CONDEMNATIONS (EXERCISE OF EMINENT DOMAIN) **6866**

(New 5/98)

PWB holds the power of eminent domain under property acquisition law. Prior to commencing condemnation proceedings, PWB must first adopt a resolution of necessity authorizing condemnation in accordance with the Code of Civil Procedure (CCP) Sections 1245.220 and 1245.230. At least 15 days notice of the board hearing is given in writing to the property owner (CCP 1245.235). Also, the board must have made a good faith offer to purchase the property or, if an offer has not been made, must determine that the property owner cannot be located (Government Code Section 7267.2).

PWB may reach agreement with the owner of part or all of the property being condemned on the price to be paid, and may incorporate the agreement in a stipulation in the condemnation proceeding (Government Code Section 15857). PWB may abandon a condemnation proceeding (CCP Section 1268.510). Upon completion of condemnation proceedings, PWB has the right to immediate possession (CCP 1255.010).

Agenda packages for proposed condemnations: When requesting that the board condemn a property, the client department (and/or DGS) must provide all the following:

1. All information requested in Section 6845, including the standard fiscal reporting requirements and the agenda package;
2. A statement of the property's proposed public use;
3. A description of the general location and extent of the property to be taken, with sufficient detail for reasonable identification;
4. An analysis of necessity showing that:
   a. The public interest and necessity require the proposed project;
   b. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and
   c. The property is necessary for the public good;
5. Chronology of attempts to purchase the property and/or contact the owner; and
6. Certification that 15 days advance notice has been provided the owner.

PWB's resolution is conclusive evidence that the elements of necessity have been met.