MINUTE ITEM
This Calendar Item No. C69
was approved as Minute Item
No. 69 by the State Lands
Commission by a vote of 2
to Ø at its 2/27/96
meeting.

CALENDAR ITEM
C69

A 30, 34, 45

S 16, 17, 22

02/27/96
W 25229
W 25230
W 25266
Frey

CESSION OF CONCURRENT CRIMINAL JURISDICTION PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 126 AT FEDERAL PRISON CAMP, BORON, SAN BERNARDINO COUNTY; FEDERAL CORRECTIONAL CENTER, TAFT, KERN COUNTY; METROPOLITAN DETENTION CENTER, LOS ANGELES, LOS ANGELES COUNTY

Pursuant to Government Code Section 126 the State Lands Commission is authorized on behalf of the State of California 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, or other public purpose within the purview of Clause 17 of Section 8 of Article 1 of the United States Constitution;

b. the cession is in compliance with the laws of the United States;

c. the United States has in writing requested such cession;

d. the State reserves jurisdiction over the land for purposes of water acquisition and management; and

e. the United States has agreed to compensate the State for costs incurred in processing the cession.

The United States currently has proprietary legislative jurisdiction over the Federal Prison Camp, Boron, San Bernardino County; the Federal Correctional Center, Taft, Kern County; and the Metropolitan Detention Center, Los Angeles, Los Angeles County. By letter, the United States has requested that the State of California cede concurrent criminal legislative jurisdiction over these facilities for a period of five years.

On July 6, 1995, and on December 7, 1995, the State Lands Commission authorized public hearings for the purpose of determining whether it is in the best interest of the State to make the requested cessions. Notice of the hearings was published as required by Section 126 and served upon the Clerk of the Board of Supervisors for each of the affected counties. Affidavits of the publication and service are found in the Commission's files.

Hearings were held on December 18, 1995, and on January 16, 1996, in the Commission's offices in Sacramento, California. There were no personal appearances by any members of the public. The United States appeared by submitting written comments and by telephone. The comments focused on the ability of the Department of Justice to conduct federal investigations and prosecutions of criminal offenses occurring at these facilities. Letters of support for the cessions from local law enforcement agencies have been submitted by the Bureau of Prisons and are in the Commission's files.

The Commission staff believe that the cessions of concurrent criminal jurisdiction are in the best interest of the State of California in connection with the exercise of criminal jurisdiction over these facilities.

EXHIBITS:

A. Land Descriptions
B. Form of Certificate of Cession of Jurisdiction

IT IS RECOMMENDED THAT THE COMMISSION:

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

2. DETERMINE THAT THE PUBLIC HEARINGS HELD ON DECEMBER 18, 1995, AND JANUARY 16, 1996, COMPLIED WITH THE STATUTES AND REGULATIONS DEALING WITH THE CESSION OF CONCURRENT CRIMINAL JURISDICTION AND THAT THE FOLLOWING REQUIREMENTS HAVE BEEN SATISFIED:

   A. THE UNITED STATES HAS REQUESTED IN WRITING THAT THE STATE OF CALIFORNIA CEDE CONCURRENT CRIMINAL JURISDICTION OVER THE LANDS DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, SAID LANDS BEING WITHIN THE STATE OF CALIFORNIA.

   B. THE LANDS ARE HELD BY THE UNITED STATES FOR THE ERECTION OF FORTS, MAGAZINES, ARSENALS, DOCKYARDS AND OTHER NEEDFUL BUILDINGS OR OTHER PUBLIC PURPOSE WITHIN THE PURVIEW OF CLAUSE 17 OF SECTION 8 OF ARTICLE 1 OF THE CONSTITUTION OF THE UNITED STATES.

   C. THE LANDS WERE ACQUIRED BY THE UNITED STATES BY PURCHASE OR WERE WITHDRAWN FROM THE PUBLIC DOMAIN.

   D. JURISDICTION CEDED HEREIN SHALL CONTINUE FOR THE LESSER OF FIVE YEARS OR SO LONG AS THE UNITED STATES OWNS THE LANDS.

E. IN CEDING 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 JURISDICTION THE LEGISLATURE AND THE STATE EXCEPT AND RESERVE TO THE STATE ALL DEPOSITS OF MINERALS, INCLUDING OIL AND GAS, IN THE LAND, AND THE RIGHT TO PROSPECT FOR, MINE, AND REMOVE SUCH DEPOSITS FROM THE LAND.

G. THE CESSION IS PURSUANT TO AND IN COMPLIANCE WITH THE LAWS OF THE UNITED STATES.

H. THE UNITED STATES HAS AGREED TO COMPENSATE THE STATE FOR ITS COSTS INCURRED IN PROCESSING THE CESSION.

3. DETERMINE THAT A CESSION OF CONCURRENT CRIMINAL JURISDICTION OVER THE LANDS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF IS IN THE BEST INTERESTS OF THE STATE OF CALIFORNIA.

4. CEDE CONCURRENT CRIMINAL JURISDICTION OVER FEDERAL PRISON CAMP, BORON, SAN BERNARDINO COUNTY; FEDERAL CORRECTIONAL CENTER, TAFT, KERN COUNTY; METROPOLITAN DETENTION CENTER, LOS ANGELES, LOS ANGELES COUNTY; FOR THE LESSER OF FIVE YEARS OR SO LONG AS THE UNITED STATES OWNS THE LANDS SO THAT THE UNITED STATES MAY CONDUCT FEDERAL INVESTIGATIONS AND PROSECUTIONS OF CRIMINAL OFFENSES AT THESE FACILITIES. THE CESSION SHALL NOT BE EFFECTIVE UNTIL THE RECEIPT OF A LETTER

OF ACCEPTANCE OF JURISDICTION FROM THE UNITED STATES PURSUANT TO 40 U.S.C. 255.

5. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE A CERTIFICATE OF CESSION OF JURISDICTION IN SUBSTANTIALLY THE SAME FORM AS FOUND IN EXHIBIT "B" ATTACHED HERETO.

6. AUTHORIZE THE FILING AND RECORDING OF THE CERTIFICATE OF CESSION OF JURISDICTION AND THIS CALENDAR ITEM WITH THE OFFICE OF THE SECRETARY OF STATE, STATE OF CALIFORNIA AND THE COUNTY RECORDER FOR EACH OF THE AFFECTED COUNTIES AS REQUIRED BY GOVERNMENT CODE SECTION 126.

EXHIBIT A-1

FEDERAL PRISON CAMP, BORON

Four Parcels of land in Sections 1 and 2, T11N, R7W, SBM, San Bernardino County, California, described as follows:

PARCEL 1

That portion of the NW¼ of Section 1, T11N, R7W, SBM, described as follows:

> BEGINNING at a point in the west line of said Section 1, distant N 0° 23' 08" E 117.48 feet from the west ¼ corner of said section; thence N 0° 23' 08" E 865.01 feet along said west line; thence N 89° 40' 21" E 664.72 feet; thence S 0° 23' 08" W 864.28 feet; thence S 89° 36' 35" W 664.73 feet to the point of beginning.

PARCEL 2

That portion of the W¼ of Section 1, T11N, R7W, SBM, described as follows:

> BEGINNING at the W¼ corner of said Section 1; thence along the west line of said Section N 0° 23' 08" E 117.48 feet to the south line of the north 318 acres of said Section; thence along said south line N 89° 36' 35" E 664.73 feet; thence S 0° 23' 08" W 455.40 feet; thence S 89° 36' 24" W 661.47 feet to said west line of Section 1; thence along said west line N 0° 10' 15" W 337.92 feet to the point of beginning.

PARCEL 3

The NW¼ of the SW¼ of Section 1, T11N, R7W, SBM.

EXCEPTING THEREFROM the portion described as follows:

> BEGINNING at the W¼ corner of said Section 1; thence along the west line of said Section S 0° 10' 15" E 337.92 feet; thence N 89° 36' 24" E 661.47 feet; thence N 0° 23' 08" E 337.98 feet, more or less, to the north line of said NW¼ of the SW¼; thence along said north line S 89° 36' 04" W 664.73 feet, more or less, to the point of beginning.

PARCEL 4

Lot 1 of the NE¼ and the NE¼ of the SE¼ of Section 2, T11N, R7W, SBM.

EXCEPTING THEREFROM that portion described as follows:

COMMENCING at the NE corner of Section 2, T11N, R7W, SBM; thence southerly along the easterly line of said Section 2, S 0° 23' 08" W 1372.07 feet to the NE corner of Lot 1 to the NE¼ of said Section 2; thence westerly along the northerly line of said Lot 1 S 89° 56' 32" W 579.50 feet to the TRUE POINT OF BEGINNING; thence along the following twelve courses:

1. S 0° 03' 28" E 192.81 feet;
2. S 45° 03' 24" W 122.13 feet;
3. N 44° 56' 36" W 29.00 feet;
4. S 45° 03' 24" W 10.00 feet;
5. N 44° 56' 36" W 26.00 feet;
6. S 45° 03' 24" W 6.55 feet;
7. N 44° 56' 36" W 29.19 feet;
8. S 45° 03' 24" W 14.25 feet;
9. N 44° 56' 36" W 19.00 feet;
10. S 45° 03' 24" W 54.00 feet;
11. N 44° 56' 36" W 140.00 feet;
12. N 0° 03' 28" W 166.53 feet to the said northerly line;

thence along said northerly line N 89° 56' 32" E 318.23 feet to the true point of beginning.

A parcel of land in Section 2, T11N, R7W, SBM, San Bernardino County, California, described as follows:

COMMENCING at the NE corner of Section 2, T11N, R7W, SBM; thence southerly along the easterly line of said Section 2, S 0° 23' 08" W 1372.07 feet to the NE corner of Lot 1 in the NE 1/4 of said Section 2; thence westerly along the northerly line of said Lot 1 S 89° 56' 32" W 579.50 feet to the TRUE POINT OF BEGINNING; thence along the following twelve courses:

1. S 0° 03' 28" E 192.81 feet;
2. S 45° 03' 24" W 122.13 feet;
3. N 44° 56' 36" W 29.00 feet;
4. S 45° 03' 24" W 10.00 feet;
5. N 44° 56' 36" W 26.00 feet;
6. S 45° 03' 24" W 6.55 feet;

7. N 44° 56' 36" W 29.19 feet;
8. S 45° 03' 24" W 14.25 feet;
9. N 44° 56' 36" W 19.00 feet;
10. S 45° 03' 24" W 54.00 feet;
11. N 44° 56' 36" W 140.00 feet;
12. N 0° 03' 28" W 166.53 feet to said northerly line; thence along said northerly line N 89° 56' 32" E 318.23 feet to the true point of beginning.

EXHIBIT A-2

FEDERAL CORRECTIONAL INSTITUTION, TAFT

BEING A PORTION OF SECTION 27, T. 32 S., R. 24 E., M.D.B. AND M., IN THE COUNTY OF KERN, STATE OF CALIFORNIA, MORE PARTICUARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF THE ABOVE SAID SECTION 27;
THENCE (1) N 89°21'24" W, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION, 1578.70 FEET TO A POINT OF INTERSECTION WITH AN OFFSET LINE, 40 FEET EASTERLY OF A ROW OF CHEVRON U.S.A., INC. PIPELINE MARKERS AS THEY EXISTED ON THE SITE IN FEBRUARY 1992, SAID POINT BEING THE TRUE POINT OF BEGINNING;
THENCE (2) CONTINUING N 89°21'24"W, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SAID SECTION, 1026.67 FEET TO THE SOUTH QUARTER CORNER OF THE SECTION;
THENCE (3) N 89°32'30" W, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 27, 2642.26 FEET TO THE SOUTHWEST CORNER OF THE SECTION;
THENCE (4) N 0°31'23" E, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION, 2639.63 FEET TO THE WEST QUARTER CORNER OF THE SECTION;
THENCE (5) N 0°30'48" E, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 27, 2639.98 FEET TO THE NORTHWEST CORNER OF THE SECTION;
THENCE (6) S 89°25'51" E, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION, 2632.00 FEET TO THE NORTH QUARTER CORNER OF THE SECTION;
THENCE (7) S 89°28'26" E, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27, 1438.36 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY EXTENSION OF THE WEST LINE OF THAT CERTAIN PARCEL GRANTED TO THE STANDARD PIPELINE COMPANY PER THE DOCUMENT RECORDED IN BOOK 3166, AT PAGE 64, OFFICIAL RECORDS;
THENCE (8) S 0°39'23" W ALONG SAID EXTENSION AND SAID WEST LINE OF SAID PARCEL AND PARALLEL WITH THE EAST LINE OF SAID SECTION 27 1590.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL;
THENCE (9) S 4°27'14" E, 396.62 FEET TO A POINT OF INTERSECTION WITH A LINE PARALLEL WITH AND 395.13 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID PARCEL, SAID POINT ALSO BEING A POINT OF INTERSECTION WITH SAID OFFSET LINE, 40 FEET EASTERLY OF SAID CHEVRON U.S.A., INC., PIPELINE MARKERS;
THENCE (10) S 7°38'15" W, ALONG SAID OFFSET LINE, 1049.61 FEET;
THENCE (11) S 8°06'31" W, CONTINUING ALONG SAID OFFSET LINE 1034.87 FEET;

THENCE (12) S 8°12' 15" W, CONTINUING ALONG SAID OFFSET LINE 1235.20 FEET TO THE TRUE POINT OF BEGINNING.
CONTAINING 20,880,943.38 SQ.FT., 479.361 ACRES, MORE OR LESS.

EXHIBIT A-3

Land Description For Cession Of Concurrent Legislative Jurisdiction
At Metropolitan Detention Center, Los Angeles, California

That real property within the City of Los Angeles, County of Los Angeles, State of California lying over those portions of U.S. Government Property described as follows:

Beginning at the centerline intersection of Aliso Street and Alameda Street; thence southerly along the centerline of Alameda South 01 degree 51 minutes 44 seconds West, 264.68 feet; thence westerly at right the centerline of Alameda Street North 88 degrees 08 minutes 16 seconds West, 50 feet to a point in the westerly right of way line Alameda Street which is the true point beginning: thence North 1 degree 51 minutes 44 seconds West, 219.72 feet; thence North 44 degrees 42 minites 02 seconds East, 14.67 foot; thence North 06 degrees 11 minutes 05 seconds East, 26.40 feet; thence North 53 degrees 43 minutes 19 seconds West,210.88 feet; said course being parallel with the centerline of Aliso Street; thence South 37 degrees 27 minutes 00 seconds West, 79.55 feet; thence South 03 degrees 00 minutes 00 seconds West, 160.00 feet; thence South 52 degrees 33 minutes 00 seconds East,260.00 feet to the true point of beginning.

EXHIBIT B

RECORDED AT THE REQUEST OF
AND WHEN RECORDED MAIL TO:
STATE OF CALIFORNIA
STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CA 95814
ATTN: LEGAL UNIT
TELEPHONE: (916) 322-2277

STATE OF CALIFORNIA - OFFICIAL BUSINESS
DOCUMENT ENTITLED TO FREE RECORDATION
PURSUANT TO GOVERNMENT CODE SECTION 27383

CESSION OF CONCURRENT CRIMINAL LEGISLATIVE JURISDICTION

California Government Code Section 126

WHEREAS the United States acting by and through the Department of Justice, Bureau of Prisons has requested that the State of California cede concurrent criminal legislative jurisdiction to the United States over lands comprising (name of facility and location); and

WHEREAS the California State Lands Commission, pursuant to California Government Code Section 126, has been authorized by the California State Legislature to cede such jurisdiction; and

WHEREAS the United States, acting by and through the Department of Justice and pursuant to Title 40, Section 255 of the United States Code, by letter dated _____ has agreed to accept such cession of concurrent criminal legislative jurisdiction; and

WHEREAS the Executive Officer of the State Lands Commission has been authorized to execute this instrument;

NOW, THEREFORE, I, Robert C. Hight, Executive Officer of the California State Lands Commission hereby certify that the Commissioners for the California State Lands Commission met on _____ at their Public Meeting and ceded concurrent criminal legislative jurisdiction to the United States over those lands comprising (name of facility and location) and more particularly described in Exhibit "A" attached hereto. A copy of the Commission's Agenda Item No. ____ describing the terms and conditions of the cession is attached hereto as Exhibit "B".

_____

ROBERT C. HIGHT, EXECUTIVE OFFICER
CALIFORNIA STATE LANDS COMMISSION

Date:_____

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