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SB-178 Parklands: Centerville Park. (2017-2018)

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Senate Bill No. 178

CHAPTER 458

An act relating to parklands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 03, 2017. Filed with Secretary of State October 03, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 178, Wieckowski. Parklands: Centerville Park.

The California Wildlife, Coastal, and Park Land Conservation Act (conservation act) authorizes grants to be made by the Department of Parks and Recreation to cities, counties, districts, and nonprofit organizations for specified purposes, including purposes related to parks. The conservation act requires property acquired, developed, rehabilitated, or restored pursuant to the conservation act to be used only for purposes of the conservation act and prohibits any other use of the property, except as authorized by the Legislature.

This bill would authorize the City of Fremont to transfer to the Fremont Unified School District up to 4.6 acres of parkland in Centerville Park if certain conditions are met, including that the transferred property only be used for a public school facility. The bill would require the city to sign an agreement with the department relating to the transfer that includes a requirement that the city spend no less than \$5,000,000 to develop a replacement neighborhood park by June 30, 2023.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. (a) For purposes of this section, the following terms have the following meanings:

- (1) "City" means the City of Fremont.
- (2) "Department" means the Department of Parks and Recreation.
- (3) "School district" means the Fremont Unified School District.
- (4) "Transferred property" means the parkland transferred from Centerville Park in the city to the school district.

(b) In accordance with Section 5919 of the Public Resources Code and notwithstanding Chapter 2.5 (commencing with Section 5400) of Division 5 of the Public Resources Code, the city may transfer to the school district up to 4.6 acres of parkland in Centerville Park, if all of the following conditions are met:

- (1) The city submits to the department a revised map of Centerville Park, with the revised acreage on or before June 1, 2018.

(2) The transferred property is used only for a public school facility.

(3) The city council adopts an ordinance or takes other binding action at a public meeting on or before March 1, 2018, that does all of the following:

(A) Identifies no less than four acres of Centerville Park property as replacement park property to be developed into a joint-use public park with the school district.

(B) Identifies no less than four acres of the property commonly known as "Dusterberry Park" as replacement park property to be developed into a neighborhood public park.

(C) Appropriates an amount of money that is equal to or greater than the fair market value of the transferred property, or the actual sales price of the transferred property, whichever amount is greater, to be used for the sole purposes of developing the replacement park property identified in subparagraph (A) into a joint-use public park with the school district, and the property identified in subparagraph (B) into a neighborhood public park.

(4) The city signs an agreement on or before June 1, 2018, with the department that includes all of the following:

(A) A requirement that the city shall spend no less than six million dollars (\$6,000,000) to develop the property identified in subparagraph (A) of paragraph (3) into a joint-use park with the school district by June 30, 2023.

(B) A requirement that the city shall spend no less than five million dollars (\$5,000,000) to develop the property identified in subparagraph (B) of paragraph (3) into a neighborhood public park by June 30, 2023.

(C) A transfer to the park properties identified in subparagraphs (A) and (B) of paragraph (3) of all ongoing obligations of the city connected with the transferred park property in accordance with the California Wildlife, Coastal, and Park Land Conservation Act (Division 5.8 (commencing with Section 5900) of the Public Resources Code) and any grant agreements entered into pursuant thereto.

(5) The city ensures that the properties identified in subparagraphs (A) and (B) of paragraph (3) are maintained and operated in perpetuity for park purposes.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to authorize the granting of property and urgently needed development of property at Centerville Park for school purposes in the City of Fremont, it is necessary that this act take effect immediately.