

**Introduced by Senator Berryhill**

February 19, 2016

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An act to amend Section 11400 of the Streets and Highways Code, relating to pedestrian malls.

LEGISLATIVE COUNSEL'S DIGEST

SB 1345, as introduced, Berryhill. Pedestrian malls: disputed claims. The Pedestrian Mall Law of 1960 requires a legislative body, after determining that a pedestrian mall shall be established and that there remain any written claims for legal damages because of the establishment of the proposed mall to direct an action or actions be brought in superior court, as specified, to resolve those claims.

This bill would make nonsubstantive changes to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11400 of the Streets and Highways Code  
2 is amended to read:  
3 11400. If following the hearing the legislative body ~~shall~~  
4 ~~determine~~ *determines* that the pedestrian mall shall be established,  
5 and if at that time there remain any written claims for damages  
6 ~~which that~~ have not been allowed pursuant to Section 11310 or  
7 ~~which that~~ have not been withdrawn, the legislative body shall  
8 direct that an action or actions be brought in the superior court in  
9 the name of the city by the county counsel, district attorney, or  
10 city attorney, as the case may be, or other attorney designated by  
11 the legislative body for a determination of the damages, if any, to

1 which the claimant may legally be entitled because of the  
2 establishment of the pedestrian mall. ~~Such~~ *The* action shall be in  
3 the nature of a proceeding in eminent domain for the condemnation  
4 of the right or rights in real property, the taking of which by the  
5 establishment of the pedestrian mall results in the damages claimed.  
6 Except as may otherwise be provided in this part, ~~such~~ *the* action  
7 and proceeding shall be governed so far as the same may be made  
8 applicable by the provisions relating to proceedings in eminent  
9 domain. Except as provided in Article 2 (commencing with Section  
10 1245.210) of Chapter 4 of Title 7 of Part 3 of the Code of Civil  
11 Procedure, in any ~~such~~ action the resolution of intention adopted  
12 pursuant to this part and the resolution adopted under Section  
13 11311 conclusively establish the matters referred to in Section  
14 1240.030 of the Code of Civil Procedure.

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