

MEMORANDUM TO DEPUTY ADMINISTRATOR - PD

10 Dec 1948

PROJECT IDENTIFICATION: Ft. Huachuca (portion)
W-Ariz-48

SUBJECT: Transfer of approximately 40,471.63 acres of land, and certain betterments and personal property located thereon, to the State of Arizona acting by and through the National Guard of the State of Arizona, without reimbursement, pursuant to Public Law 829, 80th Congress.

EXHIBITS

- "1" Application dated October 25, 1948 from Arizona State National Guard.
- "1-A" Program of Utilization with photographs.
- "1-B" Description of land area being requested for transfer, with metes and bound description and maps.
- "1-C" List of buildings requested for transfer.
- "1-D" Description and List of Utilities requestd for transfer.
- "2" Copy of certification by the Governor of the State of ARizona, dated October 28, 1948.
- "3" Copy of letter dated November 19, 1948 from Major General A M Tuthill, Adjutant General for State of Arizona.
- "4" Copy of Endorsement by Chief of Staff, Sixth Army, dated November 27, 1948.
- "5" Copy of letter from Chief, National Guard Bureau, dated December 3, 1948.
- "6" Copy of Certification by the Secretary of the Army, dated December 3, 1948.
- "7" Copy of recommendations by Regional Office, dated December 6, 1948
- "8" Copy of certification by the Secretary of the Army, dated December 8, 1948, covering related personal property.

DESCRIPTION OF PROPERTY: Land area requested for transfer consists of 40,471.63 acres of land, more or less, being all of the Artillery Range (28,521.58 acres) and approximately 11,950.05 acres of Military Reservation area. A metes and bound description of both contiguous parcels, and maps, are attached as Exhibit "1-B".

Buildings requested for transfer total 1164, as listed in Exhibit "1-C" hereof.

Utilities: Transfer of the water supply system, including certain springs, reservoirs, pipe lines, wells and servicing units, is requested as described in detail in Exhibit "1-D" hereof.

Also requested for transfer is the electrical system, gas distribution system and sewage disposal system, as described in detail in Exhibit "1-D" hereof.

Mineral Rights: There is no evidence of any substantial mineral deposits on this property, nor is there any activity connected with minerals being conducted in the nearby vicinity. Therefore all mineral rights are included in the transfer, except for fissionable materials reserved in accordance with the provisions of Executive Order 9908.

Realted Personalty: Those items of personal related property now located on the property as listed in Exhibit "1-E" hereof shall be included in the transfer. There is no other personalty located on the property.

General Information: The land area requested for transfer consists of 40,471.63 acres as follows:

(a) Artillery Range consisting of 28,521.58 acres of which:

- (1) 9,588.66 acres were acquired in fee by Declaration of Taking and purchase during 1942 to 1945 inclusive at a cost of \$80,792;
- (2) 14,999.74 acres are state-owned lands, used by the Government under an exchange for similar Public Comain lands. (As of

the date of declaration of surplus none of the applications as filed by the State for exchange of Public Domain lands had been approved by the Department of the Interior); and

- (3) remaining 3,933.13 acres of Public Domain lands, which were withdrawn for military use by Public Land Order No. 251 dated November 22, 1944 and No. 16, dated July 21, 1942.

- (b) Approximately 11,950.05 acres of the Military Reservation area, being a portion of the area withdrawn from unsurveyed territorial lands of the State of Arizona by Executive Orders No. 35 and No. 36 of President Arthur in 1881 and 1883, respectively, for establishment of Ft. Huachuca Military Reservation.

The facility was used during World War II for training of colored infantry, the 92nd and 93rd Divisions.

The installation was declared surplus to the War Assets Administration for Disposal on March 17, 1948.

That portion covered by this transfer was classified as "(07) Non Section 23 Real Property - for Use in Place" and was advertised for disposal to priority holders only on October 14, 1948 in the Bisbee Review, Bisbee, Arizona. The only offer received from priority applicants (Federal, State and local governments, nonprofit institutions) during the priority period, expiring 2 pm November 26, 1948 was that made by the Arizona State National Guard.

Prior to advertisement the Arizona State Industrial School had filed letter of intent to acquire approximately 1500 acres of the Military Reservation for relocation of the State School. This offer was withdrawn since State Legislature would not authorize moving of the school.

The total acquisition cost of the property is \$13,694,025.

SUMMARY: A portion of the land involved in this transfer was formerly public domain lands, on which there are few or no improvements. At a conference on August 2, 1948 between representatives of the Bureau of Land Management and of this Administration, it was mutually agreed that the Department of the Interior would not request the return of any of the former public domain lands that might be needed and transferred to the interested State agencies of the State of Arizona. Therefore, it is deemed that the property is available for disposal as recommended by the San Francisco Regional Office. (See Exhibit "7" hereof.)

Full details as to the transferees proposed utilization program are set forth in the application (Exhibits "1" and "1-A" hereof.)

Decontamination of the area has been completed by the Corps of Engineers as evidenced by Certificates of Clearance dated June 9 and July 26, 1948 on file with WAA. The property is cleared and recommended for any use.

There are no use restrictions or conditions imposed by the Department of the Army, the former "owning agency".

Certain portions of the Artillery Range are now outleased to cattle owners for grazing purposes, and the transfer is being made subject to such permits now in existence. All outlease permits are revocable at will by the agency having custody and jurisdiction of the property. Also the Citizens Utility Company, Greenwich, Connecticut, is now operating the power generating plant located in the Reservation area under a revocable lease.

The Governor of the State of Arizona has certified that the property as requested is suitable for and needed for use in training and maintaining the State National Guard. (See Exhibit "2" hereof.) The need and use as outlined is also endorsed by the Sixth Army Chief of Staff. (See Exhibit "4" hereof.)

The Secretary of the Army has certified that the property as requested is both suitable for and needed by the State of Arizona for use in training of the Arizona National Guard. (See Exhibits "6" and "8" hereof.)

The transferee has agreed to pay all external administrative expenses as determined by this Administration to apply in this transaction. (See Exhibit "1" hereof.)

6. There is reserved from this conveyance two school buildings, Nos. T-1018 (174-A) and T-4093 (59) which were not declared surplus and are the property of the Federal Works Agency, but located on the land being herein transferred, together with rights of ingress and egress on the part of Federal Works Agency in order to consummate disposal of its property.
7. The Arizona State National Guard shall have the right to outlease the Artillery Range for livestock grazing purposes, for limited periods of time within each year if such outleasing is not inconsistent with the need of any civilian component of the Armed Forces for such areas for training purposes, and provided that any revenues received therefrom shall be paid into the State National Guard fund to be used only for maintenance and operation of the property herein transferred.
8. The Arizona State National Guard shall have the right to enter into operational contracts covering the utility systems consisting of electrical, water and gas distribution systems, on condition that any revenues received therefrom shall be paid into the State National Guard fund and be used only for maintenance and operation of the property transferred herein.
9. In areas numbered 1 to 6 inclusive, and in area 18 of the Military Reservation area, the Arizona State National Guard shall have the right, subject to the terms and conditions of transfer herein, and consistent with the needs of any civilian component of the Armed Forces to outlease buildings and other betterments providing any revenues received therefrom shall be paid into the State National Guard fund and be used only for the maintenance and operation of the property transferred herein.
10. The transferee shall have the right to relocate any and all utility lines as deemed necessary to provide maximum efficiency in the operation of utility services and shall have the right to dispose of obsolete surpluses resulting therefrom. Any revenues obtained from sale of such surpluses shall be paid into the State National Guard fund and be used only for maintenance and operation of the property transferred herein.
11. Transfer is made subject to an existing outlease to the Citizens Utility Company, Greenwich, Connecticut, for operation of the power generating plant located on the land transferred herein, and subject to all

other existing outleases for grazing and other purposes involved on the property herein conveyed. All of the above referred to outleases are revocable at will by the agency having custody and jurisdiction of the property and will be terminated by the transferee if inconsistent with the needs of any civilian component of the Armed Forces for such area for training purposes.

12. Any other terms and conditions deemed necessary by the Office of General Counsel for Real Property.

T. L. PEYTON
Director, Nonindustrial Division
Office of Real Property Disposal

Negotiations reviewed by:

Floyd E. Welsh, Chief
Operations Branch No. 3
Nonindustrial Division
Office of Real Property Disposal

Negotiations handled by:

F. P. Smith
Operations Branch
Nonindustrial Division
Office of Real Property Disposal

Approved as to legal requirements:

John J. Hurley, Chief
General Service Branch
Real Property Division
General Counsel for Real Property

Disposal approved by M. L. Godman on 12-10-48
Deputy Administrator, PD (Date)