

AMENDED IN ASSEMBLY JUNE 17, 2002

AMENDED IN SENATE APRIL 30, 2002

AMENDED IN SENATE APRIL 16, 2002

**SENATE BILL**

**No. 1717**

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**Introduced by Senator Machado**

February 21, 2002

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An act to amend ~~Section~~ *Sections 37396 and 56742* of the Government Code, relating to city annexations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1717, as amended, Machado. City annexations.

~~Under~~

*(1) Existing law authorizes a city, county, or city and county to lease property owned, held, or controlled by it for not to exceed 99 years for stadium, park, recreational, fair, exposition, or exhibition purposes.*

*This bill would provide that the authority of a city, county, or city and county to lease property includes leasing property for the purposes of food vending and sporting goods sales incidental to the stadium, park, recreational, fair, exposition, or exhibition purposes.*

*(2) 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, or no longer used for municipal purposes under*

*a lease, that territory shall cease to be part of the city. The bill would prohibit territory annexed pursuant to this provision from being leased for a shopping center, hotel, motel, or lodging house.*

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 37396 of the Government Code is*  
2 *amended to read:*

3 37396. A city, county, or city and county may lease property  
4 owned, held, or controlled by it for not to exceed 99 years, for  
5 stadium, park, recreational, fair, exposition, or exhibition  
6 purposes, *or for food vending and sporting foods sales incidental*  
7 *to the stadium, park, recreational, fair, exposition, or exhibition*  
8 *purposes. Territory annexed pursuant to Section 56742 may not be*  
9 *leased under this section for a shopping center, hotel, motel, or*  
10 *lodging house.*

11 A lease made by a county pursuant to this section is subject to  
12 ~~the provisions of~~ Article 8 (commencing with Section 25520) of  
13 Chapter 5 of Part 2 of Division 2 of Title 3.

14 SEC. 2. Section 56742 of the Government Code is amended  
15 to read:

16 56742. (a) Notwithstanding Section 56741, upon approval of  
17 the commission a city may annex noncontiguous territory not  
18 exceeding 300 acres if the territory meets all of the following  
19 requirements:

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

22 (2) It is owned by the city.

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

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

29 (c) If territory is annexed pursuant to this section, the annexing  
30 city may not annex any territory not owned by the city, not used  
31 for municipal purposes, and not contiguous to the city, although



1 the territory is contiguous to the territory annexed pursuant to this  
2 section.

3 (d) Notwithstanding any other provision of this section, a city  
4 which annexes territory pursuant to this section may annex  
5 additional territory in the same county as that in which the city is  
6 situated which is owned by the United States government or the  
7 State of California and which is contiguous to the first annexed  
8 territory if the total acreage of the first annexed and the  
9 subsequently annexed territory together does not exceed 300 acres  
10 in area. If after the completion of the subsequent annexation, the  
11 city sells any or all of the first annexed territory, the subsequently  
12 annexed territory shall cease to be part of the city if the  
13 subsequently annexed territory is no longer contiguous to territory  
14 owned by the city.

15 ~~(e) When any or all of the territory annexed to a city pursuant~~  
16 ~~to this section is no longer owned by the city or is no longer used~~  
17 ~~for municipal purposes, that territory shall cease to be a part of that~~  
18 ~~city.~~

19 *(e) Any or all of the territory annexed to a city shall cease to be*  
20 *part of that city if any of the following occurs:*

21 *(1) It is no longer owned by the city.*

22 *(2) It is no longer used for municipal purposes.*

23 *(3) It is no longer used for municipal purposes under a lease.*

24 (f) When territory ceases to be part of a city pursuant to this  
25 section, the legislative body of the city shall adopt a resolution  
26 confirming the detachment. The resolution shall describe the  
27 detached territory and shall be accompanied by a map indicating  
28 the territory. Immediately upon adoption of the resolution, the city  
29 clerk shall make any filing required by Chapter 8 (commencing  
30 with Section 57200) of Part 4.

31 (g) If territory annexed to a city pursuant to this section  
32 becomes contiguous to the city, the limitations imposed by this  
33 section shall cease to apply.

34 ~~SEC. 2.—~~

35 ~~SEC. 3.~~ The Legislature finds and declares ~~that the~~ *the*  
36 *following:*

37 *(a) The term “used for municipal purposes” as used in Section*  
38 *56742 of the Government Code may shall not include a lease*  
39 *entered into on or after April 24, 2002, for commercial*  
40 *development for business purposes pursuant to Section 37395 of*



1 the Government Code, or any other provision of law. ~~Nothing in~~  
2 ~~this section shall prevent a city from entering into a lease pursuant~~  
3 ~~to Sections 37380 to 37394, inclusive, or Section 37396 of the~~  
4 ~~Government Code. It is the intent of the Legislature that cities shall~~  
5 *(b) The term “used for municipal purposes” as used in Section*  
6 *56742 of the Government Code shall include the following:*  
7 *(1) Leases entered pursuant to Sections 37380 to 37394,*  
8 *inclusive, or Section 37396 of the Government Code.*  
9 *(2) Leases for the construction and operation of electrical*  
10 *generation, transmission, and distribution.*  
11 *(c) Cities may not use the provisions of this section to promote*  
12 *commercial development that is not contiguous to urbanized areas,*  
13 *to increase municipal revenues, or to avoid the land use control of*  
14 *counties.*

