

MINUTE ITEM
This Calendar Item No. C67
was approved as Minute Item
No. 67 by the State Lands
Commission by a vote of 3
to 0 at its 9/19/00
meeting.

CALENDAR ITEM
C67

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A 21, 22

09/19/00
W 25603
J. Frey

**RETROCESSION OF EXCLUSIVE LEGISLATIVE JURISDICTION
PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 113
AT WESTCOAT HOUSING AREA, ONIZUKA AIR STATION,
SANTA CLARA COUNTY**

Pursuant to Government Code Section 113 the State Lands Commission is authorized on behalf of the State of California to accept a retrocession of legislative jurisdiction from the United States and thereby establish state legislative jurisdiction.

BACKGROUND:

The United States exercises exclusive legislative jurisdiction over 43.5 acres more or less of Westcoat Housing Area, Onizuka Air Station, Santa Clara County. The remainder of the facility is under proprietary jurisdiction. By letter dated July 7, 2000 the Department of the Air Force requested that California accept a retrocession of all exclusive legislative jurisdiction over this acreage so as to establish uniform proprietary legislative jurisdiction over all of the housing areas of the Air Station. Approval of the retrocession will cause authority and responsibility for provision of police, fire and other municipal services to transfer from the United States to Santa Clara County. These responsibilities are currently being met by the United States.

California Government Code Section 113 and the California Code of Regulations Sections 2700 et seq. authorize the State Lands Commission to accept such a retrocession if the following conditions are met:

1. The United States has requested in writing 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.

By letter dated July 7, 2000, the United States has made the written request for the retrocession. The area to be retroceded encompasses 43.5 acres. The United States has agreed to bear the costs associated with the retrocession. The noticed hearing was

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held on August 29, 2000. No comments in opposition to the retrocession were heard.

PERMIT STREAMLINING ACT DEADLINE:

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: Public Resources Code Section 21065 and 14 California Code of Regulations Section 15378.

EXHIBITS:

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 P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. FIND THAT THE U.S. DEPARTMENT OF THE AIR FORCE HAS REQUESTED IN WRITING THAT THE COMMISSION ACCEPT A RETROCESSION OF EXCLUSIVE LEGISLATIVE JURISDICTION AND THE ESTABLISHMENT OF PROPRIETORIAL JURISDICTION OVER LANDS COMPRISING WESTCOAT HOUSING AREA, ONIZUKA AIR STATION, SANTA CLARA COUNTY.
3. FIND THAT THE UNITED STATES HAS AGREED TO PAY FOR THE COSTS OF THE RETROCESSION PROCESS.
4. FIND THAT THE STATUTORY PUBLIC HEARING HELD ON AUGUST 29, 2000 COMPLIES WITH THE PUBLIC HEARING REQUIREMENT OF GOVERNMENT CODE SECTION 113.
5. DETERMINE THAT IT IS IN THE BEST INTERESTS OF THE STATE OF CALIFORNIA TO ACCEPT THE RETROCESSION OF JURISDICTION REQUESTED BY THE UNITED STATES BECAUSE THE RETROCESSION WILL ALLOW STATE AND LOCAL LAW GOVERNMENT TO ENACT AND



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ENFORCE CALIFORNIA LAW OVER THE HOUSING AREA.

6. ACCEPT THE RETROCESSION OF EXCLUSIVE LEGISLATIVE JURISDICTION AND ESTABLISH PROPRIETORIAL JURISDICTION OVER WESTCOAT HOUSING AREA, ONIZUKA AIR STATION, SANTA CLARA COUNTY AS DESCRIBED IN EXHIBIT A ATTACHED HERETO.
7. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE A DOCUMENT ENTITLED "RETROCESSION OF JURISDICTION" DESCRIBING THE COMMISSION'S ACTION IN SUBSTANTIALLY THE SAME FORM AS FOUND IN THE COMMISSION'S FILES.
8. AUTHORIZE THE FILING OF THE "RETROCESSION OF JURISDICTION" WITH THE SANTA CLARA COUNTY RECORDER AS REQUIRED BY GOVERNMENT CODE SECTION 113.

**EXHIBIT A
WESTCOAT HOUSING AREA,
ONIZUKA AIR STATION, SANTA CLARA COUNTY**

Legal Description For
Retrocession of Legislative Jurisdiction

LEGAL DESCRIPTION

WESCOAT PARK

A parcel of land that is a portion of that certain tract of land that was acquired by the United States of America by "Warranty Deed" on July 30, 1931 and filed in the Office of the County Recorder of Santa Clara County in Volume 577, Page 276 on January 11, 1955; said parcel of land lies in the County of Santa Clara, State of California, described as follows:

BEGINNING at the southwesterly corner of the Ynigo Rancho, identified as a post and iron pipe "P3" in said "Warranty Deed" on Jul 30, 1931 and filed in the Office of the County Recorder of Santa Clara County in Volume 577, Page 276 on January 11, 1955; said point of beginning having California State Plane Zone III Coordinates of N=334,166.28 feet and E=1,545,907.47 feet;

1. thence along the southerly boundary line of said Ynigo Rancho and said lands acquired by the United States of America by "Warranty Deed" on July 30, 1931 and filed in the Office of the County Recorder of Santa Clara County in Volume 577, Page 276 on January 11, 1955, and the northerly boundary line in the Bayshore Freeway as described in Deeds to the State of California from Rosalie L. Hall recorded in Book 593, Page 410 on December 26, 1931 and from Carrie Webster recorded in Book 596, Page 481 on January 20, 1932 and Harry L. Dahneke recorded in Book 590, Page 329 on November 13, 1931 of Santa Clara County Recorders Office S73°37'58"E, 1,707.40 feet;
2. thence leaving said westerly boundary line of the Ynigo Rancho and said easterly line of the Bayshore Freeway, N15°030'20"E, 334.00 feet.
3. thence, S77°00'19"E, 26.70 feet;
4. thence, N16°21'40"E, 340.08 feet;
5. thence, N70°59'04"W, 187.20 feet;
6. thence, N14°31'27"E, 199.40 feet;
7. thence, N68°11'55"E, 102.30 feet;

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8. thence, N20°33'22"W, 128.10 feet;
9. thence, N8°31'51"E, 20.20 feet;
10. thence, N25°47'46"W, 133.30 feet;
11. thence, N5°56'49"W, 48.30 feet to the southerly boundary line of Wescoat Road
12. thence, westerly along the southerly boundary line of Wescoat Road being a non-tangent curve to the right having a radius of 678.00 feet, through a central angle of 63°41'17" with a chord bearing of N60°03'59"W and distance of 715.40 feet to the end of said curve;
13. thence westerly along the southerly boundary line of Memorial Road being a non-tangent curve to the left having a radius of 85.00 feet, through a central angle of 85°32'05" with a chord bearing of N72°21'00"W and distance of 115.40 feet to the end of said curve;
14. thence, continuing along the southerly boundary line of Memorial Road, S68°44'58"W, 579.40 feet;
15. thence, leaving the southerly boundary line of Memorial Road, S24°49'14"E, 88.10 feet;
16. thence, S66°30'05"E, 75.20 feet;
17. thence, S21°18'21"E, 107.30 feet to the westerly boundary line of Berry Court;
18. thence along the westerly boundary line of Berry Court being a non-tangent curve to the left having a radius of 270.00 feet, through a central angle of 40°01'57" with a chord bearing of S35°45'14"W and distance of 184.80 feet to the end of said curve;
19. thence, S70°02'12"W, 249.90 feet;
20. thence along the extension of the westerly boundary line of Perimeter Road and said westerly boundary S15°12'59"W, 129.10 feet;
21. thence along the westerly boundary line of said Perimeter Road being a non-tangent curve to the left having a radius of 240.00 feet, through a central angle of 47°05'33" with a chord bearing of S5°05'10"E and distance of 191.80 feet to the end of said curve;

22. thence, leaving the westerly boundary line of said Perimeter Road, S42°59'26"W, 80.60 feet to the west boundary line of said Ynigo Rancho also being the west boundary line of those lands acquired by the United States of America as described in said "Warranty Deed" on July 30, 1931 and filed in the Office of the County Recorder of Santa Clara County in Volume 577, Page 276 on January 11, 1955;
23. thence, along the west boundary line of said lands acquired by the United States of America, S16°02'33"W, 129.20 feet to the POINT OF BEGINNING.

CONTAINING 42.5AC. more or less

The coordinates, bearings and distances used in this legal description are based on the State of California State Plane Coordinate System, Zone III.

All as shown on Dept. of the Navy, Western Division, Naval Facilities Engineering Command Drawing No. C-104362.

SUBJECTTO all encumbrances and easements as shown on Dept. of the Navy, Western Division, Naval Facilities Engineering Command Drawing No. C-104362.

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