



RESOLUTION NO.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION OF NECESSITY

WHEREAS, the County proposes to proceed with the Sly Park Road at Clear Creek Bridge Replacement Project (the “Project”) involves the replacement of Bridge No. 25C-0047 (Clear Creek bridge) at the intersection of Sly Park Road and Clear Creek, 1.1 miles east of Pleasant Valley Road and six miles north of El Dorado in unincorporated El Dorado County.

WHEREAS, the existing Clear Creek Bridge, built in 1936, is functionally obsolete and substandard, and recent inspections indicate scour problems with the bridge footings and abutments.

WHEREAS, due to functional obsolescence, rehabilitation of the existing bridge is infeasible, and replacement of the bridge is the most cost-effective approach for correcting the functionally obsolete status of the bridge.

WHEREAS, the Project will improve traffic safety conditions on Sly Park Road and Clear Creek Road by: (1) replacing the functionally obsolete and substandard bridge with a new structure that meets current standards, (2) correcting the road geometry approaching the bridge from both the eastbound and westbound directions, and (3) providing a turn lane and turning access at Clear Creek Road and local driveways.

WHEREAS, the Project is included in the Adopted 2015 Capital Improvement Program and is funded through the Federal Highway Administration’s Highway Bridge Program, 2004 General Plan Traffic Impact Mitigation funds, and Regional Surface Transportation Program funds.

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, and no comments were received. On September 14, 2010, 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 September 14, 2010.

WHEREAS, it has been determined that the fee interest in the unimproved real property identified as Assessor’s Parcel Number 079-030-13, as more particularly described and depicted in Exhibits “A” and “B”, located in El Dorado County and consisting of TBD 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 of the hearing on this Resolution of Necessity has been given to each person whose name and address appears on the last equalized County assessment roll, who could, in the exercise of reasonable diligence, be located.

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 been made to the owners of record who could be located, but not the owners who 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 in 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 been given to each person whose name and address appears on the last equalized County assessment roll, who could, in the exercise of reasonable diligence, be located.

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 ____ day of _____, 20__, by the following vote of said Board:

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| Attest: | Ayes: |
| Jim Mitrisin | Noes: |
| Clerk of the Board of Supervisors | Absent: |

By: _____
Deputy Clerk
Chairman, Board of Supervisors