



EL DORADO COUNTY
DEPARTMENT OF TRANSPORTATION
<http://www.edcgov.us/DOT/>

PLACERVILLE OFFICES:

MAIN OFFICE:

2850 Fairlane Court, Placerville, CA 95667
(530) 621-5900 / (530) 626-0387 Fax

CONSTRUCTION & MAINTENANCE:

2441 Headington Road, Placerville, CA 95667
(530) 642-4909 / (530) 642-0508 Fax

LAKE TAHOE OFFICES:

ENGINEERING:

924 B Emerald Bay Road, South Lake Tahoe, CA 96150
(530) 573-7900 / (530) 541-7049 Fax

MAINTENANCE:

1121 Shakori Drive, South Lake Tahoe, CA 96150
(530) 573-3180 / (530) 577-8402 Fax

January 27, 2021

Diane and Martin Murillo
3262 Greenwood Lane
Placerville, CA 95667

via Certified, First Class Mail and email
dianeandmartin8@gmail.com

Re: Notice of Continuation of Hearing to Adopt Resolution of Necessity
Diamond Springs Parkway 1B, CIP #72334,
Assessor's Parcel No.: 051-250-011 ("Subject Property")
Owner: Martin Murillo and Diane S. Murillo, Trustees of the MDM Trust under
Declaration of Trust Dated December 18, 2007

Mr. and Mrs. Murillo,

This letter is to notify you that the County of El Dorado Board of Supervisors has continued the hearing regarding whether the conditions in the California Code of Civil Procedure (CCP) Section 1240.030 have been met concerning your subject property, and, if so, to adopt a Resolution of Necessity (Resolution) to acquire a portion of your property in eminent domain until **February 9, 2021, at 330 Fair Lane, Building A, Placerville, California**. As you are aware, the County of El Dorado Board of Supervisors held a hearing to adopt a Resolution regarding your subject property on January 26, 2021 at 2:00 p.m., and continued that hearing until February 9, 2021, to consider the funding source of the Diamond Springs Parkway 1B Project, CIP #72334. We previously sent you a Notice of Intent to Adopt a Resolution of Necessity on November 5, 2020, and again on December 16, 2020. (attached).

We are aware that you were present at the January 26, 2021, hearing and objected to the 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, and that the property interest sought to be acquired from your subject property is not necessary for the Project. You also made similar objections in an email sent to me on November 19, 2020 and again on December 22, 2020. Your objections were noted in the record and you are not required to raise them again at the February 9, 2021 continuation of the hearing. However, if you would like to appear before the Board of Supervisors via video conference at the February 9, 2021 continuation of the hearing you may do so by sending a written request to appear to the Clerk of the Board of Supervisors at the following address: Clerk

of the Board of Supervisors, County of Eldorado, 330 Fair lane, Placerville, CA 95667. Please send that request to appear no later than **February 5, 2021**. For your convenience, if you are unable to appear via video conference, the Board of Supervisors will consider and written objections, so long as they are received by the Clerk of the Board of Supervisors before February 9, 2021. All written objections filed with the Board of Supervisors will become part of the official record of the meeting at which the Board of Supervisors hears the Resolution.

As a reminder, the purpose of the hearing is to determine whether the following three conditions set out in CCP Section 1240.030 are established:

- (A) The public interest and necessity require the project.
- (B) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- (C) The property sought to be acquired is necessary for the project.

Also, CCP Section 1245.230 requires that the offer required by Section 7267.2 of the Government Code has been made to the owner of record, unless the owner cannot be located with reasonable diligence. A written offer required by Section 7267.2 of the Government Code was sent to you on August 19, 2020 at the address that was listed on the last equalized county assessment roll.

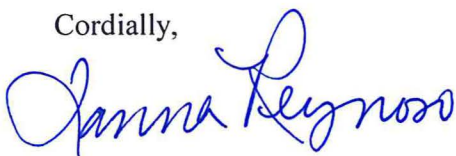
Questions regarding the amount of compensation to be paid or the value of the property to be acquired are not part of this proceeding and the Board of Supervisors will not consider such in determining whether a Resolution should be adopted.

If you intend to appear at the February 9, 2021 meeting, or wish to file additional written objections, please include a statement in that request to appear or written objection indicating which of the three conditions listed in the first paragraph above you contend have not been met. By designating which of the conditions form the basis of your challenge and explaining why you believe they have not been met, you will enable the County Board of Supervisors to conduct a full and expeditious review of the project's effect on your property.

The Board of Supervisors' adoption of the Resolution authorizes the County of El Dorado (the "County") to acquire the property by eminent domain. Within six months of the adoption of the Resolution, the County will prepare and file a complaint in Superior Court commencing the eminent domain proceeding. All issues related to the compensation to be awarded for the acquisition of your property will be resolved in this court proceeding.

If you have any questions, please call me at (530) 621-5313.

Cordially,



Tanna Reynoso, Associate ROW Agent



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November 5, 2020

Diane and Martin Murillo
3262 Greenwood Lane
Placerville, CA 95667

via Certified, First Class Mail and email
dianeandmartin8@gmail.com

Re: Notice of Intent to Adopt Resolution of Necessity
Diamond Springs Parkway 1B, CIP #72334,
Assessor's Parcel No.: 051-250-011 ("Subject Property")
Owner: Martin Murillo and Diane S. Murillo, Trustee of the MDM Trust
under Declaration of Trust Dated December 18, 2007

Mr. and Mrs. Murillo,

The El Dorado County Department of Transportation is in the process of acquiring right of way for the Diamond Springs Parkway 1B Project, CIP #72334. The law provides procedures for public agencies to acquire private property for public use. It requires every agency which intends to condemn property to notify the owners of its intention to condemn. California Code of Civil Procedure (CCP) Section 1240.030 provides that the power of eminent domain may be exercised to acquire property for a proposed project if the following three conditions are established:

- (A) The public interest and necessity require the project.
- (B) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- (C) The property sought to be acquired is necessary for the project.

Also, CCP Section 1245.230 requires that the offer required by Section 7267.2 of the Government Code has been made to the owner of record, unless the owner cannot be located with reasonable diligence. A written offer required by Section 7267.2 of the Government Code was sent to you on August 19, 2020 at the address that was listed on the last equalized county assessment roll.

You are hereby notified that the County of El Dorado Board of Supervisors, at its meeting to be held on December 8, 2020 at 8:00 a.m., at 330 Fair Lane, Building A, Placerville,

California, will be asked to decide if the above conditions have been met concerning your property and, if so, to adopt a Resolution of Necessity ("Resolution") to acquire a portion of your property by eminent domain. Questions regarding the amount of compensation to be paid or the value of the property to be acquired are not part of this proceeding and the Board of Supervisors will not consider such in determining whether a Resolution should be adopted.

The Board of Supervisors' adoption of the Resolution authorizes the County of El Dorado (the "County") to acquire the property by eminent domain. Within six months of the adoption of the Resolution, the County will prepare and file a complaint in Superior Court commencing the eminent domain proceeding. All issues related to the compensation to be awarded for the acquisition of your property will be resolved in this court proceeding. A description of the required property is attached to this notice.

The law provides you an opportunity to appear before the Board of Supervisors and raise questions concerning the three conditions referred to in CCP 1240.030 as cited above. You are entitled to appear in person or by video conference and object to the adoption of the Resolution. If you intend to appear, please provide a written request to appear before the Board no later than 15 days from the mailing of this notice and include a statement indicating which of the three conditions listed in the first paragraph above you contend have not been met. By designating which of the conditions form the basis of your challenge and explaining why you believe they have not been met, you will enable the County Board of Supervisors to conduct a full and expeditious review of the project's effect on your property. The request to appear should be sent to: Clerk of the Board of Supervisors, County of El Dorado, 330 Fair Lane, Placerville, CA 95667.

Your written request to appear must be on file with the Clerk of the Board of Supervisors within the 15-day period set forth above. Failure to timely file a written request to appear will result in a waiver of your right to appear and be heard by the Board of Supervisors.

For your convenience, if you are unable to personally appear or video conference and choose to submit written objections in place of a personal appearance, the Board of Supervisors will consider any written objections so long as they are received by the Clerk of the Board of Supervisors prior to the meeting date. All written objections filed with the Board of Supervisors will become part of the official record of the meeting at which the Board of Supervisors hears the Resolution.

If you have any questions, please call me at (530) 621-5313.

Sincerely,



Tanna Reynoso,
Associate Right-of-Way Agent



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December 16, 2020

Diane and Martin Murillo
email
3262 Greenwood Lane
dianeandmartin8@gmail.com
Placerville, CA 95667

via Certified, First Class Mail and
email

Re: Notice of Intent to Adopt Resolution of Necessity
Diamond Springs Parkway 1B, CIP #72334,
Assessor's Parcel No.: 051-250-011 ("Subject Property")
Owner: Martin Murillo and Diane S. Murillo, Trustees of the MDM Trust under
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You are hereby notified that the County of El Dorado Board of Supervisors, at its meeting to be held on January 26, 2021 at 2:00 p.m., at 330 Fair Lane, Building A, Placerville, California, will be asked to decide if the above conditions have been met concerning your property and, if so, to adopt a Resolution of Necessity ("Resolution") to acquire a portion of your property by eminent domain. Questions regarding the amount of compensation to be paid or the value of the property to be acquired are not part of this proceeding and the Board of Supervisors will not consider such in determining whether a Resolution should be adopted.

The Board of Supervisors' adoption of the Resolution authorizes the County of El Dorado (the "County") to acquire the property by eminent domain. Within six months of the adoption of the Resolution, the County will prepare and file a complaint in Superior Court commencing the eminent domain proceeding. All issues related to the compensation to be awarded for the acquisition of your property will be resolved in this court proceeding. A description of the required property is attached to this notice.

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If you have any questions, please call me at (530) 621-5313.

Sincerely,

Tanna Reynoso,
Associate Right-of-Way Agent

Exhibit "A" Legal Description

The land described herein is situated in the State of California, County of El Dorado, unincorporated area, described as follows:

ALL THAT PORTION OF LOT 5, SECTION 19, TOWNSHIP 10 NORTH, RANGE 11 EAST, M. D.M., SITUATE IN THE COUNTY OF EL DORADO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT OF BEGINNING BEING A ONE INCH IRON PIPE WITH A YELLOW PLASTIC PLUG STAMPED "L.S. 3279" FROM WHICH POINT OF BEGINNING THE WEST ONE-QUARTER CORNER OF SAID SECTION 19, TOWNSHIP 10 NORTH, RANGE 11 EAST, M.D.B.&M. BEARS NORTH 46° 05' 30" WEST 2016.67 FEET; THENCE FROM SAID POINT OF BEGINNING SOUTH 85° 49' 00" WEST 201.58 FEET TO A ONE AND ONE-HALF INCH CAPPED IRON PIPE STAMPED "LS 3279 1968" THENCE SOUTH 04° 11' 00" EAST 355.14 FEET TO A ONE INCH IRON PIPE WITH A YELLOW PLASTIC PLUG STAMPED "LS 3279"; THENCE CONTINUING SOUTH 04° 11' 00" EAST 15.15 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF THAT PROPERTY NOW, OR FORMERLY, BELONGING TO THOMAS J. MURPHY, RECORDED IN BOOK 855 OF OFFICIAL RECORDS OF EL DORADO COUNTY, PAGE 511; THENCE ALONG SAID NORTHERLY LINE OF SAID THOMAS J. MURPHY PROPERTY NORTH 50° 46' 30" EAST 348.13 FEET, MORE OR LESS TO THE EASTERLY LINE OF THE PLACERVILLE-DIAMOND SPRINGS ROAD; THENCE NORTH 09° 32' 00" WEST 171.14 FEET ALONG SAID EASTERLY LINE OF THE ROAD; THENCE SOUTH 85° 49' 00" WEST 67.50 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

APN: 051-250-011-000