

PHONE 3-7431

*XVIII*



*Re: Ft. Huachuca  
Luke Field*

**SURPLUS PROPERTY PURCHASING AGENCY**

STATE OF ARIZONA  
1826 W. McDOWELL ROAD  
PHOENIX, ARIZONA

*Letter to Governor  
attached*

ROBERT O. KELLY  
Purchasing Agent

April 22, 1949

Governor Dan E. Garvey,  
State Capitol,  
Phoenix, Arizona.

Dear Governor Garvey:

Attached herewith are letters from War Assets Administration and the Corps of Engineers regarding the acquisition of land by the Department of the Interior at Fort Huachuca and Luke Field Auxiliary No. 7. These are forwarded to you for appropriate action with the State Land Department.

Very truly yours,

*Robert O. Kelly*

Robert O. Kelly  
Surplus Property Purchasing Agent  
State of Arizona.

WAR ASSETS ADMINISTRATION

OFFICE OF REGIONAL COUNSEL

Region 10

1000 Geary Street

San Francisco 9, California

In reply refer to:

RSF-C-PD

Luke AAF (Aux. #7)

(W-Ariz-47)

April 19, 1949

Mr. Robert O. Kelley  
State Purchasing Agent  
State of Arizona  
1826 W. McDowell Street  
Phoenix, Arizona

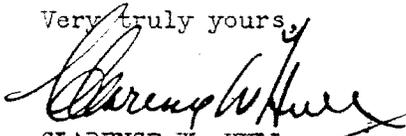
Dear Mr. Kelley:

Reference the conference on April 14, 1949 between you, Mr. Atkinson of the Army Engineers and Mr. Mayfield of this office, at Phoenix.

It is my understanding after talking with Mr. Mayfield that you will personally see to it that the acquisition program of the State of Arizona, involving this Administration, is so coordinated between your office and the office of the State Land Commissioner as to preclude the consummation of any further so-called exchange agreements between the State of Arizona and the Department of Interior, which were entered into at the beginning of the Army's land acquisition program several years ago, and in which land belonging to the State is under the jurisdiction of this Administration by virtue of and pursuant to the provisions of the Surplus Property Act of 1944, as amended.

In connection with Luke Army Airfield, Auxiliary No. 7, it is the understanding of this office that the State of Arizona, by Deed dated July 8, 1948, conveyed to the Department of the Interior the South Half of the North Half of Section 3, Township 1 South, Range 5, West, of Gila and Salt River Base and Meridian. This land forms an integral part of the Luke Army Airfield proper, consequently before this office can deliver a deed to the State of Arizona, covering the remainder of the field with improvements, it will be necessary that the State secure from the Department of the Interior a 20-year lease covering the above described property and immediately notify this office when it has been secured.

Very truly yours,

  
CLARENCE W. HULL  
Regional Counsel

*c/ Sen. Hayden*

TELEPHONES: 4-4238  
4-7919

DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS  
LOS ANGELES DISTRICT  
PHOENIX REAL ESTATE FIELD OFFICE  
210 WEST ADAMS STREET  
PHOENIX, ARIZONA

REFER TO FILE NO.

601.1 x 602 (Fort Huachuca  
Artillery Range) PSLRS

April 21, 1949

Mr. Robert O. Kelly  
Surplus Property Purchasing Agent  
State of Arizona  
1826 W. McDowell Road  
Phoenix, Arizona

Dear Mr. Kelly:

Referring to your letter of April 18, 1949, we hesitate to set up the information we have against that of your own State Land Department. However, the following information may be verified at the State Land Department, being a record of our search down to approximately January 11, 1949.

Exchange has been completed on 7255.79 acres. Action is pending for exchange on 4741.25 acres; rejected and appeal filed, 440 acres; land on which no exchange offer is pending, 2562.70 acres.

Regarding the question in the 3rd paragraph of your letter as to what effect the transfer of acreage would have on your Deeds, Mr. Frank Mayfield, Attorney of the War Assets Administration from San Francisco, who was in this office April 14th to secure information on the title to the Luke Auxiliary Fields, during a discussion of Fort Huachuca and the effect of these exchanges, confirmed the writer's view point on the two phases of the matter.

- a. As to those Sections on which exchange had been completed prior to the delivery of the Deed from the War Assets Administration to the State, title was vested in the United States of America but under the jurisdiction of the Department of Interior and the War Assets Administration had no authority to execute a valid Deed to the fee title. In the case of Luke Auxiliary Field #7 where a similar situation arose, he states that the State in order to secure possession must secure a twenty year lease from the Department of Interior but they will not get fee title.

*c/Sen. Hayden*

Ltr to Mr. Robert O. Kelly  
April 21, 1949 (Cont'd)

- b. As to the Sections on which exchange has not been consummated, War Assets Administration quit claims its interest to the State and then from time to time exchanges are approved by the Department of Interior, and it would appear that the State then divests itself of its title in the section involved as Deeds executed by the State to the Government are accepted.

Since the State is offering these lands for exchange at the instigation of the Department of the Army and the Department of the Army transferred Fort Huachuca to the War Assets Administration for disposal, it appears this question should be submitted to the Department of the Army for its opinion on this matter, and as to those exchanges not completed, see whether they should not be stopped immediately, and as to the exchanges that have been completed, if the War Assets Administration did not have authority to convey title, see whether the Department of the Army could secure the cooperation of the Department of Interior, Bureau of Land Management, to execute a Deed to the State of Arizona of these Sections within the confines of the Fort Huachuca Artillery Range in return for a reconveyance by the State to the Government of any lands the State had received in exchange for the Fort Huachuca Sections it conveyed to the Government.

Accordingly, your letter is being referred to our superior offices for study and advice upon which to base reply.



ED ATKINSON  
Chief, Phoenix Real  
Estate Field Office