



## RESOLUTION NO.

### OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

#### RESOLUTION OF NECESSITY

**WHEREAS**, the Country Club Drive Realignment – Bass Lake Road to Tierra de Dios Drive Project, ROW 96000, ADHOC #71360 (Project) is located in western El Dorado County in the unincorporated area along Bass Lake Road, which intersects with Highway 50 to the south and Green Valley Road to the north. This area is east of the Serrano development of El Dorado Hills and west of Cameron Park, approximately .25 miles north of US Highway 50 at Bass Lake Road;

**WHEREAS**, The County and Developer have entered into several agreements for the development of three residential subdivision projects in the Bass Lake Specific Plan area (Bell Woods, Bell Ranch and Hawk View), just North of Hwy. 50 in El Dorado Hills. A common condition for each project is for the Developer to perform the design, acquisition of right-of-way, and construction (or funding for construction) of the County Club Drive realignment project between Bass Lake Road and Tierra de Dios Drive. Each of the agreements also includes a provision under which the County would assist in securing the necessary right-of-way should the developer be unable to. This provision for County right-of-way acquisition is consistent with County Ordinance and State Subdivision Map Act Law. To date, the Developer has been unable to secure the right-of-way for two parcels owned by M.H. Mohanna, on the Country Club project and has asked the County to assist in the acquisition.

On September 19, 2017, the Board approved the Bell Woods Community Benefit and Development Agreement (DA)16-0002 (Item 24), the Bell Ranch DA16-0003 (Item 23), and the Hawk View DA 16-0001 (Item 22) with the Developer. Condition No. 22 of the Bell Ranch DA, Condition No. 24 of the Hawk View DA, and Condition No. 25 of the Bell Woods DA require the Developer to realign Country Club Drive (aka Tierra De Dios Drive, aka City Lights Drive). Condition No. 21 of the Bell Ranch DA, Condition No. 15 of the Hawk View DA, Condition No.24 of the Bell Woods DA, and Section 3.2.2 of the each DA provide that if the Developer does not have or cannot obtain certain interests in the property necessary to allow them to make required off-site improvements, the County may acquire the necessary rights by negotiation or through other proceedings, including eminent domain.

On July 27, 2018, The Board approved an Agreement for Funding of Right of Way Acquisition Costs, Lennar Winncrest, LLC, #18-54835.

**WHEREAS**, the Project is necessary to complete a connector road between Bass Lake Road and Tierra de Dios Drive 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 Tierra de Dios Drive to the west and Bass Lake Road (which connects to U.S. Highway 50) to the south. The Project will improve vehicle and pedestrian safety, and includes conversion of the existing segment of Country Club Drive into a Class I bike path/Multi-use trail, 8 feet in width.

**WHEREAS**, the requirements of the California Environmental Quality Act (“CEQA”) have been met. In March 1992, the Board of Supervisors certified the Bass Lake Road Study Area Program and approved the subsequent Bass Lake Hills Specific Plan EIR Addendum in November of 1995. The Board also certified the Hawk View Mitigated Negative Declaration and the Bell Woods Mitigated Negative Declaration (May 2005) and the Bell Ranch Mitigated Negative Declaration (January 2006); 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 (April 2016). In April 2016, the County adopted the Bass Lake Hills Specific Plan Conditions of Approval Amendments Addendum and Initial Study of Environmental Significance (“2016 Addendum”). The 2016 Addendum identified and assessed the anticipated environmental impacts of the revisions to the aforementioned residential subdivision projects, including related off-site infrastructure such as the Project. The 2016 Addendum examined the roadways within a broader corridor called the Area of Potential Effect (APE) and the proposed current alignment of the Project is well within the APE studied in the 2016 Addendum. Additionally, there have been no significant changes in the project or the surrounding circumstances that would require major revisions to the 2016 Addendum, and no new information that was unavailable at the time of the Addendum that would require revisions pursuant to Public Resources Code Section 21166 or CEQA Guideline Section 15162.

**WHEREAS**, as a necessary part of the Project, it has been determined that portions of Assessor’s Parcel Number (APN) 119-080-23 and 119-080-12, unimproved land, located off City Lights Drive, within El Dorado County, as more particularly described and depicted in Exhibits “A” and “B” consisting of 47,959.56 square feet (SF) in Fee Title and 12,719.52 SF of Temporary Construction Easement over a 24 month period of APN 119-080-12; 107,375.4 SF in Fee Title, 18,369.25 SF of Permanent Public Service Easement and 41,643.36 SF of Temporary Construction Easement over a 24 month period of APN 119-080-23 (collectively referred to herein as the “Subject Properties”), are 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 herein described portion of the Subject Properties, 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 Properties are being acquired for a compatible use under Code of Civil Procedure section 1240.510 in that the County's use of the Subject Properties 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 Properties is a more necessary public use than any public use to which the property is appropriated;

**WHEREAS**, pursuant to Government Code section 7267.2, the Subject Properties were appraised by an independent real estate appraiser and an amount believed to be just compensation was established by the County;

**WHEREAS**, the amount of just compensation was offered to the owner pursuant to Government Code section 7267.2;

**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 Properties are 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 hereby finds:

1. The public interest and necessity require the construction of the the Country Club Drive (aka City Lights Drive, aka Tierra de Dios) to Bass Lake Road 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 Properties are 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 Subject Properties are 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 Properties 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 Properties is a more necessary public use than the use to which the Subject Properties are appropriated;
7. Notice and a reasonable opportunity to appear and be heard on April 9, 2019, 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 Properties 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 9th day of April 2019, by the following vote of said Board:

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| Attest:<br>Jim Mitrisin<br>Clerk of the Board of Supervisors | Ayes:<br>Noes:<br>Absent: |
|--|---------------------------|

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Sue Novasel, Chairman, 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