

El Dorado County Department of Transportation



Continued Hearing of Adoption of
Resolution of Necessity for
Subject Property (APN 051-250-011)
in Order to Construct Diamond Springs
Parkway Phase 1B CIP No. 72334

El Dorado County Board of Supervisors – February 9, 2021

Eminent Domain Process

- County approves the Resolution of Necessity (RON)
- Attorney (our outside counsel Myers Nave) files a complaint to acquire the property and obtain possession.
- Case can be settled informally or through mediation.
- If no settlement, jury will determine fair market value of the property.

Condemnation Protections and Benefits to Property Owner

- Property owners are protected by state and federal law in the action.
- County will deposit its appraised amount, which the owner can withdraw during the action.
- Owners can present a claim for greater compensation than offered.
- Jury determines the amount of compensation.

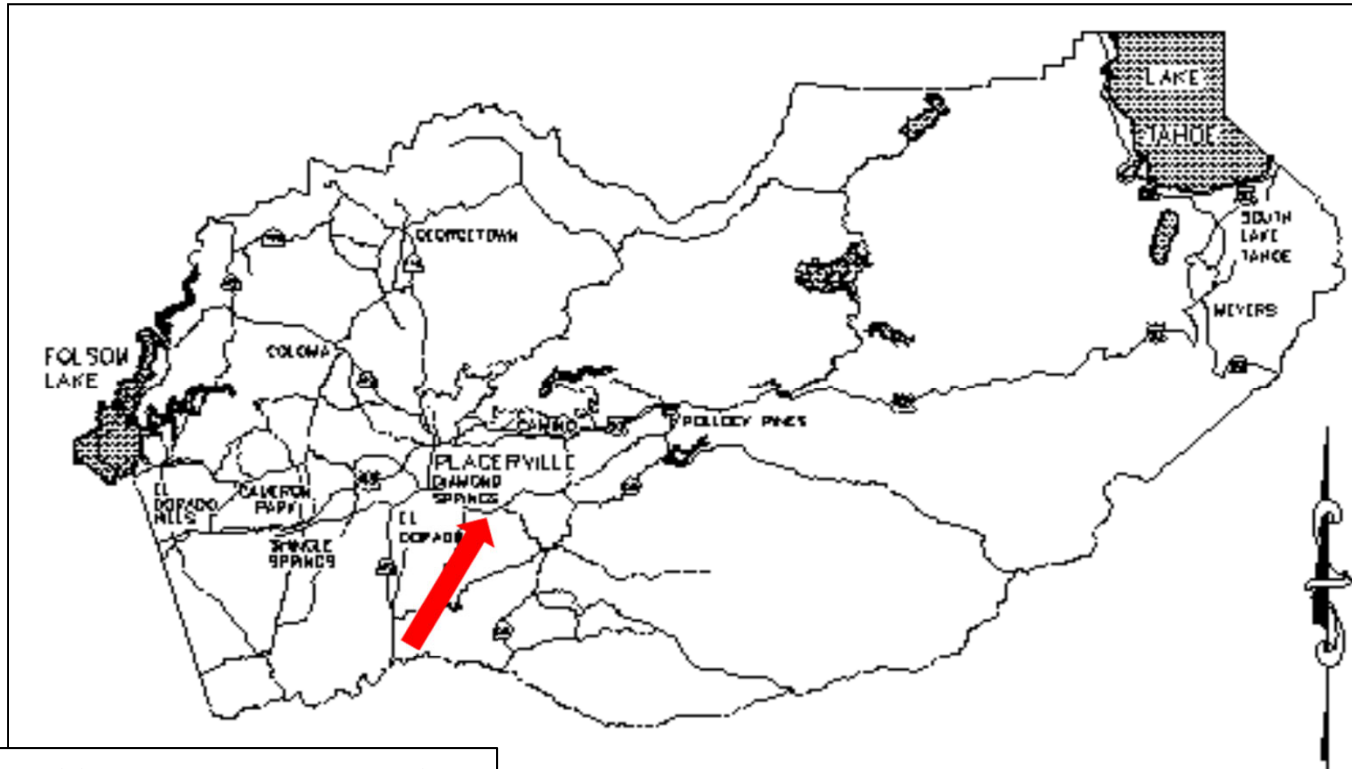
Resolution of Necessity Requirements

- To adopt a RON, and authorize the filing of an eminent domain action, Board must find, based on all evidence presented, that the following requirements are met:
 1. The public interest and necessity require the proposed project.
 2. The Project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury.
 3. The property sought to be acquired is necessary for the Project.
 4. The offer required by section 7267.2 of the Government Code has been made to the owners of record.

Purpose of Today's Hearing

- On January 26, 2021, the Board held a public hearing to consider adopting a RON, and heard evidence and testimony in support of the adoption of a RON.
- The Board continued that hearing until today.
- Today, staff will present additional information regarding why the alignment chosen for the Project results in the greatest public good and the least private injury.
- At the close of this hearing, the Board should consider all evidence and testimony presented at both the January 26, 2021, hearing and today to determine whether there is substantial evidence that the four (4) requirements described in the previous slide are met in order to adopt the RON and to file eminent domain action.

Project Location



Located between Missouri Flat
Road and State Route 49 in
Diamond Springs

Diamond Springs Parkway Project Overview

- Transportation earlier today provided you with a detailed presentation of the history and purpose of the Project.
- **CEQA Compliance**
 - Missouri Flat/SR-49 Connector Concept Study in 1992
 - Environmental Impact Report (EIR) adoption 201
 - Supplemental Environmental Impact Report (SEIR) adoption 2016
- **Proposed Project**
 - 2nd phase of a two-phase project that will construct a connector road between Missouri Flat Road and State Route 49
 - Class II bike lanes, sidewalks and transit bus turnouts on both sides of the Parkway

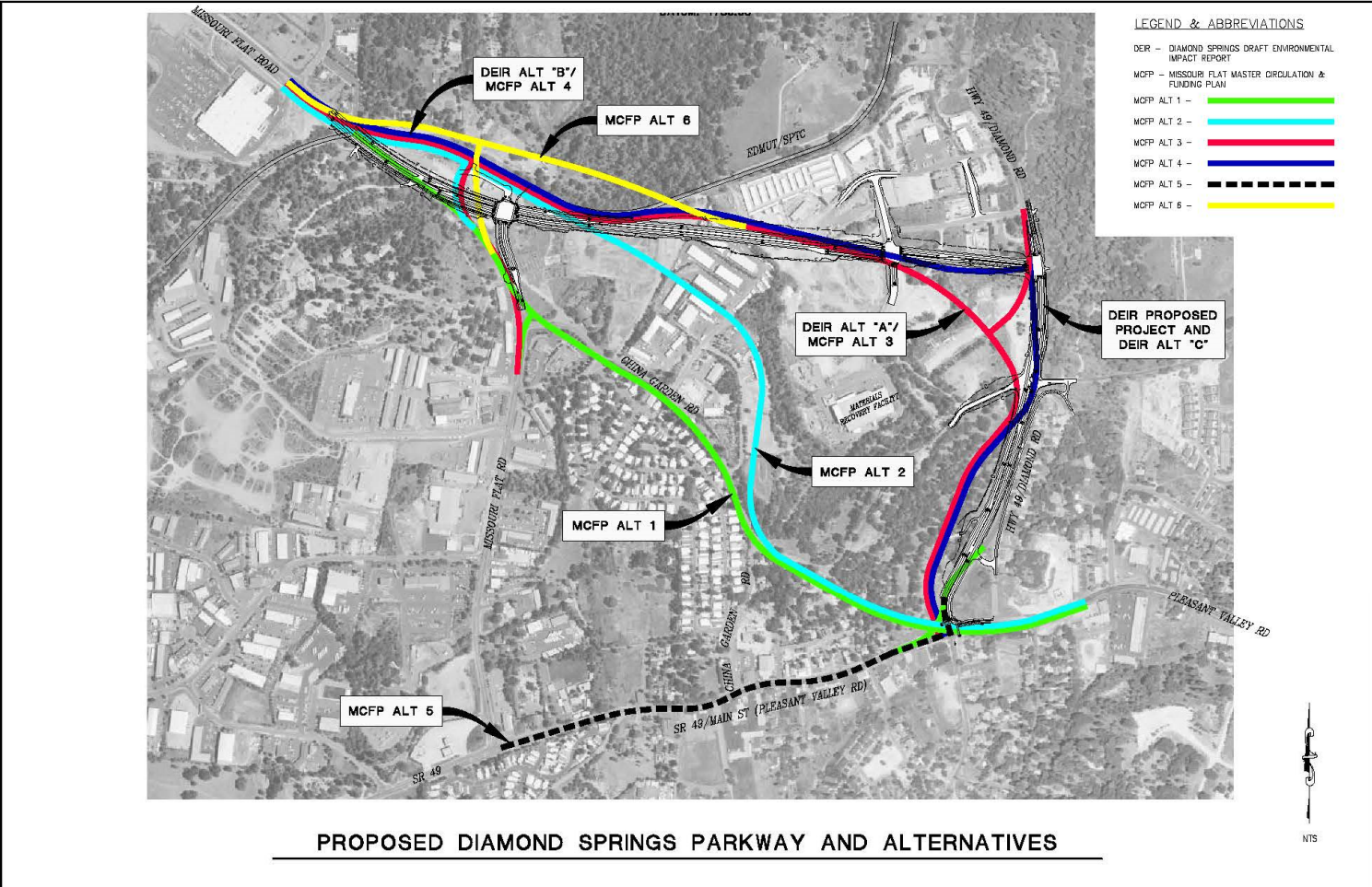
Project Need/Purpose

1. Provides a connector road between Missouri Flat Road and State Route 49 greatly reducing heavy traffic volumes through the historic town of Diamond Springs
2. Improves traffic safety and emergency vehicle operations
3. Improves pedestrian safety and creates multimodal transportation features such as Class II bike lanes, sidewalks and transit bus turnouts
4. Relieves traffic burden on businesses in Diamond Springs
5. Completes second phase of the two-phase project

Alignment Study and Decision

- Previously, in 1997 the Board had selected Alternative 3 as the preferred alignment. Alternative 3 is a sweeping curve that bisected parcel 051-250-12.
- The preferred alignment, initially referred to as Alternative 4, creates a T-intersection with State Route 49 south of Bradley Drive. Benefits of Alternative 4:
 - Alternative 4 was preferred and approved by Caltrans in that it does not segment State Route 49. This is the alignment the Board directed staff to proceed with in 2008, and was identified in the EIR as the preferred alignment.
 - The current Alternative 4 alignment was specifically designed to follow property lines so as to minimize right of way impacts and reduce earthwork in consideration of existing terrain features.
- Property owner stated during the January 26, 2021, hearing that the Parkway's original preferred alternative was to connect with State Route 49 at Black Rice Road and continue eastward to Pleasant Valley Road. The County never adopted the Black Rice Road alignment as the preferred alignment for all the following reasons:
 - Extending the Parkway east of State Route 49 to Pleasant Valley Road was never included in the project scope or alignment alternatives.
 - Realigning the Parkway to connect with Black Rice Road is not feasible since that intersection is a 4-way with State Route 49 and Lime Kiln Road. A realignment of the Parkway to the south of the subject property would still require a T-intersection with State Route 49 north of Black Rice Road.

Route Alternatives Considered



Subject Property Necessary for Project

- Parcel Details:
 - **APN 051-250-011 (4000 State Route 49, Placerville, CA)**
 - Owner: MDM Trust (Murillo). Purchased in 2008, after Board decided on the current alignment.
 - Size: Consists of 75,794 SF (1.74 acres)
 - Current Use: Residential Rental/Business/Yard.
- Phase 1B includes the construction of a new four-lane connector road from Missouri Flat to Highway 49. The Subject Property currently abuts Highway 49. The proposed new connector road will begin at the Subject Property and end at Missouri Flat Road. The acquisition of the Subject Property is necessary in order to construct the connector road from Missouri Flat to Highway 49 and accomplish the goal of the Project.

Required Acquisition

- Required acquisitions and purposes from Subject Property:
 - Fee Title
 - 26,579 Square Feet (SF) of Fee Title
 - Needed for construction of the parkway/installation of permanent features i.e. roadway, retaining walls, sidewalks, curbs, gutters.
 - Slope and Drainage/Public Utility Easement
 - 6,099 SF of Slope and Drainage Easement
 - Needed for construction of slopes, ditches, drainage systems, pipes, etc., and for Installation and maintenance of public utilities i.e. water, power, sewer
 - Temporary Construction Easement
 - 4,918 SF of Temporary Construction Easement
 - Needed for maneuvering of construction equipment and workers, and completing property site improvements.
- Required acquisitions are in a heavily wooded and sloped part of the Subject Property that is not currently developed, and no plans are on file with the County to develop that portion of Subject Property.

Right of Way Exhibit



Aerial View



Offer and Negotiations with Property Owner

- Property owner purchased property after alignment was chosen by the Board.
- County made offer to Property Owner to acquire Subject Property as part of Phase 1A in 2015. County was not able to reach an agreement and reduced the limits of Phase 1A so as not to need the Subject Property until Phase 1B.
- County communicated with and met with Property Owner numerous times between 2016 until 2020.
- Required acquisitions were appraised by Pattison and Associates Inc. and reviewed by Sierra West Valuation, Inc. (licensed appraisal firms)
- Offer was made/sent to owner of record August 19, 2020 for the full appraised value of the acquisition.
- County received counter-offer from owner on October 2, 2020.
- Board of Supervisors reviewed counter-offer at Closed Session meeting on October 20, 2020. No action was taken.

DOT Recommendation

- Staff recommends the Board adopt the Resolution of Necessity and findings contained herein for the Diamond Springs Parkway 1B Project, CIP No. 72334.

*Note that a 4/5 vote is required

- We will now take any questions or comments from the Board of Supervisors and then from the public.