

RESOLUTION NO. G-3

WHEREAS, Section 104.15 of the Streets and Highways Code provides that wherever land has been acquired pursuant to former Section 104.1 of the Streets and Highways Code or pursuant to Article 5 (commencing with Section 1240.410) of Chapter 3 of Title 7 of Part 3 of the Code of Civil Procedure, the Department of Transportation may, in its discretion, lease to a local agency for park purposes all or any portion of the remainder outside the boundary of the State highway or public work or improvement, but not beyond the next adjacent dedicated street, when such use will protect such highway, public work, or improvement and its environs, and will preserve its view, appearance, light, air and usefulness; and

WHEREAS, such lease shall be made in accordance with procedures, terms, and conditions to be prescribed by the California Transportation Commission;

NOW, THEREFORE BE IT RESOLVED that the California Transportation Commission finds it in the public interest to lease excess land to local agencies for park purposes provided that the terms and conditions for such lease include all of the following:

1. Provisions requiring the local agency to develop and maintain such portion of the remainder as a park.
2. Provisions that whenever such portion of the remainder is needed for State highway purposes, the lease shall terminate.
3. Provisions that whenever such portion of the remainder ceases to be used for park purposes, the lease shall terminate; and

BE IT FURTHER RESOLVED that the term of the lease shall be for a period of 50 years and only those excess parcels shall be leased where the fair rental value, taking into consideration the terms and conditions of the lease, substantially equals the value of the enhancement and benefit to the State highway in preserving its view, appearance, light, air, and usefulness. The rental rate shall be determined by taking into consideration the present value of the construction and maintenance of park improvements including any maintenance or landscaping costs undertaken by the Lessee within the State highway right of way which would otherwise be the obligation of the State; and

BE IT FURTHER RESOLVED that the Director of Transportation shall establish specific terms and conditions as deemed necessary and appropriate to protect the transportation facilities; and

BE IT FURTHER RESOLVED that Attachment 6 to the Commission Resolution Continuing Policies and Delegations adopted by the California Transportation Commission on March 9, 1978 is hereby rescinded.
