MINUTE ITEM
This Calendar Item No. C75 was approved as Minute Item No. 75 by the California State Lands Commission by a vote of 3 to Ø at its 9-17-01 meeting.

CALENDAR ITEM
C75

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09/17/01
W 25266
J. Frey

CESSION OF CONCURRENT CRIMINAL JURISDICTION PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 126 AT 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; and

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

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

Presently, the United States presently has concurrent criminal legislative jurisdiction over the Metropolitan Detention Center, Los Angeles, CA. The cession of jurisdiction was made in October, 1996 for a period of five years. By letter dated July 9, 2001 the United States has requested that the State of California renew its cession of concurrent criminal legislative jurisdiction over this facility for another five years. The United States believes that "Concurrent criminal jurisdiction is urgently needed to allow the United States to conduct federal investigations and prosecutions of certain criminal offenses that may occur on the land. Particularly in the event of reactivation of a penal facility at this site, we believe it is mutually desirable, and in the interests of sound administration

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of federal penal institutions, that the United States have concurrent criminal jurisdiction with the State of California as to this site." A noticed public hearing was held on August 13, 2001. Notice of the hearing was published as required by Section 126 and served upon the Clerk of the Board of Supervisors for Los Angeles County. Affidavits of the publication and service are found in the Commission's files. No comments in opposition to the cession were received.

The Commission staff believe that the cession of concurrent criminal jurisdiction is in the best interest of the State of California in connection with the exercise of criminal jurisdiction over this facility.

EXHIBITS:

A. Land Description

IT IS RECOMMENDED THAT THE COMMISSION:

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

2. DETERMINE THAT THE PUBLIC HEARING HELD ON AUGUST 13, 2001 COMPLIED WITH GOVERNMENT CODE SECTION 126 AND THE REGULATIONS DEALING WITH 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.

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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 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 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 BECAUSE THE UNITED STATES WILL THEN HAVE THE AUTHORITY TO CONDUCT FEDERAL INVESTIGATIONS AND PROSECUTIONS OF CRIMINAL OFFENSES AT THIS FACILITY.

4. DETERMINE THAT THE UNITED STATES HAS AGREED TO PAY FOR THE COSTS INCURRED IN THE CESSION PROCESS.

5. CEDE CONCURRENT CRIMINAL JURISDICTION OVER THE METROPOLITAN DETENTION CENTER, LOS ANGELES, LOS ANGELES COUNTY FOR THE LESSER OF FIVE YEARS OR SO LONG AS THE UNITED STATES OWNS THE LANDS.

6. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE A CERTIFICATE OF CESSION OF CONCURRENT CRIMINAL JURISDICTION AND HAVE IT RECORDED IN THE OFFICIAL RECORDS FOR LOS ANGELES COUNTY.

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EXHIBIT A

METROPOLITAN DETENTION CENTER
Land Description for Jurisdictional Purposes

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 minutes 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.

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