

OCT 20 1950

Nº 1216

DIVISION OF STATE LANDS  
STATE LANDS COMMISSION  
STATE OF CALIFORNIA  
SACRAMENTO

0080

*The undersigned, acting in this behalf for the State Lands Commission, does hereby certify, that the annexed document is a true and correct copy of item 33 of the minutes of the meeting of the State Lands Commission held in Los Angeles on October 5, 1950,*

*on file in the office of the State Lands Commission; that said document has been compared by the undersigned with the original, and is a correct transcript therefrom.*

*IN WITNESS WHEREOF, the undersigned has executed this certificate and affixed the seal of the State Lands Commission, this*

18th day of October A. D. 19 50.

*Rufus W. Atkinson*  
(TITLE) EXECUTIVE OFFICER

STATE LANDS COMMISSION



33. (ACQUISITION BY THE UNITED STATES OF LANDS OCCUPIED BY THE UNITED STATES ARMY PERSONNEL CENTER AT CAMP STONEMAN, CONTRA COSTA COUNTY, CALIFORNIA, UNDER THE PROVISIONS OF SECTION 126, GOVERNMENT CODE - W.O. 489) The Commission was informed as follows: On July 26, 1949, the Commission authorized the Executive Officer to order and conduct the requisite hearings pursuant to Section 126 of the Government Code and under the rules and regulations adopted by the Commission on June 14, 1949, on applications for consent to acquisition by the United States of lands comprising a number of installations among which was the United States Army Personnel Center at Camp Stoneman. Under date of April 21, 1949, an application for acceptance of jurisdiction by the United States executed by Kenneth C. Royall, Secretary of the Army, was addressed to Governor Earl Warren and forwarded to this office. This application was deficient in several aspects and was subsequently replaced by a corrected application filed by Mr. Frank Pace, Jr., Secretary of the Army, under date of June 30, 1950.

Pursuant to said application arrangements were made to conduct the public hearing at Oakland, California, in connection with one scheduled for the same day and place and relating to the Oakland Army Base. The Notice of such Public Hearing was published in the Contra Costa Gazette, Martinez, California, on August 14, 1950, and service on the Clerk of the Board of Supervisors of Contra Costa County was made on August 12, 1950. Notices were thus published and served in compliance with Section 2702 California Administrative Code, Title 2.

A hearing was held by the Executive Officer at the Oakland Army Base, Oakland, California, at 10:00 A.M., August 30, 1950. A record of the hearing was made and the transcript was made a part of the Commission record in this case. The Attorney General was represented by Mr. Walter Rountree, Deputy Attorney General. Appearances were made on behalf of the Army by the Commanding Officer of the Camp Stoneman Personnel Center, Colonel Thomas J. Jenkins, also by Mr. Robert



Prendergast, Mr. George Lavezzola and Mr. J. Otis Brown, representing the Real Estate Section of the Southern Pacific Division of the Corps of Engineers, U.S. Army. No other appearances were made in support of this application and none were made against it.

Section 126 of the Government Code requires that the State Lands Commission must have found and declared to have occurred and to exist the fulfillment of certain specified conditions. Oral and documentary evidence were presented and received at the hearing in support of the contention of the applicant that these conditions have been met and complied with. Conclusions in regard to their presentation are as follows:

As applied to this case the acquisition "must be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, or other public purposes within the purview of Clause 17, Section 8 of Article 1 of the Constitution of the United States". According to evidence received, the United States Army Personnel center at Camp Stoneman was established in 1942 as a staging area for the San Francisco Port of Embarkation and was utilized as such throughout World War II. It has continued to serve in that capacity since that time and is now receiving housing, processing and shipping army personnel going to or returning from the Pacific Theater. It is a permanent Army installation and includes permanent buildings for the housing of troops and other needful structures such as warehouses and wharves. It is, therefore, believed that the lands for this installation were acquired for purposes within the above-quoted portion of the Constitution of the United States and are presently maintained for such purposes.

The second condition requires that a finding must be made that "the acquisition must be pursuant to and in compliance with the laws of the United States".

Evidence in support of this condition was presented in the form of reference to certain United States statutes. The lands were acquired under an authority of an Act of Congress approved July 2, 1917, 50 U. S. Code, 171, 40 Stat. 241, and an Act of Congress approved March 27, 1942, 50 U.S. Code, Appendix 632, 56 Stat. 176, commonly known as the First and Second World War Powers Act. Condemnation proceedings were pursuant to an Act of Congress approved August 18, 1890, 26 Stat. 316. Immediate possession was had pursuant to an Act of Congress approved February 26, 1931, 40 U. S. Code, Section 258-A, 46 Stat. 1421. Additional evidence was presented by Mr. Robert M. Prendergast, a Land Acquisition Attorney for the Corps of Engineers, Department of the Army, that the acquisition was pursuant to and in compliance with the laws of the United States and that the United States is now possessed of good and sufficient fee title to the lands involved.

The third condition upon which a finding is required is to the effect that "the United States must in writing have assented to acceptance of jurisdiction over the lands upon and subject to each and all of the conditions and reservations in this section prescribed". Under the provisions of an Act of Congress of October 9, 1940, Public Law 825" the head or other authorized officer of any department of the Government" may accept jurisdiction from the State. A letter from the Department of the Army dated June 30, 1950, accepting jurisdiction on behalf of the United States and signed by Mr. Frank Pace, Jr., Secretary of the Army, was received by the Division of State Lands on July 12, 1950. This acceptance is made subject to each and all of the conditions and reservations prescribed in Section 126, Government Code, State of California and is, therefore, in accordance with law and with the rules of the Commission.



The fourth requirement is that the Commission must have found and declared that such acquisition is in the interest of the State. According to testimony received, the Personnel Center at Camp Stoneman employs a large number of civilians permanently and houses temporarily even greater numbers of military personnel all of whom through local purchases and otherwise contribute materially to the economy of the State. The installation is an integral and an important part of the national defense program and it is in the interest of the State.

It is concluded that all four conditions requisite to a declaration of the State Lands Commission have thus been met.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE STATE LANDS COMMISSION DETERMINES, WITH RESPECT TO THOSE CERTAIN LANDS ACQUIRED AND NOW USED BY THE DEPARTMENT OF THE ARMY OF THE UNITED STATES FOR THE CAMP STONEMAN PERSONNEL CENTER IN CONTRA COSTA COUNTY, CALIFORNIA, SAID LANDS BEING DESCRIBED AS FOLLOWS:

Seven parcels of land comprising 1840.46 acres, more or less, located in Township 2 North, Ranges 1 East and 1 West, Mount Diablo Base and Meridian, Contra Costa County, California, used in connection with a military reservation officially designated Camp Stoneman, said parcels being Camp Stoneman proper, the Rifle Range, Wharf Facilities Area, Sewage Disposal Site, Reservoir Site, and two small railroad spur track sites. The Camp proper is bounded by California Avenue (a county road) on the north, Pittsburgh Railroad (abandoned) on the east, Contra Costa Canal on the South, and Kirker Road on the west, with all other parcels located near-by except the Wharf Facilities Area, which is located on New York Slouth near Harbor Street and the Atchison, Topeka and Santa Fe Railroad right-of-way in the City of Pittsburgh. Said lands having been acquired by the United States of America by deeds dated 7 January 1943, recorded in Book 652, Page 40; 18 March 1943, recorded in Book 700, Page 86; 6 April 1943, recorded in Book 739, Page 438; 25 January 1947, recorded in Book 903, Page 244, Official records of Contra Costa County, California; and by Condemnation Actions in the U. S. District Court for the Southern Division, Northern District of California, as follows: Civil No. 22073-R, filed 17 February 1943; Civil No. 22654-S, filed 3 June 1943; Civil No. 27368-H, filed 25 June 1947; and Civil No. 27367-R, filed 13 June 1947;

THAT THE CONDITIONS PRESCRIBED IN SUBDIVISIONS (a), (b) AND (c) OF SECTION 126 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA HAVE BEEN BOUND TO HAVE OCCURRED AND TO EXIST AND THAT SUCH ACQUISITION IS IN THE INTEREST OF THE STATE; THE STATE LANDS COMMISSION DIRECTS THE EXECUTIVE OFFICER TO FILE CERTIFIED COPIES OF THIS FINDING IN THE OFFICE OF THE SECRETARY OF STATE AND TO HAVE THEM RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CONTRA COSTA.

Recorded at request of State Lands Commission  
at 20 min. past 9 A.M. OCT 20 1950  
Fee \$6.00 Contra Costa County Records  
Ralph Cunningham, County Recorder.



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INDEXED

301 State Bldg.  
L. A. (12)

RECORDED AT REQUEST OF

*State Lands Commission*

OCT 20 1950

At 20 Min. Past 9 A. M.

In Vol. 1654 Page 56

OFFICIAL RECORDS OF  
CONTRA COSTA COUNTY

*Ralph Birmingham*  
COUNTY RECORDER

FEE \$ OFF'L.

OCT 20 1950