

# El Dorado County Department of Transportation



Hearing of Adoption of  
Resolution of Necessity for  
Subject Property (APN's 327-270-043, -  
046 and -050)  
in Order to Construct Diamond Springs  
Parkway Phase 1B  
Capital Improvement Program (CIP)  
Project No. 72334/36105011

# Eminent Domain Process

- County approves the Resolution of Necessity (RON)
- Attorney (our outside counsel from Myers Nave, a professional law corporation) 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

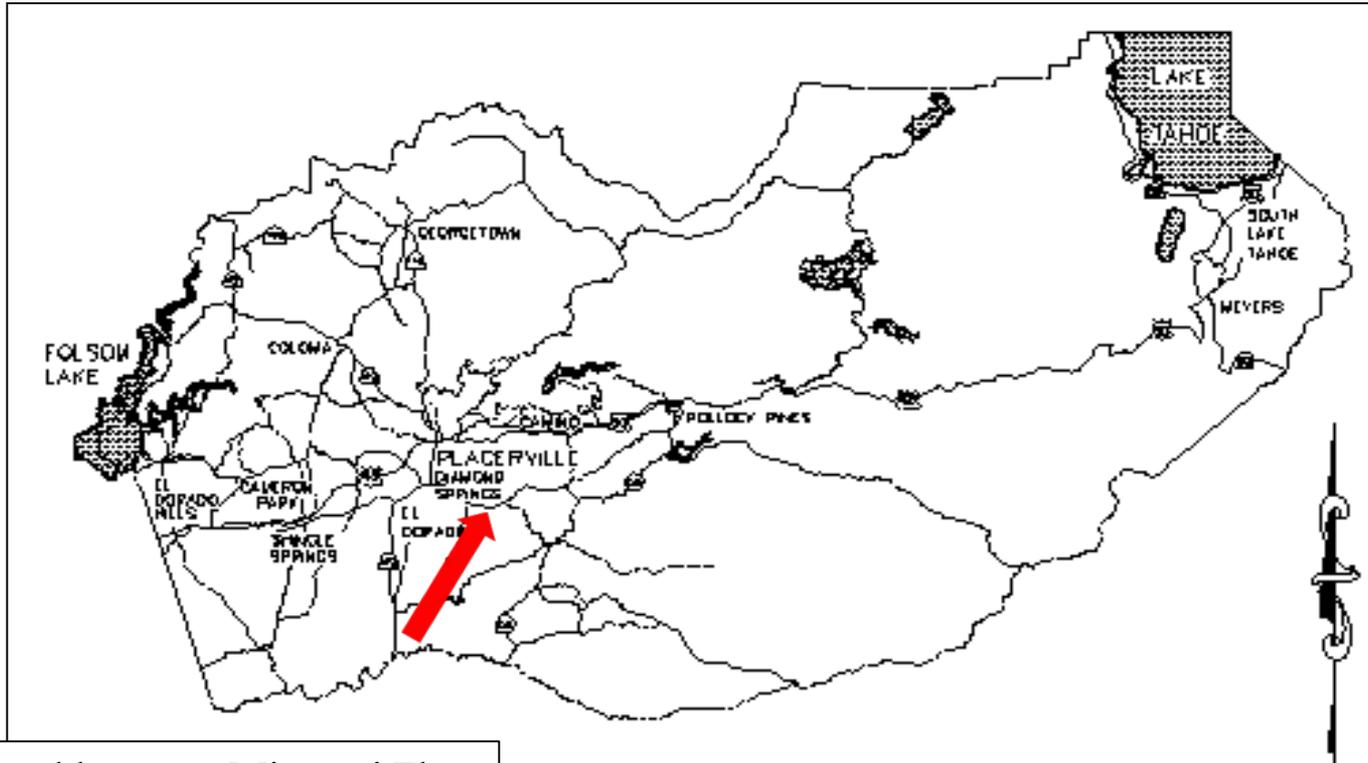
- To adopt a RON, and authorize the filing of an eminent domain action, Board must find, based on all evidence presented, that the following requirements are met:
  1. The public interest and necessity require the proposed project.
  2. The project is planned or located in a manner that will be most 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.

\*Adequacy of compensation is not a part of the RON.

# Purpose of Today's Hearing

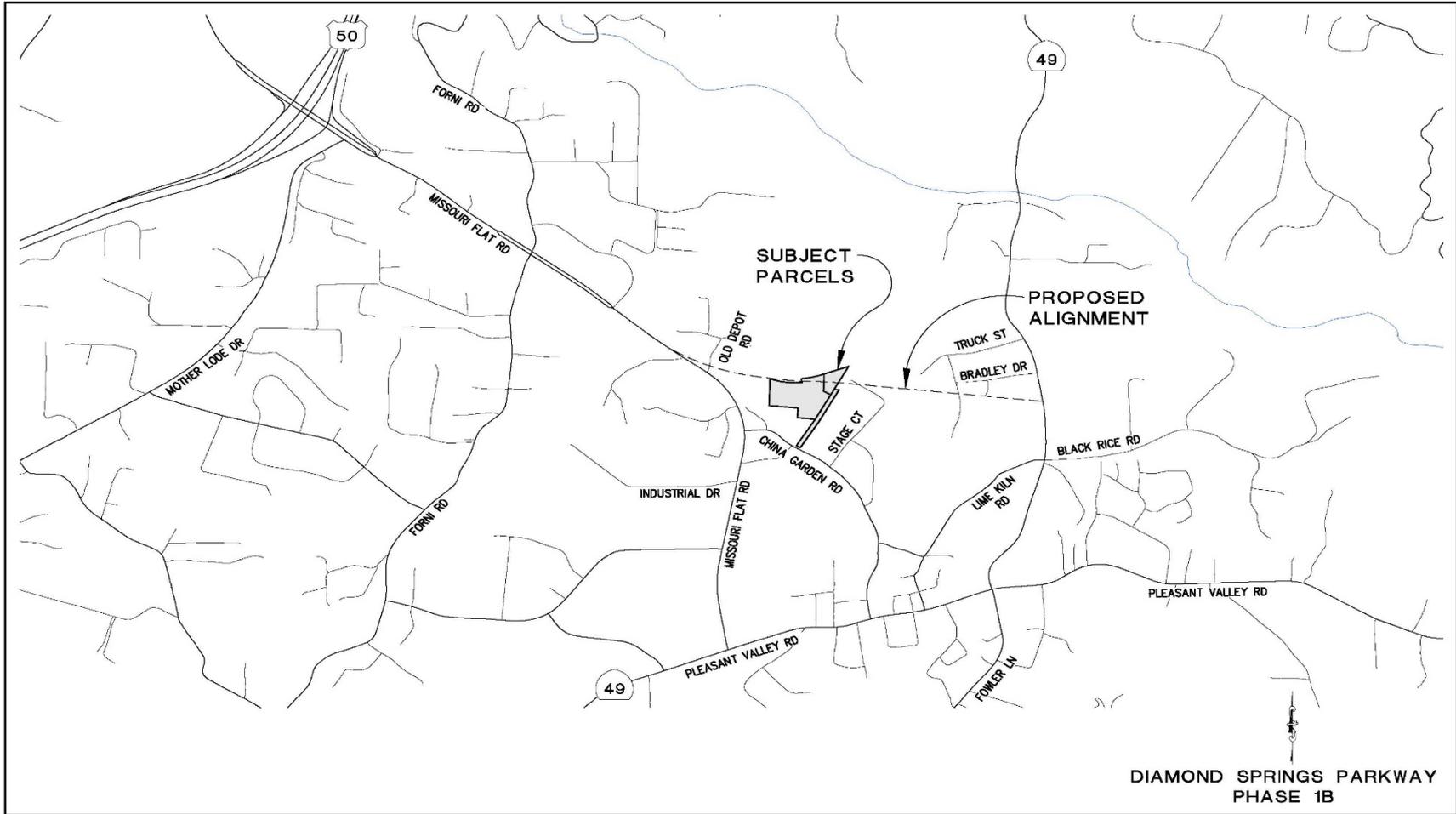
- Staff to present information, evidence and testimony to Board of Supervisors in support of an adoption of a Resolution of Necessity (RON).
- The Board should consider all evidence and testimony to determine whether there is substantial evidence that the four (4) requirements described in the previous slide are met in order to adopt the RON and to file an eminent domain action.

# Project Location



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

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# Diamond Springs Parkway Project Overview

- **CEQA Compliance**

- Missouri Flat/SR-49 Connector Concept Study in 1992
- Environmental Impact Report (EIR) adoption 2011
- Supplemental Environmental Impact Report (SEIR) adoption 2016

- **Proposed Project**

- 2<sup>nd</sup> 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

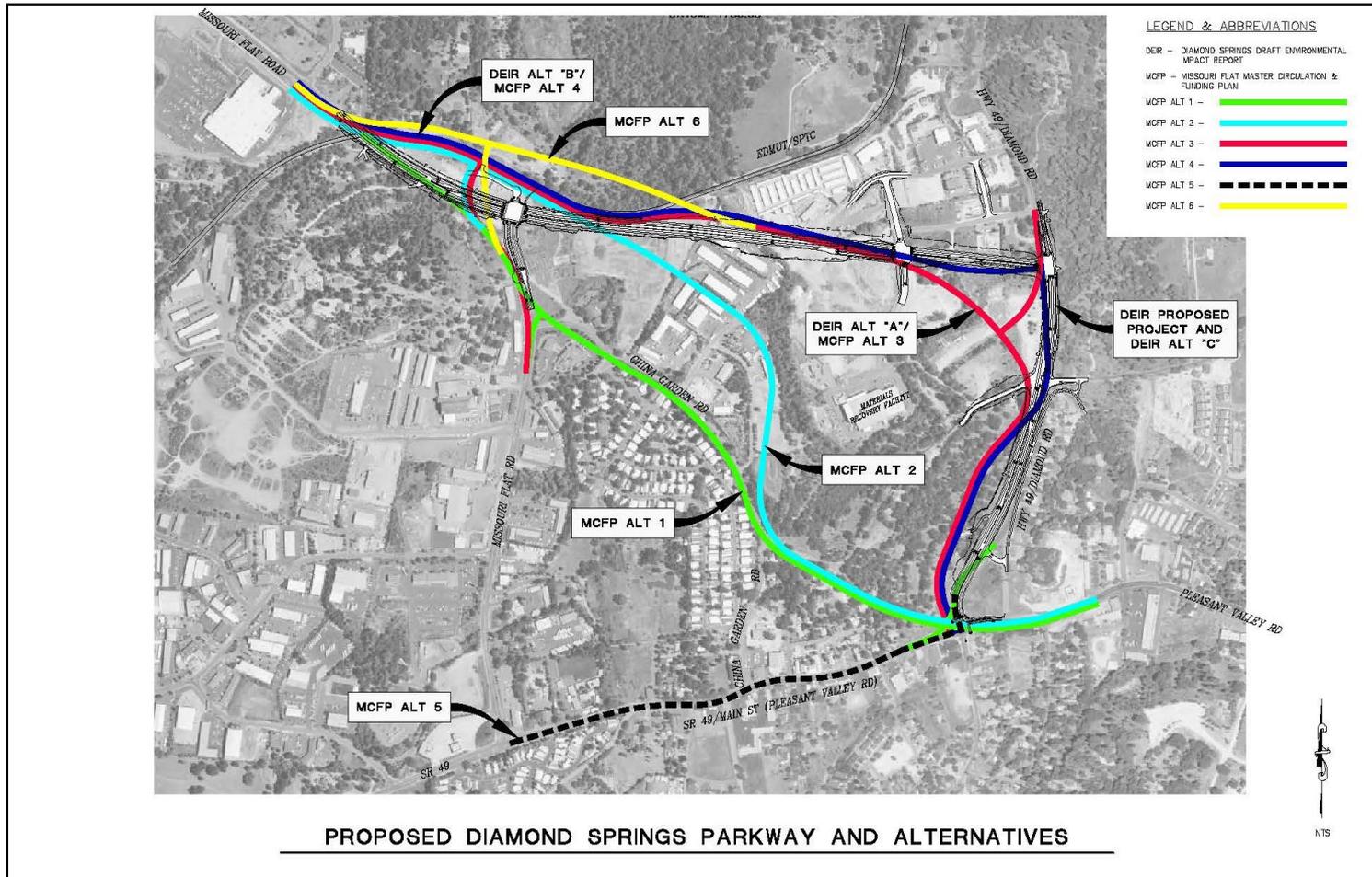
# Public Interest and Necessity

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.

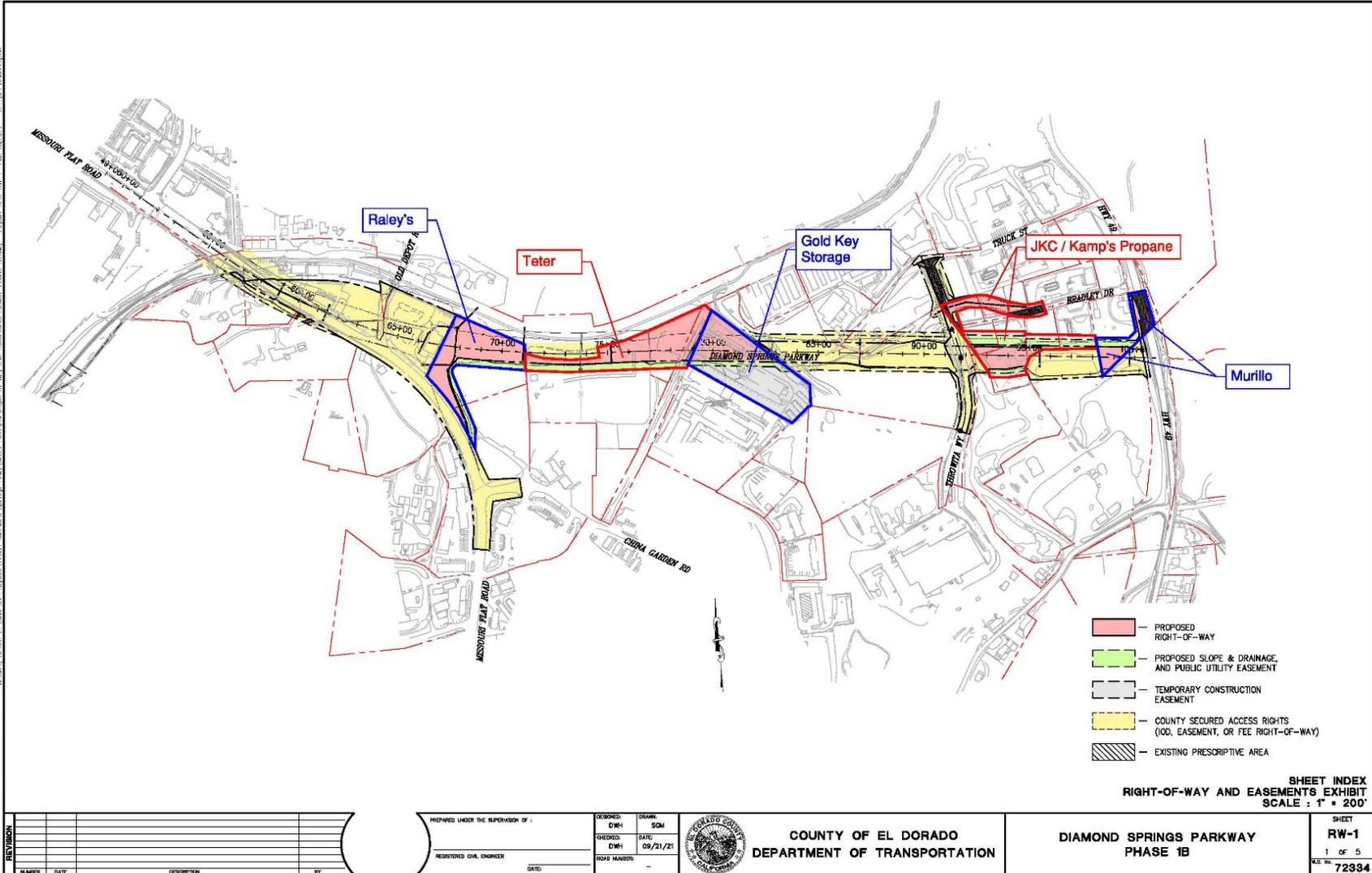
# Project Compatible with the Greatest Public Good and Least Private Injury

1. The Property Owner has objected to this Resolution on the basis that the Project is not planned or located in a manner that will be most compatible with the greatest public good and the least private injury.
2. The Project design, including the alignment, was set after numerous meetings and public input. On April 29, 2008, the Board held a hearing to consider the issues and approved amending the preferred alignment from eight considered options. The chosen alignment generally follows property lines and results in less fragmentation of parcels minimizing the injury to private property owners while still achieving the greatest public good at the most reasonable cost.
3. This Project will not displace or require the relocation of any private property owners on the Subject Properties to be acquired in this proceeding again minimizing private injury.
4. Property owner has moved tenants onto Subject Property after original offer was sent out. Any impact to the property owner's current tenants will be addressed through the existing process regarding relocation compensation.

# Route Alternatives Considered



# Right of Way Exhibit for Project



- PROPOSED RIGHT-OF-WAY
- PROPOSED SLOPE & DRAINAGE AND PUBLIC UTILITY EASEMENT
- TEMPORARY CONSTRUCTION EASEMENT
- COUNTY SECURED ACCESS RIGHTS (OO, EASEMENT, OR FEE RIGHT-OF-WAY)
- EXISTING PRESCRIPTIVE AREA

SHEET INDEX  
RIGHT-OF-WAY AND EASEMENTS EXHIBIT  
SCALE : 1" = 200'

FOR REDUCED PLANS: 1" = 100' (SEE PLAN SHEET 72334) 1" = 200' (SEE PLAN SHEET 72335) 1" = 400' (SEE PLAN SHEET 72336) 1" = 800' (SEE PLAN SHEET 72337) 1" = 1600' (SEE PLAN SHEET 72338) 1" = 3200' (SEE PLAN SHEET 72339) 1" = 6400' (SEE PLAN SHEET 72340) 1" = 12800' (SEE PLAN SHEET 72341) 1" = 25600' (SEE PLAN SHEET 72342) 1" = 51200' (SEE PLAN SHEET 72343) 1" = 102400' (SEE PLAN SHEET 72344) 1" = 204800' (SEE PLAN SHEET 72345) 1" = 409600' (SEE PLAN SHEET 72346) 1" = 819200' (SEE PLAN SHEET 72347) 1" = 1638400' (SEE PLAN SHEET 72348) 1" = 3276800' (SEE PLAN SHEET 72349) 1" = 6553600' (SEE PLAN SHEET 72350) 1" = 13107200' (SEE PLAN SHEET 72351) 1" = 26214400' (SEE PLAN SHEET 72352) 1" = 52428800' (SEE PLAN SHEET 72353) 1" = 104857600' (SEE PLAN SHEET 72354) 1" = 209715200' (SEE PLAN SHEET 72355) 1" = 419430400' (SEE PLAN SHEET 72356) 1" = 838860800' (SEE PLAN SHEET 72357) 1" = 1677721600' (SEE PLAN SHEET 72358) 1" = 3355443200' (SEE PLAN SHEET 72359) 1" = 6710886400' (SEE PLAN SHEET 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# Subject Property Necessary for Project

- Parcel Details:
  - **APN's 327-270-043, -046 and -050, bare land, North side of China Garden Road, East of Missouri Flat Road, Placerville, CA 95667**
  - Owner: James E. Teter and Elizabeth Ann Teter, Trustees under the Teter 1991 Revocable Living Trust dated July 22, 1991
  - Size: Consists of 383,764 SF (8.81 acres)
  - Current Zoning: Industrial Light District
- Phase 1B includes the construction of a new four-lane connector road from Missouri Flat to Highway 49. The Subject properties are situated east of Missouri Flat, almost midway between Missouri Flat and Highway 49.

# Required Acquisition

- Required acquisitions and purposes from Subject Property:

## APN 327-270-043:

- 15,556 Square Feet (SF) of Fee Title;
- 20,550 SF of Uneconomic Remnant\* Fee Title
- 4,264 SF of Slope and Drainage Easement
- 4,264 SF of Public Utility Easement

## APN 327-270-046:

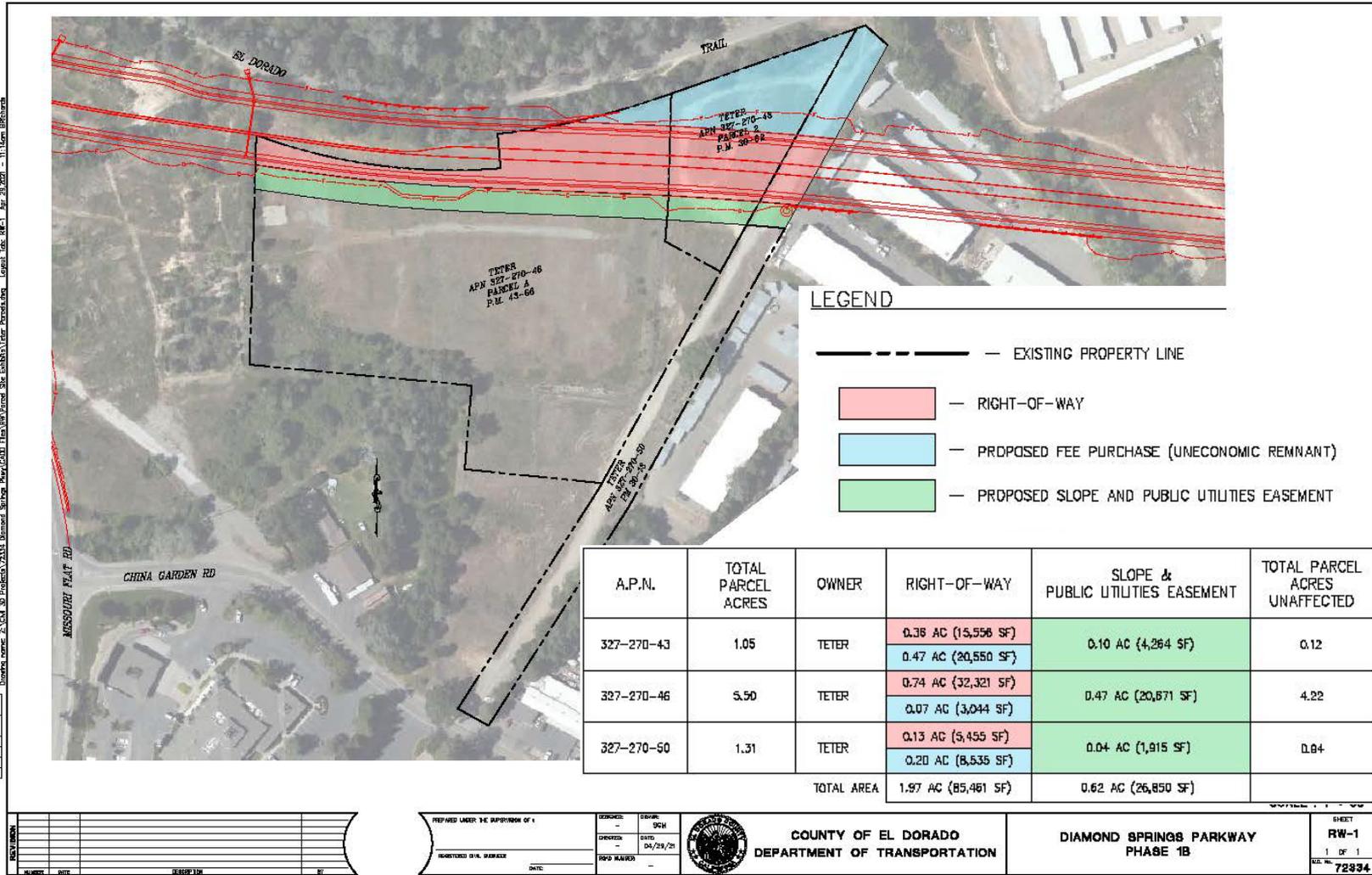
- 32,321 SF of Fee Title;
- 3,044 SF of Uneconomic Remnant Fee Title
- 20,671 SF of Slope and Drainage Easement
- 20,671 SF of Public Utility Easement

## APN 327-270-050:

- 5,455 SF of Fee Title;
- 8,535 SF of Uneconomic Remnant Fee Title
- 1,915 SF of Slope and Drainage Easement
- 1,915 SF of Public Utility Easement

\* An uneconomic remnant is property remaining after a partial taking, if the property remaining is of such size, shape, or condition as to be of little value or of substantially impaired economic viability.

# Aerial View ROW Exhibit





# Offer and Negotiations with Property Owner

## Page 1:

- **10/16/18** – Board authorized initial negotiations with property owner for Phase One of Diamond Springs Parkway No agreement reached. Phase One was redesigned to remove the acquisition.
- **7/24/20** - Appraisal performed by Bender-Rosenthal, Inc.; \$213,600 valuation.
- **8/19/20** - First Written Offer in the amount of \$213,600 sent to Owners.
- **10/26/20 & 2/23/21** – Request for response letters sent to Owners.
- **3/1/21** – Owners ordered their own appraisal. Their appraisal, prepared by Evans Appraisal Service; and acquisition in total at \$224,000 valuation.
- **3/4/21** – Owners submitted counteroffer received in the amount of \$224,000 with other concessions. Owners requested that temporary construction easements (TCE) be removed. County informs Owners that would reduce total compensation.
- **3/23/21** - Owners revised counteroffer to \$200,000 to account for no TCE's.
- **4/20/21** – Board met in closed session. No action reported.
- **5/7/21** - Revised agreement sent to Owners for review. Owners expressed concerns related to drainage and compensation.

# Offer and Negotiations with Property Owner

## Page 2:

- **7/1/21** - Counteroffer of \$224,000 (rounded) was agreed to by the Owners (\$173,681 appraised value w/out the TCE's and \$50k for the drainage)
- **7/20/21** – Board met in closed session. No action reported.
- **7/22/21** – Owners signed revised Agreement.
- **8/31/21** – Board signs Agreement.
- **9/3/21** – Escrow opened.
- **12/8/21** – Emailed escrow extension to title company to extend escrow to April 2022.
- **12/30/21** – Owners declined to sign escrow extension. Negotiations were determined to be at an impasse.
- **2/4/22** – Notice of Intent letter sent to Owners.

# DOT Recommendation