

Papago Park Timeline 12/21 6pm

500 – 1500 AD. The Hohokam. The area around Papago Park was the epicenter of the Hohokam civilization, a people that developed the most advanced canal systems in pre-Columbian North America. Their largest and most prominent village was that of Pueblo Grande, located adjacent to Papago Park. There is evidence that Hole-in-the-Rock, the signature landmark of the Park, was used by the Hohokam to mark and record seasons for agricultural purposes. For reasons unknown, the Hohokam disappeared around 1500 AD, leaving dozens of archaeological sites in and around Papago Park. In the 1860s the Anglos arrived, establishing farming communities in the area inspired by the still-visible Hohokam canals. Papago Park has always been at the center of trade and transportation in Central Arizona: all the earliest roads, highways, railroad lines and even ferry services converged around it. What was once described as “8 miles East of Phoenix” is now at the very center of the Metropolitan Phoenix area, one of the largest in the United States. Papago Park is also probably the most valuable land in Arizona.



June 8, 1906. Antiquities Act. (54 U.S.C. §§320301-320303) authorizes the President to proclaim national monuments on federal lands that contain historic landmarks, historic and prehistoric structures, or other objects of historic or scientific interest.

Jan. 31, 1914. Papago-Saguaro National Monument Established by President Woodrow Wilson (Proclamation No. 1262), citing a significant collection of biological, geological, archeological and scenic values, to promote the public interest. Warning is given ...”not to appropriate, injure, remove or destroy and feature of this Monument”.

June 14, 1926. Recreation and Public Purpose Act enacted (44 Stat.741 and 43 U.S.C. 869). Allows conveyance or lease of public lands to state and local governments for outdoor recreation purposes. Item (c) excludes National Forests and Parks, wildlife refuges, National Monuments and Indian lands from this transfer under sections 869-869.4 of that title.

April 7, 1930. Papago Saguaro National Monument Abolished by Act of Congress (46 Stat. 142), transferring it to Arizona, for “park and recreational uses” (Page 37, Exhibit B. Patent signed in 1937).

July 7, 1932. Act of Congress (47 stat 646, Chapter 444) authorizing the acceptance of relinquishments by the State of Arizona.

1933-1934. Stone Amphitheatre built. One of earliest works by CCC (below). Used extensively for band, plays, performances, Easter services until 1950s. Basically abandoned since because of road construction. Partially renovated in 2010.

BY THE PRESIDENT OF THE UNITED STATES

A PROCLAMATION

Whereas, in Maricopa County, Arizona, sp
giant and many other species of cacti and
many additional forms of characteristic desert
and perfection and are of great scientific inte
fore, be preserved, and that on the walls of
these forms thrive best, there are numerous pr
archaeological and ethnological value, and it
interest would be promoted by reserving the
prehistoric inscriptions as a National Monu
much public land as may be necessary for
thereof,

Now, therefore, I, Woodrow Wilson, Preside
of America, by virtue of the power in me veste
act of Congress entitled, “An Act for the Pre
Antiquities”, approved June 8, 1906 (34 Stat.
there are hereby reserved from all forms of a
public land laws, subject to prior, valid, adve

CHAP. 107.—An Act To abolish the Papago Saguaro National Monument, Arizona, to provide for the disposition of certain lands therein for park and recreational uses, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Papago Saguaro National Monument in Arizona shall be, and the same is hereby, abolished, and that the Government lands therein described according to the Gila and Salt River base and meridian sh
posed of as follows:

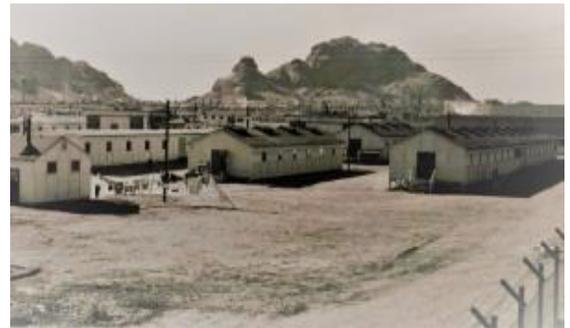
2. All of the remainder of Government lands in the said Papago Saguaro National Monument, in Maricopa County, Arizona, shall be, and the same are hereby, granted to the State of Arizona for park, recreation, or public-convenience purposes; and there is hereby granted to the city of Tempe, Arizona, for municipal, park, recreation, or public-convenience purposes, *Provided further* That lands hereby granted shall be used by the State of Arizona and the city of Tempe, Arizona, only for the purposes herein indicated, and if the said lands, or any part thereof, shall be abandoned for such use, such lands or such part shall revert to the United States.

1935-1938. Civilian Conservation Corp Camp BR-14, a permanent encampment consisting of four barracks, was built in Papago Park. Enrollees carried out a variety of irrigation and construction programs, including the stone amphitheatre and ramadas near Hole-in-the-Rock. Located in area now partially occupied by baseball Facility.



Nov. 17, 1937. Land Grant and Patent of Transfer to Arizona (Patent N. 10937855) (Title Documents, pages 37-39) issued upon express condition that that “the lands so granted shall only be used for municipal, park, recreation of public convenience purposes, and if the lands, or any part thereof shall be abandoned for such use, such lands, or such part, shall revert to the US”. Signed by Franklin D. Roosevelt.

1942-1946. Camp Papago, Prisoner of War Camp that housed over 3000 prisoners in five compounds. This was the most famous POW camp in modern US history. Remnants of camp still visible at site. Baseball Facility built partially built over parts of POW camp.



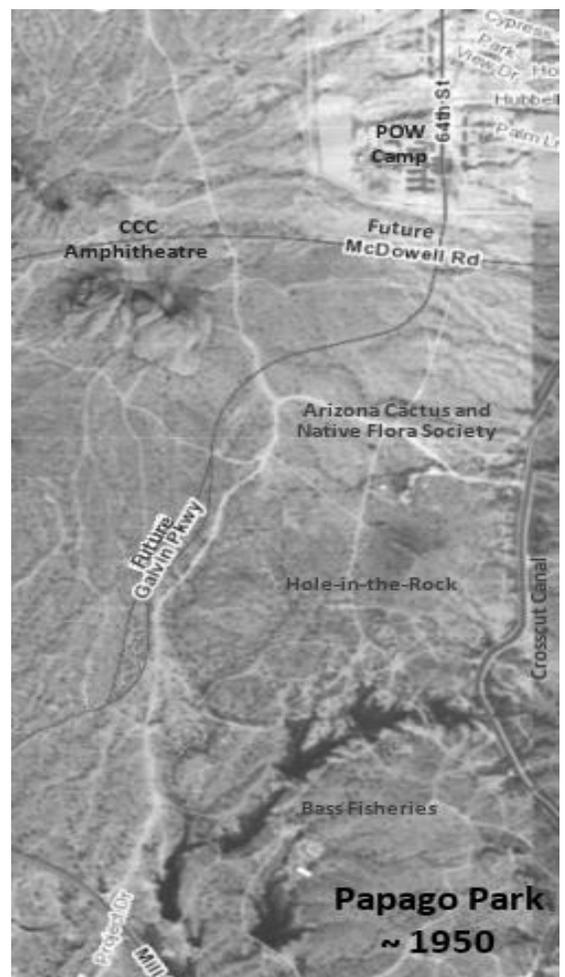
June 30, 1949. Federal Property and Administrative Services Act. (Title 40 U.S.C. §550) For public park or recreation area use. Item (4) The deed of conveyance of any surplus real property disposed of under this subsection (A) shall provide that all of the property be used and maintained for the purpose for which it was conveyed in perpetuity, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to (B) the Government...

June 4, 1954. Recreational and Public Purposes Act (RPPA) (68 Stat. 173, Pub.Law 83-387, U.S.C. 869, et. seq.) This was a complete revision of the Recreation Act of June 14, 1926, amending it to include other public purposes... Sect 4 ads that for any patent heretofore issued under any Act, if authorized by Secretary, all reverter provisions and other limitations on transfer or use, under this or any other Act affecting the lands involved, shall cease to be in effect after twenty-five years.

May 13, 1955. US Authorizes Transfer to Arizona. Public law 36 authorizes transfer of Papago Park for park, recreation, public convenience or municipal purposes.

Feb. 25, 1959. Phoenix purchases Papago Park. No copy of this sale was found. This date and document is mentioned in the Conditional Certificate of Purchase No. 1 of July 27, 1959

June 16, 1959. Certificate of Approval of Transfer and Change of Use No. 1 (Title Documents, page 40). This document erroneously included, because refers to other areas of Park, not Sect. 33 where Facility is located. Correct document for facility is below, No. 4, dated Jan 1, 1960.



Note that at least four Certificates of Approval were prepared for Papago Park, for different areas, instead of one, to circumvent the legal 640-acre limitation in one calendar year for the 2,000 acres of the Park.

July 27, 1959. Conditional Certificate of Purchase No. 1 (Title Documents, p.50-54). To Phoenix by Arizona, Has 'park only' restriction, reversionary provisions (to Arizona) and specifies allowable leases:

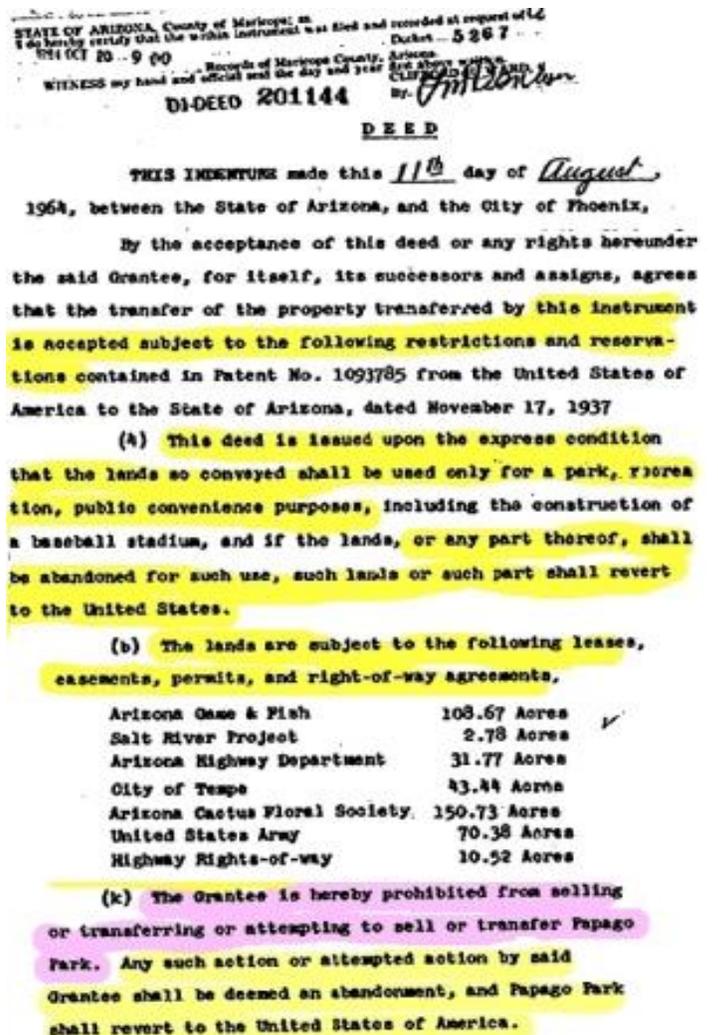
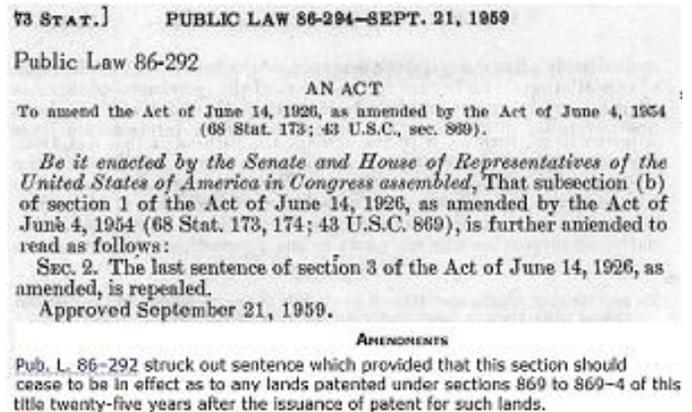
Arizona Fish and Game (now the Zoo), Salt River Project, Arizona Highway department, City of Tempe, Arizona Cactus and Native Floral Society (now the Botanical Garden), United States Army, and existing Highway Rights of Way. At this time, about 90% of Papago Park was undeveloped desert landscape.

Sept 21/26, 1959. 25-year limit on reversions repealed (73 Stat.571). Public law 86-292/294 repealed, without a 'saving clause', the limit on reversions and change of use for lands patented

under sections 869 to 869-4 of Title 43, Chapter 20 (Reservations and Grants to States for Public Purposes). This law removed the 25-year expiration clause on use restrictions and revisionary provisions, making all land conveyances for park use *in perpetuum*, in line with other laws and BLM policy since 1926. A repeal without savings eliminates the repealed statute completely, as it never had existed.

Jan. 1, 1960. Certificate of Approval of Transfer and Change of Use No. 4. Provided by DOI Solicitor, specifically relates to area of baseball Facility (Section 33), unlike No. 1 of June 16, 1959 included in the Title Documents, which relates to other areas of the Park. BLM authorizes Arizona to transfer Papago Park to Phoenix, "for use as a park, recreation, public-convenience purposes, including the building of a stadium". Has clause that says that use and transfer restrictions expire after 25 years (i.e., 12/31/1984). Cites Act of June 14, 1926, 44 Stat. 741, and 43 USC 869. Issued with expiration after that clause repealed.

Aug 11, 1964. Indenture / Deed of Sale from AZ to Phoenix (TD, P.44-49), with 'park only' restriction, reversionary provisions and specifies that Papago Park is subject to the following seven leases, causeways, permits and right-of-way agreements: Arizona Fish and Game (now the Zoo), Salt River Project, Arizona Highway department, City of Tempe, Arizona Cactus and Native Floral Society (now the Botanical Garden), United States Army, and existing Highway Rights of Way. Also, says it is subject to provisions of Conditional Certificate of Purchase No. 1 of July 27, 1959.



Sept. 3, 1964. Land and Water Conservation Act (LWCF) (Public Law 88-578; 16 U.S.C. §460 L-4 to L-11). A landmark decision requiring that no property developed with LWCF funds could be converted to other than public outdoor recreation uses. An approved conversion (land trade) is permitted if in accord with statewide outdoor recreation plan but only with substitution of other close-by properties of equal value and usefulness.

Oct 17, 1976. Disposal of Public Property (90 Stat. 2743, Public Law 94-519). States that that a deed of conveyance of any surplus real property disposed of under the provisions of this subsection (i) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event that such property ceases to be used or maintained for such purpose during such period, all or any portion of such property shall in its then existing condition, at the option of the United States, revert to the United States” The 1976 Act is a revision and amendment of the Federal Property and Administrative Services Act of 1949 (Pub. L. 152, Ch. 288, 63 Stat 377) Sec. 484 (k) (2) Under sponsorship of the Department of the Interior authorizes discounted conveyances of surplus real property to units of State and local government for public park or recreational purposes.

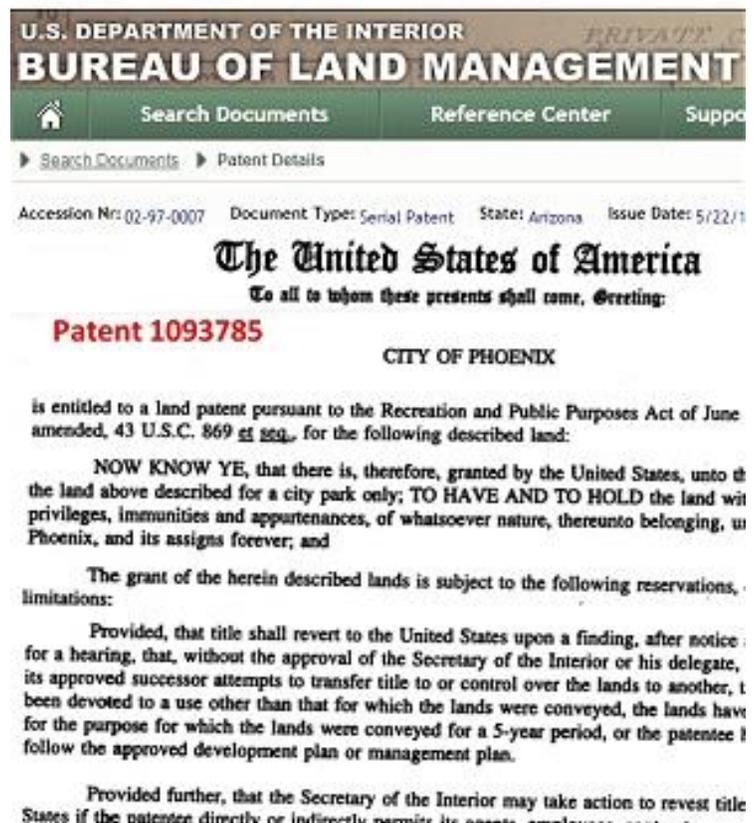
1968. Park Preservation become as National Policy. In a landmark case, the US Supreme Court ruled 6-2 to overturn a decision allowing a city to build a highway through Overton Park (TN). “It is hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites or development” (Title 43, U.S.C Section 138).

1968. City of Phoenix receives LWCF funding for development in 1968, in the amount of \$105,000 to “develop access roads, parking areas, hiking and riding trails, picnic areas in Papago Regional Park”. This was approved in 3/2/1966, ID 9.2 (Department of the Interior and related Agencies Appropriations, H.R. 17354).

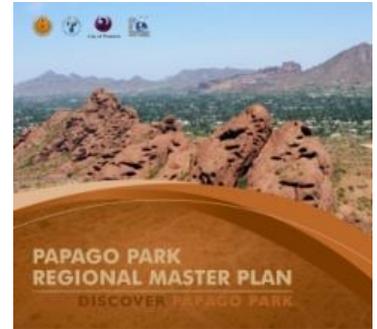
May 22, 1997. Land Patent conferred to Phoenix. (Patent No. 02-97-0007, Title Documents, p. 41-43), US, signed by BLM, confirmed ‘park only’ restrictions, reversionary provisions and added Civil Rights requirements, filed under the authority of the 1926 Recreation and Public Purpose Act.

Aug. 21, 2002. Property for Use as a Public Park or Recreation Area. Title 40 U.S.C.

550(e)...(Public Law 107-217). This law states that the deed of conveyance of any surplus real property disposed of under this subsection (A) shall provide that all of the property be used and maintained for the purpose for which it was conveyed in perpetuity, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to the Government. This Act is a revision and recodification of Title 40 U.S.C. 484(K)(2)(c) of Oct 17, 1976 (Public Law 94-519), listed above.



June 17, 2010. Papago Park Master Plan. An ambitious, elaborate and comprehensive 113-page plan for the enhancement of the park. It stresses the integration of partners, natural features, and recreational amenities to make Papago a “Great American Park”. According to this plan: “Large, natural open spaces within large metro areas are rare. Preserving and enhancing the natural spaces within the park is essential” (page 35 of Plan). Also, a public poll included in the Plan lists “Open Space/Natural Desert Preservation” and “Natural Areas/ Wildlife Habitats” as most important goals (p.36) and “Additional parking areas” and “Expansion of existing parking areas” (pgs.41,44) the least desirable outcomes. In this document, a mere 34.4% of the park is classified as desert areas, of which 506 acres is Protected Park Zone (p. 51) and 227 acres is called Developed Desert Park Zone (p. 52). This is down from more than 90% desert areas in the last 1950s. There is no provision for a private baseball training facility in this Master Plan.



2012-2018. Phoenix executes ‘enhancements.’ In this decade Phoenix several small ‘enhancements’ to Papago Park: extending the golf course fence out into desert land, constructing cement walkways, adding facility buildings, and building an unneeded access asphalt road for ASU. The common denominator in all of these is the destruction of more desert habitat.

LEASE OF PAPAGO BASEBALL FACILITY
BY THE CITY OF SCOTTSDALE

THIS LEASE OF THE PAPAGO BASEBALL FACILITY (“Lea CITY OF PHOENIX, an Arizona municipal corporation (hereinafter “La the City of Scottsdale, an Arizona municipal corporation (hereinafter “l entered into as of July 21, 2018 (“Effective Date”). Pho individually referred to as a “Party” and collectively as the “Parties.”

RECITALS

A. Phoenix owns the Papago Baseball Facility located at 18 Arizona, 85008 including all existing major league baseball fields, c parking areas and other improvements located hereon (collectively, l legally described on Exhibit “A” and depicted on Exhibit “B”, b incorporated herein by this reference.

Nov. 26, 2018. Phoenix leases Papago Park to Scottsdale and Giants.

The City of Phoenix signs a lease giving use of the baseball facility in Papago Park to the City of Scottsdale. On December 1, 2018, Scottsdale – with the knowledge and acquiescence of Phoenix – signs a sublease giving use of that Facility to the San Francisco Giants Baseball Club and allowing the Giants to make “certain improvements” to the Facility for use as training compound for the Giants’ Player Development Program. The conditions, rights and privileges in the Lease and Sublease, as well as term (35yrs+5 ext.) are similar to those specified for authorized leasees in the 1959 and 1964 title documents. The Giants are not authorized or listed as a permitted leasee, nor is the ‘private corporation training facility’ use compatible with the ‘public park only’ requirements in the Title Documents and federal legislation for former US park lands.



Sept. 2019. Giants begin construction of Training Facility. The first step of the construction was to build a green fence around project area, level all existing structures of the old facility and bulldoze up to 15+ acres of desert, removing all vegetation.

Oct. 2019. Giants build worst parking lot in Human History, in wrong place. In the Lease (Section 2.3.2) and Sublease there is a requirement for Giants to build an overflow parking lots. In the contract diagram, it is located within the facility. For reasons unknown, it was decided to build it north of the softball facility, one hundred yards away.



About 50 tons of bituminous pitch was unceremoniously dumped on a desert area, without any soil preparation or engineering, destroying another two acres of desert landscape. Later, when asked about the unlawful nature of this lot, the plaintiffs were told it was “temporary”.

Oct. 2019. First email sent to Scottsdale asking about nature of Project. An “I am curious about what is happening at Sports facility” email was sent to Scottsdale officials for details of the project. Lease and Sublease documents were furnished by Scottsdale. It soon became clear that this was not a “remodel” or “enhancement, but a complete bulldoze and rebuilt from ground up, and a major construction project, much different that that neighbors were given to understand. It became apparent that the Giant’s new facility was huge, officially encompassing 36.75 acres in the Lease contract (compared to the 30 acres in the modest old compound), but, in reality, occupying 42-45 acres of Papago Park.

April – October, 2019. FOPP sends hundreds of emails to Officials. Friends of Papago Park sends emails to Phoenix, Scottsdale, Giants, Mayors, City Park departments, Phoenix Parks Boards, US Senators, Representatives, Arizona State Parks Board, the Department of the Interior, The OIG of DOI, National Parks Service, Bureau of Land Management and even several so-called conservation organizations, with few responses and no tangible results. In these letters we quoted Acts of Congress and Federal legislation protecting parks lands, including those conveyed to States and Cities. We sent information about lawsuits and legal cases relating to parks that officials had tried to use for non-public and non-park purposes, all of which failed. We sent pictures of the destruction being inflicted on desert areas of Papago Park. All of these efforts were in vain.

July, 2019. Giants build a huge “Used Tire Warehouse” in Papago Park. Actually, it appears to be a batting practice building. It is not in the same location as in the contract diagram nor is it the same size (much larger) but minor details never bother our intrepid officials. For maximum disruptive visual effect, it is at the very entrance of the Facility, where it blends in nicely with the desert vegetation and sandstone hills of Papago Park around it – or maybe not.

August, 2019. Phoenix destroys another 8 acres for unneeded parking. A constant issue with Phoenix city officials has been the continual destruction of desert landscapes in Papago Park, not just with the Giants baseball facility. Over the last decade, Phoenix has executed many ‘minor’ enhancements in the park, as mentioned above, always at the expense of desert areas. At the end of July, FOPP had one of two cordial meetings with Phoenix and Scottsdale officials. We expressed our misgivings with the Giants project and stressed the need to preserve desert areas. The very next week, the City of Phoenix bulldozed another 8-9 acres for an unneeded parking lot. See our email of August 24, for a detailed analysis of this sad episode and reasons for why that lot was unneeded. At the very least, in the meeting, officials could have, as a courtesy, told us something like “by the way, you aren’t going to like this, but we’re building another parking lot.” We are adults, we would not have cried or gone hysterical - only, at most, cursed them in six languages.



Oct. 26, 2019. The Department of the Interior finally responds. After sending an email on 10/22 threatening to file an injunction in a federal court, the Solicitors office of the DOI sent us an email saying that, in their opinion, we had no case because, according to some legislation cited in one of the Title Documents, the deed restrictions and reversionary provisions expired after 25 years (in 1985). The plaintiffs pointed out that the 25-year limit clause had been repealed (which they either did not know or did not care to inform us) even before that clause had been included in the Certificate of Approval of Transfer and Change of Use No. 4 (see item for that date). In a second email, of Nov. 26, responding to our email saying the expiration had been repealed, the Solicitor basically said that it really didn't make any difference because the repeal of the expiration only effected 'future' land transfers. The word 'future' is not in the legislation. The Solicitor then suggested that we contact the Arizona State Parks board and ask about the LWCF issue. These emails can be found in Exhibit D.

Nov 11, 2019. Email sent to AZ State Parks. By law, the Arizona State Parks are responsible for LWCF compliance and follow-up monitoring. We asked if they were aware of penalties for violations of Land and Water Conservation Fund legislation, which requires that parks (i.e., Papago Park) receiving LWCF funds be maintained for the purpose for which it was conveyed in perpetuity, and if that "property ceases to be used or maintained for that purpose, all or any portion of such property will in its existing condition, at the option of the United States, revert to the United States." We also copied the DOI emails above with detailed information about LWCF and deed policy violations. We have received no response.

Nov 30, 2019. End of Timeline. Despite our efforts, even providing facts and photos; despite clear laws, officials have been unresponsive. The construction of the private Facility continues, as does the destruction of the desert lands of Papago Park. We will send no more emails. We will file an injunction.

