

MINUTE ITEM

This Calendar Item No. 37
was approved as Minute Item
No. 37 by the State Lands
Commission by a vote of 2
to 0 at its 8/28/86
meeting.

CALENDAR ITEM

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08/28/86
W 21415
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CESSION OF CONCURRENT CRIMINAL JURISDICTION TO
THE UNITED STATES OF AMERICA OVER THAT PORTION OF
14TH STREET WITHIN THE OAKLAND ARMY BASE, ALAMEDA COUNTY

Pursuant to Government Code 126, the State Lands Commission is authorized on behalf of the State to cede concurrent criminal jurisdiction to the United States upon finding:

- a. The land is held for the erection of forts, arsenals and other needful buildings within the purview of clause 17 of Section 8 of Article 1 of the Constitution of the United States;
- b. The cession is in compliance with the laws of the United States;
- c. The United States has in writing requested such cession; and
- d. The State reserves jurisdiction over the land, for purposes of water acquisition and management.

On June 5, 1986 Mr. John O. Marsh, Jr., Secretary of the Army, addressed a letter to the State of California, requesting a cession of concurrent criminal jurisdiction over a portion of 14th Street, Oakland, California. This section of 14th Street is located entirely within the Oakland Army Base. Jurisdiction previously ceded on September 2, 1981 will expire on September 1, 1986.

On July 24, 1986, Calendar Item 33, the State Lands Commission authorized a public hearing for the purpose of determining whether it is in the best interest of the State to cede concurrent criminal jurisdiction to the United States over the lands described in Oakland Army Base, Tract 245, See Exhibit "A".

CALENDAR ITEM NO. 37 ¹ (CONT'D)

The hearing was scheduled for August 15, 1986, at 10:00 a.m. at 1807 - 13th Street, Sacramento, California. Notice thereof was published in the Oakland Tribune, and notice of said hearing was personally served on the Clerk of the Board of Supervisors of Alameda County. Affidavits of publication and service are filed in the records of the Commission.

The hearing was held as noticed. No comments regarding the session were received at the hearing.

The staff believes that therefore, cession of concurrent criminal jurisdiction is in the best interest of the State of California in connection with the administration of police power over the area.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

- EXHIBITS:
- A. Land Description.
 - B. Location Map.
 - C. Request from John O. Marsh, Jr.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.

2. DETERMINE THAT THE CESSION OF JURISDICTION HEARING HELD ON AUGUST 15, 1986, COMPLIED WITH THE STATUTES AND REGULATIONS FOR THE CESSION OF CONCURRENT CRIMINAL JURISDICTION AND THAT THE FOLLOWING CONDITIONS HAVE BEEN SATISFIED:
 - A. THE UNITED STATES HAS REQUESTED IN WRITING THAT THE STATE OF CALIFORNIA CEDE CONCURRENT CRIMINAL JURISDICTION OVER THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, SAID LANDS BEING WITHIN THE STATE OF CALIFORNIA, EXHIBIT "C".
 - B. THE LAND IS HELD BY THE UNITED STATES FOR THE ERECTION OF FORTS, MAGAZINES, ARSENALS, DOCKYARDS, AND OTHER NEEDFUL BUILDINGS WITHIN THE PURVIEW OF CLAUSE 17 OF SECTION 8 OF ARTICLE 1 OF THE CONSTITUTION OF THE UNITED STATES.
 - C. THE LAND IS HELD BY THE UNITED STATES IN FEE BY PURCHASE.
 - D. JURISDICTION CEDED PURSUANT TO GOVERNMENT CODE 126 CONTINUE ONLY SO LONG AS THE LAND IS HELD BY THE UNITED STATES FOR THE ABOVE DESCRIBED PURPOSES OR FOR FIVE YEARS, WHICHEVER PERIOD IS LESS.
 - E. IN CEDING SUCH CONCURRENT CRIMINAL JURISDICTION THE LEGISLATURE AND THE STATE RESERVE JURISDICTION OVER THE LAND, WATER AND USE OF WATER WITH FULL POWER OF CONTROL AND REGULATE THE ACQUISITION, USE, CONTROL AND DISTRIBUTION OF WATER WITH RESPECT TO THE LAND AFFECTED BY SUCH CESSION.
 - F. IN CEDING CONCURRENT CRIMINAL JURISDICTION THE LEGISLATURE AND THE STATE EXCEPT AND RESERVE TO THE STATE ALL DEPOSITS OF MINERALS, INCLUDING OIL AND GAS, IN THE LAND, AND TO THE STATE, THE RIGHT TO PROSPECT FOR, MINE, AND REMOVE SUCH DEPOSITS FROM THE LAND.
3. DETERMINE THAT A CESSION OF CONCURRENT CRIMINAL JURISDICTION OVER THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF IS IN THE BEST INTERESTS OF THE STATE OF CALIFORNIA.

CALENDAR ITEM NO. 37¹ (CONT'D)

4. CEDE CONCURRENT CRIMINAL JURISDICTION OVER THAT PORTION OF 14TH STREET, OAKLAND, CALIFORNIA WITHIN THE OAKLAND ARMY BASE AND DESCRIBED IN EXHIBIT "A" HERETO FOR SO LONG AS THE UNITED STATES OWNS SUCH LAND OR FIVE YEARS WHICHEVER IS LESS.
5. AUTHORIZE THE DISTRIBUTION OF CERTIFIED COPIES OF THIS CALENDAR ITEM AS FOLLOWS:
 - A. ONE COPY TO BE FILED WITH THE SECRETARY OF STATE, STATE OF CALIFORNIA;
 - B. ONE COPY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY;
 - C. ONE COPY TO BE MAILED TO MR. JOHN O. MARSH, JR., SECRETARY OF THE ARMY, DEPARTMENT OF THE ARMY, WASHINGTON, D.C. 20310.

EXHIBIT "A"

LAND DESCRIPTION

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A parcel of land on the Oakland Army Base, Tract 245, in the City of Oakland, County of Alameda, State of California, more particularly described as follows:

COMMENCING at a concrete monument with a pipe and copper plug at the intersection of the "Agreed Low Tide Line of 1852", as said line is agreed upon and located by Ordinance 3099 of the City of Oakland, adopted July 7, 1910, certified copy of which Ordinance is recorded in Book 1837 of Deeds, Page 91, Records of Alameda County, with the South line of Seventh Street; thence N 39° 50' 03" E, (Record bearing for "Agreed Low Tide Line" being 39° 51' 40") along said "Agreed Low Tide Line" of 1852, 95.35 feet to the North line of Seventh Street; thence N 39° 50' 03" E, along said "Agreed Low Tide Line of 1852", 804.64 feet; thence, leaving the "Agreed Low Tide Line of 1852", S 52° 35' 08" E, 1047.74 feet, to a point on the Northerly line of Parcel "A", described in the deed between the Southern Pacific Company and the City of Oakland, dated December 23, 1930 and recorded December 29, 1930, in Book 2505 of Official Records at Page 251, Records of Alameda County; thence, N 49° 14' E, 2859.64 feet, to a point on the Easterly line of that parcel of land described in the deed from the Southern Pacific Company to the United States of America dated March 2, 1942, and recorded March 2, 1942, in Book 4189 of Official Records at Page 197, Records of Alameda County; thence, N 43° 30' E, along the Easterly line of last mentioned parcel, 302.51 feet; to a point on the Southerly line of 14th Street, designated on the Official Maps of the City of Oakland referred to in Item 32 of the minutes of the meeting of the State Lands Commission held in Los Angeles on October 5, 1950, recorded October 23, 1950 in Book 6267 of Official Records, at Pages 451 through 456, Records of Alameda County, said point being the most Northeasterly corner of said parcel recorded in Book 4189 at Page 197 and also being the TRUE POINT OF BEGINNING; thence N 83° 05' 20" W, 1824.89 feet, along the Southerly line of 14th Street, to a point on the "Agreed Low Tide Line of 1852"; thence N 39° 50' 03" E, along the "Agreed Low Tide Line of 1852", 95.78 feet, to a point on the Northerly line of 14th Street; thence, S 83° 05' 20" E, along said Northerly line of 14th Street, 1832.41 feet, to a point on the Easterly line of Parcel 1 as described in the deed from the Southern Pacific Company to the United States of America dated July 7, 1941, and

recorded October 6, 1941, in Book 4121 of Official
Records at Page 191, Records of Alameda County:
thence, S 43° 30' 00" W, 160.13 feet, more or less,
to the Point of intersection of the Southerly line of
14th Street with the Easterly line of said parcel from
the Southern Pacific Company to the United States of
America recorded in Book 4189 of Official Records at
Page 197, said point also being the POINT OF
BEGINNING.

END OF DESCRIPTION

PREPARED JUNE 30, 1986, BY BOUNDARY SERVICES UNIT, M. L. SHAFER,
SUPERVISOR.

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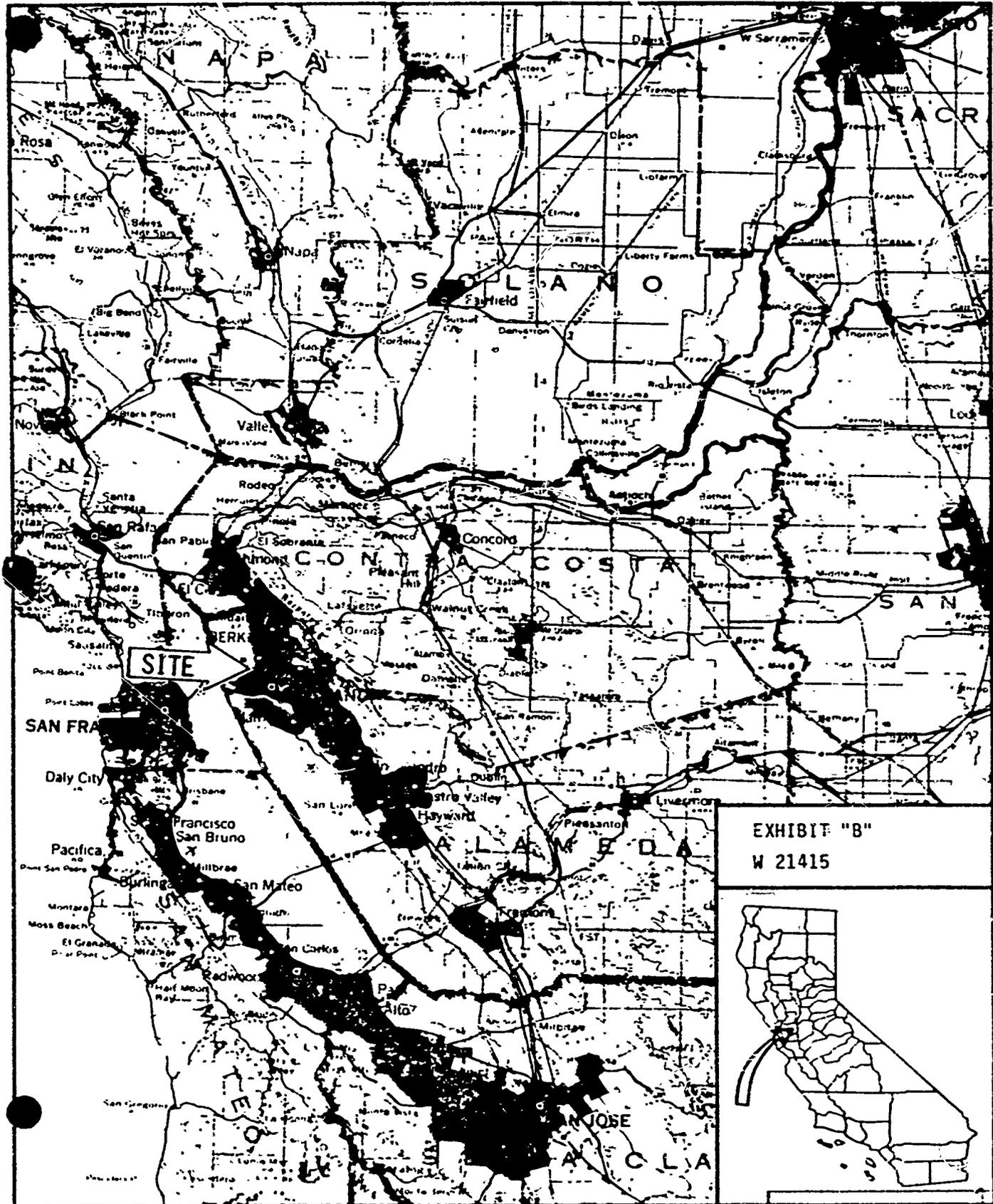


EXHIBIT "B"
W 21415





DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

5 June 1986

Honorable George Deukmejian
Governor of California
Sacramento, California 95814

Dear Governor Deukmejian:

On September 2, 1981, concurrent criminal jurisdiction was ceded to the United States over a section of 14th Street located on and within the geographical boundaries of Oakland Army Base in accordance with Section 126 of the Government Code of the State of California. Said cession of jurisdiction will expire on September 1, 1986, under the provisions of Section 126; however, the United States desires to renew the current jurisdictional status of 14th Street in order to allow Federal authorities to continue to share responsibility with the State for traffic control and law enforcement.

Therefore, pursuant to the authority in Title 40, United States Code, Section 255, and in accordance with the California Government Code, Section 126, notice is hereby given that the United States accepts such jurisdiction as necessary for the State of California and the United States to share concurrent criminal jurisdiction over the section of 14th Street located within the boundaries of Oakland Army Base and depicted on the enclosed map.

I would appreciate your acknowledging receipt of this notice of acceptance of said concurrent criminal jurisdiction by signing the duplicate copy hereof and returning it to this office.

Sincerely,

Handwritten signature of John O. Marsh, Jr. in cursive script.

John O. Marsh, Jr.
Secretary of the Army

Enclosure

CF: California State Lands Commission

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The jurisdiction accepted above is acknowledged by me
on behalf of the State of California this _____
date of _____ 19 _____.

Governor of California