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Excess Condemnation - Part 2

[Excess Condemnation Part 1 article](#) discussed legal authority to acquire more property than needed to construct the project where a partial acquisition would result in an uneconomic remnant.

Where that occurs, the eminent domain law allows the public entity to sell, lease, exchange, or otherwise dispose of the acquired property that is not needed to construct and/or use the project. The public entity may credit the proceeds of the sale, lease or exchange of the excess property to the funds available for acquisition of the property and project. (CCP § 1240.430)

Notably, Section 1240.430 of the Eminent Domain Law does not relieve a public entity from complying with any applicable statutory procedures governing the disposition of property. In particular, the public entity should determine whether rules regarding the proper disposal of surplus property under the California Surplus Land Act would apply.