

CONCURRENCE IN SENATE AMENDMENTS

AB 1476 (Gray)

As Amended September 3, 2021

Majority vote

SUMMARY

Allows the City of Modesto to dispose of specified park property that was developed with state grant funding if the city concurrently acquires a replacement property and complies with certain conditions.

Senate Amendments

- 1) Clarify that the property to be disposed of is "Beard Brook Park property" and adds conditions that the City of Modesto must meet in order to dispose of the property. Specifically, the amendments add the following conditions:
 - a) Requires the disposal of Beard Brook Park and the acquisition of the replacement park property to occur no later than June 30, 2023.
 - b) Requires the independent appraisals of Beard Brook Park and the replacement park property to occur no later than January 7, 2022.
 - c) Requires the City of Modesto to provide the following to the state Department of Parks and Recreation no later than January 7, 2022:
 - i) Preliminary title reports for Beard Brook Park and the replacement park property.
 - ii) An environmental site assessment of the proposed replacement park property.
 - iii) A written attestation regarding the presence and nature of all known hazardous substances and environmental issues, and whether the city objects to the identified issues.
 - iv) A feasibility study evaluating the suitability of the replacement park property for public recreation.
 - v) A list of permitted exceptions listed in the preliminary title reports that the city and owner of the proposed replacement park property agree to.
 - vi) A list of all rights, liens, mortgages, and bonds that remain in force against Beard Brook Park and the replacement park property and the details of all agreements between the city and the owner of the replacement park property regarding those rights, liens, mortgages and bonds.
 - d) Requires the owner of the proposed replacement park property to correct all known hazardous and environmental issues requested by the city by June 25, 2023.
 - e) Requires the City of Modesto to provide the following to the Department of Parks and Recreation no later than June 25, 2023:

- vii) A detailed report of all known hazardous substances and environmental issues at the replacement park property and whether they were corrected by the owner.
- viii) The final title reports for Beard Brook Park and the replacement park property.

COMMENTS

AB 1476 provides legislative authorization for the City of Modesto to dispose of all or a portion of Beard Brook Park subject to acquisition of replacement park property.

Beard Brook Park was dedicated to the City of Modesto in 1919. The City of Modesto is proposing to transfer ownership of Beard Brook Park to a private entity in exchange for land of equal value less than half a mile away along the Tuolumne River. According to the Department of Parks and Recreation, the City of Modesto has received more than \$11 million in grants from various bond programs administered by the state since 1965. Receipt of state grant funding restricts the ability to transfer the land.

State law generally restricts the use of property acquired and developed with state grant funds to the purpose for which the grant funds were originally requested, unless specified prerequisites for a transfer are met and the Legislature grants specific authorization for the transfer. The City of Modesto is in communication with the Department of Parks and Recreation regarding the proposed transfer and intends to continue working with the state to finalize the transfer upon adoption of this bill.

According to the Author

According to the author, "AB 1476 will transfer ownership of an underutilized and often-dangerous public park in the City of Modesto to a private entity, in exchange for land of equal value owned by the receiving entity. The exchange will allow the City of Modesto to build a continuous bike trail for the public along the Tuolumne River, thereby increasing access to public, outdoor recreational opportunities. When completed, the project will connect three low-income neighborhood areas to downtown Modesto job centers and transportation hubs, and it will create safe, dependable options for non-motorized commuting in a region which consistently ranks among the most polluted areas for ozone and soot in California."

Arguments in Support

None on file.

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

VOTES:

ASM LOCAL GOVERNMENT: 8-0-0

YES: Aguiar-Curry, Lackey, Bloom, Boerner Horvath, Ramos, Luz Rivas, Robert Rivas, Voepel

ASM APPROPRIATIONS: 16-0-0

YES: Lorena Gonzalez, Bigelow, Bonta, Calderon, Carrillo, Chau, Megan Dahle, Davies, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, McCarty, Reyes

ASSEMBLY FLOOR: 77-0-2

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon

ABS, ABST OR NV: Holden, Reyes

SENATE FLOOR: 38-0-2

YES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener, Wilk

ABS, ABST OR NV: Eggman, Stern

UPDATED

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