

**ASSEMBLY BILL**

**No. 321**

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**Introduced by Assembly Member Wildman**

February 8, 1999

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An act to amend Section 1263.330 of the Code of Civil Procedure, relating to eminent domain.

LEGISLATIVE COUNSEL'S DIGEST

AB 321, as introduced, Wildman. Eminent domain: valuation.

Existing law provides for the compensation of property taken pursuant to the power of eminent domain. Existing law provides that the measure of this compensation is the fair market value of the property taken which excludes any increase or decrease in the value of the property that is attributable to specified factors.

This bill would also exclude any increase or decrease attributable to the character of the improvement proposed to be constructed by the plaintiff.

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 1263.330 of the Code of Civil
- 2 Procedure is amended to read:
- 3 1263.330. The fair market value of the property taken
- 4 shall not include any increase or decrease in the value of
- 5 the property that is attributable to any of the following:

- 1 (a) The project for which the property is taken.
- 2 (b) The eminent domain proceeding in which the
- 3 property is taken.
- 4 (c) Any preliminary actions of the plaintiff relating to
- 5 the taking of the property.
- 6 (d) *The character of the improvement proposed to be*
- 7 *constructed by the plaintiff.*

