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SB-1027 Parks: property transfer. (2015-2016)

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Senate Bill No. 1027

CHAPTER 232

An act relating to parks.

[Approved by Governor August 29, 2016. Filed with Secretary of State August 29, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1027, Nielsen. Parks: property transfer.

Existing law provides for the acquisition of public park property and facilities and compensation for that transfer under specified circumstances. The State Beach, Park, Recreational and Historical Facilities Bond Act of 1974 authorized the state to issue and sell bonds to provide funding for, among other things, grants to counties, cities, or cities and counties for the acquisition and development of real property for park, recreation area, beach, and historical purposes.

The Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act) authorizes the issuance of bonds for the purpose of financing a program for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, lake, riparian, reservoir, river, and coastal resources, as specified. The act prohibits the use of the grant funds unless the applicant has agreed to certain conditions, including, but not limited to, using the property only for the purposes for which the grant was made and making no other use or sale or other disposition of the property, except as authorized by a specific act of the Legislature. The act requires that, if the use of the property is changed to a use that is not permitted by the act or if the property is sold or otherwise disposed of, an amount equal to the amount of the grant, the fair market value of the real property, as specified, or the proceeds from the sale or other disposition be used by the grantee for a purpose authorized by the act or that this amount be reimbursed to the fund.

This bill would authorize the County of Tehama to transfer to the Evergreen Union School District certain parkland if the county and the district enter into an agreement with the Department of Parks and Recreation that transfers to the district all ongoing obligations of the county relating to the property, as specified, and certain other conditions are met.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Tehama.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. In accordance with Section 5096.343 of the Public Resources Code and notwithstanding Chapter 2.5 (commencing with Section 5400) of Division 5 of the Public Resources Code, the County of Tehama may transfer to the Evergreen Union School District the Noland Park property (Assessor's Parcel Number 004-270-020-1) if all of the following conditions are met:

(a) The county and the district enter into an agreement with the Department of Parks and Recreation that transfers to the district all ongoing obligations of the county relating to the property arising pursuant to any of the following:

(1) The State Beach, Park, Recreational and Historical Facilities Bond Act of 1974.

(2) The Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (Chapter 1.692 (commencing with Section 5096.300) of Division 5 of the Public Resources Code).

(3) The Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act (Chapter 3.2 (commencing with Section 5620) of Division 5 of the Public Resources Code).

(4) Any grant agreements entered into pursuant to paragraph (1), (2), or (3).

(b) The district ensures that the property is maintained and operated in perpetuity for park purposes.

(c) The recorded instrument transferring title from the county to the district contains an express condition and covenant that the property shall be used in perpetuity as a public park.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances of the County of Tehama due to the location of the Noland Park property in proximity to, and surrounded by, the elementary school operated by the Evergreen Union School District.