

AMENDED IN SENATE APRIL 30, 2002

AMENDED IN SENATE APRIL 16, 2002

SENATE BILL

No. 1717

Introduced by Senator Machado

February 21, 2002

An act to amend Section 56742 of the Government Code, relating to city annexations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1717, as amended, Machado. City annexations.

Under existing law, upon approval of the local agency formation commission, a city may annex noncontiguous territory not exceeding 300 acres, located in the same county, that the city owns and uses for municipal purposes. If, after the annexation, the city sells all or part of that territory, the territory no longer owned by the city ceases to be part of the city.

This bill would additionally provide that when any or all of the territory annexed in this manner is no longer used for municipal purposes, *as defined*, that territory shall cease to be part of the city.

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 56742 of the Government Code is
- 2 amended to read:
- 3 56742. (a) Notwithstanding Section 56741, upon approval of
- 4 the commission a city may annex noncontiguous territory not

1 exceeding 300 acres if the territory meets all of the following
2 requirements:

3 (1) It is located in the same county as that in which the city is
4 situated.

5 (2) It is owned by the city.

6 (3) It is used for municipal purposes at the time commission
7 proceedings are initiated.

8 (b) Territory which is used by a city for the reclamation,
9 disposal, and storage of treated wastewater may be annexed to the
10 city pursuant to this section without limitation as to the size of the
11 territory.

12 (c) If territory is annexed pursuant to this section, the annexing
13 city may not annex any territory not owned by the city, not used
14 for municipal purposes, and not contiguous to the city, although
15 the territory is contiguous to the territory annexed pursuant to this
16 section.

17 (d) Notwithstanding any other provision of this section, a city
18 which annexes territory pursuant to this section may annex
19 additional territory in the same county as that in which the city is
20 situated which is owned by the United States government or the
21 State of California and which is contiguous to the first annexed
22 territory if the total acreage of the first annexed and the
23 subsequently annexed territory together does not exceed 300 acres
24 in area. If after the completion of the subsequent annexation, the
25 city sells any or all of the first annexed territory, the subsequently
26 annexed territory shall cease to be part of the city if the
27 subsequently annexed territory is no longer contiguous to territory
28 owned by the city.

29 (e) When any or all of the territory annexed to a city pursuant
30 to this section is no longer owned by the city or is no longer used
31 for municipal purposes, that territory shall cease to be a part of that
32 city.

33 (f) When territory ceases to be part of a city pursuant to this
34 section, the legislative body of the city shall adopt a resolution
35 confirming the detachment. The resolution shall describe the
36 detached territory and shall be accompanied by a map indicating
37 the territory. Immediately upon adoption of the resolution, the city
38 clerk shall make any filing required by Chapter 8 (commencing
39 with Section 57200) of Part 4.



1 (g) If territory annexed to a city pursuant to this section
2 becomes contiguous to the city, the limitations imposed by this
3 section shall cease to apply.

4 SEC. 2. The Legislature finds and declares that ~~without~~
5 ~~limitation~~, the term “used for municipal purposes” as used in
6 Section 56742 of the Government Code ~~shall~~ *may* not include a
7 lease *entered into on or after April 24, 2002*, for commercial
8 development for business purposes pursuant to Section 37395 of
9 the Government Code, or any other provision of law. *Nothing in*
10 *this section shall prevent a city from entering into a lease pursuant*
11 *to Sections 37380 to 37394, inclusive, or Section 37396 of the*
12 *Government Code*. It is the intent of the Legislature that cities shall
13 not use the provisions of this section to promote commercial
14 development that is not contiguous to urbanized areas, to increase
15 municipal revenues, or to avoid the land use control of counties.

