



RESOLUTION NO.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION OF NECESSITY

WHEREAS, the Silver Springs Parkway to Bass Lake Road (south segment) Project CIP No. 76108 (Project) is located in western El Dorado County in the community of Rescue approximately two miles north of US Highway 50 on Bass Lake Road;

WHEREAS, as part of the Silver Springs Parkway to Bass Lake Road (south segment) Project (Project) is located in the community of Rescue approximately two miles north of US Highway 50 on Bass Lake Road. The proposed Project would construct a 0.25 mile divided two-lane roadway connecting the existing Silver Springs Parkway to Bass Lake Road. The Project would also realign and reconstruct Bass Lake Road approximately 800 feet south and 500 feet east of the proposed Silver Springs Parkway intersection and would include: Class II bike lanes, concrete sidewalks on both sides and a landscaped center median;

WHEREAS, the Project is necessary to complete a connector road between Bass Lake Road and Green Valley Road improving traffic circulation consistent with the Circulation Element of the County General Plan. The Project will improve traffic circulation within Western El Dorado County by providing for improved and additional connectivity between Green Valley Road to the north and Bass Lake Road (which connects to U.S. Highway 50) to the south. The Project will improve vehicle and pedestrian safety and provide bike lanes and sidewalks along a north-south connection between the existing Bass Lake Road and Green Valley Road to interconnect community areas and to connect the existing Pleasant Grove Middle School and the future El Dorado Union High School with existing and developing residential communities;

WHEREAS, the requirements of the California Environmental Quality Act (“CEQA”) have been met. In May 1992, the Board of Supervisors certified the Bass Lake Road Realignment Final Environmental Impact Report. The Board also certified the Silver Springs Subdivision’s EIR in September 1998. On August 2, 2016, the Board certified the Final Subsequent Environmental Impact Report pursuant to CEQA; adopted the Mitigation Monitoring and Reporting Plan; adopted the Findings of Fact; approved the Project as described in the Final Subsequent Environmental Impact Report; and authorized Transportation Division staff to proceed with final design, rights-of-way acquisition, permitting, and other activities for Project construction;

WHEREAS, as a necessary part of the Project, it has been determined that the unimproved real property identified as Assessor’s Parcel Number 115-030-16, as more particularly described and depicted in Exhibits “A” and “B”, located in El Dorado County and consisting of 7,123 square feet in fee (the “Subject Property”), is best suitable and necessary for the Project, will result in a maximum benefit to the Project, at the most reasonable cost, and with the least interference as possible to private property rights, and that there is no other reasonable, permissible location configured for the Project;

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WHEREAS, it is necessary and desirable for the County to acquire the herein described portion of Assessor Parcel Number 115-030-16, the Subject Property, for the purpose of constructing the Project;

WHEREAS, the County of El Dorado is a political subdivision of the State of California and is vested with the power of eminent domain by virtue of Article 1, Section 19 of the Constitution of the State of California, Government Code section 25350.5 which authorizes the County Board of Supervisors to exercise the powers of eminent domain necessary to carry out any of the powers and functions of the County, and by virtue of California Code of Civil Procedure sections 1240.050, 1240.110, 1240.120, 1240.125, 1240.150, 1240.410, and 1240.610 and Streets and Highways Code section 943 which authorize the County Board of Supervisors to acquire any property necessary for the use and purposes of county highways;

WHEREAS, Code of Civil Procedure section 1240.410 authorizes the County to acquire any portion of the Subject Property described as an uneconomic remnant by eminent domain in accordance with that article;

WHEREAS, the Subject Property is being acquired for a compatible use under Code of Civil Procedure section 1240.510 in that the County's use of the Subject Property will not interfere with or impair any continued public use as it now exists or may reasonably be expected to exist in the future; and alternatively for a more necessary public use under Code of Civil Procedure section 1240.610 in that the County's use of the Subject Property is a more necessary public use than any public use to which the property is appropriated;

WHEREAS, pursuant to Government Code sections 7267.1 and 7267.2, the Subject Property was appraised by an independent real estate appraiser and an amount believed to be just compensation was established by the County;

WHEREAS, an offer of just compensation was sent to the owners of the Subject Property in accordance with Government Code section 7267.2, but it was determined that said owners are deceased, and an heir has acknowledged receipt of the County's offer on behalf of his siblings;

WHEREAS, pursuant to the provisions of Code of Civil Procedure section 1245.235, written notice has been duly given to all persons who could be located whose property is to be acquired by eminent domain and whose names and addresses appear on the County of El Dorado's last equalized roll, all of whom have been given a reasonable opportunity to appear and be heard before the Board of Supervisors on the following matters:

- a. Whether the public interest and necessity require the Project;
- b. Whether said Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- c. Whether the Subject Property is necessary for the Project; and
- d. Whether the offer required by Government Code section 7267.2 has been made to all owners of record;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of El Dorado, based on the staff report and other evidence presented at the hearing, hereby finds:

1. The public interest and necessity require the construction of the Silver Springs Parkway to Bass Lake Road (south segment) Project;

2. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
3. The Subject Property is necessary for the Project;
4. The offer required by Government Code section 7267.2 has been made to all owners of record;
5. The requirements under the California Environmental Quality Act have been satisfied;
6. The acquisition by eminent domain of any portion of the Subject Property that is a remnant is authorized under Code of Civil Procedure section 1240.410;
7. The Subject Property is being acquired for a compatible use under Code of Civil Procedure section 1240.510 in that County's and State's use of the Subject Property will not interfere with or impair the continued public use as it now exists or may reasonably be expected to exist in the future, and alternatively, for a more necessary public use under Code of Civil Procedure section 1240.610 in that County's and State's use of the Subject Property is a more necessary public use than the use to which the Subject Property is appropriated;
8. Notice and a reasonable opportunity to appear and be heard on April 24, 2018, on the matters enumerated in Code of Civil Procedure section 1240.030 was given to each of the persons whose name and address appears on the County's last equalized roll; and

BE IT FURTHER RESOLVED that outside counsel, Meyers Nave, is hereby authorized, with assistance of County Counsel, to proceed immediately with the commencement of an action for eminent domain pursuant to the Eminent Domain Law set forth in the Code of Civil Procedure, commencing with Section 1230.010 et seq., for the Subject Property described and depicted in Exhibits "A" and "B" attached hereto.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the _____ day of _____, 20__, by the following vote of said Board:

Attest:	Ayes:
James S. Mitrisin	Noes:
Clerk of the Board of Supervisors	Absent:

By: _____
Deputy Clerk
Chair, Board of Supervisors

I CERTIFY THAT:
 THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

Attest: Jim Mitrisin, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By: _____ Date: _____ Deputy Clerk