

MINUTE ITEM
This Calendar Item No. 01
was approved as Minute Item
No. 01 by the State Lands
Commission by a vote of 2
to 0 at its 4/23/97
meeting.

Minute Item No. 01

A 16 & 13

S 9 & 3

04/23/97

W25385

Frey

CONSIDERATION OF RETROCESSION OF JURISDICTION AT NAVAL AIR STATION, ALAMEDA ANNEX OF FLEET INDUSTRIAL SUPPLY CENTER ANNEX, OAKLAND AND MARINA VILLAGE HOUSING - PUBLIC WORKS CENTER SAN FRANCISCO, ALAMEDA AND ESTABLISHMENT OF CONCURRENT JURISDICTION OVER SAME.

This Calendar Item was considered at an Emergency Meeting of the Commission which was convened under Government Code Section 11125.5. Prior to the consideration of Calendar Item 01, the Commission determined that there was an emergency situation as defined in the Government Code because the imminent closing of the Naval Air Station would adversely affect fire and police services at the Station. After making this finding, the Commission took up the request for retrocession of exclusive and partial jurisdiction and establishment of concurrent jurisdiction. The Commission voted to accept the retrocession and to establish concurrent jurisdiction.

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BACKGROUND:

Under Government Code Section 113, the Legislature has granted the Commission the authority to accept a retrocession of legislative jurisdiction from the United States upon receipt of a written request and an agreement to pay the costs associated with the retrocession. The statute also provides for the establishment of concurrent jurisdiction.

The United States has requested that the Commission accept a retrocession of exclusive and partial legislative jurisdiction over 2393.949 acres of land at the Naval Air Station, Alameda, Alameda Annex of Fleet Industrial Supply Center Annex, Oakland and Marina Village Housing - Public Works Center San Francisco, Alameda, Alameda County. The United States further requested that the Commission establish concurrent legislative jurisdiction over the same area. The United States has agreed to pay the costs associated with the retrocession.

Pursuant to Government Code Section 113, a notice of hearing on the proposed retrocession and establishment of concurrent jurisdiction was published in two local newspapers. Notice was also served on the Clerk for the Board of Supervisors and the Clerk for the City Council of Alameda. The hearing was held as scheduled on April 7, 1997 in the offices of the Commission. Members of the U. S. Navy, the City of Alameda and the County of Alameda appeared.

The United States believes this action is necessary because it is closing these facilities and leasing portions of them to the Alameda Reuse and Redevelopment Authority with the intent of making an eventual conveyance of the properties to it. The retrocession "will allow the City of Alameda to provide services such as police and fire protection to the tenants of the out leased property, and to enforce State and local laws." The City and the County are supportive of the action.

CALENDAR ITEM NO. C01 (CONT'D)

The retrocession and establishment of concurrent jurisdiction will be effective upon the recordation of the Commission's action with the Alameda County Recorder and its filing with the California Secretary of State.

PERMIT STREAMLINING ACT DEADLINE:

N/A.

EXHIBIT

Exhibit A: Land Description

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND 14 CAL. CODE REGS. 15378.
2. FIND THAT THE REQUIREMENTS OF GOVERNMENT CODE SECTION 113 HAVE BEEN COMPLIED WITH IN THAT THE UNITED STATES HAS REQUESTED IN WRITING THAT THE STATE OF CALIFORNIA ACCEPT A RETROCESSION OF EXCLUSIVE AND PARTIAL JURISDICTION AND ESTABLISH CONCURRENT JURISDICTION OVER THE LANDS KNOWN AS NAVAL AIR STATION, ALAMEDA, ALAMEDA ANNEX OF FLEET INDUSTRIAL SUPPLY CENTER ANNEX, OAKLAND AND MARINA VILLAGE HOUSING - PUBLIC WORKS CENTER SAN FRANCISCO, ALAMEDA AS DESCRIBED IN EXHIBIT A; THAT THE UNITED STATES HAS AGREED TO PAY THE COSTS ASSOCIATED WITH THE RETROCESSION; THAT A NOTICE OF HEARING WAS SERVED ON THE CLERK FOR THE BOARD OF SUPERVISORS FOR THE COUNTY OF ALAMEDA AND THE CLERK FOR THE CITY OF ALAMEDA; AND THAT THE PUBLIC HEARING WAS HELD AS NOTICED.
3. FIND THAT A RETROCESSION OF EXCLUSIVE AND PARTIAL JURISDICTION AND THE ESTABLISHMENT OF CONCURRENT JURISDICTION IS IN THE BEST INTERESTS OF THE STATE.
4. ACCEPT A RETROCESSION OF EXCLUSIVE AND PARTIAL JURISDICTION OVER THOSE LANDS KNOWN AS NAVAL AIR STATION, ALAMEDA, ALAMEDA ANNEX OF FLEET INDUSTRIAL SUPPLY CENTER ANNEX, OAKLAND AND MARINA VILLAGE HOUSING - PUBLIC WORKS CENTER SAN FRANCISCO, ALAMEDA AS DESCRIBED IN EXHIBIT A AND ESTABLISH CONCURRENT JURISDICTION OVER THEM.

CALENDAR ITEM NO. C01 (CONT'D)

5. AUTHORIZE THE FILING OF COPIES OF THE COMMISSION'S ACTION WITH THE ALAMEDA COUNTY RECORDER AND THE CALIFORNIA SECRETARY OF STATE.

EXHIBIT A

RETROCESSION OF LEGISLATIVE JURISDICTION
AT
NAVAL AIR STATION, ALAMEDA
AND
THE ALAMEDA ANNEX, AN OFF-SITE COMPONENT OF
FLEET AND INDUSTRIAL SUPPLY CENTER, OAKLAND,
AND
A PORTION OF THE MARINA VILLAGE HOUSING AREA OF
NAVY PUBLIC WORKS CENTER, SAN FRANCISCO BAY

LEGAL DESCRIPTION

All that land acquired by the United States of America lying in the City and County of Alameda, State of California described as follows:

Being all that land acquired from the City of Alameda as described Executive Order No. 7467 transferring certain lands to the control and jurisdiction of the Secretary of the Navy, the Military Reservation known as Benton Field (Army Air Corps Flying Field) October 7, 1936 and retained in the National Archives, filed and made available for public inspection October 8, 1936 in the Division of the Federal Register and as shown as Item 1 on the Dept. of the Navy, Naval Facilities Engineering Command REAL ESTATE SUMMARY MAPS having NAVFAC DWG NOs. 851336 & 851337, amended 3/10/97, attached hereto and made a part hereof; also the official copy of said Executive Order No. 7467 being attached hereto as EXHIBIT "A" and made a part hereof and containing 1075.70 acres, more or less;

AND

Being all that land acquired from the City of Alameda as described in Deed recorded in book 3583, Page 1 in the Official Records of Alameda County, dated November 26, 1937 and as shown as Item 2 on the Dept. of the Navy, Naval Facilities Engineering Command REAL ESTATE SUMMARY MAPS having NAVFAC DWG NOs. 851336 & 851337, amended 3/10/97, attached hereto and made a part hereof; containing 929.337 acres, more or less;

AND

Being all that land acquired from The Regents of the University of California as described in the Declaration of Taking for Civil Action 21988-R filed in the District Court of the United States in and for the Northern District of California, Southern Division on October 3, 1941 and as shown as Item 3 on the Dept. of the Navy, Naval Facilities Engineering Command REAL ESTATE SUMMARY MAPS having NAVFAC DWG NOs. 851336 & 851337, amended 3/10/97, attached hereto and made a part hereof; containing 98.204 acres, more or less;

AND

Being all that land acquired from The City of Alameda as described in the Judgment of the Declaration of Taking for Civil Action 22463-S filed in the District Court of the United States in and for the Northern District of California, Southern Division on January 29, 1943 and as shown as Item 4 on the Dept. of the Navy, Naval Facilities Engineering Command REAL ESTATE SUMMARY MAPS having NAVFAC DWG NOs. 851336 & 851337, amended 3/10/97, attached hereto and made a part hereof; containing 68.488 acres, more or less;

AND

Being all that land acquired from Louis M. MacDermot, et al as described in the Judgment of the Declaration of Taking for Civil Action 23109-G filed in the District Court of the United States in and for the Northern District of California, Southern Division on December 12, 1944 and as shown as Item 5 on the Dept. of the Navy, Naval Facilities Engineering Command REAL ESTATE SUMMARY MAPS having NAVFAC DWG NOs. 851336 & 851337, amended 3/10/97, attached hereto and made a part hereof; containing 154.6 acres, more or less.

AND

All that certain piece or parcel of land located and situated in the City of Alameda, County of Alameda, State of California, and more particularly described as follows:

Being a portion of that certain parcel of land acquired from the Regents of the University of California as described in the Declaration of Taking for Civil Action 30735 filed in the District Court of the United States in and for the Northern District of California, Southern Division on December 11, 1951; and also being a portion of Tract 39, according to the map entitled, "Map of Alameda Marsh Land, as partitioned among the owners thereof in the suit numbered 8923 and entitled "Pacific Improvement Company, plaintiff, vs. James A. Waymire, et al, defendants, Superior Court of Alameda County, State of California", filed July 30, 1900 in the office of the Recorder of Alameda County and of record in Map Book 25 at Pages 74, 76 and 78, bounded as follows:

Beginning at a point on the western line of said Tract 39, distant thereon N 0° 34' W, 1240.19 feet from the northern line of Atlantic Avenue, formerly called Industrial Highway as said highway is described in the deed from Alameda Belt Line to the City of Alameda, dated October 3, 1930, recorded October 21, 1930 in Book 2485 of Official Records of Alameda County, Page 103; running thence along said line of Tract 39, N 00° 34' W, 986.83 feet to the southern line of the 73.289 acre parcel of land described in the Final Judgment in Condemnation made May 16, 1946 by the United States District Court, Northern District of California, Southern Division, Case No. 22712-G, a certified copy of which judgment was recorded June 18, 1946 in Book 4899 of Official Records of Alameda County, Page 455; thence along the last mentioned line S 88° 20' E, 2400.00 feet to the eastern line of said 73.289 acre parcel; thence along the last mentioned line N 0° 40' E, 140.00 feet to the southern line of the 6.1442 acre parcel of land described in deed by the Regents of the University of California to United States of America, dated August 27, 1948,

recorded September 2, 1948 in Book 5567 of Official Records of Alameda County, Page 433; thence along the last mentioned line S 88° 20' E, 855.67 feet; thence S 00° 59' 30" W, 463.3 feet; thence N 89° 00' 30" W, 499.66 feet to the direct production northerly of the course designated "North 0° 59' 50" East....102.00 feet" which course is in the general western line of the parcel of land described in the lease by the Regents of the University of California as Lessor and Alameda Amusement Co. Inc., as Lessee, dated July 1, 1949, recorded November 17, 1949 under Recorder's Series AD-79147, Official Records of Alameda County; thence along said produced line and along the course above mentioned and the direct production southerly of said course S 00° 59' 23" W, 625.07 feet to the northern line of the 46.9591 acre parcel of land described in a decree made May 9, 1943 from the District Court of the United States of America, Northern District of California, Southern Division, in action United States of America vs. the Regents of the University of California et al, Case No. 22478-R, a certified copy of which decree was recorded March 15, 1943 in Book 4328 of Official Records of Alameda County, Page 497; thence along the last mentioned line N 89° 00' 10" W, 2730.64 feet to the point of beginning, containing 67.62 acres, more or less, all as shown as Item 2 on EFA West DWG NO. C-104369, amended 3/10/97, attached hereto and made a part hereof.

END OF DESCRIPTION

TOTAL AREA OF RETROCESSION IS 2,393.949 acres, more or less;

THE PREPARATION OF THIS LEGAL DESCRIPTION IS BASED ON CERTAIN RECORDED DOCUMENTS AS MENTIONED HEREIN.

PREPARED BY:

/s/ Michael S. Mahoney 3/11/97
Michael S. Mahoney, PLS CA #5577
Manager, Survey & Mapping Branch
Engineering Field Activity, West
San Bruno, California 94066-5006

EXHIBIT "A"

EXECUTIVE ORDER

TRANSFERRING CERTAIN LANDS TO THE CONTROL AND JURISDICTION OF
THE SECRETARY OF THE NAVY

CALIFORNIA

By virtue of and pursuant to the authority vested in me by the act of July 11, 1919, 41 Stat. 131, 132 (U. S. C., title 10, sec. 1274), and otherwise, and in the interest of the national defense, it is ordered that there be, and there is hereby, transferred to the control and jurisdiction of the Secretary of the Navy, the Military Reservation known as Benton Field (Army Air Corps Flying Field) situated within the city limits of Alameda, Alameda County, State of California, consisting of two (2) parcels, more particularly described as follows:

PARCEL NO. 1

Beginning at Station No. 179 on the Peralta Grant Line, as said Station and Line are shown on that certain map entitled, in part: "Map of Alameda Marsh Land" filed July 30, 1900, in the office of the County Recorder of Alameda County, in Map Book 25, pages 74 to 78, and running thence, by true bearings:

Along said Peralta Grant, the following nine (9) courses:

1. South twenty-nine degrees thirty minutes west
(S. 29° 30' W.) a distance of seven hundred
thirty-two and sixty hundredths (732.60) feet
to Station 180;
2. south fifty-four degrees fifteen minutes west
(S. 54° 15' W.) a distance of three hundred
thirty and no hundredths (330.00) feet to
Station 181;
3. south twenty-nine degrees zero minutes west
(S. 29° 00' W.) a distance of four hundred
eighty-one and eighty hundredths (481.80) feet
to Station 182;
4. south twelve degrees zero minutes west (S. 12°

- 00' W.) a distance of three hundred thirty-two and sixty-four hundredths (332.64) feet to Station 183;
5. south fifteen degrees zero minutes east (S. 15° 00' E.) a distance of five hundred forty-one and twenty hundredths (541.20) feet to Station 184;
 6. south twenty-one degrees forty-five minutes east (S. 21° 45' E.) a distance of four hundred five and ninety hundredths (405.90) feet to Station 185;
 7. south forty-one degrees zero minutes east (S. 41° 00' E.) a distance of three hundred forty-nine and eighty hundredths (349.80) feet to Station 186;
 8. south twenty-seven degrees forty-five minutes east (S. 27° 45' E.) a distance of four hundred fifteen and eighty hundredths (415.80) feet to Station 187;
 9. south seven degrees fifty minutes thirty seconds east (S. 7° 50' 30" E.) a distance of one hundred seventeen and twenty-five hundredths (117.25) feet to a point in the northwesterly boundary line of tide land Lot No. 6 in Section 10, Township 2 south, Range 4 west, Mount Diablo Base and Meridian;
 10. thence south forty-five degrees zero minutes west (S. 45° 00' W.) a distance of two thousand six hundred ninety-six and no hundredths (2,696.00) feet to the most westerly corner of tide land Lot No. 16 in Section 9, said Township and Range;
 11. thence south sixteen degrees two minutes west (S. 16° 02' W.) a distance of seven thousand four hundred fifty-seven and twenty-four hundredths (7,457.24) feet, more or less, to a point in the southwest boundary line of the City of Alameda;
 12. thence north twenty-seven degrees fifty minutes west (N. 27° 50' W.) along said southwest boundary line of the City of Alameda, a distance of five thousand two hundred sixty-one and forty-two hundredths (5,261.42) feet to a point;
 13. thence north sixteen degrees two minutes east

(N. 16° 02' E.) a distance of nine thousand three hundred forty-four and thirteen hundredths (9,344.13) feet, more or less, to a point in the southerly right of way line of the Central Pacific Railway Company (Southern Pacific Railroad Company, Lessee);

thence along the southerly right of way line of said Railroad the following three (3) courses:

14. south seventy-three degrees fifty-eight minutes east (S. 73° 58' E.) a distance of one thousand four hundred fifty and no hundredths (1,450.00) feet to the point of beginning of a curve to the left having a radius of four thousand five hundred twenty-eight and eight hundredths (4,528.08) feet;
15. along the arc of said curve to the left having a radius of four thousand five hundred twenty-eight and eight hundredths (4,528.08) feet, a distance of nine hundred fifty-four and ninety-four hundredths (954.94) feet to the point of tangency of said curve;
16. south eighty-six degrees three minutes east (S. 86° 03' E.) along the tangent to said curve a distance of one thousand seven hundred fifteen and twenty-five hundredths (1,715.25) feet to a point;
17. thence due south a distance of six hundred fifty and seventy-five hundredths (650.75) feet to the point of beginning.

Tract as described contains an area of one thousand twenty-five and seventy-eight hundredths (1,025.78) acres, more or less.

PARCEL NO. 2

Beginning at a point in the northerly right of way line of the Central Pacific Railway Company (Southern Pacific Railroad Company, Lessee), said point bearing due north and distant nine hundred twenty-six and twenty-five hundredths (926.25) feet from Station 179 on the Peralta Grant Line, being the point of beginning of Parcel No. 1, and running thence, by true bearings:

Along said northerly right of way line of said Railroad the following eight (8) courses:

1. South eighty-eight degrees twenty-one minutes west (S. 88° 21' W.) a distance of one thousand and no hundredths (1,000.00) feet to a point;
 2. north eighty-nine degrees two minutes west (N. 89° 02' W.) a distance of four hundred fifty-one and fourteen hundredths (451.14) feet to a point;
 3. north eighty-four degrees five minutes west (N. 84° 05' W.) a distance of five hundred thirty-five and ninety-five hundredths (535.95) feet to a point;
 4. north eighty degrees fourteen minutes west (N. 80° 14' W.) a distance of two hundred sixty-one and forty hundredths (261.40) feet to a point;
 5. north nine degrees forty-six minutes east (N. 9° 46' E.) a distance of sixty and no hundredths (60.00) feet to a point;
 6. north fifty-eight degrees forty-nine minutes west (N. 58° 49' W.) a distance of eighty-three and no hundredths (83.00) feet to a point;
 7. south thirty-one degrees thirty-six minutes west (S. 31° 36' W.) a distance of seventy-four and thirteen hundredths (74.13) feet to a point;
 8. north seventy-three degrees fifty-eight minutes west (N. 73° 58' W.) a distance of one thousand seven hundred sixteen and sixty-six hundredths (1,716.66) feet to a point;
 9. thence north sixteen degrees two minutes east (N. 16° 02' E.) a distance of four hundred twenty-four and six tenths (424.6) feet, more or less, to a point in the northerly boundary line of the City of Alameda;
- thence along the said northerly boundary line of the City of Alameda, the following four (4) courses:
10. south seventy-four degrees thirty-six minutes six seconds east (S. 74° 36' 06" E.) a distance of six hundred seven and thirty-nine hundredths (607.39) feet to a point;

11. south eighty degrees twelve minutes forty-eight seconds east (S. 80° 12' 48" E.) a distance of one thousand three hundred ninety-four and three tenths (1,394.3) feet to a point;
12. south eighty-nine degrees three minutes seven seconds east (S. 89° 03' 07" E.) a distance of one thousand four hundred sixty-two and seven tenths (1,462.7) feet to a point;
13. north seventy-six degrees sixteen minutes twenty-seven seconds east (N. 76° 16' 27" E.) a distance of four hundred sixty-four and eighty-two hundredths (464.82) feet to a point;
14. thence due south a distance of six hundred eighty-seven and forty-one hundredths (687.41) feet to the point of beginning.

The tract as described contains an area of forty-nine and ninety-two hundredths (49.92) acres, more or less.

The total area of the Reservation, including Parcels Nos. 1 and 2, is one thousand seventy-five and seventy hundredths (1,075.70) acres, more or less, all as shown on Map No. 6757-108, entitled: "Benton Field, Alameda County, State of California, Boundary Map", scale 1" = 500', dated July, 1933.

/s/ Franklin D. Roosevelt

THE WHITE HOUSE

October 7, 1936.