

MINUTE ITEM

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

CALENDAR ITEM

28.

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 COM-
PARED 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 31 DAY OF Aug.
A.D. 1980

3/80
W 21415

Frey

Robert Faber

CESSION 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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81-150297

PR

RECORDING REQUESTED BY
AND MAIL TO
CALIFORNIA STATE LANDS COMM.
ATT: JAMES S. FREY
1807 13TH STREET
SACRAMENTO, CA 95814

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. (CONTD)

- 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.

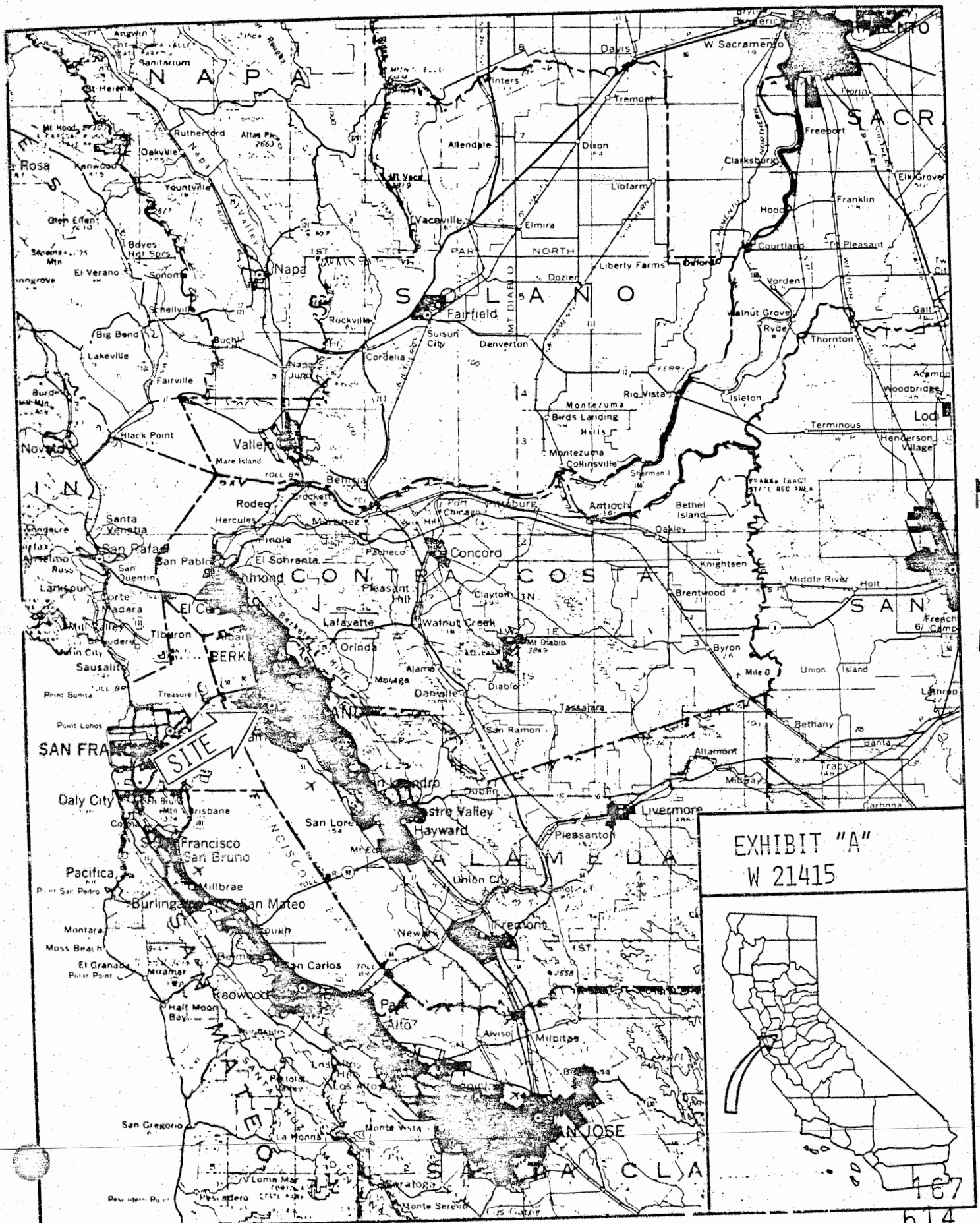


EXHIBIT "A"
W 21415

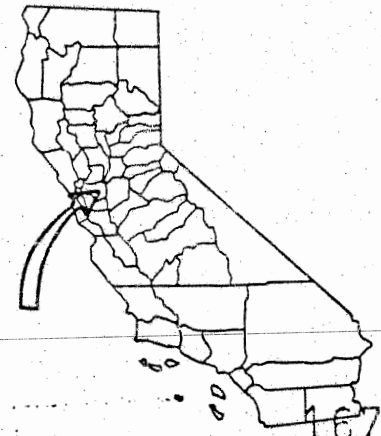


EXHIBIT "B"
LAND DESCRIPTION

81-150297
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:

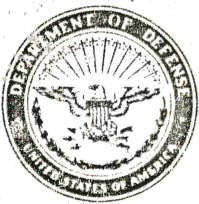
Thence, N 83° 05' 20" W, 1824.89 feet, along the Southerly line of 14th Street, to a point on the "Agreed Low Tide Line of 1852";

Thence, N 39° 50' 03" E, along the "Agreed Low Tide Line of 1852", 95.78 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.



DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

23 JUL 1981

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 COM-
PARED BY THE UNDERSIGNED WITH THE ORIGINAL AND
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IN WITNESS WHEREOF, THE UNDERSIGNED
HAS EXECUTED THIS CERTIFICATE AND
AFFIXED THE SEAL OF THE STATE LANDS
COMMISSION THIS 31st DAY OF *aug*
A.D. 1981

Robert Faber

State Lands Commission
State of California
1807 - 13th Street
Sacramento, California 95814

Gentlemen:

The United States presently exercises concurrent jurisdiction with the State of California over an area of 423.796 acres of land at Oakland Army Base, Oakland, California. The base is divided by a section of 14th Street located on and within its geographical boundaries. This street constitutes the main entrance to the closed portion of the installation and is under the exclusive jurisdiction of the State of California.

This section of 14th Street comprising 3.37 acres of land has recently been acquired in fee by the United States but because of the lack of jurisdiction Federal authorities are unable to share responsibility for traffic control and law enforcement.

At the request of Mr. Morgan Wheeler, Chief, Real Estate Division, United States Army Corps of Engineers, Sacramento, and pursuant to Section 126 of the Government Code of the State of California, you met on 19 March 1980 and voted affirmatively to grant concurrent criminal jurisdiction to the United States having found that the conditions of that section had been met.

Under this section concurrent criminal jurisdiction will vest in the United States when a notice is received by you that the United States has accepted concurrent criminal jurisdiction pursuant to Title 40, United States Code, Section 255; and the filing of the State Lands Commission calendar item and this letter of acceptance with the Secretary of State, State of California, and the County Recorder of Alameda County. Exhibit A attached to the calendar item indicates the location of the site, Exhibit B contains its legal description.

Pursuant to the authority in Title 40, United States Code, Section 255, notice is hereby given that the United States accepts such jurisdiction as necessary for the State of California and the United States to share concurrent criminal jurisdiction over that section of 14th Street located on and within the geographical boundaries of Oakland Army Base.

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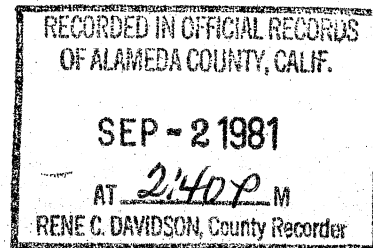
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It is respectfully requested that receipt of this notice be acknowledged by filling out the certificate on the duplicate copy hereof and returning the copy to me, and that this notice be processed in accordance with Section 126 of the Government Code of the State of California. I would also very much appreciate being advised of further action taken on this matter.

Sincerely,

John O. Marsh, Jr.

John O. Marsh, Jr.
Secretary of the Army



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