

#36.23

4/17/70

Memorandum 70-40

Subject: Study 36.23 - Condemnation (The Right to Take--Extraterritorial  
Condemnation)

In Memorandum 70-39 (sent 4/10/70), the staff recommended codification of the general case law developed rule that extraterritorial condemnation authority exists only where expressly conferred by or necessarily implied from other powers conferred upon the public entity. We also recommended that no effort be made to adjust the statutes dealing with this problem.

Attached are two tables--Table VII and Table VIIa. These tables list the extraterritorial condemnation authorizations that the staff has found in its review of the California condemnation statutes. A review of these statutes by the staff indicates that it is a sound decision not to attempt to review each agency to determine whether it should be given express statutory authority for extraterritorial condemnation.

Respectfully submitted,

John H. DeMouilly  
Executive Secretary

TABLE VII. SPECIAL DISTRICTS: EXTRATERRITORIAL

## CONDEMNATION AUTHORITY

District	Acquisition Authority	Limitations
Air pollution control districts--Health & Saf. Code §§ 24198-24341	No condemnation authority	No condemnation authority
Airport districts-- <u>see</u> California airport districts below		
Alameda County Flood Control and Water Conservation District--1949:1275, Water Code App. §§ 55-1 to 55-39	<u>condemn</u> "within or without the district" (§55-5(4))	consent of board of supervisors of affected county required (§ 55-5(13))
Alameda County Water District--1961:1942 (additional powers granted to district organized as county water district)	acquire "within or outside the district" (§ 4(a))	consent of board of supervisors of affected county required (§ 4(d))
Alpine County Water Agency--1961:1896, Water Code App. §§ 102-1 to 102-56	"within or without the district by <u>condemnation</u> " (§ 102-7)	consent of board of supervisors of affected county required (§ 102-7)
Amador County Water Agency--1959:2137, Water Code App. §§ 95-1 to 95-29	"within or without the agency by <u>condemnation</u> " (§ 95-3.4)	consent of board of supervisors of affected county required (§ 95-3.4)
American River Flood Control District--1927:808, Water Code App. §§ 37-1 to 37-31	Not specified	Not specified
American River Reclamation District No. 1--1909:728, repealed with savings clause 1953:1006	No condemnation authority	No condemnation authority
Antelope Valley-East Kern Water Agency--1959:2146, Water Code App. §§ 98-49 to 98-96	Not specified	consent of board of supervisors of affected county required (§98-61(7))
Avenal Community Services District--1955:1702, Govt. Code § 61610	"within or without the district by . . . <u>condemnation</u> " (§ 61610)	Not specified

District	Acquisition Authority	Limitations
Bay Area Pollution Control District--Health & Saf. Code §§ 24345-24374	No condemnation authority	No condemnation authority
Bayside Reclamation District-- 1927:792, repealed with savings clause 1953:1005	<u>condemn</u> specified property "within the district" (§ 9)	Not specified
Bear River District No. 1-- 1877-78:470, repealed with savings clause 1953:1015	No condemnation authority	No condemnation authority
Bethel Island Municipal Improve- ment District--1960 (1st Ex. Sess.):22	<u>condemn</u> "within but not without the county in which the district is located" (§ 80)	consent of board of supervisors of affected county required (§ 81)
Bighorn Mountains Water Agency--1969:1175, Water Code App. §§ 112-1 to 112-54	take "within or without the Bighorn Mountains Water Agency" (§ 112-15(4))	Not specified
Boulevard districts--Sts.& Hwys. Code §§ 26000-26260	<u>condemn</u> "within the district" (§ 26113(b))	Not specified
Brannan-Andrus Levee Maintenance District--1967:910, Water Code App. §§ 106-1 to 106-17, Water Code §§ 50910, 50930	Not specified	Not specified
Bridge and highway districts-- Sts. & Hwys. Code §§ 27000- 27325	take "within or without the district" (§ 27165)	Not specified
Brisbane County Water District-- 1950 (1st Ex. Sess.):13, Water Code App. §§ 57-1 to 57-7 Water Code §§ 31040-31132	Not specified	Not specified
California airport districts-- Pub. Util. Code §§ 22001-22908	Not specified	Not specified
California water districts-- Water Code §§ 34000-38501	<u>condemn</u> "within or without the district" in the State" (§ 35600)	Not specified

District	Acquisition Authority	Limitations
California water storage districts--Water Code §§ 39000-48401	acquire "within or without the boundaries of the district" (§ 43500)	Consent of board of supervisors of affected county required (§ 43532.5)
Citrus pest control districts--Agri. Code §§ 8401-8759	take "within or without the district" (§ 8551(c))	Not specified
City maintenance districts--Sts. & Hwys. Code § 10108	No condemnation authority	No condemnation authority
City of Marysville Levee District--1875-76:134	<u>Condemn</u> "within the boundaries of said city, or any land either in the city or in the county of Yuba, outside the city" (§ 8)	Not specified
Community Land Chest Corporations--Health & Saf. Code § 35130 <u>et seq.</u>	No condemnation authority	No condemnation authority
Community Redevelopment Agencies--Health & Saf. Code §§ 33390-33396	"within the survey area or for purposes of redevelopment . . . by <u>eminent domain</u> " (§ 33391)	Not specified
Community services districts--Govt. Code §§ 61000-61802	<u>condemn</u> "within or without the district" (§ 61610)	Not specified
Conservancy districts--1919:332, repealed with savings clause 1953:1023	take "within or without such district" (§ 6), <u>condemn</u> certain property "in or out of said district" (§ 14), " <u>condemn</u> within or without said district" (§ 17)	"provided . . . the approval of the officer or officers in charge of public highways be first had before any public highway, alley, lane or bridge or appurtenance thereto be in any manner interfered with" (§ 14)
Contra Costa County Water Agency--1957:518 Water Code App. §§ 80-1 to 80-27	"within the agency by <u>condemnation</u> " (§ 80-10)	Not specified

District	Acquisition Authority	Limitations
Contra Costa County Flood Control and Water Conservation District--1951:1617, Water Code App. §§ 63-1 to 63-36	" <u>eminent domain</u> . . . within or without said district" (§ 63-5(13))	Not specified
Contra Costa County Storm Drainage District--1953:1532 Water Code App. §§ 69-1 to 69-43	" <u>eminent domain</u> within the district" (§ 69-7)	Not specified
Corporations to administer libraries--Educ. Code § 28706	No condemnation authority	No condemnation authority
Costa Mesa County Water District(merger)--Water Code §§ 33200-33250	hold, etc. "within or without the district" (§ 31041)	Not specified
Cotton pest abatement districts--Agri. Code §§ 6051-6084	take "within or without the district" (§ 6062)	Not specified
County drainage districts--Water Code §§ 56000-56130	take "within or without the district" (§ 56041)	Not specified
County flood control districts--Water Code § 8110	Not specified	Not specified
County free library taxing districts--Educ. Code §§ 27151-27166	No condemnation authority	No condemnation authority
County maintenance districts--Sts. & Hwys. Code §§ 5820-5856	No condemnation authority	No condemnation authority
County power pumping districts--1915:745, repealed with savings clause 1953:1022	Not specified	Not specified
County recreation districts--former Pub. Res. Code § 5439	Not specified	Not specified

District	Acquisition Authority	Limitations
County sanitation districts-- Health & Saf. Code §§ 4700-4858	acquire certain specified properties "within or without the district" (§ 4741)	shall not "acquire" land for "refuse transfer or disposal" without consent of city council or county board of super- visors of affected city or county (§ 4741)
County sewerage and water districts--Health & Saf. Code §§ 5500-5656 (pro- visions repealed except for Section 5617 without affecting existing districts)	Not specified	Not specified
County water authorities-- 1943:545, Water Code App. §§ 45-1 to 45-16	take "within or with- out the authority" (§ 45-5(4))	Not specified
County water districts-- Water Code §§ 30000-33901	hold, etc., property "within or without the district" (§ 31041)	Not specified
County waterworks districts-- Water Code §§ 55000-55991	Not specified	Not specified
Crestline-Lake Arrowhead Water Agency--1962 (1st Ex. Sess.):40 Water Code App. §§ 104-1 to 104-46	Not specified	consent of board of supervisors of affected county required (§ 104-11(9))
Del Norte County Flood Control District--1955:166, Water Code App. §§ 72-1 to 72-36	" <u>eminent domain</u> . . . within or without said district" (§ 72-7)	Not specified

District	Acquisition Authority	Limitations
Delta Water Agency--1968:419 Water Code App. §§ 108-1.1 to 108-10.2	take "within or without the agency" (\$ 108-4.2(d))	Not specified
Desert Water Agency--1961:1069 Water Code App. §§ 100-1 to 100-54	no power of eminent domain outside agency except for certain facilities partially within and partially without the boundaries of the agency (\$ 100-15(9))	Not specified
District agricultural associ- ations--Agri. Code §§ 4002, 4051, 4054	Not specified	Not specified
Donner Summit Public Utility District--1950 (1st Ex. Sess.):15, Water Code App. §§ 58-1 to 58-6	Not specified	Not specified
Drainage districts (Act of 1880)--1880:227, repealed with savings clause 1953: 1021	Condemn "within or with- out the boundaries of the district" (\$ 11)	Not specified
Drainage districts (Act of 1897)--1897:228, repealed with savings clause 1953: 1020	Not specified	Not specified
Drainage districts (Act of 1923)--1923:102, repealed with savings clause 1953: 1019	Not specified	Not specified
Drainage districts (Law of 1885)--1885:158, Water Code App. §§ 5-1 to 5-21	"may take . . . outside of as well as in the limits of said district"(\$ 18)	Not specified
Drainage districts (Law of 1903)--1903:238, Water Code App. §§ 8-1 to 8-134	Not specified	Not specified

District	Acquisition Authority	Limitations
Drainage districts (Law of 1919)--1919:354, Water Code App. §§ 31-1 to 31-27	Not specified	Not specified
El Dorado County Toll Tunnel Authority--Sts. & Hwys. Code §§ 31100-31246	Not specified	Not specified
El Dorado County Water Agency--1959:2139, Water Code App. §§ 96-1 to 96-104	"within the agency by <u>condemnation</u> " (§ 96-8)	Not specified
Embarcadero Municipal Improvement District--1960 (1st Ex. Sess.):81	<u>condemnation</u> "within but not without the district" (§ 81) acquire "within or without the district" (§ 80)	consent of board of supervisors of affected county required (§ 82)
Estero Municipal Improvement District--1960 (1st Ex. Sess.): 82	<u>condemnation</u> "within but not without the district" (§ 81) acquire "within or without the district" (§ 80)	consent of board of supervisors of affected county required (§ 82)
Fairfield-Suisun Sewer District--1951:303	Not specified	Not specified
Fire protection districts (Law of 1961)--Health & Saf. Code §§ 13801-13999	"take . . . within the district" (§ 13852(b))	consent of board of governors of affected county required [for eminent domain] (§ 13852(c))
Flood control and water conservation districts--1931:641 Water Code App. §§ 38-1 to 38-13	Not specified	Not specified
Folsom Lake Bridge Authority--Sts. & Hwys. Code §§ 30910-31041	Not specified	Not specified

District	Acquisition Authority	Limitations
Fresno Metropolitan Flood Control Act--1955:503, Water Code App. §§ 73-1 to 73-46	Not specified	Not specified
Fresno Metropolitan Transit District--1961:1932, Pub. Util. Code App. 2 §§ 1.1 to 11.1	condemn "within or without the district" (§ 6.15)	consent of board of supervisors of affected county required (§ 6.3)
Garbage and refuse disposal districts--Health & Saf. Code §§ 4170-4187	Not specified	Not specified
Garbage disposal districts--Health & Saf. Code §§ 4100-4135	Not specified	Not specified
Guadalupe Valley Municipal Improvement District--1959:2037	Not specified	consent of board of supervisors of affected county required (§ 80.5)
Harbor districts--Harb. & Nav. Code §§ 6000-6110	take "within or without the district" (§ 6074)	Not specified
Harbor improvement districts--Harb. & Nav. Code §§ 5800-5945	take "within or without the district" (§ 5900.3)	Not specified
Highway interchange districts--Govt. Code §§ 66400-66403	No condemnation authority	No condemnation authority
Highway lighting districts--Sts. & Hwys. Code §§ 19000-19327	No condemnation authority	No condemnation authority
Horticultural Development Districts (Act of 1933)--1933:388, repealed with savings clause 1953:335	No condemnation authority	No condemnation authority
Horticultural protection districts--1935:756	Not specified	Not specified

District	Acquisition Authority	Limitations
Housing authorities--Health & Saf. Code §§ 34200-34402	Not specified	Not specified
Humboldt County Flood Control District--1945:939, Water Code App. §§ 47-1 to 47-36	" <u>eminent domain . . . within or without said district</u> " (\$ 47-7)	Not specified
Hunters Point Reclamation District--1955:1573, Water Code App. §§ 78-1 to 78-17, Water Code §§ 50910, 50930	Not specified	Not specified
Irrigation districts--Water Code §§ 20500-29978	Not specified	Not specified
Joint county jail districts--Penal Code §§ 4050-4067	No condemnation authority	No condemnation authority
Joint county road camp districts--Penal Code §§ 4200-4227	No condemnation authority	No condemnation authority
Joint highway districts--Sts. & Hwys. Code §§ 25000-25521	Not specified	Not specified
Joint municipal sewage disposal districts--Health & Saf. Code §§ 5700-5830.08 (provisions repealed except for Section 5745 without affecting existing districts)	Not specified	Not specified
Joint powers contract agencies--Govt. Code §§ 6500-6514	Not specified	Not specified
Kern County Water Agency--1961: 1003, Water Code App. §§ 99-1 to 99-29	"within or without the agency by <u>condemnation</u> " (\$ 99-3.4)	consent of board of supervisors of affected county required (\$ 99-3.4)
Kings River Conservation District--1951:931, Water Code App. §§ 59-1 to 59-51	Not specified	Not specified

District	Acquisition Authority	Limitations
Knights Landing Ridge Drainage District--1913:99, Water Code App. §§ 21-1 to 21-13	<u>condemn</u> "outside or within the limits of the district" (§ 21-5)	Not specified
Lake County Flood Control and Water Conservation District--1951:1544, Water Code App. §§ 62-1 to 62-41	" <u>eminent domain</u> . . . within or without said district" (§ 65-5(12))	consent of governing board of affected county required (§ 65-5(12))
Lake Cuyamaca Recreation and Park District--1961:1654	" <u>eminent domain</u> . . . within the territory" (§ 35(c))	consent of supervising authority required (§ 35(c))
Lassen-Modoc County Flood Control and Water Conservation District--1959:2127, Water Code App. §§ 92-1 to 92-38	<u>eminent domain</u> "only as against property located within the district" (§ 92-3(f))	Not specified
Levee districts--1905:310 Water Code App. §§ 9-1 to 9-25	Not specified	Not specified
Levee districts (Law of 1959)--Water Code §§ 70000-70272	Not specified	Not specified
Library districts--Educ. Code §§ 27751-27963	No condemnation authority	No condemnation authority
Library districts in unincorporated towns and villages--Educ. Code §§ 27501-27707	No condemnation authority	No condemnation authority
Limited dividend housing corporations--Health & Saf. Code § 34874 <u>et seq.</u>	Not specified	Not specified
Local health districts--Health & Saf. Code §§ 880-972 (provisions repealed without affecting existing districts)	purchase, etc., "within and without the limits of the district" (§ 936)	Not specified
Local hospital districts--Health & Saf. Code §§ 32000-32492	purchase, etc., "within the limits of the district" (§ 32121)	Not specified

District	Acquisition Authority	Limitations
Local planning agencies-- Govt. Code §§ 65100- 65700	No condemnation authority	No condemnation authority
Los Angeles County Flood Control District--1915:755 Water Code App. §§ 28-1 to 28-23	"within or without the boundaries of said district by . . . <u>condemnation</u> " (§ 28-16)	Not specified
Los Angeles County Toll Tunnel Authority--Sts. & Hwys. Code §§ 31300-31332	No condemnation authority	No condemnation authority
Lower San Joaquin Levee District--1955:1075	Not specified	Not specified
Madera County Flood Control and Water Conservation Agency-- 1969:916, Water Code App. §§ 110-100 to 110-950	" <u>eminent domain</u> . . . within or without said agency" (§110-650)	Not specified
Marin County Flood Control and Water Conservation District-- 1953:666, Water Code App. §§ 68-1 to 68-36	" <u>eminent domain</u> , within or without said district" (§ 68-5(13))	Not specified
Marin County Transit District-- Pub. Util. Code §§ 70000- 80019	<u>condemn</u> "within the boundaries of the district" (§ 70162) "within or without the district" (§ 70175)	Not specified
Mariposa County Water Agency-- 1959:2036, Water Code App. §§ 85-1 to 85-25	"within or without the agency by <u>condemnation</u> " (§85-3.4)	Not specified
Memorial districts--Mil. & Vets. Code §§ 1170-1259	Not specified	Not specified
Mendocino County Flood Control and Water Conservation District--1949:995, Water Code App. §§ 54-1 to 54-113	<u>condemn</u> "within or with- out the district" (§ 54-3(e))	Not specified

District	Acquisition Authority	Limitations
Metropolitan water districts-- 1969:209, Water Code App. §§ 109-1 to 109-551	take "within or without the district and within and without the State" (\$ 109-140)	Not specified
Mojave Water Agency--1959:2146 Water Code App. §§ 97-1 to 97-38	"within the agency by <u>con-</u> <u>demnation</u> " and "In no event shall the agency have or exercise the power of eminent domain with respect to property situated outside the boundaries of the agency." (\$ 97-14)	Not specified
Montalvo Municipal Improvement District--1955:549	Not specified	Not specified
Monterey County Flood Control and Water Conservation Dis- trict--1947:699, Water Code App. §§ 52-1 to 52-36	" <u>eminent domain</u> . . . within or without said district" (\$ 52-6)	condemnation outside district for recre- ation purposes re- quires consent of board of supervisors of affected county (\$ 52-4)
Monterey Peninsula Airport District--1941:52	Not specified	Not specified
Mormon Slough Reclamation District--1871:72:481, repealed with savings clause 1953:1004	Not specified	Not specified
Mosquito abatement districts-- Health & Saf. Code §§ 2200- 2360	Not specified	Not specified
Mt. San Jacinto Winter Park Authority--1945:1040	<u>condemn</u> "within the territorial limits of the authority as de- fined in Section 3.3" (\$ 4.8)	Not specified

District	Acquisition Authority	Limitations
Mountain View Shoreline Regional Park Community-- 1969:1109	<u>eminent domain</u> "within its boundaries" (§ 51)	consent of board of supervisors of un- incorporated por- tions of the com- munity required (§ 51)
Municipal corporation tunnel authorities--1951:1347	take "within or without the authority" (§ 7(4))	Not specified
Municipal lighting maintenance districts--Sts. & Hwys. Code §§ 18600-18781	No condemnation authority	No condemnation authority
Municipal Sewer and Water Facil- ities Law of 1911--Health & Saf. Code §§ 4600-4648	Not specified	Not specified
Municipal sewer districts of 1939--1939:24 (provisions repealed without affecting existing districts)	No condemnation authority	No condemnation authority
Municipal utility districts-- Pub. Util. Code §§ 11501-14401	<u>condemn</u> "within or with- out the district" (§ 12771)	Not specified
Municipal Utility District-- Pub. Util. Code §§ 13451- 13691	No condemnation authority	No condemnation authority
Municipal water districts (Act of 1909)--1909:724, repealed with savings clause 1953:1011	take "within or without the district" (§ 12(4))	Not specified
Municipal water districts (Act of 1911)--Water Code §§ 71000- 73001	Not specified	consent of board of supervisors of affect- ed county required (§ 71694)
Municipal water districts (Act of 1935)--1935:78, Water Code App. §§ 41-1 to 41-13	No condemnation authority	No condemnation authority

District	Acquisition Authority	Limitations
<p>Yapa County Flood Control and Water Conservation District-- 1951:1449, Water Code App. §§ 61-1 to 61-37</p>	<p>"<u>eminent domain</u> . . . within or without said district" (§ 61-6)</p>	<p>Not specified</p>
<p>Nevada County Water Agency-- 1959:2122, Water Code App. §§ 90-1 to 90-56</p>	<p>"<u>eminent domain</u> . . . within or without the agency" (§ 90-7)</p>	<p>consent of board of supervisors of affected county required (§ 90-7)</p>
<p>North Lake Tahoe-Truckee River Sanitation Agency--1967:1503 Water Code App. §§ 107-1 to 107-600</p>	<p><u>condemn</u> "inside or outside its boundaries" (§ 146)</p>	<p>consent of board of supervisors of affected county required (§ 146)</p>
<p>Olivehurst Public Utility District--1950 (1st Ex. Sess.):12, Water Code App. §§ 56-1 to 56-7</p>	<p>Not specified</p>	<p>Not specified</p>
<p>Open Space Maintenance Districts-- Govt. Code §§ 50575-50628</p>	<p>No condemnation authority</p>	<p>No condemnation authority</p>
<p>Orange County Flood Control District--1927:723, Water Code App. §§ 36-1 to 36-23</p>	<p>"<u>eminent domain</u> . . . within or without said district" (§ 36-2(6)) "within or without the boundaries of said district, by . . . <u>condemnation</u>" (§ 36-16)</p>	<p>"no right to take by condemnation any property shall exist on behalf of said district of a greater distance than 15 miles outside the exterior boundaries thereof" (§ 36-16)</p>
<p>Orange County Transit District-- Pub. Util. Code §§ 40000-40617</p>	<p><u>condemn</u> "within the boundaries of the district" (§ 40162) "within or without the district" (§ 40175)</p>	<p>Not specified</p>
<p>Orange County Water District-- 1933:924, Water Code App. §§ 40-1 to 40-78</p>	<p><u>condemnation</u> "within or without the district" (§ 40-39)</p>	<p>Not specified</p>

District	Acquisition Authority	Limitations
Overflow Districts--1911:718, repealed with savings clause 1953:1010	condemn "whether said land or material is outside of, or within, the limits of the district" (§ 30)	Not specified
Palo Verde Irrigation District-- 1923:452, Water Code App. §§ 33-1 to 33-77	Not specified	Not specified
Park, recreation and parkway districts--former Pub. Res. Code § 5658 <u>et seq.</u> (re- organized, see Pub. Res. Code § 5780)	No condemnation authority	No condemnation authority
Parking authorities--Sts. & Hwys. Code §§ 32500-33552	purchase, etc. "within or outside the city" (§ 32802(a))	consent of affected "state public body" required (§ 32802(a))
Parking districts--Sts. & Hwys. Code §§ 35100-35708	Not specified	Not specified
Permanent road divisions--Sts. & Hwys. Code §§ 1160-1197	No condemnation authority	No condemnation authority
Pest abatement districts--Health & Saf. Code §§ 2800-2910	Not specified	Not specified
Placer County Water Agency-- 1957:1234, Water Code App. §§ 81-1 to 81-25	"within or without the agency by <u>condemnation</u> " (§ 81-3.4)	consent of board of supervisors of affected county re- quired (§ 81-3.4)
Placer Mining Districts--Pub. Res. Code §§ 2401-2512 (pro- visions repealed without affecting existing districts)	Not specified	Not specified
Planning districts--Govt. Code §§ 66100-66390	No condemnation authority	No condemnation authority
Plumas County Flood Control and Water Conservation District-- 1959:2114, Water Code App. §§ 88-1 to 88-38	Not specified	consent of board of supervisors of affected county re- quired (§ 88-3(f))

District	Acquisition Authority	Limitations
Police protection districts (in unincorporated territory)-- Health & Saf. Code §§ 20300-20332	No condemnation authority	No condemnation authority
Police protection districts (in unincorporated town)--Health & Saf. Code §§ 20000-20115	No condemnation authority	No condemnation authority
Port districts--Harb. & Nav. Code §§ 6200-6372	take "within or without the district" (§ 6294)	Not specified
Protection districts (Act of 1880)--1880:63, Water Code App. §§ 4-1 to 4-18	Not specified	Not specified
Protection districts (Act of 1895)--1895:201, Water Code App. §§ 6-1 to 6-29	Not specified	Not specified
Protection districts (Act of 1907)--1907:25, Water Code App. §§ 11-1 to 11-94	Not specified	Not specified
Public cemetery districts-- Health & Saf. Code §§ 8890-9309	No condemnation authority	No condemnation authority
Public utility districts--Pub. Util. Code §§ 15501-17501	take "within or without the district" (§ 16431)	Not specified
Reclamation districts--Water Code §§ 50000-53660	Not specified	Not specified
Reclamation District No. 10-- 1913:194, Water Code App. §§ 24-1 to 24-5	No condemnation authority	No condemnation authority
Reclamation District No. 70-- 1905:552, Water Code App. §§ 10-1 to 10-3	No condemnation authority	No condemnation authority
Reclamation District No. 252-- 1877-78:348, repealed with savings clause 1953:1009	No condemnation authority	No condemnation authority

District	Acquisition Authority	Limitations
Reclamation District No. 254-- 1877-78:567, repealed with savings clause 1953:1008	No condemnation authority	No condemnation authority
Reclamation District No. 317-- 1877-78:379, Water Code App. §§ 3-1 to 3-6	No condemnation authority	No condemnation authority
Reclamation District No. 800-- 1907:213, Water Code App. §§ 12-1 to 12-3	No condemnation authority	No condemnation authority
Reclamation District No. 830-- 1911:171, Water Code App. §§ 15-1 to 15-3	No condemnation authority	No condemnation authority
Reclamation District No. 832-- 1911:402, Water Code App. §§ 16-1 to 16-3	No condemnation authority	No condemnation authority
Reclamation District No. 833-- 1911:403, Water Code App. §§ 17-1 to 17-4	No condemnation authority	No condemnation authority
Reclamation District No. 900-- 1911:100, Water Code App. §§ 14-1 to 14-3	No condemnation authority	No condemnation authority
Reclamation District No. 999-- 1913:161, Water Code App. §§ 23-1 to 23-3	No condemnation authority	No condemnation authority
Reclamation District No. 1000-- 1911:412, Water Code App. §§ 19-1 to 19-5	<u>condemn</u> "within the boundaries of said district, or outside thereof" (§ 19-2)	Not specified
Reclamation District No. 1001-- 1911:411, Water Code App. §§ 18-1 to 18-5	<u>condemn</u> "within the boundaries of said district, or outside thereof" (§ 18-2)	Not specified
Reclamation District No. 1400-- 1913:384, repealed with sav- ings clause 1953:1007	No condemnation authority	No condemnation authority

District	Acquisition Authority	Limitations
Reclamation District No. 1500-- 1913:100, Water Code App. §§ 22-1 to 22-5	condemn "within the boundaries of said district, or outside thereof" (§ 22-2)	Not specified
Reclamation District No. 1600-- 1913:195, Water Code App. §§ 25-1 to 25-2	No condemnation authority	No condemnation authority
Reclamation District No. 1660-- 1915:591, Water Code App. §§ 27-1 to 27-5	No condemnation authority	No condemnation authority
Reclamation District No. 2020-- 1917:613, Water Code App. §§ 29-1 to 29-3	No condemnation authority	No condemnation authority
Reclamation District No. 2031-- 1919:338, Water Code App. §§ 30-1 to 30-4	No condemnation authority	No condemnation authority
Recreation and park districts-- Pub. Res. Code §§ 5780-5788.13	take "within or with- out the district" (\$ 5782.5(b)), <u>eminent domain</u> . . . only within the territory of the district" (\$ 5782.5(c))	consent of supervising authority required (\$ 5782.5(c))
Recreation and park districts without power of eminent domain--Pub. Res. Code §§ 5790-5791	No condemnation authority	No condemnation authority
Recreation, park and parkway districts--former Pub. Res. Code § 5402	Not specified	Not specified
Regional air pollution control districts--Health & Saf. Code §§ 39300-39570	No condemnation authority	No condemnation authority
Regional park districts--Pub. Res. Code §§ 5500-5595	condemn "within or with- out the district" (\$ 5540)	Not specified

District	Acquisition Authority	Limitations
Regional planning districts-- Govt. Code §§ 65060-65069.5	No condemnation authority	No condemnation authority
Regional sewage disposal dis- tricts--Health & Saf. Code §§ 5900-6110 (provisions re- pealed except for § 6096 without affecting existing districts)	"acquire . . . within or without the region- al district" (former § 5991)	Not specified
Regional shoreline districts-- former Pub. Res. Code § 5719 <u>et seq.</u>	<u>condemn</u> "within or with- out the district" (\$ 5719)	Not specified
Resort improvement districts-- Pub. Res. Code §§ 13000-13233	Not specified	Not specified
River port districts--Harb. & Nav. Code §§ 6800-6963	take "within or with- out the district" (\$ 6894)	Not specified
Riverside County Flood Control and Water Conservation Dis- trict--1945:1122, Water Code App. §§ 48-1 to 48-39	" <u>eminent domain</u> . . . within or without said district"(\$ 48-9)	Not specified
Sacramento County Levee District No. 1--1877-78:551, repealed with savings clause 1953:1014	No condemnation authority	No condemnation authority
Sacramento County Water Agency-- 1952 (1st Ex. Sess.):10, Water Code App. §§ 66-1 to 66-31	"within or outside the agency by <u>condemna- tion</u> " (\$ 66-3.4)	consent of board of supervisors of affected county re- quired (\$ 66-3.4)
Sacramento River Drainage Dis- trict--1877-78:643, repealed with savings clause 1953:1018	Not specified	Not specified
Sacramento River-West Side. Levee District--1915:361, Water Code App. §§ 26-1 to 26-11	<u>condemn</u> "outside or with- in the limits of the district" (\$ 26-5)	Not specified

District	Acquisition Authority	Limitations
San Benito County Water Conservation and Flood Control District--1953:1598, Water Code App. §§ 70-1 to 70-40	" <u>eminent domain</u> . . . within or without said district" (§ 70-8)	Not specified
San Bernardino County Flood Control District--1939:73 Water Code App. §§ 43-1 to 43-28	" <u>eminent domain</u> . . . within or without said district" (§ 43-2(8)) "within or without the district" (§ 43-25)	Not specified
San Diego County Flood Control District--1966 (1st Ex. Sess.): 55, Water Code App. §§ 105-1 to 105-48	" <u>eminent domain</u> within the County of San Diego, either within or without the district" (§ 105-6(12))	Not specified
San Diego County Transit District--Pub. Util. Code §§ 90000-93017	<u>condemn</u> "within or without the district" (§ 90460)	Not specified
San Diego Unified Port District--1962 (1st Ex. Sess.):67 Harb. & Nav. Code App. 1 §§ 1-88	Not specified	Not specified
San Francisco Bay Area Rapid Transit District--Pub. Util. Code §§ 28500-29757 (see also 1949:1239)	Not specified	Not specified
San Francisco Port Authority--Harb. & Nav. Code § 1775 <u>et seq.</u>	Not specified	Not specified
San Geronimo Pass Water Agency--1961:1435, Water Code App. §§ 101-1 to 101-52	Not specified	consent of board of supervisors of affected county required (§ 101-15(9))
San Joaquin County Flood Control and Water Conservation District--1956 (1st Ex. Sess.):46, Water Code App. §§ 79-1 to 79-43	" <u>eminent domain</u> within said district" (§ 79-5(13))	Not specified
Sanitary districts (Act of 1923)--Health & Saf. Code §§ 6400-6830	<u>condemn</u> "within or without the limits of the district" (§ 6514)	consent of board of supervisors of affected county required (§ 6514)

District	Acquisition Authority	Limitations
Sanitary district (Law of 1891)-- 1891:161, repealed with savings clause 1939:60; now Health & Saf. Code § 6935	<u>condemn</u> "within or with- out the limits of the district" (§ 5)	Not specified
San Luis Obispo County Flood Con- trol and Water Conservation District--1945:1294, Water Code App. §§ 49-1 to 49-36.17	" <u>eminent domain</u> , either within or without said district" (§ 49-6)	Not specified
San Mateo County Flood Control District--1959:2108, Water Code App. §§ 87-1 to 87-35	" <u>eminent domain</u> . . . within or without said district" (§ 87-3(8))	Not specified
Santa Barbara County Flood Con- trol and Water Conservation District--1955:1057, Water Code App. §§ 74-1 to 74-39	" <u>eminent domain</u> . . . within or without said district" (§ 74-5(12))	consent of board of supervisors of affected county re- quired (§ 74-5.3)
Santa Barbara County Water Agency--1945:1501, Water Code App. §§ 51-1 to 51-19	"within or outside the agency by <u>condemnation</u> " (§ 51-3.4)	Not specified
Santa Barbara Metropolitan Transit District--Pub. Util. Code §§ 95000-97100	<u>condemn</u> "within or with- out the district" (§ 96090)	Not specified
Santa Clara County Flood Con- trol and Water District-- 1951:1405, Water Code App. §§ 60-1 to 60-35	" <u>eminent domain</u> . . . within or without said district" (§ 60-6)	Not specified
Santa Clara County Irrigation Districts--1923:479, repealed with savings clause 1953:1002; 1921:822, repealed with sav- ings clause 1953:1003	Not specified	Not specified
Santa Clara County Rapid Transit District--Pub. Util. Code §§ 100000-100500	<u>condemn</u> "within or with- out the district" (§ 100130)	Not specified
Santa Cruz County Flood Control and Water Conservation Dis- trict--1955:1489, Water Code App. §§ 77-1 to 77-597	<u>condemn</u> "within or with- out the district or county" (§ 77-41)	Not specified

District	Acquisition Authority	Limitations
Santa Cruz Metropolitan Transit District--Pub. Util. Code §§ 98000-98407	<u>condemn</u> "within or without the district" (§ 98233)	any action to acquire property or interest within an incorporated city or a county requires consent of legislative body of affected city or county (§ 98213)
Separation of grade districts-- Sts. & Hwys. Code §§ 8100-8297	<u>condemn</u> "within the district" (§ 8145(c))	Not specified
Sewer districts in unincorporated territory (Act of 1899)-- Health & Saf. Code §§ 4659-4671 (provisions repealed without affecting existing districts)	No condemnation authority	No condemnation authority
Sewer maintenance districts-- Health & Saf. Code §§ 4860-4927	Not specified	Not specified
Shasta County Water Agency-- 1957:1512, Water Code App. §§ 83-1 to 83-190	<u>"eminent domain to acquire within or outside the agency"</u> (§ 83-65)	consent of board of supervisors of affected county required (§ 83-65)
Sierra County Flood Control and Water Conservation District-- 1959:2123, Water Code App. §§ 91-1 to 91-38	Not specified	consent of board of supervisors of affected county required (§ 91-3(f))
Siskiyou County Flood Control and Water Conservation District-- 1959:2121, Water Code App. §§ 89-1 to 89-38	<u>eminent domain</u> "only as against property located within the county" (§ 89-3(f))	Not specified
Small craft harbors districts-- Harb. & Nav. Code §§ 7000-7340	take "within or without the district" (§ 7146)	consent of governing body of the affected county or city required (§ 7147)
Soil conservation districts-- Pub. Res. Code §§ 9074-9953	No condemnation authority	No condemnation authority

District	Acquisition Authority	Limitations
Solano County Flood Control and Water Conservation District--1951:1656, Water Code App. §§ 64-1 to 64-20.4	acquire " <u>within the district by condemnation</u> " (§ 64-3.4)	Not specified
Solvang Municipal Improvement District--1951:1635	take "within or without the district" (§ 44)	Not specified
Sonoma County Flood Control and Water Conservation District--1949:994, Water Code App. §§ 53-1 to 53-35, renamed Sonoma County Water Agency-- (see 1969:656)	<u>condemn</u> "within or without the district" (53-3(e))	Not specified
Southern California Rapid Transit District--Pub. Util. Code §§ 30000-31520	<u>condemn</u> "within or without the district" (§ 30600)	Not specified
Special road maintenance districts--Sts. & Hwys. Code §§ 1550.1-1550.3	No condemnation authority	No condemnation authority
Stockton Metropolitan Transit District--Pub. Util. Code §§ 50000-50507	<u>condemn</u> "within or without the district" (§ 50175)	any action to acquire property or interest therein within an incorporated city or a county requires consent of legislative body of affected city or county (§ 50162)
Storm drain maintenance districts--1937:265, Water Code App. §§ 42-1 to 42-22	Not specified	Not specified
Storm drain maintenance district (Act of 1939)--1939:1100, repealed with savings clause 1953:1101	"none of the work herein contemplated to be done shall be performed outside the boundaries of the district" (§ 10)	Not specified
Storm water districts--1909: 222, Water Code App. §§ 13-1 to 13-30	Not specified	Not specified

District	Acquisition Authority	Limitations
Street lighting districts (Act of 1919)--Sts. & Hwys. Code §§ 18000-18193	No condemnation authority	No condemnation authority
Street lighting districts (Act of 1931)--Sts. & Hwys. Code §§ 18300-18440	No condemnation authority	No condemnation authority
Student transportation districts-- Educ. Code §§ 16951-16978	No condemnation authority	No condemnation authority
Surplus Property Authority-- Govt. Code §§ 40500-40592	No condemnation authority	No condemnation authority
Sutter County Levee District No. 1--1873-74:349, Water Code App. §§ 1-1 to 1-12	Not specified	Not specified
Sutter County Levee District No. 2--1875-76:299, repealed with savings clause 1953:1013	No condemnation authority	No condemnation authority
Sutter County Levee District No. 6--1891:166, repealed with savings clause 1953:1012	No condemnation authority	No condemnation authority
Sutter County Water Agency-- 1959:2088, Water Code App. §§ 86-1 to 86-28	"acquire within the agency by <u>condemnation</u> " (§ 86-3.4)	Not specified
Swamp Land District No. 150-- 1873-74:629, Water Code App. §§ 2-1 to 2-7	No condemnation authority	No condemnation authority
Swamp Land, Levee, or Reclamation Districts--1909:346, repealed with savings clause 1953:1000	Not specified	Not specified
Tehama County Flood Control and Water Conservation District-- 1957:1280, Water Code App. §§ 82-1 to 82-39	<u>condemn</u> "only as against property located within the county" (§ 82-3(f))	Not specified

District	Acquisition Authority	Limitations
Transit districts--Pub. Util. Code §§ 24501-27302, 27501-27509	<u>condemn</u> "within or without the district" (\$ 25771)	Not specified
Tulare County Flood Control District--1969: 1149, Water Code App. §§ 111-1 to 111-41	<u>condemn</u> "within or without the district" (\$ 111-5(4)), " <u>eminent domain</u> within said district (\$ 111-5(12))	Not specified
Tuolumne County Water Agency--1969:1236, Water Code App. §§ 113-1 to 113-100	"acquire within the agency by <u>condemnation</u> " (\$ 113-8)	Not specified
Unified Air Pollution Control Districts--Health & Saf. Code §§ 24330-24341	No condemnation authority	No condemnation authority
Union high school library districts--Educ. Code §§ 28001-28652	No condemnation authority	No condemnation authority
Union Island Reclamation District Nos. 1 and 2--1903:36, Water Code App. §§ 7-1 to 7-10; Water Code §§ 59010, 59030	Not specified	Not specified
Upper Santa Clara Valley Water Agency--1962 (1st Ex. Sess.):28, Water Code App. §§ 103-1 to 103-49	<u>condemn</u> "outside the boundaries of the agency" (\$ 103-15(7))	consent of board of supervisors of affected county required (\$ 103-15(7))
Vallejo Sanitation and Flood Control District--1952 (1st Ex. Sess.):17, Water Code App. §§ 67-1 to 67-28	Not specified	Not specified
Vehicle parking districts--Sts. & Hwys. Code §§ 31500-31933	Not specified	Not specified
Ventura County Flood Control District--1944 (2nd Ex. Sess.): 44, Water Code App. §§ 46-1 to 46-37	" <u>eminent domain</u> , either within or without said district" (\$ 46-7(8)), <u>condemnation</u> "within or without the district" (\$ 46-29)	Not specified

District	Acquisition Authority	Limitations
Ventura County Harbor District--1927:861, repealed with savings clause 1953:999	take "within or without the district" (§ 3(D))	Not specified
Washington Drainage District of Yolo County--1867-68:381, repealed with savings clause 1953:1017	No condemnation authority	No condemnation authority
Water conservation districts--1923:426, repealed with savings clause 1953:998	Not specified	Not specified
Water conservation districts (Act of 1927)--1927:91, Water Code App. §§ 34-1 to 34-45	<u>condemn</u> "within or without the district" (§ 34-2(D))	Not specified
Water conservation districts (Act of 1931)--Water Code §§ 74000-76501	<u>condemn</u> "within or without the district" (§ 74550)	Not specified
Water replenishment districts--Water Code §§ 60000-60449	take "within or without the district" (§ 60230(4))	consent of board of supervisors of affected county required (§ 60230(8))
Water storage and conservation districts--1941:1253 (provisions repealed without affecting existing districts), formerly Water Code App. §§ 44-1 to 44-191; Deerings Calif. Codes-Water (uncodified acts-part two) Act 9126a §§ 20(4), (6), 21, 28, 29	<u>condemn</u> "within or without the district" (§ 20(4))	Not specified
West Bay Rapid Transit Authority--1964 (1st Ex. Sess.): 104, Pub. Util. Code App. 3 §§ 1.1 to 14.3	Not specified	Not specified
Yolo Basin Drainage Districts--1909:680, repealed with savings clause 1953:1016	No condemnation authority	No condemnation authority

District	Acquisition Authority	Limitations
Yolo County Flood Control and Water Conservation District--1951:1657, Water Code App. §§ 65-1 to 65-35	" <u>condemnation</u> . . . within or without the district" (§ 65-3(c))	consent of board of supervisors of each affected county required (§ 65-3(f))
Yuba-Bear River Basin Authority--1959:2131, Water Code App. §§ 93-1 to 93-54	"acquire within or without the authority by <u>condemnation</u> " (§ 93-8)	consent of board of supervisors of each affected county required (§ 93-8):
Yuba County Water Agency--1959:788, Water Code App. §§ 84-1 to 84-28	"acquire within or without the agency by <u>condemnation</u> " (§ 84-3.4)	consent of board of supervisors of each affected county required (§ 84.3.4)

TABLE VIIa. EXTRATERRITORIAL CONDEMNATION AUTHORITY:

MISCELLANEOUS PROVISIONS

Note: This table supplements Table VII

Purpose	Acquisition Authority	Limitations
<u>State Reclamation Board</u>		
Sacramento and San Joaquin Drainage District (managed by State Reclamation Board)		
"flood control works"	"wholly or partly within" the drainage district (Water Code § 8590)	
<u>Cities</u>		
streets	property "whether wholly or partly within or without" the boundary between two cities (Sts. & Hwys. Code § 4093)	
facilities in aid of public utilities	"within or without the city or the county where the city is located" (Govt. Code § 39792)	
garbage disposal	"within the county where the city is located" (Govt. Code § 38790)	
park or playground	"wholly or partly outside the limits of the city" (Govt. Code § 38304)	
<u>Counties</u>		
boundary highway	any property "within this state"	
industrial-penal farm	"within or without the county"	consent of board of supervisors of affected county