

Assembly Bill No. 1781

CHAPTER 782

An act to amend Section 5002.6 of the Public Resources Code, relating to state beaches, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 27, 2000. Filed
with Secretary of State September 27, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1781, Robert Pacheco. State beaches: County of Los Angeles: deed restrictions.

Existing law requires the Director of Parks and Recreation, upon the adoption of a specified resolution by the County of Los Angeles, to grant to the County of Los Angeles, in trust for the people of California, all of the rights, title, and interest of the State of California in specified state beach property. Existing law prohibits any new project for new or expanded noncommercial development on that beach property from exceeding an estimated cost limitation for each project of \$250,000, as adjusted. Existing law requires that limitation to be specified in each deed.

This bill would exempt noncommercial projects necessary to bring public accessways and public facilities into compliance with the Americans with Disabilities Act of 1990, as amended, from the estimated cost limitation. The bill would require the director to execute an amendment to any deed conveying the state beach property to incorporate the exemptions provided by the bill.

The bill would also limit the use of public funds for shoreline protective works at specified beaches to those determined by the County of Los Angeles to be necessary for the protection of public infrastructure or a public facility.

This 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 of the Public Resources Code is amended 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 that 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 schedule (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 expenditure of public funds for shoreline protective works shall only be permitted for those protective works that the County of Los Angeles determines are necessary for the protection of public infrastructure or a public facility. 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.

(D) The estimated cost limitation specified in subparagraph (B) shall not apply to the noncommercial projects necessary to bring public accessways and public facilities into compliance with the Americans with Disabilities Act of 1990, as amended (42 U.S.C. Sec. 12101 et seq.). The limitation described in this subparagraph shall not



affect the restriction described in subparagraph (A) of paragraph (1) of subdivision (e).

(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. With regard to any deed executed by the Director of Parks and Recreation granting property to the County of Los Angeles pursuant to Section 5002.6 of the Public Resources Code, the director, on or before June 30, 2001, shall execute an amendment to that deed modifying the deed restriction required by subdivision (e) of Section 5002.6 of the Public Resources Code to incorporate the provisions of subparagraph (D) of paragraph (1) of subdivision (e) of Section 5002.6 of the Public Resources Code.

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 complete projects necessary to bring public accessways and public facilities into compliance with the Americans with Disabilities Act of 1990, it is necessary that this act take effect immediately.

