



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

July 8, 2021

via First Class Mail, certified mail, and email
fyfox@flyisa.net

Wanda Nagel
4820 Newtown Rd.
Placerville, CA 95667

Re: Notice of Intent to Adopt Resolution of Necessity
Newtown Road at Weber Creek Bridge Replacement Project CIP # 77122
4820 Newton Road, Placerville, CA (APN: 077-431-062)
Owner: Wanda H. Nagel, Trustee of the Wanda H. Nagel 1999 Revocable Trust, under
instrument dated January 14, 1999

Dear Mrs. Nagel,

This letter is written on behalf of the County of El Dorado ("County") to give you notice pursuant to Code of Civil Procedure sections 1245.235 and 1240.055 that the Board of Supervisors will consider the adoption of a Resolution of Necessity ("Resolution") to condemn 1,114 square feet in fee, 2,031 square feet for a permanent slope and drainage easement, and 8,312 square feet as a 36-month temporary construction easement from the real property located at 4820 Newton Road, Placerville, CA (APN: 077-431-062), as more particularly described and depicted in the legal descriptions and plat maps attached hereto as Exhibit A ("Subject Property"), for the Newtown Road at Weber Creek Bridge Replacement Project CIP # 77122 ("Project"). The County is proposing to replace the existing Newtown Road Bridge over South Fork Weber Creek.

Code of Civil Procedure 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, Code of Civil Procedure section 1245.230 requires that the offer required by Section 7267.2 of the Government Code has been made to the owner of record.

In addition, under Code of Civil Procedure sections 1240.510 and 1240.610, the County may acquire or condemn property appropriated to a public use so long as the use for which the property is being acquired is for a compatible use, or for a more necessary public use.

County of El Dorado Board of Supervisors, at its meeting to be held on **October 26, 2021** at a time to be determined, 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 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 County's adoption of the Resolution would authorize the County to acquire the Subject 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 the Subject Property will be resolved in this court proceeding.

In addition to any concerns you may have about the impact of the Project on your easement described above, the law provides you an opportunity to appear before the County and raise questions concerning the three conditions referred to in Code of Civil Procedure section 1240.030 as cited above, as well as the matters referred to in Code of Civil Procedure sections 1240.510 and 1240.610. If you file a written request to appear (within 15 days from the mailing of this Notice), you are entitled to appear and object to the adoption of the Resolution on the basis that the three conditions referred to in Code of Civil Procedure section 1240.030 as cited above, as well as the matters referred to in Code of Civil Procedure sections 1240.510 and 1240.610 have not been met here.

Your written request to appear should include a statement indicating which of the three conditions listed in the first paragraph above you contend have not been met, or if you contend that the matters referred to in Code of Civil Procedure sections 1240.510 and 1240.610 have not been complied with. 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 to authorize a full and expeditious review of the Project's effect on your property interest. The County will conduct the review and ask for your participation. Based on this review, the County will then prepare a report to be presented to the Board of Supervisors at the meeting at which you intend to appear.

Your written request to appear must actually be on file with the Board of Supervisors within the 15 day period from the mailing of this Notice. Failure to file a written request to appear will result in a waiver of your right to appear and be heard. All requests to appear must be sent for filing to: Clerk of the Board of Supervisors, County of El Dorado, 330 Fair Lane, Placerville, CA 95667.

For your convenience, if you are unable to personally appear or 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 within 15 days from the mailing of this Notice. All written objections submitted to the Clerk of the Board of Supervisors within the 15 day period 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, RWA
Associate Right of Way Agent

Attachments: Legal descriptions and maps



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June 9, 2022

via First Class Mail, certified mail, and email
fyrfox@flyisa.net

Wanda Nagel
4820 Newtown Rd.
Placerville, CA 95667

Re: Notice of Intent to Adopt Resolution of Necessity
Newtown Road at Weber Creek Bridge Replacement Project CIP # 77122
4820 Newton Road, Placerville, CA (APN: 077-431-062)
Owner: Wanda H. Nagel, Trustee of the Wanda H. Nagel 1999 Revocable Trust, under
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Code of Civil Procedure 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, Code of Civil Procedure section 1245.230 requires that the offer required by section 7267.2 of the Government Code has been made to the owner of record.

In addition, under Code of Civil Procedure sections 1240.510 and 1240.610, the County may acquire or condemn property appropriated to a public use so long as the use for which the property is being acquired is for a compatible use, or for a more necessary public use.

County Board of Supervisors, at its regularly scheduled meeting on **July 19, 2022** (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 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 County's adoption of the Resolution would authorize the County to acquire the Subject 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 the Subject Property will be resolved in this court proceeding.

In addition to any concerns you may have about the impact of the Project on your easement described above, the law provides you an opportunity to appear before the County and raise questions concerning the three conditions referred to in Code of Civil Procedure section 1240.030 as cited above, as well as the matters referred to in Code of Civil Procedure sections 1240.510 and 1240.610. If you file a written request to appear (required within 15 days from the mailing of this Notice), you are entitled to appear and object to the adoption of the Resolution on the basis that the three conditions referred to in Code of Civil Procedure section 1240.030 as cited above, as well as the matters referred to in Code of Civil Procedure sections 1240.510 and 1240.610 have not been met here.

Your written request to appear should include a statement indicating which of the three conditions listed in the first paragraph above you contend have not been met, or if you contend that the matters referred to in Code of Civil Procedure sections 1240.510 and 1240.610 have not been complied with. 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 to authorize a full and expeditious review of the Project's effect on your property interest. The County will conduct the review and ask for your participation. Based on this review, the County will then prepare a report to be presented to the Board of Supervisors at the meeting at which you intend to appear.

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For your convenience, if you are unable to personally appear or 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 within 15 days from the mailing of this Notice. All written objections submitted to the Clerk of the Board of Supervisors within the 15 day period 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) 621-5998.

Sincerely,

Chandra Ghimire

Chandra Ghimire, PE
Senior Civil Engineer

Attachments: Legal descriptions and maps

CC: Christopher Washington, Eminent Domain Law Group



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(530) 573-3180 / (530) 577-8402 Fax

July 12, 2022

Wanda Nagel
4820 Newtown Rd.
Placerville, CA 95667

via Certified, First Class Mail and email
fyrfax@flyisa.net

Re: Notice of Hearing to Adopt Resolution of Necessity
Newtown Road at Weber Creek Bridge Replacement Project,
CIP#77122/#36105030
Assessor's Parcel No: 077-43-062 ("Subject Property")
Owner: Wanda H. Nagel, Trustees of the Wanda H. Nagel 1999 Revocable
Trust under instrument dated January 14, 1999

Dear Ms. Nagel,

This letter is to notify you that the County of El Dorado (County) has postponed the July 19, 2022 Resolution of Necessity hearing related to your subject property. **This hearing will now take place on August 16, 2022 at 2:00 p.m. in the Board of Supervisors Meeting Room at 330 Fair Lane, Building A, Placerville, California.** At this hearing, the El Dorado County Board of Supervisors will determine 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 subject property in eminent domain. We previously sent you a Notice of Intent to Adopt a Resolution of Necessity on June 9, 2022.

The County is in receipt of the letter from your counsel, Mr. Christopher Washington, dated June 23, 2022, stating your objections to the proposed Resolution of Necessity for the property interests sought to be acquired from your subject property and your request to be heard at the hearing. Your objections and request were noted in the record and you are not required to raise them again. However, if you or counsel would like to appear before the Board of Supervisors in person or via video conference at the August 16, 2022, hearing please submit a request to the Clerk of the Board of Supervisors at the following address: Clerk of the Board of Supervisors, County of El Dorado, 330 Fair Lane, Placerville, CA 95667. For your convenience, you may also send this request via email to edc.cob@edcgov.us. Please submit this request no later than 5PM on **July 26, 2022**. All written objections or communications regarding this matter 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. In addition, if you intend to rely on any

presentation materials, such as PowerPoint, please send those materials to the Clerk of the Board of Supervisors via email at edccob@edcgov.us no later than 5PM on **August 12, 2022**.

Please refer to our letter to you dated June 9, 2022 for information regarding the purpose of the hearing as it relates to California Code of Civil Procedure (CCP) 1240.030 and also how the County has complied with CCP 1240.230 and California Government Code 7267.2.

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 properties 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 properties will be resolved in this court proceeding.

We have been notified that you are represented by Mr. Christopher Washington from the Eminent Domain Law Group on this matter. If you have any questions, please have Mr. Washington direct those questions to Daniel Vandekoolwyk, Deputy County Counsel, at (530) 621-5779.

Sincerely,

John Kahling

Digitally signed by John Kahling
DN: cn=John Kahling, o=El Dorado County
Department of Transportation, ou=Headington
Engineering Unit, email=john.kahling@edcgov.us,
c=US
Date: 2022.07.12 09:19:56 -07'00'

John Kahling
Deputy Director of Engineering
El Dorado County Department of Transportation

c: Cristopher Washington, Eminent Domain Law Group