

DIVISION OF STATE LANDS
STATE LANDS COMMISSION
STATE OF CALIFORNIA
SACRAMENTO

Nº 1491

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 16 of the minutes of the meeting of the State Lands Commission held in Sacramento, California, on June 21, 1951.

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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

27th day of June, A. D. 1951

(TITLE)

Rafael M. Antuna
Executive Officer

STATE LANDS COMMISSION

16. (ACQUISITION BY THE UNITED STATES OF LANDS OCCUPIED BY THE U. S. NAVY IN SAN FRANCISCO, CALIFORNIA, UNDER THE PROVISIONS OF SECTION 126, GOVERNMENT CODE - W.O. 1002.) The Commission was informed that on November 20, 1950, it 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 an application for consent to acquisition by the United States of lands occupied by the Department of the Navy in the City and County of San Francisco, and used as a depot of supplies for the United States Marine Corps.

On October 31, 1950, an application for acceptance of jurisdiction by the United States of the lands pertaining to this installation was executed by

John T. Koehler, Acting Secretary of the Navy, and forwarded to the office of the State Lands Commission.

Pursuant to said application, arrangements were made to conduct the requisite public hearing at San Francisco, California, at 10.00 a.m., in Room 611 State Building, on May 9, 1951. The notice of such public hearing was published in the San Francisco Chronicle, San Francisco, California, on April 23, 1951, and service of notice on the Clerk of the Board of Supervisors of San Francisco County was made on April 23, 1951. Notices were thus published and served in compliance with Section 2702, California Administrative Code, Title 2.

Hearings were held by the Executive Officer at the published time and place, beginning at 10.00 a.m. 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 S. Rountree, Deputy Attorney General.

Appearances were made on behalf of the applicant by Lt. Col. Albert Dale Graves, U.S.M.C., Operations Officer of the Marine Corps Depot of Supplies, and by Mr. Charles A. Baker and Mr. James L. McNally, representing the Twelfth 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 was presented and received at the hearings in support of the contention of the applicant that these conditions have been met and complied with. A summary thereof follows:

Evidence was presented to the effect that the acquisition was made for the "erection of forts, magazines, arsenals, dockyards, and other needful buildings within the purview of Clause 17, Section 8, Article I of the Constitution of the United States". According to evidence presented, and as observed by inspection, the installation was erected and has been continuously in use as a Marine Corps supply depot and is now being used for that purpose.

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 was presented by Mr. James L. McNally, a land acquisition attorney, to the effect that the property was acquired by the United States by condemnation in Action No. 25268, filed October 24, 1945, in the United States District Court, Northern District of California, Southern Division; an order of immediate possession was entered on the same date. This action was pursuant to the provisions of the Second War Powers Act (Public Law 507, 77th Congress, 56 Stat. 177, Title 50 App. U.S.C.A. Sec. 632). Declaration of Taking was filed on October 28, 1946, and judgments entered and duly recorded. Further evidence was presented by Mr. McNally, as an expert in land acquisition, to the effect that, in his opinion, all statutory requirements had been fully complied with and the United States is vested with a good and sufficient title in fee simple to the subject lands.

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, accepting jurisdiction over the subject installation on behalf of the United States, and signed by Mr. John T. Koehler, Acting Secretary of the Navy, was received by the Division of State Lands on November 6, 1950. This acceptance is made subject to each and all of the conditions and reservations prescribed in Section 126, Government Code, State of California.

The fourth requirement is that the Commission must have found and declared that the acquisition is in the interest of the State. Lt. Col. Albert D. Graves testified that the Marine Corps Depot of Supplies is an integral part of the National Defense System, and in that respect its mission is in the interest of the State. He further testified that the installation employed about 2,700 people, with a monthly payroll of about \$560,000.

SUMMARY

The hearings on this case were held at San Francisco, California, on May 9, 1951, pursuant to Commission authority. The findings of the hearing officer are as follows:

1. The property involves some ninety (90) acres of land in the Islais Creek section of San Francisco, and was acquired and is being used as a depot of supplies by the United States Marine Corps.

The acquisition comes within the purview of Clause 17, Section 8, Article I, of the Constitution of the United States, which requires that it be "for the erection of forts, magazines, arsenals, dock-yards and other needful building or other public purposes";

2. The acquisition was by condemnation, and was made pursuant to the laws of the United States. The United States is vested with a good and sufficient title in fee simple to the subject lands;
3. The United States, through the Acting Secretary of the Navy, has assented to acquisition of jurisdiction, subject to all conditions of Section 126 of the Government Code, State of California;
4. Acquisition is in the interest of the State in view of its value as an integral part of the National Defense System, and by reason of its substantial contribution to the economy of the State;
5. All requirements of Section 126 of the Government Code of the State of California have been complied with by the applicant, and by the State Lands Commission and its staff.

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 FOR THE MAINTENANCE OF A MARINE CORPS DEPOT OF SUPPLIES, IN SAN FRANCISCO CITY AND COUNTY, CALIFORNIA, SAID LANDS BEING DESCRIBED AS FOLLOWS:

4/28/51

APPROXIMATELY 90.41 ACRES OF LAND IN THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, ACQUIRED IN THAT CONDEMNATION PROCEEDING IDENTIFIED AS CIVIL NO. 25268-R, IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA, SOUTHERN DIVISION, AND MORE FULLY AND PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED TO THE APPLICATION,

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 INTERESTS OF THE STATE. THE STATE LANDS COMMISSION DIRECTS THE EXECUTIVE OFFICER TO FILE A CERTIFIED COPY OF THIS FINDING IN THE OFFICE OF THE SECRETARY OF STATE, AND HAVE ONE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE CITY AND COUNTY OF SAN FRANCISCO.

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Findings

STATE OF CALIFORNIA

(State Lands Commission)

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UNITED STATES OF AMERICA

(Dept. of the Navy)

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BOOK 5736 PAGE 289

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CALIF. STATE LANDS COMMISSION

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SAN FRANCISCO, CALIF.

Thor A. Gomeroy
RECORDER

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official