

MINUTE ITEM

This Calendar Item No. 28  
was approved as Minute Item  
28 by the State Lands  
Commission by a vote of 3  
to 0 at its MARCH 19, 1980  
meeting.

CALENDAR ITEM

28.

3/80  
W 21415  
Frey

SESSION OF CONCURRENT CRIMINAL JURISDICTION  
TO THE UNITED STATES OF AMERICA OVER THAT PORTION  
OF 14TH STREET WITHIN THE OAKLAND ARMY BASE,  
ALAMEDA COUNTY

Pursuant to Government Code 126 the State Lands Commission is authorized on behalf of the State 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 within the purview of clause 17 of Section 8 of Article 1 of the Constitution of the United States;
- 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.

On November 29, 1979, Mr. Morgan Wheeler, Chief, Real Estate Division, United States Army Corps of Engineers, addressed a letter to the State of California, requesting a cession of concurrent criminal jurisdiction over a portion of 14th Street, Oakland, California. This section of 14th Street has recently been acquired in fee by the United States Army and is located entirely within the Oakland Army Base.

On December 20, 1979, Calendar Item 36, the State Lands Commission authorized a public hearing for the purpose of determining whether it is in the best interest of the State to grant cession of concurrent criminal jurisdiction to the United States over the lands described in Oakland Army Base, Tract 245, Compare Exhibit "B".

The hearing was scheduled for February 25, 1980, at 10:00 a.m. at 1807 - 13th Street, Sacramento, California. Notice thereof was published in the Oakland Tribune, and notice of said hearing was personally served on the Clerk of the Board of Supervisors of Alameda County. Affidavits

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CALENDAR PAGE	164
MINUTE PAGE	611

CALENDAR ITEM NO. 28. (CONTD)

of publication and service are filed in the records of the Commission.

The hearing was held as noticed. No comments regarding the cession were received at the hearing.

The staff believes that therefore, cession of concurrent criminal jurisdiction is in the best interest of the State of California in connection with the administration of police power over the area.

EXHIBITS:           A. Location Map.   B. Land Description.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT THE CESSION OF JURISDICTION HEARING HELD ON FEBRUARY 25, 1980, COMPLIED WITH THE STATUTES AND REGULATIONS FOR THE CESSION OF CONCURRENT CRIMINAL JURISDICTION AND THAT THE FOLLOWING CONDITIONS HAVE BEEN SATISFIED:
  - A. THE UNITED STATES HAS REQUESTED IN WRITING THAT THE STATE OF CALIFORNIA CEDE CONCURRENT CRIMINAL JURISDICTION OVER THE LAND DESCRIBED IN EXHIBIT "B" ATTACHED AND BY REFERENCE MADE A PART HEREOF, SAID LANDS BEING WITHIN THE STATE OF CALIFORNIA.
  - B. THE LAND IS HELD BY THE UNITED STATES FOR THE ERECTION OF FORTS, MAGAZINES, ARSENALS, DOCKYARDS, AND OTHER NEEDFUL BUILDINGS WITHIN THE PURVIEW OF CLAUSE 17 OF SECTION 8 OF ARTICLE 1 OF THE CONSTITUTION OF THE UNITED STATES.
  - C. THE LAND IS HELD BY THE UNITED STATES IN FEE BY PURCHASE.
  - D. JURISDICTION CEDED PURSUANT TO GOVERNMENT CODE 126 CONTINUES ONLY SO LONG AS THE LAND IS HELD BY THE UNITED STATES FOR THE ABOVE DESCRIBED PURPOSES OR FOR FIVE YEARS, WHICHEVER PERIOD IS LESS.
  - E. IN CEDING SUCH 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.

CALENDAR ITEM NO. 28. (CONT'D)

- 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 TO THE STATE, OR PERSONS AUTHORIZED BY THE STATE, THE RIGHT TO PROSPECT FOR, MINE, AND REMOVE SUCH DEPOSITS FROM THE LAND.
2. DETERMINE THAT A CESSION OF CONCURRENT CRIMINAL JURISDICTION OVER THE LAND DESCRIBED IN EXHIBIT "B" ATTACHED AND BY REFERENCE MADE A PART HEREOF IS IN THE BEST INTERESTS OF THE STATE OF CALIFORNIA.
3. AUTHORIZE THE EXECUTION ON BEHALF OF THE COMMISSION OF A RESOLUTION GRANTING A CESSION OF CONCURRENT CRIMINAL JURISDICTION AND ALL OTHER NECESSARY DOCUMENTS TO MAKE IT EFFECTIVE, SAID RESOLUTION TO BE EFFECTIVE ON RECEIPT OF FORMAL NOTICE OF ACCEPTANCE OF JURISDICTION PURSUANT TO 40 USC 255.
4. AUTHORIZE THE DISTRIBUTION OF CERTIFIED COPIES OF SAID RESOLUTION AS FOLLOWS:
- A. ONE COPY TO BE FILED WITH THE SECRETARY OF STATE, STATE OF CALIFORNIA:
- B. ONE COPY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY:
- C. ONE COPY TO BE MAILED TO MORGAN WHEELER, CHIEF, REAL ESTATE DIVISION, DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS, 650 CAPITOL MALL, SACRAMENTO, CALIFORNIA 95814.

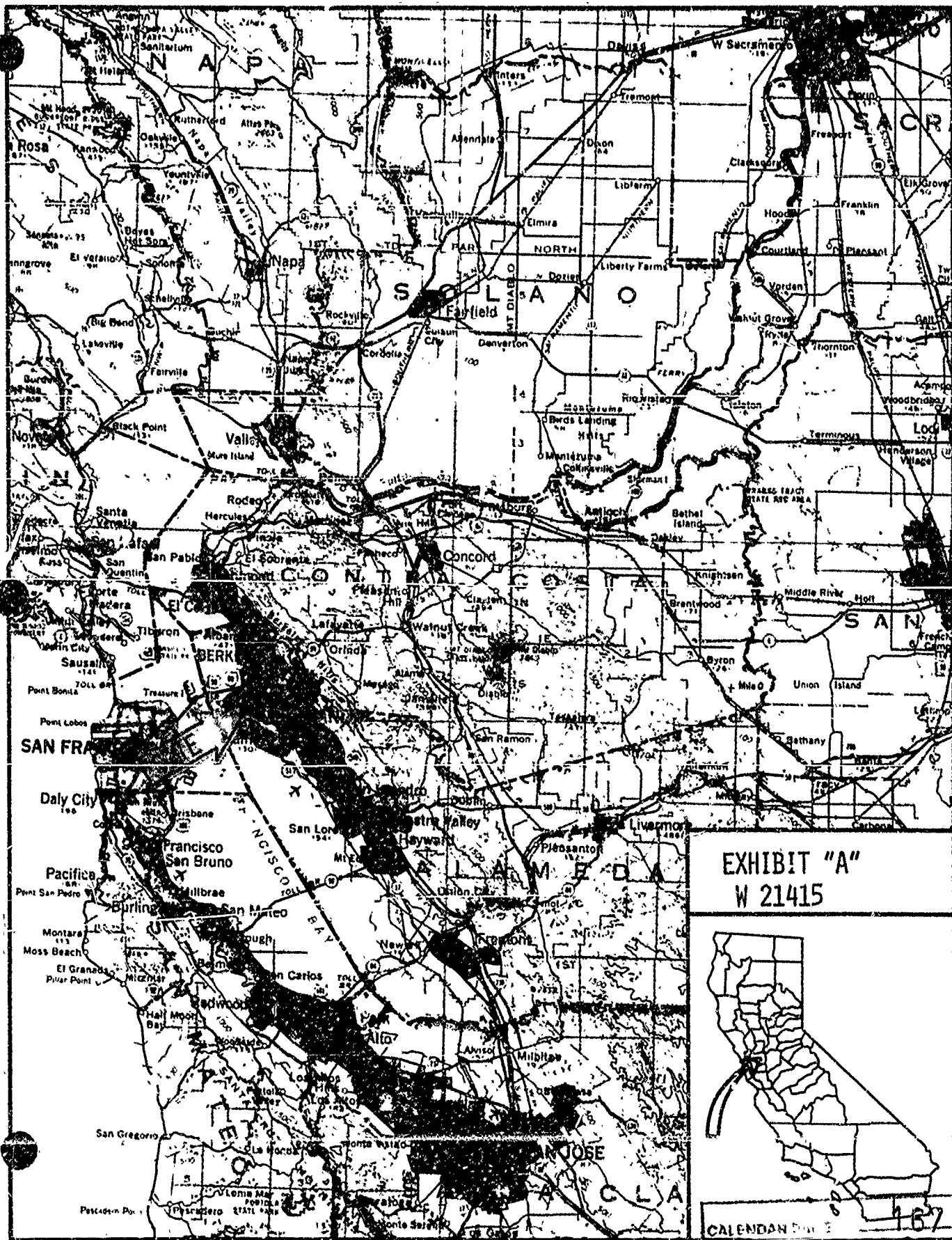


EXHIBIT "A"  
W 21415



CALENDAR DATE 1.6.67  
MINUTE PAGE 614

EXHIBIT "B"  
LAND DESCRIPTION

W 21415

OAKLAND ARMY BASE  
TRACT 245

A parcel of land in the City of Oakland, County of Alameda, State of California, more particularly described as follows:

COMMENCING at a concrete monument with a pipe and copper plug at the intersection of the "Agreed Low Tide Line of 1852", as said line is agreed upon and located by Ordinance 3099 of the City of Oakland, adopted July 7, 1910, certified copy of which Ordinance is recorded in Book 1837 of Deeds, Page 91, Records of Alameda County, with the South line of Seventh Street; thence N 39° 50' 03"E, (Record bearing for "Agreed Low Tide Line" being 39° 51' 40") along said "Agreed Low Tide Line" of 1852, 95.35 feet to the North line of Seventh Street; thence N 39° 50' 03"E, along said "Agreed Low Tide Line of 1852", 804.64 feet; thence, leaving the "Agreed Low Tide Line of 1852", S 52° 35' 08"E, 1047.74 feet, to a point on the Northerly line of Parcel "A", described in the deed between the Southern Pacific Company and the City of Oakland, dated December 23, 1930 and recorded December 29, 1930, in Book 2505 of Official Records at Page 251, Records of Alameda County; thence, N 49° 14' E, 2859.64 feet, to a point on the Easterly line of that parcel of land described in the deed from the Southern Pacific Company to the United States of America dated March 2, 1942, and recorded March 2, 1942, in Book 4189 of Official Records at Page 197, Records of Alameda County; thence, N 43° 30' E, along the Easterly line of last mentioned parcel, 302.51 feet; to a point on the Southerly line of 14th Street, designated on the Official Maps of the City of Oakland referred to in item 32 of the minutes of the meeting of the State Lands Commission held in Los Angeles on October 5, 1950, recorded October 23, 1950 in Book 6267 of Official Records, at Pages 451 through 456, Records of Alameda County, said point being the most Northeasterly corner of said parcel recorded in Book 4189 at Page 197 and also being the TRUE POINT OF BEGINNING:

Thence, N 83° 05' 20" W, 1824.89 feet, along the Southerly line of 14th Street, to a point on the "Agreed Low Tide Line of 1852";

Thence, N 39° 50' 03" E, along the "Agreed Low Tide Line of 1852", 95.76 feet, to a point on the Northerly line of 14th Street;

Thence, S 83° 05' 20" E, along said Northerly line of 14th Street, 1832.41 feet, to a point on the Easterly line of Parcel 1 as described in the deed from the Southern Pacific Company to the United States of America dated July 7, 1941, and recorded October 6, 1941, in Book 4121 of Official Records at Page 191, Records of Alameda County;

Thence, S 43° 30' 00" W, 100.13 feet, more or less, to the Point of intersection of the Southerly line of 14th Street with the Easterly line of said parcel from the Southern Pacific Company to the United States of America recorded in Book 4189 of Official Records at Page 197, said point also being the POINT OF BEGINNING.

Containing 3.37 acres, more or less.

CALIFORNIA	168
MINERAL	615