

AMENDED IN SENATE MAY 27, 2010

AMENDED IN ASSEMBLY MARCH 18, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1962

Introduced by Assembly Member Chesbro

February 17, 2010

An act to add Section 5565.5 to the Public Resources Code, relating to real property.

LEGISLATIVE COUNSEL'S DIGEST

AB 1962, as amended, Chesbro. Real property: parks and open space: ~~Sonoma County Agricultural Preservation and Open Space District:~~ irrevocable offers of dedication.

Existing law authorizes a regional park district, regional park and open-space district, or regional open-space district to plan, adopt, lay out, plant, develop, and otherwise improve, extend, control, operate, and maintain a system of public parks, playgrounds, golf courses, beaches, trails, natural areas, ecological and open-space preserves, parkways, scenic drives, boulevards, and other facilities for public recreation, for the use and enjoyment of the inhabitants of the district, and to select, designate, and acquire land, or rights in land, within or without the district, to be used and appropriated for those purposes.

This bill would authorize an irrevocable offer of dedication of an interest in real property for any of those uses and purposes to be made ~~to the Sonoma County Agricultural Preservation and Open Space District~~ *a regional park district, regional park and open-space district, or regional open-space district*, with the consent of the board of directors of the district. The bill would require the offer of dedication to be

executed, acknowledged, and recorded in the same manner as a conveyance of real property, and would provide that, when recorded in the office of the county recorder, the offer of dedication is irrevocable and may be accepted at any time by the board of directors of the district. The bill would ~~provide a process by which the offer of dedication may be terminated, and the right to accept the offer abandoned,~~ by authorize the board of the directors of the district *to terminate the offer of dedication and abandon the right to accept the offer, if 2 specified findings are made.*

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

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

1 SECTION 1. Section 5565.5 is added to the Public Resources
 2 Code, to read:
 3 5565.5. (a) With the consent of the ~~Board of Directors of the~~
 4 ~~Sonoma County Agricultural Preservation and Open Space District~~
 5 *board of directors of a regional park district, regional park and*
 6 *open-space district, or regional open-space district, formed*
 7 *pursuant to this article, an irrevocable offer of dedication of an*
 8 *interest in real property for any of the uses or purposes authorized*
 9 *by this article may be made to the district pursuant to this section.*
 10 *The offer of dedication shall be executed, acknowledged, and*
 11 *recorded in the same manner as a conveyance of real property.*
 12 *The offer of dedication, when recorded in the office of the county*
 13 *recorder, shall be irrevocable and may be accepted at any time by*
 14 *the board of directors of the district.*
 15 (b) ~~The~~ *An* offer of dedication may be terminated, and the right
 16 to accept the offer abandoned, by *a majority vote of* the board of
 17 directors of the district ~~in the same manner as is prescribed for the~~
 18 ~~summary vacation of streets or highways by Part 3 (commencing~~
 19 ~~with Section 8300) of Division 9 of the Streets and Highways~~
 20 ~~Code; and only if the board of directors makes both of the following~~
 21 *findings:*
 22 *(1) The offer of dedication was never accepted and, therefore,*
 23 *termination or abandonment of the offer does not constitute a*
 24 *conveyance of an interest in real property dedicated for park or*
 25 *open-space purposes.*

1 (2) *The interest in real property that would be conveyed by the*
2 *offer of dedication cannot be utilized effectively now or in the*
3 *future for park or open-space uses.*

4 (c) The procedure prescribed by this section is alternative to
5 any other procedure authorized by law.

6 ~~SEC. 2. The Legislature finds and declares that a special law~~
7 ~~is necessary and that a general law cannot be made applicable~~
8 ~~within the meaning of Section 16 of Article IV of the California~~
9 ~~Constitution because of the unique need of the Sonoma County~~
10 ~~Agricultural Preservation and Open Space District to provide a~~
11 ~~means by which potential sellers of real property interests may~~
12 ~~provide an irrevocable offer of dedication to the district for those~~
13 ~~real property interests.~~