June
23 10, 1987, as instrument number 87-16006 in the
24 official records of the county of Nevada.

1 (13) The conveyance entered into between the
2 Southern Pacific Transportation Company, grantor,
3 and William C. Thorn, grantee, recorded June 10,
4 1987, as instrument number 87-16007 in the offi-
5 cial records of the county of Nevada.

6 (14) The conveyance entered into between the
7 Southern Pacific Transportation Company, grantor,
8 and Jose Guadalupe Lopez, grantees, recorded
9 June 10, 1987, as instrument number 87-16008 in
10 the official records of the county of Nevada.

11 (15) The conveyance entered into between the
12 Southern Pacific Transportation Company, grantor,
13 and Harold O. Dixon, an unmarried man, as to an
14 undivided half interest, and Pedro Lopez, a married
15 man, as to an undivided half interest, as joint ten-
16 ants, grantees, recorded June 10, 1987, as instru-
17 ment number 87-16009 in the official records of the
18 county of Nevada.

19 (16) The conveyance entered into between the
20 Southern Pacific Transportation Company, grantor,
21 and Robert E. Sutton and Patricia S. Sutton, hus-
22 band and wife, as joint tenants, grantees, recorded
23 June 10, 1987, as instrument number 87-16010 in
24 the official records of the county of Nevada.

1 (17) The conveyance entered into between the
2 Southern Pacific Transportation Company, grantor,
3 and Angelo C. Besio and Eva G. Besio, his wife,
4 grantees, recorded June 10, 1987, as instrument
5 number 87-16011 in the official records of the
6 county of Nevada.

7 (18) The conveyance entered into between the
8 Southern Pacific Transportation Company, grantor,
9 and Lawrence P. Young and Mary K. Young, hus-
10 band and wife, as joint tenants, grantees, recorded
11 June 10, 1987, as instrument number 87-16012 in
12 the official records of the county of Nevada.

13 (19) The conveyance entered into between the
14 Southern Pacific Transportation Company, grantor,
15 and the estate of Charles Clyde Cozzaglio, grantee,
16 recorded June 10, 1987, as instrument number 87-
17 16013 in the official records of the county of
18 Nevada.

19 (20) The conveyance entered into between the
20 Southern Pacific Transportation Company, grantor,
21 and Noel T. Hargreaves, an unmarried woman, as
22 her sole and separate property, grantee, recorded
23 June 10, 1987, as instrument number 87-16014 in
24 the official records of the county of Nevada.

1 (21) The conveyance entered into between the
2 Southern Pacific Transportation Company, grantor,
3 and Athleisure Enterprises, Incorporated, a Nevada
4 corporation, grantees, recorded January 24, 1989,
5 as instrument number 89-01803 in the official
6 records of the county of Nevada.

7 (22) The conveyance entered into between the
8 Southern Pacific Transportation Company, grantor,
9 and Richard Bwarie, a single man as to an undi-
10 vided one-half interest, and Roger S. Gannam and
11 Lucille Gannam, husband and wife, as joint tenants,
12 as to an undivided one-half interest, grantees, re-
13 corded January 24, 1989, as instrument number
14 89-01804 in the official records of the county of
15 Nevada.

16 (23) The conveyance entered into between the
17 Southern Pacific Transportation Company, grantor,
18 and William Campbell and Juanita R. Campbell, his
19 wife as joint tenants, grantees, recorded January 24,
20 1989, as instrument number 89-01805 in the offi-
21 cial records of the county of Nevada.

22 (24) The conveyance entered into between the
23 Southern Pacific Transportation Company, grantor,
24 and William E. Cannon and Lynn M. Cannon, hus-
25 band and wife, as joint tenants as to an undivided

1 one-half interest, and Brent Collinson and Dianne
2 Collinson, husband and wife, as joint tenants, as to
3 an undivided one-half interest, grantees, recorded
4 January 24, 1989, as instrument number 89-01806
5 in the official records of the county of Nevada.

6 (25) The conveyance entered into between the
7 Southern Pacific Transportation Company, grantor,
8 and Christopher G. Eaton and Bernadette M.
9 Eaton, husband and wife as community property,
10 grantees, recorded January 24, 1989, as instrument
11 number 89-01807 in the official records of the
12 county of Nevada.

13 (26) The conveyance entered into between the
14 Southern Pacific Transportation Company, grantor,
15 and Christopher G. Eaton grantee, recorded
16 January 24, 1989, as instrument number 89-01808
17 in the official records of the county of Nevada.

18 (27) The conveyance entered into between the
19 Southern Pacific Transportation Company, grantor,
20 and Valeria M. Kelly, an unmarried woman, grantee,
21 recorded January 24, 1989, as instrument number
22 89-01809 in the official records of the county of
23 Nevada.

24 (28) The conveyance entered into between the
25 Southern Pacific Transportation Company, grantor,

1 and William J. Kuttel and Delia Rey Kuttel, hus-
2 band and wife, grantees, recorded January 24, 1989,
3 as instrument number 89-01810 in the official
4 records of the county of Nevada.

5 (29) The conveyance entered into between the
6 Southern Pacific Transportation Company, grantor,
7 and Thomas A. Lippert and Laurel A. Lippert, hus-
8 band and wife, grantees, recorded January 24, 1989,
9 as instrument number 89-01811 in the official
10 records of the county of Nevada.

11 (30) The conveyance entered into between the
12 Southern Pacific Transportation Company, grantor,
13 and Fred J. Mahler, a single man, grantee, recorded
14 January 24, 1989, as instrument number 89-01812
15 in the official records of the county of Nevada.

16 (31) The conveyance entered into between the
17 Southern Pacific Transportation Company, grantor,
18 and Francis Doyle McGwinn also known as Doyle F.
19 McGwinn, a widower, grantee, recorded January 24,
20 1989, as instrument number 89-01813 in the offi-
21 cial records of the county of Nevada.

22 (32) The conveyance entered into between the
23 Southern Pacific Transportation Company, grantor,
24 and James D. Ritchie and Susan Ritchie, husband
25 and wife, as joint tenants, grantees, recorded Janu-

1 ary 24, 1989, as instrument number 89-01814 in
2 the official records of the county of Nevada.

3 (33) The conveyance entered into between the
4 Southern Pacific Transportation Company, grantor,
5 and William R. Smith and Joan M. Smith, his wife,
6 as joint tenants, grantees, recorded January 24,
7 1989, as instrument number 89-01815 in the offi-
8 cial records of the county of Nevada.

9 (34) The conveyance entered into between the
10 Southern Pacific Transportation Company, grantor,
11 and Anthony J. Stile and Laura A. Stile, husband
12 and wife, as joint tenants, grantees, recorded Janu-
13 ary 24, 1989, as instrument number 89-01816 in
14 the official records of the county of Nevada.

15 (35) The conveyance entered into between the
16 Southern Pacific Transportation Company, grantor,
17 and Thomas R. Stokes, a single man, and Carla J.
18 Stewart, a single woman, as joint tenants, grantees,
19 recorded January 24, 1989, as instrument number
20 89-01817 in the official records of the county of
21 Nevada.

22 (36) The conveyance entered into between the
23 Southern Pacific Transportation Company, grantor,
24 and Tom's Television System, Incorporated, a Cali-
25 fornia Corporation, grantees, recorded January 24,

1 1989, as instrument number 89-01818 in the offi-
2 cial records of the county of Nevada.

3 (37) The conveyance entered into between the
4 Southern Pacific Transportation Company, grantor,
5 and Tom's Television System, Incorporated, a Cali-
6 fornia corporation, grantees, recorded January 24,
7 1989, as instrument number 89-01819 in the offi-
8 cial records of the county of Nevada.

9 (38) The conveyances entered into between the
10 Southern Pacific Transportation Company, grantor,
11 and Harry M. Welch and Betty R. Welch, his wife,
12 as joint tenants, grantees, recorded January 24,
13 1989, as instrument number 89-01820 in the offi-
14 cial records of the county of Nevada.

15 (39) The conveyance entered into between the
16 Southern Pacific Transportation Company, grantor,
17 and Harry Fariel and Joan Fariel, husband and
18 wife, as joint tenants, grantees, recorded February
19 2, 1989, as instrument number 89-02748 in the of-
20 ficial records of the county of Nevada.

21 (40) The conveyance entered into between the
22 Southern Pacific Transportation Company, grantor,
23 and Edward Candler and May Candler, husband and
24 wife as community property, as to an undivided two-
25 thirds interest; and Harry Fariel and Joan Fariel,

1 husband and wife, as joint tenants, as to an undi-
2 vided one-third interest, grantees, recorded February
3 2, 1989, as instrument number 89-02749 in the of-
4 ficial records of the county of Nevada.

5 (41) The conveyance entered into between the
6 Central Pacific Railroad, grantor, and E.W. Hopkins
7 and J.O.B. Gann, grantees, recorded April 7, 1894,
8 in Book 79 of Deeds at page 679, official records of
9 the county of Nevada.

10 (42) The conveyance entered into between the
11 Southern Pacific Transportation Company, grantor,
12 and John David Gay and Elizabeth Jean Gay, as
13 Trustees of the David and Elizabeth Gay Trust,
14 grantees, recorded October 3, 1991, as instrument
15 number 91-30654 of the official records of the
16 county of Nevada.

17 **SEC. 4. CONVEYANCES OF LAND IN SAN JOAQUIN COUNTY,**
18 **STATE OF CALIFORNIA.**

19 The conveyances of land in San Joaquin County,
20 State of California, referred to in section 2 are as follows:

21 (1) The conveyance entered into between the
22 Southern Pacific Transportation Company, grantor,
23 and Ronald M. Lauchland and Lillian R. Lauchland,
24 grantees, recorded October 1, 1985, as instrument

1 number 85066621 in the official records of the
2 county of San Joaquin.

3 (2) The conveyance entered into between the
4 Southern Pacific Transportation Company, grantor,
5 and Bradford A. Lange and Susan J. Lange, his
6 wife, as to an undivided one-half, and Randall W.
7 Lange and Charlene J. Lange, his wife, as to an un-
8 divided one-half interest, grantees, recorded October
9 1, 1985, as instrument number 85066623 in the of-
10 ficial records of the county of San Joaquin.

11 (3) The conveyance entered into between the
12 Southern Pacific Transportation Company, grantor,
13 and Leo G. Lewis and Vasiliki L. Lewis, and Billy
14 G. Lewis and Dimetria Lewis, grantees, recorded
15 October 1, 1985, as instrument number 85066625
16 in the official records of the county of San Joaquin.

17 (4) The conveyance entered into between the
18 Southern Pacific Transportation Company, grantor,
19 and Louis J. Bennett, grantees, recorded October 1,
20 1985, as instrument number 85066627 in the offi-
21 cial records of the county of San Joaquin.

22 (5) The conveyance entered into between the
23 Southern Pacific Transportation Company, grantor,
24 and Joe Alves Correia and Leontina Correia, his
25 wife, grantees, recorded September 1, 1970, instru-

1 ment number 33915, in book 3428, page 461, of the
2 official records of the county of San Joaquin.

3 (6) The conveyance entered into between the
4 Southern Pacific Transportation Company, grantor,
5 and Willard H. Fike, Jr., and Dorla E. Fike, his
6 wife, grantees, recorded January 7, 1988, instru-
7 ment number 88001473 of the official records of the
8 county of San Joaquin.

9 (7) The conveyance entered into between
10 Central Pacific Railway, Grantor, and Nettie M.
11 Murray and Marie M. Hallinan, Grantees, dated
12 May 31, 1949, recorded June 14, 1949, in volume
13 1179 at page 394 of the official records of the coun-
14 ty of San Joaquin.

15 (8) The conveyance entered into between the
16 Central Pacific Railway Company, a corporation,
17 and its Lessee, Southern Pacific Company, a cor-
18 poration, Grantor, and Lodi Winery, Incorporated,
19 Grantee, dated August 2, 1938, recorded May 23,
20 1940, in volume 692, page 249, of the official
21 records of the county of San Joaquin.

22 **SEC. 5. LIMITATIONS ON VALIDATION OF CONVEYANCES.**

23 ~~Nothing~~ (a) *SCOPE*.—*Nothing* in this Act shall be
24 construed to—

1 (1) diminish the right-of-way referred to in sec-
2 tion 2 to a width of less than fifty feet on each side
3 of the center of the main track or tracks maintained
4 by the Southern Pacific Transportation Company on
5 the date of enactment of this Act;

6 (2) legalize, validate, or confirm, with respect to
7 any land that is the subject of a conveyance referred
8 to in section 3 or 4, any right or title to, or interest
9 in, such land arising out of adverse possession, pre-
10 scription, or abandonment, and not confirmed by
11 such conveyance; or

12 ~~(3) diminish any of the right, title, or interest~~
13 ~~of the United States with respect to oil, gas, and~~
14 ~~other minerals, or with respect to prospecting for or~~
15 ~~mining or removal thereof, in any of the lands that~~
16 ~~are the subject of a conveyance referred to in section~~
17 ~~3 or 4.~~

18 **(b) MINERALS.**—(1) *The United States hereby reserves*
19 *any federally-owned minerals that may exist in land that*
20 *is conveyed pursuant to section 2 of this Act, including the*
21 *right of the United States, its assignees or lessees, to enter*
22 *upon and utilize as much of the surface of said land as*
23 *is necessary to remove minerals under the laws of the Unit-*
24 *ed States.*

1 (2) Any and all minerals reserved by paragraph (1)
2 are hereby withdrawn from all forms of entry, appropria-
3 tion, and patent under the mining, mineral leasing, and
4 geothermal leasing laws of the United States.