

19. (TIDE WATER ASSOCIATED OIL COMPANY, APPLICATION FOR TERMINATION OF LEASE NO. 17, 675/PC AND ISSUANCE OF RIGHT OF WAY EASEMENT IN LIEU THEREOF, GAVIOTA, SANTA BARBARA COUNTY - W.O. 757, P.R.C. 550) The Commission was informed as follows: Tide Water Associated Oil Company holds a lease covering State tide and submerged lands adjacent to Gaviota, Santa Barbara County, on which a wharf was built many years ago. The wharf has not been used by the Company for several years, is now being removed and the company has requested that the existing lease be terminated by mutual consent. Lease was originally issued on January 1, 1940, for a period of twenty years for a consideration of \$2,000 paid in advance. In lieu of the pier the Tide Water Associated Oil Company has applied for a right of way easement 2400 feet in length by 100 feet in width over tide and submerged lands immediately adjacent to the area now under lease to be occupied by submarine pipe lines and telephone line together with a second parcel 600 feet long by 50 feet in width to be occupied by an anode protective line, and the installation of six mooring buoys near the seaward end of the submarine lines. Annual rental on the requested right of way easement in two parcels at the regulatory rate of \$40 plus 2 cents per lineal foot would amount to \$100, the same rental rate now in force for the existing lease. It was requested that the Company be given credit for the unexpired period of the existing lease, such credit to apply as advance payment of rental under the requested right of way easement. Termination of the existing lease and effective date of the requested right of way easement would be the anniversary date, January 1, 1951, on which date the unexpired period of the existing lease will be nine years and no days with a resulting credit amounting to \$900, to be applied as advance rental on the requested right of way easement. Filing fee and expense deposit have been paid.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO APPROVE TERMINATION OF LEASE NO. 17 - 675/PC ISSUED ON JANUARY 1, 1940, TO TIDE WATER ASSOCIATED OIL COMPANY, CREDIT OF \$900 RENTAL FOR THE UNEXPIRED TERM TO BE ALLOWED; THE EXECUTIVE OFFICER WAS FURTHER AUTHORIZED TO ISSUE TO TIDE WATER ASSOCIATED OIL COMPANY A RIGHT OF WAY EASEMENT IN TWO PARCELS, ONE 100 FEET IN WIDTH BY 2400 FEET IN LENGTH, THE OTHER 50 FEET IN WIDTH BY 600 FEET IN LENGTH FOR THE INSTALLATION, MAINTENANCE AND USE OF SUBMARINE PIPE LINES, TELEPHONE LINE AND ANODE LINE TOGETHER WITH THE RIGHT TO INSTALL, MAINTAIN AND USE SIX MOORING BUCYS FOR A PERIOD OF FIFTEEN YEARS AT AN ANNUAL RENTAL OF \$100, WITH RIGHT OF RENEWAL FOR THREE ADDITIONAL PERIODS OF TEN YEARS EACH AT SUCH TERMS AS MAY BE DETERMINED PRIOR TO THE TERMINATION DATE OF EACH SUCCESSIVE PERIOD, PERFORMANCE BOND IN THE AMOUNT OF \$2,000 TO BE FURNISHED, UNEARNED RENTAL CREDIT ALLOWED ON LEASE 17 675/PC IN THE AMOUNT OF \$900, TO BE APPLIED AS ADVANCE PAYMENT OF RENTAL UNDER TERMS OF THE REQUESTED RIGHT OF WAY EASEMENT.

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.

21. (BUREAU OF RECLAMATION, APPLICATION FOR RIGHT OF WAY EASEMENT ACROSS SCHOOL LANDS FOR TRANSMISSION LINE, SAN BERNARDINO AND IMPERIAL COUNTIES, PARKER DAM PROJECT - W.O. 679, P.R.C. 551) The Commission was informed that the United States Bureau of Reclamation has applied for a right of way easement across four parcels of State school land, three in Imperial County and one in San Bernardino County, for the construction, maintenance and use of an electric transmission line from Parker Dam, easement to run for the life and use of the transmission line and reverting to the State upon abandonment of line, and that the United States has appraised the value of the total area in the four parcels (45.30 acres) at \$73.80; the value as determined by the Commission staff being approximately the same.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO ISSUE TO THE U. S. BUREAU OF RECLAMATION A RIGHT OF WAY EASEMENT 100 FEET IN WIDTH ACROSS 4 PARCELS OF SCHOOL LAND AS FOLLOWS:

Parcel 1: 5317 feet in length crossing the east half of Section 16, T. 9 S., R. 21 E., S.B.M., in Imperial County, consisting of 24.40 acres.