

Senate Bill No. 2128

CHAPTER 958

An act to add Section 104.21 to the Streets and Highways Code, relating to highways.

[Approved by Governor September 28, 1998. Filed with Secretary of State September 29, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2128, Johnston. Highways: airspace leases.

Existing law authorizes the Department of Transportation to lease airspace under the interchange of Route 4 and Route 5 in San Joaquin County to any city, county, or other political subdivision, or any state agency, for emergency shelter or feeding program purposes.

This bill would authorize the department, on or after July 1, 1999, to lease airspace under the interchange of Route 4 and Sutter Street in San Joaquin County to any city, county, or other political subdivision, or any state agency, for feeding program purposes. The bill would require the lease to be for \$1 per month, with an administrative fee of not more than \$500 per year. The bill would authorize the lease to be renewed under certain conditions.

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

SECTION 1. Section 104.21 is added to the Streets and Highways Code, to read:

104.21. (a) (1) The department may lease airspace under the interchange of Route 4 and Sutter Street in San Joaquin County to any city, county, or other political subdivision, or any state agency, for feeding program purposes. The department may provide information to those entities regarding the lease of that airspace for that use. Property may be leased under this section only if there is no buyer for the property. The lease shall be for one dollar (\$1) per month. The lease amount may be paid in advance of the term covered in order to reduce the administrative costs associated with the payment of the monthly rental fee.

(2) Any lease executed under this section shall also provide for the cost of administering the lease. The administrative fee shall not exceed five hundred dollars (\$500) per year unless the department determines that a higher administrative fee is necessary.

(b) The Legislature finds and declares that the lease of real property under this section serves a public purpose.

(c) Upon the request of the City of Stockton, the department may renew the lease for the period requested by the city, but not to



exceed 10 years, and may, subsequent to that renewal, agree to not more than two additional renewals of not more than 10 years each.

(d) This section shall become operative on July 1, 1999.

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