

MINUTE ITEM

This Calendar Item No. 46
was approved as Minute Item
No. 46 by the State Lands
Commission by a vote of 3/2
to 0 at its 9/25/84
meeting.

CALENDAR ITEM

46

09/25/84
W 23455
Frey

A 15
S 10

ACCEPTANCE OF RETROCESSION OF EXCLUSIVE JURISDICTION
AND ESTABLISHMENT OF CONCURRENT JURISDICTION OVER
A PORTION OF PARKS RESERVE FORCES TRAINING
CENTER, PLEASANTON, CALIFORNIA

Gov. Code Section 113 provides as follows:

"The Legislature of California hereby consents to the retrocession of jurisdiction by the United States of land within this State upon and subject to each and all of the following express conditions:

- (a) The United States must in writing have requested State Acceptance of retrocession, and unless there is an Officer of the United States empowered by a United States statute to cede jurisdiction, said request shall be by the act of Congress; such retrocession may return all jurisdiction to the State or may provide for concurrent jurisdiction.
- (b) When the conditions of subsection (a) of this section have been found and declared to have occurred and to exist, by the State Lands Commission, the Commission shall hold a hearing to determine whether acceptance of such retrocession is in the best interest of the State. Notice of such hearing shall be published pursuant to Sec. 6061 in each county in which the land or any part thereof is situated and a copy of such notice shall be personally served upon the Clerk of the Board of Supervisors of each county. The State Land Commission shall make rules and regulations governing the conditions and procedure of such hearings.
- (c) The determination of the State Lands Commission shall be final and jurisdiction acceptance shall become effective when certified copies of its orders or resolutions have been filed in the Office of the Secretary of State and recorded in the Office of the County Recorder of each county in which any part of the land is situated."

The United States now holds exclusive legislative jurisdiction over Parks Reserved Forces Training Center at Pleasanton, Alameda County, California. The United States proposes to use part of the facility as a shelter for homeless persons. The United States, pursuant to Cal. Gov. Code Sec. 113, by letter dated July 16, 1984, has written to Governor Deukmejian, requesting the State of California to accept a retrocession of so much jurisdiction as to allow it and the State exercise concurrent jurisdiction over the area to be occupied by the homeless.

A Public hearing was scheduled in the Sacramento offices of the Commission on September 21, 1984, for the purpose of determining whether it was in the best interest of the state to adjust the jurisdiction of the United States. 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 of publication and service are filed in the records of the Commission.

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

The retrocession would be in the best interest of the State in connection with the administration of local police power over the area.

AB 884: N/A.

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

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

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

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IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. DETERMINE THAT THE RETROCESSION OF JURISDICTION HEARING HELD ON SEPTEMBER 21, 1984, COMPLIED WITH THE STATUTES AND REGULATIONS FOR RETROCESSION OF JURISDICTION AND THAT THE FOLLOWING CONDITIONS HAVE BEEN SATISFIED:
 - A. THE UNITED STATES HAS REQUESTED IN WRITING THAT THE STATE OF CALIFORNIA ACCEPT THE RETROCESSION OF EXCLUSIVE JURISDICTION AND THE ESTABLISHMENT OF CONCURRENT 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. SAID REQUEST WAS MADE BY AN OFFICER OF THE UNITED STATES EMPOWERED BY THE UNITED STATES STATUTE (10 U.S.C. 2683) TO CEDE JURISDICTION TO THE STATE OF CALIFORNIA.
3. DETERMINE THAT A RETROCESSION OF EXCLUSIVE JURISDICTION AND ESTABLISHMENT OF CONCURRENT JURISDICTION OVER THE LANDS DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF IS IN THE BEST INTERESTS OF THE STATE OF CALIFORNIA.
4. ACCEPT THE RETROCESSION OF EXCLUSIVE JURISDICTION AND ESTABLISH CONCURRENT JURISDICTION OVER THE LANDS DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
5. AUTHORIZE THE DISTRIBUTION OF CERTIFIED COPIES OF THIS CALENDAR ITEM 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 SECRETARY OF THE ARMY, UNITED STATES OF AMERICA.

EXHIBIT "A"

LAND DESCRIPTION

W 23455

All that certain real property situated in the unincorporated area of the Township of Pleasanton, County of Alameda, State of California, described as follows:

COMMENCING at the intersection of a line marked by a fence with the eastern line of Dougherty Road, as said line now exists, said intersection being northerly 400 feet, more or less, from the northeastern line of the Southern Pacific Transportation Company right of way, 300 feet in width, and running thence along said eastern line of Dougherty Road, northerly, 116 feet, more or less, to a line marked by a fence; thence along said line and along a line marked by a fence the following courses and distances: easterly, 562 feet, more or less; thence southerly, 187 feet, more or less; thence westerly, 325 feet, more or less; thence northerly, 71 feet, more or less, thence westerly, 237 feet, more or less, to the point of commencement.

Containing 2.02 acres, more or less.

END OF DESCRIPTION

This description was submitted by the applicant and retyped in the Boundary Investigation Unit to provide a legible copy. Adequacy of title was not examined and no checks were made to determine if the description could be located on the ground according to the terms therein.

ROY MINNICK, Supervisor
Boundary Investigation Unit

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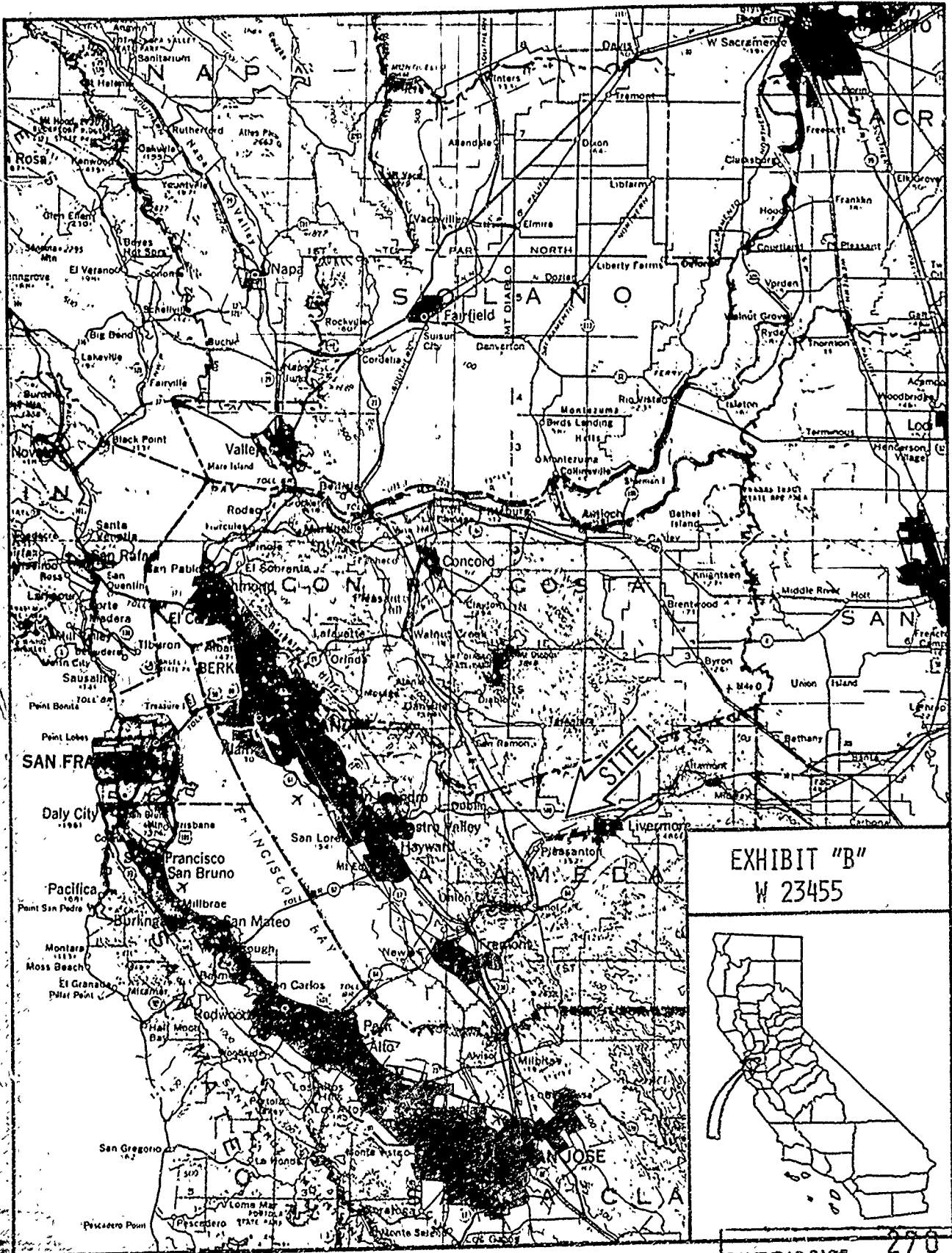


EXHIBIT "B"
W 23455



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