

Notice of Intent to Adopt a Resolution of Necessity for Diamond Springs Parkway Phase 1B

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Department: CAO

Date: 10/28/2020

Contact: Carla B. Hass

Phone: 530-621-4609

EL DORADO COUNTY NOTICE OF INTENT TO ADOPT RESOLUTION OF NECESSITY, DIAMOND SPRINGS PARKWAY PHASE 1B, CIP #72334, EL DORADO COUNTY INDUSTRIAL DEVELOPMENT CORPORATION, INC., OWNER

El Dorado County Industrial Development Corporation, Inc.

465 Main Street

Placerville, CA 95667

Re: Notice of Intent to Adopt Resolution of Necessity

Diamond Springs Parkway 1B, CIP #72334, Assessor's Parcel No.: 327-270-003 ("Subject Property")

Owner: El Dorado County Industrial Development Corporation, Inc., a Dissolved California Corporation

To the Owner or Owners of the Subject Property

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:

1. The public interest and necessity require the project.
2. The project is planned or located in the 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.

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 the address that was listed on the last equalized county assessment roll, but the offer was returned as undeliverable because the corporation listed as the owner of the Subject Property, El Dorado County Industrial Development Corporation, Inc. ("Owner"), has been dissolved since 1978. Research has determined that there is no listed agent for service of process for Owner, and that all officers and directors of Owner are deceased. Thus, the offer required by Section 7267.2 of the Government Code has not been made because the owner cannot be located with reasonable diligence.

You are hereby notified that the County of El Dorado Board of Supervisors, at its meeting to be held on November 17, 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 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.

If the Board of Supervisors adopts the Resolution, the Resolution will authorize 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 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 at 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 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 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.

EXHIBIT 'A'

All that certain real property situate in the Southeast Quarter of Section 24, Township 10 North, Range 10 East, Mount Diablo Meridian, County of El Dorado, State of California, being a portion of the parcel described in that certain document filed in Book 913, Page 379 in the official records of El Dorado County more particularly described as follows:

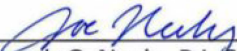
COMMENCING at a 1-1/2" Capped Iron Pipe stamped "LS 2725" marking the most northerly corner of said parcel; thence along the boundary of said parcel South 0°47'09" East, 147.19 feet to an angle point in the southerly line of the right of way granted to the Sacramento-Placerville Transportation Corridor Joint Powers Authority as described in the deeds filed in Book 4764, Pages 134 and 153 in the official records of said county and the POINT OF BEGINNING; thence leaving said boundary along said right of way line South 60°52'41" East, 69.11 feet to the centerline of a road as described in document no. 2015-54313 filed in said county; thence along said centerline the following four (4) courses: 1) South 31°38'21" West, 68.54 feet; 2) South 14°00'21" West, 75.01 feet; 3) South 7°43'16" West, 92.01 feet; 4) South 33°29'11" West, 33.32 feet to the northeasterly right of way line of Missouri Flat Road as described in the deed filed in Book 916, Page 192 as Parcel 1; thence along said northeasterly line North 54°35'56" West, 16.95 feet to the easterly line of Parcel 2 of the last said deed; thence along said easterly line North 9°24'11" East, 86.25 feet to said boundary of said parcel; thence along said boundary the following two (2) courses: 1) South 87°06'09" East, 26.84 feet; 2) North 0°47'09" West, 190.19 feet to the POINT OF BEGINNING. Containing 6,895 square feet (0.16 acres) more or less.

-End of Description-

See Exhibit 'B' attached hereto and made a part hereof.

The Basis of Bearings of the above description is grid north and is identical to that shown on that particular Record of Survey filed in Book 31 of Surveys, page 143. Distances used in the above description are grid distances. Divide distances by 0.999855 to obtain ground level distances.

The purpose of the above description is to describe that portion of said parcel as a right of way for road purposes.



Joseph C. Neely, P.L.S. 9026
Associate Land Surveyor
El Dorado County, Department of Transportation

Dated 10/25/19 _____



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EXHIBIT 'B'

Situate in Section 24, T. 10 N., R. 10 E., M.D.M.
County of El Dorado, State of California

JOINT POWERS AUTHORITY
SAC-PLACERVILLE TRANS CORRIDOR
4764-OR-134
4764-OR-153



FEE RIGHT-OF-WAY
AREA=6,895 SQ. FT. ±
0.16 ACRES ±
EL DORADO CO.
INDUSTRIAL DEV. CO.
APN 327-270-03
O.R. 913-379

POINT OF BEGINNING

1 1/2" C.I.P. STAMPED
"LS2725" MARKING THE
MOST NORTHERLY CORNER
O.R. 913-379

S 00° 47' 09" E
147.19' (TIE)

S 60° 52' 41" E
69.11'

S 31° 38' 21" W
68.54'

S 14° 00' 21" W
75.01'

S 07° 43' 16" W
92.01'

S 33° 29' 11" W
33.32'

S 87° 06' 09" E
26.84'

N 09° 24' 11" E
86.25'

N 54° 35' 56" W
16.95'

MISSOURI FLAT RD

DOC. 2015-54313

Grid North
Scale 1"=50'

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Providing safe, healthy and vibrant communities; respecting our natural resources and historical heritage.