

Arizona State Parks.....The Beginning

By Charles R. Eatherly

Acknowledgments

The encouragement to write this history telling of how each of the state parks came into the system first came from former State Parks Board member, Sheri Graham. The Parks Board held a meeting in Flagstaff. At dinner, following a tour of the Riordan Mansion State Historic Park, I shared information about the early meetings I had attended with members of the Riordan family. After I had finished telling my story, Sheri said, "That is a great story about this park and I think you should write a description of how and why each of the areas and sites became state parks because you have been involved in so many of the park acquisitions. This information would benefit the Parks Board and particularly the staff working at the parks."

Jean Emery, Chief of Resources Management for State Parks, made a like request that I write the history of how each of the state parks came into the system. I was working on a project to build a digital database of all the legal documents for each of the state parks. As this project neared completion, Jean requested that I write paragraphs telling the story of how and why each area or site had become a state park. My involvement with the acquisition of state park properties since 1971 has given me first-hand knowledge. Jean knew that I had provided a great deal of information to Jay Price and edited the draft of the book he wrote, Gateways to the Southwest-The Story of Arizona State Parks.

These requests, combined with similar requests from various park staff members, were enough to encourage me to begin compiling the information in this document. I gave a draft to the each respective park manager to review for any omissions or necessary additions that were needed. I want to thank all the park managers and employees for reading the draft and providing your comments. My thanks to Vivia Strang for taking all of my documents and formatting them into the draft. Thanks also to those who have reviewed the draft of this text: Jay Ziemann, Ellen Billbrey, Kay Whitten, Ruth Shulman, Fran Simpson, Monica Enriquez. Thanks as well to Ray Warriner and Monica Enriquez for helping scan photographs and to Bob Sejkora for creating the park boundary maps. A special thank you to Scott Stahl not only for scanning photos, but also for his artistry with them and their incorporation into the narrative of this document. I appreciate his patience in working on the photographs and scanning new photographs until I was satisfied with the results. Lastly, I want to thank the Arizona State Parks Board, agency staff, friends and family members who have encouraged and supported me during this effort.

ARIZONA STATE PARKS CREATED

Arizona became the 48th State of the United States on February 14, 1912, making it one of the youngest states. This is also true for the Arizona State Parks System, which is young compared to other state park systems, as it was established in 1957.

The origin of Arizona State Parks can be traced to a period just after World War II. Between 1950 and 1958 the State's population grew approximately 66 per cent. The United States Bureau of Census recorded the rate of income growth in Arizona as the highest in the nation for this time period. The State's wealth once scattered among cattle ranches, farms, mining operations and logging mills, rapidly shifted to concentrate in financial establishments and industrial developments in Phoenix and Tucson. On the national scene, the American Institute of Park Executives and the National Recreation Association encouraged the development of parks with facilities and programs to provide activities for people's leisure time.

In the early 1950s, several legislators introduced bills in an effort to establish a state agency to promote, develop and provide for the use and conservation of the State's natural resources. In 1952, Representative Robert E. Morrow of Mohave County introduced a bill to create a Department of State Parks and Monuments. His bill received little serious consideration that session and was introduced again the following session where it again died in committee. A bill that would have created a Natural Resources Board was introduced in 1954, but died in committee. It was introduced the next session with the same results. A bill was introduced in 1956 that authorized the establishment of a study committee to investigate and report back to the legislature the next session on the need for a state parks department. That bill passed the House but died in the Senate. These bills failed because the political influence of the grazing and agriculture interest was so strong.

Following the numerous unsuccessful attempts to create a state parks system, some influential individuals began building a public interest group. This interest crystallized around a 1956 article written by Ben Avery, the outdoor reporter for the Arizona Republic. The article pointed out to citizens that Arizona was the only State in the nation that did not have a state parks department. The article stated that many historical landmarks and scenic areas of the State were being vandalized through a lack of public interest and concern. As a result of Avery's article outdoor-smen, conservationists, and interested citizens joined in an effort to protect some of these areas. Notable speakers met with the group to support their cause, one of which was Conrad Wirth, Director of the National Park Service. The group received support from the National Park Service, the National Recreation Association, the American Institute of Park Executives and the National Conference on State Parks. Meetings of this group led to the formation of the Arizona State Parks Association to carry the cause for legislation to create a state parks agency.

The Arizona State Parks Association was officially established on June 22, 1956. Composed of many influential citizens, well organized and funded, the Association accepted the task of encouraging the State legislature to establish a state parks and monument department. The Association contacted all legislative candidates to inform and seek their support for the 23rd Legislature to pass a bill to create a state parks agency. The Association established a speakers group to take the cause to civic groups, public organizations, churches and any group that needed a speaker. The Association anticipated opposition from the agriculture and grazing lobbies in the legislature. So, the Association invited representatives from statewide grazing and agriculture organizations to work with them to get a state parks agency created.

At the Association meeting in October 1956, Dennis McCarthy, Henry Swan, Charles Reitz, and Kenneth Smithee, representing the Arizona Recreation Association, presented a motion requesting that the word "Recreation" be added to the name of the Arizona State Park Association. The Constitutional Committee of the Association gave serious consideration to including "Recreation" in its name. Following lengthy discussion, the Committee concluded that the recreation field was well represented in the State by the Arizona Recreation Association, thus, there was no need to add it to the Associations name. So by vote of the Association, the motion failed.

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Through the efforts of the Arizona State Parks Association a draft bill was prepared and ready for discussion at the December 1956 meeting. Two budget proposals were included for consideration with this first draft. The budget request for the first year of operation was for an appropriation of \$30,000 to establish the State Parks Board, select a Director, and initiate a survey of potential park sites. The second year budget proposal called for an appropriation of \$100,000 to develop two pilot park projects. This roughly drafted bill caused considerable debate at the meeting. Opposition came primarily from the agriculture and grazing interests, with several areas of concerns identified throughout the bill.

The draft bill was reworked and submitted for a second review at the January 1957 meeting. A compromise was reached with the agriculture and grazing representatives. The compromise provided for the protection of water and grazing rights and for the appointment of a seven member parks board by the governor. The board would have two members representing the grazing industry, one employed in the professional field of parks and recreation, and the State Land Commissioner. The remaining three would be selected at large.

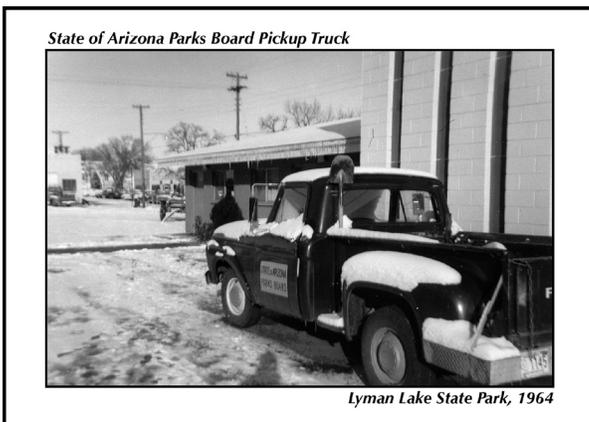
Some Association members expressed opposition because of the heavy representation given to the grazing industry. However, the Association approved the reworked bill when the grazing industry assured the members that it would support this bill if it were introduced as drafted. The bill was described as a reasonable compromise although some members of the recreation group thought the Association had compromised too much, particularly as related to the 160 acre limitation which the grazing interest succeeded in placing on any land acquired for state park purposes.

The draft bill as approved by the Association and supported by the grazing and agriculture interests was introduced as House Bill 72 and as Senate Bill 61 in the 23rd legislature. In the House the bill was introduced by the Committee on Livestock and Public Lands. Because of the strong public support, House Bill 72 passed the House during the week of February 11, 1957. Senator Robert E. Morrow, an advocate of the state parks system who had first introduced state parks legislation five years earlier, guided the House bill through its passage in the Senate.



The first Arizona State Parks Board, 1957. Top (l-r): Max Connally, Ricki Rarick, Ezekiel Taylor, Obed Lassen Bottom (l-r): Frances Weedon, Charles Reitz, Virgil Mercer

Governor Ernest McFarland signed House Bill 72 into law on March 25, 1957. This legislation mandated the State Parks Board to "Select, acquire, preserve, establish and maintain areas of natural features, scenic beauty, historical and scientific interest, and zoos and botanical gardens, for the education, pleasure, recreation, and health of the people, and for such other purposes as may be prescribed by law." As there was an Emergency Clause in the Bill, the legislation became immediately effective.



Governor McFarland announced the appointments to the first State Parks Board on April 22, 1957. The members appointed were: Max Connally, Chairman from Tempe, Charles J. Reitz from Yuma, Ezekiel B. Taylor from Cottonwood, Ricki Rarick from Tucson, A.V. (Virgil) Mercer from Mammoth, Frances Weedon from Phoenix and O.B. Lassen, State Land Commissioner.

The enabling legislation appropriated \$30,000 to the Parks Board for its first year of operation. The new Board's first act was to initiate the transfer of title for Papago Park. It also received applications for the director's position and began the survey process

for potential park and monument sites.

Papago Park

Location: Phoenix

A Presidential Proclamation No. 1262 was signed by Woodrow Wilson on January 31, 1914, establishing Papago Saguaro National Monument. This Monument was abolished by an Act of Congress April 7, 1930. The Papago Park lands were granted to the State of Arizona for park purposes, except for certain parcels of land (a) transferred to the Arizona National Guard, (b) sold to the City of Tempe or (c) purchased by the Salt River Valley Water Users Association.

An Act passed by Congress on July 7, 1932, accepted relinquishment of certain lands by the State of Arizona and the City of Tempe. These relinquished lands were then granted to the Salt River Valley Water Users Association. All of the remaining lands within Papago Park were officially conveyed to the State of Arizona for park purposes by Patent No. 1093785 dated November 17, 1937.

At the May 27, 1957, meeting of the Parks Board, Senator J. Morris Richards stated, "One thing that came up immediately during discussions of the legislation that created the State Parks Board was whether the Parks Board would have control of Papago Park." The legislature thought this transfer could be accomplished by the Land Commissioner. During this same meeting Max Connolly, Chairman of the Board, referred to Papago Park as the Board's only State Park but it was under the jurisdiction of the State Land Department. The Board voted to request a letter from Mr. Bernard Caine, Assistant Attorney General, outlining the procedure the Board should follow to secure the transfer of Papago Park from the Land Department to the Parks Board. The Board decided that at its June meeting two organizations would be requested to meet with the Board. The Phoenix Community Council and the Papago Park Recreation Area Committee would be invited to make presentations to the Board.

At the June 17, 1957, meeting of the State Parks Board, the Board heard presentations from the Phoenix Community Council and the Papago Park Recreation Area Committee about their interest in acquiring and developing Papago Park as a City of Phoenix Park. Following the discussion of Papago Park, the Parks Board voted to accept the transfer of Papago Park from the State Land Department, subject to all outstanding encumbrances and that the Attorney General's Office was requested to prepare the necessary papers to effect this transfer.

On July 15, 1957, the Chairman of the State Parks Board received a letter from Mrs. James C. Eikner, Chairman of the City of Phoenix Parks Board. The letter advised the Parks Board of the City's interest in acquiring Papago Park and that on May 11, 1957, the Phoenix voters had approved a million dollar bond issue for the development of Papago Park. Enclosed with the letter was a copy of the City of Phoenix's Proposed Park Development Plan for Papago Park prepared by the Phoenix City Planning Department.

At the August 11-12, 1957, meeting of the Board, the Chairman reported that the necessary papers to transfer Papago Park had been signed and delivered to the Governor's office by Mr. Caine. As a point to this discussion, Mr. Lassen, State Land Commissioner, stated that in his opinion the Governor does not have the power to make such a transfer. He thought that legislation would be required to authorize the transfer.

Because of the concerns related to the proposed transfer of the Papago Park lands, the Parks Board at the September 7-8, 1957, meeting authorized the filing of an application to lease all the unencumbered land in Papago Park from the State Land Commissioner. While the lease was being processed, a determination was made that legislation would be required to transfer Papago Park to the Parks Board. So, at its October 21, 1957, meeting, the Board voted to request Legislative Council to prepare the necessary legislation to transfer the jurisdiction and administration of Papago Park, in its entirety, from the State Land Department to the Arizona State Parks Board, subject to outstanding leases. The Board requested Director McCarthy to seek a professional opinion from the National Recreation Association on Papago Park as it had just completed a recreation survey of Maricopa County.

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A commercial lease was issued by the State Land Department to the State Parks Board for the unencumbered lands in Papago Park on December 27, 1957. This information was reported to the Parks Board at its January 23-24, 1958, meeting. At this same meeting, the Parks Board approved the bill that had been drafted by the Legislative Council to transfer the jurisdiction and administration of Papago Park, in its entirety, from the State Land Department to the State Parks Board, subject to outstanding leases. The Parks Board requested the National Park Service do a study of Papago Park to determine its future status.

The jurisdiction and administration of Papago Park was transferred from the State Land Department to the Arizona State Parks Board by an act of the legislature on March 18, 1958, just a year after the creation of the Parks Board. Thus, Papago Park became the first state park in our system containing 1,176.34 acres. The legislation authorized the Parks Board to develop, operate and maintain the lands transferred or to lease or sell the land in one parcel to a municipality for park purposes. Mandatory provisions relating to lease or transfer of Papago Park lands were included in the legislation. Any lease or deed would have to contain the following terms and conditions:



- 1.The lands shall be used only for municipal, park, recreation, or 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 State of Arizona.
- 2.All leases and any deed shall be subject to any existing leases or permits on the lands or any parts thereof, and the holders of said leases or permits shall have the right to successive renewals thereof for terms of five years each for as long as said lessee or permittee shall comply with the terms of said lease or permit.
- 3.The lessee or grantee shall maintain and keep in good repair any monument, marker, or tomb on said lands.

The Parks Board was formally advised at its March 31-April 1, 1958 meeting in Tubac, that Senate Bill 144 had passed and been signed by Governor McFarland. The Board learned that the bill as originally approved by the Parks Board had been amended considerably during the legislative process. The Chairman reported on a meeting held on March 25, 1958, concerning the future of Papago Park and the discussion relative to either leasing or selling Papago Park to the City of Phoenix. Mrs. Eikner and Cedrick Austin of the City of Phoenix Parks and Recreation Board; Milton Graham, Milton Gann and J.R. Clemmons of the Phoenix Community Council; Max Connolly and Dennis McCarthy of the Arizona State Parks Board; and Bernard Caine of the Attorney General's office attended this meeting.

Following the discussion, the Parks Board appointed a "Papago Park Committee" to act on a very limited basis for the Board and to report back to the Board. The Committee was comprised of the Parks Board Chairman and two Board members. The Parks Board then instructed the Chairman to contact Senator Carl Hayden by letter to ask the following questions:

- 1.May the State Parks Board now lease Papago Park for more than ten years?
- 2.May the State Parks Board sell Papago Park?

The Board also wanted clarification of the intent of Congress when it stipulated in the patent granting Papago Park to the State of Arizona, four uses for Papago Park—municipal, Park, recreation, and public convenience. The Board was concerned because in the Act of congress transferring Papago Park to the State there were only three uses stipulated—park, recreation, and public convenience.

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At the May 26-27, 1958, meeting, the report on and plan for Papago Park prepared by the National Park Service were submitted to the Parks Board. The Director reported that Bernard Caine, Assistant Attorney General, had been requested by letter to prepare an instrument of transfer for the State Land Department's whereby the jurisdiction; and administration of Papago Park would transferred to the State Parks Board. The Chairman also reported on a meeting of the Papago Park Committee with the officials of the City of Phoenix held in the Mayor's office on May 21st. On May 27th officials of the City of Phoenix met with the Parks Board and formally requested the sale of Papago Park to the City of Phoenix.

The Papago Park Committee had new members appointed by Chairman Reitz on September 19, 1958. The Committee composed of Chairman, Ricki Rarick, and members Taylor and Mercer, was authorized to meet with Mayor Jack Williams on the stipulations and conditions to be included in a conveyance document transferring Papago Park to a municipality. The Director was instructed at the earliest convenient time to:

1. Have Papago Park appraised by appraisers other than those in the State Land Office,
2. Advertise the sale of Papago Park, and
3. Prepare a draft of the conveyance document.

At the October 28-29, 1958, meeting, the Papago Park Committee reported on its meeting with the officials of the City of Phoenix to review the draft of the conditions and stipulations to be included in a 'notice of sale' of Papago Park. A number of revisions were suggested and each was discussed with the Parks Board. Following a lengthy review, the Parks Board approved a revised draft of the conditions and stipulations for the City of Phoenix to review. The Committee met with Mayor Williams on October 28th at 3 pm and reviewed the changed language and then presented a final revision for the Board's consideration. The Parks Board approved the conditions and stipulations as presented and requested that Governor McFarland be informed of the Board's action as he had written a letter to the Board Chairman urging that the Papago Park matter be expedited.

The Director's Report to the Parks Board at the December 9, 10, and 11, 1958, meeting advised the members that the materials necessary for the Notice of Sale of Papago Park were complete and that publication was set for December 16, 1958. By letter dated November 17, 1958, the State Land Commissioner recommended that the Parks Board set the appraised value of the land contained in Papago Park at three dollars (\$3.00) per acre. The Parks Board voted to officially set the appraised value of the land at Papago Park at \$3.00 per acre. The Board also set a tentative date for the sale of Papago Park to be at the next meeting of the Parks Board on February 20 and 21, 1959.

Final arrangements were made for the sale of Papago Park at public auction at 10 AM on Wednesday, February 25, 1959, on the front steps of the Maricopa County Courthouse, Phoenix, Arizona. At 9:55 AM the Parks Board Chairman, Virgil Mercer, called the Wednesday, February 25, 1959, meeting of the State Parks Board to order on the front steps of the Maricopa County Courthouse. The Director proceeded with the sale of Papago Park, in substantial conformity with the laws regulating the sale of State land, and in conformity with ARS Section 41-511.15 through 41-511.18. The City of Phoenix submitted the minimum and only bid of \$3,529.02. The Director issued a receipt for that amount to the Phoenix City Assessor. A Conditional Certificate of Purchase was issued initially. Upon the verification of the City of Phoenix that it had secured the approval of the Secretary of Interior for the transfer of title and change of use, a Patent from the State of Arizona was issued to the City of Phoenix for the lands known as Papago Park.