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APPROVED
DEC 26 1974

ACTION

THE WHITE HOUSE
WASHINGTON

Last Day: December 30

December 23, 1974

*Parted in
Colorado
12/26
to Archives
12/30*

MEMORANDUM FOR THE PRESIDENT
FROM: KEN COLE
SUBJECT: S. 2343 - Land Conveyance, Idaho

Attached for your consideration is S. 2343, sponsored by Senator McClure, which would clear the title to a small tract of land by directing that the Secretary of Interior convey it, by quitclaim deed, to the City of Coeur d'Alene, Idaho.

OMB recommends approval and provides you with additional background information in its enrolled bill report (Tab A).

Max Friedersdorf and Phil Areeda both recommend approval.

RECOMMENDATION

That you sign S. 2343 (Tab B).



APPROVED
DEC 26 1974



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEC 20 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2343 - Land conveyance, Idaho
Sponsor - Sen. McClure (R) Idaho

Last Day for Action

December 30, 1974 - Monday

Purpose

Directs the Secretary of the Interior to convey certain lands to the city of Coeur d'Alene, Idaho.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	No objection

Discussion

Under a 1904 Act, the Department of the Interior conveyed approximately 20 acres of land to the city of Coeur d'Alene, Idaho, subject to the condition that the tract be used exclusively as a public park. However, sometime before World War II a four-lane highway was constructed over a portion of the 20 acre park which cut off from the park a triangular tract comprising 7/100 acre. After the city determined that this small tract of land was not suitable for park purposes, it exchanged the isolated tract for land contiguous to the rest of the park land which had been acquired under the 1904 Act.

The triangular tract has been in private ownership for over 30 years and the city is attempting to clear title to it at the request of its present owners. This small tract is presently surrounded by private land and the four-lane highway -- it is not suitable for park purposes.

The enrolled bill would clear the title to the small tract of land cited above by directing that the Secretary of the Interior convey it, by quitclaim deed, to the city of Coeur d'Alene, Idaho. As enrolled, S. 2343 conforms with the recommendations made by the Department of the Interior in its reports to the Congress on the legislation.

Wesley H. Russell

Assistant Director for
Legislative Reference

Enclosures



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 20 1974

MEMORANDUM FOR THE PRESIDENT

To
Sharon Hendricks
12-20-74
6:00 P.M.

Subject: Enrolled Bill S. 2343 - Land conveyance, Idaho
Sponsor - Sen. McClure (R) Idaho

Last Day for Action

December 30, 1974 - Monday

Purpose

Directs the Secretary of the Interior to convey certain lands to the city of Coeur d'Alene, Idaho.

Agency Recommendations

Office of Management and Budget

Approval

Department of the Interior

No objection

Discussion

Under a 1904 Act, the Department of the Interior conveyed approximately 20 acres of land to the city of Coeur d'Alene, Idaho, subject to the condition that the tract be used exclusively as a public park. However, sometime before World War II a four-lane highway was constructed over a portion of the 20 acre park which cut off from the park a triangular tract comprising 7/100 acre. After the city determined that this small tract of land was not suitable for park purposes, it exchanged the isolated tract for land contiguous to the rest of the park land which had been acquired under the 1904 Act.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 805 ⁸¹³

Date: December 20, 1974

Time: 9:30 p.m.

FOR ACTION: Mike Duval *ok*

Max Friedersdorf *ok*

Phil Areeda *ok*

cc (for information): Warren Hendriks

Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, December 24

Time: noon

SUBJECT: Enrolled Bill ~~Rep0343~~ - Land Conveyance, Idaho

52343

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

DEC 20 1974

Dear Mr. Ash:

This responds to your request for our views on the enrolled bill S. 2343, "To authorize the Secretary of the Interior to convey, by quitclaim deed, all right, title, and interest of the United States in and to certain lands in Coeur d'Alene, Idaho, in order to eliminate a cloud on the title to such lands."

We would have no objection to the President's approval of the enrolled bill.

S. 2343, as **enrolled**, would quitclaim, without consideration, a triangular tract of land comprising 7/100 of an acre to the city of Coeur d'Alene, Idaho. The land is part of a 20-acre parcel donated to the city under the Act of April 28, 1904, 33 Stat. 485. The Act donated the land for municipal and park purposes, but this restriction was not specifically phrased as a reverter.

Over 30 years ago the small triangular tract was separated from the rest of the 20 acre parcel by a four lane highway. At approximately that time the city determined that the triangular tract was no longer suitable for municipal or park purposes and conveyed it into private ownership in exchange for land contiguous to the rest of the 20-acre tract.

Although the city did not receive the land specifically subject to a reverter, it is questionable whether it had the authority to exchange it or any part of it. There is therefore a cloud on the title to the triangular tract.

Because the exchange was for land that is used for municipal and park purposes, it was in essence in accord with the general purpose of the 1904 Act.

Sincerely yours,

Jack Horton
Assistant Secretary of the Interior

Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D. C. 20503



THE WHITE HOUSE

WASHINGTON

December 23, 1974

MEMORANDUM FOR: WARREN HENDRIKS

FROM: MAX L. FRIEDERSDORF *mf*

SUBJECT: Action Memorandum - Log No. 813
Enrolled Bill S. 2343 - Land Conveyance, Idaho

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 805
813

Date: December 20, 1974

Time: 9:30 p.m.

FOR ACTION: Mike Duval
Max Friedersdorf
Phil Areeda

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, December 24

Time: noon

SUBJECT: Enrolled Bill S. 2343 - Land Conveyance, Idaho

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing

OK Mike Duval



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

751

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 805 F13

Date: December 20, 1974

Time: 9:30 p.m.

FOR ACTION: Mike Duval
Max Friedersdorf
Phil Areeda ✓

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, December 24

Time: noon

SUBJECT: Enrolled Bill S. 2343 - Land Conveyance, Idaho

ACTION REQUESTED:

___ For Necessary Action

x For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

x For Your Comments

___ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing

*W. Hendriks
P. Areeda
12/23*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

CONVEYING CERTAIN LANDS IN IDAHO TO THE CITY OF COEUR D'ALENE

FEBRUARY 7, 1974.—Ordered to be printed

Mr. McCLEURE, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany S. 2343]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 2343) to authorize the Secretary of the Interior to convey, by quitclaim deed, all right, title, and interest of the United States in and to certain lands in Coeur d'Alene, Idaho, in order to eliminate a cloud on the title to such lands, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

PURPOSE OF BILL

S. 2343, as amended, would authorize and direct the Secretary of the Interior to convey to the city of Coeur d'Alene, Idaho, all right, title and interest of the United States in a triangular shaped tract of land of approximately seven one-hundredths of an acre, which is a small part of land previously conveyed to the town by the act of April 28, 1904.

BACKGROUND

The act of April 28, 1904, (33 Stat. 485), donated to the town of Coeur d'Alene, Idaho, about 20 acres of land adjacent to Lake Coeur d'Alene "for the use of said municipality as a public park, and which shall be used for such purpose exclusively". This land has been maintained by the town as a park. However, sometime before World War II a four-lane highway was constructed over a portion of the land which cut off the triangular tract described in S. 2343 from the remainder of the donated land. The tract's small size and its isolation from the other park land made it unsuitable for park usage. There-

fore, in 1940, the city of Coeur d'Alene exchanged the tract with the Spokane, Coeur d'Alene and Palouse Railway for land, owned by the railway company, which directly fronted the lake shore and was adjacent to the remaining park land. The acquired land has since been managed by the city as if it were part of the land conveyed by the 1904 act.

The triangular tract has been in private ownership for over 30 years and the present owners have requested that the town help them clear title to it. This small isolated tract is surrounded by the four-lane highway and private land, and is not suitable for park purposes.

S. 2343 was introduced on August 3, 1973 by Senator James A. McClure. The Subcommittee on Public Lands held a hearing on the measure on October 10, 1973, and, in open markup on December 7, 1973, ordered S. 2343 as amended reported to the full committee on Interior and Insular Affairs. On January 28, 1974, by unanimous voice vote in open markup, the committee ordered S. 2343, as amended, reported favorably to the Senate.

AMENDMENTS

During the December 7, 1973 hearing, the Department of the Interior raised objection to section 1 of S. 2343, as introduced, because it would strike the restriction on the use of all the land conveyed by the 1904 act. Since the land is adjacent to Lake Coeur d'Alene and appears to continue to be well suited for park use, the committee believes that it should remain subject to the use restriction in the 1904 act.

The committee also concurs with the following statement in the report of the Department of the Interior on S. 2343:

While we do not approve of the exchange of the tract made by the town without an authorization from Congress, we would not object to legislation clearing title to the tract. We feel that the exchange was in accordance with the general intent of the 1904 act.

Accordingly, the committee adopted the amendment recommended by the Interior Department and ordered S. 2343, as amended, reported favorably to the Senate.

COST

The enactment of S. 2343 would result in no expenditure of funds by the Federal Government.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs in open executive session on January 28, 1974, unanimously ordered S. 2343, as amended, reported favorably to the Senate.

DEPARTMENTAL REPORTS

The reports of the Department of the Interior and the Office of Management and Budget are set forth in full as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., October 10, 1973.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on S. 2343, a bill to authorize the Secretary of the Interior to convey, by quitclaim deed, all right, title, and interest of the United States in and to certain lands in Coeur d'Alene, Idaho, in order to eliminate a cloud on the title to such lands.

We would not object to enactment of the bill if it is amended as recommended below.

The act of April 28, 1904, 33 Stat. 485, donated to the town of Coeur d'Alene, Idaho, about 20 acres of land adjacent to Lake Coeur d'Alene for the use of said municipality as a public park, and which shall be used for such purpose exclusively. Section 1 of S. 2343 would amend the 1904 act by striking the above restriction on the use of the land by adding a provision that title to the land vests in the town. Section 2 would direct the Secretary to convey by quitclaim to the town, without consideration, all right, title and interest of the United States in a triangular shaped tract of land which is a small part of the land conveyed by the 1904 act.

The land conveyed by the 1904 act has been maintained by the town as a park. However, sometime before World War II a four-lane highway was constructed over a portion of the land which cut off the triangular tract described in section 2 of the bill. This triangular tract comprises seven one-hundredths of an acre. We understand that the town found that the tract was not suitable for a park, that its exchanged the tract for land contiguous to the rest of the land conveyed by the 1904 act and that it has managed the land acquired by exchange as if it were part of the land conveyed by the 1904 act.

The triangular tract has thus been in private ownership for about 30 years and the present owners have requested that the town help them clear title to it. This small isolated tract is surrounded by the four-lane highway and private land, and is not suitable for park purposes. While we do not approve of the exchange of the tract made by the town without an authorization from Congress, we would not object to legislation clearing title to the tract. We feel that the exchange was in accordance with the general intent of the 1904 act.

However, we oppose section 1 of the bill which would strike the restriction on the use of all the land conveyed by the 1904 act. We are not aware of any reason why the land may not be suitable to be managed as a park or why the town is seeking to strike the land use restriction. The land is adjacent to Lake Coeur d'Alene and appears to be well suited for park use. We therefore recommend that it continue to be subject to the use restriction in the 1904 act. Accordingly, we suggest that all of section 1 following the enacting clause be deleted and that page 2, lines 7 to 12 be amended to read as follows:

That notwithstanding the act of April 28, 1904, 33 Stat. 485, the Secretary of the Interior is authorized and directed to convey,

by quitclaim deed and without consideration, to the city of Coeur d'Alene, Idaho, all right, title and interest of the United States in and to the following tract of land:"

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

JOHN KYL,
Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., October 10, 1973.

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your requests for the views of the Office of Management and Budget on the following bills:

1. S. 184, "To authorize and direct the Secretary of the Interior to sell interests of the United States in certain lands located in the State of Alaska to the Gospel Missionary Union" (requested March 8, 1973);
2. S. 194, "To authorize the Secretary of the Interior to convey to the city of Anchorage, Alaska, interests of the United States in certain lands" (requested June 14, 1973);
3. S. 1111, "To quitclaim the interest of the United States to certain lands in Bonner County, Idaho" (requested Sept. 25, 1973);
4. S. 1582, "To provide for the conveyance of certain public lands in Klamath Falls, Oreg., to the occupants thereof, and for other purposes" (requested Sept. 25, 1973);
5. S. 2125, "To amend the act entitled 'An act granting land to the city of Albuquerque for public purposes', approved June 9, 1906" (requested July 24, 1973); and,
6. S. 2343, "To authorize the Secretary of the Interior, by quitclaim deed, all right, title, and interest of the United States in and to certain lands in Coeur d'Alene, Idaho, in order to eliminate a cloud on the title to such lands" (requested Sept. 25, 1973).

The Office of Management and Budget concurs in the views of the Department of the Interior in its reports on these bills and accordingly has no objection to the enactment of S. 184. We have no objection to the enactment of S. 194, S. 1582, and S. 2343 if amended as suggested by the Department. However, we recommend against the enactment of S. 1111 and S. 2125.

Sincerely,

WILFRED H. ROMMEL,
*Assistant Director for
Legislative Reference.*

CONVEYING CERTAIN LANDS IN IDAHO TO THE
CITY OF COEUR D'ALENE

DECEMBER 4, 1974.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. HALEY, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany S. 2343]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 2343) to authorize the Secretary of the Interior to convey, by quit-claim deed, all right, title, and interest of the United States in and to certain lands in Coeur d'Alene, Idaho, in order to eliminate a cloud on the title to such lands, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

S. 2343, as amended, would authorize and direct the Secretary of the Interior to convey to the city of Coeur d'Alene, Idaho, all right, title and interest of the United States in a triangular shaped tract of land of approximately seven one-hundredths of an acre, which is a small part of land previously conveyed to the town by the act of April 28, 1904.

BACKGROUND

The act of April 28, 1904 (33 Stat. 485), granted to the city of Coeur d'Alene, Idaho, about 20 acres of land adjacent to Lake Coeur d'Alene "for the use of said municipality as a public park, and which shall be used for such purpose exclusively." This land has been maintained by the town as a park. However, sometime before World War II a four-lane highway was constructed over a portion of the land which cut off the triangular tract described in S. 2343 from the remainder of the donated land. The small size of the tract and its isolation from the other park land made it unsuitable for park usage; therefore, in 1940, the city of Coeur d'Alene exchanged the tract with the Spokane, Coeur d'Alene and Palouse Railway for land owned by the railway company,

which directly fronted the lakeshore and was adjacent to the remaining park land. The acquired land has since been managed by the city as if it were part of the land conveyed by the 1904 act.

The triangular tract has been in private ownership for over 30 years and the present owners have requested that the town help them clear title to it. This small isolated tract is surrounded by the four-lane highway and private land, and is not suitable for park purposes.

During the December 7, 1973, hearing before the Senate Interior and Insular Affairs Committee, the Department of the Interior recommended that the form of the bill be revised to preserve the restriction on the use of all the land conveyed by the 1904 act. Since the land is adjacent to Lake Coeur d'Alene and appears to continue to be well suited for park use, it should remain subject to the use restriction in the 1904 act. Accordingly, the recommended amendment was incorporated into the legislation so that no further change by the House is required.

COST

The enactment of S. 2343 would result in no expenditure of funds by the Federal Government.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, by voice vote, unanimously recommends S. 2343 be enacted.

DEPARTMENTAL REPORTS

The report of the Department of the Interior is set forth in full as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 10, 1974.

HON. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on S. 2343, an act to authorize the Secretary of the Interior to convey, by quitclaim deed, all right, title, and interest of the United States in and to certain lands in Coeur d'Alene, Idaho, in order to eliminate a cloud on the title to such lands.

We would not object to enactment of S. 2343 as passed by the Senate.

The act of April 28, 1904, 33 Stat. 485, donated to the town of Coeur d'Alene, Idaho, about 20 acres of land adjacent to Lake Coeur d'Alene for the use of said municipality as a public park, and which shall be used for such purpose exclusively. S. 2343, as passed by the Senate, would direct the Secretary, notwithstanding the 1904 act, to convey to the town by quitclaim and without consideration all right, title and interest of the United States in a small part of the 20 acre tract.

The 20 acres have been maintained by the town as a park. However,

sometime before World War II a four-lane highway was constructed over a portion of the land which cut off the triangular tract described in the bill. This triangular tract comprises 7/100 of an acre. We understand that the town found that the tract was not suitable for a park, that it exchanged the tract for land contiguous to the rest of the land conveyed by the 1904 act and that it has managed the land acquired by exchange as if it were part of the land conveyed by the 1904 act.

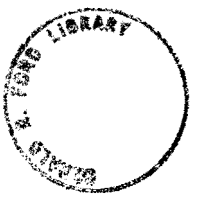
The triangular tract has thus been in private ownership for about 30 years and the present owners have requested that the town help them clear title to it. This small isolated tract is surrounded by the four lane highway and private land and is not suitable for park purposes. While we do not approve of the exchange of the tract made by the town without an authorization from Congress, we would not object to legislation clearing title to the tract. We feel that the exchange was in accordance with the general intent of the 1904 act.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

JACK HORTON,
Assistant Secretary of the Interior.

○



Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,
one thousand nine hundred and seventy-four*

An Act

To authorize the Secretary of the Interior to convey, by quitclaim deed, all right, title, and interest of the United States in and to certain lands in Coeur d'Alene, Idaho, in order to eliminate a cloud on the title to such lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the Act of April 28, 1904 (33 Stat. 485), the Secretary of the Interior is authorized and directed to convey, by quitclaim deed and without consideration, to the city of Coeur d'Alene, Idaho, all right, title, and interest of the United States in and to the following tract of land: A triangular shaped tract of land lying in the northeast corner of Government lot 48, section 14, township 50 north, range 4 W.B.M., Kootenai County, State of Idaho, bounded on the west by the Northwest Boulevard, and on the north by Garden Avenue.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

December 18, 1974

Dear Mr. Director:

The following bills were received at the White House on December 18th:

✓ S.J. Res. 224	✓ S. 3191
✓ S.J. Res. 260	✓ S. 4013
✓ S. 425	✓ H.R. 7978
✓ S. 939	✓ H.R. 8193
✓ S. 2343	✓ H.R. 8864

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D. C.