

RECORDED AT THE REQUEST OF
AND WHEN RECORDED MAIL TO:
STATE OF CALIFORNIA
State Lands Commission
1807 13th Street
Sacramento, CA 95814
Attn: Legal Unit
Telephone: (916) 322-2277

1982

DOC # 1993-0799890
29-NOV-1993 03:59 PM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
ANNETTE EVANS, COUNTY RECORDER
FEES: 0.00

**STATE OF CALIFORNIA-OFFICIAL
BUSINESS** - Document entitled
to free recordation Pursuant
to Government Code Section 27383

ACCEPTANCE OF RETROCESSION OF LEGISLATIVE JURISDICTION

Streets & Highways Code 77.5

Whereas the United States acting buy and through the Department of the Navy by letter dated October 22, 1993, has requested that the State of California accept a retrocession of legislative jurisdiction over portions of the right of way for State Highway 209, across a portion of Pueblo Lots 66, 102 and 103 on Point Loma in the City of San Diego, County of San Diego as more particularly described in Exhibit A hereto; and

Whereas the California Streets and Highways Code Section 77.5 authorizes the Governor of the State of California to accept such a retrocession;

Now, Therefore, I, Pete Wilson, Governor of the State of California, by virtue of the power vested in me by Section 77.5 of the Streets and Highways Code, hereby accept the retrocession of legislative jurisdiction over that portion of State Highway 209 across portions of Pueblo Lots 66, 102 and 103 on Point Loma in the City of San Diego, County of San Diego as more particularly described in Exhibit A hereto.



GOVERNOR
STATE OF CALIFORNIA

Date: November 6, 1993



EXHIBIT "A"

DEPARTMENT OF THE NAVY
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO, CA 92132-5190

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Ser 09C/5158

OCT 22 1993

The Honorable Pete Wilson
Governor of California
State Capitol
Sacramento, California 95814

Dear Governor Wilson:

The United States of America hereby retrocedes to the State of California all legislative jurisdiction over the parcel of land in San Diego County, California, described in enclosure (1). The parcel is a strip of land adjoining Navy property lying north of the boundary of the Point Loma Naval Complex. The State of California holds an easement over the parcel for a portion of State Highway 209, also known as Catalina Boulevard.

The United States of America acquired the parcel by Declaration of Taking filed April 30, 1942, in the District Court of the United States for the Southern District of California, Southern Division, in the case of the United States of America v. 60 acres of land, more or less, in the City and County of San Diego, State of California, Howard Throckmorton, et al., Civil No. 170. Legislative jurisdiction was acquired pursuant to Section 34 of the Political Code of California, 1937, by acceptance thereof by letter dated December 23, 1942, from James Forrestal, Secretary of the Navy, to the Honorable Cuthbert Olsen, Governor of the State of California, a copy of which is attached as enclosure (2).

Retrocession of legislative jurisdiction to the State of California is desirable because the entire area of the parcel described in enclosure (1) is a public highway of the State of California and regulation of personal conduct and vehicle operation within the area would be most appropriately accomplished by enforcement of California state and local laws, ordinances, and regulations by state and local law enforcement agencies.

This retrocession of legislative jurisdiction is made pursuant to Section 77 of the California Streets and Highways Code which establishes your authority to execute and deliver acceptance of the retrocession for the State of California.

This retrocession is made under the authority given the Secretary of the Navy by Section 2683 of Title 10, United States Code, delegated by the Secretary of the Navy to the Commander, Naval Facilities Engineering Command, by Secretary of the Navy Instruction 11011.45 dated May 28, 1975, as delegated by the Commander, Naval Facilities Engineering Command, to me as Commanding

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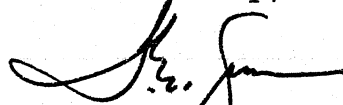
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Ser 09C/5158

OCT 22 1993

Officer, Southwest Division, Naval Facilities Engineering Command
by paragraph 14(b) of chapter 21 of the Navy Real Estate Procedural Manual (NAVFAC P-73) of June 1976.

Your expeditious acceptance of this retrocession would be very much appreciated.

Sincerely,



T. E. GUNN
Captain, CEC, U.S. Navy
Commanding Officer

Encl:

- (1) Legal description
- (2) Secretary of the Navy
ltr dtd Dec 23, 1942

Copy to:
Commander
Naval Facilities Engineering Command
200 Stovall Street
Alexandria, Virginia 22332-2300

Commanding Officer
Naval Command, Control and Ocean
Surveillance Center, RDT&E Division
San Diego, California 92152-5000

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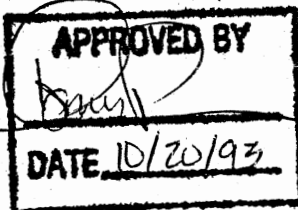
DESCRIPTION OF A PORTION OF HIGHWAY 209
ACROSS THE "PACIFIC FLEET COMBAT TRAINING CENTER"
POINT LOMA, SAN DIEGO, CALIFORNIA

ALL OF THE REAL PROPERTY ENCUMBERED BY THE RIGHT-OF-WAY FOR THE STATE ROAD, HIGHWAY 209, ACROSS A PORTION OF PUEBLO LOTS 66, 102 AND 103, ON POINT LOMA, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS ACQUIRED BY THE UNITED STATES OF AMERICA IN CIVIL NO. 170-SD, COMPLAINT IN CONDEMNATION AND DECLARATION OF TAKING FILED 30 APRIL 1942 AND JUDGEMENT AND DECREE IN CONDEMNATION FILED 12 JANUARY 1943, SHOWN ON THE REAL ESTATE SUMMARY MAP FOR THE "PACIFIC FLEET COMBAT TRAINING CENTER", POINT LOMA, SAN DIEGO, CALIFORNIA AND MORE PARTICULARLY DESCRIBED PER STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION DISTRICT II RIGHT-OF-WAY MAP NO. 62504.

BEING A STRIP OF LAND, 80 FEET IN WIDTH, 40 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTER LINE: BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF HIGHWAY 209 WITH THE NORTHERLY BOUNDARY OF THE POINT LOMA MILITARY RESERVATION, STATION 0+00.00, PER SAID RIGHT-OF-WAY MAP, SAID POINT BEING ON A PORTION OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 300.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $06^{\circ}55'35''$, A DISTANCE OF 36.72 FEET TO A POINT OF TANGENCY; THENCE ALONG SAID TANGENT LINE NORTH $12^{\circ}37'21''$ EAST, A DISTANCE OF 899.87 FEET TO THE TERMINUS OF THIS DESCRIPTION. THE SIDE LINES ARE TO BE SHORTENED OR LENGTHENED TO MEET THE NORTHERN BOUNDARY OF SAID MILITARY RESERVATION AND A LINE PERPENDICULAR TO SAID CENTER LINE THROUGH THE POINT OF TERMINUS OF THIS DESCRIPTION.

EXCEPTING THEREFROM ANY PORTION WHICH MIGHT LIE ON PROPERTY OWNED BY THE CITY OF SAN DIEGO AND USED AS A WATER RESERVOIR SITE.

SAID PARCEL CONTAINS 1.67 ACRES MORE OR LESS.



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NAVY DEPARTMENT
Washington

December 23, 1942

Sir:

An Act of Congress approved October 9, 1940 (54 Stat., 1083), provides that in any case where a state cedes jurisdiction over lands within its borders to the United States, the head or authorized officer of any department or independent establishment or agency of the Government having custody of such lands, shall, if such jurisdiction be accepted on behalf of the United States, file a notice of such acceptance with the Governor of the State ceding such jurisdiction.

Pursuant to a Declaration of Taking filed April 30, 1942, in the District Court of the United States for the Southern District of California, Southern Division, the United States acquired fee simple title to certain lands in the case of the United States of America v. 60 acres of land, more or less, in the City and County of San Diego, State of California, Howard Throckmorton, et al. Civil No. 170. These lands were acquired by the United State under the authority of and Act of Congress approved August 21, 1941, (Public Law 241, 77th Congress), for use in connection with the expansion of the Point Loma Radio and Bound Station at San Diego, San Diego County, California.

Pursuant to the provisions of the aforesaid Act, jurisdiction is hereby accepted on behalf of the United States in the manner and form granted by an Act of California Legislature approved March 12, 1872, (Section 34 of the Political Code of California, 1937), over the aforementioned land in the custody of the Navy Department, to wit:

Those portions of Pueblo Lots 65, 66, 67, 101, 102, 103, 105 and 129 of the Pueblo Lands of the City of San Diego, California, according to the map thereof by James Pascoe, a copy of which said map is filed in the office of the Recorder of San Diego County and is known as Miscellaneous Map No. 36, described as follows:

Beginning at a point on the Northerly line of the U.S. Military Reservation, distant thereon South 89° 57' 40" East, 307.86 feet from the point of intersection of said Northerly line of U.S. Military Reservation and the Easterly line of P. L. 102; thence North 12° 59' 30" East along a line parallel with and distant 300 feet, Easterly from said Easterly line of P. L. 102, a distance of 645.34 feet to a point on the Easterly prolongation of the Northerly line of said P. L. 102, along the Northerly line of P. L. 102, and along its Westerly prolongation, a distance of 1278.81 feet to a point on the West line of Catalina Boulevard; thence North 89° 57' 40" West along a line parallel with the Northerly line of the U.S.

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Military Reservation, a distance of 2,035 feet, more or less, to the Mean High Tide Line of the Pacific Ocean; thence Southerly along said Mean High Tide Line to the said Northerly line of the U.S. Military Reservation; thence South 89° 57' 40" East along said Northerly line of said Military reservation 1,874.18 feet, more or less, to a point on the North line of said U.S. Military Reservation, the Southwest corner of property of the City of San Diego, used as water reservoir site; thence North 12° 36' 50" East 209.35 feet; thence South 77° 32' 20" East 178.90 feet; thence South 12° 36' 50" West 170.42 feet to the North line of said U.S. Military Reservation; thence South 89° 57' 40" East 1,076.52 feet to the place of beginning, containing 60 acres of land, more or less.

There are enclosed two carbon copies of this letter of acceptance. Their return in the enclosed franked envelope with you endorsement thereon of the time of the receipt of the acceptance will be appreciated. One copy will be forwarded to the Attorney General and the other retained in the files of the Navy Department.

Very truly yours,

Original signed by
James Forrestal
Secretary of the Navy

Enclosures (2)

cc: Attorney General

Original of this letter received and filed on the 31 day December 1942 by Culbert Olson, Governor of California.