

Senate Bill No. 1717

CHAPTER 507

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

[Approved by Governor September 12, 2002. Filed with Secretary of State September 12, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1717, Machado. City annexations.

(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 general sports purposes but that a lease executed on or after April 24, 2002, for any authorized purpose shall not include a shopping center, hotel, motel, or lodging house.

(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 permit a city to lease this annexed territory for designated purposes but would provide that if the city enters into a lease on or after April 24, 2002, that would authorize the development of a shopping center, hotel, motel, or lodging house on that territory, the affected territory shall cease to be part of the city.

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

SECTION 1. Section 37396 of the Government Code is amended to read:

37396. (a) A city, county, or city and county may lease property owned, held, or controlled by it for not to exceed 99 years, for stadium, park, recreational, fair, exposition, or exhibition purposes, or for general sports purposes such as training and competitive sports.

(b) On and after April 24, 2002, a lease executed pursuant to this section on territory annexed pursuant to Section 56472, may not include a shopping center, hotel, motel, or lodging house, but may include a lease



for all other purposes authorized under this section, including a lease for either or both of the following purposes:

(1) Any dormitory or medical facility that exclusively, except in the case of a medical emergency, serves individuals participating in training or competitions held at the site leased pursuant to subdivision (a).

(2) Any food facility, as defined by Section 113785 of the Health and Safety Code, food vending, and sales of goods and services incidental to, and in support of, the purposes of the lease.

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

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

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

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

(2) It is owned by the city.

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

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

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

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

(e) When any or all of the territory annexed to a city pursuant to this section is sold by the city, all of the territory that is no longer owned by the city shall cease to be a part of that city.

(f) A city may lease territory annexed pursuant to this section for any of the purposes authorized pursuant to Sections 37380 to 37396, inclusive, as well as enter into leases for the construction and operation



of electrical generation, transmission, and distribution. If, however, a city enters into a lease on and after April 24, 2002, pursuant to Section 37395, 37396, or any other provision of law, that would authorize the development of a shopping center, hotel, motel, or lodging house on territory annexed pursuant to this section, the affected territory shall cease to be a part of the city.

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

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

SEC. 3. It is the intent of the Legislature that none of the changes made in Sections 37396 and 56742 of the Government Code by this act shall affect or impair the conditions or obligations of any leases that were entered into prior to April 24, 2002.

