

**CALENDAR ITEM
C92**

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J. Frey

**CONSIDERATION OF RETROCESSION OF EXCLUSIVE LEGISLATIVE
JURISDICTION AND ESTABLISHMENT OF CONCURRENT LEGISLATIVE
JURISDICTION AT 800 BUCHANAN STREET, ALBANY, CALIFORNIA**

PARTY:

United State Department of Agriculture

AREA, LAND TYPE, AND LOCATION:

800 Buchanan Street, Albany, California

PROPOSED ACTION:

Under Government Code section 113, the Legislature has granted the State Lands Commission the authority to accept a retrocession of exclusive legislative jurisdiction from the United States upon receipt of a written request and an agreement to pay the costs associated with the retrocession. The statute also provides for the establishment of concurrent legislative jurisdiction.

By letter dated June 18, 2012, the United States Department of Agriculture requested that the Commission accept a retrocession of exclusive legislative jurisdiction and establish concurrent legislative jurisdiction over lands comprising a portion of the United States Department of Agriculture Research Center at 800 Buchanan Street, Albany, California. The lands affected by the retrocession are presently used for a vehicle right of way by the City of Albany and the City has proposed to construct a bike path within the retroceded area. The United States has agreed to pay the costs associated with the retrocession.

Pursuant to Government Code section 113, a notice of hearing on the proposed retrocession of exclusive legislative jurisdiction and establishment of concurrent legislative jurisdiction was published in a local newspaper. Notice was also served on the Clerk for the Board of Supervisors of Alameda County and the Clerk for the City of Albany. The hearing was held as scheduled on July 18, 2012, in the offices of the Commission. No public comments were received at the hearing.

The United States believes this action "will allow state and local law enforcement officials to enforce state and local laws on the areas in questions. ... The described areas have or are proposed to have heavy public use, in the form of vehicle, bicycle, and pedestrian traffic. ... The relinquishment of exclusive

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legislative jurisdiction and the establishment of concurrent legislative jurisdiction would provide greater protection and security for the described portions of the parcel.”

The retrocession of exclusive legislative jurisdiction and establishment of concurrent legislative jurisdiction will be effective upon the recordation of the Commission’s action with the Alameda County Recorder and its filing in the Commission’s records.

OTHER PERTINENT INFORMATION

The staff recommends that the Commission find that the subject retrocession of exclusive legislative jurisdiction and establishment of concurrent legislative jurisdiction does not have a potential for resulting in either a direct or a reasonable foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBITS:

- A. Land Description
- B. Plat Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject retrocession of exclusive legislative jurisdiction and establishment of concurrent legislative jurisdiction is not subject to the requirements of CEQA pursuant to California Code of regulations, Title 14, section 15060, subdivision (c)(3), because the activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

1. Find that the requirements of Government Code section 113 have been complied with in that the United States has requested in writing that the State of California acting through the State Lands Commission accept a retrocession of exclusive legislative jurisdiction and establish concurrent legislative jurisdiction over a portion of the lands known as the United States Department of Agriculture Western Regional Research Center , 800 Buchanan Street, Albany, California, as more particularly described in Exhibit A hereto.
2. Find that the United States has agreed to pay the costs associated with the retrocession; that a notice of hearing was served on the Clerk for the Board of

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Supervisors for the County of Alameda and the Clerk for the City of Albany, California, and that the public hearing was held as noticed on July 18, 2012.

3. Find that the retrocession of exclusive legislative jurisdiction and the establishment of concurrent legislative jurisdiction are in the best interest of the state because it will allow state and local law enforcement officials to enforce state and local laws on the affected lands.
4. Accept a retrocession of exclusive legislative jurisdiction and establish concurrent legislative jurisdiction over a portion of lands known as the United States Department of Agriculture Regional Research Center, 800 Buchanan Street, Albany, California as more particularly described in Exhibit A hereto.
5. Authorize the filing of copies of the Commission's action with the Alameda County Recorder and in the Commission's files.

EXHIBIT A

RETROCESSION OF EXCLUSIVE LEGISLATIVE JURISDICTION AND ESTABLISHMENT OF CONCURRENT LEGISLATIVE JURISDICTION AT 800 BUCHANAN STREET, ALBANY, CA

LEGAL DESCRIPTION

Revocable Permit Areas

The Parcels of land situated south of the southerly side of Buchanan Street between the Southern Pacific Company's Right of Way and Taylor Street in the City of Albany, County of Alameda, State of California, being a portion of the 11.62 acre and 5 acre United States Department of Agriculture (USDA) parcels of land described in the deeds recorded May 22, 1939 in Book 3780, Pages 81-84, in the Alameda County Records, as shown on the Survey Map filed August 5, 1999 in Book 23 of Records of Survey at Pages 84-86 (ROS 1583), in the Alameda County Records, and being more particularly described as follows:

Parcel One

Commencing at the northwesterly corner of the 11.62 acre USDA parcel (3780 OR 82-84) as shown on said ROS 1583 (R/S 23, PG. 84-86) at the intersection of southerly Right of Way line of Buchanan Street with the easterly line of the 100 feet wide Southern Pacific Company "main line" Right of Way, this point being the most westerly corner of said 11.62 acre USDA parcel of land; thence proceeding easterly along said southerly line of Buchanan Street, North 88°08'37" East, 156.51 feet to the **True Point of Beginning** (POB), this point also being the northeasterly corner of an 0.058 acre parcel of land permitted for use by the United States of America to the State of California, dated September 13, 1957, and shown on the State of California's Right of Way Record Map R89.18; thence from said POB along the southerly line of Buchanan Street, North 88°08'37" East (said southerly described as North 86°55' East in the Revocable Permit granted to the City of Albany by USDA on May 22, 1963, on file at the City Albany, Resolution 63-19), 93.50 feet to the northwest corner of a 5 acre parcel of land conveyed by deed dated May 9, 1939 to the United States of America, Recorded May 22, 1939, in Volume 3780, page 81 and 82 of Official Records of the Alameda County; thence continuing along the southerly line of Buchanan Street North 88°08'37" East, 500.00 feet to the northeast corner of said 5 acre parcel (3780 OR 81-82); thence continuing along said southerly line of Buchanan Street, North 88°08'37" East, 280.00 feet to the northeasterly corner of said 11.62 acre USDA parcel of land (3780 OR 82-84) as shown on said ROS 1583; thence South 1°51'23" East, 43.50 feet along the easterly line of said 11.62 acre USDA parcel of land (3780 OR 82-84); thence South 88°08'37" West, 140.79 feet to a non-tangent curve to the left of which the center bears South 41°13'44" West;

thence northwesterly along said non-tangent curve, having a radius of 44.50 feet, through a central angle of 43°05'24", an arc length of 33.47 feet; thence South 88°08'37" West, 108.81 feet to the easterly line of said 5 acre parcel (3780 81-82); South 88°08'37" West, 175.43 feet to a tangent curve to a tangent curve to the left; thence along said tangent curve, having a radius of 400.00 feet, through a central angle of 14°02'10", an arc length of 97.99 feet; thence South 74°06'27" West, 233.19 feet; thence South 1°51'23" East, 15.80 feet; thence South 88°08'37" East, 1.33 feet to the westerly line of said 5 acre parcel (3780 81-82); thence South 88°08'37" West, 4.16 feet to tangent curve to the right; thence northwesterly along said tangent curve, having a radius of 84.00 feet, through a central angle of 61°23'00", an arc length of 89.99 feet; thence South 79°31'37" West, 159.40 feet to a point on said easterly line of the 100 feet wide Southern Pacific Company "main line" Right of Way and the westerly line of said 11.62 acre USDA parcel (3780 OR 82-84); thence North 10°27'15" West, 69.69 feet along said Southern Pacific Company "main line" Right of Way to the southwesterly corner of said 0.058 acre parcel of land permitted for use by the United States of America to the State of California; thence North 79°59'07" East, 114.91 feet along the southerly line of said 0.058 acre parcel to a tangent curve to the right, thence along said tangent curve, having a radius of 272.53 feet, through a central angle of 8°09'28", an arc length of 38.80 feet; thence North 01°51'25" West, 7.94 feet to the **True Point of Beginning**

CONTAINING 55,446 square feet, (1.273 acres) more or less.

Parcel Two

Beginning at the northwesterly corner of the 11.62 acre USDA parcel (3780 OR 82-84) as shown on said ROS 1583 (R/S 23, PG. 84-86) at the intersection southerly Right of Way line of Buchanan Street with the easterly line of the 100 feet wide Southern Pacific Company "main line" Right of Way, this point being the most westerly corner of said 11.62 acre USDA parcel of land, also being the northwest corner of an 0.058 acre parcel of land permitted for use by the United States of America to the State of California, dated September 13, 1957; thence proceeding easterly along said southerly line of Buchanan Street, North 88°08'37" East (said southerly line shown as North 88°09'30" East on the State of California's Right of Way Record Map R89.18), 156.51 feet to the northeasterly corner of said 0.058 acre parcel of land, thence along the perimeter of said 0.058 acre parcel of land, South 01°51'25" East, 7.94 to a non-tangent curve to the left of which the center bears South 01°51'25" East; thence southwesterly along said non-tangent curve, having a radius of 272.53 feet, through a central angle of 8°09'28" an arc length of 38.80 feet; thence South 79°59'07" West, 114.91 feet to a point the easterly line of the 100 feet wide Southern Pacific Company "main line" Right of Way, this point being on the westerly line of said 11.62 acre USDA parcel of land; thence North 10°27'15" West, 27.31 feet along said Southern Pacific Company and 11.62 acre USDA parcel to the point of **beginning**.

CONTAINING 2542 square feet, (0.058 acres) more or less.

Bikeway Easement

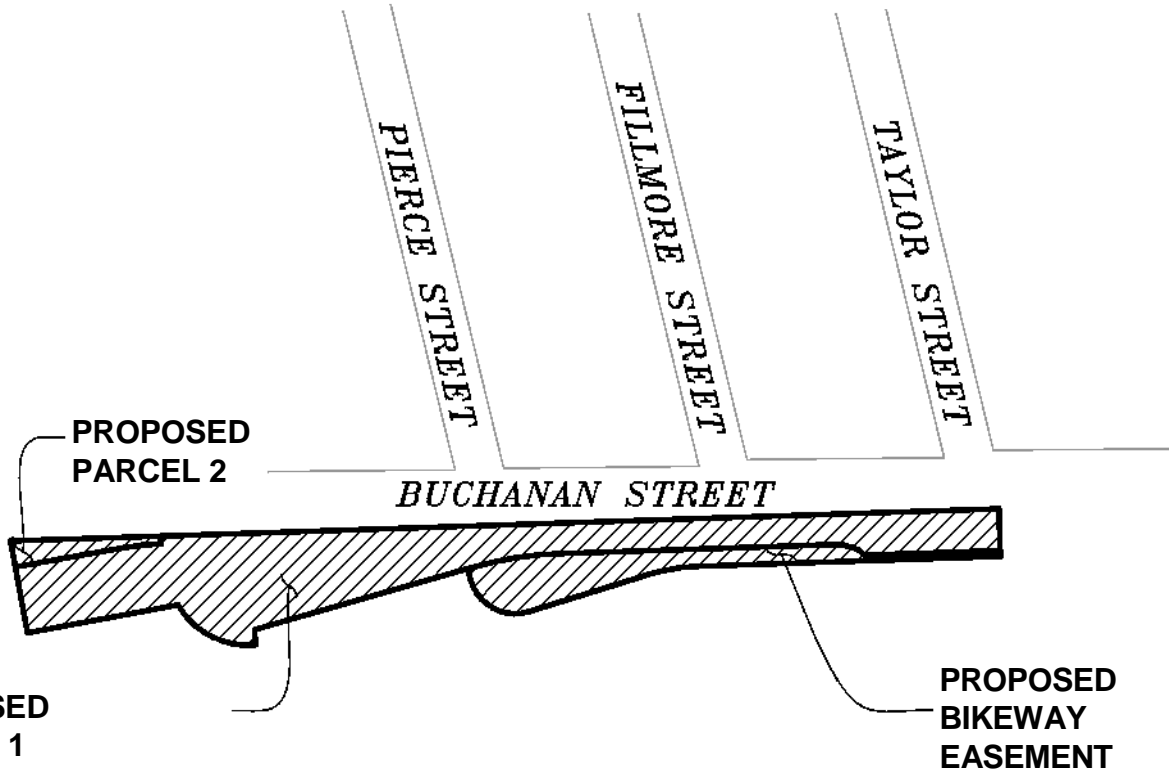
A Bikeway Easement situated south of the southerly side of Buchanan Street between Pierce Street and Taylor Street in the City of Albany, County of Alameda, State of California, being a portion of the United States Department of Agriculture (USDA) parcel of land described in a deed recorded May 22, 1939 in Book 3780, Pages 81-84, in the Alameda County Records, as shown on the Survey Map filed August 5, 1999 in Book 23 of Records of Survey at Pages 84-86 (ROS 1583), in the Alameda County Records, and being more particularly described as follows:

Commencing at the northeasterly corner of said USDA parcel (3780 OR 81-84) as shown on said ROS 1583 (R/S 23, PG. 84-86) also being an angle point on the southerly Right of Way line of Buchanan Street; thence proceeding southerly along the easterly line of said parcel, South 1°51'23" East, 43.50 feet to the southeasterly corner of the parcel of land described in the Revocable Permit granted to the City of Albany by USDA on May 22, 1963, on file with said City (Resolution 63-19), being the **True Point of Beginning**; thence leaving said easterly parcel line (3780 OR 81-84) and following the southerly line of said Revocable Permit parcel along the follow courses and distances, South 88°08'37" West, 140.79 feet to a non-tangent curve to the left of which the center bears South 41°13'44" West; thence northwesterly along said non-tangent curve, having a radius of 44.50 feet, through a central angle of 43°05'24", an arc length of 33.47 feet; thence South 88°08'37" West, 284.24 feet to a tangent curve to the left; thence along said tangent curve, having a radius of 400.00 feet, through a central angle of 14°02'10", an arc length of 97.99 feet; thence South 74°06'27" West, 2.71 feet; thence leaving said southerly line of Revocable Permit land, South 15°53'00" East, 12.22 feet to a tangent curve to the left; thence along said tangent curve to the left, having a radius of 48.00 feet, through a central angle of 91°13'06", an arc length of 76.42 feet; thence North 72°53'54" East, 130.51 feet to a tangent curve to the right, thence along said tangent curve to the right, having a radius of 193.51 feet, through a central angle of 15°09'23", an arc length of 51.19 feet; thence North 88°08'37" East, 316.42 feet to the easterly line of said USDA parcel (3780 OR 81-84); thence along said easterly line (3780 OR 81-84) North 1°51'23" West, 6.00 feet to the **True Point of Beginning**.

CONTAINING 12,996 square feet, more or less.

NO SCALE

SITE

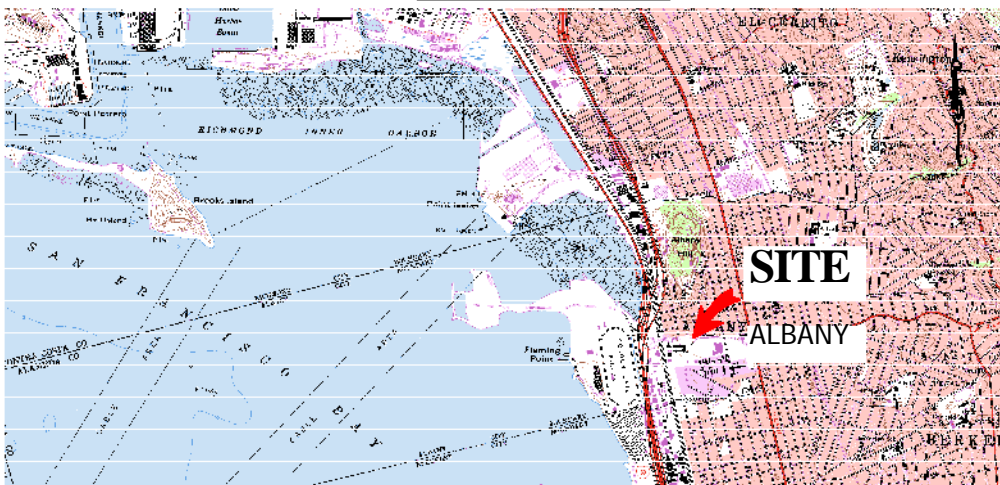


APN 066-2692-001-00

800 BUCHANAN STREET, ALBANY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 25991
 U.S.D.A.
 RETROCESSION OF
 LEGISLATIVE
 JURISDICTION
 ALAMEDA COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.