

MINUTE ITEM

4/1/69

40. PROPOSED SETTLEMENT OF ACTION, UNITED STATES OF AMERICA V. 21,120 ACRES IN SAN BERNARDINO COUNTY, ETC., ET AL., UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA, CIVIL NO. 68-1087-IH - W.O. 503.566 AND W.O. 4342.

After consideration of Calendar Item 11 attached, and upon motion duly made and carried, the following resolution was adopted:

1. THE COMMISSION AUTHORIZES THE ATTORNEY GENERAL ON BEHALF OF THE STATE TO ENTER INTO AN APPROPRIATE JUDGMENT AND STIPULATION THEREFOR IN THE MATTER OF THE UNITED STATES OF AMERICA V. 21,120 ACRES OF LAND IN SAN BERNARDINO COUNTY, CALIFORNIA, ETC., ET AL., UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA, CIVIL NO. 68-1087-IH, WHEREIN THE STATE OF CALIFORNIA IS TO RECEIVE AN ANNUAL RENTAL OF \$25,000 FOR EACH YEAR OF THE 5-YEAR TERM COMMENCING JULY 1, 1967, IN WHICH THE UNITED STATES ELECTS TO HOLD THE PARCELS SUBJECT TO THE ACTION, PLUS THE SUM OF \$5000 AT THE RATE OF \$1000 PER YEAR AS THE VALUE OF THE OPTION TO RENEW THE ANNUAL LEASEHOLD UNTIL JUNE 30, 1972.
2. THE COMMISSION AUTHORIZES THE MANAGER, STATE LANDS PROGRAM, AT A COURT HEARING AT OR BEFORE THE ENTRY OF JUDGMENT IN THE AFOREMENTIONED ACTION, TO TESTIFY FOR THE RECORD CONCERNING THE UNFEASIBILITY OF A LAND EXCHANGE AND THE DESIRABILITY OF A FEE ACQUISITION BY THE UNITED STATES AND THE INTENT TO SO RECOMMEND TO HIGHER OFFICIALS AND AGENCIES.

Attachment

Calendar Item 11 (2 pages)

11.

PROPOSED SETTLEMENT OF ACTION, UNITED STATES OF AMERICA V. 21,120 ACRES IN SAN BERNARDINO COUNTY, ETC., ET AL., UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA, CIVIL NO. 68-1087-IH - W.O. 503.566 AND W.O. 4342.

The subject condemnation action was filed by the United States in respect to State-owned school land Sections 16 and 36 lying within Fort Irwin. The United States condemned a leasehold interest for a term of years beginning July 1, 1967, extendible for yearly periods thereafter at the election of the United States until June 30, 1972. The State previously had received annual rent of \$21,120 per year for the 21,120 acres of school land, Sections 16 and 36, included within Fort Irwin. The same rental was offered by the United States in the condemnation action, which terms were not acceptable to the State. Litigation proceedings began, and in the course thereof the United States offered to pay the State an annual rental of \$25,000 for each year of the 5-year term commencing July 1, 1967, for which the United States elects to hold the subject lands. The United States also will pay to the State of California the sum of \$5000 at the rate of \$1000 per year as the value of the option to renew the annual leasehold interest until June 30, 1972.

The United States has used the involved lands since early in World War II for army training. The lands have been heavily shelled and still contain live ammunition. Accordingly, the Division is of the opinion that the United States should acquire the fee interest in the lands since it is unlikely that this land will ever be returned to the State. Earlier attempts to effect a land exchange with the United States have been unsuccessful. Appropriate local officials of the United States will use their best efforts to have the United States purchase the subject parcels in fee from the State of California. At a court hearing at or before the entry of judgment in this case, the appropriate Federal and State officials will make statements in court for the record concerning the unfeasibility of a land exchange, the desirability of a fee acquisition by the Federal Government, and the intent to so recommend to higher officials and agencies.

The Court will retain jurisdiction to ascertain restoration costs, if any, in the event the fee has not been acquired by June 30, 1972, or it is not apparent by that date that the fee probably will be acquired within a reasonable time.

IT IS RECOMMENDED THAT:

1. THE COMMISSION AUTHORIZE THE ATTORNEY GENERAL ON BEHALF OF THE STATE TO ENTER INTO AN APPROPRIATE JUDGMENT AND STIPULATION THEREFOR IN THE MATTER OF THE UNITED STATES OF AMERICA V. 21,120 ACRES OF LAND IN SAN BERNARDINO COUNTY, CALIFORNIA, ETC., ET AL., UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA, CIVIL NO. 68-1087-IH, WHEREIN THE STATE OF CALIFORNIA IS TO RECEIVE AN ANNUAL RENTAL OF \$25,000 FOR EACH YEAR OF THE 5-YEAR TERM COMMENCING JULY 1, 1967, IN WHICH THE UNITED STATES ELECTS TO HOLD THE PARCELS SUBJECT TO THE ACTION, PLUS THE SUM OF \$5000 AT THE RATE OF \$1000 PER YEAR AS THE VALUE OF THE OPTION TO RENEW THE ANNUAL LEASEHOLD UNTIL JUNE 30, 1972.

CALENDAR ITEM 11. (CONTD.)

2. THE COMMISSION AUTHORIZE THE MANAGER, STATE LANDS PROGRAM, AT A COURT HEARING AT OR BEFORE THE ENTRY OF JUDGMENT IN THE AFOREMENTIONED ACTION, TO TESTIFY FOR THE RECORD CONCERNING THE UNFEASIBILITY OF A LAND EXCHANGE AND THE DESIRABILITY OF A FEE ACQUISITION BY THE UNITED STATES AND THE INTENT TO SO RECOMMEND TO HIGHER OFFICIALS AND AGENCIES.