

#36.203

3/23/70

Memorandum 70-26

Subject: Study 36.203 - Condemnation (The Declared Public Uses--Condemnation by Cities and Counties)

One part of the right to take aspect of condemnation is the right of cities and counties to condemn for their purposes. As we have suggested in other memoranda dealing with the declared public uses, before we repeal Code of Civil Procedure Section 1238, we must determine what statutory provisions are needed to replace that section and the condemnation authority granted therein to cities and counties. In making such determination, the following should be noted.

At the March 1970 meeting, the Commission determined that school districts, state colleges, and the University of California should each have general authority to condemn "any property necessary to carry out any of the powers or functions of the" particular entity. It was further determined that the private universities and virtually all of the public utilities should have a comparable broad authority to exercise the right of eminent domain to carry out their activities. As demonstrated in Memorandum 70-16, the overwhelming majority of the myriad of special districts existing in California have now, by virtue of their enabling statutes, general authority to condemn all property necessary to carry out any powers of the district. Similar expansive powers are conferred upon the Director of the Department of General Services and State Public Works Board and the Department of Public Works to condemn for state purposes. See Memorandum 70-27. The staff believes that counties and cities should have the same rights granted to these other public and quasi-public entities, and we have,

accordingly, drafted two new sections that we propose be added to the Government Code to supersede the grant of authority contained in Section 1238. See Exhibit I--Government Code Section 25350.5 (counties); Exhibit II--Government Code Section 37350.5 (cities).

We should add that these two sections, while different in approach, would probably make little or no change in existing law. Attached Table V (Acquisition authority of counties and cities) indicates that the condemnation power conferred upon counties and cities by statutes other than the Code of Civil Procedure probably (1) eclipses that provided by Section 1238, and (2) provides condemnation authority to carry out any of the powers or functions of the respective entity. Nevertheless, the additional statement provided by the proposed section seems desirable for clarification.

The proposed sections deal with the problem of condemnation authority. Section 1238, however, also provides a legislative declaration that the uses specified therein are "public uses." This declaration is subject to judicial review but is clearly accorded great weight. In disposing of Section 1238 we should see that specific declarations, such as title company records to replace public records (subdivision 15), are preserved where appropriate. This task will be dealt with in memoranda now in preparation.

Respectfully submitted,

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EXHIBIT I

GOVERNMENT CODE § 25350.5

Staff recommendation

COUNTIES

§ 25350.5. Power of eminent domain

Sec. . Section 25350.5 is added to the Government Code, to read:

25350.5. Subject to any limitations specifically imposed by statute, the board of supervisors of any county may condemn any property necessary to carry out any of the powers or functions of the county.

Comment. Section 25350.5 supersedes the grant of condemnation authority formerly contained in various subdivisions of Section 1238 of the Code of Civil Procedure and supplements the specific grants of such authority contained in this and other codes. E.g., Govt. Code § 26020 (airports); Sts. & Hwys. Code § 943 (highways). It insures that a county possesses adequate authority to carry out its functions.

The introductory clause of Section 25350.5 recognizes that specific limitations may be imposed on the exercise of the power of eminent domain. See Penal Code § 4106 (no industrial (penal) farm may be established on land outside county without consent of the affected county).

EXHIBIT II

GOVERNMENT CODE § 37350.5

staff recommendation

CITIES

§ 37350.5. Power of eminent domain

Sec. . Section 37350.5 is added to the Government Code, to read:

37350.5. Subject to any limitations specifically imposed by statute, the legislative body of any city may condemn any property necessary to carry out any of the powers or functions of the city.

Comment. Section 37350.5 supersedes the grant of condemnation authority formerly contained in various subdivisions of Section 1238 of the Code of Civil Procedure and supplements the specific grants of such authority contained in this and other codes. E.g., Govt. Code § 37501 (public assembly or convention halls); Sts. & Hwys. Code § 4090 (streets, walks, parking places). It insures that a city possesses adequate authority to carry out its municipal functions.

The introductory clause of Section 37350.5 recognizes that specific limitations may be imposed on the exercise of the power of eminent domain. See Govt. Code § 37353(c)(no existing golf course may be acquired by . . . eminent domain).

TABLE V--ACQUISITION AUTHORITY OF COUNTIES AND CITIES

Code provisions relating to cities, counties, or cities and counties may (1) provide specifically for the exercise of the power of eminent domain by a city, county, or both for a particular purpose, or (2) provide only in general terms that the legislative body may "acquire" a facility without defining the term used,<sup>\*</sup> or (3) provide for the "purchase" of the property for a project, or (4) merely provide for the "construction" or "establishment" of certain facilities.<sup>\*\*</sup> The following list compiles and classifies provisions concerning the acquisition of property by a city, county, or both, according to the entity which may exercise the power and the type of acquisitive power given.

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\* Only one California code defines "acquire" or "construct" to be applicable to large portions of the code. Streets and Highways Code Section 26 defines the term "acquire" to include the acquisition of property by eminent domain when employed in Divisions 1 and 2 of that code.

\*\* Streets and Highways Code Section 29 defines "construction" to include acquisition of rights of way and material sites when employed throughout the code.

CONDEMNATION POWER CLEARLY CONFERRED BY STATUTE

Counties

Airports	GOVT. CODE §§ 26020-26021 (West 1968)
Bridges, joint county-city	STS. & HWYS. CODE § 1394(a)(West 1969)
Ferry landing places	STS. & HWYS. CODE § 1753 (West 1969)
Fish and water, access to	GOVT. CODE § 25662 (West 1968)
Garbage disposal facilities	GOVT. CODE §§ 25820, 25922 (West 1968)
Garbage collection and disposal	HEALTH & SAF. CODE § 4120(c)(West 1955) <sup>1</sup>
Grade and separation of grade of county-financed city streets	STS. & HWYS. CODE § 1680 (West 1969)
Highways, including property to be exchanged for highway property	STS. & HWYS. CODE §§ 943-943.4 (West 1969)
Highways, access	STS. & HWYS. CODE § 941.2 (West 1969)
Highways, boundary	STS. & HWYS. CODE §§ 1626-1627 (West 1969)
Highways, flumes, ditches, canals for runoff	STS. & HWYS. CODE §§ 964, 965(d)(West 1969)
Highways, raise banks, remove obstructions, widen, change, deepen, or straighten channel of stream to protect	STS. & HWYS. CODE §§ 965(a)-965(c)(West 1969)
Highways for state highway purposes	STS. & HWYS. CODE § 760 (West 1969)
Industrial farms (correctional institution)	PENAL CODE § 4106 (West 1956)
Military sites, for donation to federal government	GOVT. CODE § 25431 (West 1968)

National parks, for donation to federal government	PUB. RES. CODE §§ 8401-8402 (West 1956)
Navigable streams, towpath easement	HARB. & NAV. CODE §§ 4150-4153 (West 1955)
Roads between towns and villages	STS. & HWYS. CODE § 969 (West 1969)
Sewers	HEALTH & SAF. CODE § 4886 (West Supp. 1970) <sup>2</sup>
Sewage disposal and treatment	GOVT. CODE §§ 25822, 25825 (West 1968)
Storm drain maintenance	Cal. Stats. 1937, Ch. 265, § 5, p. 568 [WATER CODE APP. § 42-5 (West 1968)]; CAL. UNCODIFIED WATER CODE Act 2208 § 5 (Deering 1962) <sup>3</sup>
Streets, county-financed city streets	STS. & HWYS. CODE § 1680 (West 1969)
Veterans' homes	MIL. & VETS. CODE § 1121 (West 1955)
Veterans' memorial halls and recreation centers	MIL. & VETS. CODE § 1262 (West Supp. 1970)
Water rights and water systems	GOVT. CODE § 25691 (West 1968)
<u>Cities</u>	
Any purposes authorized by law	GOVT. CODE § 40404(f)(West 1968)
Assembly and convention halls, public	GOVT. CODE § 37501 (West 1968)
Aqueducts	GOVT. CODE § 40404(b)(West 1968)
Automobile parking	STS. & HWYS. CODE §§ 4090(b), 31506, 35108, 35400 (West 1969)
Bridges connecting city with road district	GOVT. CODE § 40403 (West 1968)

Drains	GOVT. CODE §§ 39040, 40404(b) (West 1968); HEALTH & SAF. CODE §§ 4602.4(d), 4627 (West Supp. 1970)
Electric power service lines	STS. & HWYS. CODE §§ 10010, 10100(b), 10101-10102 (West 1969) <sup>4</sup>
Ferry systems	GOVT. CODE §§ 39731, 39731.2 (West 1968)
Flood control systems	HEALTH & SAF. CODE §§ 4602.4(e), 4627 (West Supp. 1970)
Freeways	STS. & HWYS. CODE § 1801 (West 1969)
Garbage disposal sites	GOVT. CODE § 38790 (West 1968)
Gas service lines, etc.	STS. & HWYS. CODE §§ 10010, 10100 (c), 10101-10102 (West 1969) <sup>4</sup>
Gravel bed or quarry for paving	GOVT. CODE §§ 39792-39793 (West 1968)
Harbors, public	GOVT. CODE § 40404(d), (e) (West 1968)
Highways, for state highway purposes	STS. & HWYS. CODE § 113 (West 1969)
Improvements authorized by Improvement Act of 1911 (see STS. & HWYS. CODE § 5101)	STS. & HWYS. CODE §§ 4090(c), 5102, 10102 (West 1969) <sup>5</sup>
Libraries	GOVT. CODE §§ 38002, 38010-38012 (West 1968) <sup>6</sup>
Lighting poles, posts, etc.	STS. & HWYS. CODE §§ 10010, 10100(d), 10101-10102 (West 1969) <sup>4</sup>
Parks, public	GOVT. CODE §§ 38002, 38010-38012 (West 1968) <sup>6</sup>
Pedestrian Malls	STS. & HWYS. CODE § 11101.5 (West 1969) <sup>7</sup>



Places, public GOVT. CODE \$ 40404(a)(West 1968)  
 Playgrounds GOVT. CODE \$\$ 38002, 38010-38012 (West 1968)<sup>6</sup>  
 Power Plants } --land, rights of way, water )  
 } rights, quarry, gravel beds, } ---  
 Railroads } } other mineral deposits )  
 Roads )  
 Roads, connecting city with park or playground GOVT. CODE \$ 38304 (West 1968)  
 Sewers GOVT. CODE \$\$ 39040, 39112, 39140-39143, 40404(b),  
 55003 (West 1968);<sup>8</sup> HEALTH & SAF. CODE  
 \$\$ 4602.4(a), 4627 (West Supp. 1970)  
 Sewage treatment plants HEALTH & SAF. CODE \$\$ 4602.4(b), (c), 4627  
 (West Supp. 1970)  
 Streams, to widen or divert channels GOVT. CODE \$ 40404(c)(West 1968)  
 Streets and other public highways GOVT. CODE \$ 40404(a)(West 1968)  
 Streets, walks, and grading STS. & HWYS. CODE \$ 4090(b)(West 1969)<sup>5</sup>  
 Telegraph or telephone lines } land, rights of )  
 } --way, water rights, } GOVT. CODE \$\$ 39790-39792 (West 1968)  
 Tramways } quarries, gravel }  
 } beds, etc. )  
 Veterans' homes and memorial halls GOVT. CODE \$ 37462 (West 1968)  
 Waterfront improvement GOVT. CODE \$ 40404(d)(West 1968)  
 Water rights, reservoirs, rights of way for  
 pipes, aqueducts, flumes GOVT. CODE \$ 38730(West 1968)

Water service (water mains, pipes, etc.)

HEALTH & SAF. CODE §§ 4602.4(f), 4627 (West Supp. 1970); STS. & HWYS. CODE §§ 10010, 10100(a), 10101-10102 (West 1969); WATER CODE § 1463 (West 1955)

Works, municipal (land, rights of way, water rights, quarries, gravel beds, other mineral deposits necessary for)

GOVT. CODE §§ 39790-39792 (West 1968)<sup>4</sup>

Cities or Counties

Airports

GOVT. CODE § 50470 (West 1966)

Airport, nonconforming uses

GOVT. CODE § 50485.13 (West 1966)

Airports, public

GOVT. CODE §§ 54301, 54309(f), 54340-54341 (West 1966)<sup>2</sup>

Airports, surrounding areas

CODE CIV. PROC. §§ 1239.2-1239.4 (West Supp. 1970)

Automobile parking areas

GOVT. CODE § 54031 (West 1966)

Automobile parking facilities

GOVT. CODE §§ 54301, 54309(d), 54340-54341 (West 1966)<sup>9</sup>

Bomb or fallout shelters

STS. & HWYS. CODE §§ 5101(j), 5102 (West 1969)<sup>10</sup>

Boulevards, public

PUB. RES. CODE § 5301 (West 1956)

Drains

STS. & HWYS. CODE §§ 5101(d), 5102 (West 1969)<sup>3</sup>

Electric service

STS. & HWYS. CODE §§ 5101(e), 5102 (West 1969)<sup>10</sup>

Federal armed forces, sites and buildings

MIL. & VETS. CODE § 439 (West 1955)

Federal government, sites for donation to

GOVT. CODE §§ 50334, 50362, 50366 (West Supp. 1970)

Ferry systems	GOVT. CODE \$\$ 54301, 54309(e), 54340-54341 (West 1966) <sup>9</sup>
Fire protection	STS. & HWYS. CODE \$\$ 5101(f), 5102 (West 1969) <sup>10</sup>
Fire protection, water for	GOVT. CODE \$\$ 54301, 54309(a), 54340-54341 (West 1966) <sup>9</sup>
Flood protection	STS. & HWYS. CODE \$\$ 5101(g), 5102 (West 1969) <sup>10</sup>
Garbage collection and disposal	GOVT. CODE \$\$ 54301, 54309(b), 54340-54341 (West 1966) <sup>9</sup>
Gas supply	STS. & HWYS. CODE \$\$ 5101(i), 5102 (West 1969) <sup>10</sup>
Golf courses, public	GOVT. CODE \$\$ 54301, 54309(i), 54340-54341 (West 1966) <sup>9</sup>
Grading of streets	STS. & HWYS. CODE \$\$ 5101(a), 5102 (West 1969) <sup>10</sup>
Harbors	GOVT. CODE \$\$ 54301, 54309(g), 54340-54341 (West 1966) <sup>9</sup>
Highway grade changes	STS. & HWYS. CODE \$\$ 6120-6123 (West 1969)
Hospitals	GOVT. CODE \$\$ 54301, 54309(h), 54340-54341 (West 1966) <sup>9</sup>
Industrial water supply	GOVT. CODE \$\$ 54301, 54309(a), 54340-54341 (West 1966) <sup>9</sup>
Irrigation water	GOVT. CODE \$\$ 54301, 54309(a), 54340-54341 (West 1966) <sup>9</sup>
Lighting	STS. & HWYS. CODE \$\$ 5101(e), 5102 (West 1969) <sup>10</sup>
Navigation and fishing facilities	STS. & HWYS. CODE \$\$ 5101(m), 5102 (West 1969) <sup>10</sup>

Oil and gas interests in terminated unit  
operations

PUB. RES. CODE § 3341 (West Supp. 1970)

Oil and gas working interests in unit  
operations

PUB. RES. CODE § 3320.1 (West Supp. 1970)

Ornamental vegetation

STS. & HWYS. CODE §§ 5101(l), 5102 (West 1969)<sup>10</sup>

Parks, public

PUB. RES. CODE § 5301 (West 1956)

Public utility

PUB. UTIL. CODE §§ 1401-1421 (West Supp. 1970)

Railroad crossings

PUB. UTIL. CODE § 1207 (West 1956)

Recreation, water for

GOVT. CODE §§ 54301, 54309(a), 54340-54341  
(West 1966)<sup>9</sup>

Redevelopment housing

HEALTH & SAF. CODE §§ 33200, 33342, 33391(b),  
34014 (West 1967)

Retaining walls, embankments

STS. & HWYS. CODE §§ 5101(k), 5102 (West 1969)<sup>10</sup>

Sanitary sewers and facilities

STS. & HWYS. CODE §§ 5101(c), 5102 (West 1969)<sup>10</sup>

Sanitation, water for

GOVT. CODE §§ 54301, 54309(a), 54340-54341  
(West 1966)<sup>9</sup>

Sewage collection and disposal

GOVT. CODE §§ 54301, 54309(c), 54340-54341 (West  
1966)<sup>9</sup>; HEALTH & SAF. CODE §§ 4951, 5001 (West  
1955)

Sidewalks and structures

STS. & HWYS. CODE §§ 5101(b), 5102 (West 1969)<sup>10</sup>

Squares, public

GOVT. CODE § 50531 (West 1966)

Stabilization of land	SIS. & HWYS. CODE §§ 5101(n), 5102 (West 1969) <sup>10</sup>
State buildings, sites for	GOVT. CODE § 50333 (West 1966)
Telephone service	SIS. & HWYS. CODE §§ 5101(e), 5102 (West 1969) <sup>10</sup>
Water for domestic use	GOVT. CODE §§ 54301, 54309(a), 54340-54341 (West 1966) <sup>9</sup>
Water supply	SIS. & HWYS. CODE §§ 5101(h), 5102 (West 1969) <sup>10</sup>

FOOTNOTES

1. Health and Safety Code Sections 4100-4130 (West Supp. 1970) provide for the creation of districts. However, the power to take property is in the County Board of Supervisors. (HEALTH & SAF. CODE § 4120(c)(West 1955).)
2. Sewer Maintenance District Act, HEALTH & SAF. CODE §§ 4860-4927 (West Supp. 1970). Districts may be formed, but power is in County Board of Supervisors. There are 43 such districts. CAL. CONTROLLER, ANNUAL REP. OF FINANCIAL TRANSACTIONS CONCERNING SPECIAL DISTRICTS OF CALIFORNIA at xiii (Fiscal Year 1964-65).
3. Storm Drain Maintenance District Act does provide for the creation of districts. However, the power to take property is in the County Board of Supervisors, and title is acquired in the name of the county. Cal. Stats. 1937, Ch. 265, § 5, p. 568.
4. Municipal Improvement Act of 1913, STS. & HWYS. CODE §§ 10900-10609 (West Supp. 1970). Districts formed under this act are merely assessment districts.
5. Street Opening Act of 1903, STS. & HWYS. CODE §§ 4000-4443 (West 1969). Districts formed under this act are merely assessment districts.
6. Park and Playground Act of 1909, GOVT. CODE §§ 35000-38213 (West 1968). Districts are authorized by this, but the power to condemn is in the legislative body of the city.
7. Pedestrian Mall Law of 1960, STS. & HWYS. CODE §§ 11000-11806 (West 1969)(allows formation of assessment districts).
8. Sewer Right of Way Law of 1921, GOVT. CODE §§ 39000-39374 (West 1968)(allows formation of assessment districts).
9. Revenue Bond Law of 1941, GOVT. CODE §§ 54300-54700 (West Supp. 1970).
10. Improvement Act of 1911, STS. & HWYS. CODE §§ 5000-6794 (West Supp. 1970).

USE OF TERM "ACQUIRE" WHICH IS NOT DEFINED

Countries

Academies for the performing arts	GOVT. CODE §§ 25351.3, 25351.6 (West 1968)
Auditoriums, opera houses, music halls and centers	GOVT. CODE § 25351.3 (West 1968)
Automobile offstreet parking facilities	GOVT. CODE § 25351.3 (West 1968)
Beaches and upland areas for public	GOVT. CODE § 26301(a) (West 1968)
Beaches, public	GOVT. CODE § 25353 (West 1968); HARB. & NAV. CODE §§ 5940-5945 (West Supp. 1970)
Botanical gardens	GOVT. CODE § 25353 (West 1968)
Buildings, county	GOVT. CODE § 25353 (West 1968)
Buildings, public--new sites for	GOVT. CODE § 25357 (West 1968)
Cement manufacturing plants	GOVT. CODE § 25400 (West 1968)
Convention and exhibit halls	GOVT. CODE § 25351.3 (West 1968)
Courts, justice, municipal, superior	GOVT. CODE § 25351.3 (West 1968)
Fairs	GOVT. CODE § 25903 (West 1968)
Golf courses, public	GOVT. CODE § 26301 (a) (West 1968)
Harbors	GOVT. CODE § 25353 (West 1968)
Historical monuments, historical landmarks	GOVT. CODE §§ 25353, 25373 (West Supp. 1970)
Incinerators	GOVT. CODE §§ 26402, 26406 (West 1968)

Jails, located in another county	GOVT. CODE § 25380 (West 1968)
Military sites, for conveyance to federal government	GOVT. CODE § 25420 (West 1968)
Motion picture and television museums	GOVT. CODE § 25351.3 (West 1968)
Museums	PUB. RES. CODE § 5121 (West 1956)
Parks, public	GOVT. CODE § 25353 (West Supp. 1970)
Pleasure grounds, public	GOVT. CODE § 25353 (West Supp. 1970)
Reclamation of water from sewage	GOVT. CODE § 25702 (West 1968)
Rescue or first aid service	GOVT. CODE § 25369.5 (West 1968)
Skiing areas (including hotels, etc.)	GOVT. CODE §§ 26301(e), 26306 (West 1968)
Small boat harbors, public	GOVT. CODE § 26301(b) (West 1968)
Trade and industrial centers	GOVT. CODE § 25351.3 (West 1968)
Tuberculosis ward, hospital or sanitarium	HEALTH & SAF. CODE § 3307 (West Supp. 1970)
Wells	GOVT. CODE § 25353 (West Supp. 1970)
<u>Cities</u>	
Automobile parking	GOVT. CODE § 37353(a) (West 1968)
Automobile parking for business	STS. & HWYS. CODE § 36000 (West 1969)
Bathhouses, lifesaving stations	GOVT. CODE § 39962 (West 1968)
Bus lines	GOVT. CODE § 39732 (West 1968)
Cemeteries	GOVT. CODE § 37681 (West 1968)



Ferry and wharf facilities	GOVT. CODE § 39961 (West 1968)
Gas, light, power, heat works	GOVT. CODE § 39732 (West 1968)
Golf courses	GOVT. CODE § 37353(c)(West 1968)
Gymnasiums	GOVT. CODE § 39732 (West 1968)
Historical landmarks	GOVT. CODE § 37361 (West 1968)
Hospitals	GOVT. CODE § 37653 (West 1968)
Libraries, public	GOVT. CODE § 39732 (West 1968)
Mooring places, public	GOVT. CODE § 39961 (West 1968)
Museums	GOVT. CODE § 39732 (West 1968)
Parks, baths	GOVT. CODE § 39732 (West 1968)
Parks, playgrounds, squares	GOVT. CODE § 40401(b)(West 1968)
Piers, docks, wharves, bulkheads, quays	GOVT. CODE § 39901 (West 1968)
Public utilities	PUB. UTIL. CODE § 10002 (West 1965)
Steam railway spur tracks	GOVT. CODE § 39732 (West 1968)
Street, alley, lanes, tunnel openings	GOVT. CODE § 37353(b)(West 1968)
Street railways	GOVT. CODE § 39732 (West 1968)
Telephone and telegraph lines	GOVT. CODE § 39732 (West 1968)
Wharves, chutes, piers, breakwaters	GOVT. CODE § 39962 (West 1968)

Cities or Counties

Airports, hazard elimination purposes	GOVT. CODE § 50485.2 (West 1966)
Agricultural, horticultural, botanical exhibitions	GOVT. CODE § 50331(a), (b) (West 1966)
Coliseum and stadium parking	GOVT. CODE § 54061 (West 1966)
Federal surplus property	GOVT. CODE § 54142 (West 1966)
Golf courses, public	GOVT. CODE § 50701 (West 1966)
Historical museums and art galleries	GOVT. CODE § 50331(c) (West 1966)
Housing projects, temporary	HEALTH & SAF. CODE §§ 35480, 35484, 35493 (West 1967)
Marinas and small craft harbors	GOVT. CODE § 50701 (West 1966)
Open space purposes	GOVT. CODE § 6953 (West 1966)
Redevelopment project areas	HEALTH & SAF. CODE § 33220 (West 1967)
Sea water conversion plants	GOVT. CODE § 54281 (West 1966)
State parks, assistance in acquiring	PUB. RES. CODE § 5150 (West 1956)

USE OF TERMS "PURCHASE" WHICH IS NOT DEFINED

Counties

General authority to purchase property      GOVT. CODE § 23004(b)(West 1968)  
Adjustment school sites                      EDUC. CODE § 6652 (West 1969)  
Beaches, public                                PUB. RES. CODE § 5157 (West 1956)  
Fish propagation and conservation        FISH & GAME CODE § 13101 (West 1958)  
Fishing waters, access to                 GOVT. CODE § 25661 (West 1968)  
Parks, recreation areas, boulevards, public      PUB. RES. CODE § 5157 (West 1956)  
Sprinkling facilities for oiling and watering  
county highways                             STS. & HWYS. CODE § 950 (West 1969)

Cities

General authority to purchase property      GOVT. CODE §§ 37250-37351 (West 1968)

Cities or Counties

Public works for light, power, water, heat,  
transportation, telephone service      CAL. CONST., Art. XI, § 19  
State college site, for donation to state  
college trustees                             GOVT. CODE § 50330.4 (West 1966)

USE OF OTHER TERMS WHICH ARE NOT DEFINED  
(E.G., "ESTABLISH," "CONSTRUCT")

Counties

Agricultural, recreational, and cultural facilities (construct, operate) BUS. & PROF. CODE § 19630.5 (West Supp. 1970)

Alms-houses (establish) WELF. & INST. CODE § 17002 (West 1966)

Bridges on city streets under county control (construct, operate) STS. & HWYS. CODE § 1706 (West 1969)

Canals, private--ways for (open, lay out, alter) WATER CODE § 7025 (West 1955)

Extended service areas (establish, provide) GOVT. CODE §§ 25210.1 et seq. (West 1968)

Fish hatcheries (establish, maintain) FISH & GAME CODE § 1150 (West 1959)

Flood control works (construct, protect, conserve) GOVT. CODE §§ 25650-25682 (West 1968); WATER CODE §§ 8100-8103 (West 1956)

Harbors (improve, develop, protect, maintain) HARB. & NAV. CODE § 4131 (West 1955)

Hospitals (establish, maintain) HEALTH & SAF. CODE § 1441 (West Supp. 1970)

Cities

Bridges (establish, build, repair) STS. & HWYS. CODE § 40401(a) (West 1969)

Drawbridges across navigable streams (erect, maintain) GOVT. CODE § 40460 (West 1968)

Flood control and drainage works (incur, indebtedness and liability) WATER CODE § 8010 (West 1956)

Sidewalks, alleys (establish, lay out, alter, keep open, improve, repair)	STS. & HWYS. CODE § 10401(c) (West 1969)
Streets--access to navigable waters (establish, lay out, open, widen, narrow, close up, construct, maintain, improve)	GOVT. CODE § 39934 (West 1968)
Tunnels (construct, maintain, operate)	STS. & HWYS. CODE §§ 1804, 10401(c) (West 1969)
<u>Cities or Counties</u>	
Carateries (survey, lay out, dedicate)	HEALTH & SAF. CODE §§ 6125, 6127 (West 1955)