

AMENDED IN ASSEMBLY MAY 26, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2213**

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**Introduced by Assembly Member Tran**

February 22, 2006

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An act to amend Sections 1 and 2 of Chapter 761 of the Statutes of 2001, relating to state property.

LEGISLATIVE COUNSEL'S DIGEST

AB 2213, as amended, Tran. Department of Transportation: property transfer: City of Newport Beach.

Existing law requires the Department of Transportation to transfer a certain parcel of land in the City of Newport Beach to the Department of Parks and Recreation, for use as a park upon payment of consideration of \$1,356,485 by the City of Newport Beach. Existing law requires the funds to be deposited in the State Highway Account. Existing law makes the transfer of the property contingent on the execution of an agreement between the Department of Parks and Recreation and the City of Newport Beach that requires the city to perform all of the responsibilities related to, and to assume the liability for, the construction, operation, and maintenance of the park and its improvements.

This bill would instead ~~require~~ *authorize* the Department of Transportation to transfer that property to the City of Newport Beach for use as a park upon payment by the city of the fair market value of the property. The bill would authorize the deed transferring the property to include a restriction requiring the city to use the property for park purposes for at least 50 years.

The bill would declare that, due to the special circumstances concerning the Department of Transportation property in the City of Newport Beach, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1 of Chapter 761 of the Statutes of 2001  
2 is amended to read:

3 SECTION 1. (a) The Department of Transportation~~shall~~  
4 *may* transfer to the City of Newport Beach, upon payment by the  
5 city of its fair market value determined by using comparable  
6 sales in the immediate and adjacent vicinity, the state-owned real  
7 property described in subdivision (b), for park purposes. The  
8 funds paid pursuant to this section shall be deposited in the State  
9 Highway Account.

10 (b) The property~~to~~ *that may* be transferred pursuant to  
11 subdivision (a) consists of approximately 15.05 acres, located in  
12 the coastal zone of the City of Newport Beach, adjacent to  
13 Superior Avenue and Pacific Coast Highway, identified by  
14 Director’s Deed #040766-01-01 and known as “Caltrans West.”  
15 The deed transferring the property may contain a restriction that,  
16 for at least 50 years, the city shall use the property only for park  
17 purposes.

18 SEC. 2. Section 2 of Chapter 761 of the Statutes of 2001 is  
19 amended to read:

20 SEC. 2. Execution of the property transfer specified in  
21 Section 1 of this act shall be contingent upon the execution of an  
22 agreement between the Department of Transportation and the  
23 City of Newport Beach that requires the city to accept and  
24 perform all of the responsibilities relating to, and to assume the  
25 liability for, the construction, operation, and maintenance of the  
26 park and its improvements.

27 SEC. 3. Due to the unique circumstances concerning the  
28 Department of Transportation property in the City of Newport  
29 Beach, the Legislature finds and declares that a general statute  
30 cannot be made applicable within the meaning of subdivision (b)

1 of Section 16 of Article IV of the California Constitution, and  
2 that this special statute is necessary.

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