

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY**

DEPT: Public Works

BOARD AGENDA: 7.3
AGENDA DATE: April 5, 2022

SUBJECT:

Approval to Consider and Adopt a Resolution of Necessity to Acquire Real Property, or Interest in Real Property by Eminent Domain for the North County Corridor Project – Phase 1, Property Owner Paz Gutierrez, APN 075-024-012

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2022-0161

On motion of Supervisor B. Condit Seconded by Supervisor Grewal

and approved by the following vote,

Ayes: Supervisors: B. Condit, Chiesa, Grewal, C. Condit, and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: Kelly Rodriguez
KELLY RODRIGUEZ, Assistant Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Public Works

BOARD AGENDA:7.3
AGENDA DATE: April 5, 2022

CONSENT

CEO CONCURRENCE: YES

4/5 Vote Required: Yes

SUBJECT:

Approval to Consider and Adopt a Resolution of Necessity to Acquire Real Property, or Interest in Real Property by Eminent Domain for the North County Corridor Project – Phase 1, Property Owner Paz Gutierrez, APN 075-024-012

STAFF RECOMMENDATION:

1. Find that the public interest and necessity require the North County Corridor Project – Phase 1.
2. Find that 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. Find that the subject property, APN 075-024-012, described in the attached Resolution is necessary for the Project.
4. Find that the offer required by section 7267.2 of the Government Code has been made to the parcel owners, Paz Gutierrez of the property to be acquired.
5. Adopt a Resolution of Necessity in the form attached hereto as Attachment 1.
6. Authorize County Counsel to initiate eminent domain proceedings to acquire the subject property.

DISCUSSION:

The North County Corridor (NCC) Project proposes to be a high-capacity expressway that will bypass around the Cities of Modesto, Riverbank, and Oakdale connecting the eastern portion of the County to State Route 99. The 18-mile NCC Project will build a west-east expressway that will improve regional network circulation, relieve existing traffic congestion, reduce traffic delay, accommodate future traffic, benefit commerce, and enhance safety by eliminating an at-grade railroad crossing.

The existing transportation system in Northern Stanislaus County, including the existing State Route 108, is a network of traditional highways, freeway (State Route 99), arterial roadways and local streets that serve a combination of interregional, regional and local traffic. Traffic is highly congested during peak hours, and traffic congestion is expected to increase as development in the region continues. The existing network lacks a high-capacity transportation facility to serve west-east interregional and regional traffic moving through the project area.

The North County Corridor Phase 1 received a grant from the U.S. Department of Transportation for the initial segment of the NCC Project in the amount of \$20 Million

under the - Better Utilizing Investments to Leverage Development (BUILD) program. The BUILD grant segment is a 3-mile portion beginning at the SR-219 (Claribel Road) and Oakdale Road intersection. The North County Corridor Phase 1 also received a grant from the State Trade Corridor Enhancement Program (TCEP) in the amount of \$20 Million.

The project will follow a parallel alignment of Claribel Road, constructing grade separations over Roselle Avenue, Terminal Avenue, and the Burlington Northern Santa Fe (BNSF) Railroad tracks, extending eastward to the intersection of Claribel Road and Claus Road. The proposed project will provide a 4-lane access-controlled facility with a median. The expressway will be accessed at key locations served by new frontage roads.

To implement the proposed project, Stanislaus County ("County") has partnered with the Stanislaus Council of Governments ("StanCOG"), the Cities of Modesto, Riverbank, and Oakdale, the California Department of Transportation ("Caltrans") and the Federal Highway Administration ("FHWA"). The project is subject to State and Federal environmental review requirements; therefore, project documentation was prepared in compliance with both California Environmental Quality Act ("CEQA") and National Environmental Policy Act ("NEPA"). The draft environmental document was circulated for public review and comments from August 9, 2017 to October 16, 2017. After considering all the comments received, the project development team identified the preferred alternative. The actions taken by both State and Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Report/Final Environmental Impact Statement (FEIR/EIS) for the project, approved on March 13, 2020. On May 22, 2020, CEQA and NEPA requirements for the project were satisfied with the issuance of a Notice of Determination and Record of Decision. Documents are available for review through the Caltrans and Stanislaus County websites, www.dot.ca.gov, <https://northcountycorridorphase1.com>, and incorporated herein by reference.

The design has progressed to a level of detail to precisely determine the right-of-way needs for the first phase of the project. There is a total of 59 parcels affected and 13 of them will likely require full acquisition.

The Stanislaus County Board of Supervisors is being asked to consider the adoption of a Resolution of Necessity to acquire by eminent domain the real property set forth herein and as more particularly described and depicted in Attachment 2 – North County Corridor Phase 1 Project – Plan View (the "Project").

The power of eminent domain is used by the County only as a last resort to obtain interests necessary for the Project. An offer of just compensation has been made to the owner and tenants for the full fair market value of the Subject Property including improvements pertaining to realty as determined by various appraisals. Staff has attempted to negotiate a settlement in good faith and will continue to do so throughout the process. Although the County has attempted to engage the owners in an attempt to reach a negotiated settlement, as of the date of preparation of this report, a negotiated purchase has not been achieved.

California eminent domain law provides that a public entity may not commence an eminent domain proceeding on a property until its governing body has adopted a Resolution of Necessity. That resolution may only be adopted after the governing body

has given the record owner of the affected property, or its representatives, a reasonable opportunity to appear and be heard on each of the required findings.

A notice of this hearing was sent by U.S. mail to the property owner and its representatives, if any, as well as any tenants, as prescribed by law. The notice stated the County's intent to consider the adoption of a Resolution of Necessity, the right of the property owner and tenant to appear and be heard on the issues set forth above, and that failure to file a written request to appear would result in a waiver of the right to appear and be heard. A copy of the proposed Resolution of Necessity being recommended for adoption is attached hereto. (See Attachment 1 – Resolution of Necessity).

The hearing on the proposed resolution relates only to the findings set forth below as they may apply to the property sought to be acquired. The fair market value of the Property is not at issue, nor is the amount of the County's offer a matter for consideration at the time of the hearing.

STATEMENT OF PUBLIC USE:

The Subject Property is to be acquired for the construction of the first phase of the Project, consisting of a new west-east four-lane access-controlled expressway from the Claribel and Oakdale Road intersection along a new alignment to Clause Road. The Project begins at the Claribel and Oakdale Road intersection, heads south, then runs eastward parallel to Claribel Road on a new alignment and connects to Claus Road at the existing Claribel Road intersection. Claribel Road will also be partially realigned with this effort. The Project also includes a new interchange at Roselle Avenue, grade separated structures over the Burlington Northern Santa Fe rail line, Terminal Avenue, and the Modesto Irrigation District Main Canal, and new frontage roads to maintain access to adjacent properties. This first phase of the project is known as the State Route 108/North County Corridor Phase I Project (the "Project"). The Project will:

- Improve regional network circulation
- Relieve existing traffic congestion, reduce traffic delay and accommodate future traffic on State Route 108
- Support efficient movement of goods and services
- Enhance traffic safety

While Caltrans and FHWA were the lead agency for environmental review, Stanislaus County is the lead agency for implementation and construction of the Project and is also responsible for all Right-of-Way ("ROW") acquisitions needed for the construction of the Project. Staff is currently in the process of acquiring the ROW necessary to complete the Project.

The County needs to acquire the property described below to certify the Project and construct the proposed project improvements:

Property Owners: Paz Gutierrez

Address: 3825 Claribel Road, Modesto, CA

Assessor's Parcel Number: 075-024-012

ROW Acquisition Area: Full Fee acquisition of the entire property.

The property, bearing assessor parcel number 075-024-012 is zoned A-2-10 General Agriculture 10 acre minimum and the entire parcel contains 2.3 acres. The property is currently developed, improvements include a 3,138 square-foot single-family residence, 2-car detached garage and in-ground pool. (See Attachment 2 – North County Corridor Phase I Project – Plan View).

The County hired a MAI (Member, Appraisal Institute) certified general real estate appraiser to appraise the Subject Property. The appraiser's opinion is that the fair market value of the Subject Property as defined by Section 1263.320 of the Code of Civil Procedure is \$1,000,000. Pursuant to section 7267.2 of the Government Code, an offer of just compensation in the full amount of the appraisal was presented to the owners of the Subject Property. (See Attachment 3 – Impasse Letter with Offer, dated, January 26, 2022).

The County's Right of Way (ROW) consultant, Overland Pacific and Cutler (OPC), met with owner on April 8, 2021 to accompany the appraiser to conduct an appraisal inspection of the Subject Property and discussed the acquisition process. On July 14, 2021, OPC mailed an Offer to Purchase to the owners at the owner's request. OPC then met with owner on August 8, 2021 to review County's offer to purchase and explain both the acquisition process and the relocation assistance program. On December 12, 2021 OPC consultants met with owner and received an unsubstantiated written counteroffer from owner requesting a settlement in the amount of \$2,130,000. The counteroffer is not based on an appraisal or any verified sales in the area. OPC was contacted on December 22, 2021 by a local realtor informing them he is working with the owner to assist them in presenting a second counteroffer; however, to date a counteroffer has not been received. Since the date of the initial offer, OPC acquisition consultants have contacted owner on more than 10 separate occasions to discuss the offer to purchase and the acquisition process but have been unable to reach an agreement to purchase the Subject Property.

Staff recommends beginning the process of acquiring the ROW from the owner through the eminent domain process. Starting the eminent domain process now allows the County to obtain an order of possession while giving the owner a forum in which to make their claim for just compensation.

For each property interest to be acquired, a Resolution of Necessity must be adopted prior to the commencement of eminent domain proceedings. (See Attachment 4 – Resolution of Necessity Requirements).

NEXT STEPS:

Should the Board approve the attached resolution of necessity, Staff and County Counsel will work with outside counsel to initiate court proceedings to acquire the Subject Property necessary for the Project, as well as seek prejudgment possession of the Subject Property as necessary. Throughout the process, Staff will continue to work with the Subject Property owner to attempt to negotiate and finalize an agreement reflecting fair and equitable compensation for the Subject Property.

POLICY ISSUES:

The Board of Supervisors' adoptions of the Resolution of Necessity is required per section 1245.220 of the Code of Civil Procedures.

FISCAL IMPACT:

The cost associated with conducting the Resolution of Necessity hearing is part of the Right-of-Way Phase of the project. This phase is currently funded by a Federal BUILD grant, local County Public Facilities Fees (PFF) and Regional Measure L. The total cost for this parcel is not known at this time and will be appropriated in the future Board item. The Right-of-Way costs for the NCC project were included in the Fiscal Year 2021-2022 Final Public Works Road and Bridge budget.

BOARD OF SUPERVISORS' PRIORITY:

The recommended actions are consistent with the Board's priorities by Delivering Efficient Public Services and Community Infrastructure, by improving traffic safety and reducing traffic congestion on the County road system.

STAFFING IMPACT:

There is no staffing impact associated with this item.

CONTACT PERSON:

David A. Leamon, Public Works Director

Telephone: (209) 525-4130

ATTACHMENT(S):

1. Resolution of Necessity
2. North County Corridor Phase I - Plan View
3. Impasse Letter with Offer Letter, dated 01-26-2022
4. Resolution of Necessity Requirements
5. Notice of Hearing, dated 02-18-2022

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: April 5, 2022

2022-0161

On motion of Supervisor B. Condit Seconded by Supervisor Grewal
and approved by the following vote,
Ayes: Supervisors: B. Condit, Chiesa, Grewal, C. Condit, and Chairman Withrow
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # 7.3

**RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY OR INTEREST IN REAL
PROPERTY BY EMINENT DOMAIN**

PARCEL APN: 075-024-012

OWNER: Paz Gutierrez

WHEREAS, Article I, section 19 of the Constitution of the State of California, Code of Civil Procedure section 1240.010 et seq., and Government Code section 25350.5 authorizes the Board of Supervisors of any County to acquire by eminent domain any property necessary to carry out any of the powers of functions of the County; and

WHEREAS, the County of Stanislaus ("County") in cooperation with the State of California Department of Transportation ("Caltrans"), the Stanislaus Council of Governments ("StanCOG"), the Cities of Modesto, Riverbank, and Oakdale, proposes to construct a new west-east four-lane access-controlled expressway for the Claribel and Oakdale Road intersection along a new alignment to Clause Road. The project is known as State Route 108/North County Corridor Phase I Project (the "Project"); and

WHEREAS, the public interest and necessity require that the County acquire to fee, that certain real property located at 3825 Claribel Road, in the City of Modesto, County of Stanislaus, California County Parcel Number (CPN) 51 (APN 075-024-012) for the public use, namely the Project and all uses necessary, incidental or convenient thereto. The property sought to be acquired for the Project is more particularly described and depicted in Exhibits "A" attached hereto and incorporated herein by reference (the "Subject Property"); and

WHEREAS, the requirements of the California Environmental Quality Act ("CEQA") and National Environmental Policy Act ("NEPA") have been satisfied for the Project as set forth in the Record of Decision issued on May 22, 2020; and

WHEREAS, notice of the hearing for this Resolution of Necessity has been properly given as required by and according to the provision of section 1245.235 of the California Code of Civil Procedure, and a meeting has been held at which all persons, whose property may be acquired by eminent domain and whose name and address appear on the last equalized County Assessment Roll have been given a reasonable opportunity to appear and be heard by the Board of Supervisors on the matters set forth in Code of Civil Procedures sections 1240.030 and 1240.510.

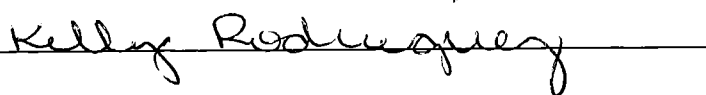
NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Stanislaus County as follows:

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 and described by this resolution is necessary for the Project.
4. The offer required by Government Code section 7267.2 has been made to the owner(s) of record.
5. The recitals contained herein are true and correct. Furthermore, the findings and determinations contained in the Resolution of Necessity are based on and incorporate the record before the Board of Supervisors. The findings and determinations contained herein are also based on any testimony, records, and documents produced at the hearing, all of which are incorporated herein by this reference.
6. Pursuant to sections 1240.510 and 1240.610 of the Code of Civil procedure, to the extent that the Subject Property is already devoted to a public use, the use to which the Subject Property is already devoted, or, in that alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property is already devoted.
7. The Subject Property is being acquired in whole or in part pursuant to the provision of Code of Civil Procedure Sections 1240.3210, 1240.330, and 1240.350, as the case may be, as

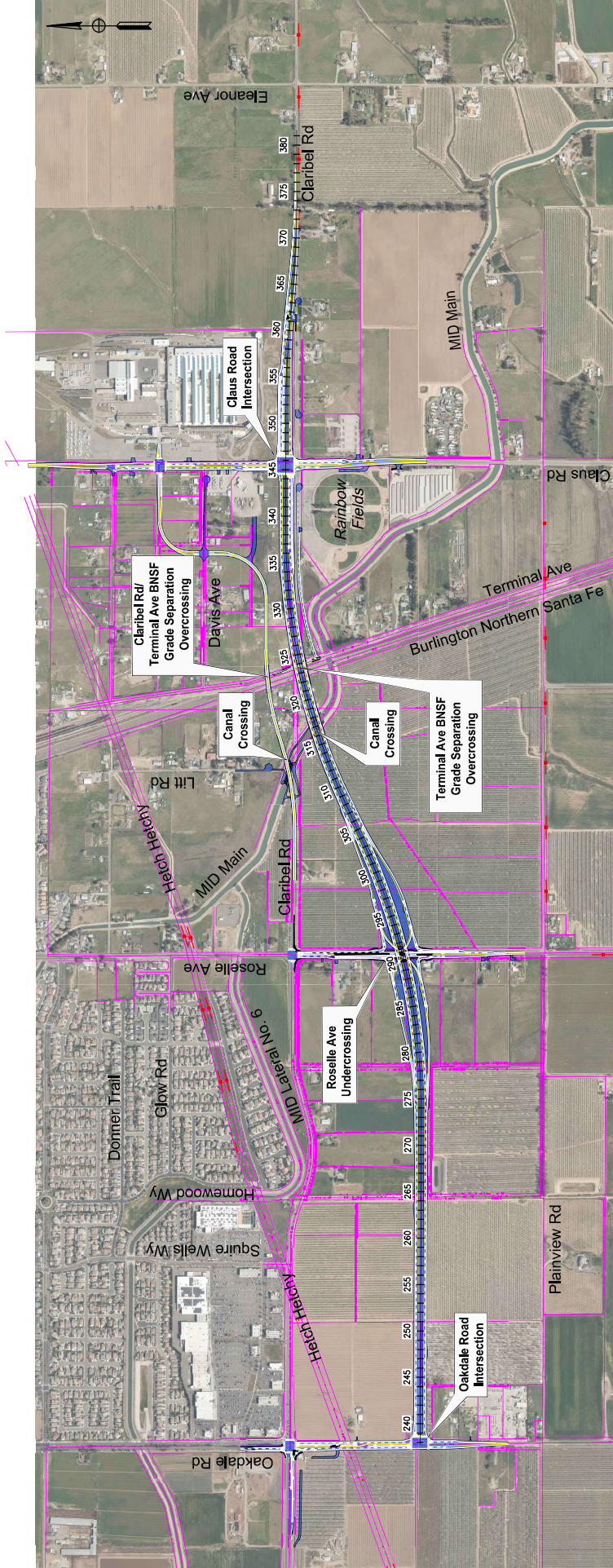
substitute property necessary for public use, for the relocation of public utility facilities, or to provide utility service to the remainder property. It is further found and determined that the taking of said substitute property is necessary for the purpose specified in Sections 1240.320, 1240.330 and/or 1240.350.

8. The County Counsel is hereby authorized to institute eminent domain proceedings in the Superior Court of the State of California for the County of Stanislaus, for the purpose of acquiring the properties described herein above, and is further authorized to institute proceedings for taking pre-judgement possession of said properties and to deposit the probable amount of compensation therefore, in accordance with California Code of Civil Procedure section 1255.010, as directed by the Superior Court as security for said possessions. Counsel is further authorized to associate with, at its election, a private law firm for the prosecution of said proceedings. Counsel is further authorized to correct any errors or make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Subject Property. Counsel is further authorized to reduce or modify the extent of the interests or property to be acquired so as to reduce the compensation payable in the action where such change would not substantially impair the construction and operation for the project for which the real property is being acquired.



ATTEST: KELLY RODRIGUEZ, Assistant Clerk
Stanislaus County Board of Supervisors,
State of California

A handwritten signature in cursive script, reading "Kelly Rodriguez", is written over a horizontal line.

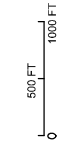
File No.



PLAN VIEW

- LEGEND:
-  PARCEL BOUNDARIES
 -  PROPOSED ROAD IMPROVEMENTS

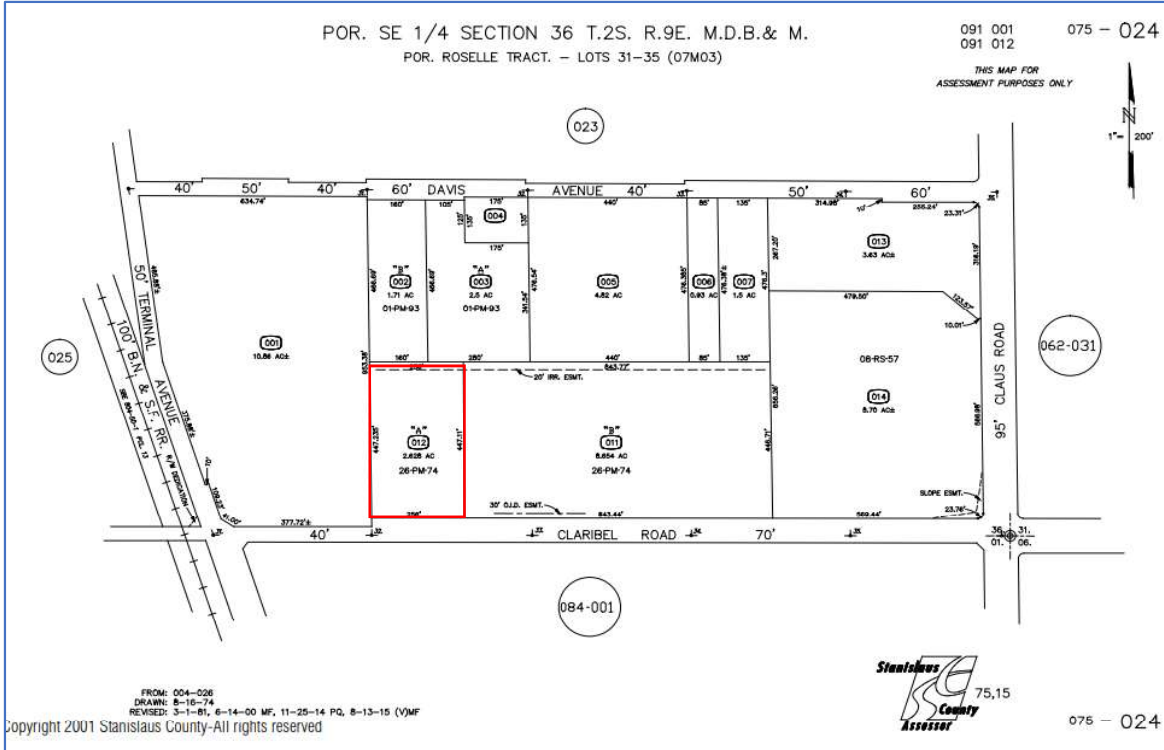
PRELIMINARY - NOT FOR CONSTRUCTION



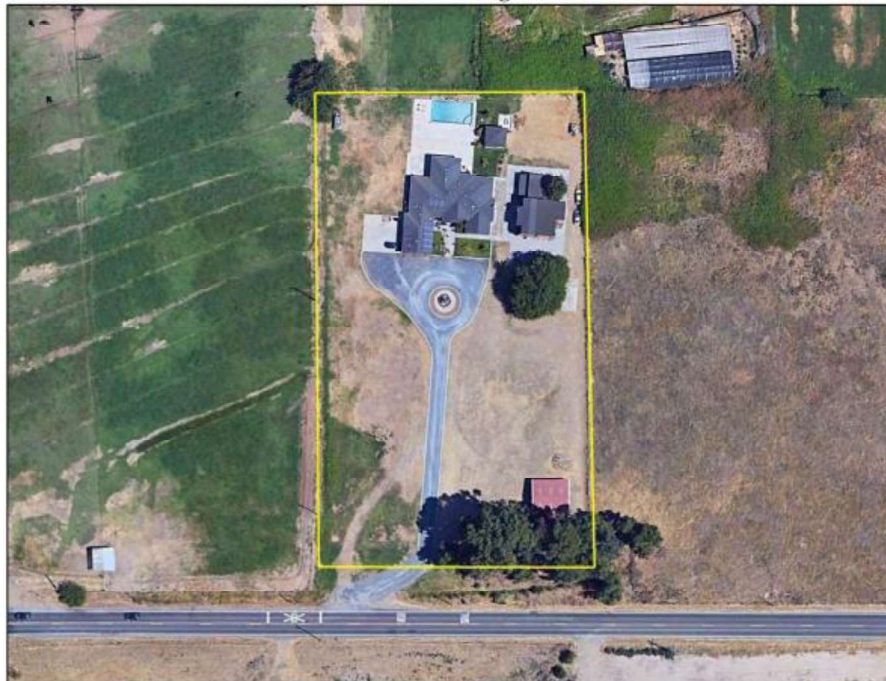
NORTH COUNTY CORRIDOR PHASE 1
JANUARY 2021



Assessor Parcel Map



Satellite Image





January 26, 2022

Paz Gutierrez
P. O. Box 578084
Modesto, CA 95357

Subject: Initiation of Legal Process
Acquisition of real property located at 3825 Claribel Road, Modesto, CA 95357
APN: 075-024-012

Dear Mrs. Gutierrez:

As you are aware, The Stanislaus County Department of Public Works (County), in cooperation with the California Department of Transportation (Caltrans), has been working to design, fund and begin construction of the North County Corridor Phase 1 Project ("Project"). The Project will construct a new expressway in and near the Cities of Modesto and Riverbank from Oakdale Road to Claus Road, a new interchange at Roselle Avenue, and a realignment of Claribel Road. The full acquisition of your real property located at 3611 Claribel Road, Modesto, CA 95357 (Property) will be needed for a public purpose, to facilitate construction of the Project

The County has contracted with the right of way firm of Overland, Pacific & Cutler, (OPC) to facilitate obtaining the right of way necessary for construction of the Project. By letter dated July 16, 2021, OPC presented the County's formal offer to acquire the fee interest in your property at fair market value based on the County's approved appraisal, a copy of the appraisal was provided to you with the offer letter. To date, OPC has been unable to obtain the necessary documents to secure the acquisition voluntarily. Therefore, and in order to construct the project, we must begin the legal process of securing the acquisition of the Property by eminent domain.

County staff intends to recommend to the County Board of Supervisor's the adoption of a Resolution of Necessity (RON) to acquire the Property by eminent domain at a public hearing. A formal notice of the hearing and intent to adopt the RON will be provided to you at least 15 days prior to the hearing date. If the County adopts the RON, the County would then proceed to file an eminent domain action with the Stanislaus County Superior Court.

It is still the County's wish to negotiate a voluntary acquisition of the Property. If you are interested, OPC is available to meet with you prior to the RON hearing. In addition, even if

the County ultimately decides to adopt a RON, OPC staff will continue to be available to discuss a negotiated acquisition even as the eminent domain process proceeds. Please feel free to contact Steven Harris with OPC by phone at (916) 857-1520 or by email at sharris@opcservices.com if you need additional information or have any questions.

Sincerely,



Jamie Lupo
Program Manager
OPC, LLC

Enclosure: Offer Letter dated July 16, 2021

Cc: Theron Roschen, Stanislaus County
Artin N. Shaverdian, Esq., Nossaman, LLP



July 16, 2021

Paz Gutierrez
P.O. Box 578084
Modesto, CA 95357

Regarding: County of Stanislaus - State Route 108/North County Corridor Project
Full Acquisition of APN: 075-024-012

Dear Property Owners:

The County of Stanislaus (County) has finalized plans for the proposed State Route 108/North County Corridor Project (NCCP). The purpose of the project is to ultimately build a west-east roadway that would improve regional network circulation, relieve existing traffic congestion, reduce traffic delay, accommodate future traffic, benefit commerce and enhance safety. As previously discussed with you, this project will require the acquisition of your entire property necessary to construct the proposed project improvements. The County seeks to acquire the fee simple interest in a total of approximately 2.63 acres of your parcel known as APN: 075-024-012 and as described in the attached Exhibit A.

Accordingly, the County hereby makes an offer to acquire your entire property located at 3825 Claribel, Modesto, California for the sum of **\$1,000,000.00**.

The County's offer is the full amount determined to be just compensation for the property interest. The basis for that determination is explained in the attached Information and Appraisal Summary Statements. It is the County's hope that this price is agreeable to you and that the acquisition can begin immediately.

As the County's acquisition agent, I will be your main point of contact and will work directly with you throughout the acquisition process. If you have any questions regarding this letter and accompanying statements, please feel free to contact me (916) 768-1875 or by email: sharris@opcservices.com.

If this offer is acceptable, please contact me coordinate execution of the Agreement and open escrow services.

This offer is subject to and conditioned upon acceptable soils conditions and the absence from the property of toxic or hazardous substances and any other kind of soil or water contamination, and to the grant of a right-of-entry to the County for the purpose of conducting a soils, toxic and hazardous substances investigation of the Property at the County's expense. This offer is subject to modification depending on the results of that investigation.

Finally, any agreement that you make with the County's staff or consultants for the County's purchase of the Property will not be binding on the County unless and until it is approved by the County's Board of Supervisors.

To assist you in considering this offer, we have enclosed the following documents for your review:

- 1) Written Offer Letter
- 2) Appraisal Summary Statement
- 2a) Summary Statement Relating to the Purchase of Real Property
- 3) Appraisal Report
- 4) Purchase and Sale Agreement
- 5) Grant Deed
- 6) Stanislaus County Acquisition Informational Brochure
- 7) Caltrans Title VI Information
- 8) Certificate of Occupancy Form
- 9) Tax Relief Information Exhibit- 8-ex-49-a11y
- 10) Federal Relocation Informational Brochure
- 11) Appraisal Cost Reimbursement Notification

Your cooperation and immediate attention to this matter will be greatly appreciated.

Sincerely,



Steven Harris
Project Manager

cc: Dave Leamon, Director of Public Works
Stanislaus County

OFFER RECEIVED

By _____

Date _____

Receipt of Offer Does Not
Constitute Acceptance

INFORMATION STATEMENT

This offer is presented in settlement of the acquisition of a fee simple interest in your property at 3825 Claribel, Modesto, California.

Total \$1,000,000.00 Land & Improvements (Fee Simple)

The value for your property being purchased is based upon a market value appraisal prepared by an independent appraisal firm in accordance with accepted appraisal procedures. Valuation of your property is based upon an analysis of, where applicable, recent sales of comparable sites and similar properties in this locality with consideration to the highest and best use for development of the property; an income approach based on the potential fair rental for your property has been considered where applicable; and a replacement cost approach considering the estimated depreciated cost of the improvements, together with the value of the land, has been considered where applicable

Before arriving at a conclusion of value, the appraiser conducted an investigation in order to obtain the information necessary. The investigation generally includes an inspection of the property and improvements, and review of the improvements, a review of the immediate surrounding and regional influences, the property zoning and uses permitted, a study of the highest and best use to which the property can be put, easements which may exist on the property, the availability of utilities, access and street improvements. The appraiser conducted interviews with knowledgeable persons, collect comparable data, information relating to fair rental value of the property and the cost of reproducing the improvements on the property.

The offer is the full amount believed by the County of Stanislaus to be just compensation for the portion of your property. It is not less than the County's approved appraisal of the Fair Market Value of the property. Any decreases or increases in the Fair Market Value of the real property to be acquired prior to the date of the valuation caused by the public improvements or project for which the property is to be acquired, or by the likelihood that the property would be acquired for such improvement or project, other than that due to physical deterioration within the reasonable control of the owner, has been disregarded by the County and its appraiser in making their determination of the Fair Market Value of such property.

FAIR MARKET VALUE, as used in the appraisal, is (a) "... the fair market value of the property taken is the highest price on the date of valuation that would be agreed by a seller, being willing to sell but under no particular or urgent necessity for doing so, nor obligated to sell, and a buyer, being ready, willing and able to buy but under no particular necessity for so doing, each dealing with the full knowledge of all the uses and purposes for which the property is reasonably adaptable and available. (b) The fair market value of property taken for which there is no relevant, comparable market is its value on the date of valuation as determined by any method of valuation that is just and equitable." (Section 1263.320 Code of Civil Procedure)

The determination of just compensation does not reflect any consideration of or allowance for relocation assistance and payments to which you may be entitled to receive under applicable State or Federal Law or of the County's agreement to pay certain settlement costs.

This summary of the basis of the amount offered as just compensation is presented in compliance with State, and where applicable, Federal Law. Attached is an Appraisal Summary Statement including information pertinent to our offer to acquire the entire property.

In the event you are the owner of a business conducted on the property being acquired by the County, you may be entitled to compensation for loss of goodwill, if any, if you are able to make a showing of such loss pursuant to the requirements of California Code of Civil Procedure Section 1263.510. For your

information, Section 1263.510 is reprinted below in its entirety.

- (A) The owner of a business conducted on the property taken, or on the remainder if such property is part of a larger parcel, shall be compensated for loss of goodwill if the owner proves all of the following:
 - (1) The loss is caused by the taking of the property or the injury to the remainder.
 - (2) The loss cannot reasonably be prevented by relocation of the business or by taking steps and adopting procedures that a reasonably prudent person would take and adopt in preserving the goodwill.
 - (3) Compensation for the loss will not be included in payments under Section 7262 of the Government Code.
 - (4) Compensation for the loss will not be duplicated in the compensation otherwise awarded to the owner.
- (B) Within the meaning of this article, "goodwill" consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality, and any other circumstances resulting in probable retention of old or acquisition of new patronage.

Pursuant to Civil Code of Procedure section 1263.025 should you elect to obtain an independent appraisal, the County will pay for the actual reasonable costs up to \$5,000 subject to the following conditions;

- (A) You, not the County, must order the appraisal. Should you enter into a contract with the selected appraiser, the County will not be a party to the contract.
- (B) The selected appraiser must be licensed with the Office of Real Estate Appraisers (OREA).
- (C) Appraisal cost reimbursement requests must be made in writing, and submitted to the County of Stanislaus, 1716 Morgan Road, Modesto, California 95358 within 90 days of the earliest of the following dates: (1) the date the selected appraiser requests payment from you for the appraisal; or, (2) the date upon which you, or someone on your behalf, remitted full payment to the selected appraiser for the appraisal, copies of the contract (if a contract was made), appraisal report, and invoice for completed work by the appraiser must be provided to the County concurrent with submission of the appraisal cost reimbursement request. The costs must be reasonable and justifiable.

Exhibit "A"

LEGAL DESCRIPTION

For APN/Parcel ID(s): [075-024-012-000](#)

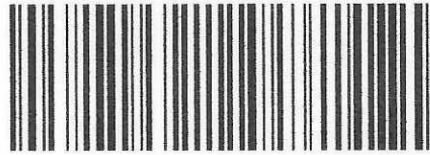
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF STANISLAUS, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL A AS SHOWN AND AS DESIGNATED ON THAT CERTAIN PARCEL MAP FILED FEBRUARY 7, 1978, IN [BOOK 26 OF PARCEL MAPS AT PAGE 74](#), STANISLAUS COUNTY RECORDS.



Overland, Pacific & Cutler, LLC
 Attn: Steven Harris
 2120 Fruitridge Road
 Placerville, CA 95667

CERTIFIED MAIL®



7014 2870 0001 2136 3319



Mailed 1/26/2022
 Impasse letter

Paz Gutierrez
 P. O. Box 578084
 Modesto, CA 95357

7014 2870 0001 2136 3319

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Postage	\$.73	Postmark Here 1/26/22
Certified Fee	3.75	
Return Receipt Fee (Endorsement Required)	3.05	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 7.53	

Sent To: 51 Gutierrez

Street & Apt. No., or PO Box No. _____

City, State, ZIP+4 _____

PS Form 3800, July 2014 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Paz Gutierrez
 P. O. Box 578084
 Modesto, CA 95357

9590 9402 3981 8079 2068 16

2. Article Number (Transfer from service label)
 7014 2870 0001 2136 3319

COMPLETE THIS SECTION ON DELIVERY

A. Signature X Agent Addressee

B. Received by (Printed Name) _____ C. Date of Delivery _____

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below: _____

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery



Overland, Pacific & Cutler, LLC
Attn: Steven Harris
2120 Fruitridge Road
Placerville, CA 95667

Paz Gutierrez
P. O. Box 578084
Modesto, CA 95357



Mailed 1/26/2022
Impasse letter

RESOLUTION OF NECESSITY REQUIREMENTS

Pursuant to Code of Civil Procedure Section 1245.220. The statutory requirement that a public entity adopt a Resolution of Necessity before initiating a condemnation action "is designed to ensure that public entities will verify and confirm the validity of their intended use of the power of eminent domain prior to the application of that power in any one particular instance" (*San Bernardino County Flood Control Dist. v. Grabowski* (1988) 205 Cal.App.3d 885, 897).

A Resolution of Necessity must contain a general statement of the public use for which the property is to be taken, a reference to the statutes authorizing the exercise of eminent domain, a description of the property, and a declaration stating that each of the following have been found and determined by the Board to be the case (Code of Civil Procedure Section 1245.230):

The public interest and necessity require the project;

The project is planned or located in the manner that will be most compatible with the greatest public good and least private harm;

The property sought to be acquired is necessary for the project; and

That either the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner cannot be located with reasonable diligence.

Issues relating to the amount or adequacy of compensation are not pertinent to the findings that the Board must make in adopting Resolutions of Necessity.

In addition, before adopting a Resolution of Necessity, each person whose property is to be acquired by eminent domain must be given notice and a reasonable opportunity to appear and be heard on the matters referred to above. (Code of Civil Procedure Section 1245.230.) The owner was sent a written Notice of the Hearing on February 18, 2022. See Attachment 5 attached hereto.

This report provides data and information addressing each of the foregoing items. This report is provided to assist the Board in determining whether the requirements of Section 1245.230 have been met, and whether the other findings specified above, as applicable, can be made. If the Board determines that all requirements have been met, and that all findings can be made, it is recommended that the Board adopt a Resolution of Necessity for acquisition of the Subject Property.

ADOPTION OF THE RESOLUTION OF NECESSITY AND FINDINGS:

By adopting the proposed Resolution of Necessity, the Board will authorize the filing of an eminent domain action to acquire the Subject Property for the Project. Before adopting the Resolution of Necessity, the Board must make the following findings based on evidence presented at the hearing:

1. *The Public Interest and Necessity Require the Project*

Information and evidence establishing that the public interest and necessity require the Project is contained in the planning and environmental documents for the Project, including but not limited to, the North County Corridor New State Route 108 Project Draft and Final Environmental Impact Report/Environmental Impact Statement (FEIR/EIS), and Final Section 4(f) De Minimis Findings, and all Appendices thereto (March 2020), all of which were discussed above and are incorporated herein by this reference.

The Project is proposed to reduce existing and future traffic congestion in northern Stanislaus County, support the efficient movement of goods and services and improve interregional travel as follows:

- Reduce average daily traffic volumes and current traffic congestion and accommodate anticipated future traffic on the existing SR-108 and the surrounding regional transportation network in Stanislaus County and the Cities of Modesto, Riverbank, and Oakdale.
- Support the efficient movement of goods and services throughout the region for the benefit of the regional economy by providing a more direct and dependable truck route, increasing the average operating speeds of all vehicles, and reducing the number of areas of conflict between motorized traffic and non-motorized means of travel.
- Improve the efficiency of interregional travel by reducing travel times for long distance commuters, recreational traffic, and interregional goods movement.

The Project has been identified as a necessary improvement to accommodate regional east-west traffic and to improve north-south connectivity in Stanislaus County and southern San Joaquin County. The Project is also needed because travel conditions in the region, including traffic congestion on existing SR-108, will continue to worsen due to regional population growth and projected traffic volume increases; traffic congestion on existing truck routes (SR-108/SR-120) will continue to hinder the efficient movement of goods and services; existing SR-108 is part of the interregional system, and interregional circulation will become increasingly constrained as travel times on existing SR-108 increase substantially with planned residential and employment growth.

2. *The Proposed Project Is Planned and Located in The Manner That Will Be Most Compatible with The Greatest Public Good and The Least Private Injury*

The Project has been designed to maximize the benefits to the public at large while minimizing impacts to private property owners. The project team has worked diligently to minimize the need for property acquisitions.

The proposed project will connect SR-219 near Modesto to SR-120 near Oakdale. The environmental documents analyzed four build alternatives and the no build alternative. The western end of all alternatives is at the SR-219 (Kiernan Avenue)/Tully Road intersection. The project was analyzed as three distinct segments for environmental evaluation purposes.

To minimize private injury, a thorough analysis regarding the need for each property interest was conducted in the Project's planning stages, which included public outreach meetings and other efforts to determine if modifications to the alignment were necessary to minimize impacts. These efforts continued over the course of years to ensure the alignment design achieved the greatest public good with the least private injury as set forth below.

After review of public comments, the Project Development Team (Caltrans, StanCOG, Stanislaus County, Cities of Modesto, Riverdale and Oakdale) met on February 5, 2018 to discuss the proposed project alternatives. During the meeting, the four build alternatives in the environmental document (Alternatives 1A, 1B, 2A, and 2B) were discussed relative to any issues raised by the public during the public review period and the local agencies' input on the locally preferred alternative. Based on public review and local agency input, it was determined that Alternative 1B was the preferred alternative because it provides the best balance between avoiding and/or minimizing environmental impacts, project feasibility, right-of-way acquisition, overall cost, and ability to meet the project's purpose and need. Specifically, the decision to select Alternative 1B as the preferred alternative was based upon the following.

- 1) Alternative 1B meets the purpose and need of the project.
- 2) Alternative 1B has fewer adverse impacts to homes and businesses in the area.
- 3) Alternative 1B maximizes traffic operations compared to Alternatives 2A or 2B.
- 4) Alternative 1B is closest to the urbanized areas and planned growth areas in the region.
- 5) Alternative 1B was preferred by the public as expressed during public meetings public comments.
- 6) The local jurisdictions (City of Modesto, City of Oakdale, City of Riverbank, and Stanislaus County) unanimously support the selection of Alternative 1B as the locally preferred alternative. Each of these local jurisdictions approved a resolution in support of Alternative 1B.

Therefore, Alternative 1B is the alternative which is planned and located in the manner that is most compatible with providing the greatest public good and least private injury.

3. *The Property Described in The Resolution Is Necessary for The Proposed Project*

All property interests sought were analyzed, giving full consideration to whether a feasible design alternative exists that would alleviate the need for the interests. After extensive analysis of design and alignment alternatives, the current Project alignment was selected as the preferred alternative, which requires acquisition of the Subject Property.

Accordingly, staff determined that the Subject Property is necessary for the construction of the Project and related improvements as the entirety of the Subject Property is located directly in the center of the proposed new State Route 108 North County Corridor.

4. *The Offer Required by Section 7267.2 of the Government Code Has Been Made to the Owner or Owners of Record*

The County engaged independent licensed appraisers to appraise the Subject Property, pursuant to County and Caltrans policy and applicable laws, and determine just compensation based on the Subject Property's "Fair Market Value." A written offer at the full appraised amount of \$375,000 was made to the Property owner on or about June 24, 2021. Full copies of the appraisal reports and other information required by Section 7267.2 of the California Government Code were also provided to the owner and tenant. In accordance with State law, the owner was also offered up to \$5,000 as reimbursement for the cost to have its own appraisal prepared. County has attempted to negotiate an amicable settlement in good faith, continues to do so, but has been unsuccessful thus far. All offers made to the owners are incorporated herein by reference, made a part of this staff report, and are available for review by the Board.

5. *The Project is a More Necessary Public Use Than Any Existing Public Use*

Under California Code of Civil Procedure section 1240.510 and 1240.610, to the extent any portion of the Project site is currently utilized for public use, the County may only acquire that interest to the extent the Project is a more necessary public use, or in the alternative, the Project is a compatible public use which will not unreasonably interfere with or impair the continuance of the existing public use. Some or all of the Subject Property may be devoted to other public uses or easements and rights-of-way appropriated to existing public uses. As set forth previously, the Project is a critical link in the state transportation network and the lack of route continuity contributes to traffic congestion and reduced levels of service on adjoining highways and local streets. Therefore, to the extent the Subject Property or any portion thereof is already devoted to a public use that will interfere with the Project, staff recommends that the Board find that the Project is a more necessary public use than any existing public uses, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property is already devoted.



DEPARTMENT OF PUBLIC WORKS

David A. Leamon, PE, MPA
Public Works Director

Chris Brady, PE
Deputy Director - Design/Survey/Fleet Maintenance

Frederic Clark, PE, LS
Deputy Director - Development/Traffic

Collin Yerzy, PE, QSD/P
Deputy Director - Construction Administration/Operations

Tracie Madison
Senior Business and Finance Manager

www.stancounty.com/publicworks

February 18, 2022

NOTICE OF HEARING TO CONSIDER ADOPTION OF RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN

(California Code of Civil Procedure section 1245.235)

Paz Gutierrez
P.O. Box 578084
Modesto, CA 95357

Re: State Route 108/North County Corridor Phase I Project
Owner: Paz Gutierrez
Assessor Parcel No.: 075-024-012

Dear Mr. and Ms. Gilbert,

PLEASE TAKE NOTICE that, on **April 5, 2022, at 9:00 a.m.**, the County of Stanislaus ("County") Board of Supervisors will hold a meeting in the County Board Chambers (Basement) located at 1010 10th Street, Modesto, CA 95354, at which time County will consider adopting a resolution of necessity for taking by eminent domain the following property or interest(s) in real property for a public use, namely the State Route 108/North County Corridor Phase I Project ("Project"):

Subject Property: Fee interest in real property located at 3825 Claribel Road, Modesto, California and more particularly described in Exhibit "A" attached to this notice.
Assessor Parcel No.: 075-024-012 (CPN 51)

PLEASE TAKE FURTHER NOTICE that it is the intent of the County to adopt a resolution of necessity for the taking of said property by County.

Each person whose property is to be acquired by eminent domain and whose name and address appear on the last equalized County assessment roll with respect to such property is entitled to appear and be heard at said meeting of County with respect to the matters referred to in Code of Civil Procedure Section 1240.030. Should you wish to appear and be heard on these matters, you must file a written request to appear and be heard within fifteen (15) days of the mailing of this Notice. Accordingly, you have the right to appear and be heard on the following matters:

- (a) Whether the public interest and necessity require the project;



MAIN OFFICE: 1716 MORGAN ROAD, MODESTO, CA 95358
PHONE: 209.525.4130
DEVELOPMENT SERVICES: 1010 10TH STREET, SUITE 4204, MODESTO, CA 95354
STANCOUNTY.COM



- (b) Whether the project is planned or located in the manner that will be most compatible with the greatest public good and least private injury; and
- (c) Whether the property sought to be acquired by eminent domain and described in the Resolution of Necessity is necessary for the project.

The County will also consider whether the offer required by Government Code section 7267.2 has been made to the owner of record.

PLEASE TAKE FURTHER NOTICE THAT pursuant to California Code of Civil Procedure section 1245.235(b)(3), your failure to file a written request with County to appear and be heard within 15-days from the date that this Notice is mailed may result in the waiver of your right to appear and be heard on the above-stated matters and issues that are the subject of the hearing. If you wish to appear and be heard by County with respect to said proposed resolution of necessity, you should file with County as soon as possible a written request to appear and be heard. All requests to appear must be sent for filing to: Stanislaus County Board of Supervisors, Attention: Clerk of the Board, 1010 10th Street, Suite 6700, Modesto, CA 95354.

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 filed within the 15-day period set forth above. All written objections filed with the County within the 15-day period will become part of the official record of the meeting at which the Board of Supervisors considers the Resolution.

Please note that 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 of Necessity should be adopted. All issues related to the compensation to be awarded for the acquisition of your property will be resolved in the eminent domain court proceeding. If you elect not to appear and be heard, you will still have the right to claim greater compensation in the court proceeding.

In accordance with Section 1263.615 of the California Code of Civil Procedure, the use of the property for the Project is scheduled to commence within two years of acquisition (or upon acquisition of property necessary for the Project, whichever is sooner), thus the County is not offering a leaseback agreement.

DATE OF HEARING: Tuesday, April 5, 2022 at 9:00 a.m.

PLACE OF HEARING: County Board Chambers
County of Stanislaus
1010 10th Street, (Basement)
Modesto, CA 95354

Notice of Hearing
APN: 075-024-012
Page 3

If you have any questions, please call Theron Roschen at (209) 525-4194.

Sincerely,



Theron Roschen,
Project Manager

Enclosure(s): Exhibit A - Legal Definition, Descriptions & Plat Map

Exhibit A

FEE (CPN 51) (APN 075-024-012)

The property interest to be acquired has been designated as County Parcel No. 51, which represents interests in that certain real property located at 3825 Claribel Road, in the City of Modesto, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Numbers 075-024-012, as described more specifically in Exhibits A1 (legal description) and A2 (plat map) attached hereto, and which are incorporated herein by this reference ("Property").

The Property interest sought to be acquired consists of a "Fee". "Fee", also known as fee simple or fee simple absolute, grants to the County of Stanislaus, absolute ownership of the property.

Exhibit A1

Legal Description (CPN 51) (APN 075-024-012)

For APN/Parcel ID(s): 075-024-012

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF STANISLAUS, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL A AS SHOWN AND AS DESIGNATED ON THAT CERTAIN PARCEL MAP FILED FEBRUARY 7, 1978, IN BOOK 26 OF PARCEL MAPS AT PAGE 74, STANISLAUS COUNTY RECORDS.

Exhibit A2

Plat Map (CPN 51)
(APN 075-024-012)

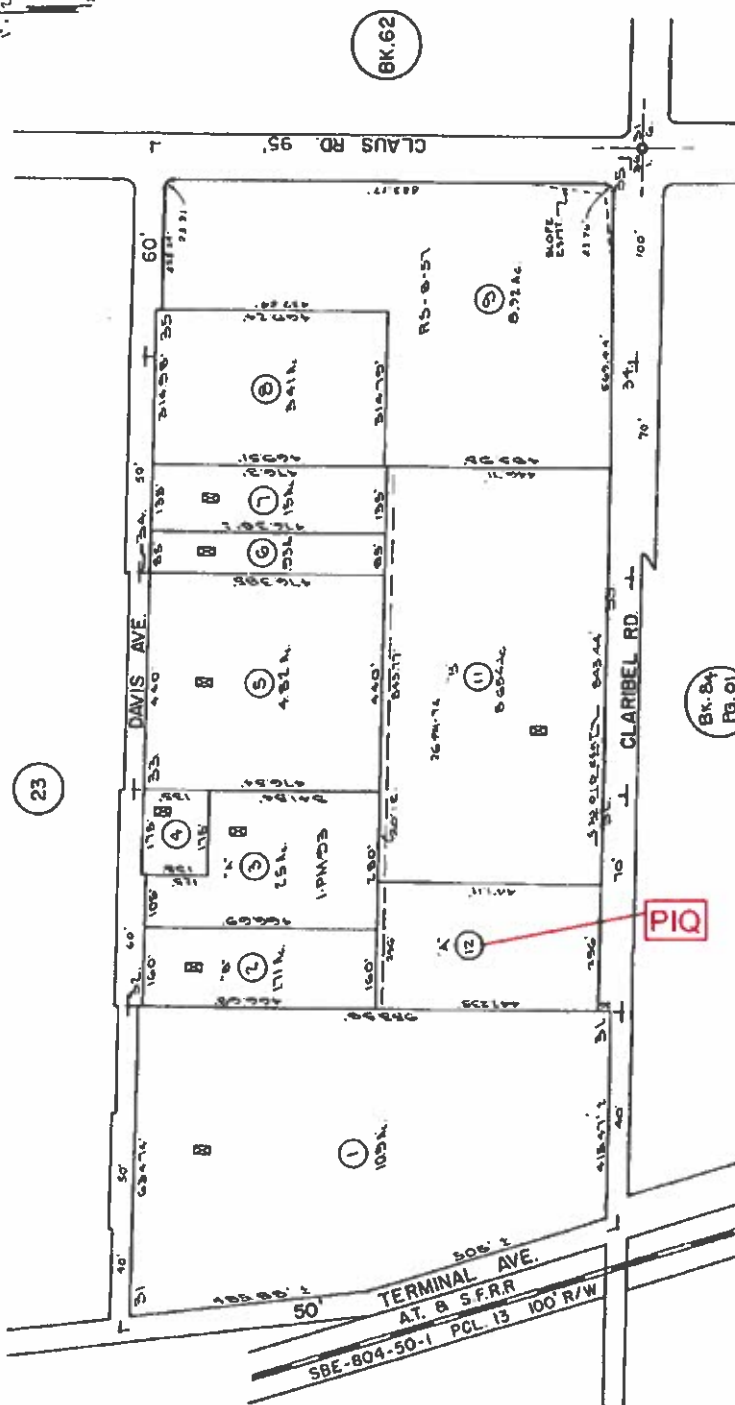
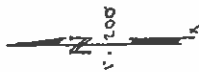
75-24

091001

PORTION SE 1/4 SECTION 36 T.2S. R.9E. M.D.B. & M.
POR. ROSELLE TR. LITS. 31 THRU 35

THIS MAP FOR ASSESSMENT
PURPOSES ONLY

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All rights reserved



Back To
Book
Index



75-24

FROM 4-26
FILED 2-20-16
8:16:14
UPDATED 2-1-01, 6-11-00 MR

**STANISLAUS COUNTY, DEPARTMENT OF PUBLIC WORKS
DECLARATION OF MAILING**

I declare that I am employed in the County of Stanislaus, State of California, I am over the age of eighteen years and not a party to the within entitled cause, and my business address is: Stanislaus County Department of Public Works, 1716 Morgan Road, Modesto, California 95358.

On February 18, 2022, I served the following document(s) in the manner(s) indicated below:

NOTICE OF HEARING TO CONSIDER ADOPTION OF RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN

(CERTIFIED U.S. MAIL): I caused true and correct copies of the above document(s), by following ordinary business practices, to be placed and sealed in an envelope at the Stanislaus County Department of Public Works, 1716 Morgan Road, Modesto, CA, 95358, for collection and mailing in the United States Postal Service. The envelope was addressed to the below-named addressee. I am familiar with the Stanislaus County Department of Public Works' office practice for collection and processing of correspondence for mailing with the United States Postal Service, and in the ordinary course of business, correspondence placed for collection on a particular day is deposited with the United States Postal Service that same day.

Paz Gutierrez
P.O. Box 578084
Modesto, CA 95357


Paz Gutierrez
3825 Claribel Road
Modesto, CA 95357

(Courtesy Copy)

(FEDERAL EXPRESS) by placing a true and correct copy thereof enclosed in a sealed envelope, for overnight delivery, delivered to Federal Express for overnight courier service, at the address(es) set forth above.

(PERSONAL DELIVERY) by personal delivery to the party or to their attorney, if known, at the address(es) set forth above.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on February 18, 2022.


Jennifer Akin

North County Corridor (NCC)

Resolution of Necessity to Acquire Real Property

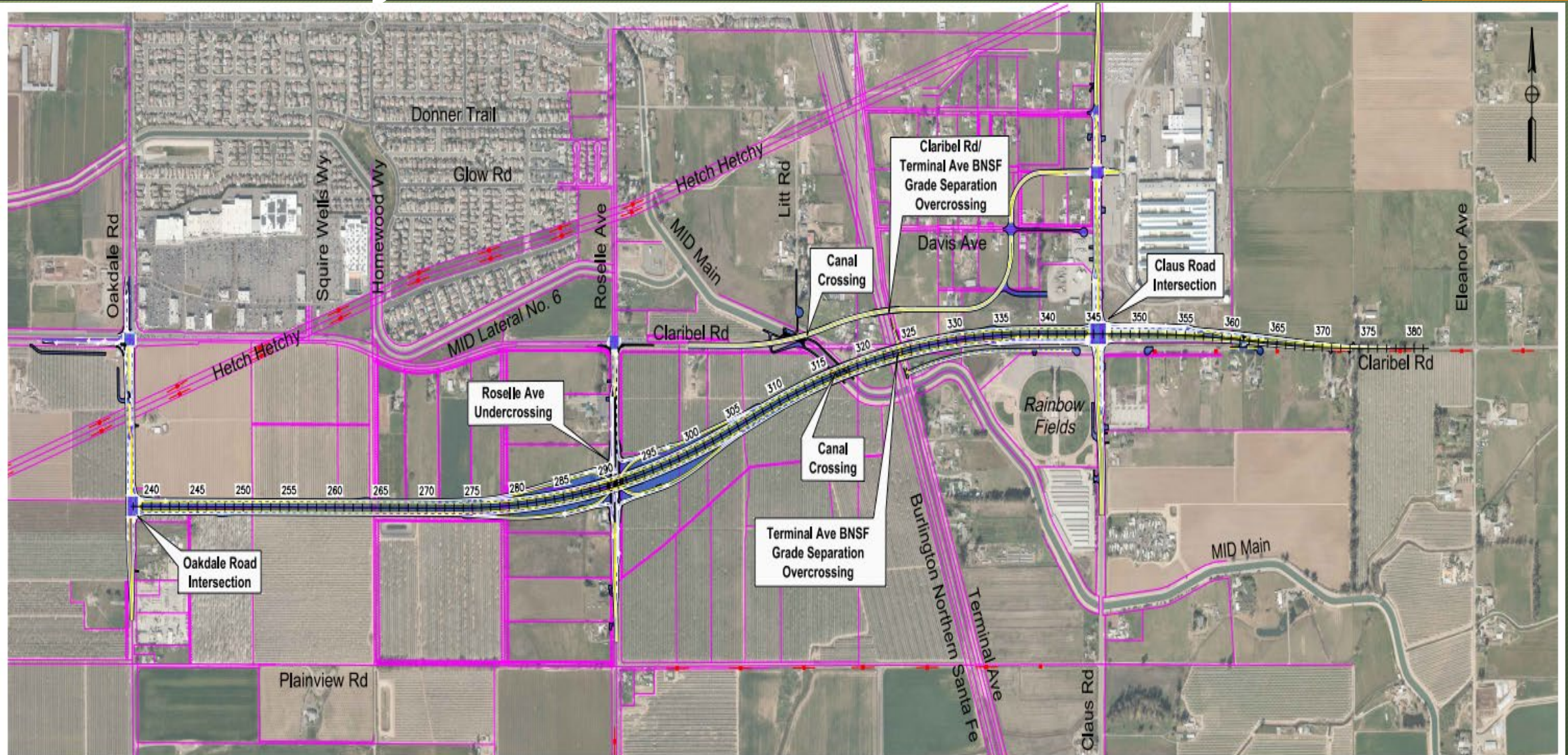
APN 075-025-019 - Lu

APN 075-024-012 - Gutierrez

APN 038-002-037 - Gilbert K

APN 038-002-038 - Gilbert W

Phase 1 Project Limits



PLAN VIEW

Public Interest and Necessity

- The NCC Project will improve the regional network circulation
- Relieve existing traffic congestion, reduce traffic delay and accommodate future traffic on State Route 108
- Support efficient movement of goods and services
- Enhance traffic safety
- Environmental Documents certified alternative 1-B on May 22, 2020

Greatest Public Good And Least Private Injury

- Through rigorous environmental study and public outreach:
 - Project has been designed to maximize the benefits to the public at large while minimizing impacts to private property owners.
 - Project team has worked diligently to minimize the need for property acquisitions

Offer Made As Required By Law

- Independent licensed appraiser used
- Written “Fair Market Value” offer made
- Owner offered up to \$5,000 Reimbursement for own appraisal
- County has attempted to negotiate an amicable settlement in good faith, continues to do so, but has been unsuccessful thus far

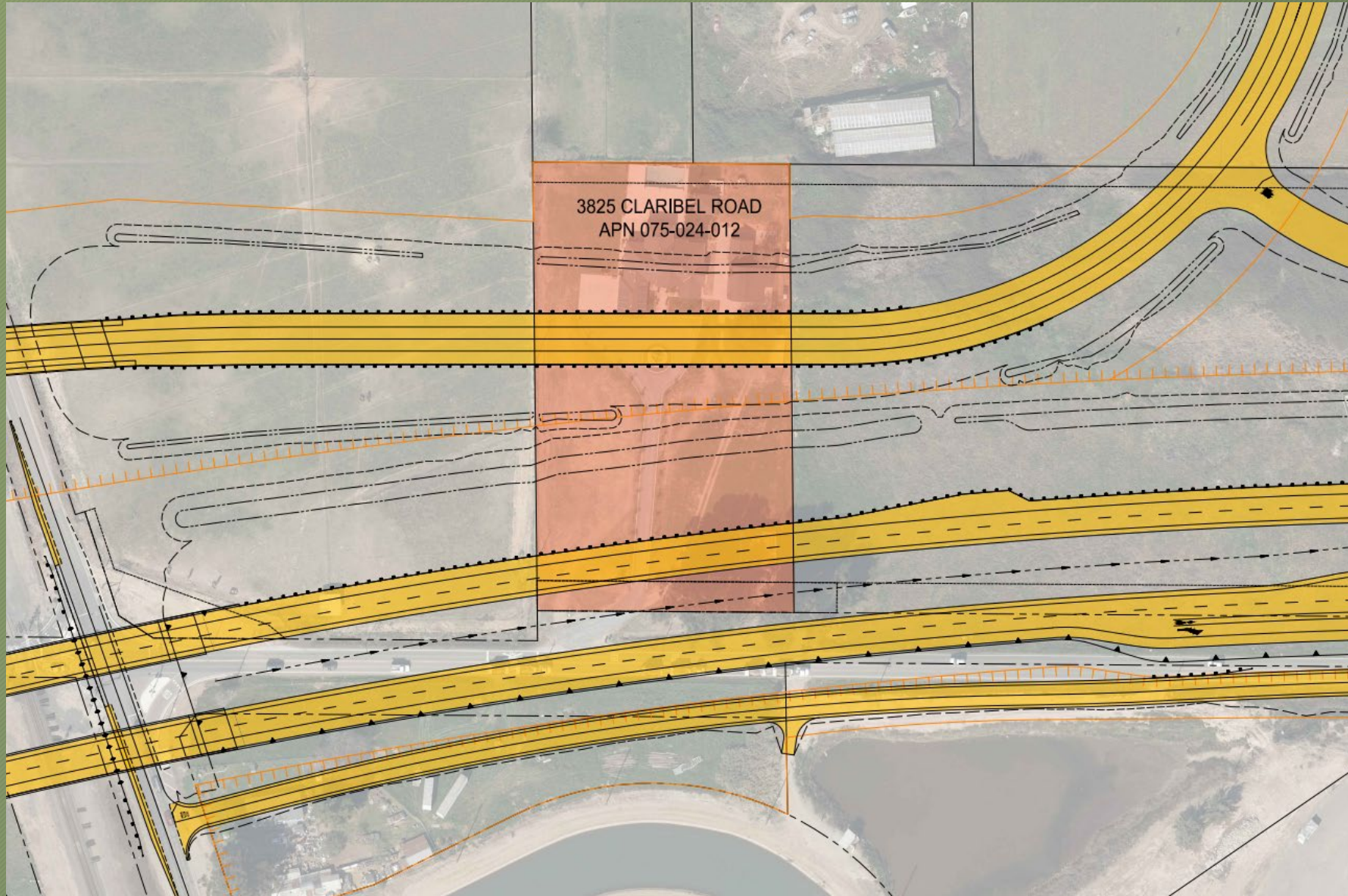
Key RON Findings Required

- Public interest and necessity require the North County Corridor Project - Phase 1 - Final EIR / EIS Approved May 22, 2020
- Project is planned in the manner that will be most compatible with the greatest public good and the least private injury
- The subject properties are necessary for the Project
- Offer has been made to the parcel owner(s) to be acquired

Property Is Necessary - APN 075-024-012 Gutierrez



Property Is Necessary - APN 075-024-012 Gutierrez



Staff Recommends

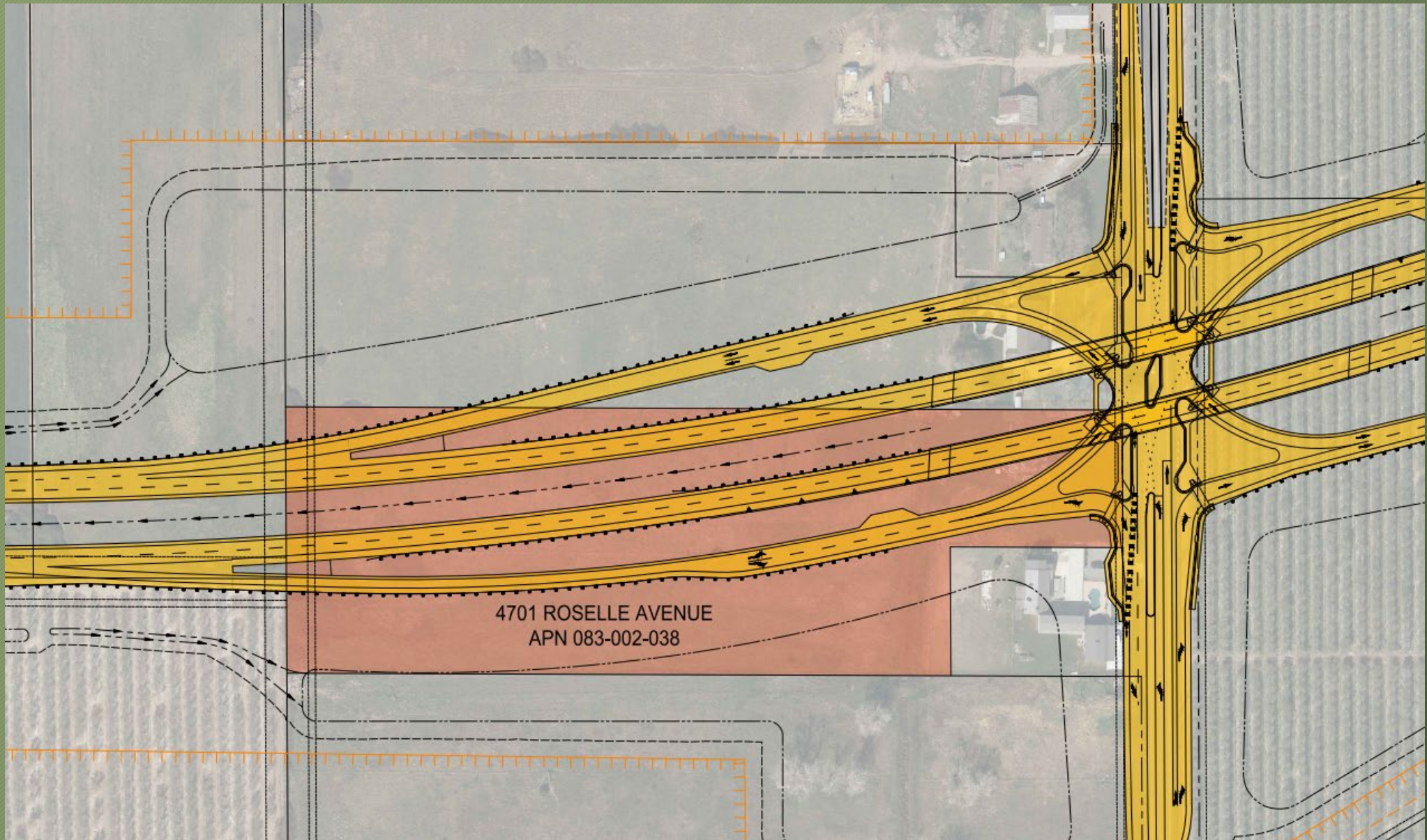
1. Find that the public interest and necessity require the North County Corridor Project – Phase 1.
2. Find that the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. Find that the subject property, APN 075-024-012, described in the attached Resolution is necessary for the Project.
4. Find that the offer required by section 7267.2 of the Government Code has been made to the parcel owners, Paz Gutierrez of the property to be acquired.
5. Adopt a Resolution of Necessity in the form attached hereto as Attachment 1.
6. Authorize County Counsel to initiate eminent domain proceedings to acquire the subject property.

Property Is Necessary - APN 083-002-038 Gilbert W



4701 ROSELLE AVENUE
APN 083-002-038

Property Is Necessary - APN 083-002-038 Gilbert W



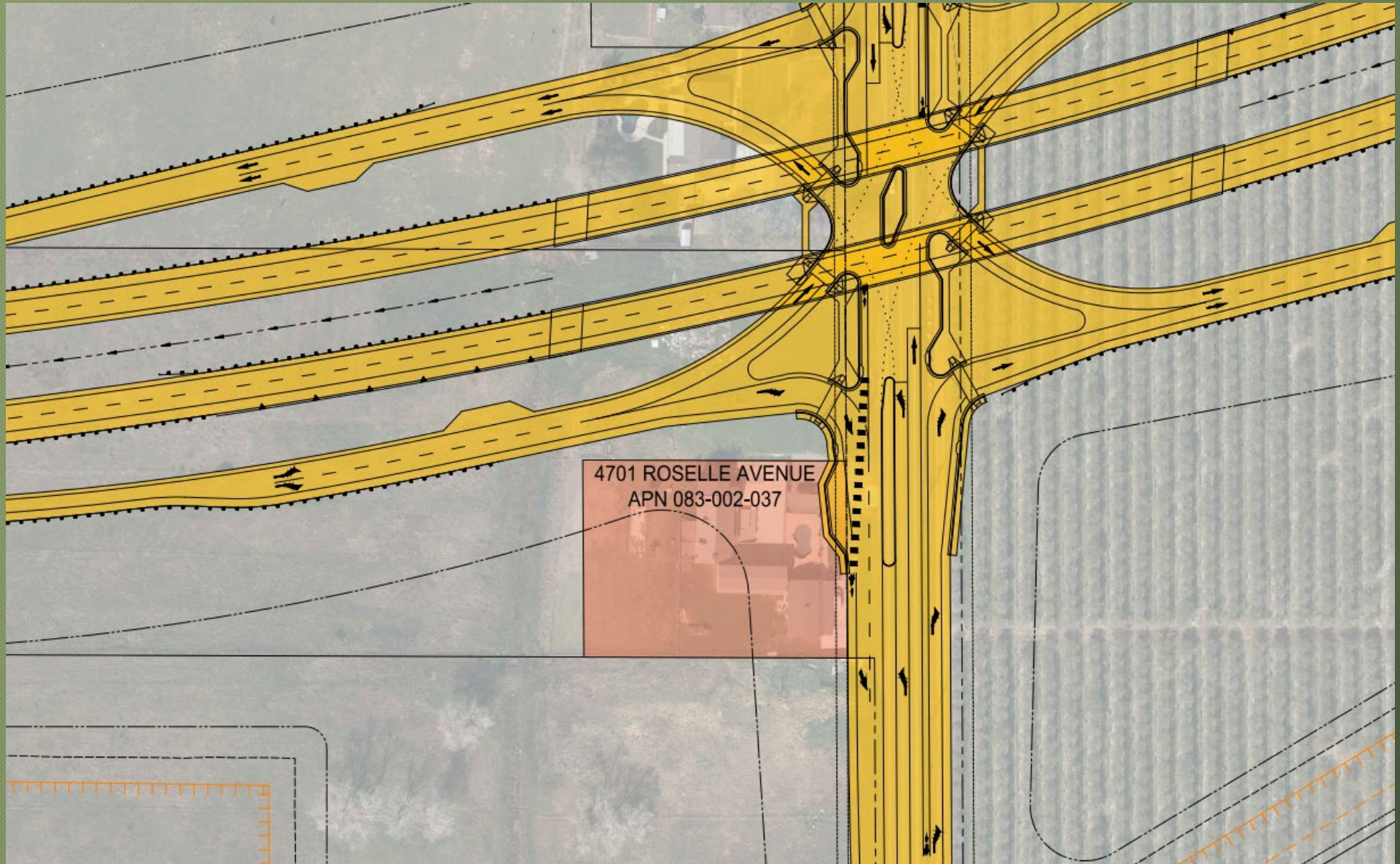
Staff Recommends

1. Find that the public interest and necessity require the North County Corridor Project – Phase 1.
2. Find that 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. Find that the subject property, APN 083-002-038, described in the attached Resolution is necessary for the Project
4. Find that the offer required by section 7267.2 of the Government Code has been made to the parcel owners, Heirs or Devisees of A. Wayne Gilbert c/o Kory L. Gilbert and Connie S. Gilbert of the property to be acquired.
5. Adopt a Resolution of Necessity in the form attached hereto as Attachment 1.
6. Authorize County Counsel to initiate eminent domain proceedings to acquire the subject property.

Property Is Necessary - APN 083-002-037 Gilbert K



Property Is Necessary - APN 083-002-037 Gilbert K



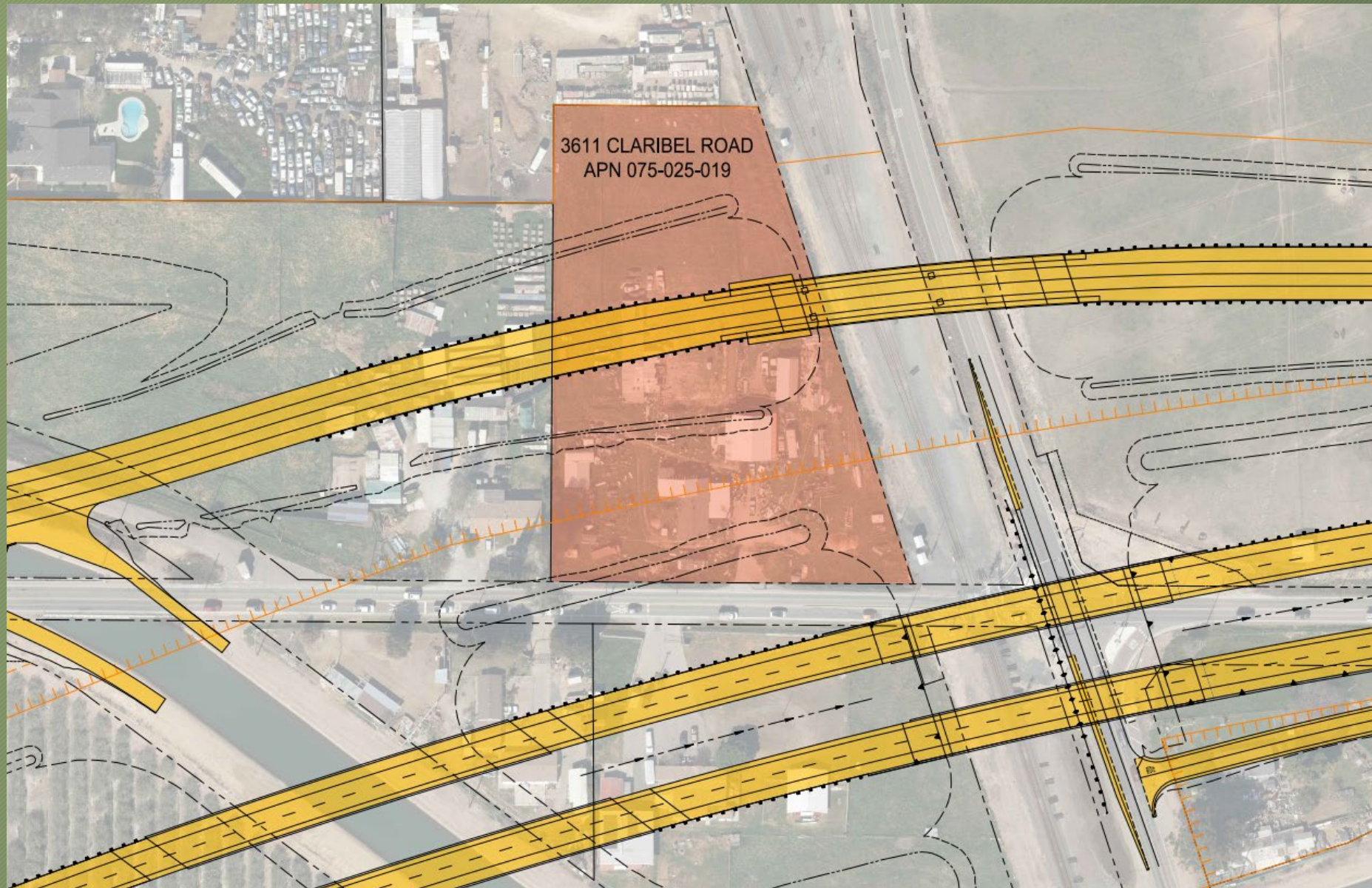
Staff Recommends

1. Find that the public interest and necessity require the North County Corridor Project – Phase 1.
2. Find that 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. Find that the subject property, APN 083-002-037, described in the attached Resolution is necessary for the Project.
4. Find that the offer required by section 7267.2 of the Government Code has been made to the parcel owners, Kory L. Gilbert and Connie S. Gilbert of the property to be acquired.
5. Adopt a Resolution of Necessity in the form attached hereto as Attachment 1.
6. Authorize County Counsel to initiate eminent domain proceedings to acquire the subject property.

Property is Necessary APN 075-025-019 LU



Property is Necessary APN 075-025-019 LU



Staff Recommends

1. Find that the public interest and necessity require the North County Corridor Project – Phase 1.
2. Find that 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. Find that the subject property, APN 075-025-019, described in the attached Resolution is necessary for the Project.
4. Find that the offer required by section 7267.2 of the Government Code has been made to the parcel owners, Can L. Lu and Phuong K. Lu, Revocable Living Trust of the property to be acquired.
5. Adopt a Resolution of Necessity in the form attached hereto as Attachment 1.
6. Authorize County Counsel to initiate eminent domain proceedings to acquire the subject property.