

MINUTE ITEM 48
This Calendar Item No. 48
was approved as Minute Item
No. 48 by the State Lands
Commission by a vote of 2
to 0 at its 4-12-88
meeting.

CALENDAR ITEM

A 21
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48

04/12/88
W 22434
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CESSION OF JURISDICTION
AT MOFFETT HOMES-ORION PARK,
NAVAL AIR STATION, MOFFETT FIELD,
SUNNYVALE, CALIFORNIA

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

- a. That the lands are used for federal purposes.
- b. The United States has, in writing, requested such cession.
- c. The cession is in compliance with the laws of the United States.

Under a prior cession of jurisdiction in 1980, the Department of the Navy exercised concurrent criminal jurisdiction over Moffett Homes-Orion Park, Naval Air Station, Moffett Field. Pursuant to Government Code Section 126, that cession automatically terminated on January 14, 1986. By letter dated August 20, 1987, the Department of the Navy requested that jurisdiction again be ceded for an additional five years over these same housing units.

On September 23, 1987, by Calendar Item 40, the Commission authorized the staff to conduct a public hearing on whether the cession would be in the State's best interests. The hearing was noticed in a newspaper of general circulation and the Clerk of the Board of Supervisors of Santa Clara County was served a notice of the hearing. The hearing was held on February 29, 1988. No comments regarding the cession were received at the hearing. By letter dated January 19, 1988, the Department of the Navy accepted any cession the Commission makes for these parcels.

The staff believes that cession of concurrent criminal jurisdiction is in the best interests of the State and that it will facilitate the administration of criminal law over the parcels.

AB 884: N/A.

EXHIBITS: A. Land Description.
B. Location Map.

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. FIND 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.
 - B. THE LAND IS OWNED BY THE UNITED STATES AND USED FOR FEDERAL PURPOSES.
 - C. JURISDICTION, CEDED PURSUANT TO GOVERNMENT CODE SECTION 126, CONTINUES 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.
 - D. IN CEDING SUCH CONCURRENT CRIMINAL JURISDICTION, THE LEGISLATURE AND THE STATE RESERVE JURISDICTION OVER THE LAND, WATER, AND USE OF WATER WITH FULL POWER OR CONTROL AND REGULATE THE ACQUISITION, USE, CONTROL, AND DISTRIBUTION OF WATER WITH RESPECT TO THE LAND AFFECTED BY SUCH CESSION.
 - E. 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, OR PERSONS AUTHORIZED BY THE STATE, THE RIGHT TO PROSPECT FOR, MINE, AND REMOVE SUCH DEPOSITS FROM THE LAND.

(CALENDAR ITEM NO. 48 CONT'D)

3. DETERMINE THAT THE CESSION OF JURISDICTION HEARING HELD ON FEBRUARY 29, 1988, COMPLIED WITH THE STATUTES AND REGULATIONS FOR THE CESSION OF CONCURRENT CRIMINAL JURISDICTION.
4. DETERMINE THAT THE CESSION OF CONCURRENT CRIMINAL JURISDICTION OVER THE LANDS DESCRIBED IN EXHIBIT "A", ATTACHED, AND BY REFERENCE MADE A PART HEREOF IS IN THE BEST INTERESTS OF THE STATE OF CALIFORNIA.
5. CEDE THE REQUESTED CONCURRENT CRIMINAL JURISDICTION OVER THE LANDS IN EXHIBIT "A". SAID CESSION TO BE EFFECTIVE UPON APPROVAL OF THIS CALENDAR ITEM BY THE COMMISSION, THE RECEIPT OF A LETTER OF ACCEPTANCE OF JURISDICTION BY THE UNITED STATES PURSUANT TO 40 USC 255, AND THE RECORDATION OF ALL NECESSARY DOCUMENTS WITH THE SECRETARY OF STATE AND THE COUNTY RECORDERS.
6. DETERMINE THAT THE UNITED STATES, BY LETTER DATED JANUARY 19, 1988, HAS ACCEPTED THIS CESSION OF CONCURRENT CRIMINAL JURISDICTION PURSUANT TO 40 USC 255.

EXHIBIT "A"

LAND DESCRIPTION

W 22434

PARCEL 1

A parcel of land known as Moffett Housing of the Naval Air Station, Moffett Field, Sunnyvale, California lying in the County of Santa Clara, State of California, described as follows:

- BEGINNING at a point on the westerly line of said Moffett Field being described as a concrete monument set in the center of Section 15, T6S, R2W, as described in Civil No. 21747 filed in the District Court of the United States for the northern district of California, Southern Division; dated January 6, 1941
1. thence, northerly along said westerly line, N 0015'00" E, 696.66 feet to a point on the northerly line of said Civil 21747;
 2. thence easterly along said northerly line, East 13.89 feet to southwesterly corner of Parcel 2 as described in deed recorded in Book 7432, Page 376 of said county, dated July 6, 1966;
 3. thence northerly along the westerly line of said Parcel 2, N 15017'56" E, 346.69 feet;
 4. thence continuing northerly along said westerly line, N 1015'35" E, 50.00 feet;
 5. thence continuing northerly along said westerly line, N 0014'02" E, 440.19 feet;
 6. thence westerly along the boundary line as mentioned in said Parcel 2 in said deed (7432 - or - 376), N 89°45'58" W, 10.00 feet to westerly line of said Parcel 2;
 7. thence northerly along said westerly line, N 0014'02" E, 878.36 feet to the northwesterly corner of said Parcel 2;
 8. thence easterly along the northerly line of said Parcel 2; S 86°57'00" E, 1,207.30 feet;
 9. thence continuing along said northerly line, East 80.40 feet to the easterly line of said Parcel 2 and Moffett Boulevard;

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10. thence along said easterly line, South, 1,633.00 feet to the southerly line of said Parcel 2;
11. thence along said southerly line, West 50.00 feet to the westerly line of said Moffett Boulevard and the Easterly line of said Civil 21747;
12. thence southerly along said westerly line of Moffett Boulevard and said easterly line of Civil 21747, South, 294.41 feet;
13. thence continuing southerly along said westerly line of Moffett Boulevard and said easterly line of Civil 21747 on a curve to the left, having a radius of 279.41 feet through a central angle of 32°37'30" for an arc distance of 158.95 feet;
14. thence continuing southerly along said westerly line of Moffett boulevard and said easterly line of Civil 21747, S 32°37'30" E, 65.44 feet;
15. thence continuing southerly along westerly line of Moffett Boulevard and said easterly line of Civil 21747 on a curve to the right, having a radius of 225.00 feet, through a central angle of 48°00'00" for an arc distance 188.50 feet;
16. thence continuing southerly along said westerly line of Moffett Boulevard and said easterly line of Civil 21747, S 15°22'30" W, 13.83 feet to the southeasterly corner of said Civil 21747 and the northeasterly corner of Parcel 1 as described in said Deed (7432 - or - 376);
17. thence continuing southerly along said westerly line of Moffett Boulevard and the easterly line of said Parcel 1, S 16°18'47" W, 107.58 feet to the southerly line of said Parcel 1;
18. thence westerly along said southerly line, S 68°24'47" W, 150.51 feet;
19. thence continuing westerly along said southerly line S 73°46'27" W, 427.72 feet;
20. thence continuing westerly along said southerly line on a curve to the left having a radius of 1,050 feet, through a central angle of 15°52'35" for an arc distance of 290.95 feet;

21. thence continuing westerly along said southerly line. S 57°53'52" W, 403.62 feet;
22. thence continuing westerly along said southerly line on a curve to the right having a radius of 200.00 feet, through a central angle of 54°10'07" for an arc distance of 189.08 feet;
23. thence continuing westerly along said southerly line. N 67°56'01" W, 141.87 feet to the west line of said Parcel 1;
24. thence northerly along the west line of said Parcel 1. N 2°49'56" W, 130.13 feet;
25. thence continuing northerly along the west line of said Parcel 1. N 1°39'27" E, 102.02 feet;
26. thence continuing northerly along the west line of said Parcel 1. on a curve to the right, having a radius of 749.96 feet, a central angle of 90°26'04" for an arc distance of 123.49 feet;
27. thence continuing northerly along the west line of said Parcel 1. N 11°05'31" E, 224.91 feet;
28. thence easterly along said Parcel 1 boundary line. N84°52'34" E, 202.45 feet to the southerly line of said Civil 21747;
29. thence westerly along said southerly line of Civil 21747, N 89°06'55" W, 201.16 feet to the POINT OF BEGINNING;

Said parcel of land contains 83.92 acres, more or less and as shown on U.S. Navy drawing identified as NAVFAC Dwg. No. 6238092, and WEST DIV Dwg No. A-104260.

PARCEL 2

A parcel of land formerly called Moffett Boulevard lying east of Moffett Housing of the Naval Air Station, Moffett Field, Sunnyvale, California lying in the County of Santa Clara, State of California, described as follows:

All of that portion of Section 15, T6S, R2W, MDM, more particularly described as follows:

COMMENCING at the center of Section 15, T6S, R2W, MDM

thence S 89°06'55" E, 1,446.57 feet to the TRUE POINT OF BEGINNING;

thence, N 15°22'30" E, 13.83 feet to a curve to the left;

thence, on a curve to the left a radius of 225.00 feet through a central angle of 48°00'00" for an arc distance of 188.50 feet;

thence, N 32°37'30" W 65.44 feet to a curve to the right;

thence, on a curve to the right a radius of 279.41 feet through a central angle of 32°37'30" an arc distance of 158.95 feet;

thence, North, 294.41 feet to the southerly boundary of land as described in Deed 7432, O.R. page 376, Santa Clara County Recorder's Office;

thence, along said southerly boundary East, 50.00 feet to the Southeast corner of said Deed;

thence, South 294.41 feet to a curve to the left;

thence, on a curve to the left having a radius of 229.41 feet through a central angle of 32°37'30" an arc distance of 130.63 feet;

thence, S 32°37'30" E 65.44 feet to a curve to the right;

thence, on a curve to the right having a radius of 275.00 feet through a central angle of 48°00'00" an arc distance of 230.38 feet;

thence, S 15°22'30" W 24.52 feet;

thence S 16°18'47" W 217.62 feet;

thence, S 52°00'15" W 85.70 feet;

thence, N 16°18'47" E, 297.95 feet to the true point of beginning.

Said Parcel contains 1.14 acres, more or less and as shown on U.S. Navy drawing identified as NAVFAC Dwg. No. 6238092 and WEST DIV Dwg. No. A-104260.

END OF DESCRIPTION

REVISED FEBRUARY 18, 1987 BY BIU #1.

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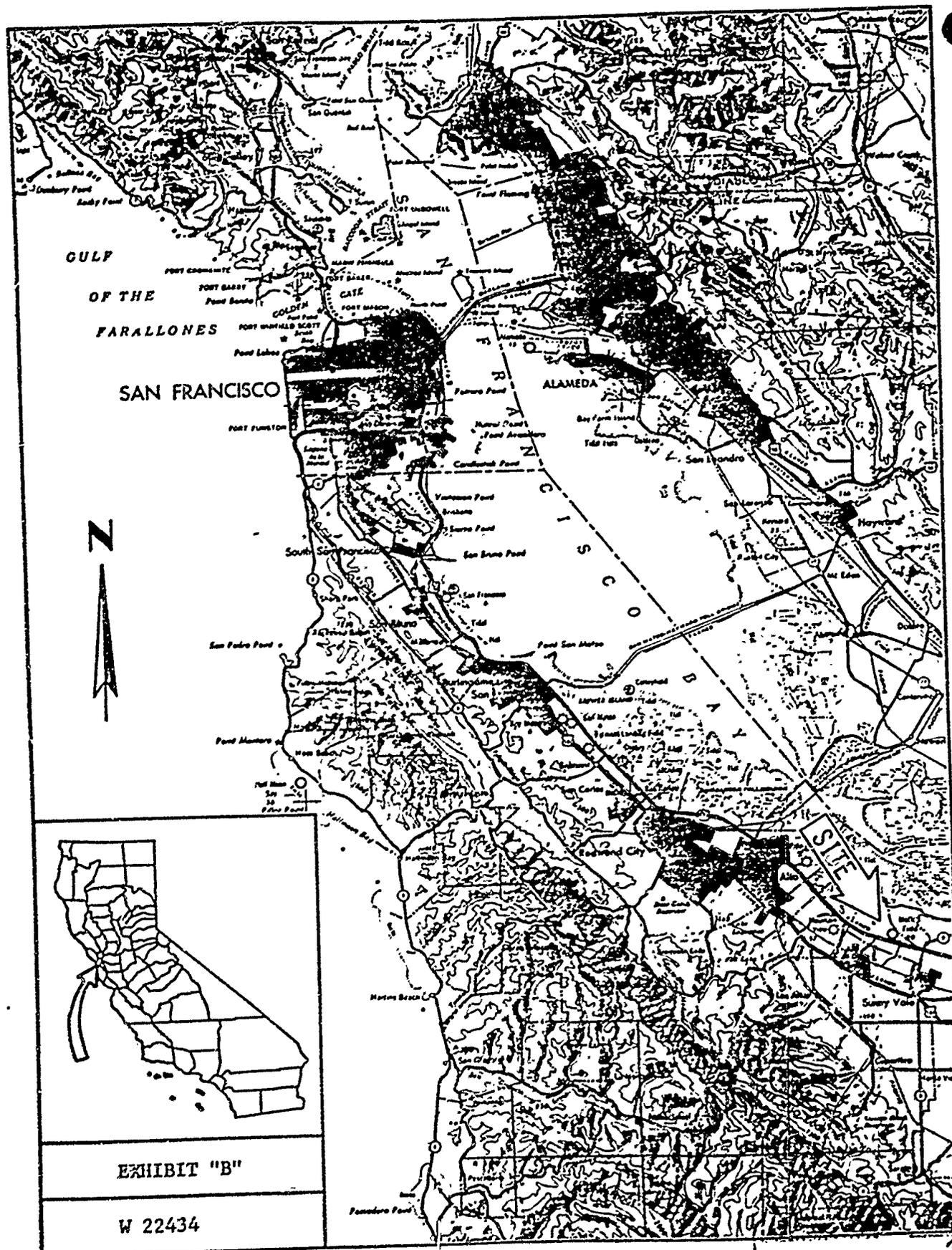


EXHIBIT "B"

W 22434

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