

RESOLUTION No. 221962 (R 79-320)


Adopted on OCT 6 1978

BE IT RESOLVED, by the Council of The City of San Diego as follows:

That Council Policy No. 700-39 entitled "Eminent Domain Proceedings - Notice Period," be and the same is hereby established as set forth in the Council Policy filed in the office of the City Clerk as Document No. 764887.

BE IT FURTHER RESOLVED, that the City Clerk be and he is hereby instructed to add the aforesaid to the Council Policy Manual.

APPROVED: JOHN W. WITT, City Attorney

By 
Donald W. Detisch, Deputy

rb/8-16-78 011.1
Orig.Dept.: Rules Comm.

00635

CITY OF SAN DIEGO, CALIFORNIA

COUNCIL POLICY

Subject	Policy Number	Effective Date	Page
EMINENT DOMAIN PROCEEDINGS - NOTICE PERIOD	700-39		1

BACKGROUND

Section 1245.235 of the Code of Civil Procedure requires a 15-day minimum notice period prior to a hearing on a resolution of public convenience and necessity for eminent domain purposes.

PURPOSE

It is the City Council's desire to increase the notice requirement from 15 to 45 days.

POLICY

1. Prior to a public hearing relating to an eminent domain resolution (pursuant to Section 1245.235, Code of Civil Procedure) written notice will be provided 45 days in advance of said hearing.
2. Exceptions:

In the following instances the 45-day notice period will not apply:

 - a. Where the 45-day notice requirement would impose a substantial hardship upon a property owner(s).
 - b. Where the property owner(s) has consented in writing to a shorter time period.
 - c. Where time restraints imposed by funding sources require expeditious action.
 - d. Where it is necessary to ensure compliance with a construction schedule.
 - e. Where a substantial financial hardship would be imposed upon the City.

In no event will the notice period be less than the 15 days required under Section 1245.235, Code of Civil Procedure.

DOCUMENT NO. 764887
FILED NOV 8 1978

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

221962 10/6/78

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1978 SEP 22 AM 10: 59
SAN DIEGO, CALIF.

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OCT 6 1978

Passed and adopted by the Council of The City of San Diego on _____ ,
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Hare	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By E. J. Cook, Deputy.

Office of the City Clerk, San Diego, California

Resolution

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