

27. (APPLICATION FOR EXTENSION OF SUBMARINE GEOPHYSICAL EXPLORATION PERMIT, SANTA BARBARA COUNTY, UNION OIL COMPANY OF CALIFORNIA - P.R.C. 876.1.) The Union Oil Company of California has made application for extension of the term of Submarine Geophysical Exploration Permit P.R.C. 876.1, authorized for operation offshore in Santa Barbara County, to permit completion of the exploration program which is in progress currently. Permit P.R.C. 876.1 was issued for the period December 1, 1953, to February 28, 1954, inclusive. The time extension requested is for the period March 1, 1954, to June 29, 1954, inclusive. The Board of Supervisors of the County of Santa Barbara and the City of Santa Barbara were informed that this extension was to be considered.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, IT WAS RESOLVED AS FOLLOWS:

The Executive Officer is authorized to issue an extension of Submarine Geophysical Exploration Permit P.R.C. 876.1, in conformance with all operating conditions established by the Commission, to the Union Oil Company of California for the conduct of submarine geophysical exploration operations on those tide and submerged lands under the jurisdiction of the State Lands Commission lying offshore in Santa Barbara County, for the period March 1, 1954, to June 29, 1954, inclusive. All other terms and conditions of the exploration permit are to remain unchanged, and the permit extension is to be effective only as long as a concurrent permit by the Fish and Game Commission is in effect for the same operating area.

28. (ACQUISITION BY THE UNITED STATES OF LANDS OCCUPIED BY THE U. S. NAVAL AIR STATION, SAN DIEGO COUNTY, CALIFORNIA, UNDER THE PROVISIONS OF SECTION 126, GOVERNMENT CODE - W.O. 1454.)

On September 3, 1953, the Commission authorized the Executive Officer to order and conduct hearings pursuant to Section 126 of the Government Code, 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, subject to a report of the determinations of the hearings for final consideration and action by the Commission.

On May 14, 1953, an application for acceptance of jurisdiction by the United States was executed by R. B. Anderson, Secretary of the Navy, over the lands pertaining to a portion of the Lowry Annex, Naval Air Station, San Diego, California. Pursuant to said application, arrangements were made to conduct the requisite public hearing at San Diego, California.

The notice of such public hearing was published in the San Diego Union, San Diego, California, on August 31, 1953, and in the Coronado Journal-Compass, Coronado, California, on August 27, 1953; and service on the Clerk of the Board of Supervisors of San Diego County was made on August 25, 1953. Notices were thus published and served in compliance with Section 2602, California Administrative Code, Title 2, and with Section 126 of the Government Code.

A hearing was held by the Executive Officer at the City Council Chambers, Civic Center, San Diego, California, beginning at 10 a.m., September 16, 1953. A record of the hearing was taken, and the transcript has been made a part of the Commission record in this case. The Attorney General was represented by Mr. George G. Grover, Deputy Attorney General.

Appearances were made on behalf of the applicant by Mrs. Elaine Dolle, Cartographer, U. S. Naval Air Station; by Mr. Stuart Foutz, Attorney, Real Estate Branch, Eleventh Naval District; and by Captain Walter F. Rodee, Commandant, U. S. Naval Air Station. Counsel for the applicant was Lt. Commander J. M. Beauchamp, Jr.

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 was 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 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 within the purview of Clause 17, Section 8, Article I of the Constitution of the United States". According to that evidence, the mission of the Naval Air Station, San Diego, California, is to provide facilities to support regular operations of fleet carrier, reconnaissance, anti-submarine, utility and transport aircraft; to support the aircraft overhaul and repair program; to serve as a primary aviation supply point; to provide supply and fiscal functions for assigned outlying stations and other activities; and to provide complete dockside services to home-ported aviation ships.

The second condition requires a finding to be made that "the acquisition must be pursuant to and in compliance with the laws of the United States".

Evidence was presented to the effect that 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 testimony also showed that the property was acquired by the United States by purchase for which was received a Grant Deed dated February 20, 1951, which Deed is recorded in Book 3999, at page 434, in the official records of the County Recorder, San Diego County, California. A copy of the Deed and of a Certificate of Title were filed with the Commission. It was further testified that the acquisition was pursuant to authority granted by an Act of Congress approved January 6, 1951 (Public Law 910, 81st Congress), and an Act of Congress approved January 6, 1951 (Public Law 911, 81st Congress).

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 Secretary of the Navy, accepting jurisdiction over the subject installation on behalf of the United States and signed by him (Honorable R. B. Anderson), was received by the Division of State Lands on May 14, 1953. The Deputy Attorney General pointed out some defects in the form of acceptance. These were remedied by letter, dated December 18, 1953, signed by the Secretary of the Navy. This acceptance is made subject to the terms and conditions of Section 126, Government Code, State of California, as amended, as of August 26, 1953, and is, therefore, in accordance with law and with the Rules and Regulations 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 Naval Air Station employs 8,359 civilian employees at a monthly payroll of \$3,560,000. On the particular parcels in question there are 92 civilian employees at a monthly payroll of \$28,000 and 1,000 military personnel at a monthly payroll of \$243,000. All of the civilian employees and a majority of the military personnel own or rent their homes within a radius of approximately 15 miles. Practically the entire monthly payroll, both civilian and military, is spent within the San Diego area. Parcels "R", "S", "T" and "U" provide off-street parking for 1,064 cars, thus relieving congestion on streets of both San Diego and Coronado. The Naval Air Station provides its own fire and police protection, thereby relieving the cities of Coronado and San Diego from a substantial expense. By reason of very specialized training in electronics equipment, the military personnel training in the area of subject parcels will contribute materially to the national defense. The granting of this application would extend jurisdiction by the United States over practically all of the Naval Air Station at San Diego and thus clarify the status of civil and criminal jurisdiction within the Station.

No appearances were made in opposition to the request of the Navy.

#### SUMMARY

The hearings on this case were held at City Council Chambers, San Diego, California, on September 16, 1953, pursuant to Commission authority. The findings of the hearing officer are as follows:

1. The property involves some 41 acres of land acquired by the United States for an extension of the Naval Air Station, San Diego, California. 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"; therefore, in this respect, the acquisition complies with the provisions of Section 126 of the Government Code;
2. The acquisition was by purchase, 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 lands;
3. The United States, through the Secretary of the Navy, has assented to acquisition of jurisdiction subject to all conditions of Section 126 of the Government Code, State of California;
4. Acquisition is in the interest of the State in view of its value for local and national defense and of its continuing material contributions to State economy;
5. 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.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, IT WAS RESOLVED AS FOLLOWS:

The State Lands Commission finds and declares with respect to those certain lands acquired and now used by the Department of the Navy of the United States for an addition to the Naval Air Station at San Diego, San Diego County, California, said lands being described in Exhibit "A" attached hereto and made a part hereof, 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 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 one recorded in the office of the County Recorder of the County of San Diego.

EXHIBIT "A"

LEGAL DESCRIPTION  
PARCELS "R", "S", "T" AND "U" OF LOWRY ANNEX

That certain real property in the City of Coronado, County of San Diego,  
State of California described as:

All that unsubdivided portion of the Island or Peninsula of San Diego finally confirmed to Archibald C. Peachy and William H. Aspinwall, according to Map thereof approved June 11, 1868 and that portion of Coronado Beach, South Island, according to Map thereof No. 376, filed in the office of the County Recorder of San Diego County November 12, 1886, all being in the City of Coronado and lying within the boundaries described as Parcels "R", "S", "T" and "U", as follows:

PARCEL "R":

Beginning at a point on the Westerly line of Alameda Avenue in the City of Coronado, County of San Diego, State of California, South 26° 23' 55" West 16 feet distant from the Southeast corner of Block 134 of Coronado Beach, South Island, according to Map thereof No. 376, filed in the office of the County Recorder of San Diego County November 12, 1886, and as shown on Miscellaneous Map No. 199 recorded in San Diego County, from said beginning point running thence along the Northerly line of a 57 foot strip of land leased to the United States Navy, North 63° 35' 22" West 1267.68 feet distant to a point; thence North 26° 24' 43" East 221.80 feet distant to a point on the Southerly line of San Diego & Arizona Eastern Railroad right-of-way; thence following said right-of-way South 83° 51' 20" East 606.52 feet distant to a concrete monument at beginning of curve to left the radius of which bears North 6° 08' 40" East 493.34 feet to center of said curve; from said concrete monument running thence on an arc of said curve through a central angle of 64° 20' 22", 553.99 feet to concrete monument at end of said curve the radius of which bears North 58° 11' 42" West 493.34 feet to center of said curve; from said end of curve running thence North 31° 48' 18" East 503.27 feet distant to a concrete monument at the beginning point of a curve to the right the radius of which bears South 58° 11' 42" East 395.27 feet distant to center of said curve, from said beginning point of curve running thence on an arc of said curve through a central angle of 75° 28' 23", 520.67 feet to concrete monument at end of said curve the radius of which bears South 17° 16' 41" West 395.27 feet to center of said curve; the said concrete monument is at end of curve as shown on recorded Miscellaneous Map No. 199 as being on Westerly line of said Alameda Avenue and South 26° 23' 55" West 53.88 feet from the Northerly line of First Street in City of Coronado, from said concrete monument at end of curve running thence on West side of Alameda Avenue South 26° 23' 55" West 1702.48 feet distant to place of beginning.

EXCEPTING therefrom that portion thereof lying within the land conveyed by J. D. and A. B. Spreckels Company to the City of Coronado by deed dated May 22, 1941 and recorded October 30, 1941 in Book 1257, page 377

EXHIBIT "A" (CONTD.)

of Official Records, described as Parcel 1 in said deed as follows:

Beginning at a concrete monument on the Northerly line of First Street, being North 26° 27' East 80 feet from the Northwestern corner of Block 163 of Coronado Beach, South Island; thence North 26° 27' East for a distance of 138.42 feet to the intersection with the mean high tide line of San Diego Bay as shown on Miscellaneous Map No. 121 and Record of Survey Map No. 563, filed in the office of the County Recorder of San Diego County; thence along the said mean high tide line North 56° 42' 30" West for a distance of 82.85 feet to mean high tide line Station 81; thence North 65° 46' West for a distance of 283.11 feet to a concrete monument at mean high tide line Station 82; thence South 77° 12' 20" West for a distance of 343.65 feet to a concrete monument at the intersection of the mean high tide line with the Northwestern prolongation of the Southerly line of First Street; thence South 63° 33' East along the said Southerly line of First Street produced Northwesternly for a distance of 503.40 feet to a concrete monument; thence South 18° 33' East for a distance of 67.73 feet to a concrete monument on the Westerly line of Alameda Avenue, as it now exists; thence North 26° 27' East along the Westerly line of said Alameda Avenue for a distance of 127.94 feet to the point of intersection with the said Northerly line of First Street; thence South 63° 33' East along said Northerly line of First Street for a distance of 80.00 feet to point of beginning.

PARCEL "S":

Beginning at a point on the Westerly line of Alameda Avenue in the City of Coronado, County of San Diego, State of California, South 26° 23' 55" West 73.00 feet distant from the Southeast corner of Block No. 134 of Coronado Beach, South Island, according to Map thereof No. 376, filed in the office of the County Recorder of San Diego County November 12, 1886, and as shown on Miscellaneous Map No. 199 recorded in San Diego County; thence retracing North 26° 23' 55" East 57.0 feet; thence along the Northerly line of a 57 foot strip of land leased to the United States Navy North 63° 35' 22" West a distance of 1267.68 feet; thence South 26° 24' 43" West a distance of 1.50 feet; thence North 63° 35' 22" West 66.25 feet; thence South 26° 24' 43" West 55.50 feet to intersection with a line bearing North 63° 35' 22" West from the point of beginning; thence South 63° 35' 22" East 1333.94 feet to the point of beginning.

PARCEL "T":

Beginning at a point on the Westerly line of Alameda Avenue in the City of Coronado, County of San Diego, State of California, South 26° 23' 55" West 73.00 feet distant from the Southeast corner of Block No. 134 of Coronado Beach, South Island, according to Map thereof No. 376, filed in the office of the County Recorder of San Diego County November 12, 1886, and as shown on Miscellaneous Map No. 199 recorded in San Diego County

EXHIBIT "A" (CONTD.)

from said beginning point running thence along the Southerly line of a 57 foot strip of land leased to the United States Navy, North  $63^{\circ} 35' 22''$  West 1333.94 feet distant to a point; thence South  $26^{\circ} 24' 43''$  West 46.56 feet distant to a point; thence South  $63^{\circ} 35' 22''$  East 1333.95 feet distant to a point on said Westerly line of Alameda Avenue; thence North  $26^{\circ} 23' 55''$  East 46.56 feet distant to place of beginning.

PARCEL "U":

Beginning at a point on the Westerly line of Alameda Avenue in the City of Coronado, County of San Diego, State of California, South  $26^{\circ} 23' 55''$  West 119.56 feet distant from Southeast corner of Block No. 134 of Coronado Beach, South Island, according to Map thereof No. 376 filed in the office of the County Recorder of San Diego County November 12, 1886, and as shown on Miscellaneous Map No. 199, recorded in San Diego County, from said beginning point running thence North  $63^{\circ} 35' 22''$  West 1333.95 feet distant to a point; thence South  $26^{\circ} 24' 43''$  West 742.76 feet distant to a point; thence South  $11^{\circ} 49' 38''$  West 348.24 feet distant to a point shown as Station No. 97 on said Miscellaneous Map No. 199; thence North  $26^{\circ} 57' 49''$  East 229.35 feet distant to a point; thence South  $63^{\circ} 35' 22''$  East 700.23 feet distant to a point; thence North  $26^{\circ} 24' 38''$  East 800.80 feet distant to a point; thence South  $63^{\circ} 35' 22''$  East 543.87 feet distant to a point on Westerly line of said Alameda Avenue; thence North  $26^{\circ} 23' 55''$  East 49.62 feet distant to place of beginning.