

40. ACQUISITION BY THE UNITED STATES OF LAND OCCUPIED BY THE FEDERAL BUILDING AND UNITED STATES COURTHOUSE, 450 GOLDEN GATE AVENUE IN THE CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA, UNDER THE PROVISIONS OF SECTION 126, GOVERNMENT CODE - S.W.O. 8143, GEN. DATA.

After consideration of Calendar Item 44 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE STATE LANDS COMMISSION FINDS AND DECLARES, WITH RESPECT TO THOSE CERTAIN LANDS ACQUIRED BY THE UNITED STATES AND NOW USED BY THE UNITED STATES GOVERNMENT AS A FEDERAL BUILDING AND UNITED STATES COURTHOUSE AT 450 GOLDEN GATE AVENUE, IN THE CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA, PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN REAL PROPERTY SITUATE, LYING AND BEING IN THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT A POINT WHICH IS PERPENDICULARLY DISTANT 13.25 FEET NORTHERLY FROM THE NORTHERLY LINE OF GOLDEN GATE AVENUE AND ALSO WHICH IS PERPENDICULARLY DISTANT 2.49 FEET WESTERLY FROM THE WESTERLY LINE OF LARKIN STREET; THENCE RUNNING NORTHERLY PARALLEL WITH THE WESTERLY LINE OF LARKIN STREET 253.74 FEET; THENCE AT A RIGHT ANGLE WESTERLY 405.42 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 253.74 FEET; THENCE AT A RIGHT ANGLE EASTERLY 405.42 FEET TO THE POINT OF BEGINNING;

BEING A PORTION OF WESTERN ADDITION BLOCK NO. 6 (ALSO KNOWN AS ASSESSOR'S BLOCK NO. 764);

THAT THE CONDITIONS PRESCRIBED IN SUBDIVISIONS (a), (b), (c), (e), AND (h) 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; FURTHER, THE EXECUTIVE OFFICER IS DIRECTED TO FILE A CERTIFIED COPY OF THIS FINDING IN THE OFFICE OF THE SECRETARY OF STATE AND TO HAVE A COPY RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE CITY AND COUNTY OF SAN FRANCISCO.

Attachment

Calendar Item 44 (5 pages)

44.

ACQUISITION BY THE UNITED STATES OF LAND OCCUPIED BY THE FEDERAL BUILDING AND UNITED STATES COURTHOUSE, 450 GOLDEN GATE AVENUE IN THE CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA, UNDER THE PROVISIONS OF SECTION 126, GOVERNMENT CODE - S.W.O. 8143.

On October 21, 1965, the Commission authorized the Executive Officer to order and conduct the requisite hearing, pursuant to Section 126 of the Government Code and the Rules and Regulations of the Commission set forth under Sections 2600 to 2604 of Title 2, Division 3 of the California Administrative Code, on the application for consent to acquisition by the United States of land in the State of California known as the Federal Building and United States Courthouse, 450 Golden Gate Avenue in the City and County of San Francisco, more particularly described hereinafter, subject to report to the Commission of the determinations of such hearing for final consideration and action.

Under date of April 12, 1965, an application for acceptance of jurisdiction by the United States over land comprising the Federal Building and United States Courthouse, 450 Golden Gate Avenue in the City and County of San Francisco, California, was executed by the Acting Administrator of General Services Administration in behalf of the United States of America, assenting to the acceptance of Federal jurisdiction over the above-referred-to site as provided by Section 355, Revised Statutes, as amended; 40 U.S.C. 255, by and subject to each and all of the conditions and reservations described in said California Government Code, Section 126.

Pursuant to said application, arrangements were made to conduct the requisite public hearing at Room 15018, Federal Building and United States Courthouse, 450 Golden Gate Avenue, San Francisco, California, at 10 a.m., Tuesday, November 30, 1965.

The notice of said public hearing was published November 15, 1965, in "The Recorder", a newspaper of general circulation published in San Francisco, California; and personal service of said notice was made November 2, 1965, on the Clerk of the Board of Supervisors of the City and County of San Francisco. Notices were thus published and served in compliance with Section 2602, California Administrative Code, Title 2.

A hearing was held by the Executive Officer at Room 15018 Federal Building and United States Courthouse, San Francisco, California, at 10 a.m., November 30, 1965. 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 John Fourt, Deputy Attorney General. Appearances were made on behalf of the applicant by Max M. Misener, Attorney Advisor, and by Oliver W. Conroy, Jr., Supervisory Realty Officer, both of the General Services Administration, United States Government.

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

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of certain specified conditions. Oral and documentary evidence was 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 the 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, dockyards, and other needful buildings, or other public purposes, within the purview of Clause 17, Section 8, Article I, of the Constitution of the United States". According to that evidence, the Federal Building and United States Courthouse above referred to has as its purpose the housing of the United States District Court and other federal agencies rendering public service.

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 in fee simple by the United States by final judgments in condemnation. The property was acquired pursuant to General Services Administration Delegation of Authority No. 326, dated February 17, 1958, which cites the various federal acts and statutes authorizing such acquisition. The funds for such acquisition were appropriated by the Supplemental Appropriation Act, 1956, approved August 4, 1955 (69 Stat. 450), and by the Independent Offices Appropriation Act, 1957, Public Law 623 - 84th Congress, approved June 27, 1956, appropriation title "47X1147 Sites and Planning, Purchase Contract and Public Buildings Projects, GSA".

By testimony presented and documentary evidence introduced by the applicant in the form of final judgments in condemnation and letters of opinion by the Office of the Attorney General of the United States, it was established that all federal statutory requirements had been fully complied with and that the United States is vested with a good and sufficient title in fee simple for the subject land.

The third condition upon which a finding is required is that "the United States must in writing have requested State consent to acquire such land and subject to each and all of the conditions and reservations in this section and in Section 4 of Article XIV of the Constitution prescribed". A letter received by the Governor of California on April 16, 1965, from the Acting Administrator (Lawson B. Knott, Jr.) of the General Services Administration, dated April 12, 1965, requested State consent to acquire the land and assented to acceptance of jurisdiction on behalf of the United States, pursuant to Section 355, Revised Statutes, as amended; 40 U.S.C. 255. This request for consent and 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 form and substance of this application have been reviewed and approved by the Office of the Attorney General.

The fourth requirement, which must have been found and declared to have occurred and to exist by the Commission, is as follows: "(e) In granting this consent, the Legislature and the State grant concurrent jurisdiction on and over the land to the United States, excepting and reserving state jurisdiction on and over the land for the execution of civil and criminal

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process and to enforce the laws of the State of California in all cases, and the State's entire power of taxation including that of each state agency, county, city, city and county, political subdivision or public district of or in the State; and reserve to all persons residing on such land all civil and political rights, including the right of suffrage, which they might have were this consent not given."

The fifth requirement, which must have been found and declared to have occurred and to exist by the Commission, is as follows: "(h) In granting this consent, the Legislature and the State reserve jurisdiction over the land, water and use of water with full power to control and regulate the acquisition, use, control and distribution of water with respect to the land acquired."

The findings that must have been found and declared to have occurred and to exist are satisfied by the following quoted statement from the April 16, 1954, letter request and acceptance from Mr. Lawson B. Knott, Jr., Acting Administrator, General Services Administration to the Governor of the State of California: "General Services Administration, in behalf of the United States of America, hereby assents to the acceptance of Federal jurisdiction over the above described site as provided by Section 355, Revised Statutes, as amended; 40 U.S.C. 255, by and subject to each and all of the conditions and reservations described in said California Government Code, Section 126." By assenting to acceptance of Federal jurisdiction by and subject to each and all of the conditions and reservations specified in California Government Code Section 126, the Commission can properly find that the conditions and reservations prescribed in subsections (e) and (h) of Section 126 have been found to have occurred and to exist.

The sixth 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 building houses government agencies whose functions benefit the residents of California, that the building was built by California labor and material purchased from California manufacturers, and that the agencies housed therein employ approximately 4,300 employees with an aggregate monthly payroll of approximately \$2,365,000.

No appearances were made in opposition to the applicant.

SUMMARY

Pursuant to delegation of authority by the Commission to the Executive Officer, the findings of the hearing officer are as follows:

1. The property comprises 19 separate lots (17 individual ownerships) acquired by United States as a Federal Building and Courthouse. The acquisition comes within the purview of Clause 17, Section 8, Article I, of the Constitution of the United States, which requires that it be "for the erection of forts, magazines, arsenals, dockyards and other needful buildings or other public purposes";

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2. The acquisition was by judgments in condemnation, and was made pursuant to the laws of the United States. The United States is vested with a good and sufficient title in fee simple to the subject land;
3. The United States, through the Acting Administrator of General Services Administration, has requested State consent to acquire the land and assented to acceptance of jurisdiction on behalf of the United States subject to each and all of the conditions and reservations of Section 126 of the Government Code, State of California, as amended by Statutes of 1961, Chapter 966;
4. The United States has, by its letter of acceptance dated April 16, 1965, consented to the provisions of subsections (e) and (h) of Section 126 of the Government Code, and the Commission can properly declare that such conditions have been found to have occurred and to exist.
5. Acquisition is in the interest of the State in view of the public services rendered to the residents of California and its substantial contribution to the economy of the local community and the State;
6. 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.

The proceedings were attended by a representative of the Office of the Attorney General, and are considered legally sufficient in respect to applicable statutes and rules and regulations.

IT IS RECOMMENDED THAT THE STATE LANDS COMMISSION FIND AND DECLARE, WITH RESPECT TO THOSE CERTAIN LANDS ACQUIRED BY THE UNITED STATES AND NOW USED BY THE UNITED STATES GOVERNMENT AS A FEDERAL BUILDING AND UNITED STATES COURTHOUSE AT 450 GOLDEN GATE AVENUE, IN THE CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA, PARTICULARLY DESCRIBED AS FOLLOWS:

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