



## **RESOLUTION NO. 140-2013**

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

#### **RESOLUTION OF NECESSITY**

**WHEREAS**, the U.S. 50/Silva Valley Parkway Interchange, Community Development Agency, Transportation Division Project #71328, is located in western El Dorado County;

**WHEREAS**, as part of the U.S. 50/Silva Valley Parkway Interchange, Project #71328 (“Project”), the County is proposing to construct the Silva Valley Parkway Interchange on U.S. Highway 50 between the El Dorado Hills Boulevard/Latrobe Road Interchange and the Bass Lake Road Interchange near the existing Clarksville Road undercrossing (e.g. existing Silva Valley Parkway) within the County. The Project will include a six lane overcrossing (four through lanes and two deceleration lanes to the loop on-ramps), new signalized diagonal off-ramps, diagonal on-ramps, and loop on-ramps. The mainline will be improved to include east and west auxiliary lanes between El Dorado Hills Boulevard and the new Interchange. The Project includes the following improvements:

1. A partial cloverleaf with loop on-ramps in the northeast and southwest quadrants and diagonal on-ramps and off-ramps in each direction of travel on the freeway;
2. Continuous auxiliary lanes between El Dorado Hills Boulevard and the Silva Valley Parkway Interchange connecting the on-ramps with off-ramps;
3. An auxiliary lane at the eastbound diagonal on-ramp and westbound diagonal off-ramp;
4. An overcrossing structure providing four lanes for through traffic on Silva Valley Parkway in addition to deceleration lanes for loop on-ramps and turn pockets at the intersections;
5. The existing Tong Road north of the freeway will be relocated to provide access to the parcels in the northeast quadrant and connect to Silva Valley Parkway;
6. On-ramps will accommodate future ramp metering, HOV lanes, and California Highway Patrol enforcement areas; and
7. Safety lighting and signs, signalization of intersections, and Class II bicycle facilities will be constructed and connected to the existing bike path on Silva Valley Parkway.

**WHEREAS**, the Project will be constructed in two phases. Phase 1 will include the majority of the Project improvements with the exception of the eastbound diagonal on-ramp and the westbound loop on-ramp. These ramps will be constructed in Phase 2, which is anticipated to begin construction after 2020. Phase 2 is expected to be operational by year 2030;

**WHEREAS**, the U.S. 50/Silva Valley Parkway Interchange – Phase 1, Project #71328 is necessary to accommodate planned growth as noted in the County’s General Plan and to accommodate commercial and residential development of the areas surrounding the proposed Project. The Project will include

installation of safety lighting, on-ramp features to accommodate future ramp metering, and additional lanes at the off-ramp intersections to improve traffic operations;

**WHEREAS**, the requirements of the California Environmental Quality Act have been met. On June 14, 2011, the County's Board of Supervisors certified the Supplemental Environmental Impact Report on the Silva Valley Parkway Interchange Project, consisting of the Draft Supplemental Environmental Impact Report dated January 2011, Revised Draft Supplemental Environmental Impact Report dated May 9, 2011, and the Final Supplemental Environmental Impact Report dated June 2011; found the information in the Supplemental Environmental Impact Report adequate to approve the Project and reflective of the independent judgment and analysis of the Board of Supervisors; adopted the Findings of Fact and Statements of Overriding Consideration Related to the Certification of the Supplemental Environmental Impact Report on the Silva Valley Parkway Interchange Project June 2011; and adopted the Mitigation Monitoring and Reporting Plan;

**WHEREAS**, as a necessary part of the U.S. 50/Silva Valley Parkway Interchange, Project #71328, it has been determined that a portion of Assessor parcel 122-720-09, more particularly described and depicted in Exhibit "A", located within El Dorado County consisting of 249,931 square feet (5.74 ± acres) in fee, and 11,496 square feet (0.26 acres ±) in easement (utility) plus 11,432 square feet (0.26 acres ±) in fee as an uneconomic remnant (collectively referred to herein as 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 herein described portion of Assessor parcel 122-720-09, the Subject Property, for the purpose of constructing the Project;

**WHEREAS**, the requirements for appraisal and offer, pursuant to Government Code section 7267.1 and 7267.2 has been mailed to the title holder, Douglas Grant Line Associates, Ltd., a Limited Partnership; and Sacramento Realty Investors-El Dorado Ltd., a Limited Partnership; and Sacramento Realty Investors-Clarksville, Ltd., a Limited Partnership, and separately to their attorney, and reasonable efforts by the County have been made to conclude negotiations in accordance with the requirements of Government Code section 7267.2 including mutual execution of a Possession and Use Agreement on December 4, 2012;

**WHEREAS**, California Streets and Highways Code sections 114 and 130 authorizes the State of California, Department of Transportation ("Caltrans"), and the County of El Dorado, to enter into a Cooperative Agreement for the acquisition of right-of-way and construction of improvements such as the Project on the State Highway System;

**WHEREAS**, Streets and Highways Code section 116 authorizes Caltrans to delegate to a county any part of the powers and jurisdiction vested by law in the Department inclusive of the power of eminent domain with respect to any portion of the State Highway System within that county, and Caltrans has delegated to County of El Dorado Caltrans' power and authority to hear all Resolutions of Necessity to condemn rights-of-way should negotiations for the real property acquisitions necessary for the project prove unsuccessful;

**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 the portion of the Subject Property described as an uneconomic 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 and the State respective Department of Transportations' 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 and the State respective Department of Transportations' use of the Subject Property is a more necessary public use than the use to which the property is appropriated;

**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 Property is necessary for the Project; and
- d. Whether the offer required by Government Code section 7267.2 has been made to all owners of record;

**WHEREAS**, written notice was given to all property owners of record of the opportunity to meet with staff and discuss any issues of design of the Project;

**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 U.S. 50/Silva Valley Parkway Interchange, Project #71328, to accommodate planned growth as noted in the County's General Plan and to accommodate commercial and residential development of the areas surrounding the Project, and to implement safety lighting, on-ramp features to accommodate future ramp metering, and additional lanes at the off-ramp intersections to improve traffic operations;

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, owned by Douglas Grant Line Associates, Ltd., a Limited Partnership; and Sacramento Realty Investors-El Dorado Ltd., a Limited Partnership; and Sacramento Realty Investors-Clarksville, Ltd., a Limited Partnership, and located in the County of El Dorado is best suitable for and necessary to 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 required Project;
4. The offer required by Government Code section 7267.2 has been made to each of the persons known to County to claim an interest in the Subject Property as listed in the County's last equalized roll and specifically to Douglas-Grant Line Associates, Ltd., a Limited Partnership; and Sacramento Realty Investors-El Dorado Ltd., a Limited Partnership; and Sacramento Realty Investors-Clarksville, Ltd., a Limited Partnership, the record owner of the Subject Property;
5. The Subject Property is 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 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 and State's use of the Subject Property is a more necessary public use than the use to which the Subject Property is appropriated;
6. The remnant portion of the Subject Property is being acquired pursuant to Code of Civil Procedure section 1240.410 authorizing the County to acquire the portion of the Subject Property described as an uneconomic remnant by eminent domain in accordance with that article;
7. Notice and a reasonable opportunity to appear and be heard on September 17, 2013, on the matters enumerated in Code of Civil Procedure section 1240.030 has been given to each of the persons whose name and address appears on the County's last equalized roll and specifically to Douglas Grant Line Associates, Ltd., a Limited Partnership; and Sacramento Realty Investors-El Dorado Ltd., a Limited Partnership; and Sacramento Realty Investors-Clarksville, Ltd., a Limited Partnership; and

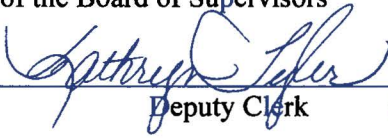
**BE IT FURTHER RESOLVED** that outside counsel, Meyers Nave, Riback, Silver & Wilson, is hereby authorized, with assistance of County Counsel, to proceed immediately with the commencement of an action for eminent domain pursuant to the Eminent Domain Law set forth in the Code of Civil Procedure, commencing with Section 1230.010 et seq., for the Subject Property described in the Exhibit "A" attached herein.

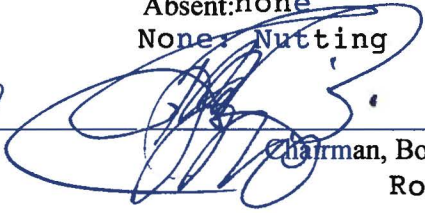
PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 17<sup>th</sup> day of September 2013, by the following vote of said Board:



Attest:  
Jim Mitrison  
Clerk of the Board of Supervisors

Ayes: Mikulaco, Veerkamp, Briggs, Santiago  
Noes: none  
Absent: none  
None: Nutting

By:   
Deputy Clerk

  
Chairman, Board of Supervisors  
Ron Briggs

I CERTIFY THAT:  
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

Attest: Jim Mitrison, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

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

# **PLATS AND LEGAL DESCRIPTIONS**

**EXHIBIT "A"**

**PORTION OF: APN 122-720-09**

**LEGAL DESCRIPTION**

All that property situate in the County of El Dorado, State of California, Section 1, Township 9 North, Range 8 East, Mount Diablo Meridian, shown on the Record of Survey filed in Book 32, of Record of Surveys at Page 88, El Dorado County Records, being more particularly described as follows:

**FEE**

**Beginning** at the southeasterly corner of Parcel #B5, as described in the Corporation Grant Deed to El Dorado Hills Investors, LTD., recorded November 12, 1981 in Book 2031, at Page 157, Official Records of El Dorado County, which point bears from the southwest corner of last said Section 1, along the South line thereof, North  $89^{\circ}17'38''$  East 1078.04 feet; thence leaving last said South line and along the easterly line of last said Parcel, North  $29^{\circ}15'50''$  West 478.11 feet to the southerly line of State Route 50; thence along last said southerly line, North  $67^{\circ}21'01''$  East 37.36 feet and North  $82^{\circ}27'12''$  East 587.33 feet to the westerly line of the property described in the Grant Deed to KFRD Investments, Inc. and Tong Ranch LLC, in Document Number 2005-53716, Official Records of El Dorado County; thence along the westerly line of last said property, South  $15^{\circ}07'19''$  East 520.23 feet to the South line of last said Section 1; thence along last said South line, South  $89^{\circ}17'38''$  West 518.77 feet to the **Point of Beginning**.

Containing 272,859 square feet or 6.26 acres, more or less.

See Exhibit "B", attached hereto and made a part hereof.

Bearings used in the above description(s) are based upon CCS83 Zone 2, Epoch 1991.35.  
Grid distances shown are in US Survey feet, divide the distances shown above by 0.99991 to  
obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company, Inc., by me,  
or under my direction, in conformance with the Professional Land Surveyors Act.

Albert DeLeon  
Albert DeLeon, LS 7716  
License expires 3-31-13

June 22, 2011  
Date

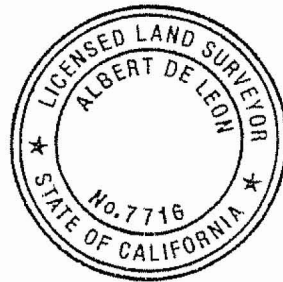
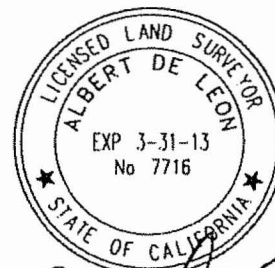




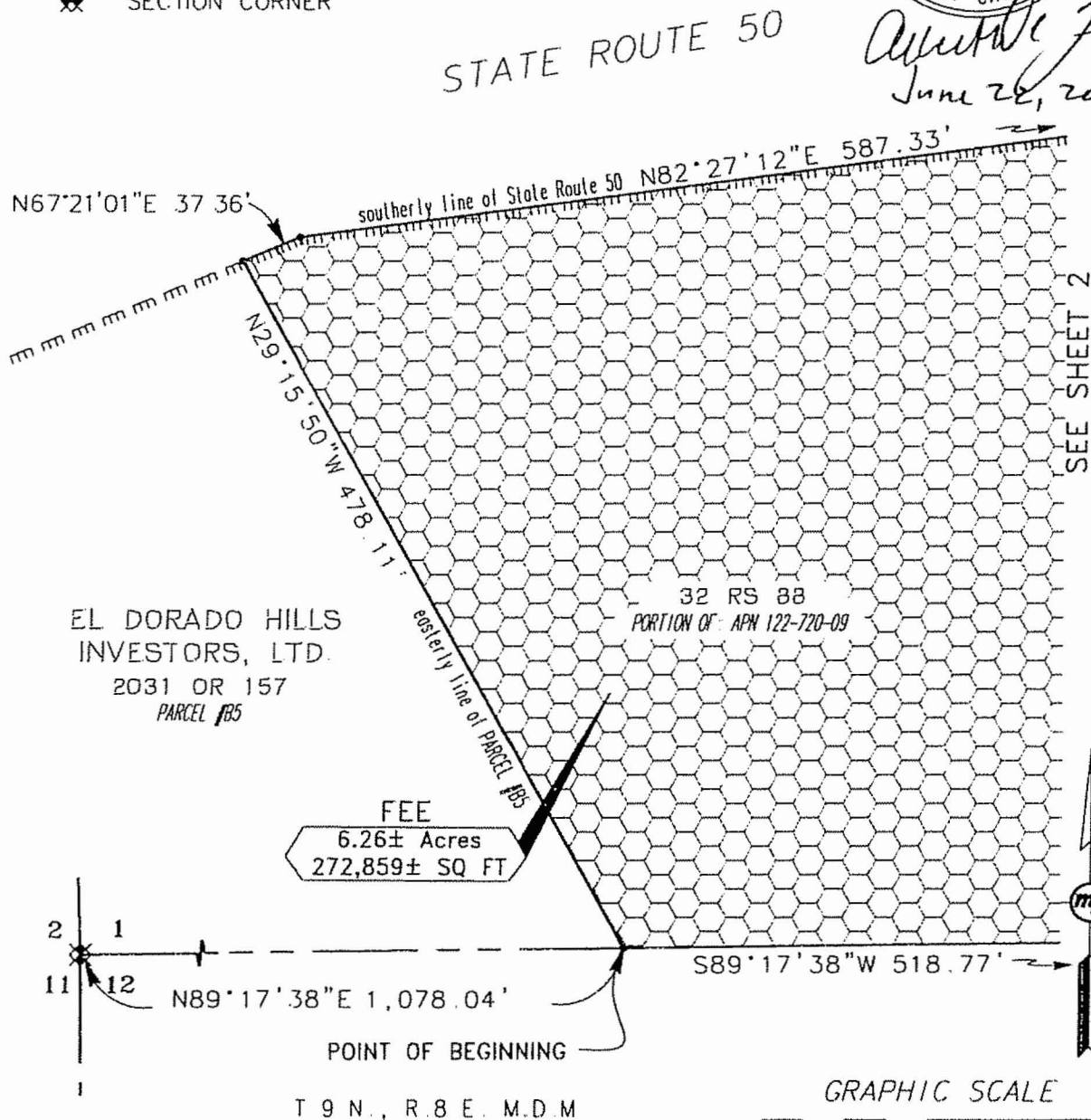
EXHIBIT "B"

**LEGEND**

- EXISTING ACCESS—CONTROL
- ||| RIGHT OF WAY
- DIMENSION POINT TYPICAL
- ✱ SECTION CORNER



*Albert De Leon*  
June 22, 2011



DWG. BY RPM	SCALE
CK. BY MJS	1"=100'

**EXHIBIT "B"**  
**PORTION OF APN 122-720-09**  
**IN THE COUNTY OF EL DORADO**  
**STATE OF CALIFORNIA**

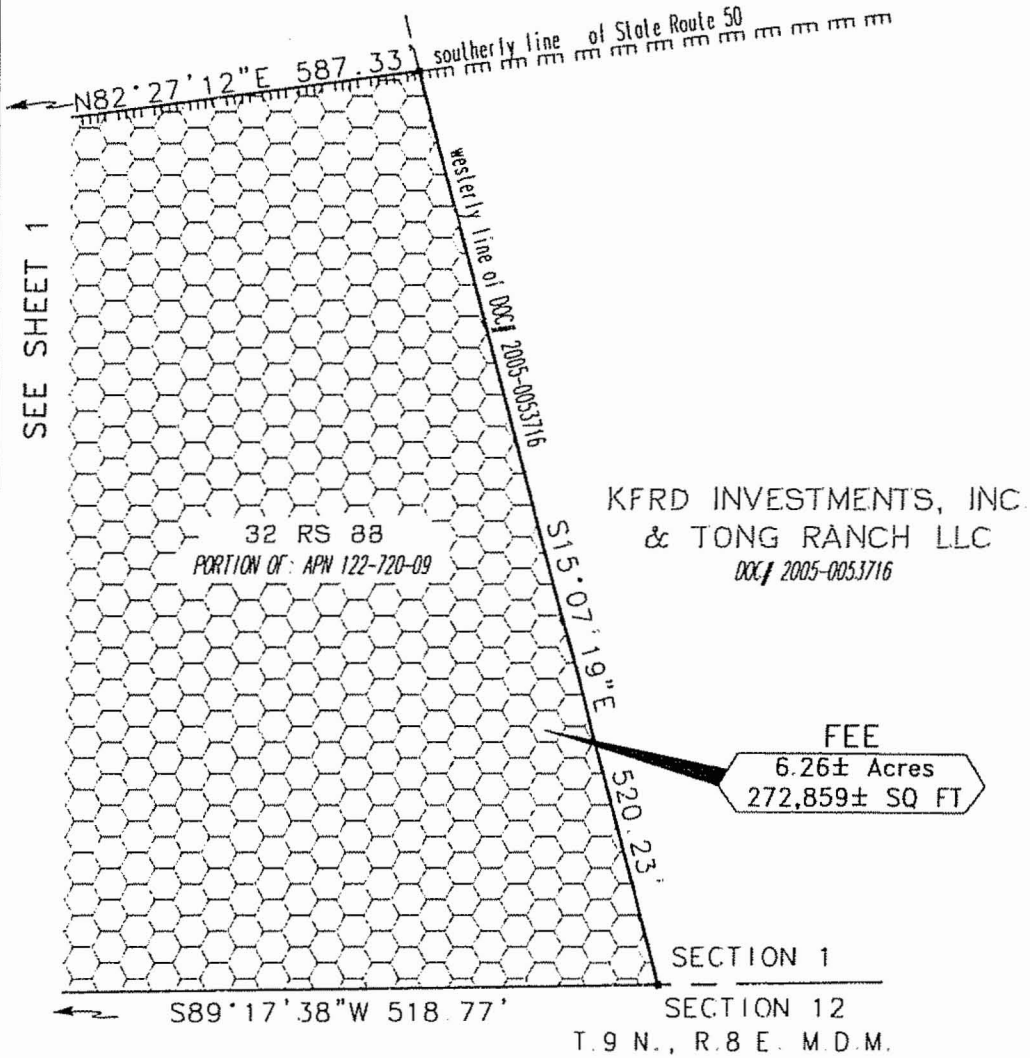
Mark Thomas & Co, Inc.  
7300 Folsom Blvd, Ste. 203  
Sacramento, CA 95826  
(916) 381-9100

EXHIBIT "B"

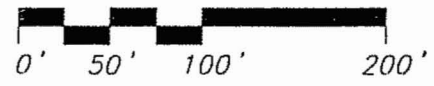
**LEGEND**

- EXISTING ACCESS-CONTROL
- RIGHT OF WAY
- DIMENSION POINT TYPICAL


STATE ROUTE 50



GRAPHIC SCALE



SHEET 2 OF 2

	<b>EXHIBIT "B"</b> PORTION OF APN 122-720-09 IN THE COUNTY OF EL DORADO STATE OF CALIFORNIA		Mark Thomas & Co., Inc. 7300 Folsom Blvd, Ste. 203 Sacramento, CA 95826 (916) 381-9100
	DWG. BY RPM CK. BY MJS	SCALE 1"=100'	