

MINUTE ITEM

This Calendar Item No. C37 was approved as
Minute Item No. 37 by the California State Lands
Commission by a vote of 3 to 0 at its
1-29-99 meeting.

**CALENDAR ITEM
C37**

A 14
S 9

01/29/99
W25504
J. Frey

**CONSIDERATION OF RETROCESSION OF LEGISLATIVE JURISDICTION AT
NAVAL SUPPLY DEPOT, POINT MOLATE,
RICHMOND CONTRA COSTA COUNTY**

PARTY:

United States of America
Department of the Navy
1000 Navy Pentagon
Washington, D. C. 20350-1000

BACKGROUND:

The United States exercises partial legislative jurisdiction over the Naval Supply Depot, Richmond, Contra Costa County. By letter dated October 14, 1998 the Department of the Navy has requested California accept a retrocession of all partial legislative jurisdiction over this facility and to establish concurrent legislative jurisdiction.

California Government Code Section 113 authorizes the State Lands Commission to accept such a retrocession if the following conditions, among others, are met:

1. The United States has in writing requested that the State accept a retrocession of jurisdiction;
2. The State Lands Commission has held a public hearing to determine whether it is in the State's best interests to accept the retrocession; and
3. The United States has agreed to pay for the costs associated with the retrocession process.

The United States has made the written request for the retrocession and has agreed to bear the costs associated with the retrocession.

The Commission staff has conducted the required hearing after notice was given to the Contra County Board of Supervisors and the Richmond City Council and

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published in the local newspaper. No comments in objection to the retrocession were received at the hearing or at any other time.

The City of Richmond supports the retrocession. The United States Department of Justice and the United States Attorney for the Northern District of California support this request.

Commission staff recommends that the retrocession of partial legislative jurisdiction and the establishment of concurrent legislative jurisdiction at the Naval Supply Depot be made.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

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

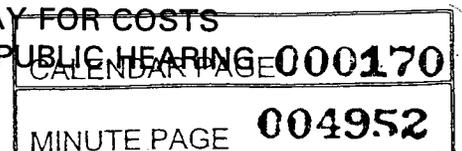
Authority: P.R.C. 21065 and 14 Cal. Code Regs. 15378.

EXHIBITS:

- A. Land Description
- B. Form of Retrocession

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 21065 AND 14 CAL. CODE REGS. 15378.
2. FIND THAT THE U.S. DEPARTMENT OF THE NAVY HAS REQUESTED THAT THE COMMISSION ACCEPT A RETROCESSION OF PARTIAL LEGISLATIVE JURISDICTION AND ESTABLISH CONCURRENT LEGISLATIVE JURISDICTION AS SPECIFIED IN GOVERNMENT CODE SECTION 113 OVER LANDS COMPRISING THE NAVAL SUPPLY DEPOT, RICHMOND, CONTRA COSTA COUNTY AS DESCRIBED IN EXHIBIT A ATTACHED HERETO.
3. FIND THAT THE UNITED STATES HAS AGREED TO PAY FOR COSTS ASSOCIATED WITH THIS TRANSACTION; THAT THE PUBLIC HEARING



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WAS NOTICED AS REQUIRED AND HELD.

4. FIND THAT THE RETROCESSION OF PARTIAL LEGISLATIVE JURISDICTION AND THE ESTABLISHMENT OF CONCURRENT JURISDICTION IS IN THE BEST INTERESTS OF THE STATE OF CALIFORNIA
5. ACCEPT THE RETROCESSION OF PARTIAL LEGISLATIVE JURISDICTION AND ESTABLISH CONCURRENT JURISDICTION OVER THE NAVAL SUPPLY DEPOT, RICHMOND, CONTRA COSTA COUNTY AS DESCRIBED IN EXHIBIT A ATTACHED HERETO.
6. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DELEGATE TO EXECUTE AND FILE A COPY OF THIS ACTION WITH THE CALIFORNIA SECRETARY OF STATE AND WITH THE RECORDER FOR CONTRA COSTA COUNTY AS REQUIRED BY GOVERNMENT CODE SECTION 113

EXHIBIT A
LEGAL DESCRIPTION FOR
RETROCESSION OF LEGISLATIVE JURISDICTION
AT NAVAL SUPPLY DEPOT, POINT MOLATE,
RICHMOND, CONTRA COSTA COUNTY

All of that property that the Secretary of the Navy, on behalf of the United States of America accepted on April 17, 1950 by letter from the Secretary of the Navy and original of said letter received and filed April 20, 1950 by the State Lands Commission; said letter accepted complete Federal jurisdiction as authorized by an Act of Congress, approved October 9, 1940 (54 STAT.108) to the extent that such jurisdiction has been granted by the Legislature of the State of California, being described as approximately 402.583 acres of land in Contra Costa County, State of California, acquired in condemnation proceeding identified as Civil No. 22215-S in the District Court of the United States, Northern District of California. Said property being situated in the City of Richmond, County of Contra Costa, State of California, more particularly described as follows:

TRACT I

Lots 1, 2, 3, 4 and portion of Lot 5 in Section 9, Township 1 North, Range 5 West, Mount Diablo Base and Meridian, as designated on the map entitled "Map No. 1, Salt Marsh and Tide Lands Situate in the County of Contra Costa, State of California, 1872", which map is on file in the office of the Surveyor General and portion of Lot 50, as designated on the map entitled "Map of the San Pablo Rancho, Accompanying and forming a part of the Final Report of the Referees in Partition", which map was filed in the office of the Recorder of the County of Contra Costa, State of California, on March 1, 1894, described as follows:

That parcel of land described in the deed from Calwa Company to Santa Cruz Oil Corporation, dated October 31, 1941 and recorded June 16, 1942 (File No. 18473) as follows:

"Commencing at the San Pablo Rancho Station No. 196, running thence along the southwesterly boundary line of property described in the deed from the East Shore Company, a corporation, of the State of California, to the California Wine Association, a corporation of said state, recorded January 24, 1907, in Volume 122 of Deeds, page 595, Records of Contra Costa County, California, extended and along the boundary of the property described in said deed, the following courses and distances: South 68° 54' East 1,409 feet to a point; North 50° East 120 feet to a point; North 22° West 380 feet to a point; North 66° East 220 feet to a point; North 50° East 380 feet to a point; North 32° East 260 feet to a point; North 34° West 120 feet to a point; South 86° West 200 feet to a point; North 19° West 350 feet to a point; North 33° East 280 feet to a point; North 53° West 130 feet to a point; South 78° West 70 feet to a point; North 63° West 70 feet to a point; North 23° West 350 feet to a point; North 15° East 120 feet to a point; North 55° West 120 feet to a point; South 80° West 80 feet to a point; North 68° West 80 feet to a point; North 45° 41' West 125.86 feet to a point; South 70° 09' West 565.00 feet to a point; thence leaving the boundary line of the property described in the deed of January 24, 1907 and running counter-clock-wise along the boundary line of the property described in the deed from East Shore Company, a corporation, and Richmond Belt Railway, a corporation, to California wine Association, a corporation, recorded April 10, 1911 in Book 166 of Deeds, page 5, Records of Contra Costa County, California, the following courses and distances:

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Northwesterly along the right of way curve of the Richmond Belt Railway on a curve the radius of which is 739.08 feet, parallel to the center line of said railway, and 25 feet radial distance therefrom 121.63 feet to a point; South 70° 09' West 103.89 feet to a point; South 32° 14' 30" West 191.40 feet to a point; thence leaving the boundary line of the property described in the last mentioned deed and running South 70° 09' West 48.83 feet to a point; South 26°45' 30" East 118.80 feet to a point; North 89° 45' 30" West along the North line of Tideland Lots No.1 and 2 in Section 9,1,199.82 feet to the northwest corner of Tideland Lot No. 2; South 13° 32' East along the west line of Tideland Lots No.2 and 3 in Section 9,1,360.11 feet to the southwest corner of Tideland Lot No. 3; South 89° 45' 30" East 724.78 feet to a point South 14.53 feet to San Pablo Rancho Station No.195 and South 21° 59' 30" West 95.04 feet to San Pablo Rancho Station No.196 the point of beginning."

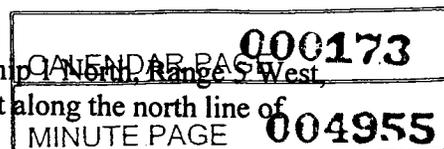
TRACT II

Parcel 1: Portion of Lots 49 and 50, as designated on the map entitled "Map of the San Pablo Rancho Accompanying and Forming a part of the Final Report of the Referees in Partition", which map was filed in the office of the Recorder of the County of Contra Costa, State of California, on March 1,1894, containing 118.74 acres, more or less, described as follows:

Beginning at Station No.196 of the exterior boundary line of the San Pablo Rancho as designated on the map above referred to; said point being at the most southerly corner of the 44.69 acre parcel of land described in the deed from East Shore Company to California Wine Association, dated March 24,1913 and recorded March 24,1913 in Volume 197 of Deeds, at page 391; thence from said point of beginning southerly, southwesterly and southeasterly along the exterior boundary of the Rancho San Pablo as designated on the map above referred to, to Station No. 225 of said Rancho thence continuing along said exterior boundary south 20° 45' east 1.15 chains to the intersections of said exterior boundary line with the northwesterly boundary line of the 283.88 acre parcel of land described in the deed from Jon Jay, et al, to San Pablo Quarry Company, dated November 1,1910 and recorded October 26,1911 in Volume 174 of Deeds, at page 84; thence along the northwesterly boundary line of said parcel, north 80° 45' east 3 chains to an angle in said line known as Station M. F.2; thence continuing along said boundary, north 3° 30' west 7.40 chains to Station R-98; north 32° 30' west 19.03 chains to Station 3; north 24° 45' east 18.65 chains to an angle in said line, being the northwesterly corner of said 283.88 acre parcel; and thence continuing along said boundary line north 78° 08' east 715 feet, more or less, to the westerly line of the 294.582 acre parcel of land described in the deed from East Shore Company to Standard Oil Company of California, dated July 22,1935 and recorded August 6,1935 in Volume 383 of Official Records, at page 468; thence along the westerly line of said 294.582 acre tract, north 54° west 883.71 feet; and north 41° 53' west 2384.11 feet, more or less, to a point in the easterly boundary line of the 66.63 acre parcel of land described in the deed from East Shore Company to Standard Oil Company of California dated December 30, 1929 and recorded January 1, 1930 in Volume 209 of Official Records, at page 150; thence along the easterly boundary line of said 66.63 acre parcel, south 28° 29' west 472.09 feet, more or less, to the most northerly corner of the 47.053 acre parcel described in the deed from East Shore Company to California Wine Association, dated December 31, 1906 and recorded January 24, 1907 in Volume 1222 of Deeds, at page 595; thence southerly along the easterly line of said 47.053 acre tract, to the most southerly corner of said tract, said point being in the dividing line between Lots 49 and 50 of said San Pablo Rancho; thence along the southerly boundary line of said 47.053 acre tract north 68° 54' west 1409.00 feet, more or less, to the point of beginning.

Parcel 2: Portion of Lot 5, Section 9, Township 1 North, Range 5 West, Mount Diablo Base and Meridian, as designated on the map entitled "Map No. 1, Salt Marsh and Tide Lands Situate in the County of Contra Costa, State of California, 1872", which map is on file in the office the Surveyor General, described as follows:

Beginning at the northwest corner of said Lot 5, Section 9, Township 1 North, Range 5 West, Mount Diablo Base and Meridian; thence from said point of beginning east along the north line of



said lot, 10.98 chains; thence south 0.22 chains; thence along the exterior boundary line of the San Pablo Rancho south 21° 59' west 1.44 chains; south 11° 30' east 1.84 chains; south 44° 30' west 1 chain; south 3° east 2.30 chains; south 33° west 1 chain; south 3° 30' west 1.10 chains; south 69° 30' west 2.65 chains; north 83° west 1.48 chains; and south 51° 30' west 3.67 chains to the west line of said Lot 5; thence north 13° 52' west along said west line 11.68 chains to the point of beginning.

Parcel 3: Lots 7, 8, 9, 10, 11, 12 and 13, Section 9, Township 1 North, Range 5 West, Mount Diablo Base and Meridian, as designated on the map entitled "Map No. 1, Salt Marsh and Tide Lands Situate in the County of Contra Costa, State of California, 1872", which map is on file in the office of the Surveyor General.

Excepting therefrom the following:

1. The southerly portion of Lots 12 and 13, containing 2.50 acres, more or less, awarded to San Pablo Quarry Company by the final decree in partition entered May 21, 1917 in action entitled, East Shore Company, plaintiff, vs Richmond Belt Railway et al, defendants (local court No. 4907), a certified copy of which decree was recorded May 21, 1917 in Volume 294 of Deeds, at page 44, described as follows:

"Beginning at the SE corner of said Lot 13, and running thence west 25.82 chains to the SW corner of lot 12, thence N. 29° 36' W. 1.11 chains to a point, thence east 26.003 chains to a point, thence S. 20° 45' E. 1.035 chains to the place of beginning."

2. That strip of land described in the deed from East Shore Company to Richmond Belt Railway, dated June 1, 1931 and recorded June 2, 1931, in Volume 287 of Official Records, at page 40.

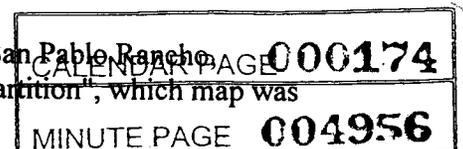
TRACT III

Lot 6 in Section 9, Township 1 North, Range 5 West, Mount Diablo Base and Meridian, as designated on the map entitled, "Map No. 1, Salt Marsh and Tide Lands Situate in the County of Contra Costa, State of California, 1872", which map is on file in the office of the office of the Surveyor General, containing 6.88 acres, more or less, described in the deed from the Board of Tide Land Commissioners to J. W. Tewksbury, dated March 8, 1873, and recorded November 21, 1896, in Volume 75 of Deeds, at page 29, as follows:

Beginning at a point on the shore line of San Francisco Bay at ordinary high tide, distant thirty-four (34) chains and one (1) link, South and fifty (50) chains west to a Granite Monument six inches square on top, set at corner to sections three (3) four (4) nine (9) and ten (10) in township one (1) North, Range five (5) west, thence along said shore line according to the true meridian, as follows: S. 58° W. 96 links; S. 32° W. 2.15 chains; S. 401° W. 1.35 chains; S. 70° W. 1.40 chains, N. 47° W. 1.10 chains; S. 80H° W. 3 chains; N. 80° W. 1.30 chains, N. 36° W. 1.15 chains; N. 651° W. 1.00 chain to station 395 on the Established Water Front, near Molate Point; thence across tide lands, along the water front; S. 38° 19' E. 17.44 chains to line between Lots 6 and 7; thence along the same North 15.65 chains to the point of beginning."

TRACT IV

Portion of Lot 49, as designated on the map entitled, "Map of the San Pablo Rancho", which map was accompanying and forming a part of the Final Report of the Referees in Partition,



filed in the office of the Recorder of the County of Contra Costa, State of California, on March 1, 1894, described as follows:

Beginning on the line between Lots 49 and 50, as designated on the map above referred to, at the dividing line between the property of Blake Brothers Company and Standard Oil Company of California, as said dividing line is described in the agreement between Standard Oil Company of California and Blake Brothers Company, dated April 27, 1932 and recorded May 2, 1932 in Volume 293 of Official Records, at page 312, said point of beginning is described in said agreement as being "on the boundary line between lots 49 and 50, which point is South 78° 38' West 211.84 feet from a granite monument located on top of the main ridge on said lot boundary"; thence from said point of beginning south 78° 08' west along the line between Lots 49 and 50, 715 feet, more or less, to the west line of the 283.88 acre tract described in the deed from San Pablo Quarry Company to Blake Brothers Company, dated April 1, 1914 and recorded June 11, 1914 in Volume 228 of Deeds, at page 10; thence along the westerly line of said 283.88 acre tract, south 24° 45' west 1230.90 feet to Station No.3; south 32° 30' east 1255.98 feet to Station R.98 in the center of Road No.27; south 3° 30' east 488.40 feet to Station M.F.2 and south 80° 45' west leaving said road 198 feet to a point on the westerly line of said San Pablo Rancho at line of ordinary high tide of San Francisco Bay; thence south 20° 45' east along said Rancho line, being along the line of ordinary high tide, to the north line of the 2.50 acre strip of land described in the deed from Anson S. Blake, et al, trustees, to Blake Brothers Company, dated August 27, 1917 and recorded July 28, 1919 in Volume 339 of Deeds, at page 469; thence leaving said line of ordinary high tide, north 87° 53' 02" east 114.99 feet; thence northeasterly in a direct line to a point on the dividing line between the property of Standard Oil Company of California and Blake Brothers Company as said line is described in the agreement above referred to (293 OR 312) which point is distant along said line south 34° 37' east 2267.73 feet from the point of beginning; thence north 34° 37' west along said dividing line 2267.73 feet to the point of beginning.

All as shown on the United States Navy "PROPERTY MAP" of the Naval Fuel Annex, Molate Point, Richmond, California having a P. W. Drawing No. C-11015 drawn by the Twelfth Naval District, San Francisco, Public Works Department attached hereto and made a part hereof.

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Exhibit B

RECORDED AT THE REQUEST OF
AND WHEN RECORDED MAIL TO:
STATE OF CALIFORNIA
STATE LANDS COMMISSION
100 HOWE AVE., SUITE 100S
SACRAMENTO, CA 95825
ATTN: LEGAL UNIT
TELEPHONE: (916) 574-1900

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

RETROCESSION OF LEGISLATIVE JURISDICTION

California Government Code Section 113

WHEREAS the United States acting by and through the Department of the Navy by letter dated October 14, 1998 has requested that the State of California accept a retrocession of partial legislative jurisdiction and establish concurrent legislative jurisdiction over lands comprising the Naval Supply Depot, Point Molate, Richmond, Contra Costa County; and

WHEREAS the California State Lands Commission, pursuant to California Government Code Section 113, has been authorized by the California State Legislature to accept a such a retrocession of jurisdiction and establish concurrent jurisdiction; and

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 convened on _____ and accepted a retrocession of partial legislative jurisdiction from the United States and established concurrent legislative jurisdiction over those lands comprising the Naval Supply Depot, Point Molate, Richmond 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 retrocession is attached hereto as Exhibit B.

ROBERT C. HIGHT, EXECUTIVE OFFICER
CALIFORNIA STATE LANDS COMMISSION

Date: _____

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