

1 DARIN R. MARGULES, SB #195282
2 NICOLE V. ROSENBERG SB#154485
3 **LAW OFFICE OF DARIN MARGULES, PLC**
4 17835 Ventura Blvd., Suite 104
5 Encino, CA 91316
6 Telephone: (818) 344-5900
7 Facsimile: (818) 344-7711
8 darin@marguleslawfirm.com

9 Larry Slade, Esq., SBN 212276
10 SLADE LAW
11 14146 Killion St., Suite 100
12 Sherman Oaks, CA 91401
13 Telephone: (818) 997-8585
14 Facsimile: (818) 475-5323
15 larry@sladelaw.com

16 Attorneys for Plaintiff
17 PLATED PERSONAL CHEF SERVICES LTD
18 D/B/A SAUCY BIRD

19 **SUPERIOR COURT OF CALIFORNIA**
20 **FOR THE COUNTY OF LOS ANGELES**

21 PLATED PERSONAL CHEF SERVICES LTD,
22 a New York corporation d/b/a Saucy Bird,

23 Petitioner and Plaintiff,

24 vs.

25 CITY OF LOS ANGELES, a municipal
26 corporation; CITY OF LOS ANGELES CITY
27 COUNCIL; and DOES 1 through 10, inclusive,

28 Respondents and Defendants.

CASE NO. 24STCP02773

**PETITIONER'S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
MOTION FOR PRELIMINARY
INJUNCTION**

Petitioner Plated Personal Chef Services Ltd d/b/a Saucy Bird, hereby submits this Request
for Judicial Notice pursuant to California Evidence Code §§450-52.

1 **REQUEST FOR JUDICIAL NOTICE**

2 Petitioner hereby requests the Court to take judicial notice of Exhibits A, B and C (the
3 “Exhibits”) attached to the Declaration of Larry Slade, Esq., in support of Petitioner’s Application
4 for Temporary Restraining Order and Order to Show Cause, pursuant to California *Evidence Code*
5 §§450-452:
6

7 The Exhibits consist of the below-listed items:

8 **I. EXHIBITS SUBJECT TO JUDICIAL NOTICE**

EXHIBIT	DESCRIPTION
A	Los Angeles Municipal Code §80.70
B	Official Action of the Los Angeles City Council, dated April 11, 1990
C	Official Action of the Los Angeles City Council, dated August 2, 2006
D	Senate Bill 1650
E	Assembly Bill 299

19 **II. THE COURT’S AUTHORITY TO JUDICIALLY NOTICE DECLARATION**

20 **EXHIBITS A-E**

21 Evidence Code section 452, subsections (b) and (c) provide for judicial notice of “local
22 ordinances...and the official resolutions, reports, and other official acts of a city." *Trinity Park, L.P.*
23 *v. City of Sunnyvale* (2011) 193 Cal. App. 4th 1014, 1027, disapproved on other grounds by *Sterling*
24 *Park, L.P. v. City of Palo Alto* (2013) 57 Cal. 4th 1193; *see* Cal. Evid. Code § 452(b) (providing for
25 judicial notice of regulations and legislative enactments issued by...any public entity in the United
26 States); Cal. Evid. Code § 452(c) (providing for judicial notice of official acts of the United States
27
28

1 and any state); Cal. Evid. Code § 200 (definition of public entity includes any city, public agency,
2 political subdivision, or public corporation); *Jordan v. Los Angeles Cnty.* (1968) 267 Cal. App. 2d
3 794, 798 (Evidence Code section 452 read alongside the definition of public entity “abandons the
4 limitation of judicial notice of ordinances or any similar legislative enactments”).

5
6 California courts routinely take judicial notice of city planning records and official resolutions
7 and records relating to development projects under Evidence Code section 452. *See Shapiro v. San*
8 *Diego City Council* (2002) 96 Cal. App. 4th 904, 907, n.2 (appellate court taking judicial notice of
9 city’s development, management, and occupancy agreements with a private developer and related city
10 council resolutions); *City of Corona v. Naulls* (2008) 166 Cal.App.4th 418, 420 n.1 (trial and appellate
11 courts taking judicial notice of city's specific plan encompassing defendant’s marijuana dispensary
12 and defendant’s business license application); *Tuolumne Cnty. Citizens for Responsible Growth, Inc.*
13 *v. City of Sonor* (2007) 155 Cal. App. 4th 1214, 1220 as modified (Oct. 31, 2007) (appellate court
14 considering a writ petition challenging a city's project approval and taking judicial notice of exhibits
15 relating to realignment of affected road, and resolutions of county transportation council).

16
17 Here, the Exhibits are judicially noticeable under Evidence Code section 452, subsections (b)
18 and (c), as official resolutions, reports, and acts of the City. *See Trinity Park, L.P.*, 193 Cal. App. 4th
19 at 1027. Exhibit A is a true and correct copy of the Los Angeles Municipal Code §80.70, prohibiting
20 or limiting parking in anti-gridlock zones. Declaration of Larry Slade, Esq. in Support of Petitioner’s
21 TRO/OSC (“Slade Decl.”) ¶ 2 Ex. A.

22
23 Exhibit B is a true and correct copy of Ordinance No. 16603, an official action of the City
24 Council of Los Angeles (“City Council”), wherein the City Council issued a Resolution of Necessity
25 authorizing the taking of a private property to establish a parking lot located at 2377 Midvale Avenue.
26 Slade Decl. ¶ 3, Ex. B.

1 Exhibit C is a true and correct copy of Ordinance No. 177753, an official action of the City
2 Council, wherein the City Council designated certain anti-gridlock zones. Slade Decl. ¶4, Ex. C.

3 Under Evidence Code §453, a court “shall” take judicial notice of any matter specified in §452
4 if a party requests the notice, gives sufficient notice of the request, and furnishes the court with
5 sufficient information to take judicial notice of the matter. Cal. Evid. Code § 453. Through this
6 Request Petitioner has requested that the Court take judicial notice of the Exhibits, provided the
7 Parties sufficient notice of the request, and provided the Court with sufficient information to take
8 judicial notice of the Exhibits. Accordingly, judicial notice of the Exhibits is mandatory.

9
10 **II. THE COURT’S AUTHORITY TO JUDICIALLY NOTICE DECLARATION**
11 **EXHIBITS D-C**

12 Pursuant to Evidence Code Section 452, the Court may take notice of

13
14 (a) The decisional, constitutional, and statutory law of any state of the
15 United States and the resolutions and private acts of the Congress of the
United States and of the Legislature of this state..

16 Exhibit D is a copy of California Senate Bill 1650. Exhibit E is a copy the pertinent
17 parts of California Assembly Bill 299. Slade Dec. ¶¶ 4-5, Ex. D, E.. Both are private acts of the
18 Legislature of this state and are therefore proper subjects of judicial notice.

19
20 **III. CONCLUSION**


21 For the foregoing reasons, Petitioner respectfully requests that the Court take judicial notice
22 of Exhibits A, B, C, D, and E attached to the Declaration of Larry Slade, in support of Petitioner’s
23 Motion for Preliminary Injunction, filed concurrently.

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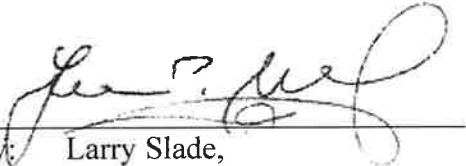
Respectfully submitted,

Dated: September 6, 2024

LAW OFFICES OF DARIN MARGULES, PLC

By 
Darin Margules
Attorney for Petitioner
Saucy Bird

SLADE LAW


By: Larry Slade,
Attorney for Petitioner
Saucy Bird

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25 CITY OF LOS ANGELES, a municipal
26 corporation; CITY OF LOS ANGELES CITY
27 COUNCIL; and DOES 1 through 10, inclusive,

28 Respondents and Defendants.

CASE NO. 24STCP02773

**DECLARATION OF LARRY SLADE,
ESQ. IN SUPPORT OF PETITIONER'S
REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF PRELIMINARY
INJUNCTION**

I, Larry Slade, declare:

1. I am an attorney licensed in the State of California and am a counsel of record for Petitioner Plated Personal Chef Services Ltd d/b/a Saucy Bird in the above-referenced action. I have personal knowledge of the following matters and if called as a witness, I could and would so testify. I hereby submit this declaration in support of Petitioner's Application for

1 TRO/OSC.

- 2 2. Exhibit A is a true and correct copy of the Los Angeles Municipal Code §80.70, prohibiting
3 or limiting parking in anti-gridlock zones.
- 4 3. Exhibit B is a true and correct copy of Ordinance No. 16603, an official action of the City
5 Council of Los Angeles (“City Council”), wherein the City Council issued a Resolution of
6 Necessity authorizing the taking of a private property to establish a parking lot located at 2377
7 Midvale Avenue.
- 8 4. Exhibit C is a true and correct copy of Ordinance No. 177753, an official action of the City
9 Council, wherein the City Council designated certain anti-gridlock zones.
- 10 5. Exhibit D is a true and correct copy of California Senate Bill 1650.
- 11 6. Exhibit E is a true and correct copy of pertinent parts of California Assembly Bill 299.

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13
14 I declare under penalty of perjury under the laws of the State of California that the foregoing
15 is true and correct. Executed on September 6, 2024, in Sherman Oaks, California.

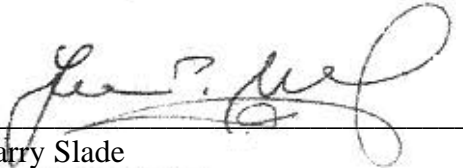
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20 
21 Larry Slade

EXHIBIT A

SEC. 80.70. PARKING PROHIBITED OR LIMITED IN ANTI-GRIDLOCK ZONES.

(Added by Ord. No. 177,753, Eff. 9/8/06.)

(a) Whenever, with reference to any Major Highway or portion of a Major Highway, the Department determines that traffic demand between 6:00 a.m. and 7:00 p.m. on weekdays requires the use of the curb lane as an additional, continuous lane for through-traffic in order to avoid gridlock, it shall be unlawful for any person to park, stand or stop a vehicle in an Anti-Gridlock Zone, other than for emergency repairs or activities authorized by the City pursuant to permits issued for these activities, during these hours and days as are indicated on signs. The Department of Transportation shall determine and identify those streets in the City of Los Angeles that comprise Anti-Gridlock Zones, and shall install and maintain signs giving notice of the Zone.

(b) The Department of Transportation is authorized to include notice, on any sign that prohibits the stopping or parking of vehicles in an Anti-Gridlock Zone during certain hours and days, that vehicles parked or left standing in violation of the sign may be removed.

(c) The provisions of Section 88.01.1 of this chapter are not applicable to signs erected pursuant to this section.

EXHIBIT B

ORDINANCE NO. 166003

An Ordinance of the City of Los Angeles finding that the public interest and necessity require the "Parking Lot 707 - Pico-Midvale" Improvement Project, and the acquisition of property therefore, (Work Order No. E1560012, Right of Way No. 32871).

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. The Council of the City of Los Angeles resolves, finds and determines that the public interest and necessity require the "Parking Lot 707 - Pico-Midvale" Improvement Project (Work Order No. E1560012, Right of Way No. 32871); the project is planned and located in the manner which is most compatible with the greatest public good and the least private injury, and the property described herein is necessary for the project; and the property has been appraised and an amount has been established which it is believed to be just compensation for the property, and an offer has been made to the owner or owners of record to acquire the property for the full amount of said just compensation.

Sec. 2. The property is to be acquired for public off-street parking facilities under the authority of California Government Code Section 37350.5.

Sec. 3. The property to be acquired is located in the City of Los Angeles, County of Los Angeles, State of California. The property interest to be acquired is a fee simple absolute in the real property described as follows:

Parcel No. 1Z (Fee Simple Absolute):
Lots 21, 22 and 23, Block 29, Tract No. 5609, as per map recorded in Book 60, pages 34, 35 and 36 of Maps, in the Office of the County Recorder of Los Angeles County.

Sec. 4. Notice has been given by first class mail to each person whose property is to be acquired by eminent domain, which notice advised each such person of the intent of the Council to adopt this Ordinance, of the right to appear and be heard by the Council, and each owner who so requested was given an opportunity to appear and was heard by the Council.

Sec. 5. The City Attorney is authorized to commence an action in eminent domain to acquire said property.

Description Approved
ROBERT S. HORII, City Engineer
LaGronie Wyatt, Division Engineer

By: Donna K. Johnson Date: March 20, 1990

Sec. 9 The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of APR 11 1990

ELIAS MARTINEZ, City Clerk,

By Edward W. ... Deputy.

Approved APR 18 1990

Tom Bradley Mayor.

Approved as to Form and Legality

APR 3 1990

JAMES K. HAHN, City Attorney,

By Gail C. Weingart GAIL C. WEINGART, Deputy City Attorney

Pursuant to Sec. 97.8 of the City Charter, approval of this ordinance recommended for the City Planning Commission

MAR 28 1990 (plm)

File No. C.F. Nos. 89-0996-S1 86-0996-S2

See attached report

Kenneth C. Topping Director of

EXHIBIT C

ORDINANCE NO. 177753

An ordinance adding a new Section 80.70 and amending Sections 80.76.2 and 89.60 of Chapter VIII of the Los Angeles Municipal Code to prohibit or limit parking on certain streets in designated Anti-Gridlock Zones.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Division N of Chapter VIII of the Los Angeles Municipal Code is amended to add a new section 80.70 to read:

SEC. 80.70. PARKING PROHIBITED OR LIMITED IN ANTI-GRIDLOCK ZONES

(a) Whenever, with reference to any Major Highway or portion of a Major Highway, the Department determines that traffic demand between 6:00 a.m. and 7:00 p.m. on weekdays requires the use of the curb lane as an additional, continuous lane for through-traffic in order to avoid gridlock, it shall be unlawful for any person to park, stand or stop a vehicle in an Anti-Gridlock Zone, other than for emergency repairs or activities authorized by the City pursuant to permits issued for these activities, during these hours and days as are indicated on signs. The Department of Transportation shall determine and identify those streets in the City of Los Angeles that comprise Anti-Gridlock Zones, and shall install and maintain signs giving notice of the Zone.

(b) The Department of Transportation is authorized to include notice, on any sign that prohibits the stopping or parking of vehicles in an Anti-Gridlock Zone during certain hours and days, that vehicles parked or left standing in violation of the sign may be removed.

(c) The provisions of Section 88.01.1 of this chapter are not applicable to signs erected pursuant to this section.

Sec. 2. Division O of Section 80.76.2 of the Los Angeles Municipal Code is amended to add the following in numerical order:

SEC. 80.76.2. CIVIL PENALTIES

SEC. 80.70. PARKING IN ANTI-GRIDLOCK ZONE

Sec. 3. Division W of Section 89.60 of the Los Angeles Municipal Code is amended to add the following penalty provisions in numerical order:


SEC. 89.60 AUTHORITY

SECTION	DESCRIPTION	FINE	WITH LATE PENALTY	WITH SECOND PENALTY
80.70	PARKING IN ANTI-GRIDLOCK ZONE	\$140	\$280	\$290

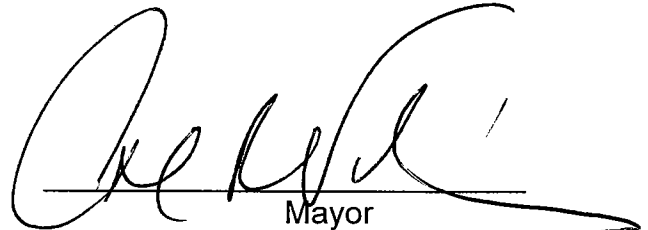
Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles on JUL 19 2006, and was passed at its meeting of AUG 02 2006.

FRANK T. MARTINEZ, City Clerk


By 
Deputy

Approved AUG 03 2006


Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By 
SHELLEY I. SMITH
Assistant City Attorney

Date July 7, 2006

File No. 06-0966

SIS
Gridlock Zone LAMC 80.70 Ord.doc

EXHIBIT D

BILL NUMBER: SB 1650 CHAPTERED
BILL TEXT

CHAPTER 602
FILED WITH SECRETARY OF STATE SEPTEMBER 29, 2006
APPROVED BY GOVERNOR SEPTEMBER 29, 2006
PASSED THE SENATE AUGUST 29, 2006
PASSED THE ASSEMBLY AUGUST 23, 2006
AMENDED IN ASSEMBLY AUGUST 7, 2006
AMENDED IN ASSEMBLY JUNE 12, 2006
AMENDED IN SENATE MAY 2, 2006
AMENDED IN SENATE APRIL 20, 2006
AMENDED IN SENATE APRIL 6, 2006

INTRODUCED BY Senators Kehoe and Dunn

FEBRUARY 24, 2006

An act to amend Section 1263.510 of, and to add Sections 1245.245 and 1263.615 to, the Code of Civil Procedure, relating to eminent domain.

LEGISLATIVE COUNSEL'S DIGEST

SB 1650, Kehoe Eminent domain.

Existing law requires the governing body of a public entity to adopt a resolution of necessity, as specified, and send related notices before commencing an eminent domain proceeding. Existing law provides that an owner of property taken by eminent domain is entitled to compensation, including compensation for goodwill.

This bill would require the governing body of a public entity, before the public entity may use property that is subject to a resolution of necessity, as specified, for a public use other than the public use stated in the resolution to adopt a resolution authorizing a different use of the property by a vote of at least 2/3 of all members of the governing body of the public entity or a greater vote as required by statute, charter, or ordinance. The bill would also require a public entity to sell property that is not used for the public use stated in the resolution within 10 years of the adoption of the resolution unless the governing body adopts a resolution authorizing a different use or reauthorizing the existing stated public use by a vote as described above. The bill would require specified property subject to the new resolution procedure to be offered back to the person or persons from whom the property was acquired, subject to certain requirements, if the public entity fails to adopt a new resolution or a resolution reauthorizing the stated public use, and that property was not used for the public use stated in the original resolution of necessity or a new resolution authorizing a different use or reauthorizing the existing stated public use between the time of the property's acquisition and the time of the public entity's failure to adopt a new resolution. The bill would require the Department of Housing and Community Development to provide specified information to a public entity in connection with property that is a single-family residence.

This bill would also require a public entity acquiring property under specified circumstances to offer the owner of the property a one-year leaseback agreement for that property owner's continued use, subject to the property owner's payment of fair market rents and compliance with other specified conditions, unless the public entity states in writing that the development, redevelopment, or use of the property is scheduled to begin within two years of its acquisition. With regard to the calculation of compensation for the property taken, the bill would prohibit additional goodwill value from accruing during the leaseback.

The bill would apply prospectively, as specified.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1245.245 is added to the Code of Civil

Procedure, to read:

1245.245. (a) Property acquired by a public entity by any means set forth in subdivision (e) that is subject to a resolution of necessity adopted pursuant to this article shall only be used for the public use stated in the resolution unless the governing body of the public entity adopts a resolution authorizing a different use of the property by a vote of at least two-thirds of all members of the governing body of the public entity, or a greater vote as required by statute, charter, or ordinance. The resolution shall contain all of the following:

(1) A general statement of the new public use that is proposed for the property and a reference to the statute that would have authorized the public entity to acquire the property by eminent domain for that use.

(2) A description of the general location and extent of the property proposed to be used for the new use, with sufficient detail for reasonable identification.

(3) A declaration that the governing body has found and determined each of the following:

(A) The public interest and necessity require the proposed use.

(B) The proposed use is planned and located in the manner that will be most compatible with the greatest public good and least private injury.

(C) The property described in the resolution is necessary for the proposed use.

(b) Property acquired by a public entity by any means set forth in subdivision (e) that is subject to a resolution of necessity pursuant to this article, and is not used for the public use stated in the resolution of necessity within 10 years of the adoption of the resolution of necessity, shall be sold in accordance with the terms of subdivisions (f) to (g), inclusive, unless the governing body adopts a resolution according to the terms of subdivision (a) or a resolution according to the terms of this subdivision reauthorizing the existing stated public use of the property by a vote of at least two-thirds of all members of the governing body of the public entity or a greater vote as required by statute, charter, or ordinance. A reauthorization resolution under this subdivision shall contain all of the following:

(1) A general statement of the public use that is proposed to be reauthorized for the property and a reference to the statute that authorized the public entity to acquire the property by eminent domain for that use.

(2) A description of the general location and extent of the property proposed to be used for the public use, but not yet in use for the public use, with sufficient detail for reasonable identification.

(3) A declaration that the governing body has found and determined each of the following:

(A) The public interest and necessity require the proposed use.

(B) The proposed use is planned and located in the manner that will be most compatible with the greatest public good and least private injury.

(C) The property described in the resolution is necessary for the proposed use.

(c) In addition to any notice required by law, the notice required for a new or reauthorization resolution sought pursuant to subdivision (a) or (b) shall comply with the requirements of Section 1245.235 and shall be sent to each person who was given notice required by Section 1245.235 in connection with the original acquisition of the property by the public entity.

(d) Judicial review of an action pursuant to subdivision (a) or (b) may be obtained by a person who had an interest in the property described in the resolution at the time that the property was acquired by the public entity, and shall be governed by Section 1085.

(e) The following property acquisitions are subject to the requirements of this section:

(1) Any acquisition by a public entity pursuant to eminent domain.

(2) Any acquisition by a public entity following adoption of a resolution of necessity pursuant to this article for the property.

(3) Any acquisition by a public entity prior to the adoption of a resolution of necessity pursuant to this article for the property, but subsequent to a written notice that the public entity may take the property by eminent domain.

(f) If the public entity fails to adopt either a new resolution pursuant to subdivision (a) or a reauthorization resolution pursuant to subdivision (b), as required by this section, and that property was not used for the public use stated in a resolution of necessity adopted pursuant to this article or a resolution adopted pursuant to subdivision (a) or (b) between the time of its acquisition and the time of the public entity's failure to adopt a resolution pursuant to subdivision (a) or (b), the public entity shall offer the person or persons from whom the property was acquired the right of first refusal to purchase the property pursuant to this section, as follows:

(1) At the present market value, as determined by independent licensed appraisers.

(2) For property that was a single family residence at the time of acquisition, at an affordable price, which price shall not be greater than the price paid by the agency for the original acquisition, adjusted for inflation, and shall not be greater than fair market value, if the following requirements are met:

(A) The person or persons from whom the property was acquired certify their income to the public entity as persons or families of low or moderate income.

(B) If the single-family residence is offered at a price that is less than fair market value, the public entity may verify the certifications of income in accordance with procedures used for verification of incomes of purchasers and occupants of housing financed by the California Housing Finance Agency.

(C) If the single-family residence is offered at a price that is less than fair market value, the public entity shall impose terms, conditions, and restrictions to ensure that the residence will either:

(i) Remain owner-occupied by the person or persons from whom the property was acquired for at least five years.

(ii) Remain available to persons or families of low or moderate income and households with incomes no greater than the incomes of the present occupants in proportion to the area median income for the longest feasible time, but for not less than 55 years for rental units and 45 years for home ownership units.

(D) The Department of Housing and Community Development shall provide to the public entity recommendations of standards and criteria for those prices, terms, conditions, and restrictions.

(g) If after a diligent effort the public entity is unable to locate the person from whom the property was acquired, if the person from whom the property was acquired does not choose to purchase the property as provided in subdivision (f) of this section, or if the public entity fails to adopt a resolution as required pursuant to subdivision (a) or (b) but is not required to offer a right of first refusal pursuant to subdivision (f), the public entity shall sell the property as surplus property pursuant to Article 8 (commencing with Section 54220) of Chapter 5 of Division 2 of Title 5 of the Government Code.

(h) If residential property acquired by a public entity by any means set forth in subdivision (e) is sold as surplus property pursuant to subdivision (g), and that property was not used for the public use stated in a resolution of necessity adopted pursuant to this article or a resolution adopted pursuant to subdivision (a) or (b) between the time of its acquisition and the time of its sale as surplus property, the public entity shall pay to the person or persons from whom the public entity acquired the property the sum of any financial gain between the original acquisition price, adjusted for inflation, and the final sale price.

(i) Upon completion of any acquisition described in subdivision (e) or upon the adoption of a resolution of necessity pursuant to this section, whichever is later, the public entity shall give written notice to the person or persons from whom the property was acquired as described in subdivision (e) stating that the notice, right of first refusal, and return of financial gain rights discussed in this section may accrue.

(j) At least 60 days before selling the property pursuant to subdivision (g), the public entity shall make a diligent effort to locate the person from whom the property was acquired. At any time before the proposed sale, the person from whom the property was acquired may exercise the rights provided by this section. As used in this section, "diligent effort" means that the public entity has done all of the following:

(1) Mailed the notice of the proposed sale by certified mail,

return receipt requested, to the last known address of the person from whom the property was acquired.

(2) Mailed the notice of the proposed sale by certified mail, return receipt requested, to each person with the same name as the person from whom the property was acquired at any other address on the last equalized assessment roll.

(3) Published the notice of the proposed pursuant to Section 6061 of the Government Code in at least one newspaper of general circulation within the city or county in which the property is located.

(4) Posted the notice of the proposed sale in at least three public places within the city or county in which the property is located.

(5) Posted the notice of the proposed sale on the property proposed to be sold.

(k) For purposes of this section, "adjusted for inflation" means the original acquisition price increased to reflect the proportional increase in the Consumer Price Index for all items for the State of California, as determined by the United States Bureau of Labor Statistics, for the period from the date of acquisition to the date the property is offered for sale.

SEC. 2. Section 1263.510 of the Code of Civil Procedure is amended to read:

1263.510. (a) The owner of a business conducted on the property taken, or on the remainder if the property is part of a larger parcel, shall be compensated for loss of goodwill if the owner proves all of the following:

(1) The loss is caused by the taking 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 payments under Section 7262 of the Government Code.

(4) Compensation for the loss will not be duplicated in the compensation otherwise awarded to the owner.

(b) Within the meaning of this article, "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.

(c) If the public entity and the owner enter into a leaseback agreement pursuant to Section 1263.615, the following shall apply:

(1) No additional goodwill shall accrue during the lease.

(2) The entering of a leaseback agreement shall not be a factor in determining goodwill. Any liability for goodwill shall be established and paid at the time of acquisition of the property by eminent domain or subsequent to notice that the property may be taken by eminent domain.

SEC. 3. Section 1263.615 is added to the Code of Civil Procedure, to read:

1263.615. (a) A public entity shall offer a one-year leaseback agreement to the owner of a property to be acquired by any method set forth in subdivision (b) for that property owner's continued use of the property upon acquisition, subject to the property owner's payment of fair market rents and compliance with other conditions set forth in subdivision (c), unless the public entity states in writing that the development, redevelopment, or use of the property for its stated public use is scheduled to begin within two years of its acquisition. This section shall not apply if the public entity states in writing that a leaseback of the property would create or allow the continuation of a public nuisance to the surrounding community.

(b) The following property acquisitions are subject to the requirements of this section:

(1) Any acquisition by a public entity pursuant to eminent domain.

(2) Any acquisition by a public entity following adoption of a resolution of necessity pursuant to Article 2 (commencing with Section 1245.210) of Chapter 4 for the property.

(3) Any acquisition by a public entity prior to the adoption of a resolution of necessity pursuant to Article 2 (commencing with Section 1245.210) of Chapter 4 for the property, but subsequent to a written notice that the public entity may take the property by eminent domain.

(c) The following conditions shall apply to any leaseback offered pursuant to this section:

(1) The lessee shall be responsible for any additional waste or nuisance on the property, and for any other liability arising from the continued use of the property.

(2) The lessor may demand a security deposit to cover any potential liability arising from the leaseback. The security deposit shall be reasonable in light of the use of the leased property.

(3) The lessor shall be indemnified from any legal liability and attorney's fees resulting from any lawsuit against the lessee or lessor, arising from the operation of the lessee's business or use of the property.

(4) The lessor shall require the lessee to carry adequate insurance to cover potential liabilities arising from the lease and use of the property, and shall require that insurance to name the lessor as an additional insured.

(5) Additional goodwill shall not accrue during any lease.

(6) The lessee shall be subject to unlawful detainer proceedings as provided by law.

(d) A public entity shall offer to renew a leaseback agreement for one-year terms, subject to any rent adjustment to reflect inflation and upon compliance with other conditions set forth in subdivision (c), unless the public entity states in writing that the development, redevelopment, or use of the property for its stated public use is scheduled to begin within two years of the termination date of the lease. At least 60 days prior to the lease termination date, the public entity lessor shall either offer a one-year renewal of the lease or send a statement declaring that the lease will not be renewed because the development, redevelopment, or use of the property is scheduled to begin within two years of the lease termination date. The lessee shall either accept or reject a lease renewal offer at least 30 days prior to the lease termination date. The lessee's failure to accept a renewal offer in a timely manner shall constitute a rejection of the renewal offer. A lessor's failure to offer a renewal or give the notice as required shall extend the lease term for 60-day increments until an offer or notice is made, and if a notice of termination is given after the lease termination date, the lessee shall have no less than 60 days to vacate the property. A lessee's failure to accept within 30 days a renewal offer made subsequent to the lease termination date shall constitute a rejection of the offer.

(e) A party who holds over after expiration of the lease shall be subject to unlawful detainer proceedings and shall also be subject to the lessor for holdover damages.

(f) A leaseback entered into pursuant to this section shall not affect the amount of compensation otherwise payable to the property owner for the property to be acquired.

SEC. 4. This act shall apply prospectively and shall apply to property acquired after January 1, 2007.

EXHIBIT E

Assembly Bill No. 299

Passed the Assembly July 20, 2007

Chief Clerk of the Assembly

Passed the Senate July 9, 2007

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 650, 725, 1265.1, 1725, 2023.5, 2135.5, 2168.1, 2516, 2533, 2684, 4122, 4162.5, 4181, 4191, 4989.54, 4989.70, 4996.17, 5050.2, 6002.1, 6061, 6071, 6079.1, 6086.65, 6126, 6145, 6321, 6501, 7017.3, 7145.5, 7159, 7159.9, 18711, and 19601 of the Business and Professions Code, to amend Section 1788.18 of the Civil Code, to amend Sections 340.7, 1245.245, and 1277 of, and to amend and renumber the heading of Title 9.3 (commencing with Section 1298) of Part 3 of, the Code of Civil Procedure, to amend Sections 1157, 15901.02, 15901.10, 15901.16, 15903.03, 15905.06, 15911.12, and 15911.26 of the Corporations Code, to amend Sections 317, 10600, 10601, 10601.5, 15146, 17077.42, 17078.53, 17213, 22950, 24300.2, 32221.5, 33126, 33126.1, 33353, 33354, 33370, 35179, 35900, 35932, 37220, 41207.1, 42238.51, 44041, 44041.5, 44468, 49561, 51221.4, 51251, 51871.5, 52052, 52055.730, 52055.770, 60640, 60900, 87040, and 87040.5 of the Education Code, to amend Sections 782 and 1117 of the Evidence Code, to amend Sections 177, 216, 291, 1816, 5614, 8623, 8632.5, 8919, and 9205 of the Family Code, to amend Sections 17419 and 22168 of the Financial Code, to amend Sections 5650, 12003.2, and 13007 of the Fish and Game Code, to amend Sections 19348.1, 33251, 33261, 33262, and 33297 of, and to amend and renumber Section 79843 of, the Food and Agricultural Code, to amend Sections 905, 6103.2, 7072, 7085.1, 8592.1, 8610, 8880.325, 9359, 9359.1, 12011.5, 13952, 13955, 14995, 16584, 17558.8, 19822.3, 20037.7, 20479, 20636, 21150, 21227, 26744.5, 31485.7, 31485.8, 53343.1, 53635.8, 68661, 69927, 70311, 70359, 70640, 71601, 71615, 71639, 71675, 77003, 77009, 77200, 77201.1, 77202, 77203, 77209, 85316, and 89513 of, to amend and renumber Section 19632 of, to repeal and amend Section 77201 of, and to amend the heading of Chapter 8.1 (commencing with Section 8710) of Division 1 of Title 2 of, the Government Code, to amend Sections 1250.8, 1262.4, 1265.5, 1265.6, 1266.9, 1279.1, 1568.09, 1575.7, 1597.46, 1604.6, 11162.1, 11592, 11773.1, 18080.5, 38505, 43869, 44525.6, 53533, 101965, 106780, 108680, 109280, 110552, 118280, 120155, 120440, 124116.5, 124174, 124900, 127400, 127405, 127410, and 127425 of the Health and Safety Code, to amend Section 1194.82 of the

Insurance Code, to amend Section 3201.81 of the Labor Code, to amend Sections 186.9, 271.5, 290, 295, 298.1, 374.5, 977, 1037.1, 1037.2, and 12082 of the Penal Code, to amend Sections 1458, 2352.5, and 4690 of the Probate Code, to amend Sections 21071 and 22154 of the Public Contract Code, to amend Sections 5096.805, 5096.821, 5097.98, 5645, 6314, 14581, 16053, 21151.8, 21167.6, 25205, 25303, 25310, 25742, 25743, 29735, 30340.5, 42310.3, and 48023 of, and to amend and renumber the heading of Chapter 12 (commencing with Section 5860) of Division 5 of, the Public Resources Code, to amend Sections 303, 399.12, 399.20, 421, 455.1, 7662, 7665.2, 8340, 8341, and 132610 of the Public Utilities Code, to amend Sections 18766, 18847.3, 19533, 23704.4, and 30182 of the Revenue and Taxation Code, to amend Sections 97, 97.1, 143, and 149.7 of the Streets and Highways Code, to amend Sections 5160, 11713.1, 12804.9, 13352, 13352.1, and 13353.2 of the Vehicle Code, to amend Sections 13385, 21100, and 50780.10 of the Water Code, to amend Sections 202, 319, 4094, 9103, 11155.6, 14107.2, 14115, 14123.05, 14166.18, 16540, 16541.5, 16542, 16545, 16809, 16809.3, 18309, 18945, and 18951 of the Welfare and Institutions Code, to amend Section 17 of the Orange County Water District Act, and to amend Section 1 of Chapter 34, Section 1 of Chapter 323, and Section 1 of Chapter 710 of the Statutes of 2006, relating to the maintenance of the codes.

LEGISLATIVE COUNSEL'S DIGEST

AB 299, Tran. Maintenance of the codes.

Existing law directs the Legislative Counsel to advise the Legislature from time to time as to legislation necessary to maintain the codes.

This bill would make technical, nonsubstantive changes in various provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature.

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

SECTION 1. Section 650 of the Business and Professions Code is amended to read:

650. (a) Except as provided in Chapter 2.3 (commencing with Section 1400) of Division 2 of the Health and Safety Code, the offer, delivery, receipt, or acceptance by any person licensed under this division or the Chiropractic Initiative Act of any rebate, refund, commission, preference, patronage dividend, discount, or other consideration, whether in the form of money or otherwise, as compensation or inducement for referring patients, clients, or customers to any person, irrespective of any membership, proprietary interest, or coownership in or with any person to whom these patients, clients, or customers are referred is unlawful.

(b) The payment or receipt of consideration for services other than the referral of patients which is based on a percentage of gross revenue or similar type of contractual arrangement shall not be unlawful if the consideration is commensurate with the value of the services furnished or with the fair rental value of any premises or equipment leased or provided by the recipient to the payer.

(c) The offer, delivery, receipt, or acceptance of any consideration between a federally qualified health center, as defined in Section 1396d(l)(2)(B) of Title 42 of the United States Code, and any individual or entity providing goods, items, services, donations, loans, or a combination thereof, to the health center entity pursuant to a contract, lease, grant, loan, or other agreement, if that agreement contributes to the ability of the health center entity to maintain or increase the availability, or enhance the quality, of services provided to a medically underserved population served by the health center, shall be permitted only to the extent sanctioned or permitted by federal law.

(d) Except as provided in Chapter 2.3 (commencing with Section 1400) of Division 2 of the Health and Safety Code and in Sections 654.1 and 654.2 of this code, it shall not be unlawful for any person licensed under this division to refer a person to any laboratory, pharmacy, clinic (including entities exempt from licensure pursuant to Section 1206 of the Health and Safety Code), or health care facility solely because the licensee has a proprietary interest or coownership in the laboratory, pharmacy, clinic, or health care facility, provided, however, that the licensee's return on investment for that proprietary interest or coownership shall be based upon the amount of the capital investment or proportional ownership of the licensee, which ownership interest is not based on the number or value of any patients referred. Any referral excepted under this

on which the victim's injury occurred, except that the statute shall be tolled from August 21, 1985, the date on which the A.H. Robins Company filed for Chapter 11 Reorganization in Richmond, Virginia.

This section applies regardless of when any such action or claim shall have accrued or been filed and regardless of whether it might have lapsed or otherwise be barred by time under California law. However, this section shall only apply to victims who, prior to January 1, 1990, filed a civil action, a timely claim, or a claim which is declared to be timely under the sixth Amended and Restated Disclosure Statement filed pursuant to Section 1125 of the Federal Bankruptcy Code in re: A.H. Robins Company Inc., dated March 28, 1988, U.S. Bankruptcy Court, Eastern District of Virginia (Case number 85-01307-R).

SEC. 36. Section 1245.245 of the Code of Civil Procedure is amended to read:

1245.245. (a) Property acquired by a public entity by any means set forth in subdivision (e) that is subject to a resolution of necessity adopted pursuant to this article shall only be used for the public use stated in the resolution unless the governing body of the public entity adopts a resolution authorizing a different use of the property by a vote of at least two-thirds of all members of the governing body of the public entity, or a greater vote as required by statute, charter, or ordinance. The resolution shall contain all of the following:

(1) A general statement of the new public use that is proposed for the property and a reference to the statute that would have authorized the public entity to acquire the property by eminent domain for that use.

(2) A description of the general location and extent of the property proposed to be used for the new use, with sufficient detail for reasonable identification.

(3) A declaration that the governing body has found and determined each of the following:

(A) The public interest and necessity require the proposed use.

(B) The proposed use is planned and located in the manner that will be most compatible with the greatest public good and least private injury.

(C) The property described in the resolution is necessary for the proposed use.

(b) Property acquired by a public entity by any means set forth in subdivision (e) that is subject to a resolution of necessity pursuant to this article, and is not used for the public use stated in the resolution of necessity within 10 years of the adoption of the resolution of necessity, shall be sold in accordance with the terms of subdivisions (f) and (g), unless the governing body adopts a resolution according to the terms of subdivision (a) or a resolution according to the terms of this subdivision reauthorizing the existing stated public use of the property by a vote of at least two-thirds of all members of the governing body of the public entity or a greater vote as required by statute, charter, or ordinance. A reauthorization resolution under this subdivision shall contain all of the following:

(1) A general statement of the public use that is proposed to be reauthorized for the property and a reference to the statute that authorized the public entity to acquire the property by eminent domain for that use.

(2) A description of the general location and extent of the property proposed to be used for the public use, but not yet in use for the public use, with sufficient detail for reasonable identification.

(3) A declaration that the governing body has found and determined each of the following:

(A) The public interest and necessity require the proposed use.

(B) The proposed use is planned and located in the manner that will be most compatible with the greatest public good and least private injury.

(C) The property described in the resolution is necessary for the proposed use.

(c) In addition to any notice required by law, the notice required for a new or reauthorization resolution sought pursuant to subdivision (a) or (b) shall comply with Section 1245.235 and shall be sent to each person who was given notice required by Section 1245.235 in connection with the original acquisition of the property by the public entity.

(d) Judicial review of an action pursuant to subdivision (a) or (b) may be obtained by a person who had an interest in the property described in the resolution at the time that the property was acquired by the public entity, and shall be governed by Section 1085.

(e) The following property acquisitions are subject to the requirements of this section:

(1) Any acquisition by a public entity pursuant to eminent domain.

(2) Any acquisition by a public entity following adoption of a resolution of necessity pursuant to this article for the property.

(3) Any acquisition by a public entity prior to the adoption of a resolution of necessity pursuant to this article for the property, but subsequent to a written notice that the public entity may take the property by eminent domain.

(f) If the public entity fails to adopt either a new resolution pursuant to subdivision (a) or a reauthorization resolution pursuant to subdivision (b), as required by this section, and that property was not used for the public use stated in a resolution of necessity adopted pursuant to this article or a resolution adopted pursuant to subdivision (a) or (b) between the time of its acquisition and the time of the public entity's failure to adopt a resolution pursuant to subdivision (a) or (b), the public entity shall offer the person or persons from whom the property was acquired the right of first refusal to purchase the property pursuant to this section, as follows:

(1) At the present market value, as determined by independent licensed appraisers.

(2) For property that was a single-family residence at the time of acquisition, at an affordable price, which price shall not be greater than the price paid by the agency for the original acquisition, adjusted for inflation, and shall not be greater than fair market value, if the following requirements are met:

(A) The person or persons from whom the property was acquired certify their income to the public entity as persons or families of low or moderate income.

(B) If the single-family residence is offered at a price that is less than fair market value, the public entity may verify the certifications of income in accordance with procedures used for verification of incomes of purchasers and occupants of housing financed by the California Housing Finance Agency.

(C) If the single-family residence is offered at a price that is less than fair market value, the public entity shall impose terms, conditions, and restrictions to ensure that the residence will either:

(i) Remain owner-occupied by the person or persons from whom the property was acquired for at least five years.

(ii) Remain available to persons or families of low or moderate income and households with incomes no greater than the incomes of the present occupants in proportion to the area median income for the longest feasible time, but for not less than 55 years for rental units and 45 years for home ownership units.

(D) The Department of Housing and Community Development shall provide to the public entity recommendations of standards and criteria for those prices, terms, conditions, and restrictions.

(g) If after a diligent effort the public entity is unable to locate the person from whom the property was acquired, if the person from whom the property was acquired does not choose to purchase the property as provided in subdivision (f), or if the public entity fails to adopt a resolution as required pursuant to subdivision (a) or (b) but is not required to offer a right of first refusal pursuant to subdivision (f), the public entity shall sell the property as surplus property pursuant to Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code.

(h) If residential property acquired by a public entity by any means set forth in subdivision (e) is sold as surplus property pursuant to subdivision (g), and that property was not used for the public use stated in a resolution of necessity adopted pursuant to this article or a resolution adopted pursuant to subdivision (a) or (b) between the time of its acquisition and the time of its sale as surplus property, the public entity shall pay to the person or persons from whom the public entity acquired the property the sum of any financial gain between the original acquisition price, adjusted for inflation, and the final sale price.

(i) Upon completion of any acquisition described in subdivision (e) or upon the adoption of a resolution of necessity pursuant to this section, whichever is later, the public entity shall give written notice to the person or persons from whom the property was acquired as described in subdivision (e) stating that the notice, right of first refusal, and return of financial gain rights discussed in this section may accrue.

(j) At least 60 days before selling the property pursuant to subdivision (g), the public entity shall make a diligent effort to locate the person from whom the property was acquired. At any time before the proposed sale, the person from whom the property was acquired may exercise the rights provided by this section. As

used in this section, “diligent effort” means that the public entity has done all of the following:

(1) Mailed the notice of the proposed sale by certified mail, return receipt requested, to the last known address of the person from whom the property was acquired.

(2) Mailed the notice of the proposed sale by certified mail, return receipt requested, to each person with the same name as the person from whom the property was acquired at any other address on the last equalized assessment roll.

(3) Published the notice of the proposed sale pursuant to Section 6061 of the Government Code in at least one newspaper of general circulation within the city or county in which the property is located.

(4) Posted the notice of the proposed sale in at least three public places within the city or county in which the property is located.

(5) Posted the notice of the proposed sale on the property proposed to be sold.

(k) For purposes of this section, “adjusted for inflation” means the original acquisition price increased to reflect the proportional increase in the Consumer Price Index for all items for the State of California, as determined by the United States Bureau of Labor Statistics, for the period from the date of acquisition to the date the property is offered for sale.

SEC. 37. Section 1277 of the Code of Civil Procedure is amended to read:

1277. (a) If a proceeding for a change of name is commenced by the filing of a petition, except as provided in subdivisions (b) and (e), the court shall thereupon make an order reciting the filing of the petition, the name of the person by whom it is filed, and the name proposed. The order shall direct all persons interested in the matter to appear before the court at a time and place specified, which shall be not less than six nor more than 12 weeks from the time of making the order, unless the court orders a different time, to show cause why the application for change of name should not be granted. The order shall direct all persons interested in the matter to make known any objection that they may have to the granting of the petition for change of name by filing a written objection, which includes the reasons for the objection, with the court at least two court days before the matter is scheduled to be heard and by appearing in court at the hearing to show cause why the petition