

Nº L.A. 1668

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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 the resolution adopted by the State Lands Commission at its meeting held December 17, 1954, at Sacramento, California (Item 26, Minute pages 2213 through 2220, inclusive).

0519

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

2318

IN WITNESS WHEREOF, the undersigned has executed this
certificate and affixed the seal of the State Lands Commission, this
Fourteenth day of January A. D. 1955

(TITLE)

Executive Officer
STATE LANDS COMMISSION

EXCERPT FROM MINUTES OF THE
MEETING OF THE STATE LANDS COMMISSION
HELD IN SACRAMENTO, CALIFORNIA, ON
DECEMBER 17, 1954
(MINUTE PAGES 2213-2220)

2318

26. (ACQUISITION BY THE UNITED STATES OF LANDS OCCUPIED BY THE SIERRA ORDNANCE DEPOT, COUNTY OF LASSEN, CALIFORNIA, UNDER THE PROVISIONS OF SECTION 126 GOVERNMENT CODE - W.O. 1868.) The Commission's staff reported as follows:

"On February 9, 1954 the Commission authorized the Executive Officer to order and conduct the requisite hearings pursuant to Section 126 of the Government Code and under rules and regulations adopted by the Commission on June 14, 1949 on applications relating to acquisition of lands by the United States, subject to report to the Commission of the determinations of hearings for final consideration and action.

"On June 25, 1954 an application for acceptance of jurisdiction by the United States over lands comprising the Sierra Ordnance Depot, Herlong, Lassen County, California, was executed by the Honorable Robert T. Stevens, Secretary of the Army.

"Pursuant to said application, arrangements were made to conduct the requisite public hearing at Room No. 30, Courthouse, County of Lassen, Susanville, California, at 10 a.m., Tuesday, September 14, 1954.

"The notice of said public hearing was published in the 'Lassen Advocate', Susanville, California, on August 26, 1954, and service on the clerk of the Board of Supervisors of Lassen County was made on the 24th day of August, 1954. Notices were thus published and served in compliance with Section 2602, California Administrative Code, Title 2.

"The hearing was held by the Executive Officer at Room No. 30, Courthouse, County of Lassen, Tuesday, September 14, 1954, from 10 a.m. to 12 M. and continued thereafter at Room 102 Business and Professions Building, Sacramento, California, at 10 a.m., November 9, 1954. 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 Walter S. Rountree, Assistant Attorney General. Appearances were made on behalf of the applicant by Mr. J. Otis Brown, Real Estate Division, South Pacific Division, Corps of Engineers, United States Army; Mr. R. H. Hamblin and Mr. J. O. Mauborgne of the San Francisco District, Corps of Engineers, United States Army; Colonel G. H. Leavitt and Captain William K. Bouldin, Jr., of the Sierra Ordnance Depot.

"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:

"Evidence was presented at the hearing to the effect that the acquisition was made for the 'erection of forts, magazines, arsenals, dock yards, and other needful buildings within the purview of Clause 17, Section 8, Article 1, of the Constitution of the United States.' According to that evidence, the United States Sierra Ordnance Depot, Lassen County, California, has as its mission the receipt, storage and issue of ammunition within an assigned area; the functional packing of small arms; and the testing of small arms. It has the mission of the distribution of ammunition to individuals, clubs, etc., as authorized by the National Rifle Association; the receipt, storage and issue of guided missiles is an additional responsibility.

"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'. Acquisition of the property has been had by the United States by condemnation, by purchase, by executive and public land orders, and by leasehold agreements. The property was acquired pursuant to authorization contained in 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 USC Appendix 632,

56 Stat. 176). Supplemental thereto, the acquisition was made under a series of real estate directives issued by the Chief of Engineers, War Department, under authority of an Act of Congress, December 1, 1941. Acquisitions by condemnation were made pursuant to an Act of Congress approved August 18, 1898 (26 Stat. 316).

"By testimony presented and documentary evidence introduced by the applicant, it was established that all statutory requirements have been fully complied with. It was further established by the same means that the United States has title to or holds under leasehold all of the lands covered by the application as filed with the Commission.

"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 Army dated June 25, 1954 and signed by him (Robert T. Stevens) and accepting jurisdiction over the subject installation on behalf of the United States was received by the Division of State Lands June 28, 1954. This acceptance is made subject to each and all of the conditions and reservations described in Section 126, Government Code, State of California, and is, therefore, in accordance with law and with the rules of the Commission. The form and substance of this application has been approved by the Office of the Attorney General.

"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 Sierra Ordnance Depot was established under General Order No. 9 (February 5, 1942) as one of a series of ordnance depots, United States Army, and is an integral part of the national defense system. It serves as a distribution center for ammunition for sale to individuals, clubs, etc., as authorized by the National Rifle Association, as part of the marksmanship program. The total population of the installation is approximately 4,500 people, having a gross monthly payroll of approximately \$700,000. A large portion of this monthly income is expended by the depot's population in Susanville and other communities surrounding the base. Testimony was also presented to the effect that since the installation of the depot the City of Susanville has grown some three to four thousand in population. All of these factors indicate that the installation of the depot has resulted in an economic benefit to

the surrounding area and the State in general. It was further established that the installation has its own source of water supply, which is more than adequate to take care of its present and possible future needs. Testimony was presented to the effect that neither the United States nor the State or its agents were exercising adequate law enforcement or processing civil cases as adequately as would result from the clarification of jurisdictional status that would accompany the granting of the application for Federal jurisdiction.

"No appearances were made in opposition to the application.

SUMMARY

"The hearings on this case were held at Susanville, California, on September 14, 1954 and continued thereafter at Sacramento, California, on November 9, 1954, pursuant to Commission authority. The findings of the hearing officer are as follows:

1. The property involves some 33,800 acres, more or less, of land in the County of Lassen. The acquisition comes within the purview of Clause 17, Section 8, Article 1, of the Constitution of the United States, which requires that it be 'for the erection of forts, magazines, arsenals, dock yards, and other needful buildings or other public purposes'.
2. The acquisition was by condemnation, purchase, executive and public land orders, and leasehold agreements, and was made pursuant to the laws of the United States.
3. The United States, through the Secretary of the Army, has assented in writing to acquisition of jurisdiction subject to all the conditions of Section 126 of the Government Code, State of California, as amended by Statutes of 1953, Chapter 1856.
4. Acquisition is in the interest of the State, in view of its value for national defense and of its substantial contributions to the economy of the area and 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.

"This calendar item has been reviewed and approved by the Office of the Attorney General."

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, IT WAS RESOLVED AS FOLLOWS:

2216

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 ARMY AS AN ORDNANCE DEPOT AT HERLONG, LASSEN COUNTY, CALIFORNIA, SAID LANDS BEING DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND HEREBY 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 INTERESTS 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 LASSEN.

ATTACHMENT: EXHIBIT "A"

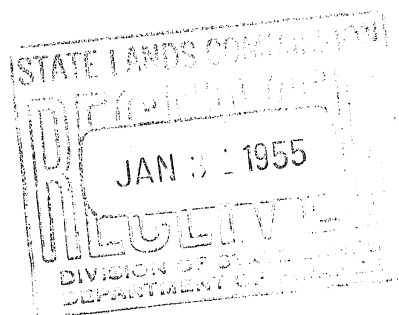


EXHIBIT "A"

PERIMETER DESCRIPTION OF SIERRA ORDNANCE DEPOT

All that real property situate in the County of Lassen, State of California, and being more particularly described as follows:

Parcel I

Beginning at the section corner common to Sections 33 and 34, T. 27 N., R. 16 E., M.D.M., and Sections 3 and 4, T. 26 N., R. 16 E., M.D.M.; thence along the following courses and distances, N. 1° 05' E. 5239.08' to N.W. Corner of Section 34; thence N. 0° 54' E. 5239.08' to N.W. Corner of Section 27; thence North 1056.00' to the meander line of Honey Lake; thence N. 52° 30' E. 1716.00'; thence N. 12° 00' E. 1782.00 feet; thence N. 9° W. 1452.00 feet; thence N. 27° 45' W. 3168.00 feet; thence N. 29° 45' W. 2904.00'; thence N. 42° 00' W. 1980.00 feet; thence N. 87° W. 1848.00 feet; thence N. 65° W. 726.00 feet; thence N. 49° W. 1188.00 feet; thence N. 16° 45' W. 924.00 feet; thence N. 5° 45' E. 1782.00 feet; thence N. 7° E. 3498.00 feet; thence N. 1° 30' E. 1782.00 feet to the Northerly line of Section 5, T. 27 N., R. 16 E., M.D.M.; thence continuing along the meander line of Honey Lake N. 1° 45' W. 2310.00 feet; thence N. 7° 15' W. 2970.00 feet; thence N. 9° 15' W. 2706.00 feet; thence N. 10° 45' W. 2640.00 feet; thence N. 10° 15' W. 2376.00'; thence N. 9° 45' W. 2970.00' to the Northerly line of Section 20, T. 28 N., R. 16 E.; thence along the Northerly line of Section 20, East 2838.00 feet; thence S. 88° 28' E. 5313.00 feet; thence S. 88° 58' E. 2661.78 feet; thence S. 89° 02' E. 2668.38 feet; thence S. 88° 54' E. 2642.64 feet; thence S. 88° 57' E. 2641.32 feet; thence S. 88° 54' E. 1637.79' to the SouthWesterly line of the Southern Pacific Railroad R/W; thence S. 60° 18' E. 2271.72 feet; thence S. 29° 42' W. 74.976 feet; thence S. 60° 18' E. 3108.864 feet; thence S. 89° 16' E. 103.224 feet; thence S. 60° 18' E. 1679.04 feet; thence N. 0° 56' E. 28.512 feet; thence S. 60° 18' E. 3007.62 feet to the East line of Section 19, T. 28 N., R. 17 E., M.D.M.; thence leaving said S.P. R.R. R/W along the East line of said Section 19, S. 0° 53' W. 402.60 feet to the S.E. corner of said Section 19; thence S. 0° 54' W. 2647.26 feet; thence Easterly along the East West center line of Section 29, T. 28 N., R. 17 E., M.D.M. to the East line of said Section 29; thence Southerly along the East line of Sections 29 and 32, T. 28 N., R. 17 E., M.D.M. and the East line of Sections 5, 8, 17, 20, 29 and 32, T. 27 N., R. 17 E., M.D.M., to a point on the Northerly line of the Western Pacific R.R. R/W; thence Westerly along the Northerly line of said R/W to the Westerly line of Section 31, T. 27 N., R. 17 E., M.D.M.; thence Southerly along the Westerly line of said Section 31 to the South West corner thereof; thence continuing Southerly along the Easterly line of Section 1, T. 26 N., R. 16 E., M.D.M., to the South East corner thereof; thence Westerly along the Southerly line of said Section 1 to the South West corner thereof; thence Northerly along the Easterly line of Section 2, T. 26 N., R. 16 E., M.D.M. to the N.E. corner of the S.E. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of said Section 2;

thence Westerly along the Northerly line of the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of said Section 2 to the North West corner thereof; thence Southerly along the Westerly line of the $S.E.\frac{1}{4}$ of the $S.E.\frac{1}{4}$ of said Section 2 to the Southerly line of said Section 2; thence Westerly along the Southerly line of said Section 2 to the South West corner thereof; thence Northerly along the Westerly line of said Section 2 to the N.W. corner thereof; thence Westerly along the Township line common to Section 3, T. 26 N., R. 16 E. and Section 34, T. 27 N., R. 16 E. to the Southwest corner of said Section 34 and the point of beginning. Containing 32,028.22 acres, more or less.

Excepting therefrom all that portion lying within the Western Pacific R.R. R/W.

Also excepting that portion described as commencing at the $\frac{1}{4}$ Section corner common to Sections 35, T. 27 N., R. 16 E., M.D.M. and Section 2, T. 26 N., R. 16 E., M.D.M.; thence running N. $0^{\circ} 22' 20''$ E. 100.58 feet to the true point of beginning; thence from said point of beginning N. $89^{\circ} 37' 40''$ W. 100.00 feet; thence N. $0^{\circ} 22' 20''$ E. 100 feet; thence S. $89^{\circ} 37' 40''$ E. 100.00 feet; thence S. $0^{\circ} 22' 20''$ W. 100.00 feet to the point of beginning.

Parcel 2

All that real property situate in T. 28 N., R. 17 E., M.D.M., more particularly described as follows:

Beginning at the South West corner of the $N.W.\frac{1}{4}$ of Section 21; thence Northerly along the line common to Sections 20 and 21 to the South East corner of the $N.E.\frac{1}{4}$ of the $N.E.\frac{1}{4}$ of said Section 20; thence Westerly along the Southerly line of the North $\frac{1}{2}$ of the $N.E.\frac{1}{4}$ of said Section 20 to the South West corner thereof; thence Northerly along the Westerly line of the $N.W.\frac{1}{4}$ of the $N.E.\frac{1}{4}$ of said Section 20 to the Northerly line of Section 20; thence Easterly along the Section line common to Sections 17 and 20 to the South East corner of Section 17; thence Northerly along the section line common to Sections 16 and 17 to the North East corner of the $S.E.\frac{1}{4}$ of the $S.E.\frac{1}{4}$ of Section 17; thence Westerly along the Southerly line of the $N.E.\frac{1}{4}$ of the $S.E.\frac{1}{4}$ of said Section 17 to the South West corner thereof; thence Northerly along the Westerly line of the $N.E.\frac{1}{4}$ of the $S.E.\frac{1}{4}$ of said Section 17 to the North West corner thereof; thence Westerly along the Southerly line of the North $\frac{1}{2}$ of said Section 17 to the Westerly line thereof; thence Northerly along the Westerly line of said Section 17 to the N.W. corner thereof; thence Easterly along the Northerly line of said Section 17 to the North East corner of the $N.W.\frac{1}{4}$ of said Section 17; thence Northerly along the Westerly line of the $S.E.\frac{1}{4}$ of Section 8 to the N.W. corner of the $S.E.\frac{1}{4}$ of said Section 8; thence Easterly along the Northerly line of the $S.E.\frac{1}{4}$ of Section 8 and the Northerly line of the South half of Section 9 to the Easterly line of said Section 9; thence Southerly along the

Easterly line of Section 9 and the Easterly line of Section 16 to the South East corner of said Section 16; thence Westerly along the Southerly line of said Section 16 to the South West corner of the S.E. $\frac{1}{4}$ of said Section 16; thence Southerly along the Easterly line of the N.W. $\frac{1}{4}$ of Section 21 to the South East corner thereof; thence Westerly along the Southerly line of the N.W. $\frac{1}{4}$ of Section 21 to the South West corner thereof and the point of beginning.

Containing 1720 acres, more or less.

Parcel III
Leased County Road - Sierra Ord.

Beginning at a point on the Northerly right-of-way line of U. S. Highway 395 opposite Highway Engineer's Station 993 + 22.27 and running thence along a curve to the left with a radius of 200 feet, a central angle of 53° 49' and a distance of 187.86 feet; thence North 72° 10' East 9248.61 feet; thence on a curve to the left with a radius of 3925 feet, a central angle of 20° 45' and a distance of 1421.46 feet; thence North 51° 25' East 1261.68 feet; thence on a curve to the right with a radius of 3075 feet, a central angle of 25° 25' and a distance of 1364.08 feet; thence North 77° 17' East 8839.77 feet to a point on the Northerly line of Section 4, T. 26 N., R. 16 E., M.D.M.; thence along the Northerly line of said Section 4, Easterly 287.55 feet to the Northeast corner of said Section 4; thence along the Easterly line of said Section 4 Southerly 88.89 feet to a point; thence South 77° 17' West 9117.63 feet; thence on a curve to the left with a radius of 2925 feet, a central angle of 25° 25' and a distance of 1297.54 feet; thence South 51° 25' West 1261.68 feet; thence on a curve to the right with a radius of 4075 feet, a central angle of 20° 45' and a distance of 1475.78 feet; thence South 72° 10' West 9183.92 feet; thence on a curve to the left with a radius of 175 feet and a central angle of 107° 50' and a distance of 188.20 feet to a point on the Northerly right of way line of U. S. Highway 395 opposite State Highway Engineer's Station 998 + 29.91; thence North 54° 01' West 506.94 feet to the point of beginning.

Containing 76.29 acres, more or less.

RECORDED BY

State Lands Commission

JAN 17 1955 at 1:00 P.M.

in VOL. 107 PAGE 363

OFFICIAL RECORDS OF

LASSEN COUNTY, CALIFORNIA

W. W. PACKWOOD RECORDER

BY *Emma Truman* DEPUTY

FEE \$ NO. FEE NO. 2318

*Room 302 - State Building
Los Angeles 12, California*