

First Supplement to Memorandum 72-52

Subject: Study 36.65 - Condemnation (Existing Sections--Public Utilities)

Memorandum 72-52 deals with disposition of various provisions of existing law that deal specifically with public utilities. Exhibit II of that memorandum sets forth a provision designed to replace various provisions dealing with disposition of controversies arising out of the removal or relocation of public utility property.

Attached to this supplement to Memorandum 72-52 is a draft bill to repeal 36 sections of special district laws that will be superseded by the Comprehensive Statute. These sections are superseded by the provisions relating to substitute condemnation (Section 1240.310 et seq.) of the Comprehensive Statute and by the new sections set forth on pages 1-3 of Exhibit II of Memorandum 72-52.

We believe that the Commission should consider necessary conforming changes to the special district laws at the time it approves the general provisions to be included in the Comprehensive Statute. This will avoid the need to consider the superseded provisions later as a separate matter. Accordingly, we have collected the superseded provisions in the attached bill. These are not routine repealers. You should examine each proposed repeal, noting that the repealed sections do not all follow the same pattern. We will revise the Comments to the repealed sections to include a reference to the proposed section set out on page 1 of Exhibit II of Memorandum 72-52 (in cases where such a reference is appropriate).

We recommend that the Commission approve the attached bill for submission to the Legislature as a part of the eminent domain package.

Respectfully submitted,

John H. DeMouly
Executive Secretary

EXHIBIT I

An act to repeal Section 28 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949), to repeal Section 19 of the Alpine County Water Agency Act (Chapter 1896 of the Statutes of 1961), to repeal Section 4.9 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to repeal Section 29 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), to repeal Section 30 of the Del Norte County Flood Control District Act (Chapter 166 of the Statutes of 1955), to repeal Section 20 of the El Dorado County Water Agency Act (Chapter 2139 of the Statutes of 1959), to repeal Section 30 of the Humboldt County Flood Control District Act (Chapter 939 of the Statutes of 1945), to repeal Section 4.9 of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to repeal Section 33 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951), to repeal Section 651 of the Madera County Flood Control and Water Conservation Agency Act (Chapter 916 of the Statutes of 1969), to repeal Section 28 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953), to repeal Section 4.9 of the Mariposa County Water Agency Act (Chapter 2036 of the Statutes of 1959), to repeal Section 29 of the Monterey County Flood Control and Water Conservation District Act (Chapter 699 of the Statutes of 1947), to repeal Section 29 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449 of the Statutes of 1951), to repeal

Section 19 of the Nevada County Water Agency Act (Chapter 2122 of the Statutes of 1959), to repeal Section 39 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933), to repeal Section 4.9 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), to repeal Section 35 of the Riverside County Flood Control and Water Conservation District Act (Chapter 1122 of the Statutes of 1945), to repeal Section 4.9 of the Sacramento County Water Agency Act (Chapter 10 of the Statutes of 1952, First Extraordinary Session), to repeal Section 33 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953), to repeal Section 25 of the San Bernardino County Flood Control District Act (Chapter 73 of the Statutes of 1939), to repeal Section 39 of the San Diego County Flood Control District Act (Chapter 55 of the Statutes of 1966, First Extraordinary Session), to repeal Section 33 of the San Joaquin County Flood Control and Water Conservation District Act (Chapter 46 of the Statutes of 1956, First Extraordinary Session), to repeal Section 29 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945), to repeal Section 31 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959), to repeal Section 30 of the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057 of the Statutes of 1955), to repeal Section 4.9 of the Santa Barbara County Water Agency Act (Chapter 1501 of the Statutes of 1945), to repeal Section 29 of the Santa Clara County Flood Control and Water District Act (Chapter 1405 of the Statutes of 1951), to repeal Section 58 of the Shasta County Water Agency Act (Chapter 1512 of the Statutes of 1957), to repeal

Section 4.8 of the Solano County Flood Control and Water Conservation District Act (Chapter 1656 of the Statutes of 1951), to repeal Section 4.9 of the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959), to repeal Section 32 of the Tulare County Flood Control District Act (Chapter 1149 of the Statutes of 1969), to repeal Section 20 of the Tuolumne County Water Agency Act (Chapter 1236 of the Statutes of 1969), to repeal Section 29 of the Ventura County Flood Control District Act (Chapter 44 of the Statutes of 1944, Fourth Extraordinary Session), to repeal Section 19 of the Yuba-Bear River Basin Authority Act (Chapter 2131 of the Statutes of 1959), and to repeal Section 4.9 of the Yuba County Water Agency Act (Chapter 788 of the Statutes of 1959), relating to property subject to or devoted to public use.

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

8.3

Alameda County Flood Control and Water Conservation District Act, § 28 (Stats. 1949, Ch. 1275)

Alameda County Flood Control and Water Conservation District Act, § 28 (Stats. 1949, Ch. 1275)(repealed)

Section 1. Section 28 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949) is repealed.

~~Sec. 28. (a) If by any judgment in condemnation or agreement the district shall be required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment.~~

~~(b) In the event the district and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the district, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission; and jurisdiction of such controversies is hereby vested in said commission.~~

~~(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained, and determined in the mode prescribed in paragraphs 1, 2, 3, 4, 5, 6, and 7 of subsection (c) of Section 43 of the Public Utilities Act as amended by Chapter 855 of the Statutes of 1933.~~

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STRIKEOUT

Comment. Section 28 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

45.1

Alpine County Water Agency Act,
§ 19 (Stats. 1961, Ch. 1896)

Alpine County Water Agency Act, § 19 (Stats. 1961, Ch. 1896)(repealed)

Sec. 2. Section 19 of the Alpine County Water Agency Act (Chapter 1896 of the Statutes of 1961) is repealed.

~~Sec. 19. (a) If by any judgment in condemnation or agreement the agency is required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board may acquire in the name of the agency, by agreement or condemnation, all rights-of-way and other property necessary or proper for compliance with such agreement or judgment of condemnation and thereafter to make such conveyance of the relocated street, road, highway, railroad, canal, or other property as may be proper to comply with the agreement or judgment. All agreements for the exchange of property and all judgments requiring relocation of other public uses, as specified in this section and in Section 7 of this act, shall provide that in making the exchange the property condemned and exchanged shall be limited to public use by the party with whom such exchange is made.~~

~~(b) In the event the agency and any common carrier railroad or other public utility fails to agree as to the character or location or new improvements or works sought to be performed by the agency, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission.~~

~~(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the manner prescribed in Chapter 6 (commencing with Section 1201) of Part 1 of Division 1 of the Public Utilities Code.~~

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STRIKEOUT

Comment. Section 19 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

45.2

Amador County Water Agency Act,
§ 4.9 (Stats. 1959, Ch. 2137)

Amador County Water Agency Act, § 4.9 (Stats. 1959, Ch. 2137)(repealed)

Sec. 3. Section 4.9 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is repealed.

~~Sec. 4.9. (a) If by any judgment in condemnation or agreement the agency is required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board may acquire in the name of the agency, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with such agreement or judgment of condemnation and thereafter to make such conveyance of the relocated street, road, highway, railroad, canal, or other property as may be proper to comply with the agreement or judgment. All agreements for the exchange of property and all judgments requiring relocation of other public uses, as specified in this section and in Section 3.4 of this act, shall provide that in making the exchange the property condemned and exchanged shall be limited to public use by the party with whom such exchange is made.~~

(b) In the event the agency and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the agency, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission.

(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the manner prescribed in Chapter 6 (~~commencing at Section 1201) of Part 1 of Division 1 of the Public Utilities Code.~~

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STRIKEOUT

Comment. Section 4.9 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

8.5

Contra Costa County Flood Control and Water Conservation District Act, § 29 (Stats. 1951, Ch. 1617)

Contra Costa County Flood Control and Water Conservation District Act, § 29 (Stats. 1951, Ch. 1617) (repealed)

Sec. 4. Section 29 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is repealed.

~~Sec. 29. (a) If by any judgment in condemnation or agreement the district shall be required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment.~~

~~(b) In the event the district and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the district, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission; and jurisdiction of such controversies is hereby vested in said commission.~~

~~(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained, and determined in the mode prescribed in paragraphs 1, 2, 3, 4, 5, 6, and 7 of subsection (c) of Section 43 of the Public Utilities Act as amended by Chapter 855 of the Statutes of 1933.~~

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STRIKEOUT

Comment. Section 29 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

8.6

Del Norte County Flood Control
District Act, § 30 (Stats. 1955,
Ch. 166)

Del Norte County Flood Control District Act, § 30 (Stats. 1955, Ch. 166)
(repealed)

Sec. 5. Section 30 of the Del Norte County Flood Control
District Act (Chapter 166 of the Statutes of 1955) is repealed.

~~Sec. 30. If by any agreement or judgment in condemnation the district shall be required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment. It shall be provided in all agreements for exchange of property and judgments requiring relocation of other public uses as specified in this section and in Section 7 of this act, that in making such exchanges it shall be specifically provided that such property so condemned and exchanged be limited to public use by the party with whom such exchange is made.~~

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STRIKEOUT

Comment. Section 30 is superseded by the more general provisions of
the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

45.6

El Dorado County Water Agency Act,
§ 20 (Stats. 1959, Ch. 2139)

El Dorado County Water Agency Act, § 20 (Stats. 1959, Ch. 2139) (repealed)

Sec. 6. Section 20 of the El Dorado County Water Agency Act (Chapter 2139 of the Statutes of 1959) is repealed.

~~Sec. 20. (a) If by any judgment in condemnation or agreement the agency is required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board may acquire in the name of the agency, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with such agreement or judgment of condemnation and thereafter to make such conveyance of the relocated street, road, highway, railroad, canal, or other property as may be proper to comply with the agreement or judgment. All agreements for the exchange of property and all judgments requiring relocation of other public uses, as specified in this section and in Section 8 of this act, shall provide that in making the exchange the property condemned and exchanged shall be limited to public use by the party with whom such exchange is made.~~

~~(b) In the event the agency and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the agency, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission.~~

~~(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the manner prescribed in Chapter 6, commencing at Section 1201, of Part 1 of Division 1 of the Public Utilities Code.~~

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Comment. Section 20 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

8.8

Humboldt County Flood Control
District Act, § 30 (Stats. 1945,
Ch. 939)

Humboldt County Flood Control District Act, § 30 (Stats. 1945, Ch. 939)
(repealed)

Sec. 7. Section 30 of the Humboldt County Flood Control
District Act (Chapter 939 of the Statutes of 1945) is repealed.

~~Sec. 30. If by any agreement or judgment in condemnation the district shall be required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment. It shall be provided in all agreements for exchange of property and judgments requiring relocation of other public uses as specified in this section and in Section 7 of this act. that in making such exchanges it shall be specifically provided that such property so condemned and exchanged be limited to public use by the party with whom such exchange is made.~~

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STRIKEOUT

Comment. Section 30 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

45.7

Kern County Water Agency Act,
§ 4.9 (Stats. 1961, Ch. 1003)

Kern County Water Agency Act, § 4.9 (Stats. 1961, Ch. 1003)(repealed)

Sec. 8. Section 4.9 of the Kern County Water Agency Act
(Chapter 1003 of the Statutes of 1961) is repealed.

~~Sec. 4.9. (a) If by any judgment in condemnation or agreement the agency is required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board may acquire in the name of the agency, by agreement or condemnation, all rights-of-way and other property necessary or proper for compliance with such agreement or judgment of condemnation and thereafter to make such conveyance of the relocated street, road, highway, railroad, canal, or other property as may be proper to comply with the agreement or judgment. All agreements for the exchange of property and all judgments requiring relocation of other public uses, as specified in this section and in Section 3.4 of this act, shall provide that in making the exchange the property condemned and exchanged shall be dedicated to public use by the party with whom such exchange is made.~~

~~(b) In the event the agency and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the agency, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission.~~

~~(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the manner prescribed in Chapter 6 (commencing at Section 1201) of Part 1 of Division 1 of the Public Utilities Code.~~

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STRIKEOUT

Comment. Section 4.9 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

Lake County Flood Control and Water Conservation District Act (Stats. 1951, Ch. 1544), § 33 (added Stats. 1954, 1st Ex. Sess., Ch. 62, § 48)

Lake County Flood Control and Water Conservation District Act (Stats. 1951, Ch. 1544), § 33 (added Stats. 1954, 1st Ex. Sess., Ch. 62, § 48)(repealed)

Sec. 9. Section 33 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951) is repealed.

~~Sec. 33. (a) If by any judgment in condemnation or agreement the district shall be required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment.~~
~~(b) In the event the district and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the district, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission; and jurisdiction of such controversies is hereby vested in said commission.~~
~~(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained, and determined in the mode prescribed in paragraphs 1, 2, 3, 4, 5, 6, and 7 of subsection (c) of Section 48 of the Public Utilities Act as amended by Chapter 856 of the Statutes of 1953.~~

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STRIKEOUT

Comment. Section 33 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

8.37

Madera County Flood Control and
Water Conservation Agency Act,
§ 651 (Stats. 1969, Ch. 916)

Madera County Flood Control and Water Conservation Agency Act, § 651
(Stats. 1969, Ch. 916)(repealed)

Sec. 10. Section 651 of the Madera County Flood Control
and Water Conservation Agency Act (Chapter 916 of the Statutes
of 1969) is repealed.

~~Sec. 651. If by any judgment in condemnation or by agree-
ment the agency shall be required to relocate any street, road,
highway or railroad, subject or devoted to public use, the
board shall have power to acquire in the name of the agency
by agreement or condemnation, all rights-of-way and other
property necessary or proper for the compliance with said
agreement or judgment and thereafter, and without further
authorization, to make such conveyance of such relocated street,
road, highway or railroad, as may be proper to comply with
said agreement or judgment.~~

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STRIKEOUT

Comment. Section 651 is superseded by the more general provisions of
the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

8.12

Marin County Flood Control and
Water Conservation District Act,
✓ § 28 (Stats. 1953, Ch. 666)

Marin County Flood Control and Water Conservation District Act, § 28
(Stats. 1953, Ch. 666) (repealed)

Sec. 11. Section 28 of the Marin County Flood Control and
Water Conservation District Act (Chapter 666 of the Statutes of
1953) is repealed.

~~Sec. 28. (a) If by any judgment in condemnation or agree-
ment the district shall be required to relocate any street, road,
highway, railroad, canal or other property subject or devoted
to public use or benefit, the board shall have power to acquire
in the name of the district, by agreement or condemnation, all
rights of way and other property necessary or proper for com-
pliance with said agreement or said judgment of condemnation
and thereafter to make such conveyance of such relocated street,
road, highway, railroad, canal, or other property as may be
proper to comply with said agreement or judgment. All costs of
relocating or otherwise changing any portion of a state highway
shall be paid from funds available for rights of way for flood
control purposes and not from funds appropriated for state
highway purposes.~~

~~(b) In the event the district and any common carrier rail-
road or other public utility fail to agree as to the character or
location of new improvements or works sought to be performed
by the district, the character and location of such new improve-
ments or works and any other controversy relating thereto shall
be submitted to and determined by the Public Utilities Com-
mission; and jurisdiction of such controversies is hereby vested
in said commission.~~

~~(c) Proceedings under this section relating to the jurisdic-
tion of said commission may be instituted, maintained, and
determined in the mode prescribed in Sections 1206 to 1217, in-
clusive, of the Public Utilities Code.~~

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STRIKEOUT

Comment. Section 28 is superseded by the more general provisions of
the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

45.8

Mariposa County Water Agency Act,
§ 4.9 (Stats. 1959, Ch. 2036)

Mariposa County Water Agency Act, § 4.9 (Stats. 1959, Ch. 2036)(repealed)

Sec. 12. Section 4.9 of the Mariposa County Water Agency Act (Chapter 2036 of the Statutes of 1959) is repealed.

~~Sec. 4.9. (a) If by any judgment in condemnation or agreement the agency is required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board may acquire in the name of the agency, by agreement or condemnation, all rights-of-way and other property necessary or proper for compliance with such agreement or judgment of condemnation and thereafter to make such conveyance of the relocated street, road, highway, railroad, canal, or other property as may be proper to comply with the agreement or judgment. All agreements for the exchange of property and all judgments requiring relocation of other public uses, as specified in this section and in Section 3.4 of this act, shall provide that in making the exchange the property condemned and exchanged shall be limited to public use by the party with whom such exchange is made.~~

~~(b) In the event the agency and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the agency, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission.~~

~~(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the manner prescribed in Chapter 6, commencing at Section 1201, of Part 1 of Division 1 of the Public Utilities Code.~~

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STRIKEOUT

Comment. Section 4.9 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

8.14

Monterey County Flood Control and
Water Conservation District Act,
§ 29 (Stats. 1947, Ch. 699)

Monterey County Flood Control and Water Conservation District Act, § 29
(Stats. 1947, Ch. 699) (repealed)

Sec. 13. Section 29 of the Monterey County Flood Control
and Water Conservation District Act (Chapter 699 of the Statutes
of 1947) is repealed.

~~Sec. 29. (a) If by any judgment in condemnation or
agreement the district shall be required to relocate any street,
road, highway, railroad, canal or other property subject or
devoted to public use, the board shall have power to acquire in
the name of the district, by agreement or condemnation, all
rights of way and other property necessary or proper for com-
pliance with said agreement or said judgment of condemnation
and thereafter to make such conveyance of such relocated street,
road, highway, railroad, canal, or other property as may be
proper to comply with said agreement or judgment. It shall be
provided in all agreements for exchange of property and judg-
ments requiring relocation of other public uses as specified in
this section and in Section 6 of this act, that in making such
exchanges it shall be specifically provided that such property
so condemned and exchanged be limited to public use by the
party with whom such exchange is made.~~

(b) In the event the district and any common carrier rail-
road or other public utility fail to agree as to the character or
location of new improvements or works sought to be performed
by the district, the character and location of such new improve-
ments or works and any other controversy relating thereto shall
be submitted to and determined by the Public Utilities Commis-
sion; and jurisdiction of such controversies is hereby vested
in said commission.

(c) Proceedings under this section relating to the jurisdic-
tion of said commission may be instituted, maintained and
determined in the mode prescribed in paragraphs 1, 2, 3, 4, 5,
6, and 7 of subsection (c) of Section 43 of the Public Utilities
Act as amended by Chapter 656 of the Statutes of 1938.

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Comment. Section 29 is superseded by the more general
provisions of the Eminent Domain Law. See Code Civ. Proc. §
1240.310 et seq.

8.16

Napa County Flood Control and
Water Conservation District Act,
§ 29 (Stats. 1951, Ch. 1449)

Napa County Flood Control and Water Conservation District Act, § 29
(Stats. 1951, Ch. 1449)(repealed)

Sec. 14. Section 29 of the Napa County Flood Control and
Water Conservation District Act (Chapter 1449 of the Statutes of
1951) is repealed.

~~Sec. 20. (a) If by any judgment in condemnation or
agreement the district shall be required to relocate any street,
road, highway, railroad, canal or other property subject or
devoted to public use, the board shall have power to acquire in
the name of the district, by agreement or condemnation, all
rights of way and other property necessary or proper for com-
pliance with said agreement or said judgment of condemnation
and thereafter to make such conveyance of such relocated street,
road, highway, railroad, canal, or other property as may be
proper to comply with said agreement or judgment. It shall be
provided in all agreements for exchange of property and judg-
ments requiring relocation of other public uses as specified in
this section and in Section 6 of this act, that in making such
exchanges it shall be specifically provided that such property
so condemned and exchanged be limited to public use by the
party with whom such exchange is made.~~

~~(b) In the event the district and any common carrier rail-
road or other public utility fail to agree as to the character or
location of new improvements or works sought to be performed
by the district, the character and location of such new improve-
ments or works and any other controversy relating thereto shall
be submitted to and determined by the Public Utilities Commis-
sion; and jurisdiction of such controversies is hereby vested
in said commission.~~

~~(c) Proceedings under this section relating to the jurisdic-
tion of said commission may be instituted, maintained and
determined in the mode prescribed in paragraphs 1, 2, 3, 4, 5,
6, and 7 of subsection (c) of Section 43 of the Public Utilities
Act as amended by Chapter 855 of the Statutes of 1933.~~

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STRIKEOUT

Comment. Section 29 is superseded by the more general provisions of
the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

45.10

Nevada County Water Agency Act,
§ 19 (Stats. 1959, Ch. 2122)

Nevada County Water Agency Act, § 19 (Stats. 1959, Ch. 2122) (repealed)

Sec. 15. Section 19 of the Nevada County Water Agency
Act (Chapter 2122 of the Statutes of 1959) is repealed.

~~Sec. 10. (a) If by any judgment in condemnation or agreement the agency is required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board may acquire in the name of the agency, by agreement or condemnation, all rights-of-way and other property necessary or proper for compliance with such agreement or judgment of condemnation and thereafter to make such conveyance of the relocated street, road, highway, railroad, canal, or other property as may be proper to comply with the agreement or judgment. All agreements for the exchange of property and all judgments requiring relocation of other public uses, as specified in this section and in Section 7 of this act, shall provide that in making the exchange the property condemned and exchanged shall be limited to public use by the party with whom such exchange is made.~~

(b) In the event the agency and any common carrier railroad or other public utility fails to agree as to the character or location or new improvements or works sought to be performed by the agency, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission.

(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the manner prescribed in Chapter 6 (commencing at Section 1201) of Part 1 of Division 1 of the ~~Public Utilities Code.~~

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STRIKEOUT

Comment. Section 19 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

45.11

Orange County Water District Act,
§ 39 (Stats. 1933, Ch. 924)

Orange County Water District Act, § 39 (Stats. 1933, Ch. 924) (repealed)

Sec. 16. Section 39 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is repealed.

Sec. 39. The board of directors shall have power to construct works across any stream of water, watercourse, street, avenue, highway, road, railway, canal, ditch, flume or other property subject to or devoted to public use, in such manner as to afford security to life and property; but said board shall restore said property when so crossed or intersected, to its former state as near as may be, and in such manner as not to have impaired unnecessarily its usefulness. If the owner or owners of any land, easement or franchise so to be crossed can not agree with the district as to the amount to be paid therefor or the location of such crossing or any other matters in connection therewith, the same shall be determined and ascertained in all respects as is in this act provided in respect to the taking of land. In case any street, road, highway, railroad, canal, or other property subject or devoted to public use shall become subject to flooding or other interference by reason of the construction or proposed construction of any works of the district or project the board of directors of the district may acquire by agreement or condemnation the right so to flood or otherwise interfere with such property, within or without the district whether it be publicly or privately owned, and if such right be acquired by condemnation, the judgment may, if the court shall find that public necessity or convenience so requires, direct the district to relocate such street, road, highway, railroad, canal or other property in accordance with plans prescribed by the court and if by such judgment or by agreement the district shall be required to relocate any such street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyances of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment. The right of way is hereby given, dedicated and set apart to locate, construct and maintain any of the works of the district over and through any of the lands which are now, or may become the property of this State and also there is given, dedicated and set apart, for the uses and purposes aforesaid, all waters and water rights belonging to this State within the district.

ALL IN
STRIKEOUT

Comment. Section 39 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. §§ 1240.310 et seq. (substitute condemnation), 1240.510 et seq. (compatible uses), 1240.610 et seq. (more necessary public use). 45.11--*

45.12

Placer County Water Agency Act,
§ 4.9 (Stats. 1957, Ch. 1234)

Placer County Water Agency Act, § 4.9 (Stats. 1957, Ch. 1234)(repealed)

Sec. 17. Section 4.9 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957) is repealed.

~~Sec. 4.9. (a) If by any judgment in condemnation or agreement the agency is required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board may acquire in the name of the agency, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with such agreement or judgment of condemnation and thereafter to make such conveyance of the relocated street, road, highway, railroad, canal, or other property as may be proper to comply with the agreement or judgment. All agreements for the exchange of property and all judgments requiring relocation of other public uses, as specified in this section and in Section 3.4 of this act, shall provide that in making the exchange the property condemned and exchanged shall be limited to public use by the party with whom such exchange is made.~~

~~(b) In the event the agency and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the agency, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission.~~

~~(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the manner prescribed in Chapter 6, commencing at Section 1201, of Part 1 of Division 1 of the Public Utilities Code.~~

ALL

IN

STRIKEOUT

Comment. Section 4.9 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

Riverside County Flood Control and Water Conservation District Act, § 35 (Stats. 1945, Ch. 1122)

Riverside County Flood Control and Water Conservation District Act, § 35
(Stats. 1945, Ch. 1122) (repealed)

Sec. 18. Section 35 of the Riverside County Flood Control and Water Conservation District Act (Chapter 1122 of the Statutes of 1945) is repealed.

~~Sec. 35. If by any judgment in condemnation or by agreement the district shall be required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment.~~

ALL
IN
STRIKEOUT

Comment. Section 35 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

45.13

Sacramento County Water Agency Act,
§ 4.9 (Stats. 1952, 1st Ex. Sess.,
Ch. 10)

Sacramento County Water Agency Act, § 4.9 (Stats. 1952, 1st Ex. Sess., Ch. 10)
(repealed)

Sec. 19. Section 4.9 of the Sacramento County Water Agency Act (Chapter 10 of the Statutes of 1952, First Extraordinary Session) is repealed.

~~Sec. 4.9. If by any judgment in condemnation or by agreement the agency shall be required to relocate any street, road, highway or railroad, subject or devoted to public use, the board shall have power to acquire in the name of the agency by agreement or condemnation, all rights of way and other property necessary or proper for the compliance with said agreement or judgment and thereafter, and without further authorization, to make such conveyance of such relocated street, road, highway or railroad, as may be proper to comply with said agreement or judgment.~~

ALL
IN
STRIKEOUT

Comment. Section 4.9 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

P. 20

San Benito County Water Conservation and Flood Control District Act, § 33 (Stats. 1953, Ch. 1598)

San Benito County Water Conservation and Flood Control District Act, § 33 (Stats. 1953, Ch. 1598) (repealed)

Sec. 20. Section 33 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953) is repealed.

~~Sec. 33. (a) If by any judgment in condemnation or agreement the district shall be required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use; the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment. It shall be provided in all agreements for exchange of property and judgments requiring relocation of other public uses as specified in this section and in Section 8 of this act, that in making such exchanges it shall be specifically provided that such property so condemned and exchanged be limited to public use by the party with whom such exchange is made.~~
~~(b) In the event the district and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the district, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission; and jurisdiction of such controversies is hereby vested in said commission.~~
~~(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the mode prescribed in paragraphs 1, 2, 3, 4, 5, 6, and 7 of subsection (c) of Section 42 of the Public Utilities Act as amended by Chapter 855 of the Statutes of 1933.~~

ALL
IN
STRIKEOUT

Comment. Section 33 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

San Bernardino County Flood Control District Act, § 25 (Stats. 1939, Ch. 73)

San Bernardino County Flood Control District Act, § 25 (Stats. 1939, Ch. 73)
(repealed)

Sec. 21. Section 25 of the San Bernardino County Flood Control District Act (Chapter 73 of the Statutes of 1939) is repealed.

~~Sec. 25. In case any street, road, highway, railroad, canal, or other property subject or devoted to public use shall become subject to flooding or other interference by reason of the construction or proposed construction of any works of the district or project, the board of supervisors of the district may acquire by agreement or condemnation the right so to flood or otherwise interfere with such property, within or without the district whether it be publicly or privately owned, and if such right be acquired by condemnation, the judgment may, if the court shall find that public necessity or convenience so requires, direct the district to relocate such street, road, highway, railroad, canal or other property in accordance with plans prescribed by the court and if by such judgment or by agreement the district shall be required to relocate any such street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment.~~

ALL
IN
STRIKEOUT

Comment. Section 25 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

San Diego County Flood Control District Act, § 39 (Stats. 1966, 1st Ex. Sess., Ch. 55)

San Diego County Flood Control District Act, § 39 (Stats. 1966, 1st Ex. Sess., Ch. 55) (repealed)

Sec. 22. Section 39 of the San Diego County Flood Control District Act (Chapter 55 of the Statutes of 1966, First Extraordinary Session) is repealed.

~~Sec. 39. (a) If by any judgment in condemnation or agreement the district shall be required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights-of-way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment.~~

~~(b) In the event the district and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the district, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission; and jurisdiction of such controversies is hereby vested in said commission.~~

~~(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained, and determined in the manner prescribed in Chapter 6 (commencing at Section 1201) of Part 1 of Division 1 of the Public Utilities Code.~~

ALL
IN
STRIKEOUT

Comment. Section 39 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

San Joaquin County Flood Control and Water Conservation District Act, § 33 (Stats. 1956, 1st Ex. Sess., Ch. 46)

San Joaquin County Flood Control and Water Conservation District Act, § 33 (Stats. 1956, 1st Ex. Sess., Ch. 46) (repealed)

Sec. 23. Section 33 of the San Joaquin County Flood Control and Water Conservation District Act (Chapter 46 of the Statutes of 1956, First Extraordinary Session) is repealed.

~~Sec. 33. (a) If by any judgment in condemnation or agreement the district shall be required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment.~~

~~(b) In the event the district and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the district, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission; and jurisdiction of such controversies is hereby vested in said commission.~~

~~(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained, and determined in the mode prescribed in paragraphs 1, 2, 3, 4, 5, 6, and 7 of subsection (c) of Section 43 of the Public Utilities Act as amended by Chapter 855 of the Statutes of 1938.~~

ALL
IN
STRIKEOUT

Comment. Section 33 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

8.24

San Luis Obispo County Flood Control and Water Conservation District Act, § 29 (Stats. 1945, Ch. 1294)

San Luis Obispo County Flood Control and Water Conservation District Act, § 29 (Stats. 1945, Ch. 1294) (repealed)

Sec. 24. Section 29 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945) is repealed.

~~Sec. 20. (a) If by any judgment in condemnation or agreement the district shall be required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment. It shall be provided in all agreements for exchange of property and judgments requiring relocation of other public uses as specified in this section and in Section 6 of this act, that in making such exchanges it shall be specifically provided that such property so condemned and exchanged be limited to public use by the party with whom such exchange is made.~~

~~(b) In the event the district and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the district, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Railroad Commission of the State; and jurisdiction of such controversies is hereby vested in said Railroad Commission.~~

~~(c) Proceedings under this section relating to the jurisdiction of said Railroad Commission may be instituted, maintained and determined in the mode prescribed in paragraphs 1, 2, 3, 4, 5, 6, and 7 of subsection (c) of Section 43 of the Public Utilities Act as amended by Chapter 855 of the Statutes of 1933.~~

ALL
IN
STRIKEOUT

Comment. Section 29 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

8.25

San Mateo County Flood Control
District Act, § 31 (Stats. 1959,
Ch. 2108)

San Mateo County Flood Control District Act, § 31 (Stats. 1959, Ch. 2108)
(repealed)

Sec. 25. Section 31 of the San Mateo County Flood Control
District Act (Chapter 2108 of the Statutes of 1959) is repealed.

~~Sec. 31. If by any judgment in condemnation or by agree-
ment the district shall be required to relocate any street, road,
highway, railroad, canal or other property subject or devoted
to public use, the board shall have power to acquire in the
name of the district, by agreement or condemnation, all rights
of way and other property necessary or proper for compliance
with said agreement or said judgment of condemnation and
thereafter to make such conveyance of such relocated street,
road, highway, railroad, canal, or other property as may be
proper to comply with said agreement or judgment.~~

ALL
IN
STRIKEOUT

Comment. Section 31 is superseded by the more general provisions of
the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

8.26

Santa Barbara County Flood Control
and Water Conservation District Act,
§ 30 (Stats. 1955, Ch. 1057)

Santa Barbara County Flood Control and Water Conservation District Act,
§ 30 (Stats. 1955, Ch. 1057) (repealed)

Sec. 26. Section 30 of the Santa Barbara County Flood
Control and Water Conservation District Act (Chapter 1057 of
the Statutes of 1955) is repealed.

~~Sec. 30. (a) If by any judgment in condemnation or
agreement the district shall be required to relocate any street,
road, highway, railroad, canal or other property subject or
devoted to public use, the board shall have power to acquire in
the name of the district, by agreement or condemnation, all
rights of way and other property necessary or proper for com-
pliance with said agreement or said judgment of condemnation
and thereafter to make such conveyance of such relocated
street, road, highway, railroad, canal or other property as may
be proper to comply with said agreement or judgment.~~

~~(b) In the event the district and any common carrier rail-
road or other public utility fail to agree as to the character or
location of new improvements or works sought to be performed
by the district, the character and location of such new im-
provement or works and any other controversy relating thereto
shall be submitted to and determined by the Public Utilities
Commission; and jurisdiction of such controversies is hereby
vested in said commission.~~

~~(c) Proceedings under this section relating to the jurisdic-
tion of said commission may be instituted, maintained, and de-
termined in the mode prescribed in Division 1, Part 1, Chapter
6 (Sections 1201-1220, 1402) of the Public Utilities Code of
the State of California.~~

ALL
IN
STRIKEOUT

Comment. Section 30 is superseded by the more general provisions of
the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

45.15

Santa Barbara County Water Agency Act, § 4.9 (Stats. 1945, Ch. 1501)

Santa Barbara County Water Agency Act, § 4.9 (Stats. 1945, Ch. 1501)(repealed)

Sec. 27. Section 4.9 of the Santa Barbara County Water Agency Act (Chapter 1501 of the Statutes of 1945) is repealed.

ALL IN STRIKEOUT

~~Sec. 4.9. If by any judgment in condemnation or by agreement the agency shall be required to relocate any street, road, highway or railroad, subject or devoted to public use, the board shall have power to acquire in the name of the agency by agreement or condemnation, all rights of way and other property necessary or proper for the compliance with said agreement or judgment and thereafter, and without further authorization, to make such conveyance of such relocated street, road, highway or railroad, as may be proper to comply with said agreement or judgment.~~

Comment. Section 4.9 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

8.27

Santa Clara County Flood Control and Water District Act, § 29 (Stats. 1951, Ch. 1405)

Santa Clara County Flood Control and Water District Act, § 29 (Stats. 1951, Ch. 1405)(repealed)

Sec. 28. Section 29 of the Santa Clara County Flood Control and Water District Act (Chapter 1405 of the Statutes of 1951) is repealed.

~~Sec. 29. (a) If by any judgment in condemnation or agreement the district shall be required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment. It shall be provided in all agreements for exchange of property and judgments requiring relocation of other public uses as specified in this section and in Section 6 of this act, that in making such exchanges it shall be specifically provided that such property so condemned and exchanged be limited to public use by the party with whom such exchange is made.~~

~~(b) In the event the district and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the district, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission; and jurisdiction of such controversies is hereby vested in said commission.~~

~~(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the mode prescribed in paragraphs 1, 2, 3, 4, 5, 6, and 7 of subsection (c) of Section 12 of the Public Utilities Act as amended by Chapter 855 of the Statutes of 1932.~~

ALL
IN
STRIKEOUT

Comment. Section 29 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

45.16

Shasta County Water Agency Act,
§ 58 (Stats. 1957, Ch. 1512)

Shasta County Water Agency Act, § 58 (Stats. 1957, Ch. 1512)(repealed)

Sec. 29. Section 58 of the Shasta County Water Agency
Act (Chapter 1512 of the Statutes of 1957) is repealed.

~~Sec. 58. If by any judgment in condemnation or by agree-
ment the agency shall be required to relocate any street, road,
highway or railroad, subject or devoted to public use, the
board shall have power to acquire in the name of the agency
by agreement or condemnation, all rights of way and other
property necessary or proper for the compliance with the
agreement or judgment and thereafter and without further
authorization, to make such conveyance of such relocated
street, road, highway or railroad, as may be proper to comply
with the agreement or judgment.~~

ALL
IN
STRIKEOUT

Comment. Section 58 is superseded by the more general provisions of
the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

8.31

Solano County Flood Control and
Water Conservation District Act,
§ 4.8 (Stats. 1951, Ch. 1656)

Solano County Flood Control and Water Conservation District Act, § 4.8
(Stats. 1951, Ch. 1656)(repealed)

Sec. 30. Section 4.8 of the Solano County Flood Control
and Water Conservation District Act (Chapter 1656 of the
Statutes of 1951) is repealed.

~~Sec. 4.8. If by any judgment in condemnation or by
agreement the district shall be required to relocate any street,
road, highway or railroad, subject or devoted to public use, the
board shall have power to acquire in the name of the district by
agreement or condemnation, all rights of way and other property
necessary or proper for the compliance with said agreement or
judgment and thereafter, and without further authorization,
to make such conveyance of such relocated street, road, highway
or railroad, as may be proper to comply with said agreement or
judgment.~~

ALL
IN
STRIKEOUT

Comment. Section 4.8 is superseded by the more general provisions of
the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

45.17

Sutter County Water Agency Act,
§ 4.9 (Stats. 1959, Ch. 2088)

Sutter County Water Agency Act, § 4.9 (Stats. 1959, Ch. 2088) (repealed)

Sec. 31. Section 4.9 of the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959) is repealed.

~~Sec. 4.9. (a) If by any judgment in condemnation or agreement the agency is required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board may acquire in the name of the agency, by agreement or condemnation, all rights-of-way and other property necessary or proper for compliance with such agreement or judgment of condemnation and thereafter to make such conveyance of the relocated street, road, highway, railroad, canal, or other property as may be proper to comply with the agreement or judgment. All agreements for the exchange of property and all judgments requiring relocation of other public uses, as specified in this section and in Section 3.4 of this act, shall provide that in making the exchange the property condemned and exchanged shall be limited to public use by the party with whom such exchange is made.~~

~~(b) In the event the agency and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the agency, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission.~~

~~(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the manner prescribed in Chapter 6 (commencing at Section 1201) of Part 1 of Division 1 of the Public Utilities Code.~~

ALL
IN
STRIKEOUT

Comment. Section 4.9 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

Tulare County Flood Control
District Act, § 32 (Stats. 1969,
Ch. 1149)

Tulare County Flood Control District Act, § 32 (Stats. 1969, Ch. 1149)
(repealed)

Sec. 32. Section 32 of the Tulare County Flood Control
District Act (Chapter 1149 of the Statutes of 1969) is repealed.

~~Sec. 32. (a) If by any judgment in condemnation or agreement the district shall be required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights-of-way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment.~~

~~(b) In the event the district and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the district, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission, and jurisdiction of such controversies is hereby vested in said commission.~~

ALL
IN
STRIKEOUT

Comment. Section 32 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

45.27

Tuolumne County Water Agency Act,
§ 20 (Stats. 1969, Ch. 1236)

Tuolumne County Water Agency Act, § 20 (Stats. 1969, Ch. 1236) (repealed)

Sec. 33. Section 20 of the Tuolumne County Water Agency Act (Chapter 1236 of the Statutes of 1969) is repealed.

~~Sec. 20. (a) If by any judgment in condemnation or agreement the agency is required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board may acquire in the name of the agency, by agreement or condemnation, all rights-of-way and other property necessary or proper for compliance with such agreement or judgment of condemnation and thereafter to make such conveyance of the relocated street, road, highway, railroad, canal, or other property as may be proper to comply with the agreement or judgment. All agreements for the exchange of property and all judgments requiring relocation of other public uses, as specified in this section and in Section 8 of this act, shall provide that in making the exchange the property condemned and exchanged shall be limited to public use by the party with whom such exchange is made.~~

(b) In the event the agency and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the agency, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission.

(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the manner prescribed in Chapter 6 (~~commencing with Section 1201) of Part 1 of Division 1 of the Public Utilities Code.~~

ALL
IN
STRIKEOUT

Comment. Section 20 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

834

Ventura County Flood Control District Act, § 29 (Stats. 1944, 4th Ex. Sess., Ch. 44)

Ventura County Flood Control District Act, § 29 (Stats. 1944, 4th Ex. Sess., Ch. 44) (repealed)

Sec. 34. Section 29 of the Ventura County Flood Control District Act (Chapter 44 of the Statutes of 1944, Fourth Extraordinary Session) is repealed.

~~Sec. 29. In case any street, road, highway, railroad, canal, or other property subject or devoted to public use shall become subject to flooding or other interference by reason of the construction or proposed construction of any works of the district or project, the board of supervisors of the district may acquire by agreement or condemnation the right so to flood or otherwise interfere with such property, within or without the district whether it be publicly or privately owned, and if such right be acquired by condemnation, the judgment may, if the court shall find that public necessity or convenience so requires, direct the district to relocate such street, road, highway, railroad, canal or other property in accordance with plans prescribed by the court and if by such judgment or by agreement the district shall be required to relocate any such street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment.~~

ALL
IN
STRIKEOUT

Comment. Section 29 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

45.21

Yuba-Bear River Basin Authority Act,
§ 19 (Stats. 1959, Ch. 2131)

Yuba-Bear River Basin Authority Act, § 19 (Stats. 1959, Ch. 2131)(repealed)

Sec. 35. Section 19 of the Yuba-Bear River Basin Authority Act (Chapter 2131 of the Statutes of 1959) is repealed.

~~Sec. 19. (a) If by any judgment in condemnation or agreement the authority is required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board may acquire in the name of the authority, by agreement or condemnation, all rights-of-way and other property necessary or proper for compliance with such agreement or judgment of condemnation and thereafter to make such conveyance of the relocated street, road, highway, railroad, canal, or other property as may be proper to comply with the agreement or judgment. All agreements for the exchange of property and all judgments requiring relocation of other public uses, as specified in this section and in Section 17 of this act, shall provide that in making the exchange the property condemned and exchanged shall be limited to public use by the party with whom such exchange is made.~~

~~(b) In the event the authority and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the authority, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission.~~

~~(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the manner prescribed in Chapter 6 (commencing at Section 1201) of Part 1 of Division 1 of the Public Utilities Code.~~

ALL
IN
STRIKEOUT

Comment. Section 19 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.

45.18

Yuba County Water Agency Act, § 4.9
(Stats. 1959, Ch. 788)

Yuba County Water Agency Act, § 4.9 (Stats. 1959, Ch. 788) (repealed)

Sec. 36. Section 4.9 of the Yuba County Water Agency Act (Chapter 788 of the Statutes of 1959) is repealed.

~~Sec. 4.9. (a) If by any judgment in condemnation or agreement the agency is required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board may acquire in the name of the agency, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with such agreement or judgment of condemnation and thereafter to make such conveyance of the relocated street, road, highway, railroad, canal, or other property as may be proper to comply with the agreement or judgment. All agreements for the exchange of property and all judgments requiring relocation of other public uses, as specified in this section and in Section 3.4 of this act, shall provide that in making the exchange the property condemned and exchanged shall be limited to public use by the party with whom such exchange is made.~~

~~(b) In the event the agency and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the agency, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission.~~

~~(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the manner prescribed in Chapter 6 (commencing at Section 1201) of Part 1 of Division 1 of the Public Utilities Code.~~

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Comment. Section 4.9 is superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.310 et seq.