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SENATE

} REPORT
No. 2178

GRANTING AN EASEMENT IN CERTAIN LAND TO THE CITY OF MEMPHIS, TENN., FOR STREET-WIDENING PURPOSES

SEPTEMBER 25 (legislative day, SEPTEMBER 18), 1940.—Ordered to be printed

Mr. GEORGE, from the Committee on Finance, submitted the following

REPORT

[To accompany H. R. 9989]

The Committee on Finance, to whom was referred the bill (H. R. 9989) authorizing the Administrator of Veterans' Affairs to grant an easement in certain land to the city of Memphis, Tenn., for street-widening purposes, having considered the same, report favorably thereon, without amendment, and recommend that the bill do pass.

The purpose of the bill is explained in a letter from the Administrator of Veterans' Affairs to the chairman of the House Committee on Public Buildings and Grounds, which is set out below. The House amended the bill to conform with suggestions recommended by the Veterans' Administration.

The letter referred to is as follows:

SEPTEMBER 10, 1940.

Hon. FRITZ G. LANHAM,
Chairman, Committee on Public Buildings and Grounds,
House of Representatives, Washington, D. C.

MY DEAR MR. LANHAM: This is with further reference to your letter of June 5, 1940, requesting a report on H. R. 9989, Seventy-sixth Congress, "A bill authorizing the Administrator of Veterans' Affairs to transfer certain land to the city of Memphis, Tenn., for street-widening purposes," which provides as follows:

"That the Administrator of Veterans' Affairs is authorized and directed to transfer by quitclaim deed to the city of Memphis, Tennessee, for street-widening purposes, a strip of land along the western boundary of the Veterans' Administration facility in such city, described as follows:

"Part of the homestead lot and the north part of lot 50 of the Barnett Graham subdivision, beginning at the point in the south property line of Lamar Avenue, ten feet east of the east property line of Dudley Street, running thence south and parallel to the proposed new center line of Dudley Street, as widened, a distance of six hundred and twenty-two and one-tenth feet; thence continuing southwardly a distance of one hundred and fifty-one and one-tenth feet to a point, which said point is seven and two-tenths feet east of the old east property line of Dudley Street; thence west a distance of seven and two-tenths feet to a point in the old east property line of Dudley Street; thence north with the old east property line of Dudley Street, a distance of seven hundred and seventy-three and one-tenth feet to a point in the south property line of Lamar Avenue, thence east

with the south property line of Lamar Avenue a distance of ten feet to the point of beginning, containing an area of approximately eight thousand three hundred and fifty-three square feet, and being all of that property lying within the described limits twenty-eight and five-tenths feet east of the new centerline of Dudley Street.

"Sec. 2. Such grant shall be conditioned upon the agreement by the city of Memphis to set back and restore as nearly as possible to their original condition the fence and gate bordering such land, at no expense to the United States. If such land shall ever cease to be used for street purposes, title thereto shall revert to the United States."

The bill would authorize the transfer by quitclaim deed to the city of Memphis, Tenn., for the purpose of widening Dudley Street, a strip of land approximately 773 feet long and 10 feet wide at one end, and 7½ feet wide at the other end, said strip of land being located along the western boundary of the Veterans' Administration Facility, Memphis, Tenn.

The right-of-way agent of the city of Memphis has furnished a blueprint of the plan of widening Dudley Street from Lamar Boulevard to Sledge Avenue, a photostat copy of which is enclosed. This street-widening project is a part of a rather comprehensive plan of improvement of the southwestern part of the city in the immediate vicinity of the Veterans' Administration facility.

It will be noted that the greater portion of the property to be acquired for this project is on the east side of Dudley Street. On the west side, however, a number of pieces of property have been acquired by the city. In this connection it is believed proper to take into consideration the fact that the city has a project in contemplation for the widening of Lamar Boulevard on the north side of the Veterans' Administration facility. However, the additional land acquired for that project is to be taken entirely on the side opposite the facility reservation.

If the city of Memphis is to be given this property, it will mean that approximately 20 pieces of evergreen and other shrubbery will have to be moved and in addition 5 trees, 3 of which may be transplanted successfully. The possible loss of any trees is considered a serious matter particularly in view of the fact that during the past few years a number of fine trees on this reservation have been destroyed by storm. It is our purpose to protect the remaining trees in every way possible.

The street-widening project, with which we are here concerned, will no doubt tend to improve the neighborhood in which the facility is located. Further, it is our policy to cooperate with local governments to the fullest extent compatible with the interest of the Federal Government. The Veterans' Administration would, therefore, offer no objection to the enactment of the proposed measure provided that in line 4, page 1, of the bill the words "transfer by quitclaim deed" are eliminated and the words "grant an easement" are inserted in lieu thereof. Further, that section 2 of the bill be amended to read as follows:

"Sec. 2. Such grant shall be conditioned upon the approval by the proper authorities of the city of Memphis of an agreement to (a) construct a concrete wall with stone coping along the facility limits on Dudley Street in accordance with specifications to be furnished by the Administrator of Veterans' Affairs so as to provide a wall identical with the one now existing along the Lamar Boulevard, (b) move the existing chain link fence and gates, and place the fence on top of the wall, (c) move and replant such trees and shrubs as have to be removed from their present location, replace such trees as will not stand moving and replace any such trees and shrubs that do not survive, and (d) restore all areas within the reservation affected by this work as nearly as possible to their original condition including any necessary sodding; all without expense to the United States. The easement authorized by this Act shall contain the express reservation that should the land cease to be used for street-widening purposes then all right, title, and interest therein shall immediately revert to and revest in the United States."

Advice has been received from the Bureau of the Budget that there would be no objection by that office to the presentation of this report to your committee.

Very truly yours,

FRANK T. HINES, *Administrator.*

