

MINUTE ITEM

This Calendar Item No. 50
was approved as Minute Item
No 50 by the State Lands
Commission by a vote of 2
to 0 at its 6/26/85
meeting.

CALENDAR ITEM

A 77
S 39

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06/26/85
W 20836
Frey

CLARIFY CALENDAR ITEM TO REFLECT A
RETROCESSION OF EXCLUSIVE JURISDICTION
UNITED STATES OF AMERICA,
MURPHY CANYON HEIGHTS HOUSING AREA

On December 19, 1974, the Commission approved a retrocession of jurisdiction at the Navy's Murphy Canyon Heights Housing Area. A recent review of the Minute Item and Calendar Item revealed a typographical error in the Commission's findings. The intent of the United States and the Commission in 1974 was to accept a retrocession of exclusive jurisdiction and to leave the housing area in a proprietary status. The original Minute Item and Calendar Item incorrectly indicate that the United States sought a retrocession of concurrent jurisdiction. Nevertheless, the Commission's finding was to accept a retrocession of exclusive jurisdiction. The United States has requested that this error be corrected and the Commission's findings be changed to reflect the intent of the parties.

AB 864: N/A.

OTHER PERTINENT INFORMATION:

1. 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. Minute Item 23 and Calendar Item 21, December 19, 1974.
 - B. Site Map.

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CALENDAR ITEM No. 50 (CONT'D)

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. MODIFY ITS ORIGINAL MINUTE ITEM AND CALENDAR ITEM FINDING NUMBERED 1A TO READ: THE UNITED STATES HAS REQUESTED IN WRITING THAT THE STATE OF CALIFORNIA ACCEPT THE RETROCESSION OF EXCLUSIVE JURISDICTION OF THE LANDS DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; SAID LANDS BEING WITHIN THE STATE OF CALIFORNIA.
3. ALL OTHER FINDINGS IN THE MINUTE ITEM AND CALENDAR ITEM TO REMAIN AS STATED.

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23. RETROCESSION OF EXCLUSIVE JURISDICTION, U.S. NAVY'S MURPHY CANYON HEIGHTS, SAN DIEGO COUNTY - W 20836.

After consideration of Calendar Item 21 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. DETERMINES THAT THE RETROCESSION OF JURISDICTION HEARING HELD ON DECEMBER 17, 1974, 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 CONCURRENT JURISDICTION OF 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 TO CEDE JURISDICTION TO THE STATE OF CALIFORNIA.
2. DETERMINES THAT A RETROCESSION OF EXCLUSIVE JURISDICTION OF THE LANDS DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF IS IN THE BEST INTERESTS OF THE STATE OF CALIFORNIA.
3. AUTHORIZES THE EXECUTION ON BEHALF OF THE COMMISSION OF A RESOLUTION ACCEPTING RETROCESSION OF EXCLUSIVE JURISDICTION AND ALL OTHER NECESSARY DOCUMENTS TO MAKE IT EFFECTIVE.
4. AUTHORIZES 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 SAN DIEGO COUNTY.
 - C. ONE COPY TO BE MAILED TO ROY MARKON, U.S. NAVY, WASHINGTON, D.C.

Attachment:
Calendar Item 21 (5 pages)

WHEN RECEIVED MAIL TO:

State of California
State Lands Division
1807 13th Street
Sacramento, CA 95814

FILE/PAGE **75-016178**
BOOK 1975

RECORDED REQUEST OF

State Lands Division

JAN 23 9 31 AM '75

OFFICIAL RECORDS
SAN DIEGO COUNTY, CALIF.
HARLEY F. BLOOM
RECORDER

THE UNDERSIGNED, ACTING IN THIS BEHALF FOR THE STATE LANDS COMMISSION, HAS HEREBY CERTIFIED, THAT THE ANNEXED IS A WHOLE, TRUE AND CORRECT COPY OF THE ORIGINAL RECORD COPY, CONSISTING OF ... PARTS, ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION; THAT SAID COPY HAS BEEN COMPARED BY THE UNDERSIGNED WITH THE ORIGINAL AND IS A CORRECT TRANSCRIPT THEREFROM.

IN WITNESS WHEREOF, THE UNDERSIGNED HAS EXECUTED THIS CERTIFICATE AND AFFIXED THE SEAL OF THE STATE LANDS COMMISSION THIS 22ND DAY OF JAN. 1975

James L. ...

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21.

RETROCESSION OF EXCLUSIVE JURISDICTION,
U.S. NAVY'S MURPHY CANYON HEIGHTS,
SAN DIEGO COUNTY

Government 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 interests of the state. Notice of such hearing shall be published pursuant to Section 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 Lands 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 accepted 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 situate."

On November 11, 1974, Roy Markon, Deputy Assistant Commander for Real Estate, U. S. Navy, addressed a letter to Governor Reagan, requesting that the State of California accept retrocession of exclusive jurisdiction of 710 acres, more or less, of land within U. S. Navy's Murphy Canyon Heights housing site, San Diego County.

On November 26, 1974, the Executive Officer of the State Lands Commission delegated the authority to staff counsel to hold a public hearing for the purpose of determining whether it was in the best interest of the State

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to accept retrocession of exclusive jurisdiction from the United States over the lands described in the letter of November 11, 1974, and set forth in Exhibit "A" of said Calendar Item.

The hearing was scheduled for December 17, 1974, at 10:00 a.m. at 1807 - 13th Street, Sacramento, California. Notice thereof was published in the San Diego Evening Tribune, and notice of said hearing was personally served on the Clerk of the Board of Supervisors of San Diego County. Affidavits of publication and service are on file in the records of the Division.

Copies of the Notice of Hearing were mailed to interested parties requesting the Notice.

The hearing was held as noticed. No objections to retrocession were received. The retrocession would be in the best interest of the State in connection with the administration of local police power over the area.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT THE RETROCESSION OF JURISDICTION HEARING HELD ON DECEMBER 17, 1974, 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 CONCURRENT JURISDICTION OF 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 TO CEDE JURISDICTION TO THE STATE OF CALIFORNIA.
2. DETERMINE THAT A RETROCESSION OF EXCLUSIVE JURISDICTION OF THE LANDS DESCRIBED IN EXHIBIT "A" 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 ACCEPTING RETROCESSION OF EXCLUSIVE JURISDICTION AND ALL OTHER NECESSARY DOCUMENTS TO MAKE IT EFFECTIVE.
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.

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- B. ONE COPY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.
- C. ONE COPY TO BE MAILED TO ROY MARKON, U. S. NAVY, WASHINGTON, D.C.

Attachment: Exhibit "A"

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EXHIBIT "A"

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MURPHY CANYON HEIGHTS HOUSING

A parcel of land in the City of San Diego, County of San Diego, State of California, acquired by the United States of America by the Decree on Declaration of Taking, filed in Civil Action 105-SD docketed May 7, 1941, Court Order Book 1, page 254, United States District Court, Southern Division, California, being portions of Lots 21, 22, and 23; all of Lots 30 and 31; portions of Lots 32 and 33; all of Lot 34; portions of Lots 35 and 40; all of Lot 41; portions of Lots 42 and 43; all of Lot 44; portions of Lots 45 and 47; all of Lot 48; portions of Lots 49, 50, 51, and 52; and the roads therein of Rosedale Tract, according to the Map thereof No. 825 on file in the Office of the County Recorder of said San Diego County, more particularly described as follows:

BEGINNING at a point in the easterly right-of-way line of County Road Survey No. 1533 on file in the Office of the County Surveyor, said point bears N 83° 12' 16" E, 150.00 feet from Engineer's Station 278 + 54.16 B.C. "E" Line; thence

S 6° 47' 44" E, 504.16 feet; thence
 S 8° 13' 40" E, 400.13 feet; thence
 S 12° 30' 22" E, 653.24 feet; thence
 S 10° 03' 58" E, 701.14 feet; thence
 S 18° 58' 22" E, 971.87 feet; thence
 S 2° 52' 05" E, 871.06 feet; thence
 S 2° 14' 39" W, 778.57 feet; thence
 S 19° 32' 50" E, 691.97 feet to a point which

bears N 76° 32' 54" E, 550.00 feet from Engineer's Station 222 + 58.82 E.C. "D" Line of said County Road Survey No. 1533; thence S 12° 31' 13" E to an intersection with the south line of Lot 52 of said Rosedale Tract, Map No. 825; thence east along the south line of Lots 52 and 51 to the southeast corner of Lot 51; thence north parallel with the west line of Lots 51, 50, and 47 to an intersection with the north line of Lot 47; thence east along the north line of Lot 47 to a point which bears East 600.00 feet from the northwest corner of Lot 47; thence north parallel with and 600.00 feet east of the west line of Lot 45 to an intersection with the south line of Lot 40; thence east along the south line of Lot 40, 400.00 feet; thence north parallel with the west line of Lot 40 to an intersection with the south line of Lot 35; thence west along the south line of Lot 35, 200.00 feet; thence north parallel with the west line of Lot 35 to an intersection with the south line of Lot 30; thence east to the southeast corner of Lot 30; thence north along

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the east line of Lot 30 to the northeast corner thereof; thence west along the north line of Lot 30, being also the south line of Lot 23, 142.5 feet; thence north 632.66 feet to the centerline of Balboa Avenue as shown on City Engineer's Drawing No. 10600-3-D filed in the office of the City Engineer, San Diego, California; thence along said centerline from a tangent that bears S 86° 44' 54" W along a curve to the right with a radius of 2,000.00 feet, through an angle of 3° 15' 06", an arc length of 113.51 feet; thence continuing along said centerline west 1,935.24 feet; thence continuing along said centerline along a tangent curve to the left with a radius of 1500.00 feet, through an angle of 30° 00' 00", an arc length of 785.40 feet; thence continuing along said centerline S 60° 00' 12" W, 600.00 feet; thence continuing along said centerline along a tangent curve to the right with a radius of 1,500.00 feet, through an angle of 25° 32' 09", an arc length of 668.53 feet; thence leaving said centerline S 9° 36' 24" E, 295.23 feet; thence S 80° 23' 36" W, 150.00 feet to an angle point on the above mentioned easterly right-of-way line of County Road Survey No. 1533; thence along said easterly line S 9° 36' 24" E, 375.31 feet; thence continuing along said easterly line from a tangent that bears N 3° 47' 06" E, along a curve to the right with a radius of 800.00 feet, through an angle of 0° 39' 13", an arc length of 9.13 feet; thence continuing along said easterly line S 10° 10' 47" E, 283.57 feet; thence continuing along said easterly line S 8° 10' 29" E, 200.06 feet; thence continuing along said easterly line S 9° 36' 24" E, 1,300.00 feet; thence continuing along said easterly line S 10° 22' 14" E, 750.07 feet; thence continuing along said easterly line S 7° 58' 12" E, 350.14 feet; thence continuing along said easterly line S 9° 36' 24" E, 349.59 feet; thence continuing along said easterly line along a tangent curve to the right with a radius of 4150 feet, through an angle of 2° 48' 40", an arc length of 203.61 feet to the point of beginning, containing 710 acres, more or less.

END OF DESCRIPTION

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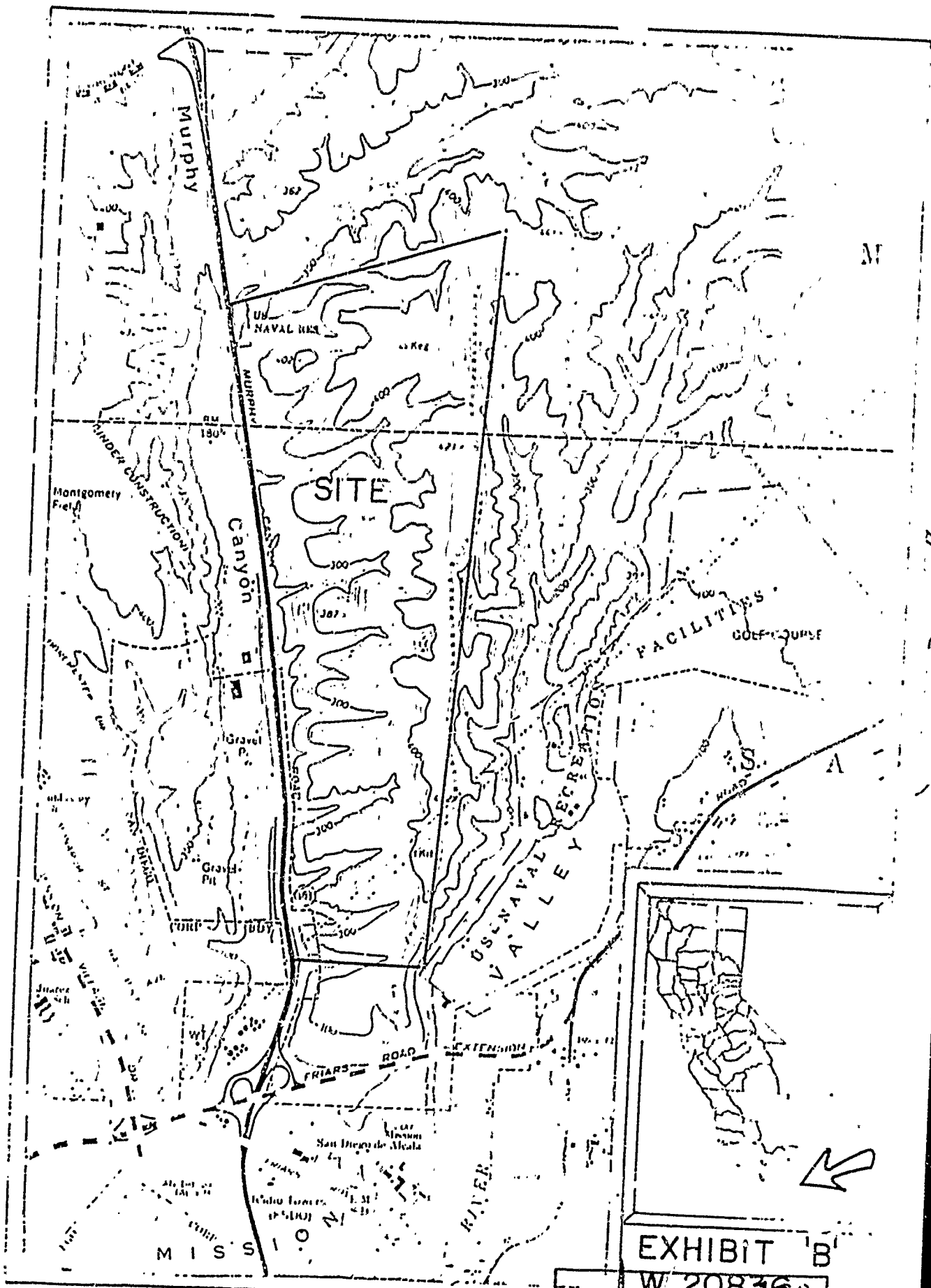


EXHIBIT 'B'

CALENDAR REFERENCE 208362

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