

12. (ACQUISITION BY THE UNITED STATES OF LANDS OCCUPIED BY AN ANNEX TO THE U. S. NAVAL AIR STATION, ALAMEDA, ALAMEDA COUNTY, CALIFORNIA, UNDER THE PROVISIONS OF SECTION 126, GOVERNMENT CODE - W.O. 1470.) On June 13, 1953, an application for acceptance of jurisdiction by the United States of the lands pertaining to this installation was executed by R. B. Anderson, Secretary of the Navy, and received in the office of the Division of State Lands on June 19, 1953.

On July 2, 1953 (Minute Item 17, pages 1831-32), the Commission authorized the Executive Officer to order and conduct the requisite hearing pursuant to Section 126 of the Government Code and under Article 7 of the Rules and Regulations adopted by the Commission on August 29, 1951 (Minute Item 47, page 1441), on an application for consent to acquisition by the United States of lands used for additional storage facilities at the U. S. Naval Air Station, Alameda, California; the proceedings and determination of such hearing to be reported to the Commission for final consideration and action.

Pursuant to said application, arrangements were made to conduct the requisite public hearing at San Francisco, California, in the State Building, on November 18, 1953.

The notice of such public hearing was published in the Oakland Tribune, Oakland, California, on November 2, 1953, and service on the Clerk of the Board of Supervisors of Alameda County was made on October 28, 1953. Notices were thus published and served in compliance with Section 2602, California Administrative Code, Title 2.

A hearing was held by the Executive Officer at Room 606 State Building, San Francisco, California, beginning at 9:30 a.m., November 18, 1953. A record

of the hearing was made, and the transcript was made a part of the Commission's record in this case. The Attorney General was represented by Mr. Herbert E. Wenig, Deputy Attorney General.

Appearances were made on behalf of the applicant by Mr. James L. McNally, Attorney Adviser, Twelfth Naval District; by Commander Robert F. Farrington, U. S. Navy, Executive Officer, U. S. Naval Air Station, Alameda.

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 hearing in support of the contention of the applicant that these conditions have been met and complied with. Conclusions in regard to the presentation are as follows:

Evidence was presented at the hearing 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 that evidence the primary mission of the Naval Air Station is to maintain and operate a base for units of the naval aeronautical establishment to serve as a primary aviation supply point, including an aeronautical outfitting and assembly point, and to provide facilities for the operation, servicing, overhauling, assembly, and repair of aircraft, and for the quartering and messing of military personnel.

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 the United States in a condemnation action entitled "United States of America vs. 76.15 acres of land in the City of Alameda, Regents of the University of California, Defendants", Action No. 30735 in the District Court of the United States for the Northern District of California, Southern Division. The property was acquired pursuant to authorization contained in Public Law 910 of the 81st Congress, approved January 6, 1951, and funds were appropriated by Public Law 911 of that Congress. On December 13, 1951, a Declaration of Taking was filed in the condemnation action describing the subject property by metes and bounds and by a map attached thereto, and judgment was duly entered thereon. With the Declaration of Taking there was deposited to the Registry of the Court the amount of just compensation estimated to be due for the property taken. Thus, the requirements of the Declaration of Taking statute, as contained in Title 40, Section 258A of the U. S. Code, were complied with and all requirements to vest fee title in the United States were fulfilled.

A copy of the Certificate of Title, of the Declaration of Taking and Judgment thereon, and of the Judgment on Award were filed with the Commission. It was further established that the United States is vested in 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 Secretary of the Navy accepting jurisdiction over the subject installation on behalf of the United States and signed by him (R. B. Anderson) was received by the Division of State Lands on June 19, 1953. The Deputy Attorney General pointed out some defects in the form of acceptance which were remedied by letter, dated March 22, 1954, signed by the Secretary of the Navy. (Exhibit "F" of the Transcript.) This acceptance is made subject to each and all of the conditions and reservations prescribed in Section 126, Government Code, State of California, as amended, as of June 13, 1953, and is, therefore, in accordance with law and with the Rules and Regulations 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. Testimony was presented to the effect that the Naval Air Station employs approximately 8,500 people. A large part of personnel rent or own homes in that area, resulting in economic benefits to the community and to the State in general.

The monthly payroll amounts to approximately four million dollars. The Station has its own police and fire protection forces, thereby relieving the state, city and county of the cost of maintaining these services in this area.

No appearances were made in opposition to the request of the Navy.

SUMMARY

The hearing on this case was held at the State Building, San Francisco, California, on November 18, 1953, pursuant to Commission authority. The findings of the hearing officer are as follows:

1. The property involves 76.15 acres of land acquired by the United States for an extension of the Naval Air Station, Alameda, California. 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, dockyards and other needful buildings or other public purposes"; therefore, in this respect, the acquisition complies with the provisions of Section 126 of the Government Code.
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 Secretary of the Navy, has assented to acquisition of jurisdiction subject to all conditions of Section 126 of the Government Code, State of California, as amended, as of June 13, 1953.

STANDARD B & P

4. The acquisition is in the interest of the State in view of its value for national defense and of its continuing substantial contributions to State economy.
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, IT WAS RESOLVED AS FOLLOWS:

THE STATE LANDS COMMISSION FINDS AND DECLARES WITH RESPECT TO THOSE CERTAIN LANDS ACQUIRED BY THE UNITED STATES AND NOW USED BY THE DEPARTMENT OF THE NAVY AS AN ADDITION TO THE NAVAL AIR STATION AT ALAMEDA, ALAMEDA COUNTY, CALIFORNIA, SAID LANDS BEING DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, 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; FURTHER, THAT THE EXECUTIVE OFFICER IS DIRECTED TO FILE A CERTIFIED COPY OF THIS FINDING IN THE OFFICE OF THE SECRETARY OF STATE AND TO HAVE ONE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA.

Attachment: Exhibit "A"

STANDARD B & P "NOTAR"

EXHIBIT "A"

1951 FEE ACQUISITION OF ADDITIONAL STORAGE AREA FOR
NAS ALAMEDA EMERACING 76.15 ACRES MORE OR LESS
(U.S.) vs REGENTS OF THE UNIVERSITY OF CALIFORNIA, CIVIL #30735

All that certain piece or parcel of land located and situate in the City of Alameda, County of Alameda, State of California, and more particularly described as follows:

A portion of Tract 39, according to the map entitled, "Map of Alameda Marsh Land, as partitioned among the owners thereof in the suit numbered 8923 and entitled "Pacific Improvement Company, plaintiff, vs. James A. Waymire, et al, defendants, Superior Court of Alameda County, State of California", filed July 30, 1900 in the office of the Recorder of Alameda County and of record in Map Book 25 at pages 74, 76 and 78, bounded as follows:

Beginning at a point on the western line of said Tract 39, distant thereon north 0° 34' west 1240.19 feet from the northern line of Atlantic Avenue, formerly called Industrial Highway as said highway is described in the deed from Alameda Belt Line to the City of Alameda, dated October 3, 1930, recorded October 21, 1930 in Book 2485 of Official Records of Alameda County, page 105; running thence along said line of Tract 39 north 0° 34' west 986.83 feet to the southern line of the 73.289 acre parcel of land described in the Final Judgment in Condemnation made May 16, 1946 by the United States District Court, Northern District of California, Southern Division, Case No. 22712-G, a certified copy of which judgment was recorded June 18, 1946 in Book 4899 of Official Records of Alameda County, page 455; thence along the last mentioned line south 88° 20' east 2400 feet to the eastern line of said 73.289 acre parcel; thence along the last mentioned line north 1° 40' east 140.00 feet to the southern line of the 6.1442 acre parcel of land described in the deed by the Regents of the University of California to United States of America, dated August 27, 1948, recorded September 2, 1948 in Book 5597 of Official Records of Alameda County, page 433; thence along the last mentioned line south 88° 20' east 1670.24 feet to the general western line of Webster Street as said line was established by the deed from the Regents of the University of California to the City of Alameda, dated April 13, 1944, recorded May 4, 1944 in Book 4555 of Official Records of Alameda County, page 50; thence along the last mentioned line the three following courses and distances:

South 5° 54' 38.5" west 28.52 feet to an angle point therein; south 3° 43' 27" west 352.37 feet; and north 89° 10' east 42.00 feet to the western line of Webster Street, as said line was established by the deed to the City of Alameda dated May 31, 1928,

EXHIBIT "A" (CONTD.)

recorded June 5, 1928 in Book 1867 of Official Records of Alameda County, page 266; thence along the last mentioned line south 0° 50' east 74.95 feet; thence north 89° 00' 30" west 1339.29 feet to the direct production northerly of the course designated "North 0° 59' 50" east. . . 102.00 feet" which course is in the general western line of the parcel of land described in the lease by The Regents of the University of California as Lessor and Alameda Amusement Co. Inc., as Lessee, dated July 1, 1949, recorded November 17, 1949 under Recorder's Series AD-79147, Official Records of Alameda County; thence along said produced line and along the course above mentioned and the direct production southerly of said course south 0° 59' 50" west 624.82 feet to the northern line of a 46.9591 acre parcel of land described in a decree made March 9, 1943 from the District Court of the United States of America, Northern District of California, Southern Division, in action United States of America vs. The Regents of the University of California et al, Case No. 22478-R, a certified copy of which decree was recorded March 15, 1943 in Book 4328 of Official Records of Alameda County, page 497; thence along the last mentioned line north 89° 00' 10" west 2730.54 feet to the point of beginning, containing 76.15 acres more or less.

SUBJECT to an easement as recorded August 18, 1947 in Alameda County Official Record Book 5181 at page 384 for the construction use and maintenance of a water pipe line over a strip of land 10 feet in width, the same being more particularly described as follows:

Portion of Tract 39, according to "Map of Alameda Marsh Land as partitioned among the owners thereof, in the Suit numbered 8923 and entitled, Pacific Improvement Company, plaintiff, vs. James A. Waymire et al., defendants, Superior Court of Alameda County, State of California," filed July 30, 1900, in the office of the County Recorder of said Alameda County, and of record in Map Book C, pages 74, 76 and 78, more particularly described as follows:

A strip of land of the uniform width of 10 feet lying westerly of and contiguous to the westerly line of Webster Street, as said westerly line is described in the deed from The Regents of the University of California to the City of Alameda, dated May 31, 1928, and recorded June 5, 1928, in Book 1867 of Official Records at page 266 and extending northerly from the northerly line of that certain 70.0287 acre tract of land described in the decree in Action No. 21816 W in the District Court of the United States for the Southern Division of the Northern District of California, which said decree was dated March 27, 1941, a certified copy of which was recorded March 28, 1941, in Book 4023 of Official Records at page 499, a distance of 1202.09 feet, more or less, to the southerly line of that portion of said Tract 39, described in the deed from The Regents of the University of California to the City of Alameda, dated April 13, 1944, and recorded May 4, 1944, in Book 4555 of Official Records, at page 50.