

**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

September 24, 1993

To: Board of Directors (Engineering & Operations Committee-
Information)
From: General Manager (Land Committee--Information)
Subject: Report on Acquisition and Appraisal Processes

Report

The Right of Way and Land Division is proceeding with land acquisition activities, as well as the appraisal of such land acquisition in accordance with Metropolitan's Administrative Code Section 8220, et seq. (Article 2). The staff has prepared a report, transmitted herewith, on the Right of Way and Land Division's procedures in the appraisal and acquisition of real property interests for Metropolitan. The 20-page report is comprehensive, and was compiled as requested by your Board at its meeting on September 21, 1993.

A Right of Way and Land Division Procedures Manual is being implemented and includes the acquisition and appraisal processes.

Board Committee Assignments

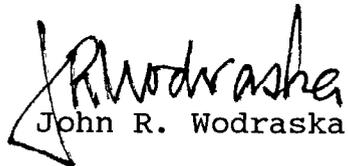
This letter is referred for information to:

Engineering and Operations Committee because of its interest in understanding the time schedule required for the acquisition and appraisal process pursuant to Administrative Code 2431 (b).

Land Committee because of its interest in policies and procedures for the acquisition and appraisals of rights of way pursuant to Administrative Code 2451.

Recommendation

For information only.


John R. Wodraska

RKY/marb1

ACQUISITION/APPRaisal PROCESSES

I.

TYPICAL ACQUISITION/APPRaisal PROCESS

Typically, the acquisition process will include the following steps, all of which are discussed in detail in subsequent sections:

- A. **Information and Appraisal.** The first step to be taken by MWD following the determination to acquire a parcel of real property is to obtain a preliminary title report or litigation guarantee. The preliminary title report will reveal any easements or title defects that may affect the value of the property and/or its intended use.
- B. **Notice of Decision to Appraise.** As soon as possible after the decision to appraise, a written notice shall be sent inviting the property owner to accompany the appraiser during the appraiser's site inspection.
- C. **Initiation of Negotiations.** As soon as practicable after establishing just compensation, MWD shall present to the owner a written offer and summary statement relating to purchase or real property.
- D. **Acquisition of Fixtures and Equipment and Determination of Loss of Goodwill.** For business property, MWD shall determine the ownership and just compensation for fixtures and equipment pertaining to the realty. Under certain conditions, MWD may determine a value for loss of goodwill and compensate the owner appropriately.
- E. **Negotiations.** MWD shall make reasonable efforts to discuss with the owner its offer to purchase the property. The owner has the right to suggest modifications in the proposed terms and conditions of the purchase.
- F. **Escrow and/or Eminent Domain.** If negotiations are successful, MWD and the owner will enter into escrow with a qualified escrow company. MWD shall be responsible for all reasonable expenses and costs incidental to transfer, including recording fees, transfer fees and similar expenses incident to conveyance of real property. If negotiations are not successful, MWD has the option of not

purchasing the property or seeking to acquire the property by exercise of the power of eminent domain.

II. NOTICE OF DECISION TO APPRAISE

A. Environmental Impact Report. The certification of the Environmental Impact Report (EIR) triggers the initiation of the acquisition process. The first step in the process is notify the property owner of its decision to appraise real property. This Notice of Decision to Appraise shall state , as a minimum, that:

1. A specific area is being considered for a particular public use;
2. The owner's property has been determined to be located within the area; and
3. The owner's property, which shall be generally described, may be acquired in connection with the public use.

B. Content of Notice. In addition, at the time MWD notifies an owner of its decision to appraise real property it shall furnish the owner a written explanation of its land acquisition procedures, describing in non-technical, understandable terms the public entity's acquisition procedures and the principal rights and options available to the owner. The notice shall include the following:

1. A description of the basic objective of MWD's land acquisition program and reference to the availability of the public entity's statement covering relocation benefits for which an owner-occupant may be eligible;
2. A statement that the owner or his representative designated in writing shall be given the opportunity to accompany each appraiser during his(her) inspection of the property;
3. A statement that if the acquisition of any part of the property would leave the owner with an uneconomic remnant, MWD will offer to

acquire the uneconomic remnant; if the owner so desires;

4. A statement that if the owner is not satisfied with the MWD's offer of just compensation he will be given a reasonable opportunity to present relevant material, which the public entity will carefully consider, and that if a voluntary agreement cannot be reached with MWD, as soon as possible, will either institute a formal condemnation proceeding against the property or abandon its intention to acquire the property, giving notice of the latter as provided in section 6190.

The above requirements are in accordance with the California Administrative Code, Title 25, Chapter 6, Article 6, Sections 6184, 6188.

Assuming completion of parcel survey and mapping and encumbrance investigation to identify property requirements where applicable, the appraisal process will commence shortly after the Notice of Decision to appraise is sent. In cases where a partial taking of the parcel is required, the appraiser will require more information from engineering and it could take slightly longer to proceed with the appraisal process.

It will take approximately 60-90 days to complete the report after the required information is received.

III.

UNIQUE REQUIREMENTS OF THE APPRAISAL PROCESS

It is important to understand that the process of appraisal of private property to be taken for a public purpose is encumbered with requirements and restrictions that are not applicable in other forms of real estate appraisals. These conditions are mandated by both California statutory and case law.

- A. **The Uniform Standards of Professional Practice (USPAP).** USPAP contains the standards and ethics requirements adopted by the State of California Office of Real Estate Appraisers that controls licensing and certification of real estate appraisers in California. USPAP delineates the standard and ethics requirements and departures

from requirements that apply to appraisals for public takings of private property.

B. **California Government Code.** §7267.1 requires appraisers to contact property owners in order to allow the property owner the opportunity to accompany the appraiser on a tour of the property to be appraised.

C. **California Code of Civil Procedure.** §1263.205 through §1263.250 mandate the handling of improvements and crops on real property to be taken.

§1263.320 defines "Fair Market Value" the appraiser is to estimate in the appraisal report. This definition may differ substantially with other definitions used in the appraisal profession.

§1263.410 through §1263.450 define severance damage and special benefits to remainder property and how the defined calculations are to be applied.

§1263.510 defines compensation for loss of goodwill and requirements for its calculation.

D. **California Evidence Code.** §810 through §823 contain definitions and describe those matters that an appraiser may take into account in valuing a property and also describe those matters that are not proper bases for opinion.

IV. GENERAL APPRAISAL PROCEDURE

The following are general steps in the appraisal process subject to the special conditions and limitations outlined in the previous section.

A. Define the appraisal problem:

1. Identify the appraisal function (what definition of value the client needs);
2. Identify the appraisal purpose (what the client intends to use the appraisal for);

NOTE: Definition of the above two conditions is a USPAP requirement.

3. Identify the property required, intended public project, construction proposed, and proposed use for the property. This is a requirement of sections within the Code of Civil Procedure.

B. Preliminary survey.

1. Determine larger parcel - Must have unity of ownership, contiguity, and unity of use (requirements established through case law);
2. Determine highest and best use or interim use - Use must be legal, physically possible, financially feasible, and that results in the highest value. This process is often the most time consuming and difficult part of an appraisal assignment;
3. Identify the approach/approaches to valuation that will be appropriate;
4. Identify the type and amount of data needed;
5. Identify the amount of work needed.

C. Data collection (for all approaches used).

D. Data classification and analysis (for all approaches used).

E. Correlation and reconciliation of value indicators and development of conclusions.

F. Make required oral presentations and write appropriate reports.

V. REPORT REQUIREMENTS

USPAP describes the minimum requirements for an appraisal report. The report should provide enough documentation so that a reader with limited knowledge of the project will understand the major points in the report without seeking additional information (the report must stand on its own). The report must contain

sufficient explanation so that it cannot be misleading or misinterpreted by any reader. The following list of requirements for a valid appraisal report will not repeat all the requirements of USPAP but will cover the major topics that must be included.

- A. **Purpose.** Statement of purpose and function of the report
- B. **Description.** Description of the proposed project and the construction in the manner proposed
- C. **Need for Project.** Description of the property needed for the project and the reason why it is needed (to include larger parcel description and justification for opinion)
- D. **Property Description.** Property location map and description of surroundings
- E. **Value Trends.** Demographic and economic conditions in the area that may influence value trends
- F. **Date of valuation.**
- G. **Highest and Best Use.** Highest and best use and/or interim use analysis and conclusions
- H. **Value conclusion.**
- I. **Assumptions and limiting conditions.**

VI.

ESTABLISHMENT OF JUST COMPENSATION

- A. **Amount.** Before negotiations are initiated by MWD to acquire property, MWD shall establish an amount it believes to be just compensation for the property, which amount shall, in no event, unless waived, be less than MWD's approved appraisal of the fair market value of the property.

The determination of just compensation shall be based upon consideration of:

- 1. The real property being acquired; and

2. Where the real property acquired is part of a larger parcel, any injury or benefit, if any, to the remainder;
 3. Or any decrease or increase in the fair market value of real property to be acquired prior to the date of valuation caused by the project for which such property is acquired, or by the likelihood that the property would be acquired for such project, other than that due to physical deterioration within the reasonable control of the owner or occupant, will be disregarded in determining the compensation for the property;
 4. Where appropriate the just compensation for the real property and for any damages to the remainder shall be separately stated.
- B. **Uneconomic Remnant.** Whenever a part of a parcel of property is sought to be acquired by MWD for a public use and the remainder, or a portion of the remainder, will be left in such size, shape or condition as to constitute an uneconomic remnant, MWD shall offer to acquire the entire property if the owner so desires.

VII. INITIATION OF NEGOTIATIONS

- A. **Written Offer.** MWD shall make its first written offer to acquire the property as soon as practicable following a notification of decision to appraise. Such offer shall be made as soon as possible after the amount of just compensation is established and for the full amount so established.

The offer is to be made in accordance with the California Administrative Code, title 25, Chapter 6, section 6186. This section requires that the public entity shall make its first written offer as soon as practicable following service of the Notice of Decision to Appraise.

- B. **Statement of the Basis for Just Compensation.** At the time MWD makes its offer to acquire the property, it shall provide the owner with a written statement of the basis for determination

of just compensation. The statement shall include the following:

1. A general statement of the public use for which the property is to be acquired;
2. A description of the location and extent of the property to be taken, with sufficient detail for reasonable identification, and the interest to be acquired;
3. An inventory identifying the buildings, structures, fixtures and other improvements;
4. A recital of the amount of the offer and a statement that such amount:
 - (a) Is the full amount believed by MWD to be just compensation for the property taken;
 - (b) Is not less than the approved appraisal of the fair market value of the property;
 - (c) Disregards any decrease or increase in the fair market value of the real property to be acquired prior to the date of valuation caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for such project, other than that due to physical deterioration within the reasonable control of the owner or occupant;
 - (d) Does not reflect any consideration of, or allowance for, any relocation assistance and payments or other benefits which the owner is entitled to receive under an agreement with the MWD except for compensation for business goodwill, if any;

5. If the real property is a portion of a larger parcel, the statement shall include an apportionment of the total estimated just compensation for the partial acquisition between the value of the property being taken and the amount of damage, if any, to the remainder of the larger parcel from which such property is taken.
6. If there is a business conducted on the property, the owner of the business shall be provided written notification concerning a possible right for compensation for loss of goodwill. Such owner shall be given a copy of the pertinent provisions of the Eminent Domain Law (Code of Civil Procedure 1263.510 et seq.).
7. Where the property involved is owner-occupied residential property and contains no more than four (4) residential units the owner shall, upon request, be allowed to review a copy of the appraisal upon which the offer is based.

VIII.

**ENTRY PERMITS FOR THE PURPOSE OF MISCELLANEOUS
ACTIVITIES PRIOR TO ACQUISITION OF PROPERTIES**

- A. **Entry Permits.** For various reasons, access to property is sometimes required prior to the acquisition of the property through escrow or eminent domain proceedings. In the event this is required, a permit must be obtained from the property owner allowing for access.
- B. **Purpose of Permit.** The permit must state the purpose of the access, the duration of time required to perform the work, and the notice that must be provided to the owner prior to access. It must be signed by the property owner prior to accessing the property. The field office will receive a copy of the permit when it is fully executed and must have in his (her) possession at such time that they will be going on to the property.

- C. **Court-Ordered Entry Permit.** In the event that the owner will not allow access onto their property and it is essential that the work be performed in a timely manner, General Counsel will be asked to obtain a court-ordered entry permit (Code of Civil Procedure 1245.010).

IX. ACQUISITION OF IMPROVEMENTS PERTAINING TO REALTY AND EQUIPMENT

MWD shall offer to acquire improvements (fixtures and equipment) pertaining to realty if such improvements cannot be removed without substantial economic loss (Code of Civil Procedure 1263.205). MWD shall take the following steps in acquiring improvements pertaining to realty.

- A. **Appraisal.** MWD shall have the improvements pertaining to realty appraised, unless waived, by an appraiser qualified in appraising such improvements pertaining to realty.
- B. **Ownership of Improvements.** Where there are tenants other than the real property owner, MWD shall determine the ownership of the improvements pertaining to realty listed in MWD's appraisal.
- C. **Offer to Acquire.** MWD shall offer to acquire the improvements pertaining to realty at the in-use value (fair market value of the property for continued use at its location prior to displacement).
- D. **Negotiations.** MWD shall enter into a purchase agreement for the improvements pertaining to realty. If the owner of the improvements pertaining to realty is also the real property owner, such agreement shall be a part of the agreement for the purchase of real property.
- E. **Quitclaim of all Rights Pertaining to Improvements Pertaining to Realty.** The real property owner and all tenants shall agree to sell by quitclaim deed or other appropriate instrument any interest that they may have to improvements pertaining to realty.

X. ACQUISITION OF TENANT PROPERTY INTERESTS

- A. **Leasehold Interests.** MWD shall determine if any tenant has any leasehold interest in the real property to be acquired.
- B. **Notice Re: Loss of Goodwill.** As soon as practicable after the initiation of negotiations, MWD shall provide written notification to the owner of a business conducted on the real property to be acquired or on the remainder, who is not also the owner of the real property, concerning his possible right to compensation for loss of goodwill. MWD shall include a copy of the pertinent provisions of the Eminent Domain Law (Code of Civil Procedure Section 1263.510 et seq.).

XI. COMPENSATION FOR LOSS OF GOODWILL

"Goodwill" consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality and any other circumstances resulting in probable retention of old, or acquisition of new patronage. (Code of Civil Procedure, Section 1263.510 et seq)

- A. **Conditions Precedent.** With respect to the owner of a business conducted on property acquired by MWD, or on the remainder if such property is part of a larger parcel, the amount of just compensation to be paid by MWD may include consideration of loss of goodwill to the extent required by law.

In order to be entitled to compensation for loss of goodwill, such owner of a business shall first have proved all of the following:

1. The loss is caused by the acquisition of the property or the injury to the remainder;
2. The loss cannot reasonably be prevented by a relocation of the business or by taking steps and adopting procedures that a reasonably prudent person would take and adopt in preserving the goodwill;

3. Compensation for the loss will not be included in any relocation payments;
 4. Compensation for the loss will not be duplicated in the compensation otherwise paid to the owner.
- B. **Notice of Intent to Claim Loss of Goodwill.** Prior to a business completing its relocation from property acquired by MWD, or prior to the date such business discontinues, the owner of such business shall notify MWD that he intends to file a claim for goodwill.

MWD's determination to authorize a goodwill appraisal shall be for purposes of negotiation and shall not be binding upon MWD in any eminent domain proceeding. In the event that MWD authorizes an appraisal of goodwill, if any, notice of this decision shall be given to the business owner/claimant.

- C. **Notice to Owner; Written Offer.** As soon as practicable after the net amount of compensation (if any) for loss of goodwill has been calculated, MWD shall make its written offer to the business owner/claimant to compensate the claimant in such amount.

XI. NEGOTIATIONS: EMINENT DOMAIN

- A. **Preceding Information.** If, after receiving MWD's offer, the owner requests additional information regarding the determination of just compensation and if an eminent domain proceeding has not been commenced, MWD shall provide the following information to the extent that the determination of just compensation is based thereon:
1. The date of valuation used.
 2. The highest and best use of the property.
 3. The applicable zoning.
 4. Identification of some of the sales contracts to sell and purchase and leases supporting the determination of value. With respect to

each sales contract or lease, the following data should be provided:

- (a) The location of the property subject to the transaction;
 - (b) The date of the transaction;
 - (c) The price and other significant terms and circumstances of the transaction if known.
5. If the property is a portion of a larger parcel, a description of the larger parcel with sufficient detail for reasonable identification.

B. Preceding Measures. Prior to the commencement of an eminent domain proceeding to acquire real property:

1. MWD shall make reasonable efforts to discuss with the owner its offer to purchase the owner's real property;
2. The owner shall be given reasonable opportunity to present material which the owner believes to be relevant as to the question of value and to suggest modification in the proposed terms and conditions of the purchase and MWD shall carefully consider the owner's presentation;
3. If the evidence presented by an owner or a material change in the character or condition of the property indicates the need for a new appraisal, or if a significant delay has occurred since the determination of just compensation, MWD shall have its appraisal updated;
4. If a modification in MWD's determination of just compensation is warranted, an appropriate price adjustment shall be made and the new amount determined to be just compensation shall be promptly offered in writing to the owner.

5. In no event shall MWD either advance the time of condemnation or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive or misleading in nature in order to compel or induce an agreement on the price to be paid for the property.
- C. **Initiating Action.** If any interest is authorized by MWD's Board of Directors to be acquired by exercise of the power of eminent domain, MWD shall promptly institute formal condemnation proceedings. MWD shall not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his property. Upon initiation of eminent domain proceedings the law governing such proceedings shall control all further actions of MWD in substitution for the property acquisition procedures set forth herein.

EMINENT DOMAIN PROCEDURES

XII. Good Faith Offer

"The public entity shall make every reasonable effort to acquire expeditiously real property by negotiation." Govt. Code § 7267.1(a).

- A. **Just Compensation.** Before beginning negotiations, the public entity must establish an amount which it believes to be the just compensation for the property, and must make an offer to the property owner(s) for the full amount.
- B. **Approved Appraisal.** The offer may not be less than the public entity's approved appraisal. Govt. Code § 7267.2(a).
- C. **Summary of Appraisal.** The owner must also be provided with a summary of the basis for the offer, and, if the property is owner occupied residential property of less than four residential units, the homeowner shall be allowed to review the appraisal. Id.
- D. **Limitations of Public Entity.** "In no event shall the public entity either advance the time of condemnation, or defer negotiations or

condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property." Govt. Code § 7267.5.

XIII. Resolution of Necessity

"A public entity may exercise the power of eminent domain only if it has adopted a resolution of necessity" by a two-thirds vote of its governing body. Code of Civ. Proc. §§ 1240.040, 1245.250.

- A. **Notice of Hearing.** Before a resolution is adopted the public entity must give notice and a reasonable opportunity to appear and be heard to each person whose name and address appears on the last equalized county assessment roll. Code of Civ. Proc. § 1245.235. The notice must be given at least 15 days prior to the hearing on the resolution. Id.
- B. **Condemnation Hearings.** MWD's Land Committee holds the hearings required by CCP § 1245.235 and makes a recommendation to the Board of Directors as to whether to adopt a resolution of necessity. Admin. Code § 8225. Property owners have the right to appear and be heard before the Land Committee and the Board of Directors. Code of Civ. Proc. § 1245.235.
- C. **Content of Resolution.** The resolution must include a declaration that the Board of Directors has found and determined: Code of Civ. Proc. § 1245.230(c).
 - 1. The public interest and necessity require the proposed project;
 - 2. 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;
 - 3. The property described in the resolution is necessary for the proposed project; and
 - 4. The good faith offer has been made to the owner(s) of the property.

XIV. Filing Suit

The eminent domain action must be filed within six months after adoption of the resolution of necessity. Code of Civ. Proc. § 1245.260.

- A. **Complaint.** The complaint must name all those persons who appear of record or who are known to have or claim an interest in the property. Code of Civ. Proc. § 1250.220(a).
- B. **Filing of Complaint.** The complaint is filed in the superior court for the county in which the property is located. Code of Civ. Proc. §§ 1250.010, 1250.020.
- C. **Recordation Required.** At the time the complaint is filed, a notice of the pendency of the action must be recorded with the county recorder. Code of Civ. Proc. § 1250.150.
- D. **Lis Pendens.** This lis pendens gives constructive notice to others that the eminent domain action is pending.

XV. Deposit of Probable Compensation

"At any time before the entry of judgment, the plaintiff may deposit with the State Treasury the probable amount of compensation, based on an appraisal, that will be awarded in the proceeding." Code of Civ. Proc. § 1255.010(a).

- A. **Purpose of Deposit.** The deposit serves two purposes for the eminent domain case:
 - 1. It sets the date of value as the date of deposit (in cases where the trial is not held within one year);
 - 2. It allows the public entity to apply for an order for prejudgment possession.
- B. **Notice of Deposit.** Notice of the deposit must be served on all parties to the action. Code of Civ. Proc. § 1255.020. The amount of the deposit may be increased or decreased by order of the court. Code of Civ. Proc. § 1255.030.

XVI. Withdrawal of Deposit

Any defendant may apply to the court for withdrawal of all or any portion of the deposit. Code of Civ. Proc. § 1255.210.

- A. **Notice to Interested Parties.** When an application is made, the public entity must give notice to all other interested parties within 20 days. Other parties have 10 days to object to the withdrawal application. Code of Civ. Proc. § 1255.230.
- B. **Withdrawal of Funds.** The court will order the withdrawal of the amount it determines the applicant is entitled to receive. Code of Civ. Proc. § 1255.220.
- C. **Stipulations.** In cases where there is only one interested party, or all the interested parties agree to the amounts to which each is entitled, the parties may stipulate to have the court order the withdrawal of the agreed amounts.

XVII. Order for Possession

If the public entity has made a deposit of probable compensation, it may apply to the court for an order for possession prior to judgment.

- A. **Residence/Farm/Business.** If the property is occupied as a residence or by a farm or business operation, the order is effective only 90 days after it is served.
- B. **Vacant or Unoccupied Property.** If the property is vacant and unoccupied the order is effective 30 days after service. The order must be served on "the owner of the legal or equitable title to the fee or any lesser interest in property as shown by recorded deeds or other recorded instruments." Code of Civ. Proc. § 1255.450.
- C. **Three-day Notice.** An order for possession may be made effective on not less than 3 days notice "if the court finds that the plaintiff has an urgent need for possession of property and that possession will not displace or unreasonably affect any person in actual and lawful possession of the property to be taken or the larger parcel of which it is a part" Code of Civ. Proc. § 1255.410.

- D. **Hardship.** Within 30 days after being served, any defendant or occupant of the property may seek a court order for relief from an order for possession "if the hardship to him of having possession taken at the time specified in the order is substantial." Code of Civ. Proc. § 1255.420.
- E. **Writ of Possession.** If a person refuses to vacate the property by the time the order for possession is effective, the public entity may apply to the court for a writ of possession directing the sheriff to evict the person. Code of Civ. Proc. § 1230.050.

XVIII. Service of Suit

Each defendant must be served with the Summons, Complaint, Notice of Pendency of Action, and Notice of Deposit and Order for Possession, if any. Defendants have 30 days to file an answer to the Complaint. The answer should state the nature and extent of the defendant's interest in the property. A defendant who has no interest in the property may file a disclaimer. Defendants who fail to answer after proper service may have a default entered against them by the court.

XIX. Preparing the Case for Trial

- A. **Trial Date.** When all defendants have answered, disclaimed, or been dismissed or defaulted, a memorandum is filed with the court advising that the case is ready to be set for trial.
- B. **Appraisal.** The property must be appraised based on the date of valuation established in the case, usually the date of deposit of probable compensation.
- C. **Exchange of Lists.** On the date 40 days before trial, the parties exchange lists of expert witnesses (usually, appraisers), and statements of valuation data, which include the opinion of the value of the property.
- D. **Final Order/Demand.** At least 30 days prior to trial, each party must file with the court and serve on the other parties a final offer or demand to settle the case.

- E. **Fees of Attorneys//Expert Witnesses.** If the case does not settle, and, in light of the verdict, the public entity's offer is deemed unreasonable while the defendant's demand was reasonable, the public entity will be liable to pay the fees of defendant's attorneys and expert witnesses.

XX. Post-Trial Procedures

- A. **Payment of Judgment.** The judgment must be paid within 30 days after it is entered. The failure to pay the judgment may result in defendant seeking dismissal of the action and recovery of possession of the property and damages. Code of Civ. Proc. §§ 1268.010, 1268.020.
1. The amount of the judgment earns interest from the date possession was taken to the date paid either through withdrawal of the deposit or payment of the judgment. Code of Civ. Proc. §§ 1268.310, 1268.320;
 2. The court fees paid by defendant(s) are to be paid by the public entity. Code of Civ. Proc. § 1268.710.
- B. **Cancellation of Taxes.** The county assessor is notified to cancel the property taxes as of the date possession was taken, and any taxes paid after that date are refunded to the appropriate party. Code of Civ. Proc. §§ 1268.410 et seq.
- C. **Recordation of Final Order.** Once the final judgment has been paid, any party (but usually the public entity) may apply to the court for a final order of condemnation. Recording of the final order serves to vest title to the property in the public entity. Code of Civ. Proc. § 1268.030.

XXI. Relocation Assistance

California's Relocation Assistance Law provides that persons displaced by public projects are entitled to certain assistance and benefits. Govt. Code §§ 7260 et seq.

- A. **Compensable Expenses.** The benefits include payment of actual moving and related expenses, losses of personal property, reestablishment costs for businesses and farms, purchase or rent differential for residential property.

B. Comparable Replacement Housing. Comparable replacement housing must be available before any person may be required to move from their residence. The Relocation Law also provides that no person occupying property should be required to move without at least 90 days' written notice.

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