

ALL OTHER TERMS AND CONDITIONS OF THE ORIGINAL LEASE TO BE UNCHANGED; THE CONSIDERATION FOR THE SUBSTITUTION BEING THE INTEREST OF THE PUBLIC.

9. (ACQUISITION BY THE UNITED STATES OF LANDS OCCUPIED BY THE U. S. NAVY EL TORO MARINE CORPS AIR BASE, ORANGE COUNTY, CALIFORNIA, UNDER THE PROVISIONS OF SECTION 126, GOVERNMENT CODE - W. O. 486) 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 Navy Marine Corps Air Base at El Toro, Orange County, California. On June 16, 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 hearings scheduled for the same day and place. The notice of such public hearing was published in the Santa Ana Register at Santa Ana, California, on September 1, 1950, and service on the Clerk of the Board of Supervisors of Orange County was made on August 28, 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. These hearings were adjourned to and completed on October 17, 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 El Toro Marine Air Base, Colonel Pierson E. Conradt, U. S. M. C., 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 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 mission of the Marine Corps Air Station at El Toro is to furnish personnel, supplies and operating facilities for units of the Fleet Marine Force Aviation

which may be stationed there. The station includes a large supply facility and furnishes base facilities for one Marine Air Wing consisting of two Marine Air Groups, plus attached units. Headquarters of the Fleet Marine Force of the Pacific is permanently stationed there and a program has been initiated replacing the temporary installations by permanent ones. Since the installation operates in the foregoing capacity, it is believed that the acquisition was made and is being maintained 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".

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 by condemnation pursuant to the provisions of the Second War Powers Act of 1942, approved March 27, 1942, Public Law 507, 77th Congress. An Order of Immediate Possession was issued October 17, 1942, and the Final Amended Judgment and Decree was ordered on October 27, 1949. 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 June 16, 1950, accepting jurisdiction over the subject in application 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 June 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.

Testimony was introduced to the effect that the El Toro Marine Base was considered a part of the community of Orange County and included in its activities. The station employs about 1200 civilians practically all of them living in Orange County. The payroll, both civilian and military, amounts to about \$1,000,000 per month. In addition, certain air facilities are available which are considered important in the air defense of Southern California. The station has a part in local plans for disaster relief for civilian defense.

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 EL TORO MARINE CORPS AIR BASE, ORANGE COUNTY, CALIFORNIA, SAID LANDS BEING DESCRIBED AS FOLLOWS:

All of that land in the County of Orange, State of California, being portions of Blocks 140, 141, 154, 155, 173 and 174 of Irvine's Subdivision, as shown on a map recorded in Book 1, at page 88, of Miscellaneous Record Maps in the office of the County Recorder of

said Orange County, bounded and described as follows:

Beginning at the point of intersection of the Northeasterly right-of-way line of the Atchison, Topeka and Santa Fe Railway Company and the Northwesterly line of Lot 286 in said Block 140, said point being 50 feet Northeasterly from the most Westerly corner of said Lot 286; thence from said point of beginning North 39° 59' 50" East along the Northwesterly line of Lots 286 and 279 in said Block 140, 5230.98 feet to the most Northerly corner of said Lot 279; thence North 39° 57' 54" East along the Northwesterly line of Lots 278 and 271 in said Block 141, 3962.08 feet to the center line of said Lot 271; thence South 50° 01' 26" East along the center line of Lots 271 and 272 in said Block 141, 5281.56 feet to the Southeasterly line of said Lot 272; thence South 49° 59' 06" East along the center line of Lots 273 and 274 in said Block 154, 3965.23 feet to the center of said Lot 274; thence South 39° 56' 59" West along the center line of said Lot 274, 1320.53 feet to the Northeasterly line of Lot 275 in said Block 154; thence South 49° 58' 06" East along the Northeasterly line of said Lot 275 and the Northeasterly line of Lot 302 in said Block 174, 2523.35 feet; thence South 40° 00' 13" West across said Lot 302 and across Lot 303 in said Block 173, 3481.76 feet to the Northerly line of a drainage ditch; thence along the Northerly line of said drainage ditch South 67° 14' 20" West 2619.37 feet to the Southeasterly line of Lot 283 in said Block 155; thence South 39° 59' 00" West along the Southeasterly line of said Lot 283, 2061.63 feet to the Northeasterly right-of-way line of said The Atchison, Topeka and Santa Fe Railway Company; thence North 50° 00' 00" West along said right-of-way line 10,570.13 feet to the point of beginning, containing 2318.833 acres, more or less.

NOTE: A map of a survey of said land made in September, 1942, by W. J. Leekey, Registered Civil Engineer, at the request of Eleventh Naval District, U. S. N., was filed October 8, 1942, in the office of the County Recorder of Orange County, California, and entered in Book 12, at page 42, of Record of Surveys.

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 ONE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ORANGE.

10. (REQUEST FOR DISCHARGE OF ACCOUNTABILITY RE JOSEPH E. CLARK LEASE, MISSION BAY LEASES, W. O. 429) The Commission was informed as follows: This lease originated as an agreement entered into May 29, 1926 between Joseph E. Clark, lessee, and the State Board of Harbor Commissioners for a term of fifty years, no provisions being made for cancellation or release from its obligations. Lands covered by the lease were transferred from the State Board of Harbor Commissioners to the State Lands Commission pursuant to Attorney General's opinion NS4656 - Feb. 8, 1943, effective as of Sept. 13, 1941, at which time the lessee was delinquent in rentals in the sum of \$175.00. The lessee became further delinquent in rentals to the State in the sum of \$300.00 for the period 9/29/41 to 9/28/45, bringing the total obligation due the State to \$475.00. The State Lands Commission brought the matter of this delinquent rental account to the attention of the Attorney General's office for collection. The Attorney General now advises that Mr. Clark has died, leaving no estate, and that this account is uncollectible. He recommends that discharge of accountability be sought from the State Board of Control in this matter.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO REQUEST A DISCHARGE OF ACCOUNTABILITY FROM THE STATE