

5. (DIVISION OF HIGHWAYS, REQUEST FOR APPROVAL OF RIGHT-OF-WAY EASEMENT ACROSS THE AMERICAN RIVER, SACRAMENTO COUNTY - W.O. 411, P.R.C. 571) The Commission was informed that the Division of Highways has requested approval of a right-of-way easement 160 feet in width and 1,000 feet in length across the American River in Sacramento County for the so-called "Elvas Bridge" on Road III-Sac-98-B in accordance with Section 101.5 of the Streets and Highway Code.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO APPROVE A RIGHT-OF-WAY EASEMENT TO THE DIVISION OF HIGHWAYS FOR AN AREA 160 FEET IN WIDTH AND 1,000 FEET IN LENGTH ACROSS THE AMERICAN RIVER IN SACRAMENTO COUNTY FOR THE "ELVAS BRIDGE" ON ROAD III-SAC-98-B, AT NO CONSIDERATION.

6. (DIVISION OF HIGHWAYS, REQUEST FOR APPROVAL OF RIGHT-OF-WAY EASEMENT, COLORADO RIVER, SAN BERNARDINO COUNTY - W.O. 411, P.R.C. 572) The Commission was informed that the Division of Highways has requested approval of a right-of-way easement in San Bernardino County over that portion of the Colorado River which lies in California, the right-of-way easement 400 feet in width, being for the highway bridge to Arizona, formerly the Atchison, Topeka and Santa Fe Railway bridge, at no consideration.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO APPROVE A RIGHT-OF-WAY EASEMENT 400 FEET IN WIDTH TO THE DIVISION OF HIGHWAYS FOR A HIGHWAY CROSSING OVER THAT PORTION OF THE COLORADO RIVER WHICH LIES IN CALIFORNIA, THE CROSSING BEING KNOWN AS THE "RED ROCK BRIDGE" ON ROAD VIII-SBD-58-P, AT NO CONSIDERATION.

7. (CITY OF OXNARD, APPLICATION FOR RIGHT-OF-WAY EASEMENT OVER TIDE AND SUBMERGED LANDS AT HUENEME, VENTURA COUNTY - W.O. 764, P.R.C. 573) The Commission was informed that the City of Oxnard has applied for a right-of-way easement extending 880 feet into the Pacific Ocean adjacent to Huene me, Ventura County, for a second outfall sewer. The State Beach Erosion Control Engineer inspected the plans and interposed no objection insofar as the free littoral drift of sand along the coast is concerned. No fee or rental is required.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO ISSUE TO THE CITY OF OXNARD A RIGHT-OF-WAY EASEMENT APPROXIMATELY 880 FEET IN LENGTH BY 50 FEET IN WIDTH INTO THE PACIFIC OCEAN ADJACENT TO HUENEME, VENTURA COUNTY, AT NO CONSIDERATION, FOR SUCH TIME AS THE AREA IS OCCUPIED FOR THE CONSTRUCTION, MAINTENANCE AND USE OF AN OUTFALL SEWER.

8. (ACQUISITION BY THE UNITED STATES OF LANDS OCCUPIED BY THE U. S. NAVAL AIR STATION, ALAMEDA, ALAMEDA COUNTY, CALIFORNIA, UNDER THE PROVISIONS OF SECTION 126 GOVERNMENT CODE - W.O. 480) 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 Naval Air Station at Alameda, California. On April 17, 1950,

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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. On October 23, 1950, the Commission authorized the Assistant Executive Officer to conduct the hearing in this case.

Pursuant to said application, arrangements were made to conduct the requisite public hearing at Alameda, California, in connection with other similar hearings scheduled for the same day and place. The notice of such public hearing was published in the Oakland Tribune, Oakland, California, on October 6, 1950, and service on the Clerk of the Board of Supervisors of Alameda County was made on October 3, 1950. Notices were thus published and served in compliance with Section 2702, California Administrative Code, Title 2.

Hearings were held by the Assistant Executive Officer at Headquarters, U. S. Naval Air Station, Alameda, California, beginning at 11:00 A.M., October 24, 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 Herbert E. Wenig, Esq., Deputy Attorney General.

Appearances were made on behalf of the Navy by the Executive Officer of the U. S. Naval Air Station, Alameda, California, Commander John D. Lamade, U. S. Navy, also by Mr. Charles A. Baker and Mr. James L. McNally representing the 12th 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 presentation are as follows:

The only evidence 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", was a statement of opinion to that effect by Commander John D. Lamade, U. S. Navy, Executive Officer of the station. However, in view of the public knowledge of its use as a Naval Air Base for the training of naval aviators and the operation of naval air transports, in addition to the fact that Commander Lamade testified to its status as an integral part of the national defense system and as to its continuous use for such purpose since the lands were acquired it is believed that a finding can be made that the purpose of the acquisition comes within the limitations of the above quoted constitutional provision.

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 authority of the Second War Powers Act, Public Law 507, 77th Congress and Public Law 92, 78th Congress, as well as the General Declaration of Taking Statute, the Act of February 26, 1931, 46 Stat. 1421, 40 U.S.C.A., Section 258a. Certificates of title to all of the parcels acquired have been filed with the Commission. Evidence was presented by Mr. James L. McNally, a land acquisition

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attorney, 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 dated April 17, 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 April 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. The Executive Officer of the Naval Air Station, Commander John D. Lamade, testified that there was a decided benefit to the State of California from the Naval Air Station to the City of Alameda and the County, because of the employment of approximately 8,000 persons at the Air Station, receiving about \$3,000,000 monthly payroll. He also testified that these employees reside within a five to ten mile radius of the Air Station, and in so doing return a greater part of their wages to the State of California and more specifically to the County of Alameda. He further testified that the Station was an integral part of the National Defense System.

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 UNITED STATES NAVAL AIR BASE, ALAMEDA COUNTY, CALIFORNIA, SAID LANDS BEING DESCRIBED AS FOLLOWS:

All of those certain parcels described in judgment on Declaration of Taking in Civil Action No. 23109-G, District Court of the United States, in and for the Northern District of California, Southern Division, as recorded January 6, 1945, in Liber 4623, at page 483, Official Records, Alameda County, California, being in all 154.6 acres, more or less,

THAT THE CONDITIONS PRESCRIBED IN SUB-DIVISIONS 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; 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 ALAMEDA.

9. (ACQUISITION BY THE UNITED STATES OF LANDS OCCUPIED BY THE U. S. NAVAL SUPPLY CENTER, OAKLAND, ALAMEDA COUNTY, CALIFORNIA, UNDER THE PROVISIONS OF SECTION 126, GOVERNMENT CODE - W.O. 481) 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

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