

MINUTE ITEM

27. PROPOSED ACQUISITION OF STATE SCHOOL LANDS IN IMPERIAL COUNTY BY UNITED STATES DEPARTMENT OF THE NAVY THROUGH EMINENT DOMAIN PROCEEDINGS - S.W.O. 8014.

After consideration of Calendar Item 28 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ADVISE THE DEPARTMENT OF THE NAVY THAT THE COMMISSION IS IN AGREEMENT WITH THE SUGGESTION OF THE NAVY THAT THE FREE SIMPLE TITLE TO ALL OF SECTION 16 AND THE $W\frac{1}{2}$ OF $NW\frac{1}{4}$, $SE\frac{1}{4}$ OF $NW\frac{1}{4}$, $W\frac{1}{2}$ OF $NE\frac{1}{4}$, $SE\frac{1}{4}$ OF $NE\frac{1}{4}$, $W\frac{1}{2}$ OF $SW\frac{1}{4}$, $SE\frac{1}{4}$ OF $SW\frac{1}{4}$ AND THE $SE\frac{1}{4}$ OF SECTION 36, T. 14 S., R. 9 E., S.B.M., BE ACQUIRED BY THE NAVY UNDER PROCEEDINGS IN EMINENT DOMAIN, WITH EVERY EFFORT TO BE EXTENDED TO REACH AN AGREEMENT ON THE FAIR MARKET VALUE TO WHICH THE STATE IS ENTITLED THROUGH NEGOTIATIONS AND ENTRY OF A STIPULATED JUDGMENT IN SUCH PROCEEDINGS.

Attachment

Calendar Item 28 (2 pages)

CALENDAR ITEM

28.

PROPOSED ACQUISITION OF STATE SCHOOL LANDS IN IMPERIAL COUNTY BY UNITED STATES DEPARTMENT OF THE NAVY THROUGH EMINENT DOMAIN PROCEEDINGS - S.W.O.8014.

The Commission has under its jurisdiction all of Section 16 and the $W\frac{1}{2}$ of $NW\frac{1}{4}$, $SE\frac{1}{4}$ of $NW\frac{1}{4}$, $W\frac{1}{2}$ of $NE\frac{1}{4}$, $SE\frac{1}{4}$ of $NE\frac{1}{4}$, $W\frac{1}{2}$ of $SW\frac{1}{4}$, $SE\frac{1}{4}$ of $SW\frac{1}{4}$ and the $SE\frac{1}{4}$ of Section 36, T. 14 S., R. 9 E., S.B.M., containing 1,160 acres in Imperial County. The State's title to these two parcels attached prior to 1900 under the terms of the School Land Grant, Act of Congress approved March 3, 1853. The sections are situated in the immediate vicinity of the exterior boundaries of an area known as the Carrizo Impact Area, used during World War II and up to the present time as a Navy bombing range. While there is no record of the Navy ever having applied for or the Commission ever having authorized or permitted the use of the described lands for any purpose, advice from the Navy indicates that, by reason of its proximity to the Carrizo Impact Area, the land has become contaminated with unexploded bombs, mortars, and shells. This dangerous situation has been known to the staff for some time. Every attempt by the Navy to decontaminate these two parcels of State land and other privately owned lands in the general area has proven unsuccessful. Accordingly, a program has been undertaken by the Department of the Navy for the acquisition of fee simple title from all land owners desirous of disposing of their interests. For those land owners who are not desirous of disposing of their interests, the Navy Department has indicated it will, for the next three to five years, make further decontamination sweeps across the lands. These efforts would attempt to assure, to the greatest extent possible, that the surface is safe. The property would then be usable on a restricted basis only, with the subsurface considered extremely dangerous, for it would continue to be contaminated with unexploded bombs and shells.

Through recent correspondence, the Navy has indicated it would be willing to enter into negotiations to purchase the State-owned lands. This procedure is unacceptable for the reason that any negotiated sale would require issuance of a State patent with a reservation of all mineral rights to the State, pursuant to existing statutes. As an alternative, the Navy has indicated it would be willing to acquire the fee title through proceedings in eminent domain. Any such acquisition would require the Navy to pay current market value and, in all probability, a stipulated judgment could be entered into based upon a negotiated selling price.

In view of the foregoing, it appears that full use of the property can never be had by the State in the future, nor would it be considered prudent to sell any portion thereof into private ownership. For all practical purposes, any development under lease would be prohibitive due to potential hazards within the area.

Division records show that the State Division of Beaches and Parks and the County of Imperial requested that these two parcels of land be held for the two-year period pursuant to the recent circularization of public agencies required by the Commission under its new policies relating to these lands

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adopted at the meeting of September 16, 1963; however, both agencies have recently waived their interests by letter and resolution respectively.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO ADVISE THE DEPARTMENT OF THE NAVY THAT THE COMMISSION IS IN AGREEMENT WITH THE SUGGESTION OF THE NAVY THAT THE FEE SIMPLE TITLE TO ALL OF SECTION 16 AND THE $W\frac{1}{2}$ OF $NW\frac{1}{4}$, $SE\frac{1}{4}$ OF $NW\frac{1}{4}$, $W\frac{1}{2}$ OF $NE\frac{1}{4}$, $SE\frac{1}{4}$ OF $NE\frac{1}{4}$, $W\frac{1}{2}$ OF $SW\frac{1}{4}$, $SE\frac{1}{4}$ OF $SW\frac{1}{4}$ AND THE $SE\frac{1}{4}$ OF SECTION 36, T. 14 S., R. 9 E., S.B.M., BE ACQUIRED BY THE NAVY UNDER PROCEEDINGS IN EMINENT DOMAIN, WITH EVERY EFFORT TO BE EXTENDED TO REACH AN AGREEMENT ON THE FAIR MARKET VALUE TO WHICH THE STATE IS ENTITLED THROUGH NEGOTIATIONS AND ENTRY OF A STIPULATED JUDGMENT IN SUCH PROCEEDINGS.