

MINUTE ITEM

This Calendar Item No. 49
was approved as Minute Item
No. 619 by the State Lands
Commission by a vote of 2
0 at its 12-16-80
meeting.

CALENDAR ITEM

49

12/80
W 22434
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CESSION OF CONCURRENT CRIMINAL JURISDICTION
TO THE UNITED STATES OF AMERICA OVER
MOFFETT HOMES-ORION PARK,
MOFFETT NAVAL AIR STATION,
SANTA CLARA COUNTY

Pursuant to Government Code, Section 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.

By letter dated December 14, 1979, the United States Navy requested a cession of concurrent criminal jurisdiction over Moffett Homes-Orion Park, Moffett Naval Air Station, Santa Clara County, California. The parcel in question comprises approximately 83.92 acres. Calendar Item 44, June 1980, authorized Commission staff to conduct a public hearing pursuant to Government Code, Section 126. The hearing was held on November 24, 1980. 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 NOVEMBER 24, 1980, COMPLIED WITH THE STATUTES AND REGULATIONS FOR THE CESSION OF CONCURRENT CRIMINAL

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CALENDAR PAGE	<u>207</u>
MINUTE PAGE	<u>2947</u>

CALENDAR ITEM NO. 49 (CONTD)

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 FURVIEW 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, SECTION 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.
 - 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. CEDE THE REQUESTED CONCURRENT CRIMINAL JURISDICTION OVER MOFFETT HOMES-ORION PARK, MOFFETT NAVAL AIR STATION, SANTA CLARA COUNTY, CALIFORNIA. SAID CESSION TO BE EFFECTIVE UPON APPROVAL OF THIS CALENDAR ITEM BY THE COMMISSION AND THE RECORDATION OF ALL NECESSARY DOCUMENTS.
 4. AUTHORIZE THE DISTRIBUTION OF CERTIFIED COPIES OF SAID RESOLUTION AS FOLLOWS:

CALENDAR ITEM NO. 49 (CONTD)

- 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 SANTA CLARA COUNTY:
- C. ONE COPY TO BE MAILED TO MR. F. S. STERNS, DEPUTY
ASSISTANT COMMANDER FOR REAL ESTATE, NAVAL FACILITIES
ENGINEERING COMMAND, 200 STOVALL STREET, ALEXANDRIA,
VIRGINIA 22332.

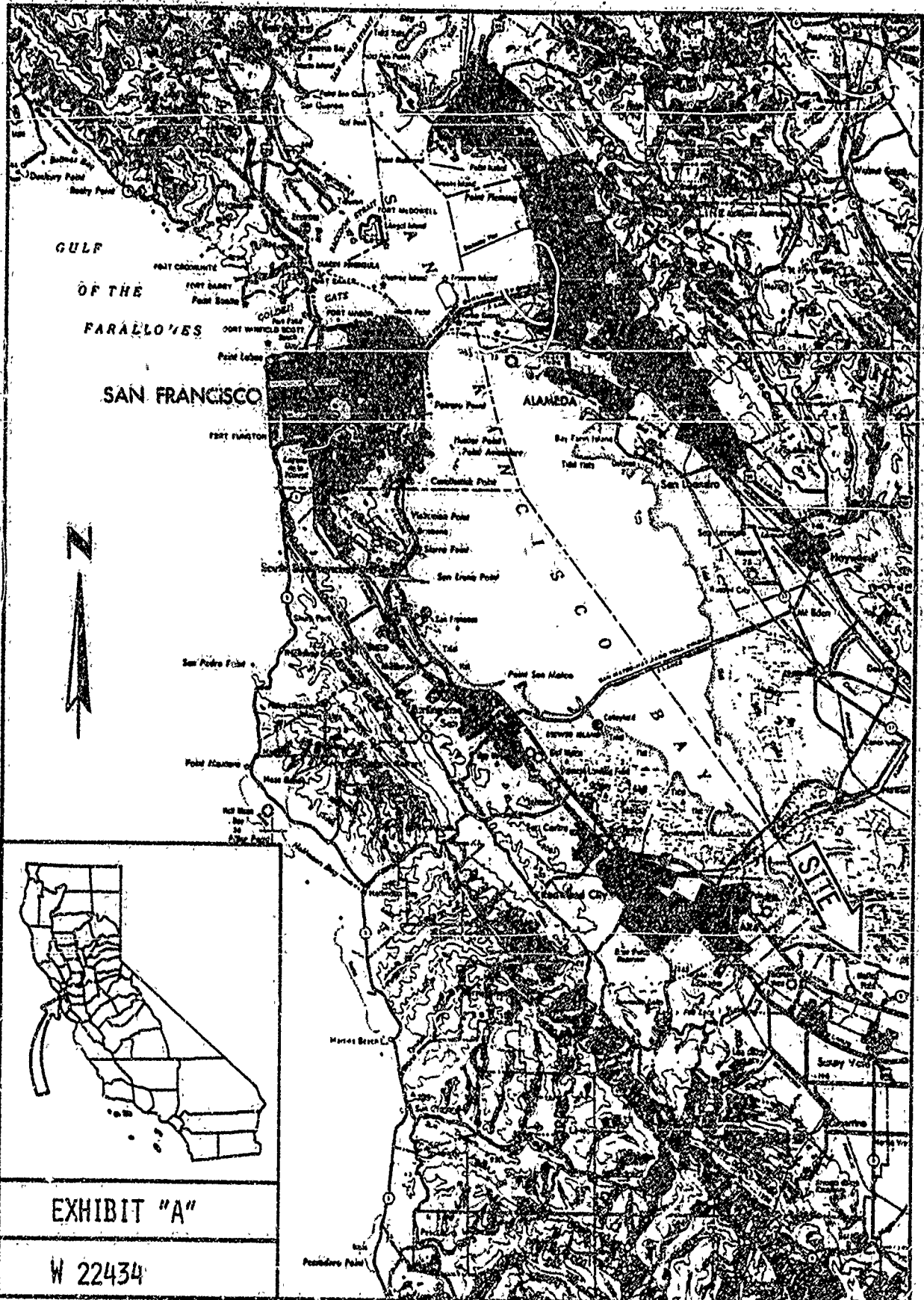


EXHIBIT "A"

W 22434

CALENDAR PAGE	210
MINUTE PAGE	2950

EXHIBIT "B"

LEGAL DESCRIPTION

W 22434

A parcel of land known as Moffett Housing of the Naval Air Station, Moffett Field, Sunnyvale, California, lying in the County of Santa Clara, State of California, described as follows:

BEGINNING at a point on the westerly line of said Moffett Field being described as a concrete monument set in the center of Section 15, Township 6 South, Range 2 West as described in Civil No. 21747 filed in the District Court of the United States for the Northern District of California, Southern Division; dated January 6, 1941.

- (1) Thence, northerly along said westerly line, North $0^{\circ}15'00''$ East, 696.66 feet to a point on the northerly line of said Civil 21747;
- (2) Thence easterly along said northerly line, South $89^{\circ}56'48''$ East, 13.89 feet to southwest corner of Parcel 2 as described in Deed recorded in Book 7432, page 376, of said county, dated July 6, 1966;
- (3) Thence, northerly along the westerly line of said Parcel 2, North $15^{\circ}17'56''$ East, 165.40 feet;
- (4) Thence, continuing northerly along the westerly line of said Parcel 2, North $15^{\circ}17'56''$ East, 181.29 feet;
- (5) Thence, continuing northerly along said westerly line, North $1^{\circ}15'35''$ East, 50.00 feet;
- (6) Thence, continuing northerly along said westerly line, North $0^{\circ}14'02''$ East, 440.19 feet;
- (7) Thence, westerly along the boundary line as mentioned in said Parcel 2 in said deed (7432-or-376), North $89^{\circ}45'58''$ West 10.00 feet to westerly line of said Parcel 2;
- (8) Thence, northerly along said westerly line, North $0^{\circ}14'02''$ West, 878.36 feet to the northwesterly corner of said Parcel 2;
- (9) Thence, easterly along the northerly line of said Parcel 2, South $86^{\circ}57'00''$ East, 207.30 feet;
- (10) Thence, continuing along said northerly line, East 80.40 feet to the easterly line of said Parcel 2 and Moffett Boulevard;
- (11) Thence, along said easterly line, South 1633.00 feet to the southerly line of said Parcel 2;
- (12) Thence, along said southerly line, West 50.00 feet to the westerly line of said Moffett Boulevard and the easterly line of said Civil 21747;
- (13) Thence, southerly along said westerly line of Moffett Boulevard and said easterly line of Civil 21747, South 294.41 feet;

CALENDAR PAGE

271

MINUTE PAGE

2951

- (14) Thence, continuing southerly along said westerly line of Moffett Boulevard and said easterly line of Civil 21747 on a curve to the left, having a radius of 279.41 feet through a central angle of $32^{\circ}37'30''$ for an arc distance of 158.95 feet;
- (15) Thence, continuing southerly along said westerly line of Moffett Boulevard and said easterly line of Civil 21747, South $32^{\circ}37'30''$ East, 65.44 feet;
- (16) Thence, continuing southerly along said westerly line of Moffett Boulevard and said easterly line of Civil 21747 on a curve to the right, having a radius of 225.00 feet, through a central angle of $48^{\circ}00'00''$ for an arc distance 188.50 feet;
- (17) Thence, continuing southerly along said westerly line of Moffett Boulevard and said easterly line of Civil 21747, South $15^{\circ}22'30''$ West, 13.83 feet to the southeasterly corner of said Civil 21747 and the northeasterly corner of Parcel 1 as described in said Deed (7432-or-376);
- (18) Thence, continuing southerly along said westerly line of Moffett Boulevard and the easterly line of said Parcel 1, South $16^{\circ}18'47''$ West, 107.58 feet to the southerly line of said Parcel 1;
- (19) Thence, westerly along said southerly line, South $68^{\circ}24'47''$ West, 150.51 feet;
- (20) Thence, continuing westerly along said southerly line South $73^{\circ}46'27''$ West, 427.72 feet;
- (21) Thence, continuing westerly along said southerly line on a curve to the left having a radius of 1050 feet, through a central angle of $15^{\circ}52'35''$ for an arc distance of 290.95 feet;
- (22) Thence, continuing westerly along said southerly line, South $57^{\circ}53'52''$ West, 403.82 feet;
- (23) Thence, continuing westerly along said southerly line on a curve to the right having a radius of 200.00 feet, through a central angle of $54^{\circ}10'07''$ for an arc distance of 189.08 feet;
- (24) Thence, continuing westerly along said southerly line, North $67^{\circ}56'01''$ West, 141.87 feet to the west line of said Parcel 1;
- (25) Thence, northerly along the west line of said Parcel 1, North $2^{\circ}49'56''$ West; 130.13 feet;
- (26) Thence, continuing northerly along the west line of said Parcel 1, North $1^{\circ}39'27''$ East, 102.02 feet;
- (27) Thence, continuing northerly along the west line of said Parcel 1, on a curve to the right having a radius of 749.96 feet, a central angle of $9^{\circ}26'04''$ for an arc distance of 123.49 feet;
- (28) Thence, continuing northerly along the west line of said Parcel 1, North $11^{\circ}05'31''$ East, 224.91 feet;

LEGAL DESCRIPTION

-3-

- (29) Thence, easterly along said Parcel 1 boundary line, North $84^{\circ}52'34''$ East, 202.45 feet to the southerly line of said Civil 21747;
- (30) Thence, westerly along said southerly line of Civil 21747, North $89^{\circ}06'55''$ West, 201.16 feet to the POINT OF BEGINNING.

Said parcel of land contains 83.92 acres, more or less, and as shown on U.S. Navy drawing identified as NAVFAC Dwg. No. 6117881, and WESTDIV Dwg. No. A-104038.

END OF DESCRIPTION

THIS DESCRIPTION PREPARED BY APPLICANT AND REVIEWED BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

CALENDAR PAGE	213
MINUTE PAGE	2953