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**GOVERNMENT CODE - GOV**

**TITLE 4. GOVERNMENT OF CITIES [34000 - 45345]** ( Title 4 added by Stats. 1949, Ch. 79. )

**DIVISION 3. OFFICERS [36501 - 41805]** ( Division 3 added by Stats. 1949, Ch. 79. )

**PART 2. LEGISLATIVE BODY [36801 - 40592]** ( Part 2 added by Stats. 1949, Ch. 79. )

**CHAPTER 9. Discontinuance of Parks [38400 - 38510]** ( Chapter 9 added by Stats. 1949, Ch. 79. )

**ARTICLE 1. Parks Dedicated by Original Town Site Map or Plat [38400 - 38418]** ( Article 1 added by Stats. 1949, Ch. 79. )

**38400.** As used in this article, "original dedicator" includes any person, or that person's successors and assigns, who has dedicated any land in the city for use as a public park.

(Amended by Stats. 2018, Ch. 467, Sec. 26. (SB 1498) Effective January 1, 2019.)

**38401.** "Abutting property" includes any property adjoining, or fronting on the park.

(Added by Stats. 1949, Ch. 79.)

**38402.** As used in this article, "interested person" means any person owning an interest in the park or the land embraced within it as reversioner, remainderman, abutting property owner, or otherwise.

(Added by Stats. 1949, Ch. 79.)

**38403.** The legislative body may abandon a park and sell the land comprising it pursuant to this article when:

- (a) A plat or map of a town site has been recorded in the county recorder's office purporting to dedicate land within the site as a public park.
- (b) The town site has thereafter become part of a city.
- (c) The legislative body finds that the land is not appropriate, convenient, or necessary for park purposes.
- (d) The original dedicator consents.
- (e) The legislative body has acquired an option to purchase other lands of at least equal area.

(Added by Stats. 1949, Ch. 79.)

**38404.** Proceedings are initiated when the legislative body adopts a resolution of intention, describing the park and the property to be acquired from the sale proceeds, and fixing a time at least thirty days after adoption of the resolution when it will take final action on the abandonment.

(Added by Stats. 1949, Ch. 79.)

**38405.** The resolution shall be published once a week for at least the three weeks before the day fixed for final action, in a newspaper of general circulation published in the city, or if there is none, in a newspaper designated by the legislative body which is published in the county. Not less than four copies of the resolution shall be posted conspicuously not more than one hundred feet apart along the boundaries of the park.

(Added by Stats. 1949, Ch. 79.)

**38406.** At the time fixed, the legislative body shall meet and hear and pass on protests to abandonment of the park. Any interested person may protest at the meeting. Failure of an interested person to protest is conclusive evidence that the person consents to the abandonment.

(Amended by Stats. 2018, Ch. 467, Sec. 27. (SB 1498) Effective January 1, 2019.)

**38407.** If the original dedicator or the owners of a majority of the lots abutting on the park protest in writing, or the legislative body sustains the protests made at the meeting, the proceedings shall terminate and a new resolution of intention shall not be adopted for six months.

*(Added by Stats. 1949, Ch. 79.)*

**38408.** If the original dedicator does not protest, the majority of such owners do not protest in writing, and the other protests are overruled, the legislative body has jurisdiction to order the park abandoned.

*(Added by Stats. 1949, Ch. 79.)*

**38409.** Upon ordering the park abandoned, the legislative body shall appoint and fix the compensation of three appraisers to assess the damages to abutting property owners.

*(Added by Stats. 1949, Ch. 79.)*

**38410.** The appraisers shall proceed with diligence to determine the damages which will result to each parcel of abutting property, and file a written report of their findings with the legislative body.

*(Added by Stats. 1949, Ch. 79.)*

**38411.** Without delay the clerk shall give notice of the filing, stating the time and place the report will be considered by the legislative body, and require any person interested to show cause why the report should not be confirmed.

*(Added by Stats. 1949, Ch. 79.)*

**38412.** The notice shall be published for at least two weeks before the meeting in a newspaper published in the city, or if there is none, it shall be posted in three public places in the city for two weeks before the meeting.

*(Added by Stats. 1949, Ch. 79.)*

**38413.** At the time fixed, the legislative body shall pass on the report and any objections that are made to it. The legislative body may confirm, correct, or modify the report. It may adjourn the meeting from time to time.

*(Added by Stats. 1949, Ch. 79.)*

**38414.** Upon adoption of the report, warrants shall be drawn in favor of the owners to whom damages are allowed in the amount specified in the report. The warrants are payable out of the fund derived from the sale of the park lands.

*(Added by Stats. 1949, Ch. 79.)*

**38415.** The legislative body may employ and fix the compensation of such legal or other assistants as it deems necessary to sell the land for the best advantage to the city.

*(Added by Stats. 1949, Ch. 79.)*

**38416.** The legislative body may determine when and at what price or terms the land or any part of it will be sold.

Credit terms shall not exceed four years, and deferred payments shall bear interest at 7 percent.

*(Added by Stats. 1949, Ch. 79.)*

**38417.** When authorized by a majority vote of the legislative body, the mayor and clerk shall sign, acknowledge, and deliver a deed to the land in the name and under the seal of the city. When so executed and delivered, the deed conveys to the purchaser title in fee to the land described in the deed.

*(Added by Stats. 1949, Ch. 79.)*

**38418.** The sale proceeds shall be deposited in the city treasury in a special fund and used exclusively for the payment of damages and the purchase and improvement of other public grounds.

*(Added by Stats. 1949, Ch. 79.)*