



RESOLUTION NO. 135-2015

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION OF NECESSITY

WHEREAS, the County proposes to proceed with the Alder Drive at EID Canal Bridge Replacement Project (CIP #77123) (the "Project"), which will replace the existing Alder Drive Bridge (25C0069) over the El Dorado Irrigation District Canal, located approximately 2.5 miles southwest of the community of Pollock Pines, in unincorporated El Dorado County.

WHEREAS, the existing Alder Drive Bridge, built in 1930, is now substandard in design and is functionally obsolete. A Bridge Inspection Report conducted by Caltrans in 2011, indicates that the bridge has also exhibited evidence of girder undermining. This Report also indicates that the bridge girders were cast into the ground, however, as-built plans for the bridge are not available to confirm the bridge substructure. The bridge has a sufficiency rating of 53.2 out of a possible 100.

WHEREAS, The County has evaluated both rehabilitation and replacement options for the existing bridge and has determined that replacement of the bridge is the most cost-effective approach for correcting the functionally obsolete status of the bridge.

WHEREAS, the Project is included in the Adopted 2015 Capital Improvement Program and is funded through the Federal Highway Administration Local Assistance Highway Bridge Program.

WHEREAS, the requirements of the California Environmental Quality Act ("CEQA") have been met. An Initial Study and Proposed Mitigated Negative Declaration for the Project was prepared and circulated for a 30 day public review. Following review of comments from other agencies and a local resident, staff determined that recirculation of the Initial Study and Mitigated Negative Declaration were not required under CEQA Guidelines section 15073.5. On February 11, 2014, the Board of Supervisors determined that there is no substantial evidence that the Project, as mitigated, will have a significant effect on the environment and adopted the Initial Study/Mitigated Negative Declaration for the Project, and approved the Project as described in the CEQA document. A Notice of Determination was filed with the County Recorder/Clerk on February 13, 2014.

WHEREAS, it has been determined that the fee interest in the unimproved real property identified as Assessor's Parcel Number 076-133-17, as more particularly described and depicted in Exhibits "A" and "B", located in El Dorado County and consisting of 17,940 square feet (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;

WHEREAS, it is necessary and desirable for the County to acquire 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, Streets and Highways Code section 943 which authorizes the County Board of Supervisors to acquire any property necessary for the use and purposes of county highways, and by virtue of California Code of Civil Procedure sections 1240.050, 1240.110, 1240.120, 1240.150, 1240.410, 1240.510 and 1240.610;

WHEREAS, Code of Civil Procedure section 1240.410 authorizes the County to acquire any portion of the Subject Property constituting a 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 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 the County's use of the Subject Property is a more necessary public use than the use to which the property is appropriated;

WHEREAS, pursuant to Government Code section 7267.1, 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, the owner or owners of the Subject Property cannot be located with reasonable diligence, and therefore the amount of just compensation could not be offered to the owner or owners pursuant to Government Code section 7267.2;

WHEREAS, written notice has not been given to the persons whose property is to be acquired by eminent domain pursuant to the provisions of the Code of Civil Procedure section 1245.235, because no names or addresses of such persons appear on the last equalized County assessment roll notice for the Subject Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of El Dorado hereby finds:

1. The public interest and necessity require the proposed Project;
2. The construction of the Project is planned in the manner that will be most compatible with the greatest public good and the least private injury;
3. The Subject Property, as described and depicted in Exhibits A and B, attached hereto, is necessary for the proposed Project;
4. The offer required by Government Code section 7267.2 has not been made because the owner or owners of record cannot be located with reasonable diligence;

5. 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;
6. The Subject Property is being acquired for a compatible use under Code of Civil Procedure section 1240.510 in that County'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 on that County's use of the Subject Property is a more necessary public use than the use to which the Subject Property is appropriated;
7. The County has complied with all requirements under the California Environmental Quality Act.
8. Written notice of the hearing on this Resolution of Necessity has not been given to the persons whose property is to be acquired by eminent domain pursuant to the provisions of the Code of Civil Procedure section 1245.235, because no names or addresses of such persons appear on the last equalized County assessment roll notice for the Subject Property.

BE IT FURTHER RESOLVED that outside counsel, Meyers Nave, Riback, Silver & Wilson, 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 in the 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 11th day of August, 2015, by the following vote of said Board:

Attest:
 Jim Mitrisin
 Clerk of the Board of Supervisors

Ayes: Ranalli, Frentzen, Mikulaco, Veerkamp, Novasel
 Noes: None
 Absent: None

By: Marcie MacFarland
 Deputy Clerk

B.K. Veerkamp
 Chairman, Board of Supervisors
 Brian K. Veerkamp

Exhibit 'A'

All that certain real property situate in Section 3, Township 10 North, Range 12 East, M.D.M., County of El Dorado, State of California, more particularly described as follows:

Beginning on the northerly right of way line of Pony Express Trail at its intersection with the southeast corner of that particular parcel described in Document No. 2001-0044472 official records said county and state, from which the northeast corner of said Section 3 bears North 21° 34' 58" East 1292.39 feet; thence from said POINT OF BEGINNING along the easterly line of said parcel North 00° 01' 59" East 34.26 feet; thence leaving said line along the southerly lines of Lot 10 and Lot 11, Block I of that certain Subdivision Map filed in Book A of Subdivision Maps at Page 22, official records said county and state North 80° 35' 48" East 101.37 feet; thence North 67° 47' 15" East 100.95 feet; thence North 55° 41' 14" East 142.38 feet; thence leaving said southerly line North 54° 44' 31" East 31.95 feet to the most southerly point of Lot 1, Block H of said subdivision; thence along the easterly line of said Lot 1 North 53° 41' 25" East 56.00 feet; thence leaving said line South 86° 04' 00" East 25.59 feet to the easterly line of said Section 3; thence along said easterly line South 03° 56' 00" West 67.38 feet to said northerly right of way line of Pony Express Trail; thence leaving said easterly line along said northerly line South 64° 23' 59" West 210.95 feet; thence South 74° 04' 59" West 221.46 feet to the POINT OF BEGINNING containing 17914 square feet or 0.41 acres more or less. See Exhibit 'B', attached hereto and made a part hereof.

End of Description

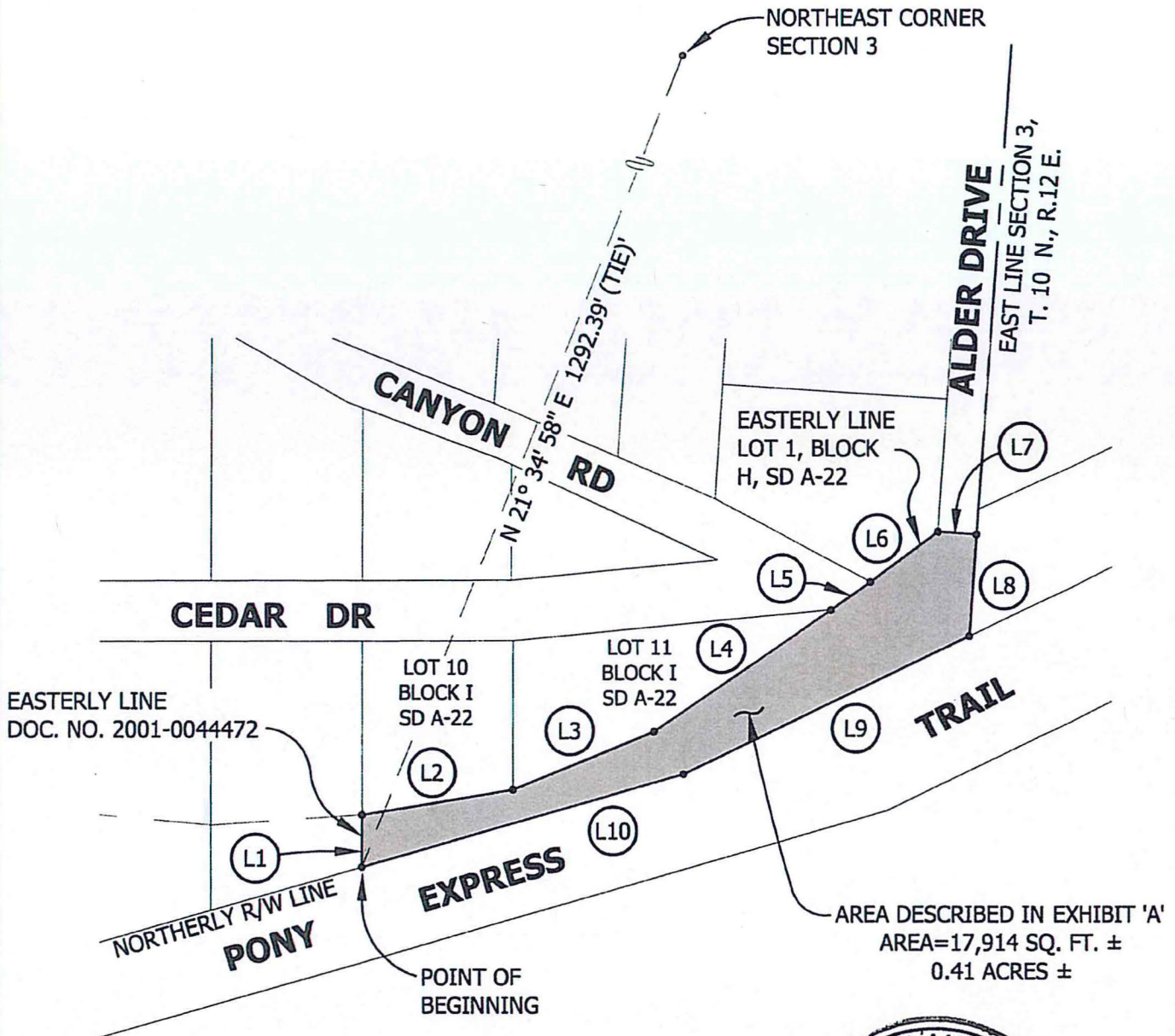
Loren A. Massaro P.L.S. 8117
Associate Land Surveyor
Transportation Division
El Dorado County



Dated: 02.30.2015

EXHIBIT 'B'

Situate in Section 3, T. 10 N., R. 12 E., M.D.M.
County of El Dorado, State of California



- | | |
|------------------------------|-------------------------------|
| (L1) N 00° 01' 59" E 34.26' | (L6) N 53° 41' 25" E 56.00' |
| (L2) N 80° 35' 48" E 101.37' | (L7) S 86° 04' 00" E 25.59' |
| (L3) N 67° 47' 15" E 100.95' | (L8) S 03° 56' 00" W 67.38' |
| (L4) N 55° 41' 14" E 142.38' | (L9) S 64° 23' 59" W 210.95' |
| (L5) N 54° 44' 31" E 31.95' | (L10) S 74° 04' 59" W 221.46' |



North
Scale 1"=100'