

#36.30

10/13/72

Memorandum 72-66

Subject: Study 36.30 - Condemnation Law and Procedure (Substitute
Condemnation)

The staff proposes the addition of a new substitute condemnation provision for utility relocation purposes. This provision is generalized from numerous special district provisions. See Section 1240.330 and Comment, attached as Exhibit I. (We will need to renumber some sections to permit us to number the new section as Section 1240.330.)

Attached as Exhibit III is a draft bill to repeal 33 sections and amend 3 sections of special district laws that will be superseded by the new sections. These are not routine repealers and amendments--the Commission should examine each section since they do not all follow the same pattern. The staff recommends that the bill be approved for submission to the Legislature as a part of the eminent domain package.

In connection with the superseded provisions, it should be noted that about two-thirds give the Public Utilities Commission jurisdiction to resolve disputes involving the relocation of utility property under the substitute condemnation procedure. A comparison of the types that have P.U.C. jurisdiction with those that lack the jurisdiction reveals that, as a rule, the more recently enacted statutes provide for P.U.C. jurisdiction. The staff recommends that P.U.C. jurisdiction be retained and, to eliminate the pointless disparities among districts where one district is subject to such jurisdiction, other districts of the same type should also be subject to such jurisdiction. See Pub. Util. Code § 861 and Comment thereto, attached as Exhibit II. This would extend P.U.C. jurisdiction to include 5 county water agencies, 10 county flood control and water conservation districts, and 8 county flood control districts not presently included.

For a discussion of Public Utilities Commission jurisdiction over relocation problems in eminent domain generally, see Memorandum 72-64.

Respectfully submitted,

Nathaniel Sterling
Legal Counsel

EXHIBIT I

EMINENT DOMAIN LAW § 1240.330

Staff recommendation November 1972

§ 1240.330. Property necessary to permit condemnor to relocate public use

1240.330. (a) Where necessary property is devoted to public use, any public entity authorized to exercise the power of eminent domain to acquire such property for a particular use may exercise the power of eminent domain to acquire for that use substitute property in its own name, relocate on such substitute property the public use to which necessary property is devoted, and thereafter convey the substitute property to the owner of the necessary property if all of the following are established:

(1) The public entity is required by court order or judgment in an eminent domain proceeding, or by agreement with the owner of the necessary property, to relocate the public use to which the necessary property is devoted and thereafter to convey the property upon which the public use has been relocated to the owner of the necessary property.

(2) The substitute property is necessary for compliance with the court order or judgment or agreement.

(3) The owner of the necessary property will devote the substitute property to the public use being displaced from the necessary property.

(b) Where property is sought to be acquired pursuant to this section, the resolution of necessity and the complaint filed pursuant to such resolution shall specifically refer to this section and shall include a statement that the property is necessary for the purpose

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specified in this section. The determination in the resolution that the taking of the substitute property is necessary has the effect prescribed in Section 1240.150.

Comment. Section 1240.330 provides general authority for substitute condemnation where a public entity is required by a court order or judgment or by agreement to relocate a public use. It should be noted that condemnation of property devoted to public use may be accomplished only in certain circumstances and the relocation of improvements in an eminent domain proceeding may be ordered only upon express statutory authority. See, e.g., Section 1240.510 et seq. (compatible use); Pub. Util. Code § 7557; Orange County Water District Act, § 39 (Cal. Stats. 1933, Ch. 924); San Bernardino County Flood Control District Act, § 25 (Cal. Stats. 1939, Ch. 73); Ventura County Flood Control District Act, § 29 (Cal. Stats. 1944, 4th Ex. Sess., Ch. 44). Unlike Section 1240.320 (which applies where the owner of the necessary property is the one who will relocate the public use), Section 1240.330 applies where the public entity seeks to acquire substitute property in its own name so that it may itself relocate the public use and then convey the property as improved to the owner of the necessary property.

Section 1240.330 is derived from and supersedes numerous special provisions providing such authority to particular public entities. See, e.g., Alameda County Flood Control and Water Conservation District Act, § 28

(Cal. Stats. 1949, Ch. 1275); Alpine County Water Agency Act, § 19 (Cal. Stats. 1961, Ch. 1896); Amador County Water Agency Act, § 4.9 (Cal. Stats. 1959, Ch. 2137); Contra Costa County Flood Control and Water Conservation District Act, § 29 (Cal. Stats. 1951, Ch. 1617); Del Norte County Flood Control District Act, § 30 (Cal. Stats. 1955, Ch. 166); El Dorado County Water Agency Act, § 20 (Cal. Stats. 1959, Ch. 2139); Humboldt County Flood Control District Act, § 30 (Cal. Stats. 1945, Ch. 939); Kern County Water Agency Act, § 4.9 (Cal. Stats. 1961, Ch. 1003); Lake County Flood Control and Water Conservation District Act (Cal. Stats. 1951, Ch. 1544), § 33 (added Cal. Stats. 1944, 1st Ex. Sess., Ch. 62, § 48); Madera County Flood Control and Water Conservation Agency Act, § 651 (Cal. Stats. 1969, Ch. 916); Marin County Flood Control and Water Conservation District Act, § 28 (Cal. Stats. 1953, Ch. 666); Mariposa County Water Agency Act, § 4.9 (Cal. Stats. 1959, Ch. 2036); Monterey County Flood Control and Water Conservation District Act, § 29 (Cal. Stats. 1947, Ch. 699); Napa County Flood Control and Water Conservation District Act, § 29 (Cal. Stats. 1951, Ch. 1449); Nevada County Water Agency Act, § 19 (Cal. Stats. 1959, Ch. 2122); Orange County Water District Act, § 39 (Cal. Stats. 1933, Ch. 924); Placer County Water Agency Act, § 4.9 (Cal. Stats. 1957, Ch. 1234); Riverside County Flood Control and Water Conservation District Act, § 35 (Cal. Stats. 1945, Ch. 1122); Sacramento County Water Agency Act, § 4.9 (Cal. Stats. 1952, 1st Ex. Sess., Ch. 10); San Benito County Water Conservation and Flood Control District Act,

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§ 33 (Cal. Stats. 1953, Ch. 1598); San Bernardino County Flood Control District Act, § 25 (Cal. Stats. 1939, Ch. 73); San Diego Flood Control District Act, § 39 (Cal. Stats. 1966, 1st Ex. Sess., Ch. 55); San Joaquin County Flood Control and Water Conservation District Act, § 33 (Cal. Stats. 1956), 1st Ex. Sess., Ch. 46); San Luis Obispo County Flood Control and Water Conservation District Act, § 29 (Cal. Stats. 1945, Ch. 1294); San Mateo County Flood Control District Act, § 31 (Cal. Stats. 1959, Ch. 2108); Santa Barbara County Flood Control and Water Conservation District Act, § 30 (Cal. Stats. 1955, Ch. 1057); Santa Barbara County Water Agency Act, § 4.9 (Cal. Stats. 1945, Ch. 1501); Santa Clara County Flood Control and Water District Act, § 29 (Cal. Stats. 1951, Ch. 1405); Shasta County Water Agency Act, § 58 (Cal. Stats. 1957, Ch. 1512); Solano County Flood Control and Water Conservation District Act § 4.8 (Cal. Stats. 1951, Ch. 1656); Sutter County Water Agency Act, § 4.9 (Cal. Stats. 1959, Ch. 2088); Tulare County Flood Control District Act, § 32 (Cal. Stats. 1969, Ch. 1149); Tuolumne County Water Agency Act, § 20 (Cal. Stats. 1969, Ch. 1236); Ventura County Flood Control District Act, § 29 (Cal. Stats. 1944, 4th Ex. Sess., Ch. 44); Yuba-Bear River Basin Authority Act, § 19 (Cal. Stats. 1959, Ch. 2131); Yuba County Water Agency Act, § 4.9 (Cal. Stats. 1959, Ch. 788).

Public Utilities Code Section 861 grants the Public Utilities Commission jurisdiction in certain controversies that may arise under Section 1240.330 where the public entity is a special law water district.

EXHIBIT II

PUBLIC UTILITIES CODE § 861

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CONTROVERSIES CONCERNING RELOCATION OF UTILITY IMPROVEMENTS

Public Utilities Code § 861 (added)

Sec. . Article 7 (commencing with Section 861) is added to Chapter 4 of Part 1 of Division 1 of the Public Utilities Code, to read:

Article 7. Controversies Concerning Relocation
of Utility Improvements

861. (a) As used in this section, "special law water district" means the Yuba-Bear River Basin Authority and, if created by an uncodified special law, any of the following: a county flood control district, a county flood control and water district, a county flood control and water conservation district, a county water conservation and flood control district, or a county water agency.

(b) Whenever by court order or judgment in an eminent domain proceeding or by agreement a special law water district is required to relocate any improvements of a public utility, if the special law water district and the public utility fail to agree as to the character or location of the new improvements to be relocated by the special law water district, the character and location of such new improvements and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission in the manner prescribed in Chapter 6 (commencing with Section 1201).

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Comment. Section 861 is derived from and supersedes numerous provisions formerly found in the uncodified statutes relating to special water districts. See, e.g., Alameda County Flood Control and Water Conservation District Act, § 28 (Cal. Stats. 1949, Ch. 1275); Alpine County Water Agency Act, § 19 (Cal. Stats. 1961, Ch. 1896); Amador County Water Agency Act, § 4.9 (Cal. Stats. 1959, Ch. 2137); Contra Costa County Flood Control and Water Conservation District Act, § 29 (Cal. Stats. 1951, Ch. 1617); El Dorado County Water Agency Act, § 20 (Cal. Stats. 1959, Ch. 2139); Kern County Water Agency Act, § 4.9 (Cal. Stats. 1961, Ch. 1003); Lake County Flood Control and Water Conservation District Act (Cal. Stats. 1951, Ch. 1544), § 33 (added Cal. Stats. 1944, 1st Ex. Sess., Ch. 62, § 48); Marin County Flood Control and Water Conservation District Act, § 28 (Cal. Stats. 1953, Ch. 666); Mariposa County Water Agency Act, § 4.9 (Cal. Stats. 1959), Ch. 2036); Monterey County Flood Control and Water Conservation District Act, § 29 (Cal. Stats. 1947, Ch. 699); Napa County Flood Control and Water Conservation District Act, § 29 (Cal. Stats. 1951, Ch. 1449); Nevada County Water Agency Act, § 19 (Cal. Stats. 1959, Ch. 2122); Placer County Water Agency Act, § 4.9 (Cal. Stats. 1957, Ch. 1234); San Benito County Water Conservation and Flood Control District Act, § 33 (Cal. Stats. 1953, Ch. 1598); San Diego Flood Control District Act, § 39 (Cal. Stats. 1966, 1st Ex. Sess., Ch. 55); San Joaquin County Flood Control and Water Conservation District Act, § 33 (Cal. Stats. 1956, 1st Ex. Sess., Ch. 46); San Luis Obispo County Flood Control and

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Water Conservation District Act, § 29 (Cal. Stats. 1945, Ch. 1294); Santa Barbara County Flood Control and Water Conservation District Act, § 30 (Cal. Stats. 1955, Ch. 1057); Santa Clara County Flood Control and Water District Act, § 29 (Cal. Stats. 1951, Ch. 1405); Sutter County Water Agency Act, § 4.9 (Cal. Stats. 1959, Ch. 2088); Tulare County Flood Control District Act, § 32 (Cal. Stats. 1969, Ch. 1149); Tuolumne County Water Agency Act, § 20 (Cal. Stats. 1969, Ch. 1236); Yuba-Bear River Basin Authority Act, § 19 (Cal. Stats. 1959, Ch. 2131); Yuba County Water Agency Act, § 4.9 (Cal. Stats. 1959, Ch. 788). The substance of these superseded provisions is continued in Section 861 and is extended to all special law water districts of the same type.

EXHIBIT III

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 amend 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 amend 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 amend 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.~~

ALL
IN
STRIKEOUT

Comment. Section 28 is superseded by Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

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.~~

ALL
IN
STRIKEOUT

Comment. Section 19 is superseded by Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

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.~~

ALL
IN
STRIKEOUT

Comment. Section 4.9 is superseded by Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

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 13 of the Public Utilities Act as amended by Chapter 855 of the Statutes of 1939.~~

ALL
IN
STRIKEOUT

Comment. Section 29 is superseded by Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

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, high-
way, 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 judg-
ments 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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IN
STRIKEOUT

Comment. Section 30 is superseded by Code of Civil Procedure Section
1240.330.

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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STRIKEOUT

Comment. Section 20 is superseded by Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

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, high-
way, 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 Code of Civil Procedure Section
1240.330.

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.~~

ALL
IN
STRIKEOUT

Comment. Section 4.9 is superseded by Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

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 43 of the Public Utilities Act as amended by Chapter 855 of the Statutes of 1988.~~

ALL
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STRIKEOUT

Comment. Section 33 is superseded by Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

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.~~

ALL
IN
STRIKEOUT

Comment. Section 651 is superseded by Code of Civil Procedure Section
1240.330.

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.~~

ALL
IN
STRIKEOUT

Comment. Section 28 is superseded by Section 1240.330 of the Code
of Civil Procedure and Section 861 of the Public Utilities Code.

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.~~

ALL
IN
STRIKEOUT

Comment. Section 4.9 is superseded by Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

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. 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. 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 43 of the Public Utilities Act as amended by Chapter 856 of the Statutes of 1968.



ALL IN STRIKE-OUT TYPE

Comment. Section 29 is superseded by Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

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. 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 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 Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

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.~~

ALL
IN
STRIKEOUT

Comment. Section 19 is superseded by Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

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

Sec. 16. Section 39 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

~~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 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

ALL IN
STRIKEOUT

Comment. The first two sentences of Section 39 are superseded by the more general provisions of the Eminent Domain Law. See Code Civ. Proc. § 1240.510 et seq. (compatible uses). The portion of Section 39 that provided substitute condemnation authority is superseded by Code of Civil Procedure Section 1240.330.

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 Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

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 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 there-
after 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 Code of Civil Procedure Section
1240.330.

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. 18. 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 Code of Civil Procedure Section 1240.330.

8.20

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 49 of the Public Utilities Act as amended by Chapter 855 of the Statutes of 1938.~~

ALL
IN
STRIKEOUT

Comment. Section 33 is superseded by Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

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

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

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

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. The portion of Section 25 that provided substitute condemnation authority is superseded by Code of Civil Procedure Section 1240.330.

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 Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

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 1939.~~

ALL
IN
STRIKEOUT

Comment. Section 33 is superseded by Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

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. 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 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 1932.~~

ALL
IN
STRIKEOUT

Comment. Section 29 is superseded by Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

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 Code of Civil Procedure Section
1240.330.

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 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 improvement 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 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 Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

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 Code of Civil Procedure Section 1240.330.

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 (e) of Section 43 of the Public Utilities Act as amended by Chapter 856 of the Statutes of 1933.

ALL
IN
STRIKEOUT

Comment. Section 29 is superseded by Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

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 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 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 Code of Civil Procedure Section 1240.330.

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 Code of Civil Procedure Section
1240.330.

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 Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

8.36

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 Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

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 Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

8.34

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) (amended)

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

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. The portion of Section 29 that provided substitute condemnation authority is superseded by Code of Civil Procedure Section 1240.330.

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 Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

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 1261) of Part 1 of Division 1 of the Public Utilities Code.~~

ALL

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STRIKEOUT

Comment. Section 4.9 is superseded by Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.