

AMENDED IN ASSEMBLY MARCH 20, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 338

Introduced by Assembly Member Chávez

February 13, 2013

An act relating to ~~public safety~~ *state property*.

LEGISLATIVE COUNSEL'S DIGEST

AB 338, as amended, Chávez. ~~Public safety~~. *State property: surplus. Existing law authorizes the Director of General Services, to dispose of state surplus property, subject to specified conditions, including authorization by the Legislature.*

This bill would authorize the Director of Parks and Recreation, with the approval of the Director of General Services, to enter into an agreement with the City of Carlsbad for the exchange of specified parcels of real property subject to certain conditions.

~~Existing law prescribes certain punishments for public safety offenses.~~

~~This bill would express the intent of the Legislature to enact legislation to amend the Penal Code, relating to public safety issues.~~

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

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

- 1 SECTION 1. (a) *The Director of Parks and Recreation, with*
- 2 *the approval of the Director of General Services, is hereby*
- 3 *authorized to enter into a mutually beneficial agreement with the*
- 4 *City of Carlsbad, San Diego County, for the exchange of real*
- 5 *property as specified in this section. The real property to be offered*

1 by the state consists of portions of the property known as South
2 Carlsbad State Beach located between Cerezo Drive and Avenida
3 Encinas in the City of Carlsbad. The real property to be offered
4 by the city consists of a portion or portions of excess property
5 created through the redesign and realignment of Carlsbad
6 Boulevard.

7 (b) The City of Carlsbad shall reimburse the state for the
8 difference in the appraised value of the property that is to be
9 exchanged, if the state is found to be receiving less value, except
10 that any costs for design or development that have been advanced
11 on behalf of the state by the City of Carlsbad shall be deducted
12 from the value on a prorate share basis, and for reasonable
13 administrative costs incurred to complete the transfer of title.

14 (c) The City of Carlsbad shall be solely responsible for
15 compliance with the California Environmental Quality Act
16 (Division 13 (commencing with Section 21000) of the Public
17 Resources Code) in connection with the transfer of property
18 ownership. The Department of Parks and Recreation shall be
19 responsible for compliance with Section 6(f)(3) of the federal Land
20 and Water Conservation Fund Act of 1965 (Public Law 88-578).

21 (d) The exchange of lands carried out pursuant to this section
22 shall be based on current fair market value and subject to the terms
23 and conditions, and with the reservations, restrictions, and
24 exceptions, that the Director of General Services determines are
25 in the best interests of the state, including the condition that the
26 exchange shall result in no net cost or loss to the state.

27 ~~SECTION 1. It is the intent of the Legislature to enact~~
28 ~~legislation to amend the Penal Code, relating to public safety issues.~~