

#36

12/14/71

Memorandum 72-4

Subject: Study 36 - Condemnation (Schedule)

The staff suggests that the tentative schedule for the condemnation study be as set out in Exhibit I. We would like to have a tentative schedule approved so the State Bar Committee and various other interested groups will be able to schedule their work in connection with this project.

As you can see from the schedule, we have substantially completed the initial drafting of the right to take provisions; only a few miscellaneous matters remain for initial consideration.

At the January 1972 meeting, we will consider two matters that need to be resolved so we can complete our work on the right to take. We will not consider condemnation at the February meeting. At the March meeting, assuming that we have tentatively determined the procedure for raising right to take issues and the compensation rules in partial take cases, we will consider various different types of excess takings.

Also attached (Exhibit II) is a schedule we would like to send to the State Bar Committee (and perhaps others), together with Exhibit I (attached).

Respectfully submitted,

John H. DeMouly
Executive Secretary

EXHIBIT I

CALIFORNIA LAW REVISION COMMISSION

TENTATIVE SCHEDULE FOR WORK ON STUDY OF
CONDEMNATION LAW AND PROCEDURE

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<u>January</u>	<u>February</u>	<u>March</u>
<u>(January 13, 14, 15)</u>	<u>No eminent</u>	<u>(March 9, 10, 11)</u>
<u>Prior to meeting</u>	<u>domain</u>	<u>At meeting</u>
Distribute revised draft of comprehensive statute to State Bar Committee, judges, and other groups		Consider provisions of Uniform Relocation Assistance Statute insofar as they relate to the right to take
<u>At meeting</u>		Consider comments of State Bar Committee on Excess Condemnation
Consider partial take compensation rules		Consider property owner's right to compel taking of trade fixtures and the like
Consider procedure statute --part relating to right to take		Consider property owner's right to compel taking of fee interest or of entire parcel
		Physical solutions in partial taking cases
		Open space

<u>April</u>	<u>May</u>	<u>June</u>
<u>At meeting</u>	<u>At meeting</u>	<u>At meeting</u>
Right to condemn personal property, security interests, and the like	Consider comments of State Bar Committee and others on various aspects of the right to take provisions of comprehensive statute	Review preliminary portion of tentative recommendation on right to take
Right to take temporary occupancy		Consider comments of State Bar Committee and others on right to take portion of comprehensive statute
Emergency seizures		
Property exempt from condemnation		
Repeals and conforming amendments and additions		

<u>July</u>	<u>August</u>	<u>September</u>
<u>At meeting</u>	<u>At meeting</u>	<u>At meeting</u>
Consider comments of State Bar Committee and others on right to take recommendation	Procedure statute-- Parts I and II	Procedure statute-- Parts I-III
Approve tentative recommendation on right to take for printing	Procedure statute-- Part III	Compensation provisions
Procedure statute-- Parts I and II	Compensation provisions	
Compensation provisions		

<u>October</u>	<u>November</u>	<u>December</u>
<u>At meeting</u>	<u>At meeting</u>	<u>At meeting</u>
Procedure statute-- tentative approval of all provisions	Approve tentative recommendation on procedural provisions for printing	Approval of tentative recommendation on compensation for printing
Compensation provisions	Compensation--tentative approval of all provisions	

EXHIBIT II

Suggested Schedule for State Bar Committee

- January 20, 1972 - receive revised draft of comprehensive statute from Law Revision Commission. (Additional revisions will be received from time to time as they are tentatively approved by Law Revision Commission.)
- April 15, 1972 - complete review of approximately one-half of the right to take provisions of comprehensive statute and send written comments to Law Revision Commission for review by Commission at Commission's May meeting.
- May 15, 1972 - complete review of approximately 75 percent of the right to take provisions of the comprehensive statute and send written comments to Law Revision Commission.
- June 15, 1972 - complete review of right to take provisions of comprehensive statute, including provisions revised as a result of comments earlier submitted, and send comments to Law Revision Commission.
- July 15, 1972 - Law Revision Commission to send tentative recommendation on right to take to printer.
- September 1, 1972 - receive preliminary draft of provisions relating to procedure from Law Revision Commission and commence review of same.