

DIVISION OF STATE LANDS
STATE LANDS COMMISSION
STATE OF CALIFORNIA
SACRAMENTO

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 20 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



98809 4-41 500 DUP
STATE PRINTING OFFICE

Rupprecht
(TITLE) EXECUTIVE OFFICER

STATE LANDS COMMISSION

20. (ACQUISITION BY THE UNITED STATES OF LANDS OCCUPIED BY THE U. S. NAVY SHORE PATROL HEADQUARTERS, SAN DIEGO, SAN DIEGO COUNTY, CALIFORNIA, UNDER THE PROVISIONS OF SECTION 126, GOVERNMENT CODE - W.O. 762) The Commission was informed as follows: On July 6, 1950, 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 Navy Shore Patrol Headquarters at San Diego, California. On May 1, 1950, an application for acceptance of jurisdiction by the United States of the lands pertaining to this installation was executed by Francis P. Matthews, Secretary of the Navy.

Pursuant to said application, arrangements were made to conduct the requisite public hearings at San Diego, California, in connection with other similar hear-

ings scheduled for the same day and place. The notice of such public hearing was published in the San Diego Union at San Diego, California, on September 1, 1950, and service on the Clerk of the Board of Supervisors of San Diego County was made on August 22, 1950. Notices were thus published and served in compliance with Section 2702, California Administrative Code, Title 2.

Hearings were held by the Executive Officer at Headquarters, U. S. Naval Station, San Diego, California, beginning at 10 A.M., September 19, 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 Navy by the Commanding Officer of the Shore Patrol Headquarters, Lt. Commander James T. Kelly, also by Commander L.N. Evans and Mr. R. G. Muench representing the 11th Naval District. 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 purpose within the purview of Clause 17, Section 8 of Article 1 of the Constitution of the United States." The Shore Patrol Headquarters of the Eleventh Naval District at San Diego consists of facilities for the administration and stationing of Navy police engaged in prevention of disturbances and the maintenance of good order and discipline of Navy personnel in San Diego and vicinity. Detention barracks are provided for offenders pending their transfer to their respective commands. In this capacity it is believed that this installation serves "other public purposes within the purview" of the above-quoted portion of the Constitution of the United States and has been and is 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". The property was acquired by deed from the City of San Diego dated May 18, 1949, under authority of an Act of Congress approved July 2, 1948, Public Law 891, 80th Congress, Second Session. A copy of a certificate of title has been filed with the Commission. Evidence was presented by Mr. R. G. Muench, Director of Property Administration, Eleventh Naval District, that the land described in the application had been acquired pursuant to and in compliance with the laws of the United States and that the latter is now possessed of good and sufficient fee title.

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 Navy dated May 1, 1950, accepting jurisdiction over the subject installation on behalf of the United States and signed by Mr. Francis P. Matthews, Secretary of the Navy, was received by the Division of State Lands on

May 8, 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. Testimony was given by Commander Kelley that: Shore Patrol Headquarters directs the operation of about 120 Navy police; these preserve law and order among naval personnel in San Diego and vicinity, of which there are a large number in nearby stations and camps plus many transients; civil police are accordingly relieved of a substantial amount of effort and responsibility in this respect; the Headquarters also serves as a point of contact between naval and civil law enforcement agencies. In these respects it is believed that the acquisition of the property comprising Shore Patrol Headquarters is in the interest of the State.

It is concluded that all four conditions requisite to a declaration of the State Lands Commission have been fulfilled in this case.

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 NAVY OF THE UNITED STATES FOR THE SHORE PATROL HEADQUARTERS IN SAN DIEGO, SAN DIEGO COUNTY, CALIFORNIA, SAID LANDS BEING DESCRIBED AS FOLLOWS:

All that certain property known and designated as Lots I and J, Block 66, Horton's Addition, City and County of San Diego, State of California (including the building thereon), also known and designated as 726 Second Avenue, San Diego, California, and generally referred to and known as "Old City Jail Property",

THAT THE CONDITIONS PRESCRIBED IN SUBDIVISIONS (a), (b) and (c) OF SECTION 126 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA HAVE BEEN FOUND 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 SAN DIEGO.

Mail to:

State Lands Division
302 State Building
Los Angeles 12, California

Attn: Rufus W. Putnam
Executive Officer

X
STATE OF CALIFORNIA

{State Lands Div}

X To

(2)

UNITED STATES OF AMERICA

(Harry Bishop)

INDEXED

COMPARED
C. A. Schumacher

DEPUTY COUNTY RECORDER

DOCUMENT NO. 122552

RECORDED AT REQUEST OF
STATE OF CALIFORNIA

OCT 20 1950

at 17 Minutes Past 10

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