

Assembly Bill No. 1962

CHAPTER 59

An act to add Section 5565.5 to the Public Resources Code, relating to real property.

[Approved by Governor July 9, 2010. Filed with Secretary of State July 9, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1962, Chesbro. Real property: parks and open space: irrevocable offers of dedication.

Existing law authorizes a regional park district, regional park and open-space district, or regional open-space district to plan, adopt, lay out, plant, develop, and otherwise improve, extend, control, operate, and maintain a system of public parks, playgrounds, golf courses, beaches, trails, natural areas, ecological and open-space preserves, parkways, scenic drives, boulevards, and other facilities for public recreation, for the use and enjoyment of the inhabitants of the district, and to select, designate, and acquire land, or rights in land, within or without the district, to be used and appropriated for those purposes.

This bill would authorize an irrevocable offer of dedication of an interest in real property for any of those uses and purposes to be made to such a district, with the consent of the board of directors of the district. The bill would require the offer of dedication to be executed, acknowledged, and recorded in the same manner as a conveyance of real property, and would provide that, when recorded in the office of the county recorder, the offer of dedication is irrevocable and may be accepted at any time by the board of directors of the district. The bill would authorize the board of the directors of the district to terminate the offer of dedication and abandon the right to accept the offer, if 2 specified findings are made.

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

SECTION 1. Section 5565.5 is added to the Public Resources Code, to read:

5565.5. (a) With the consent of the board of directors of a district, an irrevocable offer of dedication of real property or any interest in real property for any of the purposes authorized by this article may be made to the district pursuant to this section. The offer of dedication shall be executed, acknowledged, and recorded in the same manner as a conveyance of real property. The offer of dedication, when recorded in the office of the county

recorder, shall be irrevocable and may be accepted at any time by the board of directors of the district.

(b) An offer of dedication may be terminated, and the right to accept the offer abandoned, by a majority vote of the board of directors of the district and only if the board of directors makes both of the following findings:

(1) The offer of dedication was never accepted and, therefore, termination or abandonment of the offer does not constitute a conveyance of an interest in real property dedicated for park or open-space purposes.

(2) Now, or in the future, the district cannot effectively use the real property, or interest in real property, that would be conveyed by the offer of dedication for park or open-space purposes.

(c) The procedure prescribed by this section is alternative to any other procedure authorized by law.