



# COMMUNITY DEVELOPMENT SERVICES

## 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

February 20, 2019

Via: Certified Mail

**Re: Notice of Intent to Adopt Resolution of Necessity  
Country Club Drive Realignment – Bass Lake Rd. to Tierra de Dios Dr.,  
#96000, ADHOC #71360  
Assessor's Parcel No(s): 119-080-12-100 and 119-080-23-100  
Owner: M.H. Mohanna, a married man, as his sole and separate property**

Dear Mr. Mohanna,

As you know, the El Dorado County, Community Development Services, Department of Transportation is in the process of acquiring right of way for the Country Club Drive Realignment – Bass Lake Road to Tierra de Dios Drive. The law provides procedures for public agencies to acquire private property for public use. It requires that every agency which intends to condemn property 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. That offer was previously presented to you on October 18, 2018.

You are hereby notified that the County of El Dorado Board of Supervisors, at its meeting to be held on April 2, 2019 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"). 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.

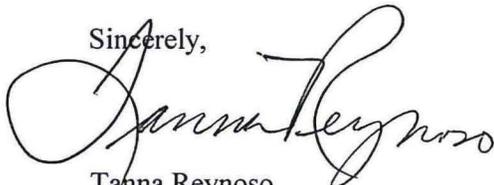
The law provides you an opportunity to appear before the Board of Supervisor and raise questions concerning the three conditions referred to in CCP 1240.030, as cited above. You are entitled to appear and object to the adoption of the Resolution. If you intend to appear, please provide a written request 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. If you request an appearance and review, you will be notified of the time and date for participation in that review. Staff will conduct the review on behalf of the Board of Supervisors 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 which you intend to appear. 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 actually be on file with the Clerk of the Board of Supervisors within the 15-day period set 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 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

Attachments: Property Description and maps

## Exhibit "A" Legal Description

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

**PARCEL ONE:**

A PORTION OF SECTIONS 6 AND 7, TOWNSHIP 9 NORTH, RANGE 9 EAST, M.D.B.&M., DESCRIBED AS FOLLOWS:

PARCEL 1, AS SHOWN ON THAT CERTAIN PARCEL MAP FILED IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF EL DORADO, STATE OF CALIFORNIA ON SEPTEMBER 19, 2003 IN BOOK 48 OF PARCEL MAPS AT PAGE 80.

EXCEPTING THEREFROM ALL THAT PORTION OF SAID PARCEL 1 OF PARCEL MAP IN BOOK 48 PAGE 80, AS DESCRIBED AND DEEDED TO THE COUNTY OF EL DORADO, IN OFFER OF DEDICATION RECORDED ON DECEMBER 19, 2008 IN SERIES NO. 2008-60082 OFFICIAL RECORDS.

APN #119-080-23-100

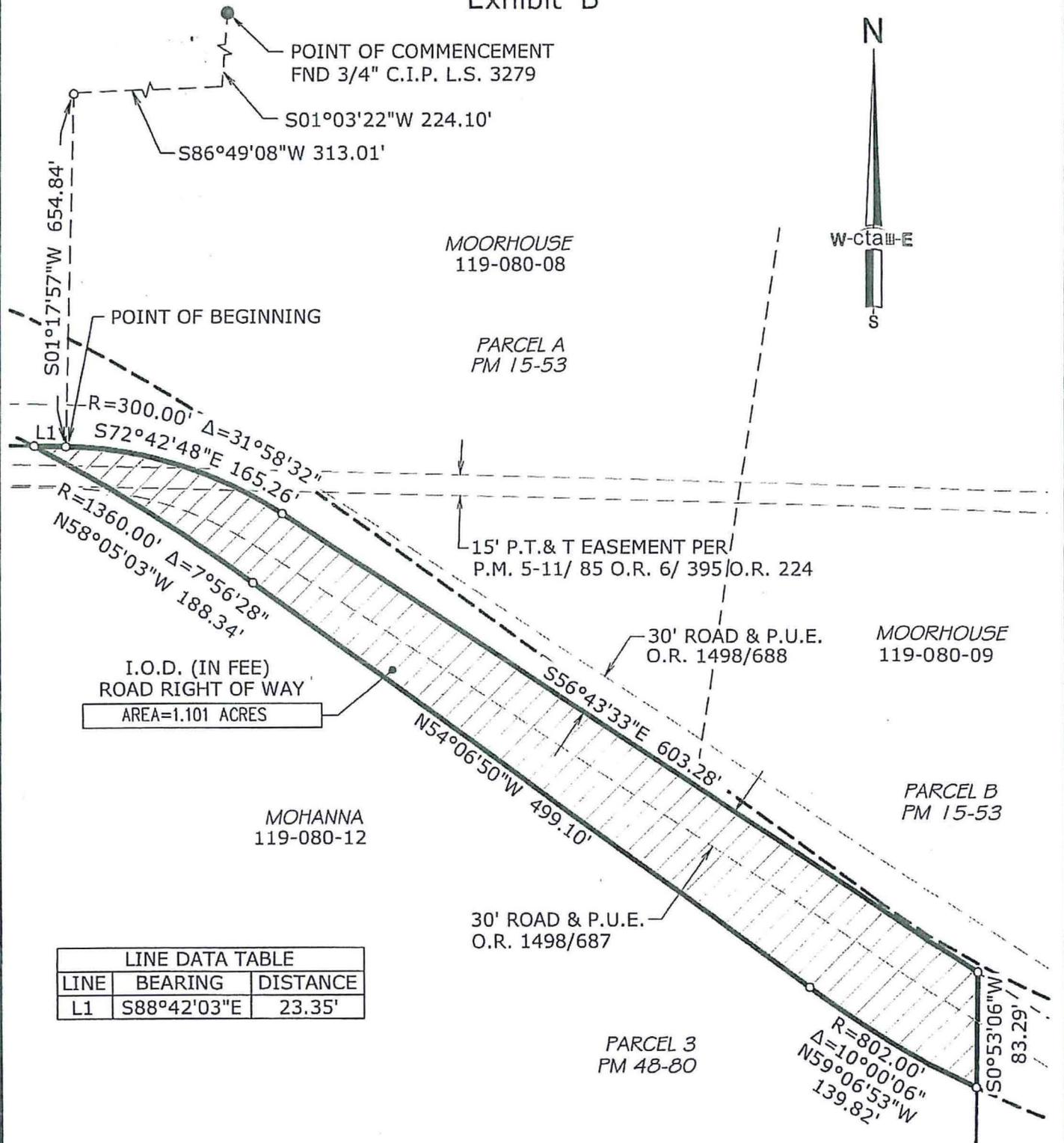
**PARCEL TWO:**

A PORTION OF SECTIONS 6 AND 7, TOWNSHIP 9 NORTH, RANGE 9 EAST, M.D.B.&M, DESCRIBED AS FOLLOWS:

PARCEL 3, AS SHOWN ON THAT CERTAIN PARCEL MAP FILED IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF EL DORADO, STATE OF CALIFORNIA ON SEPTEMBER 19, 2003 IN BOOK 48 OF PARCEL MAPS AT PAGE 80.

APN #119-080-12-100

# Exhibit 'B'



LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	S88°42'03"E	23.35'



DATE: 10/02/2017

OWNER:  M.H. MOHANNA	DATE: 04/05/2017	DRAWN BY: JCC	SHEET 1 OF 1
	SCALE: 1"=100'	JOB NO. 16-017-018	
A.P.N. 119-080-12	IRREVOCABLE OFFER OF DEDICATION		
<b>cta</b> Engineering & Surveying Civil Engineering • Land Surveying • Land Planning 3233 Monier Circle, Rancho Cordova, CA 95742 T (916) 838-0010 • F (916) 838-2470 • www.ctaas.net			
<b>ROAD RIGHT OF WAY</b> A PORTION OF THE S.E. QUARTER OF SECTION 6, T.9N., R.9E., M.D.M. COUNTY OF EL DORADO STATE OF CALIFORNIA			

Exhibit 'B'

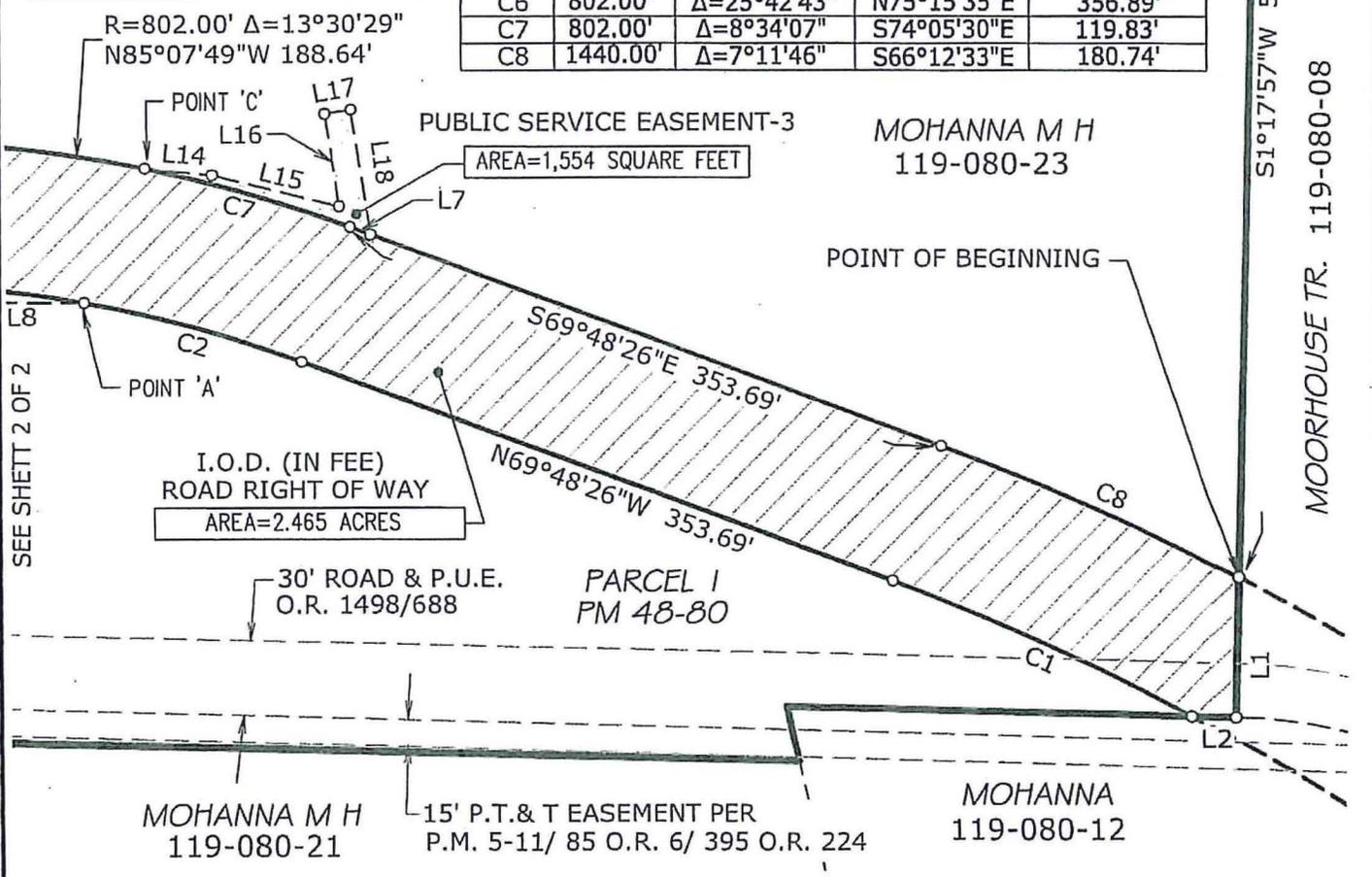
POINT OF COMMENCEMENT  
 FND 3/4" C.I.P. L.S. 3279  
 S01°03'22"W 224.10'  
 S86°49'08"W 313.01'

GHABI  
 119-080-19

LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	S01° 17' 57"W	77.72'
L2	N88° 42' 03"W	23.35'
L3	S62° 24' 14"W	78.79'
L4	S62° 24' 14"W	65.91'
L5	N17° 35' 46"W	55.16'
L6	S72° 24' 14"W	73.00'
L7	S69° 48' 26"E	12.21'
L8	S89° 35' 27"E	69.82'
L9	N86° 40' 55"E	60.98'
L10	N80° 59' 42"E	44.16'
L11	S67° 21' 58"W	55.63'
L12	S84° 43' 12"W	67.35'
L13	N89° 08' 38"W	91.66'
L14	N84° 17' 44"W	38.11'
L15	N76° 08' 30"W	73.30'
L16	S08° 47' 36"E	52.24'
L17	S81° 12' 24"W	15.00'
L18	N08° 47' 36"W	70.46'



CURVE DATA TABLE				
CURVE	RADIUS	DELTA	CH. BEARING	CH. DISTANCE
C1	1360.00'	Δ=7°45'09"	N65°55'52"W	183.88'
C2	722.00'	Δ=10°02'06"	N74°49'29"W	126.29'
C3	20.00'	Δ=92°35'08"	N61°18'12"W	28.92'
C4	1350.00'	Δ=0°35'16"	N14°43'00"W	13.85'
C5	20.00'	Δ=103°10'24"	S66°00'34"E	31.34'
C6	802.00'	Δ=25°42'43"	N75°15'35"E	356.89'
C7	802.00'	Δ=8°34'07"	S74°05'30"E	119.83'
C8	1440.00'	Δ=7°11'46"	S66°12'33"E	180.74'



DATE: 10/02/2017

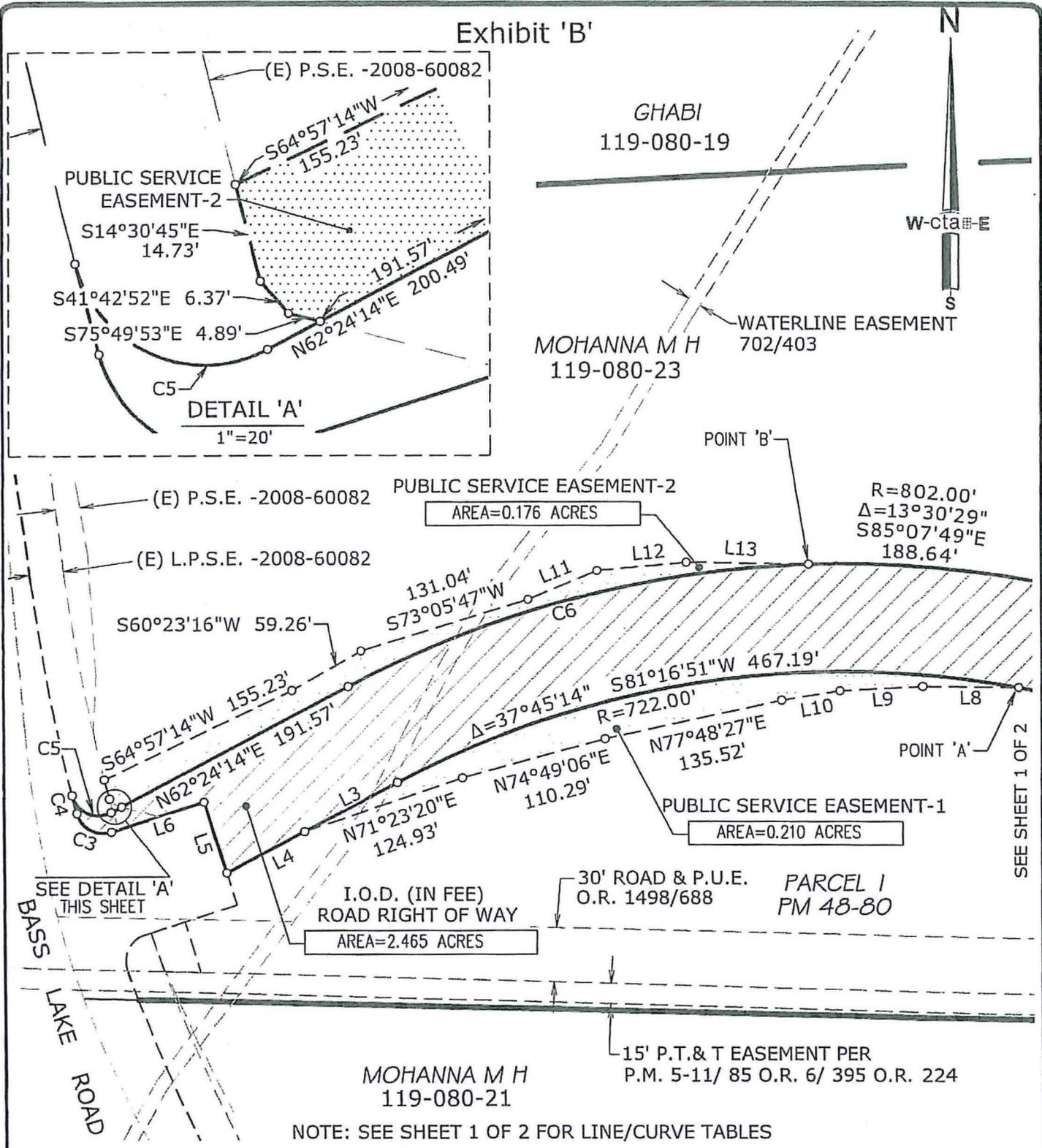
OWNER: M.H. MOHANNA

A.P.N. 119-080-23

cta Engineering & Surveying  
 Civil Engineering • Land Surveying • Land Planning  
 3233 Monier Circa, Rancho Cordova, CA 95742  
 T (916) 635-0919 • F (916) 635-2479 • www.ctaeng.net

DATE: 04/04/2017	DRAWN BY: JCC	SHEET 1 OF 2
SCALE: 1"=100'	JOB NO. 16-017-018	
IRREVOCABLE OFFER OF DEDICATION		
ROAD RIGHT OF WAY AND PUBLIC SERVICE EASEMENT A PORTION OF THE S.E. QUARTER OF SECTION 6, T.9N., R.9E., M.D.M.		
COUNTY OF EL DORADO STATE OF CALIFORNIA		

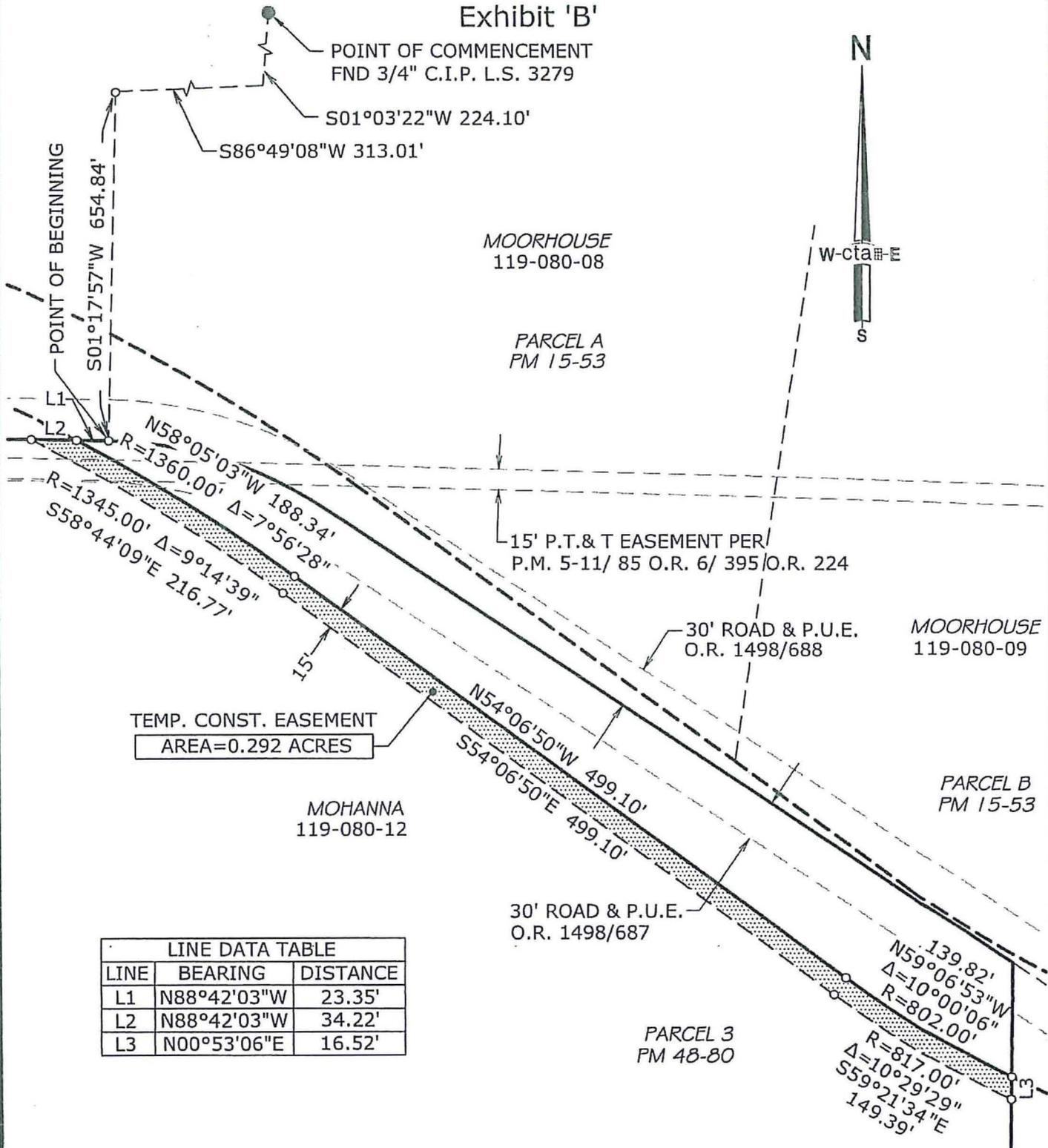
Exhibit 'B'



DATE: 10/03/2017

OWNER: <b>M.H. MOHANNA</b>	DATE: 04/04/2017	DRAWN BY: JCC	SHEET 2 OF 2
	SCALE: 1"=100'	JOB NO. 16-017-018	
A.P.N. 119-080-23	IRREVOCABLE OFFER OF DEDICATION		
 Civil Engineering • Land Surveying • Land Planning 3233 Monier Circle, Rancho Cordova, CA 95742 T (916) 838-0318 • F (916) 838-2478 • www.ctaes.net		ROAD RIGHT OF WAY AND PUBLIC SERVICE EASEMENT A PORTION OF THE S.E. QUARTER OF SECTION 6, T.9N., R.9E., M.D.M. COUNTY OF EL DORADO STATE OF CALIFORNIA	

# Exhibit 'B'



LINE	BEARING	DISTANCE
L1	N88°42'03"W	23.35'
L2	N88°42'03"W	34.22'
L3	N00°53'06"E	16.52'



DATE: 10/02/2017

OWNER:  
M.H. MOHANNA

A.P.N. 119-080-12

**cta** Engineering & Surveying  
Civil Engineering • Land Surveying • Land Planning  
3233 Monier Circa, Rancho Cordova, CA 95742  
T (916) 636-0919 • F (916) 636-2479 • www.ctas.net

DATE: 04/20/2017  
SCALE: 1"=100'

DRAWN BY: KAH  
JOB NO. 16-017-018

SHEET 1 OF 1

TEMPORARY CONSTRUCTION EASEMENT

**COUNTRY CLUB DRIVE**

A PORTION OF THE S.E. QUARTER  
OF SECTION 6, T.9N., R.9E., M.D.M.  
COUNTY OF EL DORADO STATE OF CALIFORNIA

# Exhibit 'B'

GHABI  
119-080-19

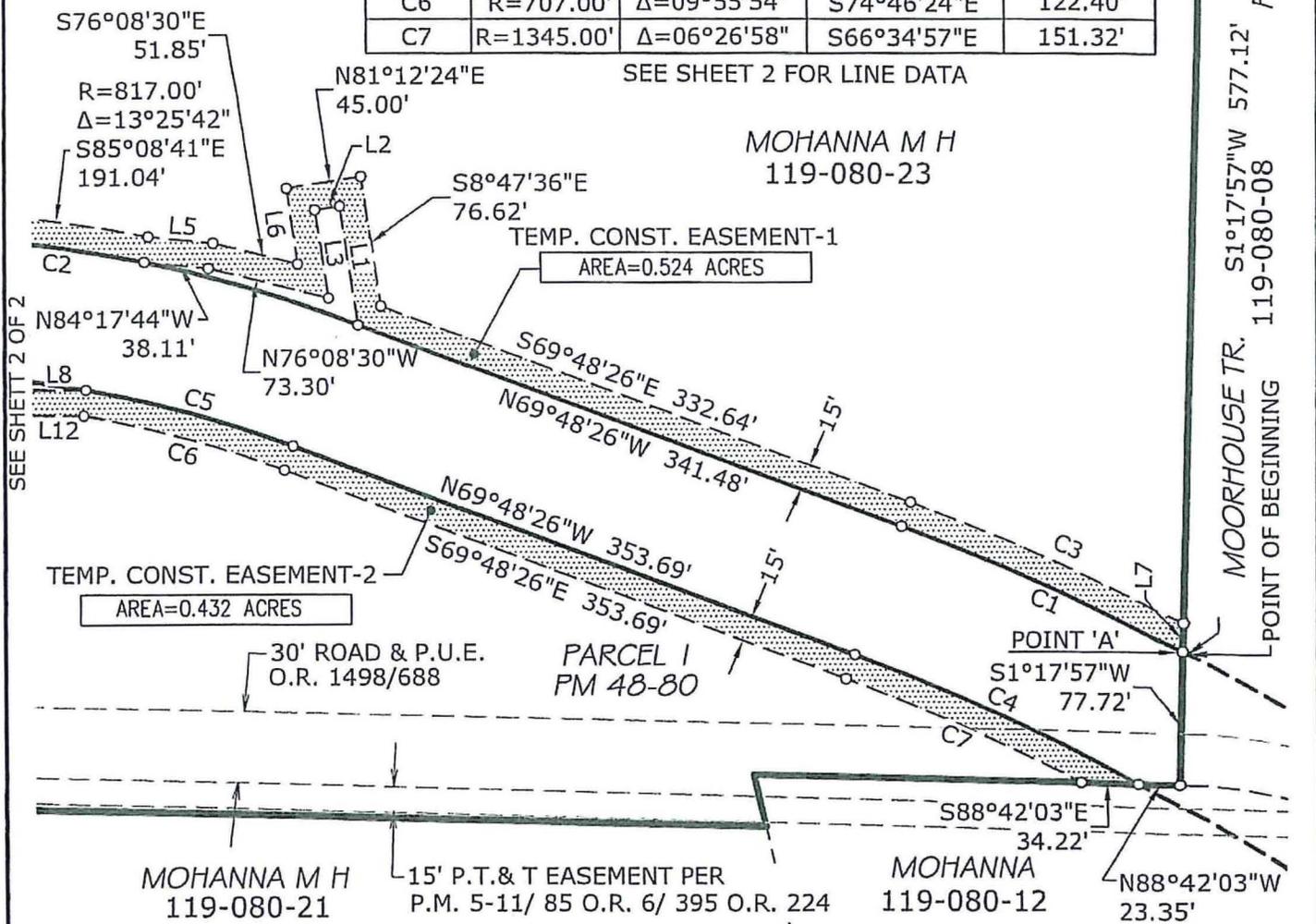
POINT OF COMMENCEMENT  
FND 3/4" C.I.P. L.S. 3279  
S01°03'22"W 224.10'  
S86°49'08"W 313.01'



CURVE DATA TABLE				
CURVE	RADIUS	DELTA	CH. BEARING	CH. DIST.
C1	R=1440.00'	$\Delta=07^{\circ}11'46''$	N66°12'33"W	180.74'
C2	R=802.00'	$\Delta=13^{\circ}30'29''$	N85°07'49"W	188.64'
C3	R=1455.00'	$\Delta=06^{\circ}54'26''$	S66°21'13"E	175.30'
C4	R=1360.00'	$\Delta=07^{\circ}45'09''$	N65°55'52"W	183.88'
C5	R=722.00'	$\Delta=10^{\circ}02'06''$	N74°49'29"W	126.29'
C6	R=707.00'	$\Delta=09^{\circ}55'54''$	S74°46'24"E	122.40'
C7	R=1345.00'	$\Delta=06^{\circ}26'58''$	S66°34'57"E	151.32'

SEE SHEET 2 FOR LINE DATA

MOHANNA M H  
119-080-23



DATE: 10/02/2017

OWNER:  
M.H. MOHANNA

A.P.N. 119-080-23



DATE: 04/20/2017  
SCALE: 1"=100'

DRAWN BY: KAH  
JOB NO. 16-017-018

SHEET 1 OF 2

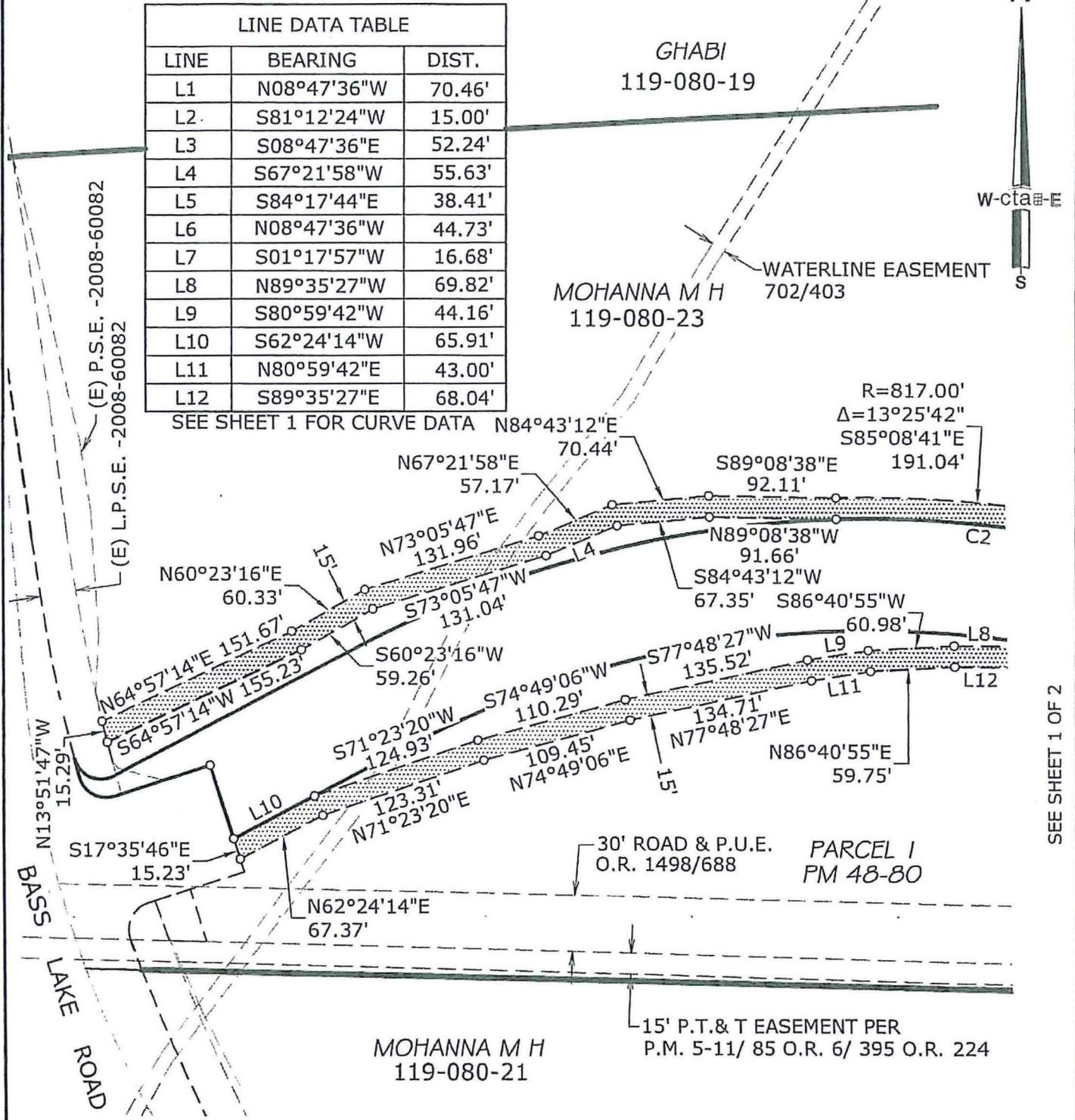
TEMPORARY CONSTRUCTION EASEMENT

**COUNTRY CLUB DRIVE**  
A PORTION OF THE S.E. QUARTER  
OF SECTION 6, T.9N., R.9E., M.D.M.

COUNTY OF EL DORADO STATE OF CALIFORNIA

Exhibit 'B'

LINE DATA TABLE		
LINE	BEARING	DIST.
L1	N08°47'36"W	70.46'
L2	S81°12'24"W	15.00'
L3	S08°47'36"E	52.24'
L4	S67°21'58"W	55.63'
L5	S84°17'44"E	38.41'
L6	N08°47'36"W	44.73'
L7	S01°17'57"W	16.68'
L8	N89°35'27"W	69.82'
L9	S80°59'42"W	44.16'
L10	S62°24'14"W	65.91'
L11	N80°59'42"E	43.00'
L12	S89°35'27"E	68.04'



SEE SHEET 1 FOR CURVE DATA

SEE SHEET 1 OF 2



DATE: 10/02/2017

OWNER:  
M.H. MOHANNA

A.P.N. 119-080-23

**cta** Engineering & Surveying  
Civil Engineering • Land Surveying • Land Planning  
3233 Monier Circle, Rancho Cordova, CA 95742  
T (916) 638-0212 • F (916) 638-2479 • www.ctaeng.com

DATE: 04/20/2017	DRAWN BY: KAH	SHEET 2 OF 2
SCALE: 1"=100'	JOB NO. 16-017-007	

TEMPORARY CONSTRUCTION EASEMENT

**COUNTRY CLUB DRIVE**  
A PORTION OF THE S.E. QUARTER  
OF SECTION 6, T.9N., R.9E., M.D.M.

COUNTY OF EL DORADO STATE OF CALIFORNIA

*M.H.M.*

Hand Delivered and Emailed (March 6, 2019)

March 6, 2018

Tanna Reynoso and Adam Bane  
Associate Right of Way Agent and Senior Engineer  
2850 Fairlane Court  
Placerville, CA 95667

**Re: Request for Extension of Time and Postponement  
Country Club Drive Realignment- Bass Lake Rd. to Tierra de Dios Dr.,  
#96000, ADHOC #71360  
Assessor's Parcel No(s): 119-080-12-100 and 119-080-23-100  
Owner: M.H.Mohanna, a married man, as his sole and separate property**

Dear Tanna and Adam,

We have received the Notice of Intent to Adopt Resolution of Necessity for the Country Club Drive Realignment dated February 20, 2019. This letter is not intended to serve as a written request to appear, but instead as a written request to respectfully ask for a brief extension of time to file a request to appear and subsequently a postponement of the Board of Supervisors meeting set for April 2, 2019.

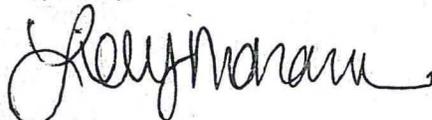
Mr. Josh Pane and I spent several hours yesterday at the County's Planning office where we looked through vast numbers of documents and files pertaining to the Lennar/Winn Homes projects and realignment of Country Club Drive. The extent of information that is crucial for us to thoroughly review, to adequately prepare for the Resolution of Necessity meeting would necessitate a short postponement. Yesterday, we made a formal request to Dave of DOT and Mel at the Planning office for copies of the 1991 Bass Lake Road Study Area Environmental Impact Report, the 1992 Bass Lake Road Study Area Final Program Environmental Impact Report, and the 1995 Addendum to the Bass Lake Road Study Area Program EIR. Both Dave and Mel were very helpful in their assistance.

Given the large extent of documents that we have just discovered and have requested copies of, we sincerely hope that you would allow us some time to receive and adequately review these documents.

We humbly ask for a brief one week extension to file a request to appear (March 14, 2019), and a 30 day postponement of the Board of Supervisors Resolution of Necessity meeting (May 7, 2019).

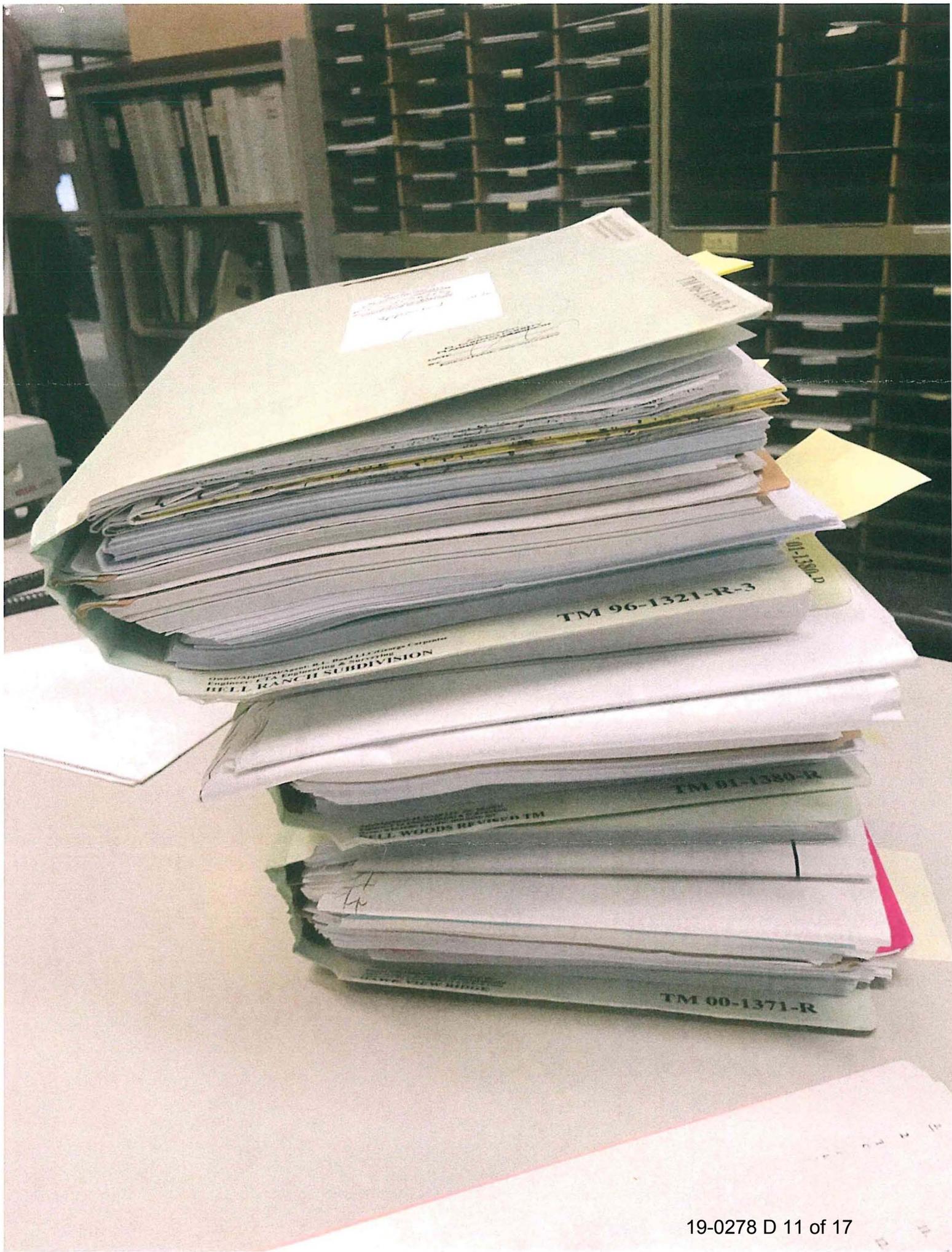
We share the County's goal to expedite the realignment of Country Club Drive. We would therefore like to continue our discussions with the County and keep the channel of communication open for the expeditious resolution to this matter.

Respectfully,



Lilly Mohanna  
(916) 798-0240

Cc: Clerk of the Board of Supervisors, Chair Novasel, Supervisors Hidahl, Frentzen, Veerkamp and Parlin, Don Ashton- Chief Administrative Officer, Rafael Martinez- DOT Director, Andrew Gaber- DOT Deputy Director



DRAFT

SCH#900203

**BASS LAKE ROAD STUDY AREA  
PROGRAM ENVIRONMENTAL IMPACT REPORT**

Prepared For  
County of El Dorado

June 14, 1991

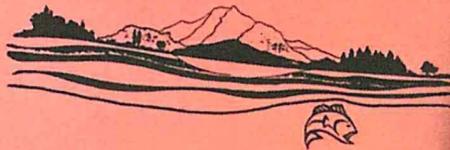
Prepared By  
R. C. Fuller Associates  
5908 Fair Oaks Boulevard  
Carmichael, California 95608



**ADDENDUM TO THE  
BASS LAKE ROAD STUDY AREA  
PROGRAM EIR**

(SCH #90020375)

County of El Dorado



November 7, 1995

November 7, 1995

SCH#90020375

**BASS LAKE ROAD STUDY AREA  
FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT**

Prepared For  
County of El Dorado

JANUARY 24, 1992

Prepared By  
R. C. Fuller Associates  
5908 Fair Oaks Boulevard  
Carmichael, California 95608



TM96-1321-R-3/TM96-1321  
Planning Commission Approval  
Final Findings Conditions of Approval

REFERENCE	ROAD WIDTH	EXCEPTIONS / NOTES
Specific Plan Fig. 4-2, Preliminary Map, and Preliminary Plan 101B	36 foot pavement width (80-foot R/W), plus utility/slope easements	6-foot sidewalk on one side (See Note R-2 below)
	36 foot (60-foot R/W), plus utility/slope easements	30 MPH Design Speed Type 2 vertical curb and gutter, with 6 foot sidewalk on east side only
		30 MPH Design Speed with curb, gutter or

DESMOND, NOLAN, LIVAICH & CUNNINGHAM

**Attorneys At Law**

March 7, 2019

*Sent Via Email & U.S. Mail*

James S. Mitrison  
Clerk of the Board  
330 Fair Lane  
Placerville, CA 95667  
[jim.mitrison@edcgov.us](mailto:jim.mitrison@edcgov.us)

**Re: Request to Appear at Resolution of Necessity Hearing; Country Club Drive  
Realignment – Bass Lake Rd. to Tierra de Dios Dr. #96000, ADHOC #71360;  
Assessor’s Parcel Nos: 119-080-12-100 and 119-080-23-100; Owner: M.H. Mohanna**

Dear Mr. Mitrison:

Our firm represents the owner of APNs 119-080-12-100 and 119-080-23-100, M.H. Mohanna. Pursuant to Code of Civil Procedure (“CCP”) section 1245.235, this letter is a formal written request on his behalf to appear before the Board at its April 2, 2019 meeting, at which time we are advised the Board will consider adoption of a Resolution of Necessity (“RON”) to authorize the taking of interests in the referenced parcels in furtherance of its public project, the Country Club Drive Realignment – Bass Lake Rd. to Tierra de Dios Dr. (“Project”).

We further submit this correspondence as a partial summary statement of written objections to adoption of the RON and challenge to the assertion of the County’s satisfaction of conditions identified in the correspondence of February 20, 2019 from Tanna Reynoso, Associate Right-of-Way Agent, in reference to CCP section 1240.030. We request this correspondence be included in the official record of the proceeding, along with such comments as we shall offer at the RON hearing.

15<sup>th</sup> & S Building  
1830 15<sup>th</sup> Street  
Sacramento, California 95811-6649  
Telephone: 916/443-2051  
Faesimile: 916/443-2651  
E-mail: [krenfro@dnlc.net](mailto:krenfro@dnlc.net)

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Nicholas L. Kohlmeyer  
Ryan J. Ivanusich

Of Counsel  
William W. Nolan  
Gary Livaich  
Edward K. Dunn

Earl D. Desmond  
(1895-1958)  
E. Vayne Miller  
(1904-1965)  
Richard F. Desmond  
(1923-2004)  
William C. Livaich  
(1950-2007)

### **Greatest Public Good; Least Private Injury**

Among the findings the Board must make before adopting the RON are that the project proposed is planned in the manner that will be most compatible with the greatest public good and the least private injury. (Code Civ. Proc., §1240.030(b).) In this instance, the Board cannot reasonably conclude that the greatest public good and least private injury are achieved by the current planned realignment, which will cause great private harm.

Mr. Mohanna was previously informed that an alignment tracking the current City Lights roadway (“City Lights Alignment”) would be pursued rather than the currently proposed realignment that has moved the proposed realigned County Club drive north, such that it bisects APN 119-080-23, which will cause significant damage to Mr. Mohanna’s remainder property by limiting the uses of substantial portions of the property. The City Lights Alignment would not have caused such harm. Moreover, the City Lights Alignment has been depicted in planning documents for years, inducing Mr. Mohanna’s expectation and reliance on the alignment for planning purposes. In fact, documentation available on the County’s website currently still depicts the City Lights Alignment, including on the Capital Improvement Program (“CIP”) map depicting locations of CIP projects.

The City Lights Alignment would also have served the greatest public good because Mr. Mohanna previously offered to transfer the rights required for such alternative alignment at no cost to the County. If the current alignment was anticipated to be less expensive from a design or engineering standpoint, any cost savings will be negated, and, in all likelihood, the County faces incurring significantly greater expense to prosecute a condemnation action and pay just compensation for the interests it will seek to take through the eminent domain process.

### **Failure to Comply with the California Environment Quality Act (“CEQA”).**

The County might have itself appreciated that neither the greatest public good nor least private injury are served by its change in course from its plan to pursue the City Lights alignment to the currently proposed alignment had it complied with its obligations pursuant to the California Environment Quality Act (“CEQA”), but it is apparent that it did not.

The County is legally obligated to “prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on any project that [it] intend[s] to carry out or approve which may have a significant effect on the environment.” (Pub. Resources Code, § 21151.) Among other things, an environmental impact report must include a detailed statement setting forth all significant effects on the environment of the proposed project and analysis of alternatives to the proposed project. (Pub. Resources Code, § 21100.)

The County has failed to comply with these requirements. There is no EIR for the Project. To the extent the County has ever undertaken any environmental review in relation to this Project, the review is decades old and/or, at best, addresses the road realignment at a program level, without detail or specificity concerning the roadway alignment or any alternatives thereto.

Mr. Mohanna has never received any notice concerning any environmental review related to the Project. The County has clearly neglected to consider any relevant changed circumstances resulting from passage of time, or to study the proposed realignment of Country Club Drive, let alone analyze alternative alignments or the specific impacts of the currently proposed realignment as compared to alternatives. Given that the currently proposed alignment will be located closer than the City Lights Alignment would have been to more sensitive environmental habitat, including oak trees and a creek, the County's failure to meet its CEQA responsibilities is particularly troubling.

#### **Failure to Comply with Government Code section 7267.2**

When a taking involves only a portion of a larger parcel, "compensation must be awarded for the injury, if any, to the remainder." (*City of San Diego v. Neumann* (1993) 6 Cal.4th 738, 740.) CCP section 1263.420 defines damage to the remainder as being caused by "[t]he severance of the remainder from the part taken" and/or "[t]he construction and use of the project for which the property is taken in the manner proposed by the plaintiff whether or not the damage is caused by a portion of the project located on the part taken." (CCP § 1263.240(a), (b).)

Although the amount of compensation to be paid to our client will not be considered at the hearing, the issue of compensation is distinct from the question of whether a condemnor has complied with Government Code section 7267.2. (*People ex rel. Dept. of Transportation v. Cole* (1992) 7 Cal.App.4th 1281, 1286.) A condemnor must consider the property owner's objections that the requirements of Government Code section 7267.2 have not been complied with, including objections concerning the adequacy of the appraisal upon which an offer is based, as California courts have held that "the provisions of Government Code section 7267.2 are not merely discretionary guidelines, but mandatory requirements which must be observed by any public entity planning to initiate eminent domain proceedings through a resolution of necessity." (*Id.* at 1285-86; *City of San Jose v. Great Oaks Water Co.* (1987) 192 Cal.App.3d 1005, 1011-1013.)

The County has failed to fully comply with requirements of Government Code section 7267.2. Section 7267.2, subdivision (a)(1) requires the following: "Prior to adopting a resolution

of necessity pursuant to Section 1245.230 of the Code of Civil Procedure and initiating negotiations for the acquisition of real property, the public entity shall establish an amount that it believes to be just compensation therefor, and shall make an offer to the owner or owners of record to acquire the property for the full amount so established, unless the owner cannot be located with reasonable diligence.” (*Id.*) Further: “The public entity shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation.” (Gov. Code, § 7267.2(b).) The written statement must “contain detail sufficient to indicate clearly the basis for the offer” and must separately state “damages to real property” with included “calculations and narrative explanation supporting the compensation” therefore. (Gov. Code, § 7267.2(b), (b)(3).)

The County commissioned an appraisal of the subject property, but its appraisal is incomplete because no adequate appraisal has been made of severance damages and benefits, if any, to the remainder. The County’s appraiser clearly made no effort to value severance damages to our client’s remainder property, baldly assuming benefit without engaging in a full analysis of the impacts the taking and project as proposed in the currently planned alignment will have on our client’s remainder. As a result, both the appraisal report and the County’s offer to purchase fail to reflect a full and accurate offer of just compensation. Moreover, although a written statement was supplied to Mr. Mohanna, it did not contain the required detail concerning damage to his property, nor requisite calculations and narrative explanation relating thereto.

### **Additional Objections and Request for Resolution and Related Materials**

For the foregoing reasons, the County’s appraisal process and offer to purchase are invalid. The County cannot adopt the Resolution of Necessity.

The bases for objection stated herein are informed by the Board’s stated parameters, and the objections are limited to those we are capable of making prior to being afforded an opportunity to review requested documentation and the text of the resolution. We reserve our client’s right to raise additional arguments objecting to the right to take both at the presently scheduled hearing, and any rescheduled hearing, and in future proceedings.

We reiterate the requests submitted by hand delivery and email on March 6, 2019 by Lilly Mohanna and by hand delivery and email on March 7, 2019 by Josh Pane (copies of which are each enclosed herewith and incorporated by reference to be included in the administrative record) that the Board permit an extension of time for the submission of a request to appear and postpone the RON hearing to allow sufficient time for our client’s review of pertinent records that have been requested of the County. We further request that you provide by email transmission a copy of the resolution of necessity and any other materials relating to the Board’s

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consideration of the resolution ahead of the hearing, at the earliest time the documents are available. The documents should be directed to this office, to the attention of Gary Livaich and Kristen Renfro at [GLivaich@dnlc.net](mailto:GLivaich@dnlc.net) and [KRenfro@dnlc.net](mailto:KRenfro@dnlc.net).

Sincerely,

**DESMOND, NOLAN, LIVAICH & CUNNINGHAM**



Kristen Renfro  
KDR:kms

cc: Client

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Enclosures

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