

Nº 1477

AE- 116741

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 9 of the minutes of the meeting of the State Lands Commission held in Sacramento on December 18, 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.

RECORDED at REQUEST OF
STATE OF CALIFORNIA

At 41 Min. Past 9 A M.

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

DEC 29 1950

27th day of December, A. D. 19 50.

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OFFICIAL RECORDS OF
ALAMEDA COUNTY, CALIFORNIAThomas H. Fitzmaurice
COUNTY RECORDER

(TITLE) EXECUTIVE OFFICER

STATE LANDS COMMISSION

D. H.
19

W.O. 481

9. (ACQUISITION OF THE UNITED STATES OF LANDS OCCUPIED BY THE U. S. NAVAL SUPPLY CENTER, OAKLAND, ALAMEDA COUNTY, CALIFORNIA, UNDER THE PROVISIONS OF SECTION 126, GOVERNMENT CODE - W.O. 481) 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 Naval Supply Center, Oakland, Alameda County, California. On April 17, 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. The State Lands Commission at its meeting on October 23, 1950, authorized the Assistant Executive Officer to conduct the requisite hearings in this case.

Pursuant to said application, arrangements were made to conduct the public hearing at Alameda, California, in connection with other similar hearings scheduled for the same day and place. The notice of such public hearing was published in the Oakland Tribune, Oakland, California, on October 6, 1950, and service on the Clerk of the Board of Supervisors of Alameda County was made on October 3, 1950. Notices were thus published and served in compliance with Section 2702, California Administrative Code, Title 2.

Hearings were held by the Assistant Executive Officer at Headquarters, U. S. Naval Air Station, Alameda, California, beginning at 9 A.M., October 24, 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 Herbert E. Wenig, Esq., Deputy Attorney General.

Appearances were made on behalf of the Navy by the Executive Officer, U. S. Naval Supply Center, Captain Thomas L. Becknell, Jr., U. S. Navy, also by Mr. Charles A. Baker and Mr. John L. McNally, representing the 12th 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 hearings in support of the contention of the applicant that these conditions have been met and complied with. Conclusions in regard to their presentations 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 lands subject of this hearing are being used as a parking lot for the Naval Supply Center at Oakland. The Naval Supply Center's Executive Officer testified that the Center is responsible for supplying all naval forces ashore and afloat in Pacific Ocean areas as well as support of West Coast Naval installations; it is an integral part of the National Defense System and as such is being maintained for the "erection of forts, magazines, arsenals, dockyards, and other needful buildings within the purview of Clause 17, Section 8, Article 1 of the Constitution of the United States".

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". Mr. James L. McNally, Land Acquisition Attorney for the 12th Naval District,

testified that the parcel of land involved was acquired by the United States in a condemnation proceeding No. 22212-R filed in the U. S. District Court, Northern District of California, Southern Division, on April 5, 1943. The condemnation proceeding was under authority of Public Laws 528 and 531 of the 77th Congress. Final Judgment was entered on August 5, 1943. Mr. McNally further testified that, in his opinion as a land acquisition attorney, all statutory requirements were fully complied with and the United States holds a good and sufficient title to the land in fee simple. A certificate of title covering this land was received in evidence.

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 April 17, 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 April 20, 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 the acquisition is in the interest of the State.

Captain Thomas L. Becknell, Jr., Executive Officer of the Naval Supply Center, testified that the area was acquired and is being utilized for parking automobiles of employees at the Naval Supply Center and as such was an important part of the Center itself. The existence of the parking lot keeps the streets free of parked cars, thus reducing traffic hazards.

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 UNITED STATES NAVAL SUPPLY CENTER, OAKLAND, ALAMEDA COUNTY, CALIFORNIA, SAID LAND BEING DESCRIBED AS FOLLOWS:

All of that certain parcel described in final judgment, case Civil No. 22212-R, District Court of the United States in and for the Northern District of California, Southern Division, as recorded October 23, 1943, in Liber 4453, at page 70, Official Records, Alameda County, California, being 10.49 acres, more or less,

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; ALSO THAT THE EXECUTIVE OFFICER BE DIRECTED TO FILE A CERTIFIED COPY OF THIS FINDING IN THE OFFICE OF THE SECRETARY OF STATE AND HAVE ON RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA.