



# County of El Dorado

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## Legislation Text

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**File #:** 12-0500, **Version:** 1

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Department of Transportation recommending the Board adopt a **Resolution 046-2012** Agreeing to Hear Resolutions of Necessity in Conjunction with the U.S. 50 El Dorado Hills Interchange - Phase 2B.1 (AKA HOV Phase 0) Project, CIP No. 71323. (4/5 vote required)

Fiscal Impact/Change to Net County Cost:

There is no fiscal impact associated with this agenda item.

### Background:

State statute authorizes the State of California, Department of Transportation ("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.

Pursuant to the proposed Project Cooperative Agreement and the County's Master Agreement with Caltrans, the County is required to follow Caltrans' Local Program Procedures when developing projects on the State Highway System. These requirements include the obligation for the County to follow the procedures contained within Section 17 of the Caltrans Right of Way Manual (Manual).

In the event there are properties that require condemnation, Section 17.04.09.01 of the Manual requires the County to obtain approval in writing from Caltrans Headquarters Right of Way for the County to proceed to take Resolutions of Necessity before the Board of Supervisors. Prior to obtaining approval from Caltrans for the County to hear Resolutions of Necessity, Section 17.04.09.01 of the Manual requires the County to first pass a resolution, by four-fifths vote, agreeing to hear the Resolutions of Necessity for the Project.

### Reason for Recommendation:

Approval of the subject Resolution is a prerequisite of subsequent Project approvals and right-of-way acquisition requirements.

### Action to be taken following Board approval:

1. The Clerk of the Board will obtain the Chair's signature on the two originals of the Resolution.
2. The Clerk of the Board will return one original of the Resolution to the Department of Transportation for transmittal to Caltrans.

### Contact:

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Concurrences: County Counsel