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73D CONGRESS }
2d Session }

SENATE

{ REPORT
{ No. 1347

GRANTING EASEMENT TO CITY OF MONTEREY, CALIF., FOR STREET PURPOSES

JUNE 6 (calendar day, JUNE 9), 1934.—Ordered to be printed

Mr. SHEPPARD, from the Committee on Military Affairs, submitted
the following

REPORT

[To accompany S. 3660]

The Committee on Military Affairs, to which was referred the bill (S. 3660) to grant to the city of Monterey, Calif., an easement for street purposes over certain portions of the military reservation at Monterey, Calif., having considered the same, reports favorably thereon with the recommendation that it do pass amended as follows:

Page 4, line 4, following the word "of" strike out the following: "that certain part of said United States military reservation granted to the city of Monterey, California, pursuant to H.R. 10203, March 10, 1926;" and add the following: "that certain part of said United States military reservation over which an easement was granted by the Secretary of War on July 14, 1926, pursuant to the Act approved June 7, 1926 (44 Stat. 699),".

Page 5, line 4, following the word "beginning" strike out the period and add the following:

:Provided, That the Secretary of War is authorized to make such changes in the foregoing description of the three parcels as he deems necessary.

The purpose of S. 3660 is to authorize and direct the Secretary of War to grant an easement over three parcels of the military reservation at Monterey, Calif., to the city of Monterey, Calif., for street purposes. The measure will permit the city to widen Lighthouse Road, which road was in existence at the time the United States acquired title to the reservation.

With the above noted amendments, the War Department recommends the enactment of S. 3660. This legislation will not require an appropriation.

War Department report on S. 3660 follows:

JUNE 7, 1934.

Hon. MORRIS SHEPPARD,
*Chairman Committee on Military Affairs,
United States Senate.*

DEAR SENATOR SHEPPARD: Careful consideration has been given to S. 3660, a bill entitled "To grant to the city of Monterey, Calif., an easement for street purposes over certain portions of the military reservation at Monterey, Calif.," which was transmitted to the War Department under date of May 23, 1934, with the request for the views of the War Department on this measure.

There is no existing law authorizing the Secretary of War to grant easements to municipalities for rights of way on military reservations for street purposes.

The purpose of S. 3660 is to grant an easement over three parcels of the reservation for widening Lighthouse Road. This road was in existence at the time the United States acquired title to the reservation.

A similar bill (H.R. 10616) was introduced in the Seventy-second Congress to authorize the Secretary of War to convey to the city of Monterey an easement over three parcels, the metes and bounds description of which varies slightly from S. 3660, so that if H.R. 10616 had become a law further legislation would be necessary to grant the right of way now desired. To guard against this in the proposed legislation and also possible errors that may result in a survey upon the ground, it is recommended that the period at the end of section 1 on line 4, page 5 of S. 3660 be changed to a semicolon and the following added thereto:

"Provided That the Secretary of War is authorized to make such changes in the foregoing description of the three parcels as he deems necessary."

One of the courses describing parcel 2 in S. 3660 refers, on lines 4 to 7, page 4, to:

"that certain part of said United States military reservation granted to the city of Monterey, California, pursuant to H.R. 10203, March 10, 1926;"

H.R. 10203 was enacted into law on June 7, 1926, and all that was authorized to be granted by that legislation was an easement for the purpose of extending Foam Street on the reservation to connect with Lighthouse Avenue, which easement was granted by instrument of the Secretary of War dated July 14, 1926. It is therefore recommended that so much of lines 4 to 7 on page 4 of S. 3660, as above quoted, be deleted and the following substituted therefor:

"that certain part of said United States military reservation over which an easement was granted by the Secretary of War on July 14, 1926, pursuant to the act approved June 7, 1926 (44 Stat. 699)."

The proposed legislation will not require an appropriation. The War Department recommends the enactment of S. 3660, subject to the changes above set forth.

Sincerely yours,

(Signed) DOUGLAS MACARTHUR,
Acting Secretary of War.

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