Community Redevelopment Projects. Eminent Domain.

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May 6, 1982

TO:  ALL REGISTRARS OF VOTERS/COUNTY CLERKS/PROONENT(S)

FROM:  EDWARD ARNOLD JR., ELECTIONS ASSISTANT

Pursuant to Elections Code 3520(b) you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE STATUTE filed with all county clerks is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has failed.

TITLE:  COMMUNITY REDEVELOPMENT PROJECTS. EMINENT DOMAIN INITIATIVE STATUTE

SUMMARY DATE:  November 30, 1981

PROONENT:  Howard F. Ahmanson

EA/dj
NEWS MEMO

Secretary of State March Fong Eu today (May 11) announced the failure of two initiative petitions to qualify for the ballot.

Community Redevelopment Projects. Eminent Domain, an initiative statute circulated by Howard F. Ahmanson, would have amended the Health and Safety Code to provide that all community redevelopment plans be submitted to the voters; that property acquisition not begin in advance of voter approval; and that redevelopment agencies sell or lease all real estate to private developers at full cost to the redevelopment agency. The deadline to submit the necessary 346,119 signatures was April 29; no signatures were submitted.

Population Growth was an initiative constitutional amendment being circulated by Ron Graybeal of San Francisco. It sought to amend the constitution to limit the population growth of California to its fair share of the growth of the nation's population (10% of the national increase). Should the rate exceed the fair share, the Legislature would have been required to enact a plan to decrease the growth rate. If the Legislature failed to act, the Department of Finance could have limited the number of new housing construction permits issued that year. None of the 553,790 required signatures were submitted by the May 3 deadline.

Three other initiatives are currently pending signature verification:

(more)
Nuclear Weapons, Water Resources, and Alcoholism.

Attached is a list of the thirteen petitions currently in circulation.

###

8244MW
Real Property Price (Initiative Constitutional Amendment)
Proponent: G. Abrahams
Filing deadline: 5/10/82  Required signatures: 553,790

State Operated Lottery (Initiative Constitutional Amendment)
Proponent: P. Hoskins
Filing deadline: 5/28/82  Required signatures: 553,790

Price for Real Property (Initiative Constitutional Amendment)
Proponent: R. Cordova
Filing deadline: 6/7/82  Required signatures: 553,790

Guns (Initiative Statute)
Proponent: J. Phillips, V. Palmieri
Filing deadline: 6/14/82  Required signatures: 346,119

Taxes: (Initiative Statute)
Proponent: S. Smith, S. Hopcraft
Filing deadline: 6/14/82  Required signatures: 346,119

Reapportionment by Districting Commission/Supreme Court (Initiative Constitutional Amendment)
Proponent: Tirso del Junco, Susan Rouder
Filing deadline: 6/21/82  Required signatures: 553,790

Gambling (Initiative Constitutional Amendment)
Proponent: R. Wilson
Filing deadline: 6/28/82  Required signatures: 553,790

Taxes/Use for Housing (Initiative Statute)
Proponent: L. Rae Valentino, L. O'Keefe, G. Schneider, T. Hughart
Filing deadline: 6/28/82  Required signatures: 346,119

Nuclear Waste (Initiative Statute)
Proponent: Reverend Msmere
Filing deadline: 7/6/82  Required signatures: 346,119

Lotteries (Initiative Constitutional Amendment)
Proponent: K. Robbins
Filing deadline: 8/20/82  Required signatures: 553,790

Marijuana Use (Initiative Statute)
Proponent: T. Mikuriya, T. Wolfred, M. Rathbun
Filing deadline: 8/20/82  Required signatures: 346,119

Public Utility Rates (Initiative Constitutional Amendment)
Proponent: Paul Drake, Jim Chapman
Filing deadline: 9/7/82  Required signatures: 553,790

Utilities: Rates, Service, Burdens Tax (Initiative Constitutional Amendment)
Proponent: Roberto Acosta
Filing deadline: 9/27/82  Required signatures: 553,790
TO ALL REGISTRARS OF VOTERS/COUNTY CLERKS/PROponent(S)

Pursuant to Section 3513 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

COMMUNITY REDEVELOPMENT PROJECTS. EMINENT DOMAIN
INITIATIVE STATUTE

Circulating and Filing Schedule

1. Minimum number of signatures required .......................... 346,119
   Cal. Const., art. II, sec. 8 (b).

2. Official Summary Date ........................................... Monday, 11/30/81
   Elec. C., sec. 3513.

3. Petition Sections:
   a. First day Proponent(s) can circulate Sections
      for signatures .............................................. Monday, 11/30/81
      Elec. C., sec. 3513.
   b. Last day Proponent(s) can circulate and file with
      the county. All Sections are to be filed at the
      same time within each county ............................. Thursday, 4/29/82+
      Elec. C., secs. 3513, 3520 (a).
   c. Last day for county to determine total number of
      signatures affixed to petition and to transmit
      total to the Secretary of State ............................ Thursday, 5/06/82
      (If the Proponent(s) files the petition with the county on a date prior
      to 4/29/82, the county has five working days from the filing of the petition
      to determine the total number of signatures affixed to the petition and to
      transmit the total to the Secretary of State.)
      Elec. C., sec. 3520 (b).

+ PLEASE NOTE: To the Proponent(s) who may wish to qualify for the 1982 Primary
  Election. The law allows up to 56 days to county election officials for checking
  and reporting petition signatures. The law also requires that this process be
  completed 131 days before the election in which the people will vote on the
  initiative. It is possible that the county may not need the whole 56 days. But
  if you want to be sure that this initiative qualifies for the 1982 Primary Election,
  you should file this petition with the county by December 3, 1981.
d. Last day for county to determine total number of qualified electors who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State ............................. Friday, 5/21/82

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition a date prior to 5/6/82, the last day is not later than the fifteenth day after the notification.)
Elec. C., sec. 3520 (d), (e).

e. If the signature count is between 311,507 and 380,731 then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures.

Last day for county to determine actual number of all qualified electors who signed the petition and to transmit certificate with a blank copy of the petition to the Secretary of State ............................. Sunday, 6/20/82

(If the Secretary of State notifies the counties to determine the number of qualified electors who have signed the petition on a date prior to 5/21/82, the last day is not later than the thirtieth day after the notification.)
Elec. c., sec. 3521 (b), (c).

4. Campaign Statements:

Last day for the Proponent(s) to file a Campaign Statement of Receipts and Expenditures for period ending 5/27/82 ............................................................ Thursday, 6/3/82

(If the Secretary of State finds that the measure has either qualified or failed to qualify on a date earlier than 4/29/82, the last date to file is the 35th calendar day after the deadline for filing petitions or the date of notification by the Secretary of State that the measure has either qualified or failed to qualify, whichever is earlier. The closing date for the campaign statement is seven days prior to the filing deadline.)
Gov. C., secs. 84200 (d), 84202 (j).
5. The Proponent(s) of the above named measure is/are:

Mr. Howard F. Ahmanson
c/o Robert E. Hinerfeld
Murphy, Thornton, Hinerfeld & Cahill
7447 North Figueroa Street
Los Angeles, California 90041
(213) 624-9900/ 258-7201

Sincerely,

WILLIAM N. DURLEY
Assistant to the Secretary of State
Elections and Political Reform

EDWARD ARNOLD JR.
Elections Assistant

NOTE TO PROONENT(S): Your attention is directed to Elections Code sections 41, 44, 3501, 3507, 3508, 3516, 3517, and 3519 for appropriate formate and type considerations in printing, typing, and otherwise preparing your initiative petition for circulation and signatures. Your attention is further directed to the campaign disclosure requirements of the Political Reform Act of 1974, (as amended) Government Code section 81000 et seq.
Honorable March Fong Eu
Secretary of State
1230 J Street
Sacramento, California 95814

RE: Initiative Proposing Amendment to: Statute
Subject: Eminent Domain - Community Redevelopment Projects
Our File No.: SA81RF0025

Dear Mrs. Eu:

Pursuant to the provisions of section 3503 and 3513 of the Elections Code, you are hereby notified that on this day we mailed to the proponent(s) of the above identified proposed initiative our title and summary by sending a true copy of this letter.

Enclosed is a copy of our transmittal letter to the proponent(s), a declaration of mailing thereof, a copy of our title and summary, and a copy of the proposed measure.

According to information available in our records, the name(s) and address(es) of the proponent(s) is as stated on the declaration of mailing.

Very truly yours,

George Deukmejian
Attorney General

Robert Burton
Deputy Attorney General

Enclosure
The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

COMMUNITY REDEVELOPMENT PROJECTS. EMINENT DOMAIN. INITIATIVE STATUTE. Amends and adds to several statutory provisions regarding the approval and implementation of community redevelopment plans. Requires ordinances adopting or amending plans be submitted for voter approval. Prohibits property acquisition for a plan in advance of voter approval. Specifies minimum price that a redevelopment agency can sell or lease property to the "full cost" of the property, which is defined. Contains provisions regarding notices, burden of proof, right to jury trial, elements to be considered in determining just compensation, and limiting obtaining possession of property in advance of court judgment. Contains other provisions. Fiscal impact on state and local governments: The Legislative Analyst and Director of Finance advise: They are unable to provide a specific estimate of the initiative's fiscal impact. They estimate that the initiative could have a significant impact on local governments. The initiative's provisions relative to the minimum price at which property could be sold or leased by redevelopment agencies would tend to decrease the number of redevelopment projects undertaken, resulting in a decrease in property tax revenues available to these agencies and in sales and general tax revenues that would occur from related developments normally associated with such projects. To the extent redevelopment projects are shifted to locations outside of California, there would be a loss of revenue to the State. To the extent currently scheduled projects are not carried out, there could be a significant net cost to local agencies which have made financial commitments to these projects.
Robert E. Hinerfeld  
Murphy, Thornton, Hinerfeld & Cahill  
7447 North Figueroa Street  
Los Angeles, California 90041

Re: Community Redevelopment Projects -  
Eminent Domain Initiative  
Proponent: Howard F. Ahmanson

Dear Mr. Hinerfeld:

Pursuant to my secretary's conversation with your secretary on this date, please be advised that there was an error in the title and summary which was issued in the above-entitled initiative. On the first line of the title the word eminent was spelled incorrectly as "eminient". Would you please correct this error when you receive the package on this initiative. Enclosed is a corrected copy for your file and reference. This must be changed before printing.

Your secretary also requested a copy of the letter from the Legislative Analyst which is enclosed.

Thank you for your cooperation.

Very truly yours,

George Deukmejian  
Attorney General

Robert Burton  
Deputy Attorney General

cc: Mr. Ed Arnold  
Secretary of State's Office
The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

**EMINENT COMMUNITY REDEVELOPMENT PROJECTS. EMINENT-DOMAIN INITIATIVE STATUTE.** Amends and adds to several statutory provisions regarding the approval and implementation of community redevelopment plans. Requires ordinances adopting or amending plans be submitted for voter approval. Prohibits property acquisition for a plan in advance of voter approval. Specifies minimum price that a redevelopment agency can sell or lease property to the "full cost" of the property, which is defined. Contains provisions regarding notices, burden of proof, right to jury trial, elements to be considered in determining just compensation, and limiting obtaining possession of property in advance of court judgment. Contains other provisions.

Fiscal impact on state and local governments: The Legislative Analyst and Director of Finance advise: They are unable to provide a specific estimate of the initiative's fiscal impact. They estimate that the initiative could have a significant impact on local governments. The initiative's provisions relative to the minimum price at which property could be sold or leased by redevelopment agencies would tend to decrease the number of redevelopment projects undertaken, resulting in a decrease in property tax revenues available to these agencies and in sales and general tax revenues that would occur from related developments normally associated with such projects. To the extent redevelopment projects are shifted to locations outside of California, there would be a loss of revenue to the State. To the extent currently scheduled projects are not carried out, there could be a significant net cost to local agencies which have made financial commitments to these projects.
A STATUTORY INITIATIVE FOR THE STATE OF CALIFORNIA

relating to

THE USE OF THE POWER OF EMINENT DOMAIN

incident to

THE COMMUNITY REDEVELOPMENT LAW

Submitted by:

ROBERT E. HINERFELD,
DAVID A. JUHNKE,
MURPHY, THORNTON, HINERFELD
& CAHILL

7447 North Figueroa Street,
Los Angeles, CA 90041,

(213) 624-9900,
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Attorneys for
HOWARD F. AHMANSON,

P.O. Box 4432
Irvine, CA 92716.
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PROPOSAL OF INITIATIVE

The undersigned who is a resident and registered voter of the County of Orange and the State of California hereby submits to the Attorney General of the State of California the annexed proposal for a statutory initiative for titling and summary by the Attorney General and for analysis by the Legislative Analyst and the Department of Finance.

Respectfully submitted,

9 October 1981. HOWARD F. AHMANSON,

P.O. Box 4432, Irvine, CA 92716.
EMINENT DOMAIN POWER FOR COMMUNITY REDEVELOPMENT PROJECTS,
STATUTORY INITIATIVE. Amends statutory provisions regulating
the approval and implementation of community redevelopment
plans in order to: (a) require voter approval of such plans;
(b) prevent the use of public funds to subsidize private
developers by requiring redevelopment agency to sell or lease
all real estate at full cost; (c) permit court review of the
necessity of such projects and of the inclusion of all land
area, with jury trial and burden of proof upon the redevelopment
agency, and (d) insure full compensation to landowners and
tenants whose property is taken for the projects of private
developers. Financial impact: ?

SECTION 1: Section 33036.1 is added to the Community
Redevelopment Law (Health & Safety Code, Sections 33000
and following):

Section 33036.1. Need to prevent public and
private injury from abuse of the community redevelop-
ment power. The People of the State of California
find that a pattern of abuse has emerged under the
Community Redevelopment Law: the eminent domain
power is being used less for its intended purpose
of improving housing and other structures in slum areas in order to aid the poor and afflicted.
Increasingly, the power to take private property for public use is being misused as a device to benefit special interest groups in the private sector at the cost of uncompensated injury to private land owners and occupants whose homes and businesses are being levelled by the wrecking ball. Most voters are not assured the right under existing law to vote upon such projects which may destroy their neighborhoods, inflict severe disruption upon their lives, and grant a subsidy of public funds to private developers by discounting to such developers land acquired at taxpayers' expense.
SECTION 2: Section 33037(d) of the Community Redevelopment Law is amended as follows:

Section 33037. Declaration of state policy.

(d) That the People intend hereby to assure that the necessity in the public interest for the provisions of this part is declared to be a matter of legislative determination to be determined first by the redevelopment agency and the competent legislative body as a matter of legislative determination, subject to approval or disapproval by the voters and to civil actions and proceedings in the courts in the manner provided in this part. The People intend hereby: (a) to provide that the public affected by a redevelopment plan must approve a plan before it shall become effective, (b) to assure to interested persons a meaningful remedy in the courts to see to it that the power of eminent domain will not be used indiscriminately for redevelopment projects which will benefit primarily private interests and not the public interest, (c) to prevent the discounting of project property costs on lease or sale to private developers and/or to private users so that the eminent domain power may not be used hereafter to take private property for subsidized transfer by the government to private developers or others, (d) to assure that all persons who suffer injury by reason of community rede-
velopment plan takings (and acquisitions by purchase in lieu of taking) receive full compensation for all damage inflicted upon them by the redevelopment plan, and (e) to require private developers and users who receive the benefit of the public use of the eminent domain power to bear the full cost to the taxpayers of providing the private sector with such property acquisition assistance.
SECTION 3: Section 33378 of the Community Redevelopment Law is amended as follows:

Section 33378. Statement of ballot measure, approval/disapproval, requirements; number-of signatures; contents of ballot pamphlet; voiding of plan or plan amendment if plan is not approved by voters.

With respect to ordinances subject to Sections 33365 and 33450 which provide for tax increment financing pursuant to Section 33670, or expand a project area subject to such tax increment financing, the language of the statement of the ballot measure shall be approved by the county clerk and shall set forth with clarity and in language understandable to the average person that a "Yes" vote is a vote in favor of adoption or amendment of the redevelopment plan and a "No" vote is a vote against the adoption or amendment of the redevelopment plan.

Notwithstanding any other provisions of law, including the charter of any city or county, referendum petitions circulated in cities or counties over 500,000 population shall bear valid signatures numbering not less than 10 percent of the total votes cast within the city or county for Governor at the last gubernatorial election and shall be submitted to the clerk of the legislative body within 90 days of the adoption of an ordinance subject to referendum under this article.
All ordinances approved by any legislative body for the adoption or amendment of any community redevelopment plan, whether or not involving tax increment financing, shall be submitted by the legislative body for approval or disapproval by the voters of each city, county, or city and county in which any part of the proposed project is located at the next regular election, as specified in Elections Code Section 2500, which election is not less than 90 days after the adoption of the plan or plan amendment by the legislative body.

The language of the statement of the ballot measure shall be approved by the county clerk and shall set forth with clarity and language understandable to the average person that a "Yes" vote is a vote in favor of adoption or amendment of the redevelopment plan and a "No" vote is a vote against the adoption or amendment of the redevelopment plan.

Such referendum ballot measure shall include, in the ballot pamphlet, an analysis by the county auditor/controller and, at the option of the city, a separate analysis by the city or the agency, of the redevelopment plan or amendment which will include (1) an estimate of the potential impact on property taxes per each ten thousand dollars ($10,000) of assessed valuation for taxpayers located in the city
or county, as the case may be, outside the redevelopment project area during the life of the redevelopment project and (2) an estimate of what would happen to the project area in the absence of the redevelopment project. Such analysis shall include the impact of potential increases in city, county, school district, and special district taxes, both over the total life of the project and also on the basis of the average annual impact.

Excepting for projects with respect to which contractual commitments, including without limitation, revenue bonds, have been made by the agency before the effective date hereof, which commitments were reasonably made in reliance upon the validity of the adoption of the plan or plan amendment by the legislative body, no property shall be acquired by any redevelopment agency or any other public entity or agent therefor in pursuance of any redevelopment plan or plan amendment after the effective date hereof, whether by negotiated purchase or by a taking pursuant to the power of eminent domain, unless and until that plan or plan amendment shall have been approved by the voters in accordance with this section.

In the event that such ballot measure shall fail to gain the approval of the voters at the election as specified in this section, then from and after such election, the plan or plan amendment shall be deemed a nullity.
SECTION 4: Section 33365 of the Community Redevelopment Law is amended as follows:

Section 33365. **Ordinance adopting official plan.**

The legislative body by ordinance may adopt the redevelopment plan as the official redevelopment plan for the project area.

*Except as otherwise provided in Section 33378,* the ordinance adopting the redevelopment plan shall be subject to referendum as prescribed by law for the ordinances of the legislative body.
SECTION 5: Section 33450 of the Community Redevelopment Law is amended as follows:

Section 33450. Authority to amend; recommendation.

If at any time after the adoption of a redevelopment plan for a project area by the legislative body, it becomes necessary or desirable to amend or modify such plan, the legislative body may by ordinance amend such plan upon the recommendation of the agency. The agency recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the project area to add land to or exclude land from the project area. Except as otherwise provided in Section 33378, the ordinance shall be subject to referendum as prescribed by law for the ordinances of the legislative body.
SECTION 6: Section 2503(5) of the Elections Code is amended as follows:

Section 2503(5). Elections to which chapter does not apply.

(5) County, municipal, district, and school district initiative, referendum, or recall elections; provided, however, that any election to approve or to disapprove the adoption by a legislative body of a community redevelopment plan (or any amendment thereto) pursuant to the Community Redevelopment Law (Health & Safety Code Sections 33000 and following) shall not be governed by this section but shall be governed by Section 2502 of this chapter.
SECTION 7: Section 33433 of the Community Redevelopment Law is amended as follows:

Section 33433. Minimum price.

No real or personal property, or any interest therein, acquired or constructed in whole or in part with money from the redevelopment revolving fund, or otherwise acquired by a redevelopment agency for community redevelopment purposes, shall be sold or leased for an amount less than its fair value for uses in accordance with the redevelopment plan the full cost to the redevelopment agency of acquisition, interim management, and lease or sale of such property or interest in property, as determined by resolution or ordinance of the legislative body.

For the purpose of this section, "full cost to the redevelopment agency" shall include all costs incurred by the redevelopment agency (or by any public authority which is a predecessor in interest of the redevelopment agency) including, without limiting the generality of the foregoing, site acquisition costs and legal expenses thereof, demolition costs, site planning costs, costs of construction to the extent that construction may be permitted by law, costs of leasing and/or sale, and the aliquot portion of the costs of interest on capital employed and the general and administrative
overhead costs of the community redevelopment project.

Anything contained in this section to the contrary notwithstanding, with respect to the sale or lease of any real or personal property, or any interest therein, which was acquired or entirely or substantially constructed prior to the effective date of the amendment of this section by the People in whole or in part with money from the redevelopment revolving fund, the price of such sale or lease may be no less than the fair value of that property or interest for the uses in accordance with the redevelopment plan as determined by resolution or ordinance of the legislative body, without regard to the full cost thereof to the redevelopment agency.
SECTION 8: Section 33349 of the Community Redevelopment Law is amended as follows:

Section 33349. Notice of hearing; publication; contents; mailing and personal delivery. The agency shall publish notice of the hearing not less than once a week for four successive weeks prior to the hearing. The notice shall be published in a newspaper of general circulation, printed and published in the community, or if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the boundaries of the area or areas designated in the proposed redevelopment plan and a general statement of the scope and objectives of the plan.

The notice shall also include a plain concise statement of the fact that if the plan is finally approved, all persons owning, leasing or renting any interest in property in the project area are liable to lose their rights of ownership and occupancy and that such persons should consult a lawyer to ascertain their rights to object to the plan, and, in the event that the plan is finally adopted and becomes effective, then to seek relief in the courts from the plan by testing before a jury the public necessity of the redevelopment plan and, in addition thereto, the need for taking the particular parcels of private property within the project area.
Copies of the notice shall be mailed to the last known assessee of each parcel of land in the area designated in the redevelopment plan, at his last known address shown on the last equalized assessment roll of the county; or where a city assesses, levies, and collects its own taxes, shown on the last equalized assessment roll of the city; or to the owners of each parcel of land within such boundaries as such ownership is shown on the records of the county recorded 30 days prior to the date the notice is published.

In addition, copies of the notice shall be delivered either by personal delivery or certified mail with return receipt requested to every person -- whether an individual or an entity -- who is known or discoverable through the records of the agency, of the county or city in which the project area is located, or of commercial mailing lists services, to own, lease, or rent any interest, or otherwise to occupy, any real property which is located within the project area.

Copies of the notices shall also be mailed to the governing body of each of the taxing agencies which levies taxes upon any property in the project area designated in the proposed redevelopment plan. The notice shall be mailed by certified mail with return receipt requested.
The agency shall make proof of notice, mailing, and personal delivery as required in this section in the manner provided by law for the proof of service of process in a civil action and such proof shall be filed with the clerk of the legislative body before the hearing shall commence.
SECTION 9: Section 33350 of the Community Redevelopment Law is amended as follows:

Section 33350. Property subject to acquisition; statement; map. Each assessee and each person holding any interest in real property (whether as owner, lessee, or other tenant), whose property would be subject to acquisition by purchase or condemnation under the plan shall be sent a statement to that effect attached to his notice of hearing, which statement shall also include the additional cautionary data specified in Section 33349 of this title. Alternatively, a list or map of all properties which would be subject to acquisition by purchase or condemnation under the plan, together with the other data specified in the last sentence of this section, may be mailed to assessees the persons entitled to notice under Section 33349 of this title with the notices of hearing.
SECTION 10: Section 33361 of the Community Redevelopment Law is amended as follows:

Section 33361. Notice of hearing. Notice of the public hearing shall be given by publication not less than once a week for four successive weeks in a newspaper of general circulation published in the county in which the land lies. The notice shall:

(a) Describe specifically the boundaries of the proposed redevelopment project area; and

(b) State the day, hour and place when and where any and all persons having any objections to the proposed redevelopment plan or who deny the existence of blight in the proposed project area, or the regularity of any of the prior proceedings, may appear before the legislative body and show cause why the proposed plan should not be adopted;

(c) Contain the cautionary data specified in Section 33349 of this title; and

(d) Additionally be delivered, either personally or by certified mail with return receipt requested, to each person specified in Section 33349 of this title as entitled to notice by personal/certified mail delivery.

-17-
SECTION 11: Section 33368 of the Community Redevelopment Law is amended as follows:

Section 33368. Finality-of-decision; conclusive-presumptions; applicability-of-section
Effect of legislative decision; burden of proof
in any judicial action or proceeding; right to jury trial.

The decision of the legislative body shall be final-and-conclusive prima facie evidence and it shall thereafter be conclusively presumed that the project area is a blighted area as defined by Sections 33031 or 33032 and that all proceedings have been duly and regularly taken.

This section shall not apply in any action questioning the validity of any redevelopment plan, or the adoption or approval of such plan, or any of the findings or determinations of the agency or the legislative body in connection with such plan brought pursuant to Section 33501 within the time limits prescribed by Section 33500.

Anything contained in this title to the contrary notwithstanding, in any judicial action or proceeding involving the validity of any redevelopment plan or plan amendment, of the adoption or approval of such plan or plan amendment, or of any of the findings or determinations of the agency or of the legislative body in connection with such plan (whether as to the project in
its entirety or as to the necessity of the inclusion
of any particular parcel or interest in real property
in the plan) which is brought pursuant to Section
33501 within the time limits prescribed by Section
33500, or brought by any public entity in respect to
the plan or plan amendment pursuant to Code of Civil
Procedure Section 860, the burden of proof shall always
be upon the agency (or any public entity asserting
rights alleged to arise from the plan or plan amend-
ment) and never upon the party who disputes the vali-
dity of the plan or plan amendment or the necessity of
the proposed taking of any parcel or interest in the
project area.

The quantum of proof on each of those issues
which the agency must produce in order to prevail
thereon in any such judicial action or proceeding shall
be clear and convincing evidence. The adversary of the
agency position thereon shall have the right to trial
by jury on all issues of fact. In the trial of any such
issue, the decision of the legislative body shall not
be admissible as evidence of the truth of any fact
found or determined therein.

Nothing contained in any other statute, includ-
ing without limiting the generality of the foregoing,
in the Vehicle Parking District Law of 1943 (Streets &
Highways Code Section 31506) or in the Parking District
Law of 1951 (Streets & Highways Code Section 32802)
shall alter the allocation and burden of proof assigned
to the agency in this section.
SECTION 12: Section 33500 of the Community Redevelopment Law is amended as follows:

Section 33500. Limitation of actions.

No action attacking or otherwise questioning the validity of any redevelopment plan, or amendment to a redevelopment plan, or the adoption or approval of such plan, or amendment, or any of the findings or determinations of the agency or the legislative body in connection with such plan, or amendment, shall be brought prior to the adoption of the redevelopment plan, or amendment, nor at any time after the elapse of 180 days from and after the date of the ordinance adopting the plan the election at which such plan, or amendment, shall have been approved by the voters.
SECTION 13: Section 33502 of the Community Redevelopment Law is amended as follows:

Section 33502. Judgment; reopening judgment; motion for new trial; appeal. The judgment shall determine the validity or invalidity respectively of the matters specified in Section 33501, except as otherwise provided in Section 870 of the Code of Civil Procedure. The judgment shall be subject to being reopened under the provisions of Section 473 or 473.5 of the Code of Civil Procedure or otherwise only within 90 days after the entry of the judgment and petitioner and any person who has appeared in the special proceeding shall have the right to move for a new trial under proper circumstances and upon appropriate grounds and to appeal from the judgment.
SECTION 14: Section 33503 of the Community Redevelopment Law is amended as follows:

Section 33503. Conclusiveness of judgment. Except as otherwise provided in Section 870 of the Code of Civil Procedure, the judgment, if no appeal is taken, or if taken and the judgment is affirmed shall be forever binding and conclusive, as to all matters therein adjudicated or which at that time could have been adjudicated, against the agency and against all other parties and if the judgment determines that the agency is lawfully established, that the redevelopment plan is valid and effective, that the agency is authorized to issue such bonds and that such bonds when issued will be valid, the judgment shall permanently enjoin the institution by any person of any action or proceeding raising any issue as to which the judgment is binding and conclusive.
SECTION 15: Section 860 of the Code of Civil Procedure is amended as follows:

Section 860. **Action to determine the validity by public agencies; special time limit for community redevelopment law projects.** A public agency may upon the existence of any matter which under any other law is authorized to be determined pursuant to this chapter, and for 60 days thereafter, bring an action in the superior court of the county in which the principal office of the public agency is located to determine the validity of such matter. The action shall be in the nature of a proceeding in rem; provided, however, that in the case of matters involving the adoption or amendment of a community redevelopment plan (pursuant to Health & Safety Code Sections 33000 and following), the time for bringing such action shall be 180 days from and after the date of the election at which such plan or plan amendment shall have been approved by the voters.
SECTION 16: Section 861 of the Code of Civil Procedure is amended as follows:

Section 861. **Summons publication; notice.** Jurisdiction of all interested parties may be had by publication of summons pursuant to Section 6063 of the Government Code in a newspaper of general circulation designated by the court, published in the county where the action is pending and whenever possible within the boundaries of the public agency, and in such other counties as may be ordered by the court, and if there be no such newspaper in any such county or counties then in some adjoining county. In addition, prior to the completion of such publication, the agency shall, to the extent which the court finds reasonably practicable, give notice of the pendency of the proceeding by mail or other means ordered by the court.

*In the case of actions pursuant to Section 860 involving the adoption or amendment of community redevelopment plans under the Community Redevelopment Law (Health & Safety Code Sections 33000 and following), personal service of the summons and complaint shall also be made, unless the court finds same is not reasonably practicable, upon every person who is entitled to individual notice pursuant to Section 33349 of the Community Redevelopment Law (Health & Safety Code Section 33349).*
SECTION 17: Section 861.1 of the Code of Civil Procedure is amended as follows:

Section 861.1. Contents of summons.

The summons shall be directed to "all persons interested in the matter of [specifying the matter]," shall contain a notice to all persons interested in the matter to appear and answer the complaint not later than the date specified in the summons, which date shall be 10 or more days after the completion of publication of the summons.

In the case of actions involving the Community Redevelopment Law (Health & Safety Code Sections 33000 and following), that date shall be not less than 20 days after personal service upon any person entitled to personal service under Section 861 of this title; and the summons shall include the warning that such persons should consult a lawyer because their failure to appear in the action and successfully to object to the proposed agency action might result in that person losing his home or his business.

Except as otherwise specified in this section such summons shall be in the form specified in Section 412.20.
SECTION 18: Section 863 of the Code of Civil Procedure is amended as follows:

Section 863. Action by interested person against public agency. If no proceedings have been brought by the public agency pursuant to this chapter, any interested person may bring an action within the time and in the court specified by Section 860 to determine the validity of such matter. The public agency shall be a defendant and shall be served with the summons and complaint in the action in the manner provided by law for the service of a summons in a civil action. In any such action the summons shall be in the form prescribed in Section 861.1 except that in addition to being directed to "all persons interested in the matter [specifying the matter]," it shall also be directed to the public agency. If the interested person bringing such action fails to complete publication and such other notice as may be prescribed by the court in accordance with Section 861 and to file proof thereof in the action within 60 days from the filing of his complaint, the action shall be forthwith dismissed on the motion of the public agency unless good cause for such failure is shown by the interested person; provided, however, that in the case of actions involving the Community Redevelopment Law (Health & Safety Code Sections 33000 and
following), the interested person shall not be obliged to effect personal service upon the private persons specified in Section 861. In such case, it shall be the duty of the agency which shall be a defendant named in the action to effect personal service upon the persons specified in Section 861 as if that agency had begun the action pursuant to Section 860.
SECTION 19: Section 870 of the Code of Civil Procedure is amended as follows:

Section 870. Judgment as binding and conclusive; future actions limited; special rules on finality of actions involving community redevelopment plans. The judgment, if no appeal is taken, or if taken and the judgment is affirmed, shall, notwithstanding any other provision of law including, without limitation, Sections 473 and 473.5, thereupon become and thereafter be forever binding and conclusive, as to all matters therein adjudicated or which at that time could have been adjudicated, against the agency and against all other persons, and the judgment shall permanently enjoin the institution by any person of any action or proceeding raising any issue as to which the judgment is binding and conclusive.

Anything contained herein to the contrary notwithstanding, in the case of actions involving the Community Redevelopment Law (Health & Safety Code Sections 33000 and following), such judgment shall not be conclusive on the issue of the necessity of the taking of any particular interest in real property held by any owner or tenant of real estate within the redevelopment plan area unless such person (or any person with whom such person is in privity of title or interest) shall have entered a voluntary
appearance in the action prior to entry of the judgment; provided further, that such judgment shall be conclusive, even in an action involving the Community Redevelopment Law, upon all other issues affecting the validity of the plan or plan amendment.
SECTION 20: Section 1245.250 of the Eminent Domain Law
(Code of Civil Procedure Sections 1230.010 and following)
is amended as follows:

Section 1245.250. Boundary presumptions.

(d) Anything contained in this section to the contrary notwithstanding, the effect of a resolution of necessity adopted by a legislative body pursuant to the Community Redevelopment Law (Health & Safety Code Section 33368) shall be as specified therein and in Code of Civil Procedure Section 870.
SECTION 21: Section 1250.360(i) is added to the Eminent Domain Law as follows:

Section 1250.360. Objection grounds of right to take stated; special assignment of burden of proof and quantum of proof in takings under the Community Redevelopment Law.

(i) Anything contained in this title to the contrary notwithstanding, the burden of proof on every issue material to the right of the plaintiff agency to take the defendant's property for use in accordance with the Community Redevelopment Law (Health & Safety Code Sections 33000 and following) shall be upon the plaintiff agency, and in order to prevail upon such issue, the plaintiff agency shall satisfy the trier of fact thereon by clear and convincing evidence.
SECTION 22: Section 1260.120(a) of the Eminent Domain Law is amended as follows:

Section 1260.120. Court hearings of objection to right to take; actions; right of jury trial in Community Redevelopment Law actions.

(a) The court shall hear and determine all objections to the right to take; provided, however, that in any action or proceeding under this title involving the Community Redevelopment Law (Health & Safety Code Sections 33000 and following), the party claiming an interest in property subject to the proposed taking shall have the right of jury trial upon all issues material to the right to take which shall not have been resolved theretofore by consent of the party (or of any person with whom such party is in privity of title or interest) or finally determined in an action pursuant to Sections 860 or 863 of the Code of Civil Procedure. The plaintiff agency which is seeking to take the defendant's property or interest in property shall have the burden of proof, by clear and convincing evidence, on each issue material to its claimed right to take the defendant's property or interest in property.
SECTION 23: Section 33505 is added to the Community Redevelopment Law as follows:

Section 33505. Special measure of compensation for takings under the Community Redevelopment Law.

(a) In any action brought by or for the benefit of the agency to take and/or to determine the compensation owed by reason of a taking or proposed taking of any property or interest in property pursuant to the Community Redevelopment Law (Health & Safety Code Sections 33000 and following), the elements of injury arising from the taking or proposed taking for the purpose of determining just compensation shall be defined as specified in this section and, to the extent that it shall not be inconsistent herewith, in Chapters 9, 10, and 11 of the Eminent Domain Law (Code of Civil Procedure Sections 1263.010 and following).

(b) Compensation shall be awarded for the property taken and for all damages proximately suffered or likely to be suffered by the owner or tenant by reason of the taking.

(c) By way of illustration but not limitation of the generality of section (b), the compensation shall indemnify the condemnee against the loss from
separation from a residential neighborhood, interruption of a business or occupation, loss of profits, loss of goodwill associated with the location, the incremental cost of commuting to a place of school or work, and the cost of replacing a residence or business facility (including, without limitation, nonprofit activities) similar to the one taken (including, without limitation, the incremental cost of financing replacement property).

(d) In any case where two or more statutes provide compensation for the same loss, the person entitled to compensation may be paid only once for that loss.
SECTION 24: Section 33506 is added to the Community Redevelopment Law as follows:

Section 33506. Special rules for taking possession under the Community Redevelopment Law.

(a) Anything contained in the Eminent Domain Law (Code of Civil Procedure Sections 1230.010 and following) to the contrary notwithstanding, the agency's right to take possession of any property or interest in property pursuant to the Community Redevelopment Law shall be as specified in this section where there is any inconsistency with the provisions of the Eminent Domain Law on that subject.

(b) Absent the written consent of the owner or tenant, the agency shall not seek to take possession, nor shall any court order that possession shall be taken by the agency, of any property or interest in property pursuant to the Community Redevelopment Law except in accordance with a final judgment of a court of competent jurisdiction which determines the agency's right to take that parcel or interest in property and the compensation due to the condemnee for the property or interest taken and all damages proximately suffered by the owner or tenant by reason of the taking.
SECTION 25: Section 1255.310 is added to the Eminent Domain Law as follows:

Section 1255.310. Possession pursuant to the Community Redevelopment Law. Anything contained in this title to the contrary notwithstanding, the rules governing the taking of possession pursuant to the Community Redevelopment Law (Health & Safety Code Sections 33000 and following) are the rules specified in Health & Safety Code Section 33506.
SECTION 26: Severability. In the event that any provision of this initiative measure shall be held to be ineffective, then it is the intention of the People that such provision is severable from the remainder hereof and the remainder of this initiative shall continue in full force and effect.
DECLARATION OF MAILING

The undersigned Declarant, states as follows:

I am over the age of 18 years and not a proponent of the within matter; my place of employment and business address is 555 Capitol Mall, Suite 350, Sacramento, California 95814.

On the date shown below, I mailed a copy or copies of the attached letter to the Honorable March Fong Eu, Secretary of State, by placing a true copy thereof in an envelope addressed to each proponent named below at the address set out immediately below each name, and by sealing and depositing said envelope or envelopes in the United States Mail at Sacramento, California, with postage prepaid. There is delivery service by United States Mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed.

Date of Mailing: November 30, 1981
Date of Attached Letter to Secretary of State: November 30, 1981
Subject: Initiative Proposing Amendment to: Statutes
Short Title: Eminent Domain - Community Redevelopment Project
Our File No.: SA81RF0025

Name of Proponent(s) and Address(es):

Mr. Howard F. Ahmanson
c/o Robert E. Hinerfeld
Murphy, Thornton, Hinerfeld & Cahill
7447 North Figueroa Street
Los Angeles, California 90041

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California on November 30, 1981.

MARSHA BIERER
Declarant
Honorable George Deukmejian
Attorney General
555 Capitol Mall
Sacramento, CA 95814

Attention: Richard D. Martland, Esq.
Assistant Attorney General
Chief, State Government Section

Re: Proposal of Statutory Initiative Relating To The Use of Eminent Domain Pursuant To The Community Redevelopment Law.

9 October 1981

Dear General Deukmejian:

This firm represents Howard F. Ahmanson, a registered voter in Corona Del Mar, County of Orange. On his behalf we submit to you herewith an original and six (6) counterparts of a proposed initiative relating to the use of the power of eminent domain pursuant to the Community Redevelopment Law. Also enclosed is Mr. Ahmanson's check in the sum of $200.00 payable to the State of California in connection with this submission.

We request that your office see to the titling and summary of the proposal and that the appropriate persons in the Legislative Analyst's office and the Department of Finance are requested by you to prepare the financial impact and general analyses of the proposed initiative.

This office stands ready to render any assistance which your office or the other two governmental agencies might find helpful in performing their tasks.

In order to expedite your work we have prepared a topical index ("Table of Contents") at the front of the booklet. This is not intended to be a part of the proposed initiative. The ini-
tiative proper begins at page 1 immediately following our suggested title and summary.

Respectfully submitted,

Robert E. Hinerfeld

REH/das
Encl:
cc: Marvin Goldsmith, Esq.
May 6, 1982

Honorable March Fong Eu  
Secretary of State  
1230 J Street  
Sacramento, CA 95814

Attention Barbara Lee

Dear Ms. Lee:

Please be advised that there were no sections of the Initiative Statute entitled "Community Redevelopment Projects-Eminent Domain" Petition filed in Orange County by any of the proponents by the deadline date.

Very truly yours,

Charline Jagger  
Deputy
May 3, 1982

I, Ernest R. Hawkins, Registrar of Voters of the County of Sacramento, State of California, hereby certify that on or before April 29, 1982, no petition sections containing signatures were filed by the proponents of the Community Redevelopment Projects. Eminent Domain Initiative Statute.

Ernest R. Hawkins
Registrar of Voters
April 30, 1982

The Honorable March Fong Eu
Secretary of State
State of California
1230 J Street
Sacramento, Calif. 95814

Attn: Barbara Lee

Re: Community Redevelopment Projects

This is to inform you that under Elections Code Sections 3513 and 3520 San Joaquin County has received 0 signatures for the Community Redevelopment Projects. Eminent Domain Initiative Stature.

Very truly yours,
RALPH W. EPPERSON, County Clerk

By
J.A. Podesta, Deputy Clerk
Secretary of State
Elections Division
1230 J Street
Sacramento, CA  95814

Attention: Barbara Lee

Dear Barbara:

This is to notify you that no signatures were filed in Riverside County for the petition COMMUNITY REDEVELOPMENT PROJECTS. EMINENT DOMAIN.

Very truly yours,

WILLIAM E. CONERLY
Acting County Clerk

By  
Deputy