

## Assembly Bill No. 909

### CHAPTER 472

An act to add Sections 5002.6 and 5009.3 to the Public Resources Code, relating to public resources, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 15, 1995. Filed  
with Secretary of State September 15, 1995.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 909, Bowen. State park system: state beaches.

(1) Under existing law, various lands have been acquired by the state for purposes of the state park system and are under the control of the Department of Parks and Recreation. Certain of those lands have been classified as state beaches.

This bill would require the Director of Parks and Recreation to grant to the County of Los Angeles, at no cost to the county, in trust for the people of the State of California, and subject to specified conditions, all of the rights, title, and interest of the State of California in specified state beach lands and improvements located in the county. The bill would impose specified conditions on the grant, provide for termination upon breach of conditions or, alternatively, require each condition to be enforceable as a covenant and equitable servitude through injunction for specific performance, required the repayment of funds to the state upon termination, as specified, reserve mineral deposits to the state, as specified, and declare legislative intent with regard to future state funding support for boating safety and enforcement on waters within the county.

Those provisions would become operative only if the board of supervisors of the county adopts a resolution accepting the grants.

(2) Under existing law, the department is also authorized to enter into agreements to accept funds from private sources.

This bill would authorize the department to enter into agreements with private, nonprofit public benefit corporations or other private entities, as may be appropriate, to assist the department in its efforts to secure long-term private funding sources, as described, for any and all units of the state park system.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 5002.6 is added to the Public Resources Code, to read:

5002.6. (a) Notwithstanding any other provision of law, and upon the adoption of a resolution of acceptance pursuant to subdivision (h), the director shall grant to the County of Los Angeles, at no cost to the county, in trust for the people of the State of California, and subject to the conditions set forth in this section, all of the rights, title, and interest of the State of California in lands, and improvements thereon, generally described as follows, and more particularly described in the deed:

(1) Parcel 1. Approximately 3.83 acres of unimproved land, known as Las Tunas State Beach.

(2) Parcel 2. Approximately 31.21 acres of improved land, known as Topanga State Beach.

(3) Parcel 3. Approximately 46.34 acres of improved land, being a portion of Manhattan State Beach.

(4) Parcel 4. Approximately 26.03 acres of improved land, known as Redondo State Beach.

(5) Parcel 5. Approximately 18.07 acres of improved land, known as Royal Palms State Beach.

(6) Parcel 6. Approximately 30.64 acres of improved land, being a portion of Point Dume State Beach.

(7) Parcel 7. Approximately 15.12 acres of unimproved land, known as Dan Blocker State Beach, and which includes Latigo Shores.

(8) Parcel 8. Approximately 10.50 acres of improved land, being a portion of Malibu Lagoon State Beach, known as Surf Rider Beach.

(b) (1) The grant in trust for the people of the State of California made pursuant to subdivision (a) shall be made upon the express condition that the County of Los Angeles shall use, operate, and maintain the granted lands and improvements thereon for public recreation and beach purposes in perpetuity, and shall comply with all restrictions specified in each deed and prescribed in subdivision (e). The county shall not make or permit any other use of the granted lands and improvements. Any violation of this prohibition or any violation of subdivision (e) shall constitute a breach of conditions for purposes of paragraph (2) of this subdivision.

(2) Upon a material breach of any condition of a grant made pursuant to this section which is determined by a court of competent jurisdiction to have been made intentionally, the State of California shall terminate the interest of the County of Los Angeles in the granted lands and improvements pursuant to Chapter 5 (commencing with Section 885.010) of Title 5 of Part 2 of Division 2 of the Civil Code. Upon exercise of the state's power of termination in accordance with Section 885.050 of the Civil Code, all rights, title, and interest of the County of Los Angeles in the granted lands and improvements shall terminate and revert to, and rest in, the state, and the county shall, within 30 days from the date of that judgment, pay to the state an amount equal to funds received by the county



annually from the appropriation under subdivision (a) of Item 3680-105-516 of the Budget Act of 1995 or from any subsequent appropriation received from the state specifically for the operation or maintenance of the granted lands and improvements. However, in no event shall that payment exceed the sum of one million five hundred thousand dollars (\$1,500,000). The returned funds shall be deposited in the State Parks and Recreation Fund.

(3) Notwithstanding Section 885.030 of the Civil Code, the state's power of termination pursuant to paragraph (2) shall remain in effect in perpetuity.

(c) Any operating agreement between the State of California and the County of Los Angeles pertaining to any of the real property described in subdivision (a), in existence at the time of the grant, shall be terminated by operation of law upon the conveyance of the real property to the County of Los Angeles.

(d) There is hereby excepted and reserved to the State of California from the grants made pursuant to subdivision (a) all mineral deposits, as defined in Section 6407, which lie below a depth of 500 feet, without surface rights of entry.

(e) The transfer of all rights, title, and interest in the lands and improvements described in subdivision (a) shall be subject to the following restrictions, which shall be specified in each deed:

(1) (A) No new or expanded commercial development shall be allowed on the granted real property.

(B) Any project for new or expanded noncommercial development on the granted real property shall not exceed an estimated cost limitation for each project of two hundred fifty thousand dollars (\$250,000), as adjusted annually to reflect the California Construction Index utilized by the Department of General Services. Any authorization for new and expanded noncommercial development shall be limited to projects that provide for the safety and convenience of the general public in the use and enjoyment of, and enhancement of, recreational and educational experiences, and shall be consistent with the use, operation, and maintenance of the granted lands and improvements as required pursuant to subdivision (b). The per-project limitation in this paragraph shall apply in the aggregate, so that not more than the amount specified in this subparagraph may be expended for the project as a whole, regardless of any division of the project into phases or parts. For purposes of this subparagraph, "project" means the whole of an action that constitutes the entirety of the particular type of new construction, alteration, or extension or betterment of an existing structure.

(C) Notwithstanding subparagraph (B), the deed for the conveyance of Royal Palms State Beach shall contain a provision that allows for the implementation of the state-approved local assistance grant (project number SL-19-003) to the County of Los Angeles already approved in the Budget Act of 1988 for noncommercial



development to rehabilitate the existing park infrastructure at that state beach.

(2) The granted lands and improvements may not be subsequently sold, transferred, or encumbered. For purposes of this section, “encumber” includes, but is not limited to, mortgaging the property, pledging the property as collateral, or any other transaction under which the property would serve as security for borrowed funds. Any lease of the granted lands or improvements shall only be consistent with the public recreation and beach purposes of this section.

(f) As an alternative to the exercise of the power of termination for a material breach of conditions, each condition set forth in this section shall be enforceable as a covenant and equitable servitude through injunction for specific performance issued by a court of competent jurisdiction.

(g) On and after June 30, 1998, it is the intent of the Legislature that any application by the County of Los Angeles Fire Department to secure state funding support for boating safety and enforcement on waters within the County of Los Angeles shall be given priority consideration by the Legislature, unless an alternative source of funding is secured prior to that date which serves the same or similar purposes.

(h) This section shall become operative only if the Board of Supervisors of the County of Los Angeles adopts a resolution accepting the fee title grants, in trust for the people of the State of California, in accordance with this section, of the lands and improvements described in subdivision (a).

SEC. 2. Section 5009.3 is added to the Public Resources Code, to read:

5009.3. Notwithstanding any other provision of law, the department may enter into an agreement or agreements with private, nonprofit public benefit corporations or other private entities, as may be appropriate, to assist the department in its efforts to secure long-term private funding sources for any and all units of the state park system and to ensure that they are preserved and open for public use and enjoyment. The authority to enter into those agreements shall include, but not be limited to, securing donations, memberships, corporate and individual sponsorships, and marketing and licensing agreements.

SEC. 3. 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 Constitution and shall go into immediate effect. The facts constituting the necessity are:



In order to provide for essential state funding in supplementation of the Budget Act of 1995, it is necessary that this act take effect immediately.

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