

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

DEPT: Public Works

BOARD AGENDA: 8.3  
AGENDA DATE: June 6, 2023

**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, Cynthia Lindsey, Trustee of the Lindsey Revocable Trusts: Assessor's Parcel Numbers: 075-024-014, 011 & 013

**BOARD ACTION AS FOLLOWS:**

**RESOLUTION NO. 2023-0279**

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

- 1) X 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:8.3  
AGENDA DATE: June 6, 2023

CONSENT ☐

CEO CONCURRENCE: YES

4/5 Vote Required: Yes

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**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, Cynthia Lindsey, Trustee of the Lindsey Revocable Trusts: Assessor's Parcel Numbers: 075-024-014, 011 & 013

**STAFF RECOMMENDATION:**

1. Find that the public interest and necessity require the North County Corridor Project.
2. Find that the Project is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury.
3. Find that subject properties, Assessor's Parcel Numbers 075-024-014, 011 & 013, 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 owner, Cynthia Lindsey, Trustee of the Lindsey Revocable Trusts, 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) Phase I Project (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 (SR) 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 SR 108, is a network of traditional highways, freeway (SR 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 Project 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 three-mile portion beginning at the SR 219 (Claribel Road) and Oakdale Road intersection. The Project 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 Project will provide a four-lane access-controlled facility with a median. The expressway will be accessed at key locations served by new frontage roads.

To implement the Project, Stanislaus 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](http://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 (ROW) needs for the first phase of the Project. There are 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 I - Plan View.

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 for the full fair market value of the property interests sought to be acquired including improvements pertaining to realty, if any, 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 engaged 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, 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(s) 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 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 or interests in property sought to be acquired is not an issue, nor is the amount of the County's offer a matter for consideration at the time of the hearing.

#### STATEMENT OF PUBLIC USE:

Portions of the properties described herein and in the Resolution of Necessity are 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 Claus 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 SR 108/North County Corridor Phase I Project. The Project will:

- Improve regional network circulation
- Relieve existing traffic congestion, reduce traffic delay, and accommodate future traffic on SR 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 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 interests described below to certify the Project and construct the proposed Project improvements:

**Property Owner:** Cynthia Lindsey, Trustee of the Lindsey 2006 Revocable. Trust dated April 5, 2006, as to APN 075-024-014; and

Cynthia Lindsey, Trustee of the Lindsey 2010 Revocable. Trust dated December 15, 2010, as to APNs 075-024-011 & 013

**Assessor's Parcel Numbers Impacted:** 075-024-014, 011 & 013

**ROW Acquisition Area:**

County Parcel Number (CPN 41)

An approximately 155,792 square foot (3.58 acre) fee interest, and a 697 square foot permanent roadway easement in a portion of the real property located at 5101 Claus Road, Modesto, California (APN 075-024-014).

CPN 52

An approximately 199,131 square foot (4.57 acre) fee interest, a second fee interest identified as an uneconomic remnant consisting of approximately 12,041 square feet, and an 85,434 square foot (1.96 acre) permanent roadway easement, in a portion of the real property located on Claribel Road, Modesto, California (APN 075-024-011).

CPN 54

An approximately 12,713 square foot permanent roadway easement in a portion of the real property located at 3912 Davis Avenue, Modesto, California (APN 075-024-013).

The Lindsey ownership interest owns the above referenced three contiguous parcels under the same Planned Development zoning ordinance. The two southerly parcels (075-024-014 & 011) (hereinafter "Southerly Parcels") are used for one use, while the northerly parcel (075-024-013) (hereinafter "Northerly Parcel") is partitioned out for a different use than the two Southerly Parcels.

Southerly Parcels

The Southerly Parcels, bearing Assessor Parcel Numbers 075-024-014 & 011 are zoned Planned Development 329. These two properties are commonly known as 5101 Claus Road and are made up of two assessor parcels together consisting of a total of 17.35 acres of land area. A portion of the properties, approximately four acres, has gravel base and is currently used for agricultural trucking operations. The only improvements on the Southerly Parcels are an office structure of approximately 1,506 sq. ft., a 3,200 sq. ft. metal shop building used for on-site truck repair, and a 2,500 sq. ft. metal shop building used for storage. The remainder approximately 13.34 acres is unimproved. The proposed acquisitions from the Southerly Parcels will not require the acquisition of any of the structural improvements on the properties (see Attachment 2 — North County Corridor Phase I Project-Plan View).

The Project requires the acquisition of the property interests identified as CPNs 41 and 52 from the Southerly Parcels which property interests are more specifically described and depicted in the exhibits to the Resolution of Necessity (collectively

“Southerly Takes”). The necessary road easements will accommodate the realignment of Claribel Road and the widening of Claus Road, while the two larger fee takings will accommodate the new SR 108 North County Corridor, and the smaller fee taking will be acquired as an uneconomic remnant (see Attachment 2 — North County Corridor Phase I Project-Plan View).

The County hired a Member Appraisal Institute (MAI) certified general real estate appraiser to appraise the Southerly Takes that the County seeks to acquire. The appraiser's opinion is that the fair market value of the Southerly Takes as defined by Section 1263.320 of the Code of Civil Procedure including damages to the remainder, if any, is \$950,000. 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 owner of the property (see Attachment 3 – Impasse Letter, dated December 15, 2022, with attached Offer Letter, dated August 24, 2022).

#### Northerly Parcel

The Northerly Parcel, bearing Assessor Parcel Number 075-024-013 is also zoned Planned Development 329. This property is commonly known as 3912 Davis Avenue and consists of a total of 3.63 acres of land area. The Northerly Parcel is a mixed-use property. The westerly approximately 1.9-acre portion is currently used for residential purposes and has a 1,440 sq. ft. manufactured home on a permanent foundation. The easterly approximately 1.73-acre portion is used as an RV storage facility and has a 2,400 sq. ft. metal shop building located thereon. The proposed acquisitions from the Northerly Parcel will not require the acquisition of any of the structural improvements on the property (see Attachment 2 — North County Corridor Phase I Project-Plan View).

The Project requires the acquisition of the property interests identified as CPN 54 from the Northerly Parcel which property interests are more specifically described and depicted in the exhibits to the Resolution of Necessity (collectively “Northerly Takes”). The necessary road easement will accommodate creating of a cul-de-sac at Davis Avenue and the widening of Claus Road as it approaches the new SR 108 North County Corridor (see Attachment 2 — North County Corridor Phase I Project-Plan View).

The County hired a MAI certified general real estate appraiser to appraise the Northerly Take that the County seeks to acquire. The appraiser's opinion is that the fair market value of the Northerly Take as defined by Section 1263.320 of the Code of Civil Procedure including damages to the remainder, if any, is \$111,000. 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 owner of the property (see Attachment 3 – Impasse Letter, dated December 15, 2022, with attached Offer Letter, dated March 25, 2022).

Since the date of the initial offers, OPC acquisition consultants have contacted the owner and her representatives on multiple occasions to discuss the offers to purchase and to move forward with the acquisition process. Despite multiple attempts to reach Ms. Lindsey, to date, the owner has refused to communicate with the County. As such, the parties have not been able to reach an agreement regarding the acquisition of the Southerly Takes and Northerly Take (collectively “Subject Property”).

Staff recommends beginning the process of acquiring the Subject Property 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 any 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. Throughout the process, Staff will continue to work with the owner to attempt to negotiate and finalize an agreement reflecting fair and equitable compensation for the Subject Property.

**POLICY ISSUES:**

The Board of Supervisors' adoption of the Resolution of Necessity is required per section 1245.220 of the Code of Civil Procedures before condemnation proceedings may be commenced.

**FISCAL IMPACT:**

The cost associated with conducting the Resolution of Necessity hearing is part of the ROW Phase of the Project. This phase is currently funded by a Federal BUILD grant, local County Public Facilities Fees (PFF) and Regional Measure L funds. The total cost for this parcel is not known at this time and will be appropriated in a future Board item. The ROW costs for the NCC Project were included in the Fiscal Year 2023 Adopted 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 *Enhancing Community Infrastructure*, by improving traffic safety and reducing traffic congestion on the County Road system.

**STAFFING IMPACT:**

Existing Public Works staff is overseeing this project.

**CONTACT PERSON:**

David A. Leamon, Public Works Director

Telephone: (209) 525-4130

**ATTACHMENT(S):**

1. Resolution of Necessity
2. North County Corridor Phase 1- Plan View
3. Impasse Letter, dated December 15, 2022, with attached Offer Letters dated March 25, 2022 and August 24, 2022
4. Resolution of Necessity Requirements
5. Notice of Hearing, dated April 12, 2023

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

2023-0279

Date: June 6, 2023

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

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

Item # 8.3

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

PARCEL APN: 075-024-014, 075-024-011, 075-024-013

OWNER: Cynthia Lindsey, trustee of The Family Trust as - The Lindsey 2006 Revocable Trust, dated 4/5/2006; and Cynthia Lindsey, Trustee of the Lindsey 2010 Revocable Trust dated 12/15/2010

BE IT RESOLVED, that the Board of Supervisors of the County of Stanislaus, State of California, hereby finds and determines as follows:

WHEREAS, Article I, section 19 of the Constitution of the State of California, 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 or 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 from the Claribel and Oakdale Road intersection along a new alignment to Claus 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 three partial fee interests and three permanent road easements in a portion of those certain real properties commonly known as 5101 Claus Road and 3912 Davis Avenue, in the City of Modesto, County of Stanislaus, California (APNs 075-024-014, 075-024-011 and 075-024-013) for 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 defined, described and depicted in Exhibits "1" through "6" 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 provisions 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 FURTHER 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 Subject 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 this 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 to be put is a more necessary public use than the use to which the Subject Property is already devoted, 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.

7. The Subject Property is being acquired in whole or in part pursuant to the provisions of Code of Civil Procedure Sections 1240.320, 1240.330 and 1240.350, as the case may be, as substitute property necessary for a 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.

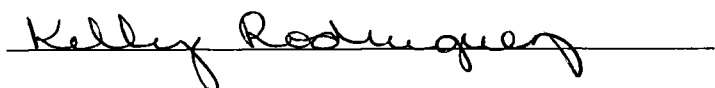
8. The Subject Property or a portion thereof consists of a remnant that will be left in such size, shape, or condition as to be of little market value and as such is being acquired pursuant to the provisions of Code of Civil Procedure Section 1240.410 et seq.

9. 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 Subject Property described herein above, and is further authorized to institute proceedings for taking pre-judgment possession of the Subject Property 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 possession. 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 to make or agree to any non-material changes to the legal description of the 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.

#### ATTACHMENTS

Exhibits 1 - 6 - Legal Definitions, Descriptions & Plat Maps

**ATTEST: Kelly Rodriguez, Assistant Clerk  
Stanislaus County Board of Supervisors,  
State of California**

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

File No.

# Exhibit 1

## **Fee (CPN 41)** (075-024-014)

The property interest to be acquired in Fee has been designated County Parcel No. 41, which represents certain interests in portions of the property located at 5101 Claus Road, in the City of Modesto, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Number 075-024-014, as described more specifically in Exhibits A (legal description) and B (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 "A"**  
**RIGHT-OF-WAY**

**North County Corridor Phase 1 Construction Project**  
**Lindsey 2010 Revocable Trust to County of Stanislaus**  
APN: 075-024-014

**Legal description**

A portion of Parcel B of Parcel 1, as described in Grant Deed to Cynthia Lindsey, Trustee of the Lindsey 2010 Revocable Trust dated December 15, 2010, filed for record May 9, 2019 as Document No. 2019-0028884, Stanislaus County Records, and situate in the southeast quarter of Section 36, Township 2 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, southerly of course (7), (8), (9) and (10) of the following described line:

COMMENCING at a 2" iron pipe with a 2" diameter brass disk, stamped "C.O.M. 2827" in a monument well at the northwest corner of Section 1, Township 3 South, Range 9 East, Mount Diablo Meridian, as shown on Corner Record No. 2483, filed January 23, 2019 and on file with the Stanislaus County Surveyor's Office, from which a 3" square brass plate on a concrete monument, stamped "LS 1104" at the North 1/4 corner of said Section 1, as shown on Corner Record No. 1099, on file with the Stanislaus County Surveyor's Office, bears South 89°35'30" East 2644.93 feet; thence along the West line of said Section 1 South 00°16'51" East 425.14 feet to the **TRUE POINT OF BEGINNING**;

thence (1), South 90°00'00" East 84.30 feet;

thence (2), continuing South 90°00'00" East 384.92 feet;

thence (3), South 04°36'22" East 335.49 feet;

thence (4), North 68°18'29" East 1956.17 feet;

thence (5), North 69°19'39" East 206.31 feet;

thence (6), easterly 2102.06 feet along the arc of a non-tangent curve concave to the South having a radius of 9189.35 feet, to which beginning a radial line bears North 12°49'59" West, through a central angle of 13°06'23";

thence (7), along a non-tangent line North 90°00'00" East 570.99 feet;

thence (8), North 26°11'06" East 42.14 feet;

thence (9), North 00°34'25" West 274.13 feet;



thence (10), North 89°29'41" East 103.70 feet to a point on the East line of Section 36, Township 2 South, Range 9 East, Mount Diablo Meridian, and the terminal point of this description, said terminal point bears North 00°30'19" West 616.24 feet from the southeast corner of said Section 36, as said southeast corner is marked with a 2" iron pipe with brass cap, stamped "LS 3260" in a monument well and shown on that certain map, filed for record August 12, 1983 in Book 16 of Surveys, at Page 16, Stanislaus County Records.

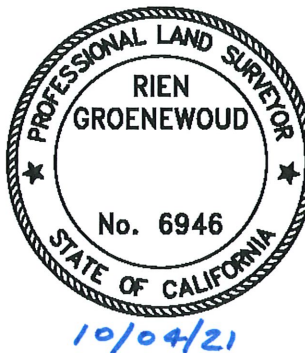
TOGETHER WITH underlying fee interest, if any, contiguous to the above-described property in the adjoining public ways.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights of access, appurtenant to GRANTOR's remaining property, in and to the freeway.

The Basis of Bearings for this description is the California State Plane Coordinate System 83 (2010.00), Zone 3, adjusted to NGS monuments "F 1388" (PID HS4417), "U 1414" (PID HS4500) and GPS Station Number 601, as shown on that certain map filed for record April 25, 2013 in Book 33 of Surveys, Page 54, Stanislaus County Records. All distances and areas shown are grid. To convert to ground distances, divide grid distances by a combined scale factor of 0.999927913.

All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.

  
Rien Groenewoud, P.L.S. 6946



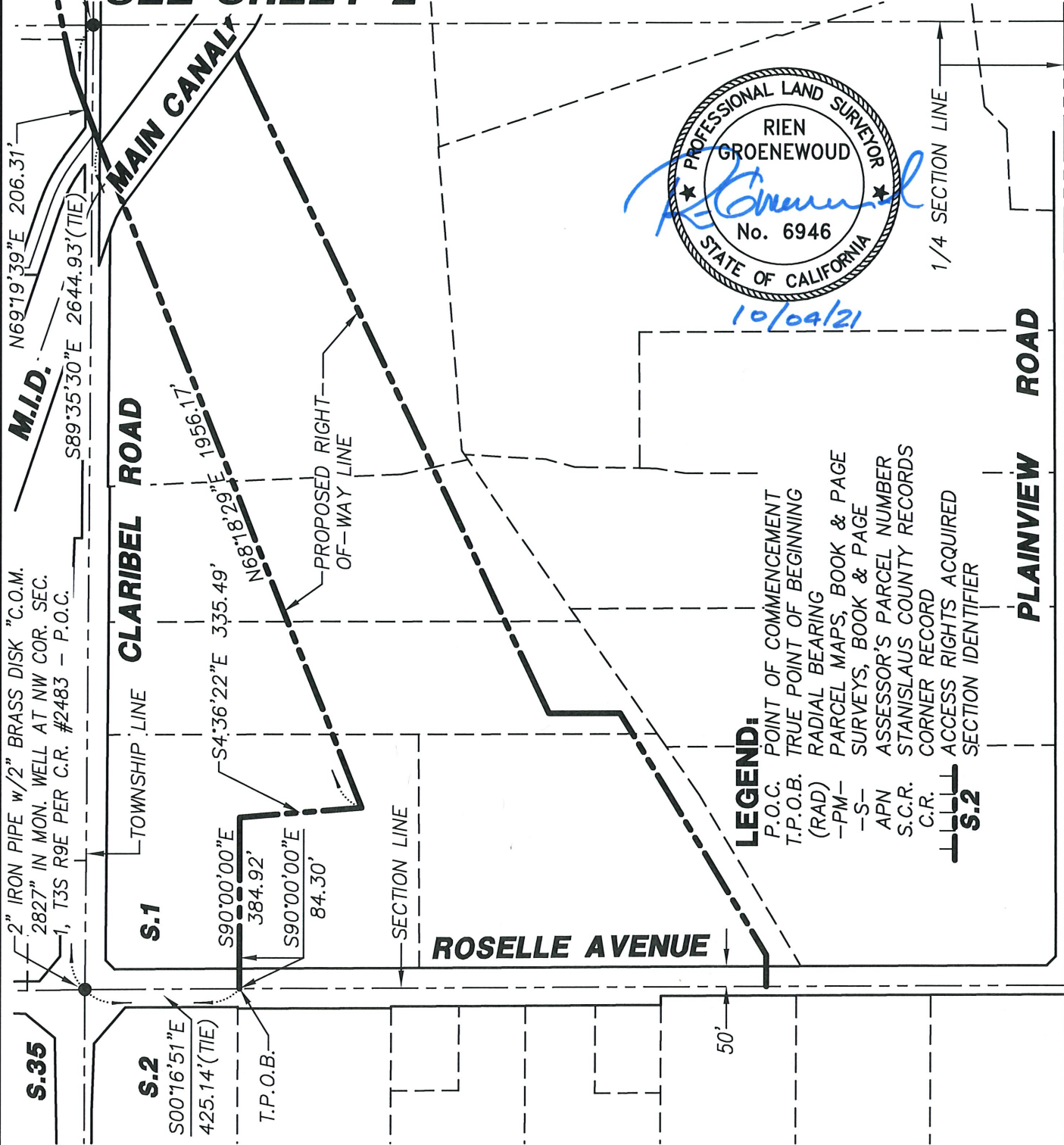
CONC. MON. w/BRASS PLATE IN  
MON. WELL AT N. 1/4 COR. SEC.  
1, T3S R9E PER C.R. #1099

# EXHIBIT 'B'

RIGHT-OF-WAY

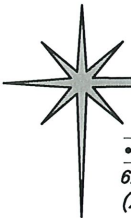


**SEE SHEET 2**



10/04/21

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**Engineering Group, Inc.**

• CIVIL ENGINEERING • SURVEYING • PLANNING •  
620 12th Street Modesto, CA 95354  
(209) 524-3525 Phone (209) 524-3526 Fax

## PLAT TO ACCOMPANY LEGAL DESCRIPTION

BEING A PORTION OF LOTS 34 AND 35 OF "MAP OF THE ROSELLE TRACT", FILED FOR RECORD IN VOLUME 7 OF MAPS, PAGE 3, S.C.R., AND SITUATE IN THE SE 1/4 OF SECTION 36, T.2 S., R.9 E., MOUNT DIABLO MERIDIAN.

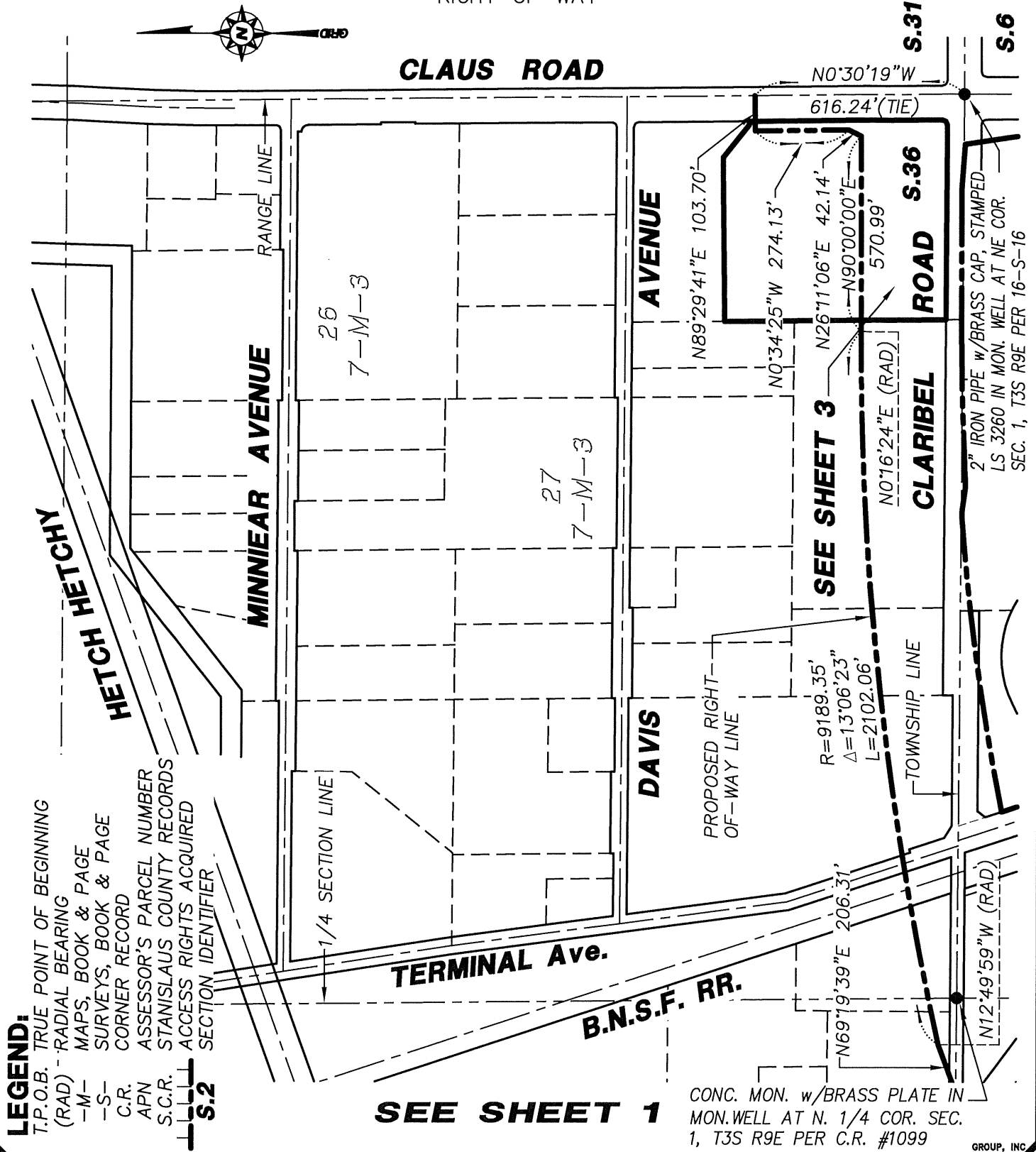
**STANISLAUS COUNTY**

**CALIFORNIA**

JOB:	J20-2539
DATE:	10/01/21
SCALE:	1"=400'
DRAWN:	RG
DESIGN:	RG
CHK'D:	RG
SHEET	

**01**  
OF **03**

**EXHIBIT 'B'**  
RIGHT-OF-WAY



**LEGEND:**

T.P.O.B. TRUE POINT OF BEGINNING  
(RAD) - RADIAL BEARING  
-M- MAPS, BOOK & PAGE  
-S- SURVEYS, BOOK & PAGE  
C.R. CORNER RECORD  
APN ASSESSOR'S PARCEL NUMBER  
S.C.R. STANISLAUS COUNTY RECORDS  
ACCESS RIGHTS ACQUIRED  
SECTION IDENTIFIER

**S.2**

**PLAT TO ACCOMPANY  
LEGAL DESCRIPTION**

BEING A PORTION OF LOTS 34 AND 35 OF "MAP OF THE ROSELLE TRACT", FILED FOR RECORD IN VOLUME 7 OF MAPS, PAGE 3, S.C.R., AND SITUATE IN THE SE 1/4 OF SECTION 36, T.2 S., R.9 E., MOUNT DIABLO MERIDIAN.

**STANISLAUS COUNTY**

**CALIFORNIA**

JOB:	J20-2539
DATE:	10/01/21
SCALE:	1"=400'
DRAWN:	RG
DESIGN:	RG
CHK'D:	RG
SHEET	02
OF	03

**NorthStar**  
**Engineering Group, Inc.**  
• CIVIL ENGINEERING • SURVEYING • PLANNING •  
620 12th Street Modesto, CA 95354  
(209) 524-3525 Phone (209) 524-3526 Fax

# EXHIBIT 'B'

RIGHT-OF-WAY

## LEGEND:

(RAD) RADIAL BEARING  
-PM- PARCEL MAPS, BOOK & PAGE  
APN ASSESSOR'S PARCEL NUMBER  
DOC. DOCUMENT  
S.C.R. STANISLAUS COUNTY RECORDS  
ACCESS RIGHTS ACQUIRED  
SECTION IDENTIFIER

S.2

APN 075-024-007

APN 075-024-011

APN 075-024-013

N89°29'41"E 103.70'

75'

N8°56'09"E 63.40'

DOC. No.  
2019-0028884

S89°22'26"W 4.69'

274.13'

N0°34'25"W

APN 075-024-014

PROPOSED RIGHT-  
OF-WAY LINE

N26°11'06"E 42.14'

N90°00'00"E

570.99'

155,792 SQ.FT.  
3.58 ACRES

FILL SLOPE EASEMENT PER  
DOC. No. 2000-0006636

75'

50'

S89°35'38"E 2644.98'(TIE)

50'

S.36

S.31

CLARIBEL

ROAD

2" IRON PIPE w/BRASS CAP, STAMPED  
LS 3260 IN MON. WELL AT NE COR.  
SEC. 1, T3S R9E PER 16-S-16

S.1

S.6

PROPOSED RIGHT-  
OF-WAY LINE

TOWNSHIP LINE

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ROAD



CLAUS

PLOTTED: 10/01/21 0824

DWG NAME: K:\2021-2022\Claribel Road Extension Project\DWG\Maping\Exhibits\RDW\Exhibits\APN 075-024-014 Linday Tract-RDW.dwg

## PLAT TO ACCOMPANY LEGAL DESCRIPTION

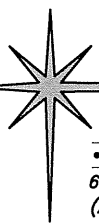
BEING A PORTION OF LOTS 34 AND 35 OF "MAP OF THE  
ROSELLE TRACT", FILED FOR RECORD IN VOLUME 7 OF  
MAPS, PAGE 3, S.C.R., AND SITUATE IN THE SE 1/4 OF  
SECTION 36, T.2 S., R.9 E., MOUNT DIABLO MERIDIAN.

STANISLAUS COUNTY

CALIFORNIA

JOB: J20-2539  
DATE: 10/01/21  
SCALE: 1"=120'  
DRAWN: RG  
DESIGN: RG  
CHK'D: RG

SHEET  
03  
OF 03



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Engineering Group, Inc.

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620 12th Street Modesto, CA 95354  
(209) 524-3525 Phone (209) 524-3526 Fax

## Exhibit 2

### **Permanent Roadway Easement (CPN 41)** (APN 075-024-014)

The property interest to be acquired has been designated as a Permanent Roadway Easement in County Parcel No. 41, which represent certain interests in portions of the property located at 5101 Claus Road, in the City of Modesto, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Numbers 075-024-014, as described more specifically in Exhibits A (legal description) and B (plat map) attached hereto, and which are incorporated herein by this reference ("Property").

The rights of the County of Stanislaus ("County") in the Property shall include without limitation the right to use the easement for roadway purposes associated with the State Route 108/North County Corridor Phase I Project and all uses convenient and necessary thereto, which activities may include, but are not limited to, constructing and using permanent roadway improvements. County shall have the right to remove all improvements located within the Property including, but not limited to, buildings, trees, hardscape, and landscape improvements.

County shall have the right to transfer, assign and/or convey the Property, including without limitation any interest therein, and/or in whole or in part, to successors and/or assigns, including without limitation other governmental agencies. The covenants contained in this writing, including without limitation any restrictions set forth above, shall run with the land.



# EXHIBIT "A"

## ROAD EASEMENT

**North County Corridor Phase 1 Construction Project**  
**Lindsey 2010 Revocable Trust to County of Stanislaus**  
APN: 075-024-014

### Legal description

ALL that certain real property, being a portion of Parcel B of Parcel 1, as described in Grant Deed to Cynthia Lindsey, Trustee of the Lindsey 2010 Revocable Trust dated December 15, 2010, filed for record May 9, 2019 as Document No. 2019-0028884, Stanislaus County Records, and situate in the southeast quarter of Section 36, Township 2 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, lying northerly and easterly of courses (1) through (3) of the following described line:

COMMENCING at a 2" iron pipe with brass cap, stamped "LS 3260" in a monument well at the southeast corner of said Section 36, as shown on that certain map filed for record August 12, 1983 in Book 16 of Surveys, at Page 16, Stanislaus County Records, from which a 1" iron pipe, tagged RCE 18573 in monument well at the point of intersection of the centerline of Davis Avenue and the East line of said southeast quarter, and shown on that certain map titled "Right-of-Way acquisition map Claus Road Claribel Road to Hwy. 108" on file with the Stanislaus County Surveyor's Office as file no. B-2A-32, bears North 00°30'19" West 992.95 feet; thence along said East line of the southeast quarter North 00°30'19" West 616.24 feet; thence leaving said East line and proceeding South 89°29'41" West 74.99 feet (75.00 feet Ground) to a point on the West right-of-way line of Claus Road and the **TRUE POINT OF BEGINNING**;

thence (1), continuing South 89°29'41" West 28.71 feet;

thence (2), South 89°22'26" West 4.69 feet;

thence (3), North 08°56'09" East 63.40 feet;

thence (4), parallel with and 97.99 feet distant (98.00 feet Ground) at right angles West of the said East line of the southeast quarter of Section 36 North 00°30'19" West 246.33 feet;

thence (5), South 89°29'41" West 49.67 feet;

thence (6), northwesterly 56.45 feet along the arc of a curve concave to the northeast having a radius of 55.00 feet through a central angle of 58°48'22";

thence (7), northwesterly 38.25 feet along the arc of a reverse curve concave to the southwest having a radius of 45.00 feet, a radial line through the beginning of said reverse curve bears North 58°18'03" East, through a central angle of 48°42'00";

thence (8), North 80°23'57" West 17.93 feet;

thence (9), westerly 12.95 feet along the arc of a curve concave to the South having a radius of 87.99 feet through a central angle of 08°25'53";

thence (10), North 88°49'50" West 13.17 feet to a point on the South right-of-way line of Davis Avenue, last said point being 20.00 feet distant at right angles South of said centerline of Davis Avenue, and the point of terminus, said point of terminus bears South 86°12'03" West 269.43 feet from said 1" iron pipe, tagged RCE 18573 in a monument well.

Containing (697 square feet Grid) 697 square feet [0.02 acres] Ground, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System 83 (2010.00), Zone 3, adjusted to NGS monuments "F 1388" (PID HS4417), "U 1414" (PID HS4500) and GPS Station Number 601, as shown on that certain map filed for record April 25, 2013 in Book 33 of Surveys, Page 54, Stanislaus County Records. All distances and areas shown are grid. To convert to ground distances, divide grid distances by a combined scale factor of 0.999927913. To convert to ground areas, divide grid areas by the combined factor squared (0.99985583).

All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.



Rien Groenewoud, P.L.S. 6946



11/30/21

**EXHIBIT 'B'**  
ROAD EASEMENT

1" IRON PIPE, TAGGED RCE 18573  
PER CLAUS ROAD COUNTY ROW  
MAP, FILE No. B-2A-32

**LEGEND:**

T.P.O.B. TRUE POINT OF BEGINNING  
-M- MAPS, BOOK & PAGE  
APN ASSESSOR'S PARCEL NUMBER  
DOC. DOCUMENT  
S.C.R. STANISLAUS COUNTY RECORDS  
**S.2** SECTION IDENTIFIER

**SEE SHEET 2**



PROPOSED ROAD  
EASEMENT LINE

APN 075-024-013

N8°56'09"E 63.40'

697 SQ.FT.  
0.02 ACRES

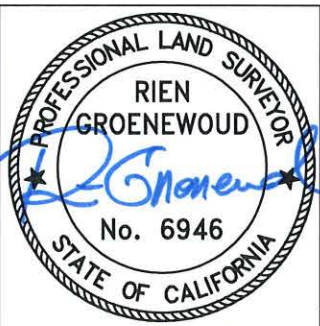
S89°22'26"W 4.69'

DOC. No.  
2019-0028884

APN 075-024-014

PROPOSED RIGHT-  
OF-WAY LINE

TOWNSHIP LINE



11/30/21

**CLARIBEL**

**ROAD**

2" IRON PIPE w/BRASS CAP, STAMPED  
LS 3260 IN MON. WELL AT NE COR.  
SEC. 1, T3S R9E PER 16-S-16  
POINT OF COMMENCEMENT

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620 12th Street Modesto, CA 95354  
(209) 524-3525 Phone (209) 524-3526 Fax

**PLAT TO ACCOMPANY  
LEGAL DESCRIPTION**

BEING A PORTION OF LOTS 34 AND 35 OF "MAP OF THE  
ROSELLE TRACT", FILED FOR RECORD IN VOLUME 7 OF  
MAPS, PAGE 3, S.C.R., AND SITUATE IN THE SE 1/4 OF  
SECTION 36, T.2 S., R.9 E., MOUNT DIABLO MERIDIAN.

**STANISLAUS COUNTY**

**CALIFORNIA**

JOB: J20-2539  
DATE: 11/23/21  
SCALE: 1"=150'  
DRAWN: RG  
DESIGN: RG  
CHK'D: RG

SHEET

**01**

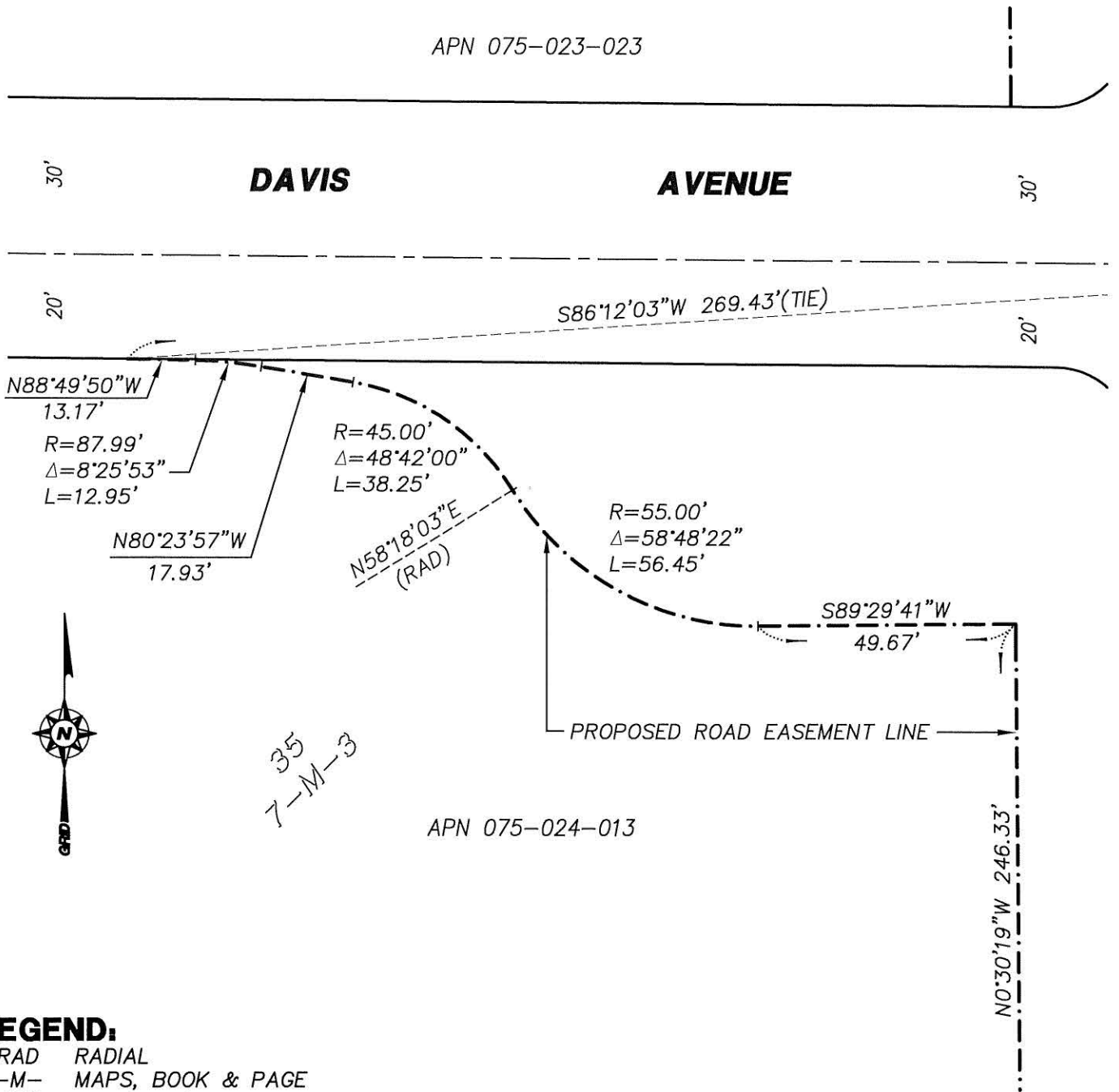
OF 02



# EXHIBIT 'B'

## ROAD EASEMENT

APN 075-023-023



### LEGEND:

RAD RADIAL  
 -M- MAPS, BOOK & PAGE  
 APN ASSESSOR'S PARCEL NUMBER  
 S.C.R. STANISLAUS COUNTY RECORDS

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### PLAT TO ACCOMPANY LEGAL DESCRIPTION

BEING A PORTION OF LOTS 34 AND 35 OF "MAP OF THE ROSELLE TRACT", FILED FOR RECORD IN VOLUME 7 OF MAPS, PAGE 3, S.C.R., AND SITUATE IN THE SE 1/4 OF SECTION 36, T.2 S., R.9 E., MOUNT DIABLO MERIDIAN.

**STANISLAUS COUNTY**

**CALIFORNIA**

JOB: J20-2539  
 DATE: 11/23/21  
 SCALE: 1"=30'  
 DRAWN: RG  
 DESIGN: RG  
 CHK'D: RG

SHEET

**02**  
 OF 02

# Exhibit 3

## **Fee (CPN 52)** (075-024-011)

The property interest to be acquired in Fee has been designated County Parcel No. 52, which represents certain interests in portions of the property located on Claribel Road, in the City of Modesto, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Number 075-024-011, as described more specifically in Exhibits A (legal description) and B (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 "A"**  
**RIGHT-OF-WAY**

**North County Corridor Phase 1 Construction Project**  
**Lindsey 2010 Revocable Trust to County of Stanislaus**  
APN: 075-024-011

**Legal description**

A portion of Parcel "B", as shown on that certain map filed for record February 7, 1978 in Book 26 of Parcel Maps, at Page 74, Stanislaus County Records, and situate in the southeast quarter of Section 36, Township 2 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, southerly of course (6) and (7) of the following described line:

COMMENCING at a 2" iron pipe with a 2" diameter brass disk, stamped "C.O.M. 2827" in a monument well at the northwest corner of Section 1, Township 3 South, Range 9 East, Mount Diablo Meridian, as shown on Corner Record No. 2483, filed January 23, 2019 and on file with the Stanislaus County Surveyor's Office, from which a 3" square brass plate on a concrete monument, stamped "LS 1104" at the North 1/4 corner of said Section 1, as shown on Corner Record No. 1099, on file with the Stanislaus County Surveyor's Office, bears South 89°35'30" East 2644.93 feet; thence along the West line of said Section 1 South 00°16'51" East 425.14 feet to the **TRUE POINT OF BEGINNING**;

thence (1), South 90°00'00" East 84.30 feet;

thence (2), continuing South 90°00'00" East 384.92 feet;

thence (3), South 04°36'22" East 335.49 feet;

thence (4), North 68°18'29" East 1956.17 feet;

thence (5), North 69°19'39" East 206.31 feet;

thence (6), easterly 2102.06 feet along the arc of a non-tangent curve concave to the South having a radius of 9189.35 feet, to which beginning a radial line bears North 12°49'59" West, through a central angle of 13°06'23";

thence (7), along a non-tangent line North 90°00'00" East 570.99 feet;

thence (8), North 26°11'06" East 42.14 feet;

thence (9), North 00°34'25" West 274.13 feet;

thence (10), North 89°29'41" East 103.70 feet to a point on the East line of Section 36, Township 2 South, Range 9 East, Mount Diablo Meridian, and the terminal point of this description, said terminal point bears North 00°30'19" West 616.24 feet from the southeast corner of said Section 36, as said southeast corner is marked with a 2" iron pipe with brass cap, stamped "LS 3260" in a monument well and shown on that certain map, filed for record August 12, 1983 in Book 16 of Surveys, at Page 16, Stanislaus County Records.

TOGETHER WITH underlying fee interest, if any, contiguous to the above-described property in and to the adjoining public way.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights of access, appurtenant to GRANTOR's remaining property, in and to the freeway.

The Basis of Bearings for this description is the California State Plane Coordinate System 83 (2010.00), Zone 3, adjusted to NGS monuments "F 1388" (PID HS4417), "U 1414" (PID HS4500) and GPS Station Number 601, as shown on that certain map filed for record April 25, 2013 in Book 33 of Surveys, Page 54, Stanislaus County Records. All distances and areas shown are grid. To convert to ground distances, divide grid distances by a combined scale factor of 0.999927913.

All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.

  
Rien Groenewoud, P.L.S. 6946



10/09/21

DWG NAME: K:\J20-2539 Claribel Road Extension Project\DWG\Mapping\Exhibits\ROW Dedications\APN 075-024-011 Lindsey Trust-ROW.dwg PLOTTED: 10/4/21 09:22

# EXHIBIT 'B'

RIGHT-OF-WAY



CLAUS ROAD

S.31

S.6

N0°30'19"W  
616.24' (TIE)

CLARIBEL ROAD S.36

DAVIS AVENUE

N89°29'41"E 103.70'  
N0°34'25"W 274.13'

N26°11'06"E 42.14'  
N90°00'00"E 570.99'

SEE SHEET 3

R=9189.35'  
Δ=13°06'23"  
L=2102.06'

TOWNSHIP LINE

N12°49'59"W (RAD)

CONC. MON. w/BRASS PLATE IN  
MON. WELL AT N. 1/4 COR. SEC.  
1, T3S R9E PER C.R. #1099

GROUP, INC

HETCH HETCHY

MINNIEAR AVENUE

26  
7-M-3

27  
7-M-3

1/4 SECTION LINE

TERMINAL Ave.

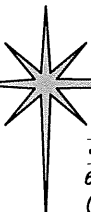
B.N.S.F. RR.

SEE SHEET 1

## LEGEND:

- T.P.O.B. TRUE POINT OF BEGINNING
- (RAD) - RADIAL BEARING
- M- MAPS, BOOK & PAGE
- S- SURVEYS, BOOK & PAGE
- C.R. CORNER RECORD
- APN ASSESSOR'S PARCEL NUMBER
- S.C.R. STANISLAUS COUNTY RECORDS
- ACCESS RIGHTS ACQUIRED
- SECTION IDENTIFIER

S.2



*North Star*

Engineering Group, Inc.

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(209) 524-3525 Phone (209) 524-3526 Fax

## PLAT TO ACCOMPANY LEGAL DESCRIPTION

BEING A PORTION OF PARCEL "B", AS SHOWN IN BOOK 26  
OF PARCEL MAPS, AT PAGE 74, S.C.R., AND SITUATE IN  
THE SE 1/4 OF SECTION 36, T.2 S., R.9 E., MOUNT  
DIABLO MERIDIAN.

STANISLAUS COUNTY

CALIFORNIA

JOB:	J20-2539
DATE:	10/01/21
SCALE:	1"=400'
DRAWN:	RG
DESIGN:	RG
CHK'D:	RG
SHEET	02
	OF 03



RIGHT-OF-WAY



(RAD)	RADIAL BEARING
-PM-	PARCEL MAPS, BOOK & PAGE
APN	ASSESSOR'S PARCEL NUMBER
DOC.	DOCUMENT
S.C.R.	STANISLAUS COUNTY RECORDS
	ACCESS RIGHTS ACQUIRED
<b>S.2</b>	SECTION IDENTIFIER

APN 075-024-005

APN 075-024-006

APN  
075-024-007

APN 075-024-014

APN 075-024-011

\* B\*  
26-PM-74

$$\begin{aligned} R &= 9189.35' \\ \Delta &= 13^{\circ}06'23'' \\ L &= 2102.06' \end{aligned}$$

PROPOSED RIGHT-  
OF-WAY LINE

N90°00'00"E  
570.99'

199,131 SQ.FT.  
4.57 ACRES

TOWNSHIP LINE

# CLARIBEL

## ROAD

PROPOSED RIGHT-  
OF-WAY LINE

-30' DRAINAGE EASEMENT  
PER 26-PM-74

APN 084-001-005

APN 084-001-006

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BEING A PORTION OF PARCEL "B", AS SHOWN IN BOOK 26  
OF PARCEL MAPS, AT PAGE 74, S.C.R., AND SITUATE IN  
THE SE 1/4 OF SECTION 36, T.2 S., R.9 E., MOUNT  
DIABLO MERIDIAN.

## STANISLAUS COUNTY

## CALIFORNIA

JOB:	J20-2539
DATE:	10/01/21
SCALE:	1"=150'
DRAWN:	RG
DESIGN:	RG
CHK'D:	RG
SHEET	

**03**  
OF **03**

# Exhibit 4

## **Fee (CPN 52)** (075-024-011)

The property interest to be acquired in Fee has been designated County Parcel No. 52, which represents certain interests in portions of the property located on Claribel Road, in the City of Modesto, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Number 075-024-011, as described more specifically in Exhibits A (legal description) and B (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 "A"

### FEE TAKE

**North County Corridor Phase 1 Construction Project**  
**The Lindsey 2010 Revocable Trust to County of Stanislaus**  
APN: 075-024-011

#### Legal description

ALL that certain real property, being a portion of Parcel B, as shown in Book 26 of Parcel Maps, at Page 74, Stanislaus County Records, and situate in the southeast quarter of Section 36, Township 2 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, lying northerly of the following described line:

#### ROAD EASEMENT LINE No. 1:

COMMENCING at a 3" square brass plate on a concrete monument, stamped "LS 1104" at the South 1/4 corner of said Section 36, as shown on Corner Record No. 1099, on file with the Stanislaus County Surveyor's Office; thence North 22°45'37" East 455.10 feet to a point on the westerly line of the Burlington Northern & Santa Fe Railroad's right-of-way (varying width), and the **TRUE POINT OF BEGINNING**;

thence (1), North 83°16'51" East 293.76 feet;

thence (2), South 86°54'46" East 572.56 feet;

thence (3), North 83°13'22" East 121.55 feet;

thence (4), South 88°00'31" East 79.64 feet;

thence (5), northeasterly 541.92 feet along the arc of non-tangent curve concave to the northwest having a radius of 356.74 feet, to which beginning a radial line bears South 00°01'40" East, through a central angle of 87°02'16";

thence (6), along a non-tangent line North 00°00'00" East 189.21 feet to a point on the South right-of-way line of Davis Road (40 feet wide) and the terminal point of this description, said terminal point bears [1] North 89°32'33" West along the North line of Lot 33, as shown on that certain map, titled "Map of the Roselle Tract", filed for record August 13, 1912 in Volume 7 of Maps, at Page 3, Stanislaus County Records, 18.89 feet, [2] South 00°00'00" West 20.00 feet and [3] North 89°32'33" West along said South right-of-way line 141.46 feet from the northeast corner of said Lot 33.

Containing (12,041 square feet Grid) 12,043 square feet [0.28 acres] Ground, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 3, NAD83 adjusted to the 2010.00 Epoch of NGS monuments "F 1388" (PID HS4417), "U 1414" (PID HS4500) and GPS Station Number 601, as shown in Book 33 of Surveys, Page 54, Stanislaus County Records. All distances and areas shown are grid. To convert to ground distances, divide grid distances by a combined scale factor of 0.999927913. To convert to ground areas, divide grid areas by the combined factor squared (0.99985583).

All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.



Rien Groenewoud, P.L.S. 6946



4/22/22



**Engineering Group, Inc.**  
• CIVIL ENGINEERING • SURVEYING • PLANNING •  
620 12th Street Modesto, CA 95354  
(209) 524-3525 Phone (209) 524-3526 Fax

*North Shore*

## PLAT TO ACCOMPANY LEGAL DESCRIPTION

BEING A PORTION OF PARCEL B, AS SHOWN IN BOOK 26 OF PARCEL MAPS, AT PAGE 74, S.C.R., AND SITUATE IN THE SE 1/4 OF SECTION 36, T.2 S., R.9 E., MOUNT DIABLO MERIDIAN.

**STANISLAUS COUNTY**

# CALIFORNIA

OF **02**

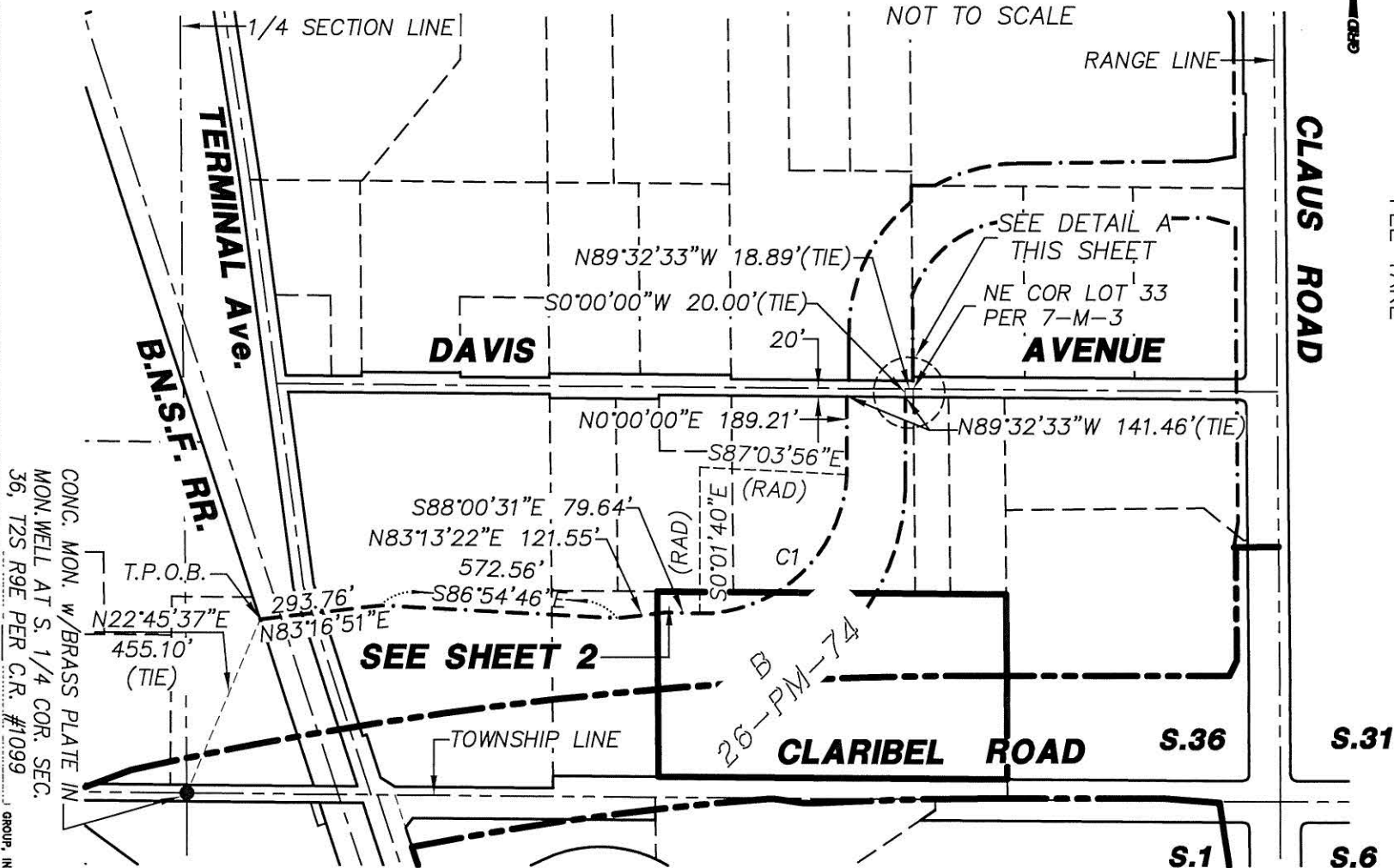
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JOB:	J20-2539
DATE:	04/22/22
SCALE:	1"=400'
DRAWN:	RG
DESIGN:	RG
CHK'D:	RG
SHEET	

## LEGEND:

T.P.O.B.	TRUE POINT OF BEGINNING
(RAD)	RADIAL BEARING
-S-	SURVEYS, BOOK & PAGE
C.R.	CORNER RECORD
APN	ASSESSOR'S PARCEL NUMBER
S.C.R.	STANISLAUS COUNTY RECORDS
—	ACCESS RIGHTS ACQUIRED
<b>S.2</b>	SECTION IDENTIFIER

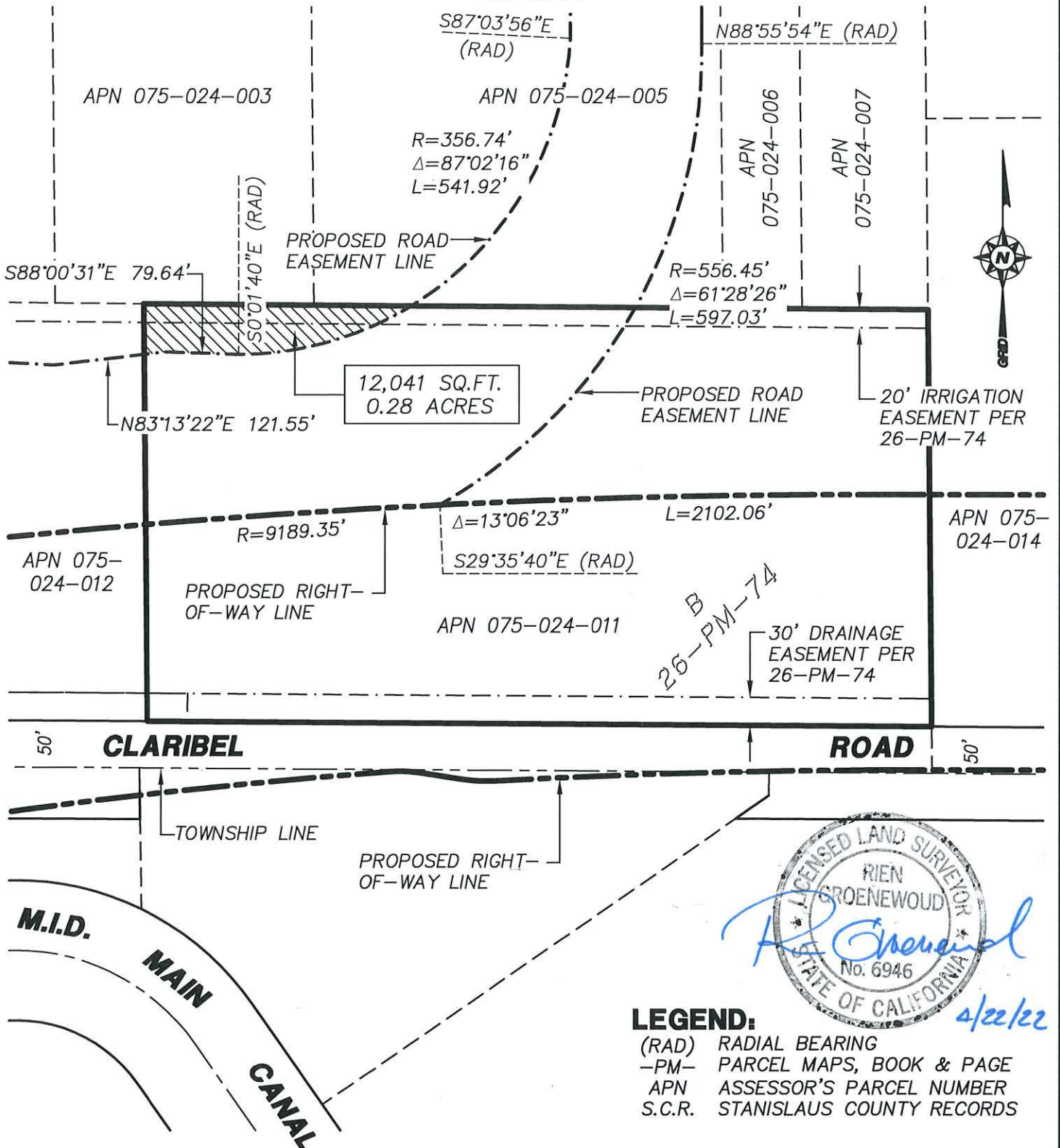
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CURVE	DELTA	RADIUS	LENGTH
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**EXHIBIT 'B'**  
FEE TAKE

# EXHIBIT 'B'

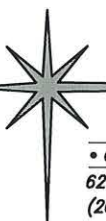
FEE TAKE



## LEGEND:

(RAD) RADIAL BEARING  
-PM- PARCEL MAPS, BOOK & PAGE  
APN ASSESSOR'S PARCEL NUMBER  
S.C.R. STANISLAUS COUNTY RECORDS

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## PLAT TO ACCOMPANY LEGAL DESCRIPTION

BEING A PORTION OF PARCEL B, AS SHOWN IN BOOK 26  
OF PARCEL MAPS, AT PAGE 74, S.C.R., AND SITUATE IN  
THE SE 1/4 OF SECTION 36, T.2 S., R.9 E., MOUNT  
DIABLO MERIDIAN.

**STANISLAUS COUNTY**

**CALIFORNIA**

JOB: J20-2539  
DATE: 04/22/22  
SCALE: 1"=150'  
DRAWN: RG  
DESIGN: RG  
CHK'D: RG  
SHEET  
**02**  
OF **02**

# Exhibit 5

## **Permanent Roadway Easement (CPN 52)** (APN 075-024-011)

The property interest to be acquired has been designated as a Permanent Roadway Easement in County Parcel No. 52, which represent certain interests in portions of the property located on Claribel Road, in the City of Modesto, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Numbers 075-024-011, as described more specifically in Exhibits A (legal description) and B (plat map) attached hereto, and which are incorporated herein by this reference ("Property").

The rights of the County of Stanislaus ("County") in the Property shall include without limitation the right to use the easement for roadway purposes associated with the State Route 108/North County Corridor Phase I Project and all uses convenient and necessary thereto, which activities may include, but are not limited to, constructing and using permanent roadway improvements. County shall have the right to remove all improvements located within the Property including, but not limited to, buildings, trees, hardscape, and landscape improvements.

County shall have the right to transfer, assign and/or convey the Property, including without limitation any interest therein, and/or in whole or in part, to successors and/or assigns, including without limitation other governmental agencies. The covenants contained in this writing, including without limitation any restrictions set forth above, shall run with the land.



# EXHIBIT "A"

## ROAD EASEMENT

**North County Corridor Phase 1 Construction Project**  
**The Lindsey 2010 Revocable Trust to County of Stanislaus**  
APN: 075-024-011

### Legal description

ALL that certain real property, being a portion of Parcel B, as shown in Book 26 of Parcel Maps, at Page 74, Stanislaus County Records, and situate in the southeast quarter of Section 36, Township 2 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, bounded on the South by course (6) of Proposed Right-of-Way line, bounded northerly by courses (3), (4) and (5) of Road Easement Line No. 1, also as described below, and bounded easterly by course (2) of Road Easement Line No 2, also as described below,:

### PROPOSED RIGHT-OF-WAY LINE:

COMMENCING at a 2" iron pipe with a 2" diameter brass disk, stamped "C.O.M. 2827" in a monument well at the southwest corner of said Section 36, as shown on Corner Record No. 2483, filed January 23, 2019 with the Stanislaus County Surveyor's Office, from which a 3" square brass plate on a concrete monument, stamped "LS 1104" at the South 1/4 corner of said Section 36, as shown on Corner Record No. 1099, on file with the Stanislaus County Surveyor's Office, bears South 89°35'30" East 2644.93 feet; thence along the West line of the northwest quarter of Section 1, Township 3 South, Range 9 East, Mount Diablo Meridian, South 00°16'51" East 425.14 feet to the **TRUE POINT OF BEGINNING**;

thence (1), South 90°00'00" East 84.30 feet;

thence (2), continuing South 90°00'00" East 384.92 feet;

thence (3), South 04°36'22" East 335.49 feet;

thence (4), North 68°18'29" East 1956.17 feet;

thence (5), North 69°19'39" East 206.31 feet;

thence (6), easterly 2102.06 feet along the arc of a non-tangent curve concave to the South having a radius of 9189.35 feet, to which beginning a radial line bears North 12°49'59" West, through a central angle of 13°06'23";

thence (7), along a non-tangent line North 90°00'00" East 570.99 feet;

thence (8), North 26°11'06" East 42.14 feet;

thence (9), North 00°34'25" West 274.13 feet;

thence (10), North 89°29'41" East 103.70 feet to a point on the East line of said Section 36, Township 2 South, Range 9 East, Mount Diablo Meridian, and the terminal point of this description, said terminal point bears North 00°30'19" West 616.24 feet from a 2" iron pipe with brass cap, stamped "LS 3260" in a monument well at the southeast corner of said Section 36, as shown on that certain map filed for record August 12, 1983 in Book 16 of Surveys, at Page 16, Stanislaus County Records.

#### ROAD EASEMENT LINE No. 1:

COMMENCING at a 3" square brass plate on a concrete monument, stamped "LS 1104" at the South 1/4 corner of said Section 36, as shown on Corner Record No. 1099, on file with the Stanislaus County Surveyor's Office; thence North 22°45'37" East 455.10 feet to a point on the westerly line of the Burlington Northern & Santa Fe Railroad's right-of-way (varying width), and the **TRUE POINT OF BEGINNING**;

thence (1), North 83°16'51" East 293.76 feet;

thence (2), South 86°54'46" East 572.56 feet;

thence (3), North 83°13'22" East 121.55 feet;

thence (4), South 88°00'31" East 79.64 feet;

thence (9), northeasterly 541.92 feet along the arc of non-tangent curve concave to the northwest having a radius of 356.74 feet, to which beginning a radial line bears South 00°01'40" East, through a central angle of 87°02'16";

thence (10), along a non-tangent line North 00°00'00" East 189.21 feet to a point on the South right-of-way line of Davis Road (40 feet wide) and the terminal point of this description, said terminal point bears [1] North 89°32'33" West along the North line of Lot 33, as shown on that certain map, titled "Map of the Roselle Tract", filed for record August 13, 1912 in Volume 7 of Maps, at Page 3, Stanislaus County Records, 18.89 feet, [2] South 00°00'00" West 20.00 feet and [3] North 89°32'33" West along said South right-of-way line 141.46 feet from the northeast corner of said Lot 33.

#### ROAD EASEMENT LINE No. 2:

BEGINNING at a point on the South right-of-way line of Davis Avenue (40 feet wide), from which the northeast corner of Lot 33, as shown on that certain map, titled "Map of the Roselle

Tract", filed for record August 13, 1912 in Volume 7 of Maps, at Page 3, Stanislaus County Records, bears the following two (2) courses: [1] North 89°32'33" West along the North line of said Lot 33, 18.89 feet; and [2] South 00°00'00" West 20.00 feet;

thence (1), South 00°00'00" West 193.37 feet;

thence (2), southwesterly 597.03 feet along the arc of a non-tangent curve concave to the northwest having a radius of 556.45 feet, to which beginning a radial line bears North 88°55'54" East, through a central angle of 61°28'26" to a point on course (6) of above described Proposed Right-of-Way line, and the terminal point of this description.

Containing (85,434 square feet Grid) 85,446 square feet [1.96 acres] Ground, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 3, NAD83 adjusted to the 2010.00 Epoch of NGS monuments "F 1388" (PID HS4417), "U 1414" (PID HS4500) and GPS Station Number 601, as shown in Book 33 of Surveys, Page 54, Stanislaus County Records. All distances and areas shown are grid. To convert to ground distances, divide grid distances by a combined scale factor of 0.999927913. To convert to ground areas, divide grid areas by the combined factor squared (0.99985583).

All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.



Rien Groenewoud, P.L.S. 6946



12/2/21

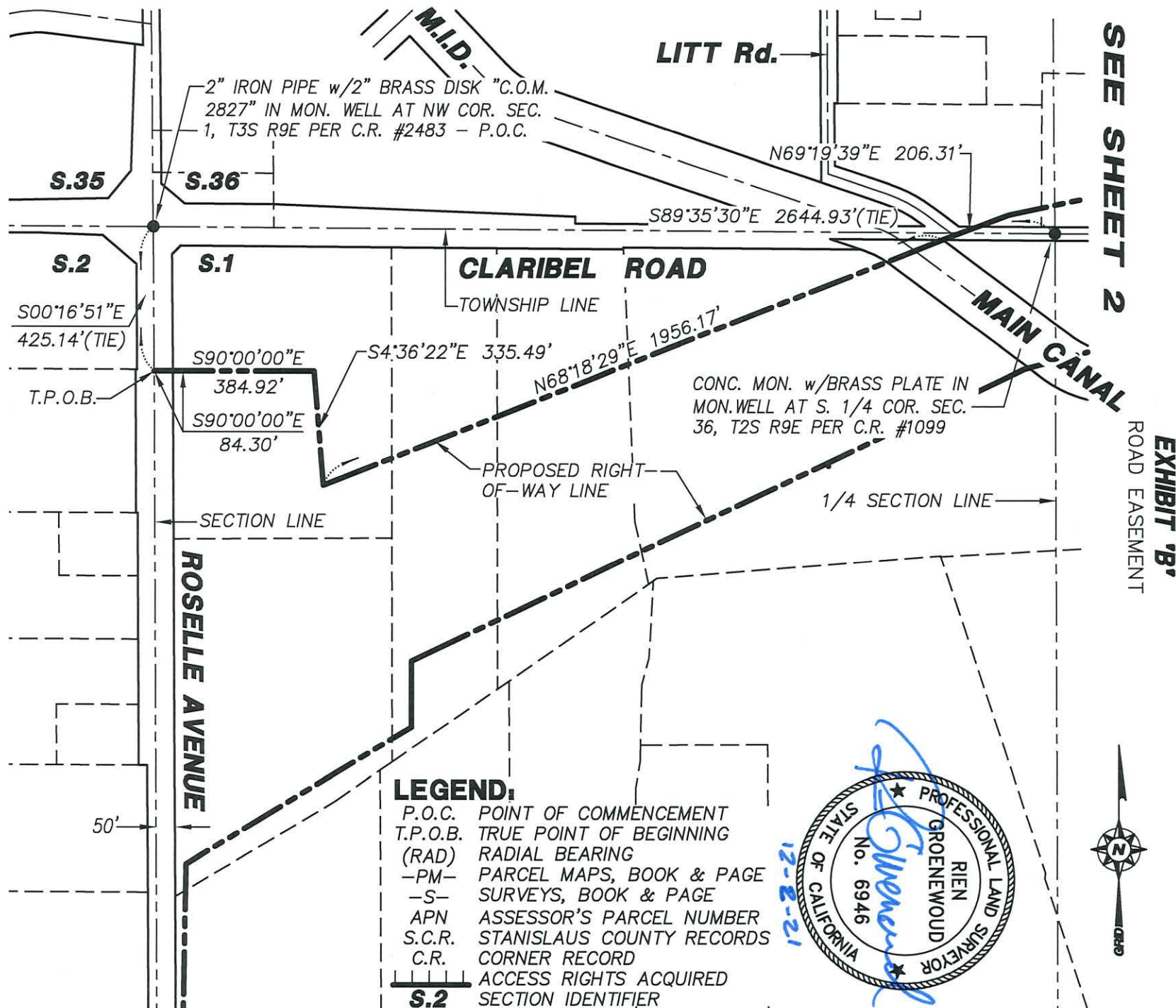


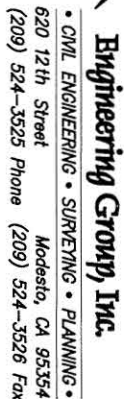
**NorthStar**  
Engineering Group, Inc.  
• CIVIL ENGINEERING • SURVEYING • PLANNING •  
620 12th Street Modesto, CA 95354  
(209) 524-3525 Phone (209) 524-3526 Fax

**PLAT TO ACCOMPANY  
LEGAL DESCRIPTION**  
BEING A PORTION OF PARCEL B, AS SHOWN IN BOOK 26  
OF PARCEL MAPS, AT PAGE 74, S.C.R., AND SITUATE IN  
THE SE 1/4 OF SECTION 36, T.2 S., R.9 E., MOUNT  
DIABLO MERIDIAN.  
**STANISLAUS COUNTY CALIFORNIA**

JOB:	120-2539
DATE:	12/02/21
SCALE:	1"=400'
DRAWN:	RG
DESIGN:	RG
CHK'D:	RG
SHEET	01
OF	03

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*North Star*

**Engineering Group, Inc.**

• CML ENGINEERING • SURVEYING • PLANNING •

620 12th Street

Modesto, CA 95354

(209) 524-3525 Phone (209) 524-3526 Fax

## PLAT TO ACCOMPANY LEGAL DESCRIPTION

BEING A PORTION OF PARCEL B, AS SHOWN IN BOOK 26 OF PARCEL MAPS, AT PAGE 74, S.C.R., AND SITUATE IN THE SE 1/4 OF SECTION 36, T.2 S., R.9 E., MOUNT DIABLO MERIDIAN.

**STANISLAUS COUNTY**

# CALIFORNIA

**03** OF

### LEGEND:

T.P.O.B. TRUE POINT OF BEGINNING

(RAD) RADIAL BEARING

-S- SURVEYS, BOOK & PAGE

C.R. CORNER RECORD

APN ASSESSOR'S PARCEL NUMBER

S.C.R. STANISLAUS COUNTY RECORDS

ACCESS RIGHTS ACQUIRED

**S.2** SECTION IDENTIFIER

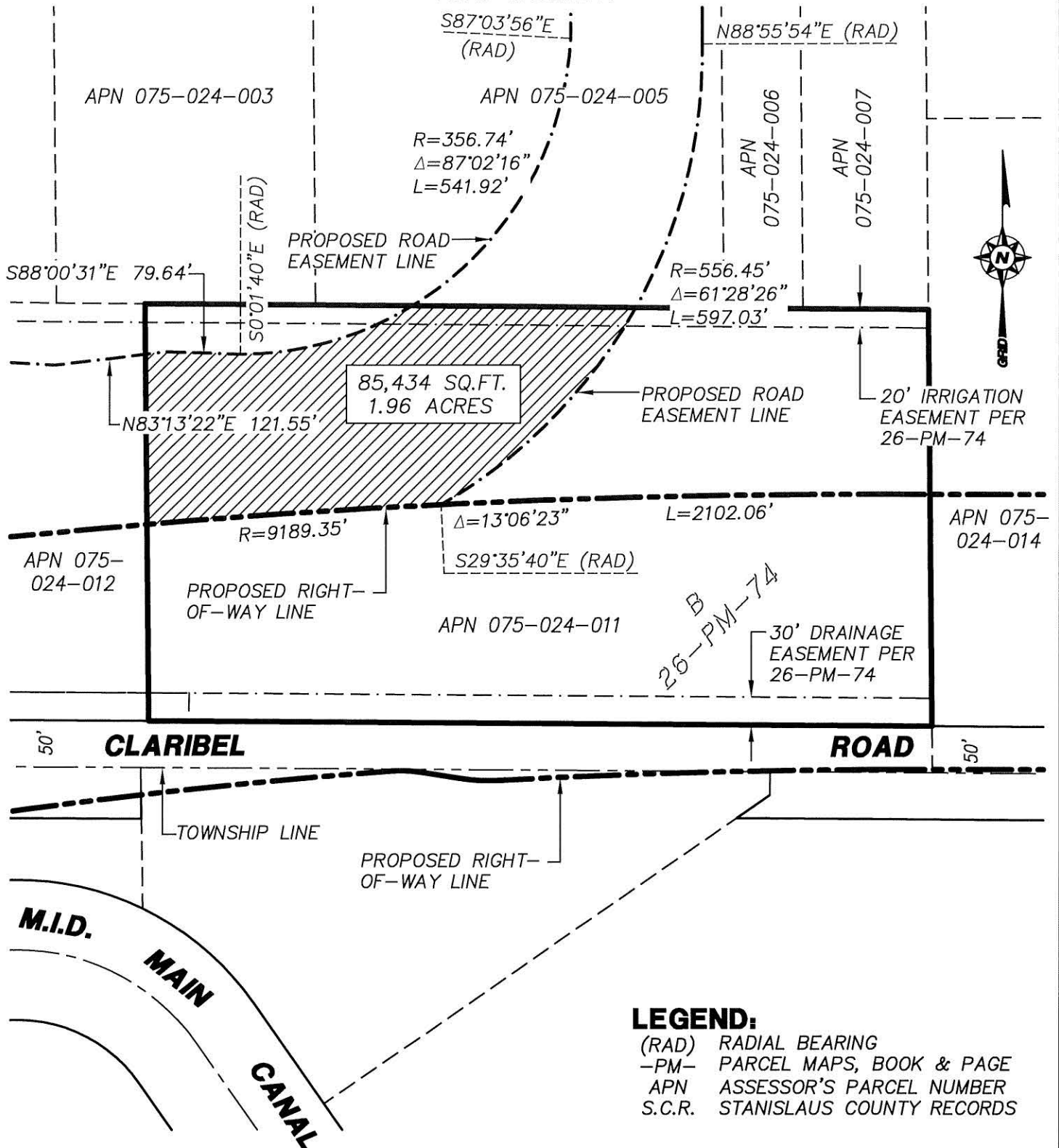
CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	87°02'16"	356.74'	541.92'
C2	61°28'26"	556.45'	597.03'

**EXHIBIT 'B'**  
ROAD EASEMENT

ROAD EASEMENT

# EXHIBIT 'B'

## ROAD EASEMENT



### LEGEND:

(RAD) RADIAL BEARING  
-PM- PARCEL MAPS, BOOK & PAGE  
APN ASSESSOR'S PARCEL NUMBER  
S.C.R. STANISLAUS COUNTY RECORDS

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620 12th Street Modesto, CA 95354  
(209) 524-3525 Phone (209) 524-3526 Fax

## PLAT TO ACCOMPANY LEGAL DESCRIPTION

BEING A PORTION OF PARCEL B, AS SHOWN IN BOOK 26 OF PARCEL MAPS, AT PAGE 74, S.C.R., AND SITUATE IN THE SE 1/4 OF SECTION 36, T.2 S., R.9 E., MOUNT DIABLO MERIDIAN.

STANISLAUS COUNTY

CALIFORNIA

JOB: J20-2539  
DATE: 12/02/21  
SCALE: 1"=150'  
DRAWN: RG  
DESIGN: RG  
CHK'D: RG

SHEET  
**03**  
OF 03

# Exhibit 6

## **Permanent Roadway Easement (CPN 54)** (APN 075-024-013)

The property interest to be acquired has been designated as a Permanent Roadway Easement in County Parcel No. 54, which represent certain interests in portions of the property located at 3912 Davis Avenue, in the City of Modesto, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Numbers 075-024-013, as described more specifically in Exhibits A (legal description) and B (plat map) attached hereto, and which are incorporated herein by this reference ("Property").

The rights of the County of Stanislaus ("County") in the Property shall include without limitation the right to use the easement for roadway purposes associated with the State Route 108/North County Corridor Phase I Project and all uses convenient and necessary thereto, which activities may include, but are not limited to, constructing and using permanent roadway improvements. County shall have the right to remove all improvements located within the Property including, but not limited to, buildings, trees, hardscape, and landscape improvements.

County shall have the right to transfer, assign and/or convey the Property, including without limitation any interest therein, and/or in whole or in part, to successors and/or assigns, including without limitation other governmental agencies. The covenants contained in this writing, including without limitation any restrictions set forth above, shall run with the land.



**EXHIBIT "A"**  
**ROAD EASEMENT**

**North County Corridor Phase 1 Construction Project**  
**Lindsey 2010 Revocable Trust to County of Stanislaus**  
APN: 075-024-013

**Legal description**

ALL that certain real property, being a portion of Parcel A of Parcel 1, as described in Grant Deed to Cynthia Lindsey, Trustee of the Lindsey 2010 Revocable Trust dated December 15, 2010, filed for record May 9, 2019 as Document No. 2019-0028884, Stanislaus County Records, and situate in the southeast quarter of Section 36, Township 2 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, lying easterly and northerly of courses (3) through (10) of the following described line:

COMMENCING at a 2" iron pipe with brass cap, stamped "LS 3260" in a monument well at the southeast corner of said Section 36, as shown on that certain map filed for record August 12, 1983 in Book 16 of Surveys, at Page 16, Stanislaus County Records, from which a 1" iron pipe, tagged RCE 18573 in monument well at the point of intersection of the centerline of Davis Avenue and the East line of said southeast quarter, and shown on that certain map titled "Right-of-Way acquisition map Claus Road Claribel Road to Hwy. 108" on file with the Stanislaus County Surveyor's Office as file no. B-2A-32, bears North 00°30'19" West 992.95 feet; thence along said East line of the southeast quarter North 00°30'19" West 616.24 feet; thence leaving said East line and proceeding South 89°29'41" West 74.99 feet (75.00 feet Ground) to a point on the West right-of-way line of Claus Road and the **TRUE POINT OF BEGINNING**;

thence (1), continuing South 89°29'41" West 28.71 feet;

thence (2), South 89°22'26" West 4.69 feet;

thence (3), North 08°56'09" East 63.40 feet;

thence (4), parallel with and 97.99 feet distant (98.00 feet Ground) at right angles West of the said East line of the southeast quarter of Section 36 North 00°30'19" West 246.33 feet;

thence (5), South 89°29'41" West 49.67 feet;

thence (6), northwesterly 56.45 feet along the arc of a curve concave to the northeast having a radius of 55.00 feet through a central angle of 58°48'22";

thence (7), northwesterly 38.25 feet along the arc of a reverse curve concave to the southwest having a radius of 45.00 feet, a radial line through the beginning of said reverse curve bears North 58°18'03" East, through a central angle of 48°42'00";

thence (8), North 80°23'57" West 17.93 feet;

thence (9), westerly 12.95 feet along the arc of a curve concave to the South having a radius of 87.99 feet through a central angle of  $08^{\circ}25'53''$ ;

thence (10), North  $88^{\circ}49'50''$  West 13.17 feet to a point on the South right-of-way line of Davis Avenue, last said point being 20.00 feet distant at right angles South of said centerline of Davis Avenue, and the point of terminus, said point of terminus bears South  $86^{\circ}12'03''$  West 269.43 feet from said 1" iron pipe, tagged RCE 18573 in a monument well.

Containing (12,713 square feet Grid) 12,715 square feet [0.29 acres] Ground, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System 83 (2010.00), Zone 3, adjusted to NGS monuments "F 1388" (PID HS4417), "U 1414" (PID HS4500) and GPS Station Number 601, as shown on that certain map filed for record April 25, 2013 in Book 33 of Surveys, Page 54, Stanislaus County Records. All distances and areas shown are grid. To convert to ground distances, divide grid distances by a combined scale factor of 0.999927913. To convert to ground areas, divide grid areas by the combined factor squared (0.99985583).

All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.



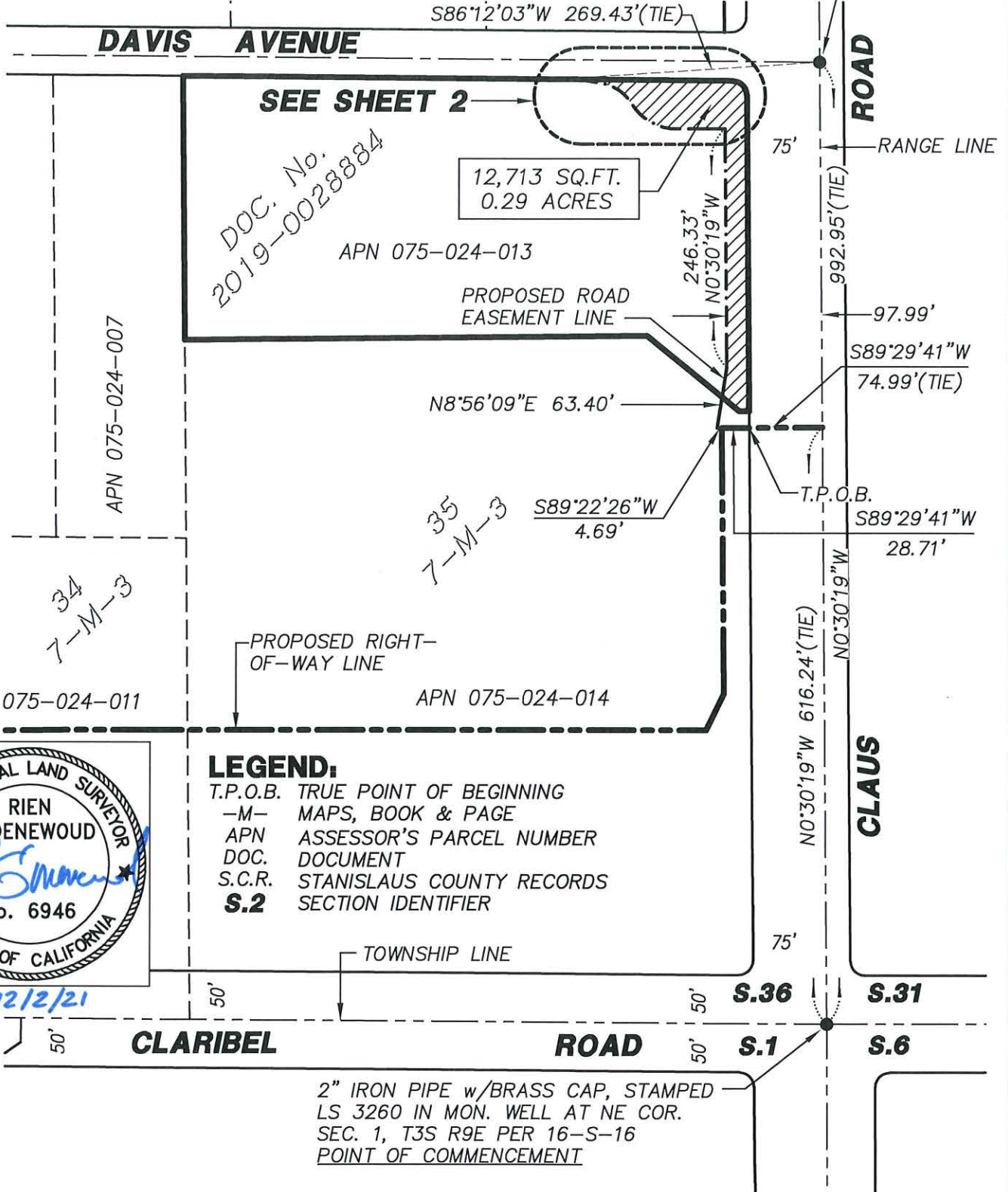
Rien Groenewoud, P.L.S. 6946



12/2/21

**EXHIBIT 'B'**  
ROAD EASEMENT

1" IRON PIPE, TAGGED RCE 18573  
PER CLAUS ROAD COUNTY ROW  
MAP, FILE No. B-2A-32



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**PLAT TO ACCOMPANY  
LEGAL DESCRIPTION**

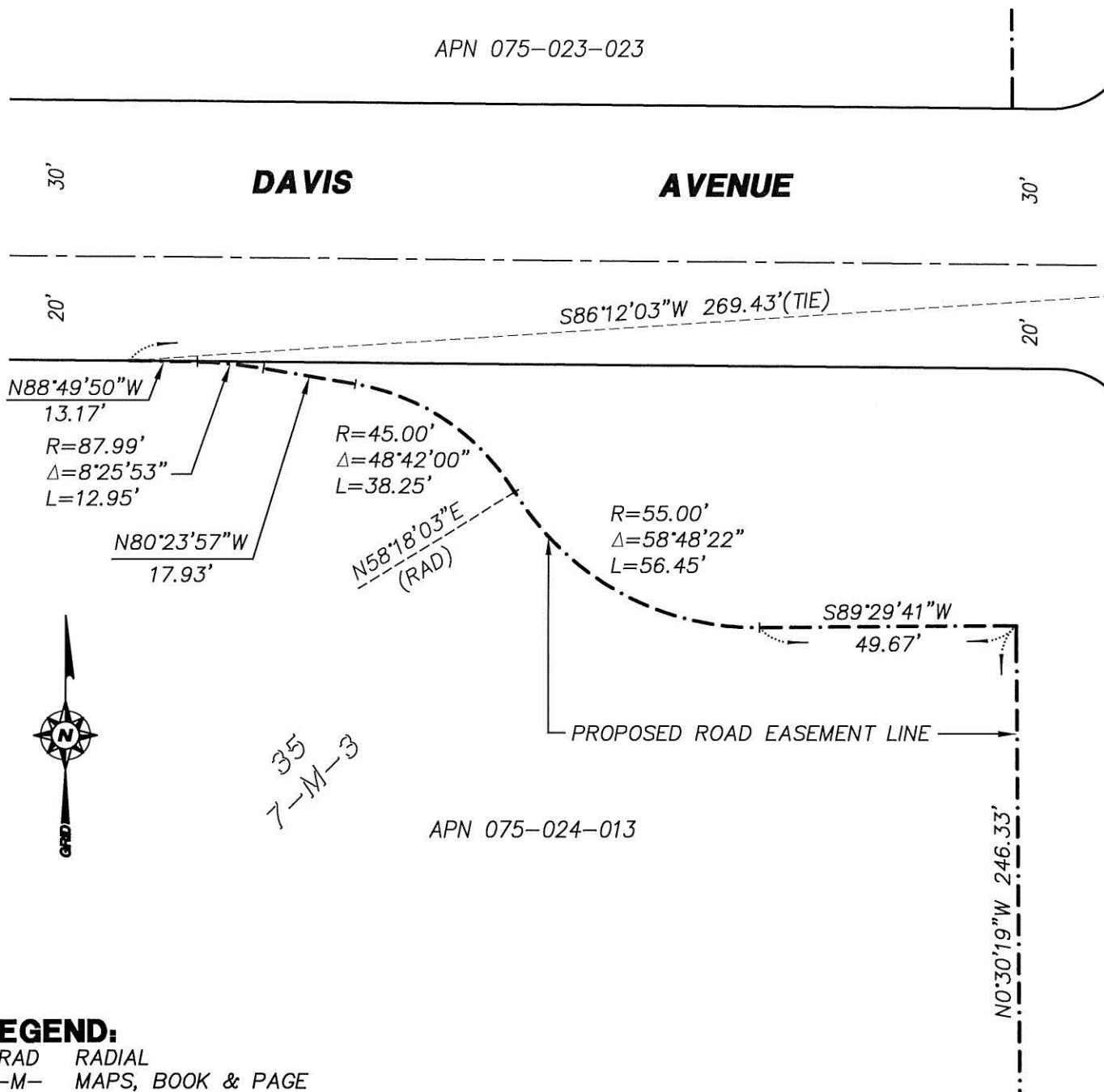
BEING A PORTION OF LOTS 34 AND 35 OF "MAP OF THE  
ROSELLE TRACT", FILED FOR RECORD IN VOLUME 7 OF  
MAPS, PAGE 3, S.C.R., AND SITUATE IN THE SE 1/4 OF  
SECTION 36, T.2 S., R.9 E., MOUNT DIABLO MERIDIAN.  
**STANISLAUS COUNTY CALIFORNIA**

JOB:	J20-2539
DATE:	12/02/21
SCALE:	1"=150'
DRAWN:	RG
DESIGN:	RG
CHK'D:	RG
SHEET	<b>01</b> OF <b>02</b>

# EXHIBIT 'B'

## ROAD EASEMENT

APN 075-023-023



### LEGEND:

RAD RADIAL  
-M- MAPS, BOOK & PAGE  
APN ASSESSOR'S PARCEL NUMBER  
S.C.R. STANISLAUS COUNTY RECORDS

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### PLAT TO ACCOMPANY LEGAL DESCRIPTION

BEING A PORTION OF LOTS 34 AND 35 OF "MAP OF THE ROSELLE TRACT", FILED FOR RECORD IN VOLUME 7 OF MAPS, PAGE 3, S.C.R., AND SITUATE IN THE SE 1/4 OF SECTION 36, T.2 S., R.9 E., MOUNT DIABLO MERIDIAN.

**STANISLAUS COUNTY**

**CALIFORNIA**

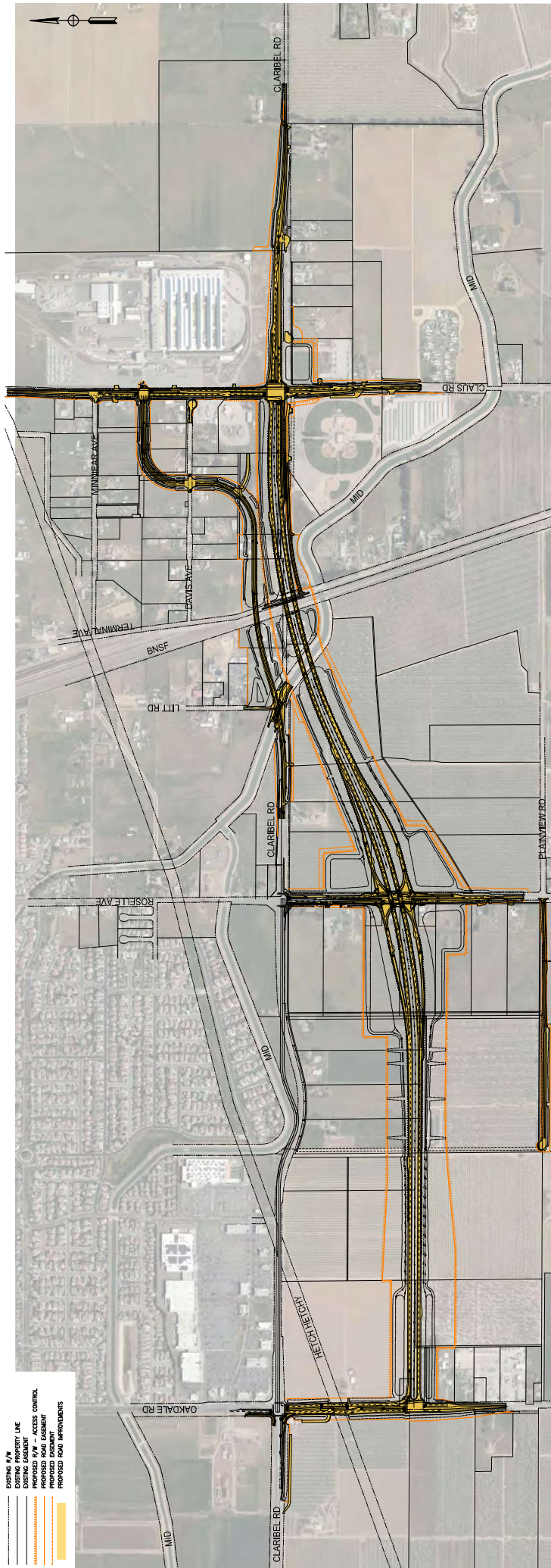
JOB: J20-2539  
DATE: 12/02/21  
SCALE: 1"=30'  
DRAWN: RG  
DESIGN: RG  
CHK'D: RG

SHEET  
**02**  
OF **02**



**LEGEND:**

- EXISTING R/W
- EXISTING PROPERTY LINE
- PROPOSED R/W - ACCESS CONTROL
- PROPOSED R/W - ACCESS CONTROL
- PROPOSED ROAD EASEMENT
- PROPOSED ROAD EASEMENT
- PROPOSED ROAD EASEMENTS

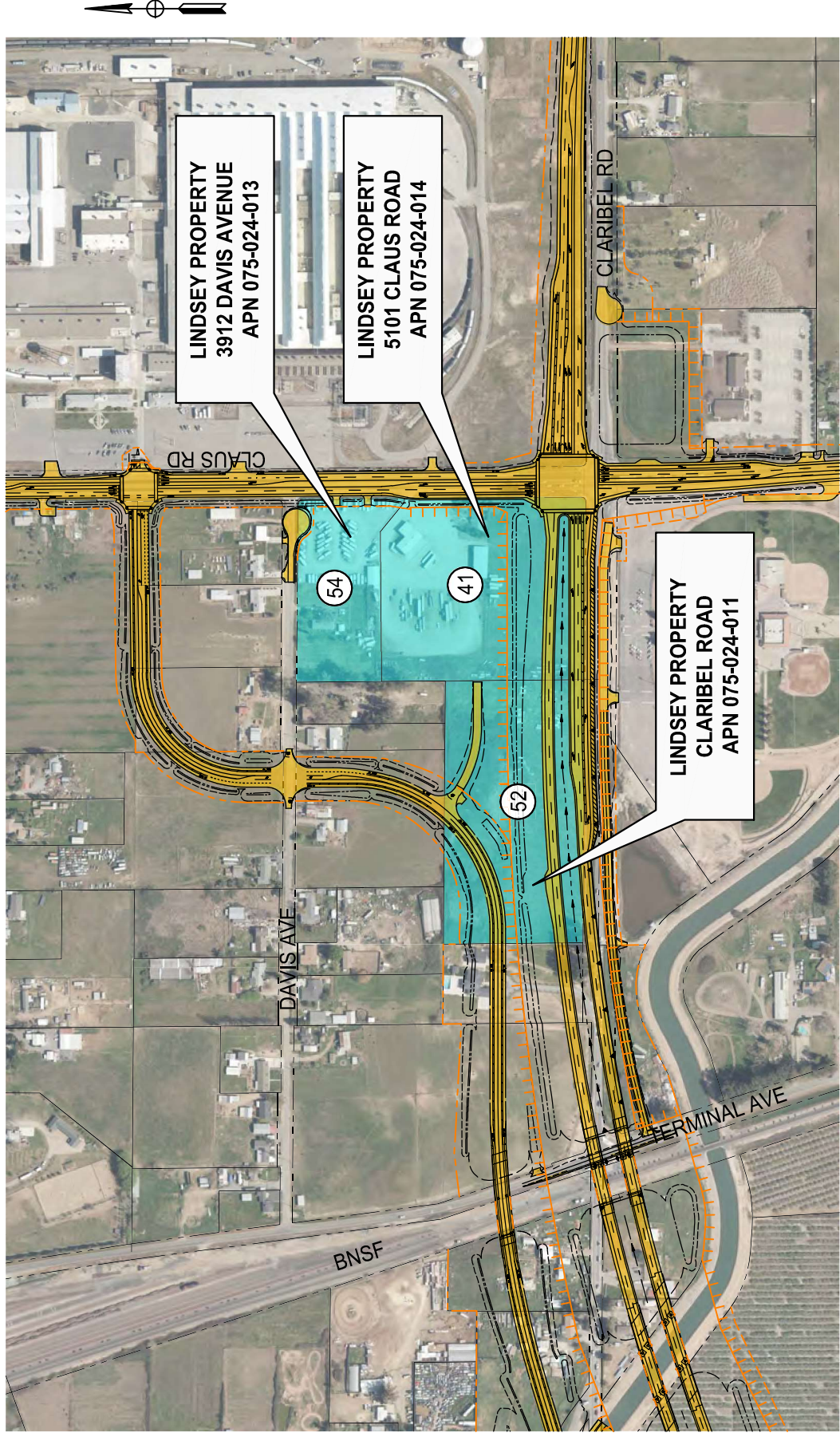


**NORTH COUNTY CORRIDOR (NCC) PHASE I  
OVERALL EXHIBIT**

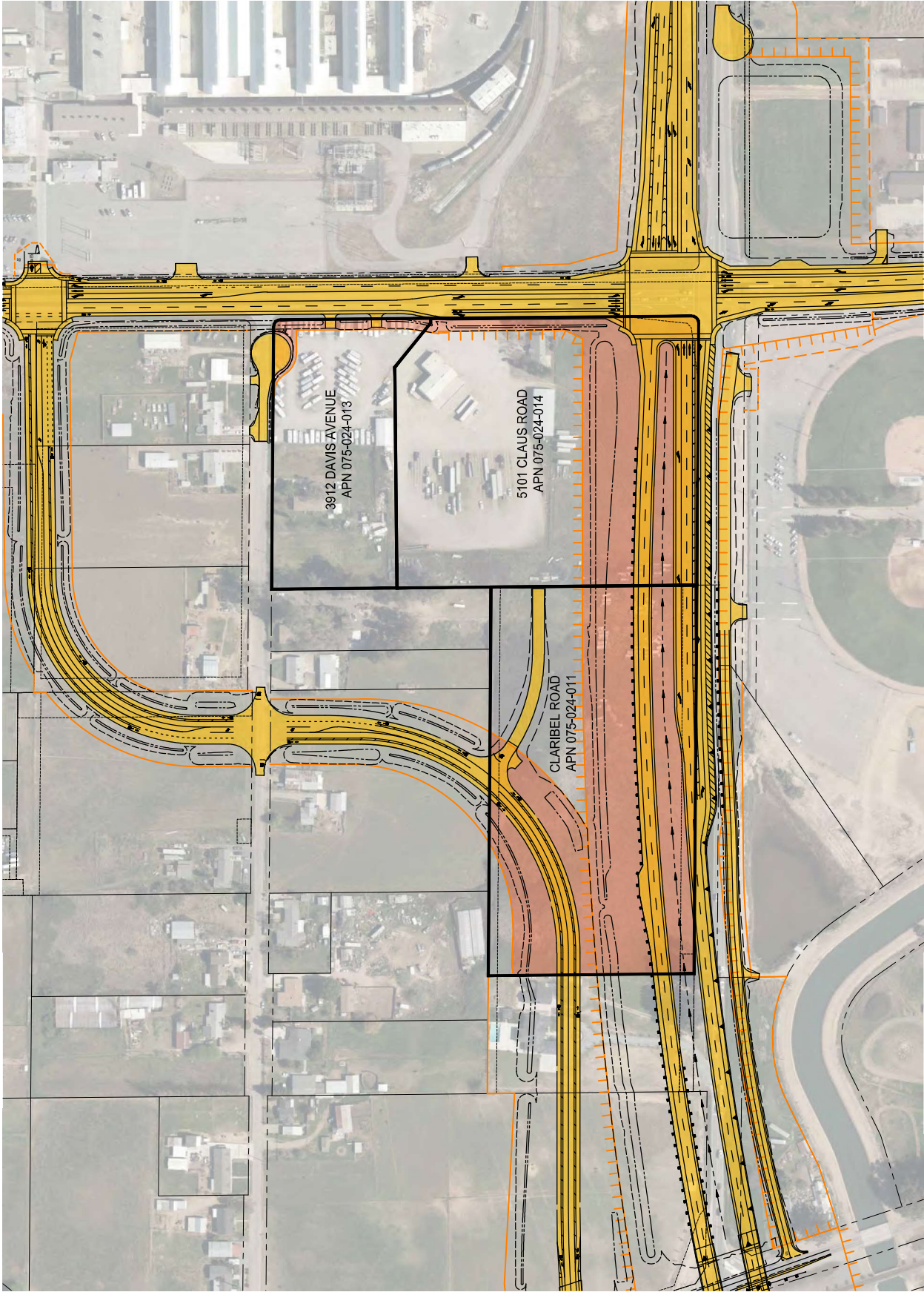
MARCH 2023













December 15, 2022

Cynthia Lindsey, Trustee  
The Lindsey 2010 Revocable Trust 12/15/2010  
The Family Trust as set forth in the Lindsey 2006 Revocable Trust dated April 5, 2006  
P.O. Box 886  
Riverbank, CA 95367

**Subject: Initiation of Legal Process**  
**Acquisition of real property located at 5101 Claus Road and 3912 Davis Avenue in Modesto, CA.**  
**APNs: 075-024-011, 075-024-014, and 075-024-013**

Dear Cynthia Lindsey:

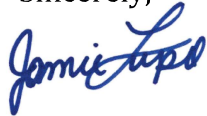
As you are aware The Stanislaus County Department of Public Works (County), in cooperation with the California Department of Transportation (Caltrans), has been working to design, fund and begin construction of the North County Corridor Phase 1 Project ("Project"). The Project will construct a new expressway 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 Partial Fee and Road Easement acquisitions of your real properties located at 5101 Claus Road and 3912 Davis Avenue in 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 letters dated March 25, 2022 and August 24, 2022, OPC presented the County's formal offer to acquire the Partial Fee and Road Easement interests 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 letters. To date, OPC has been unable to obtain the necessary documents to secure the acquisition voluntarily. Therefore, 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 will 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 Corey Nelson with OPC by phone at (559) 392-0853 or by email at cnelson@opcservices.com if you need additional information or have any questions.

Sincerely,



Jamie Lupo  
Program Manager  
OPC, LLC

Enclosure: Offer Letters dated March 25, 2022 and August 24, 2022

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



March 25, 2022

Cynthia Lindsey, Trustee  
The Lindsey 2010 Revocable Trust 12/15/2010  
P. O. Box 886  
Riverbank, CA 95367

RE: **County of Stanislaus - State Route 108/North County Corridor Phase I Project  
Road Easement for APN: 075-024-013**

Dear Property Owner:

The County of Stanislaus (County) has finalized plans for the proposed State Route 108/North County Corridor Phase I 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, and benefit commerce and enhance safety. As previously discussed with you, this project will require the acquisition of a Road Easement on a portion of your property necessary to construct the proposed project improvements. The County seeks to acquire a Road Easement consisting of 12,713 sq. ft. of your parcel known as APN: 075-024-013 and as shown in the attached Exhibits A and B.

Accordingly, the County hereby makes an offer to acquire a Road Easement on a portion of your property located at 3912 Davis Avenue, Modesto, CA, 95357 for the sum of \$111,000.00, which is segregated as follows:

\$ <u>63,565.00</u>	Road Easement
\$ <u>29,726.00</u>	Site Improvements
\$ <u>18,180.00</u>	Damages
\$ <u>00.00</u>	Benefits
\$ <u>111,000.00</u>	Total (rounded)

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 at (559) 392-0853 or by email: [cnelson@opcservices.com](mailto:cnelson@opcservices.com).

If this offer is acceptable, please contact me to 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 soil, 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
- 3) Appraisal Report
- 4) Purchase and Sale Agreement
- 5) Road Easement 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) Appraisal Cost Reimbursement Notification
- 11) Summary Statement Relating to the Purchase of Real Property or an Interest Therein.

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

Sincerely,



Corey Nelson  
Acquisition Agent

cc: Dave Leamon, Director of Public Works  
Stanislaus County

OFFER RECEIVED

By \_\_\_\_\_

Date \_\_\_\_\_

Receipt of Offer Does Not  
Constitute Acceptance



August 24, 2022

Cynthia Lindsey, Trustee  
The Lindsey 2010 Revocable Trust 12/15/2010  
P. O. Box 886  
Riverbank, CA 95367

RE: **County of Stanislaus - State Route 108/North County Corridor Phase I Project  
Partial Fee Acquisitions and Road Easements for APNs: 075-024-011 and 075-024-014**

Dear Property Owner:

The County of Stanislaus (County) has finalized plans for the proposed State Route 108/North County Corridor Phase I 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, and benefit commerce and enhance safety. As previously discussed with you, this project will require the acquisition of Partial Fee Acquisitions and Road Easements on portions of your property necessary to construct the proposed project improvements. The County seeks to acquire a Partial Fee interest of 199,131 sq. ft. (4.57 AC) and as shown in the attached Exhibits A and B, and a Road Easement consisting of 85,434 sq. ft. (1.96 AC) of your parcel known as APN: 075-024-011 and as shown in the attached Exhibits C and D, and a Partial Fee interest of 155,792 sq. ft. (3.58 AC) and as shown in the attached Exhibits E and F, and a Road Easement consisting of 697 sq. ft. (0.02 AC) of your parcel known as APN: 075-024-014 and as shown in the attached Exhibits G and H.

Accordingly, the County hereby makes an offer to acquire Partial Fee interests and Road Easements on portions of your property located at Claribel Road and 5101 Claus Road, Modesto, CA, for the sum of \$950,000.00, which is segregated as follows:

\$ <u>398,262.00</u>	Partial Fee (APN: 075-024-011)
\$ <u>170,868.00</u>	Road Easement (APN: 075-024-011)
\$ <u>311,584.00</u>	Partial Fee (APN: 075-024-014)
\$ <u>1,394.00</u>	Road Easement (APN: 075-024-014)
\$ <u>39,331.00</u>	Site Improvements
\$ <u>28,932.00</u>	Damages
\$ <u>00.00</u>	Benefits
\$ <u>950,000.00</u>	Total (rounded)

The County's offer is the full amount determined to be just compensation for the property interests. 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 at (559) 392-0853 or by email: [cnelson@opcservices.com](mailto:cnelson@opcservices.com).

If this offer is acceptable, please contact me to 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 soil, 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
- 3) Appraisal Report
- 4) Purchase and Sale Agreement
- 5) Grant Deeds (2)
- 6) Road Easement Deeds (2)
- 7) Stanislaus County Acquisition Informational Brochure
- 8) Caltrans Title VI Information
- 9) Certificate of Occupancy Form
- 10) Tax Relief Information Exhibit- 8-ex-49-a11y
- 11) Appraisal Cost Reimbursement Notification
- 12) Summary Statement Relating to the Purchase of Real Property or an Interest Therein.

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

Sincerely,



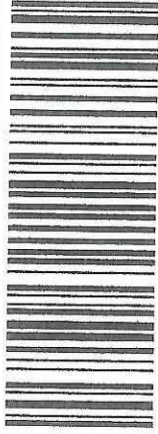
Corey Nelson  
Acquisition Agent

cc: Dave Leamon, Director of Public Works  
Stanislaus County



Overland, Pacific & Cutler, LLC  
Attn: C. Nelson/Debbie Morgan  
132 Gilded Rock Circle  
Folsom, CA 95630

**CERTIFIED MAIL®**



7014 2870 0001 2136 3340

Cynthia Lindsey, Trustee  
The Lindsey Revocable Trusts  
P. O. Box 886  
Riverbank, CA 95367

**\$8.060**  
US POSTAGE  
FIRST-CLASS  
062S0010939514  
FROM 95826



S94932.022

Mailed 12/16/2022  
(Impasse Letter)

**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:

Cynthia Lindsey, Trustee  
Lindsey Revocable Trusts  
P. O. Box 886  
Riverbank, CA 95367



9590 9402 3981 8079 2055 12

2. Article Number (Transfer from service label)

7014 2870 0001 2136 3340

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
☒ Agent  
☐ Addressee

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

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

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

Domestic Return Receipt



Overland, Pacific & Cutler, LLC  
Attn: C. Nelson /Debbie Morgan  
132 Gilded Rock Circle  
Folsom, CA 95630

Cynthia Lindsey, Trustee  
The Lindsey Revocable Trusts  
P. O. Box 886  
Riverbank, CA 95367

S94932.021

stamps

**\$0.810**  
US POSTAGE  
FIRST-CLASS  
062S0010939514  
FROM 95826



stamps

Mailed 12/16/2022  
(Impasse Letter)

## RESOLUTION OF NECESSITY REQUIREMENTS

For each property interest to be acquired, a resolution of necessity must be adopted prior to the commencement of eminent domain proceedings 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 § 1245.230):

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 least private harm;
3. The property sought to be acquired is necessary for the project; and
4. 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 § 1245.230.) The owner was sent written Notices of the Hearing on April 12, 2023. See Attachment 5.



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 portions of the properties located at 5101 Clause Road and 3912 Davis Ave, in the City of Modesto, County of Stanislaus, California (CPN 41, 52 & 54) (APNs 075-024-014, 011, & 013) for the State Route 108/North County Corridor Phase I 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 a portion the Subject Property is necessary for the widening of Clause Road, the realignment of Claribel Road and to accommodate the State Route 108 North County Corridor. In addition, the County's acquisition consists of a small fee taking which is considered an uneconomic remnant consistent with CCP 1240.410 et seq.

### ***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." Written offers at the full appraised amount of \$950,000 for the Southerly Takes and \$111,000 for the Northerly Take were made to the property owner on or about August 24, 2022 and March 25, 2022, respectively. 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. 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.

**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](http://www.stancounty.com/publicworks)

April 12, 2023

### 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)

Cynthia Lindsey, Trustee  
The Lindsey 2010 Revocable Trust dated 12/15/2010  
P.O. Box 726  
Riverbank, CA 95367

**Re:** State Route 108/North County Corridor Phase I Project  
**Owner:** Cynthia Lindsey, Trustee of the Lindsey 2010 Revocable Trust dated December 15, 2010  
**Assessor Parcel No.:** 075-024-011

Dear Ms. Lindsey,

**PLEASE TAKE NOTICE** that, on **June 6, 2023**, 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 10<sup>th</sup> 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 to be Acquired:** An approximately 199,131 square foot (4.57 acre) fee interest, a second fee interest identified as an uneconomic remnant consisting of approximately 12,041 square feet, and an 85,434 square foot (1.96 acre) permanent roadway easement (CPN 52), in a portion of the real property located on Claribel Road, Modesto, California (APN 075-024-011), as more particularly described in Exhibits "1", "2", and "3" attached to this notice.

**PLEASE TAKE FURTHER NOTICE** that it is the recommendation of County staff that the Board of Supervisors adopt a resolution of necessity.

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



MAIN OFFICE: 1716 MORGAN ROAD, MODESTO, CA 95358  
PHONE: 209.525.4130

DEVELOPMENT SERVICES: 1010 10<sup>TH</sup> STREET, SUITE 4204, MODESTO, CA 95354  
[STANCOUNTY.COM](http://STANCOUNTY.COM)



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. You have the right to appear and be heard on the following matters:

- (a) Whether the public interest and necessity require the project;
- (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 10<sup>th</sup> 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, June 6, 2023 at 9:00 a.m.

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

If you have any questions, please call me, Theron Roschen, at (916) 842-1069 or  
roschent@stancounty.com.

Sincerely,



Theron Roschen,  
Project Manager

Enclosure(s): Exhibits 1, 2 & 3 - Legal Definition, Descriptions & Plat Map

# Exhibit 1

## **Fee (CPN 52)** (075-024-011)

The property interest to be acquired in Fee has been designated County Parcel No. 52, which represents certain interests in portions of the property located on Claribel Road, in the City of Modesto, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Number 075-024-011, as described more specifically in Exhibits A (legal description) and B (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 "A"**  
**RIGHT-OF-WAY**

**North County Corridor Phase 1 Construction Project**  
**Lindsey 2010 Revocable Trust to County of Stanislaus**  
APN: 075-024-011

**Legal description**

A portion of Parcel "B", as shown on that certain map filed for record February 7, 1978 in Book 26 of Parcel Maps, at Page 74, Stanislaus County Records, and situate in the southeast quarter of Section 36, Township 2 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, southerly of course (6) and (7) of the following described line:

COMMENCING at a 2" iron pipe with a 2" diameter brass disk, stamped "C.O.M. 2827" in a monument well at the northwest corner of Section 1, Township 3 South, Range 9 East, Mount Diablo Meridian, as shown on Corner Record No. 2483, filed January 23, 2019 and on file with the Stanislaus County Surveyor's Office, from which a 3" square brass plate on a concrete monument, stamped "LS 1104" at the North 1/4 corner of said Section 1, as shown on Corner Record No. 1099, on file with the Stanislaus County Surveyor's Office, bears South 89°35'30" East 2644.93 feet; thence along the West line of said Section 1 South 00°16'51" East 425.14 feet to the **TRUE POINT OF BEGINNING**;

thence (1), South 90°00'00" East 84.30 feet;

thence (2), continuing South 90°00'00" East 384.92 feet;

thence (3), South 04°36'22" East 335.49 feet;

thence (4), North 68°18'29" East 1956.17 feet;

thence (5), North 69°19'39" East 206.31 feet;

thence (6), easterly 2102.06 feet along the arc of a non-tangent curve concave to the South having a radius of 9189.35 feet, to which beginning a radial line bears North 12°49'59" West, through a central angle of 13°06'23";

thence (7), along a non-tangent line North 90°00'00" East 570.99 feet;

thence (8), North 26°11'06" East 42.14 feet;

thence (9), North 00°34'25" West 274.13 feet;

thence (10), North 89°29'41" East 103.70 feet to a point on the East line of Section 36, Township 2 South, Range 9 East, Mount Diablo Meridian, and the terminal point of this description, said terminal point bears North 00°30'19" West 616.24 feet from the southeast corner of said Section 36, as said southeast corner is marked with a 2" iron pipe with brass cap, stamped "LS 3260" in a monument well and shown on that certain map, filed for record August 12, 1983 in Book 16 of Surveys, at Page 16, Stanislaus County Records.

TOGETHER WITH underlying fee interest, if any, contiguous to the above-described property in and to the adjoining public way.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights of access, appurtenant to GRANTOR's remaining property, in and to the freeway.

The Basis of Bearings for this description is the California State Plane Coordinate System 83 (2010.00), Zone 3, adjusted to NGS monuments "F 1388" (PID HS4417), "U 1414" (PID HS4500) and GPS Station Number 601, as shown on that certain map filed for record April 25, 2013 in Book 33 of Surveys, Page 54, Stanislaus County Records. All distances and areas shown are grid. To convert to ground distances, divide grid distances by a combined scale factor of 0.999927913.

All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.

  
Rien Groenewoud, P.L.S. 6946



10/09/21



**01**  
OF **03**

# EXHIBIT 'B'

RIGHT-OF-WAY



CLAUS ROAD

S.31

S.6

N0°30'19"W  
616.24' (TIE)

CLARIBEL ROAD S.36

DAVIS AVENUE

DAVIS

SEE SHEET 3

TERMINAL Ave.

B.N.S.F. RR.

SEE SHEET 1

CONC. MON. w/BRASS PLATE IN  
MON. WELL AT N. 1/4 COR. SEC.  
1, T3S R9E PER C.R. #1099

GROUP, INC

## LEGEND:

- T.P.O.B. TRUE POINT OF BEGINNING
- (RAD) - RADIAL BEARING
- M- MAPS, BOOK & PAGE
- S- SURVEYS, BOOK & PAGE
- C.R. CORNER RECORD
- APN ASSESSOR'S PARCEL NUMBER
- S.C.R. STANISLAUS COUNTY RECORDS
- ACCESS RIGHTS ACQUIRED
- SECTION IDENTIFIER

S.2

1/4 SECTION LINE

MINNIEAR AVENUE

RANGE LINE

26  
7-M-3

27  
7-M-3

N89°29'41"E 103.70'

N0°34'25"W 274.13'

N26°11'06"E 42.14'

N90°00'00"E 570.99'

N016°24"E (RAD)

R=9189.35'

Δ=13°06'23"

L=2102.06'

TOWNSHIP LINE

N69°19'39"E 206.31'

N12°49'59"W (RAD)



*North Star*

Engineering Group, Inc.

• CIVIL ENGINEERING • SURVEYING • PLANNING •  
620 12th Street Modesto, CA 95354  
(209) 524-3525 Phone (209) 524-3526 Fax

## PLAT TO ACCOMPANY LEGAL DESCRIPTION

BEING A PORTION OF PARCEL "B", AS SHOWN IN BOOK 26  
OF PARCEL MAPS, AT PAGE 74, S.C.R., AND SITUATE IN  
THE SE 1/4 OF SECTION 36, T.2 S., R.9 E., MOUNT  
DIABLO MERIDIAN.

STANISLAUS COUNTY

CALIFORNIA

JOB:	J20-2539
DATE:	10/01/21
SCALE:	1"=400'
DRAWN:	RG
DESIGN:	RG
CHK'D:	RG

SHEET  
**02**  
OF **03**



# EXHIBIT 'B'

## RIGHT-OF-WAY



### LEGEND:

(RAD) RADIAL BEARING  
 -PM- PARCEL MAPS, BOOK & PAGE  
 APN ASSESSOR'S PARCEL NUMBER  
 DOC. DOCUMENT  
 S.C.R. STANISLAUS COUNTY RECORDS  
 ACCESS RIGHTS ACQUIRED  
 SECTION IDENTIFIER

**S.2**

APN 075-024-003

20' IRRIGATION EASEMENT  
 PER 26-PM-74

APN 075-024-005

APN 075-024-006

APN 075-024-007

APN 075-024-014

APN 075-024-011

\*B\*  
 26-PM-74

$R=9189.35'$   
 $\Delta=13^{\circ}06'23''$   
 $L=2102.06'$

PROPOSED RIGHT-  
 OF-WAY LINE

$N90^{\circ}00'00''E$   
 570.99'

199,131 SQ.FT.  
 4.57 ACRES

TOWNSHIP LINE

**CLARIBEL**

**ROAD**

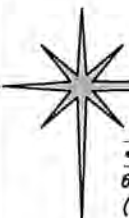
PROPOSED RIGHT-  
 OF-WAY LINE

30' DRAINAGE EASEMENT  
 PER 26-PM-74

APN 084-001-005

APN 084-001-006

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*NorthStar*

**Engineering Group, Inc.**

• CIVIL ENGINEERING • SURVEYING • PLANNING •  
 620 12th Street Modesto, CA 95354  
 (209) 524-3525 Phone (209) 524-3526 Fax

## PLAT TO ACCOMPANY LEGAL DESCRIPTION

BEING A PORTION OF PARCEL "B", AS SHOWN IN BOOK 26  
 OF PARCEL MAPS, AT PAGE 74, S.C.R., AND SITUATE IN  
 THE SE 1/4 OF SECTION 36, T.2 S., R.9 E., MOUNT  
 DIABLO MERIDIAN.

**STANISLAUS COUNTY**

**CALIFORNIA**

JOB: J20-2539  
 DATE: 10/01/21  
 SCALE: 1"=150'  
 DRAWN: RG  
 DESIGN: RG  
 CHK'D: RG

SHEET

**03**  
 OF 03

# Exhibit 2

## **Fee (CPN 52)** (075-024-011)

The property interest to be acquired in Fee has been designated County Parcel No. 52, which represents certain interests in portions of the property located on Claribel Road, in the City of Modesto, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Number 075-024-011, as described more specifically in Exhibits A (legal description) and B (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 "A"

### FEE TAKE

**North County Corridor Phase 1 Construction Project**  
**The Lindsey 2010 Revocable Trust to County of Stanislaus**  
APN: 075-024-011

#### Legal description

ALL that certain real property, being a portion of Parcel B, as shown in Book 26 of Parcel Maps, at Page 74, Stanislaus County Records, and situate in the southeast quarter of Section 36, Township 2 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, lying northerly of the following described line:

#### ROAD EASEMENT LINE No. 1:

COMMENCING at a 3" square brass plate on a concrete monument, stamped "LS 1104" at the South 1/4 corner of said Section 36, as shown on Corner Record No. 1099, on file with the Stanislaus County Surveyor's Office; thence North 22°45'37" East 455.10 feet to a point on the westerly line of the Burlington Northern & Santa Fe Railroad's right-of-way (varying width), and the **TRUE POINT OF BEGINNING**;

thence (1), North 83°16'51" East 293.76 feet;

thence (2), South 86°54'46" East 572.56 feet;

thence (3), North 83°13'22" East 121.55 feet;

thence (4), South 88°00'31" East 79.64 feet;

thence (5), northeasterly 541.92 feet along the arc of non-tangent curve concave to the northwest having a radius of 356.74 feet, to which beginning a radial line bears South 00°01'40" East, through a central angle of 87°02'16";

thence (6), along a non-tangent line North 00°00'00" East 189.21 feet to a point on the South right-of-way line of Davis Road (40 feet wide) and the terminal point of this description, said terminal point bears [1] North 89°32'33" West along the North line of Lot 33, as shown on that certain map, titled "Map of the Roselle Tract", filed for record August 13, 1912 in Volume 7 of Maps, at Page 3, Stanislaus County Records, 18.89 feet, [2] South 00°00'00" West 20.00 feet and [3] North 89°32'33" West along said South right-of-way line 141.46 feet from the northeast corner of said Lot 33.

Containing (12,041 square feet Grid) 12,043 square feet [0.28 acres] Ground, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 3, NAD83 adjusted to the 2010.00 Epoch of NGS monuments "F 1388" (PID HS4417), "U 1414" (PID HS4500) and GPS Station Number 601, as shown in Book 33 of Surveys, Page 54, Stanislaus County Records. All distances and areas shown are grid. To convert to ground distances, divide grid distances by a combined scale factor of 0.999927913. To convert to ground areas, divide grid areas by the combined factor squared (0.99985583).

All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.



Rien Groenewoud, P.L.S. 6946



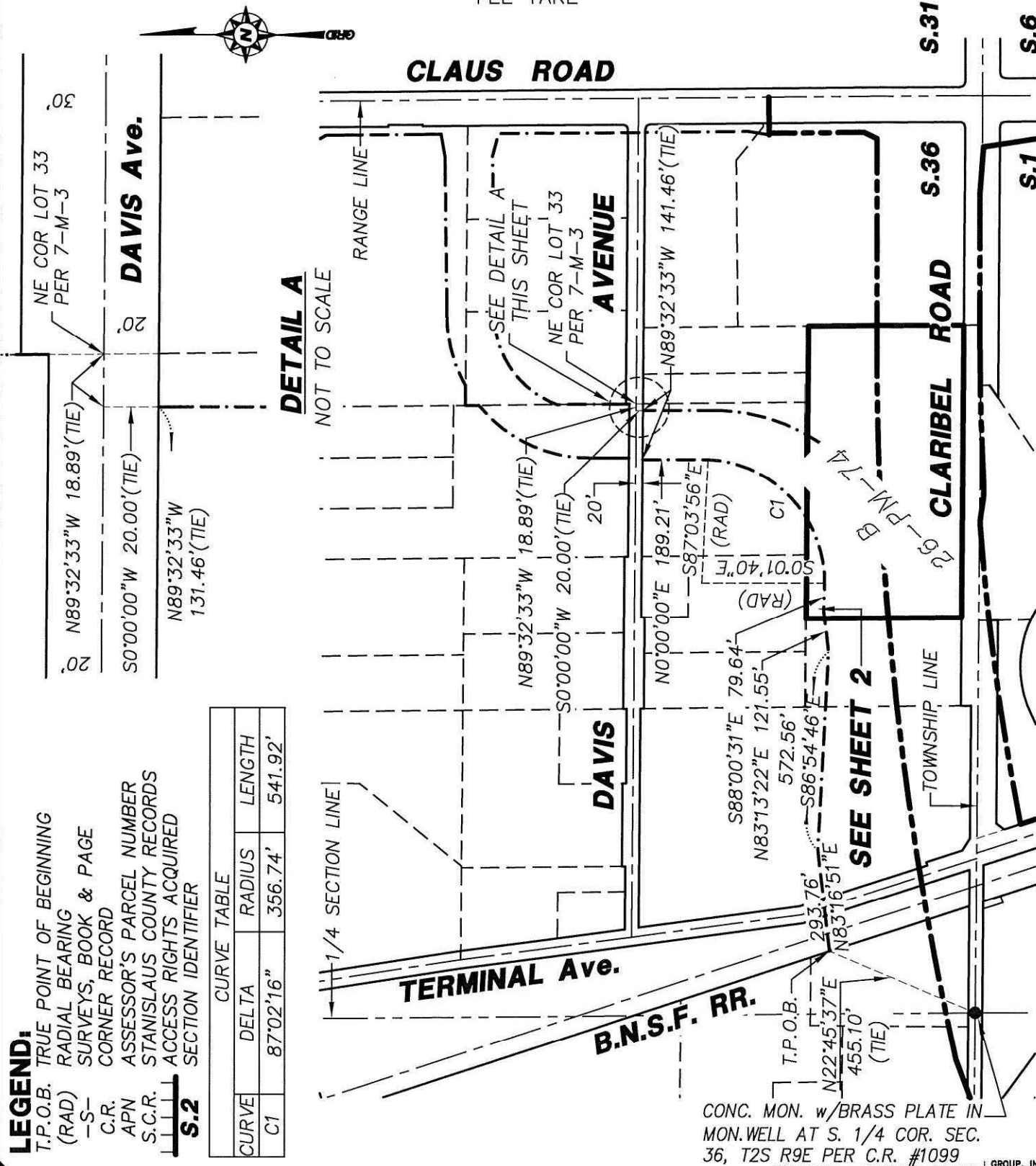
4/22/22

# EXHIBIT 'B'

FEE TAKE

**LEGEND:**  
 T.P.O.B. TRUE POINT OF BEGINNING  
 (RAD) RADIAL BEARING  
 -S- SURVEYS, BOOK & PAGE  
 C.R. CORNER RECORD  
 APN ASSESSOR'S PARCEL NUMBER  
 S.C.R. STANISLAUS COUNTY RECORDS  
 ACCESS RIGHTS ACQUIRED  
 SECTION IDENTIFIER

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	87°02'16"	356.74'	541.92'



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 620 12th Street Modesto, CA 95354  
 (209) 524-3525 Phone (209) 524-3526 Fax

## PLAT TO ACCOMPANY LEGAL DESCRIPTION

BEING A PORTION OF PARCEL B, AS SHOWN IN BOOK 26 OF PARCEL MAPS, AT PAGE 74, S.C.R., AND SITUATE IN THE SE 1/4 OF SECTION 36, T.2 S., R.9 E., MOUNT DIABLO MERIDIAN.

STANISLAUS COUNTY

CALIFORNIA

JOB:	J20-2539
DATE:	04/22/22
SCALE:	1"=400'
DRAWN:	RG
DESIGN:	RG
CHK'D:	RG
SHEET	01 OF 02



DWG NAME: K:\J20-2539 Clontarf Road Extension Project\DWG\Mapping\APN 075-024-011 Lindsay Trust-FEE TAKE.dwg



# Exhibit 3

## **Permanent Roadway Easement (CPN 52)** (APN 075-024-011)

The property interest to be acquired has been designated as a Permanent Roadway Easement in County Parcel No. 52, which represent certain interests in portions of the property located on Claribel Road, in the City of Modesto, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Numbers 075-024-011, as described more specifically in Exhibits A (legal description) and B (plat map) attached hereto, and which are incorporated herein by this reference ("Property").

The rights of the County of Stanislaus ("County") in the Property shall include without limitation the right to use the easement for roadway purposes associated with the State Route 108/North County Corridor Phase I Project and all uses convenient and necessary thereto, which activities may include, but are not limited to, constructing and using permanent roadway improvements. County shall have the right to remove all improvements located within the Property including, but not limited to, buildings, trees, hardscape, and landscape improvements.

County shall have the right to transfer, assign and/or convey the Property, including without limitation any interest therein, and/or in whole or in part, to successors and/or assigns, including without limitation other governmental agencies. The covenants contained in this writing, including without limitation any restrictions set forth above, shall run with the land.

# EXHIBIT "A"

## ROAD EASEMENT

**North County Corridor Phase 1 Construction Project**  
**The Lindsey 2010 Revocable Trust to County of Stanislaus**  
APN: 075-024-011

### Legal description

ALL that certain real property, being a portion of Parcel B, as shown in Book 26 of Parcel Maps, at Page 74, Stanislaus County Records, and situate in the southeast quarter of Section 36, Township 2 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, bounded on the South by course (6) of Proposed Right-of-Way line, bounded northerly by courses (3), (4) and (5) of Road Easement Line No. 1, also as described below, and bounded easterly by course (2) of Road Easement Line No 2, also as described below,:

### PROPOSED RIGHT-OF-WAY LINE:

COMMENCING at a 2" iron pipe with a 2" diameter brass disk, stamped "C.O.M. 2827" in a monument well at the southwest corner of said Section 36, as shown on Corner Record No. 2483, filed January 23, 2019 with the Stanislaus County Surveyor's Office, from which a 3" square brass plate on a concrete monument, stamped "LS 1104" at the South 1/4 corner of said Section 36, as shown on Corner Record No. 1099, on file with the Stanislaus County Surveyor's Office, bears South 89°35'30" East 2644.93 feet; thence along the West line of the northwest quarter of Section 1, Township 3 South, Range 9 East, Mount Diablo Meridian, South 00°16'51" East 425.14 feet to the **TRUE POINT OF BEGINNING**;

thence (1), South 90°00'00" East 84.30 feet;

thence (2), continuing South 90°00'00" East 384.92 feet;

thence (3), South 04°36'22" East 335.49 feet;

thence (4), North 68°18'29" East 1956.17 feet;

thence (5), North 69°19'39" East 206.31 feet;

thence (6), easterly 2102.06 feet along the arc of a non-tangent curve concave to the South having a radius of 9189.35 feet, to which beginning a radial line bears North 12°49'59" West, through a central angle of 13°06'23";

thence (7), along a non-tangent line North 90°00'00" East 570.99 feet;

thence (8), North 26°11'06" East 42.14 feet;

thence (9), North 00°34'25" West 274.13 feet;

thence (10), North 89°29'41" East 103.70 feet to a point on the East line of said Section 36, Township 2 South, Range 9 East, Mount Diablo Meridian, and the terminal point of this description, said terminal point bears North 00°30'19" West 616.24 feet from a 2" iron pipe with brass cap, stamped "LS 3260" in a monument well at the southeast corner of said Section 36, as shown on that certain map filed for record August 12, 1983 in Book 16 of Surveys, at Page 16, Stanislaus County Records.

#### ROAD EASEMENT LINE No. 1:

COMMENCING at a 3" square brass plate on a concrete monument, stamped "LS 1104" at the South 1/4 corner of said Section 36, as shown on Corner Record No. 1099, on file with the Stanislaus County Surveyor's Office; thence North 22°45'37" East 455.10 feet to a point on the westerly line of the Burlington Northern & Santa Fe Railroad's right-of-way (varying width), and the **TRUE POINT OF BEGINNING**;

thence (1), North 83°16'51" East 293.76 feet;

thence (2), South 86°54'46" East 572.56 feet;

thence (3), North 83°13'22" East 121.55 feet;

thence (4), South 88°00'31" East 79.64 feet;

thence (9), northeasterly 541.92 feet along the arc of non-tangent curve concave to the northwest having a radius of 356.74 feet, to which beginning a radial line bears South 00°01'40" East, through a central angle of 87°02'16";

thence (10), along a non-tangent line North 00°00'00" East 189.21 feet to a point on the South right-of-way line of Davis Road (40 feet wide) and the terminal point of this description, said terminal point bears [1] North 89°32'33" West along the North line of Lot 33, as shown on that certain map, titled "Map of the Roselle Tract", filed for record August 13, 1912 in Volume 7 of Maps, at Page 3, Stanislaus County Records, 18.89 feet, [2] South 00°00'00" West 20.00 feet and [3] North 89°32'33" West along said South right-of-way line 141.46 feet from the northeast corner of said Lot 33.

#### ROAD EASEMENT LINE No. 2:

BEGINNING at a point on the South right-of-way line of Davis Avenue (40 feet wide), from which the northeast corner of Lot 33, as shown on that certain map, titled "Map of the Roselle

Tract", filed for record August 13, 1912 in Volume 7 of Maps, at Page 3, Stanislaus County Records, bears the following two (2) courses: [1] North 89°32'33" West along the North line of said Lot 33, 18.89 feet; and [2] South 00°00'00" West 20.00 feet;

thence (1), South 00°00'00" West 193.37 feet;

thence (2), southwesterly 597.03 feet along the arc of a non-tangent curve concave to the northwest having a radius of 556.45 feet, to which beginning a radial line bears North 88°55'54" East, through a central angle of 61°28'26" to a point on course (6) of above described Proposed Right-of-Way line, and the terminal point of this description.

Containing (85,434 square feet Grid) 85,446 square feet [1.96 acres] Ground, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 3, NAD83 adjusted to the 2010.00 Epoch of NGS monuments "F 1388" (PID HS4417), "U 1414" (PID HS4500) and GPS Station Number 601, as shown in Book 33 of Surveys, Page 54, Stanislaus County Records. All distances and areas shown are grid. To convert to ground distances, divide grid distances by a combined scale factor of 0.999927913. To convert to ground areas, divide grid areas by the combined factor squared (0.99985583).

All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.



Rien Groenewoud, P.L.S. 6946



12/2/21

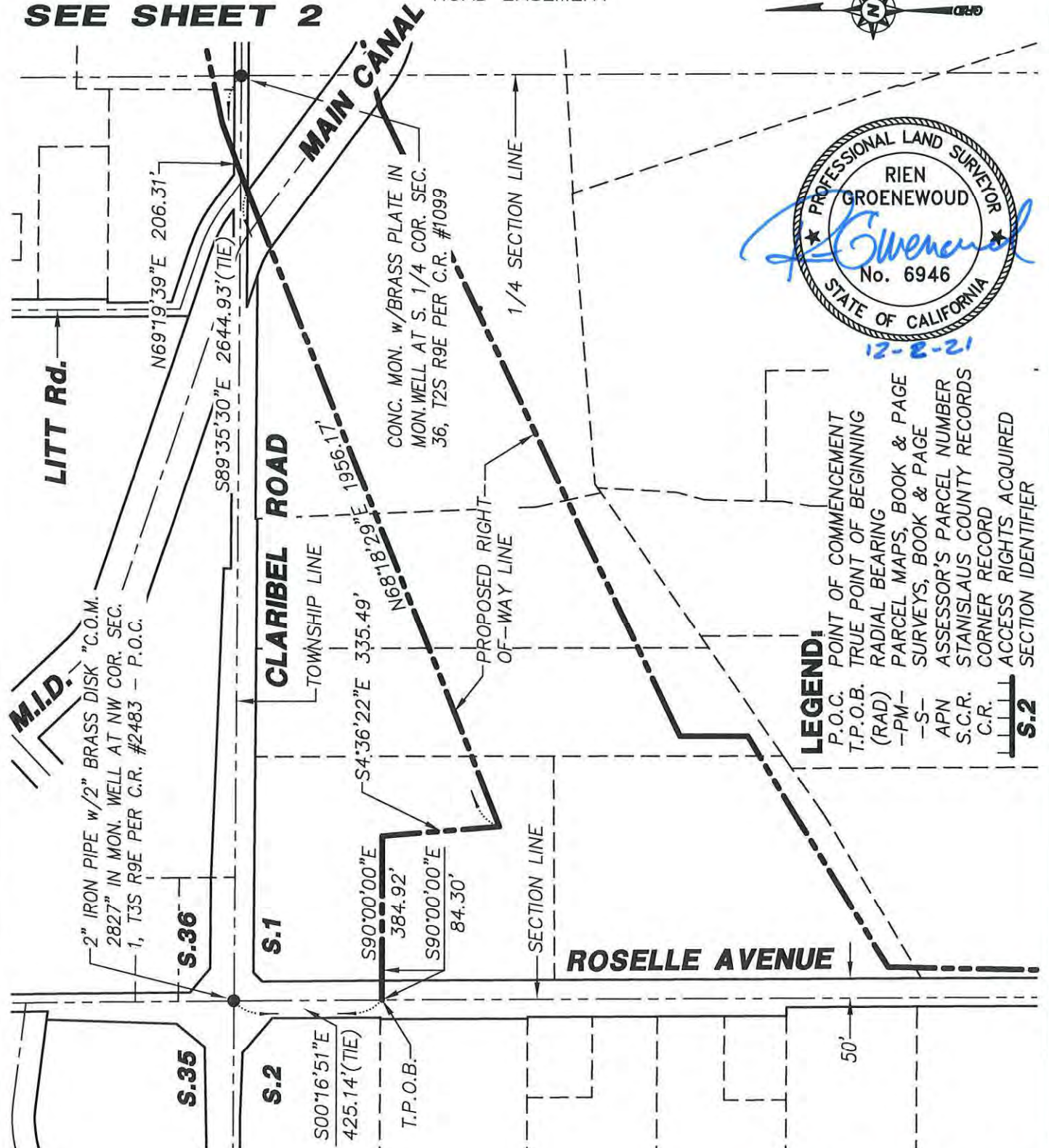


DWG NAME: \1\20-2539 (Claribel Road Easement) (DWG) (Mapping Exhibit) (IE) Dedication\PM 075-024-011 Lindley Tract-RE.dwg PLOTTED: 12/2/21 08:47

# EXHIBIT 'B'

ROAD EASEMENT

SEE SHEET 2



## LEGEND:

- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING
- (RAD) RADIAL BEARING
- PM- PARCEL MAPS, BOOK & PAGE
- S- SURVEYS, BOOK & PAGE
- APN ASSESSOR'S PARCEL NUMBER
- S.C.R. STANISLAUS COUNTY RECORDS
- C.R. CORNER RECORD
- ACCESS RIGHTS ACQUIRED
- SECTION IDENTIFIER

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(209) 524-3525 Phone (209) 524-3526 Fax

## PLAT TO ACCOMPANY LEGAL DESCRIPTION

BEING A PORTION OF PARCEL B, AS SHOWN IN BOOK 26  
OF PARCEL MAPS, AT PAGE 74, S.C.R., AND SITUATE IN  
THE SE 1/4 OF SECTION 36, T.2 S., R.9 E., MOUNT  
DIABLO MERIDIAN.

STANISLAUS COUNTY

CALIFORNIA

JOB:	J20-2539
DATE:	12/02/21
SCALE:	1"=400'
DRAWN:	RG
DESIGN:	RG
CHK'D:	RG
SHEET	01 OF 03

## LEGEND:

- T.P.O.B. TRUE POINT OF BEGINNING  
(RAD) RADIAL BEARING  
-S- SURVEYS, BOOK & PAGE  
C.R. CORNER RECORD  
APN ASSESSOR'S PARCEL NUMBER  
S.C.R. STANISLAUS COUNTY RECORDS  
ACCESS RIGHTS ACQUIRED  
SECTION IDENTIFIER

### S.2

CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	
C1	87°02'16"	356.74'	541.92'	
C2	61°28'26"	556.45'	597.03'	

## EXHIBIT 'B'

### ROAD EASEMENT

## CLAU ROAD

## DAVIS Ave.

### DETAIL A

NOT TO SCALE

RANGE LINE

SEE DETAIL A  
THIS SHEET

## DAVIS AVENUE

## TERMINAL Ave.

## B.N.S.F. RR.

### SEE SHEET 1

### SEE SHEET 3

### S.36

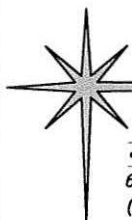
### CLARIBEL ROAD

### S.31

### S.6

CONC. MON. w/BRASS PLATE IN  
MON. WELL AT S. 1/4 COR. SEC.  
36, T2S R9E PER C.R. #1099

GROUP, INC



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## PLAT TO ACCOMPANY LEGAL DESCRIPTION

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OF PARCEL MAPS, AT PAGE 74, S.C.R., AND SITUATE IN  
THE SE 1/4 OF SECTION 36, T.2 S., R.9 E., MOUNT  
DIABLO MERIDIAN.

**STANISLAUS COUNTY**

**CALIFORNIA**

JOB:	J20-2539
DATE:	12/02/21
SCALE:	1"=400'
DRAWN:	RG
DESIGN:	RG
CHK'D:	RG
SHEET	

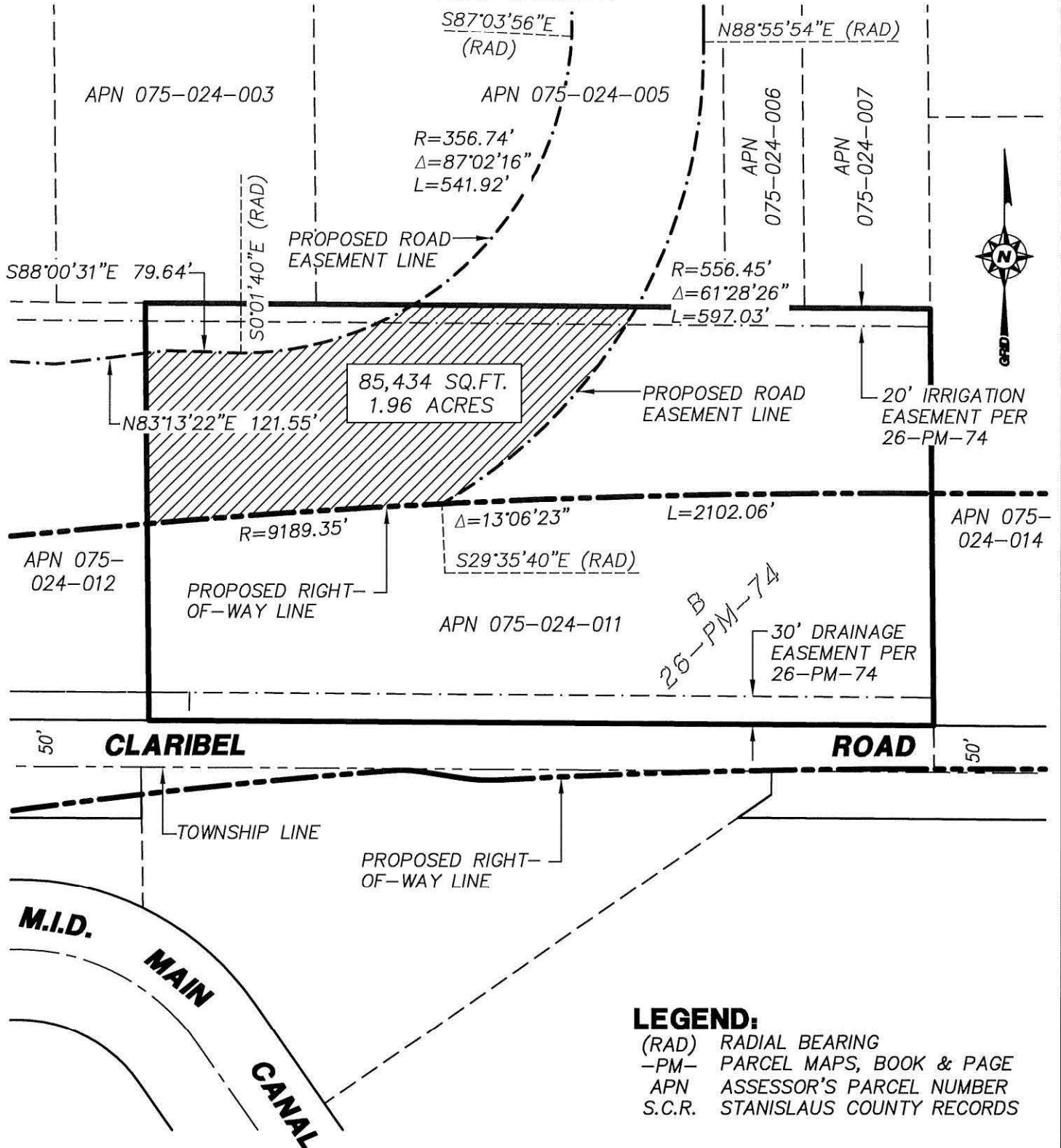
**02**

OF **03**



# EXHIBIT 'B'

## ROAD EASEMENT



### LEGEND:

(RAD) RADIAL BEARING  
-PM- PARCEL MAPS, BOOK & PAGE  
APN ASSESSOR'S PARCEL NUMBER  
S.C.R. STANISLAUS COUNTY RECORDS

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## PLAT TO ACCOMPANY LEGAL DESCRIPTION

BEING A PORTION OF PARCEL B, AS SHOWN IN BOOK 26 OF PARCEL MAPS, AT PAGE 74, S.C.R., AND SITUATE IN THE SE 1/4 OF SECTION 36, T.2 S., R.9 E., MOUNT DIABLO MERIDIAN.

STANISLAUS COUNTY

CALIFORNIA

JOB: J20-2539  
DATE: 12/02/21  
SCALE: 1"=150'  
DRAWN: RG  
DESIGN: RG  
CHK'D: RG

SHEET  
**03**  
OF 03

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

I declare that I am employed in the County of Los Angeles, 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: Nossaman LLP, 777 S. Figueroa Street, 34<sup>th</sup> Floor, Los Angeles, California 90017.

On April 12, 2023, 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 Nossaman LLP, 777 S. Figueroa Street, 34<sup>th</sup> Floor, Los Angeles, California 90017, for collection and mailing in the United States Postal Service. The envelope was addressed to the below-named addressee. I am familiar with Nossaman LLP's 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.

Cynthia Lindsey, Trustee  
The Lindsey 2010 Revocable Trust dated 12/15/2010  
P.O. Box 726  
Riverbank, CA 95367

Cynthia Lindsey, Trustee  
The Lindsey 2010 Revocable Trust dated 12/15/2010  
P.O. Box 886  
Riverbank, CA 95367

Louis Friedman, Esq.  
Gianelli Nielsen  
1014 16<sup>th</sup> Street  
Modesto, CA 95354 (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 April 12, 2023.

  
\_\_\_\_\_  
Tony Lewis

NEOPOST FIRST-CLASS MAIL  
04/12/2023  
US POSTAGE \$011.40<sup>0</sup>  
ZIP 90017  
041111256329

Attorneys at Law  
777 South Figueroa Street, 34th Floor  
Los Angeles, CA 90017



Cynthia Lindsey, Trustee  
The Lindsey 2006 Revocable Trust  
dated 4/5/2006  
P.O. Box 726  
Riverbank, CA 95367

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<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 11.40
Total Postage and Fees	\$

Postmark  
Here

Sent To Cynthia Lindsey, Trustee  
The Lindsey 2006 Revocable Trust dated 4/5/2006  
Street and Apt. No. P.O. Box 726  
City, State, ZIP+4<sup>®</sup> Riverbank, CA 95367



CERTIFIED MAIL

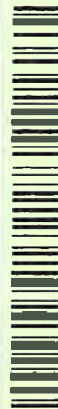
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

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:

Cynthia Lindsey, Trustee  
The Lindsey 2006 Revocable Trust  
dated 4/5/2006  
P.O. Box 726  
Riverbank, CA 95367



9590 9402 6802 1074 2325 71

2. Article Number (Transfer from service label)

7015 3010 0001 7960 5395

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A. Signature

☐ Agent

☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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☐ No

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☐ 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

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery



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Los Angeles, CA 90017

Cynthia Lindsey, Trustee  
The Lindsey 2006 Revocable Trust  
dated 4/5/2006  
P.O. Box 886  
Riverbank, CA 95367

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Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$ 11.40

Postmark  
Here

Sent To  
Cynthia Lindsey, Trustee  
Street and Apt. No.  
The Lindsey 2006 Revocable Trust dated 4/5/2006  
P.O. Box 886  
City, State, ZIP+4  
Riverbank, CA 95367

7015 3010 0001 7960 5401

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1. Article Addressed to:

Cynthia Lindsey, Trustee  
The Lindsey 2006 Revocable Trust  
dated 4/5/2006  
P.O. Box 886  
Riverbank, CA 95367



9590 9402 6802 1074 2325 57

2. Article Number (Transfer from service label)

7015 3010 0001 7960 5401

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

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
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt



NEOPOST FIRST-CLASS MAIL  
 04/12/2023  
**US POSTAGE \$011.40**  
 ZIP 90017  
 041L1125329

Attorneys at Law  
 777 South Figueroa Street, 34th Floor  
 Los Angeles, CA 90017

**NOSSAMAN** LLP

Louis Friedman, Esq.  
 Gianelli Nielsen  
 1014 16th Street  
 Modesto, CA 95354

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<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	
\$	
Total Postage and Fees <b>11.40</b>	
\$	

Postmark  
 Here

Sent To	Louis Friedman, Esq.
Street and Apt. No., or PO Box No.	Gianelli Nielsen
City, State, ZIP+4®	1014 16th Street Modesto, CA 95354

7015 3010 0001 7960 5418



CERTIFIED MAIL®

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OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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- 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:

Louis Friedman, Esq.  
Gianelli Nielsen  
1014 16th Street  
Modesto, CA 95354



9590 9402 6802 1074 2325 64

2. Article Number (Transfer from service label)

7015 3010 0001 7960 5416

PS Form 3811, July 2020 PSN 7530-02-000-9053

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

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt



## 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](http://www.stancounty.com/publicworks)

April 12, 2023

### 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)

Cynthia Lindsey, Trustee  
The Lindsey 2010 Revocable Trust dated 12/15/2010  
P.O. Box 726  
Riverbank, CA 95367

**Re:** State Route 108/North County Corridor Phase I Project  
**Owner:** Cynthia Lindsey, Trustee of the Lindsey 2010 Revocable Trust dated December 15, 2010  
**Assessor Parcel No.:** 075-024-013

Dear Ms. Lindsey,

**PLEASE TAKE NOTICE** that, on **June 6, 2023**, 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 10<sup>th</sup> 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 to be Acquired:** An approximately 12,713 square foot permanent roadway easement (CPN 54), in a portion of the real property located at 3912 Davis Avenue, Modesto, California (APN 075-024-013), as more particularly described in Exhibit "1" attached to this notice.

**PLEASE TAKE FURTHER NOTICE** that it is the recommendation of County staff that the Board of Supervisors adopt a resolution of necessity.

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,



MAIN OFFICE: 1716 MORGAN ROAD, MODESTO, CA 95358  
PHONE: 209.525.4130

DEVELOPMENT SERVICES: 1010 10<sup>TH</sup> STREET, SUITE 4204, MODESTO, CA 95354  
[STANCOUNTY.COM](http://STANCOUNTY.COM)



you must file a written request to appear and be heard within fifteen (15) days of the mailing of this Notice. You have the right to appear and be heard on the following matters:

- (a) Whether the public interest and necessity require the project;
- (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 10<sup>th</sup> 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, June 6, 2023 at 9:00 a.m.

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

If you have any questions, please call me, Theron Roschen, at (916) 842-1069 or  
roschent@stancounty.com.

Sincerely,



Theron Roschen,  
Project Manager

Enclosure(s): Exhibit 1 - Legal Definition, Descriptions & Plat Map



# Exhibit 1

## **Permanent Roadway Easement (CPN 54)** (APN 075-024-013)

The property interest to be acquired has been designated as a Permanent Roadway Easement in County Parcel No. 54, which represent certain interests in portions of the property located at 3912 Davis Avenue, in the City of Modesto, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Numbers 075-024-013, as described more specifically in Exhibits A (legal description) and B (plat map) attached hereto, and which are incorporated herein by this reference ("Property").

The rights of the County of Stanislaus ("County") in the Property shall include without limitation the right to use the easement for roadway purposes associated with the State Route 108/North County Corridor Phase I Project and all uses convenient and necessary thereto, which activities may include, but are not limited to, constructing and using permanent roadway improvements. County shall have the right to remove all improvements located within the Property including, but not limited to, buildings, trees, hardscape, and landscape improvements.

County shall have the right to transfer, assign and/or convey the Property, including without limitation any interest therein, and/or in whole or in part, to successors and/or assigns, including without limitation other governmental agencies. The covenants contained in this writing, including without limitation any restrictions set forth above, shall run with the land.

**EXHIBIT "A"**  
**ROAD EASEMENT**

**North County Corridor Phase 1 Construction Project**  
**Lindsey 2010 Revocable Trust to County of Stanislaus**  
APN: 075-024-013

**Legal description**

ALL that certain real property, being a portion of Parcel A of Parcel 1, as described in Grant Deed to Cynthia Lindsey, Trustee of the Lindsey 2010 Revocable Trust dated December 15, 2010, filed for record May 9, 2019 as Document No. 2019-0028884, Stanislaus County Records, and situate in the southeast quarter of Section 36, Township 2 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, lying easterly and northerly of courses (3) through (10) of the following described line:

COMMENCING at a 2" iron pipe with brass cap, stamped "LS 3260" in a monument well at the southeast corner of said Section 36, as shown on that certain map filed for record August 12, 1983 in Book 16 of Surveys, at Page 16, Stanislaus County Records, from which a 1" iron pipe, tagged RCE 18573 in monument well at the point of intersection of the centerline of Davis Avenue and the East line of said southeast quarter, and shown on that certain map titled "Right-of-Way acquisition map Claus Road Claribel Road to Hwy. 108" on file with the Stanislaus County Surveyor's Office as file no. B-2A-32, bears North 00°30'19" West 992.95 feet; thence along said East line of the southeast quarter North 00°30'19" West 616.24 feet; thence leaving said East line and proceeding South 89°29'41" West 74.99 feet (75.00 feet Ground) to a point on the West right-of-way line of Claus Road and the **TRUE POINT OF BEGINNING**;

thence (1), continuing South 89°29'41" West 28.71 feet;

thence (2), South 89°22'26" West 4.69 feet;

thence (3), North 08°56'09" East 63.40 feet;

thence (4), parallel with and 97.99 feet distant (98.00 feet Ground) at right angles West of the said East line of the southeast quarter of Section 36 North 00°30'19" West 246.33 feet;

thence (5), South 89°29'41" West 49.67 feet;

thence (6), northwesterly 56.45 feet along the arc of a curve concave to the northeast having a radius of 55.00 feet through a central angle of 58°48'22";

thence (7), northwesterly 38.25 feet along the arc of a reverse curve concave to the southwest having a radius of 45.00 feet, a radial line through the beginning of said reverse curve bears North 58°18'03" East, through a central angle of 48°42'00";

thence (8), North 80°23'57" West 17.93 feet;

thence (9), westerly 12.95 feet along the arc of a curve concave to the South having a radius of 87.99 feet through a central angle of  $08^{\circ}25'53''$ ;

thence (10), North  $88^{\circ}49'50''$  West 13.17 feet to a point on the South right-of-way line of Davis Avenue, last said point being 20.00 feet distant at right angles South of said centerline of Davis Avenue, and the point of terminus, said point of terminus bears South  $86^{\circ}12'03''$  West 269.43 feet from said 1" iron pipe, tagged RCE 18573 in a monument well.

Containing (12,713 square feet Grid) 12,715 square feet [0.29 acres] Ground, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System 83 (2010.00), Zone 3, adjusted to NGS monuments "F 1388" (PID HS4417), "U 1414" (PID HS4500) and GPS Station Number 601, as shown on that certain map filed for record April 25, 2013 in Book 33 of Surveys, Page 54, Stanislaus County Records. All distances and areas shown are grid. To convert to ground distances, divide grid distances by a combined scale factor of 0.999927913. To convert to ground areas, divide grid areas by the combined factor squared (0.99985583).

All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.



Rien Groenewoud, P.L.S. 6946

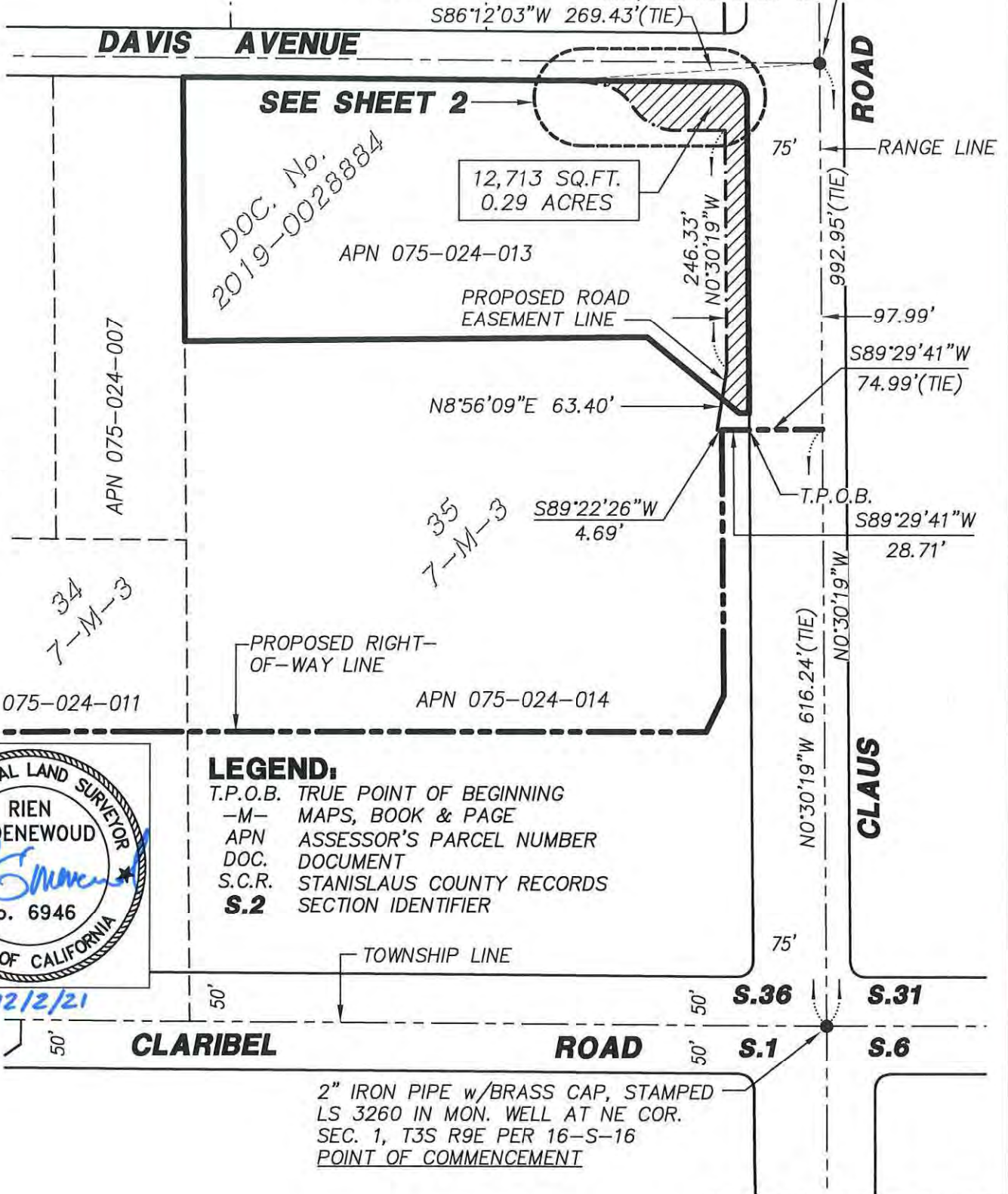


12/2/21



**EXHIBIT 'B'**  
ROAD EASEMENT

1" IRON PIPE, TAGGED RCE 18573  
PER CLAUS ROAD COUNTY ROW  
MAP, FILE No. B-2A-32



**LEGEND:**

T.P.O.B. TRUE POINT OF BEGINNING  
-M- MAPS, BOOK & PAGE  
APN ASSESSOR'S PARCEL NUMBER  
DOC. DOCUMENT  
S.C.R. STANISLAUS COUNTY RECORDS  
**S.2** SECTION IDENTIFIER

2" IRON PIPE w/BRASS CAP, STAMPED  
LS 3260 IN MON. WELL AT NE COR.  
SEC. 1, T3S R9E PER 16-S-16  
POINT OF COMMENCEMENT

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**NorthStar**  
**Engineering Group, Inc.**  
• CIVIL ENGINEERING • SURVEYING • PLANNING •  
620 12th Street Modesto, CA 95354  
(209) 524-3525 Phone (209) 524-3526 Fax

**PLAT TO ACCOMPANY  
LEGAL DESCRIPTION**

BEING A PORTION OF LOTS 34 AND 35 OF "MAP OF THE  
ROSELLE TRACT", FILED FOR RECORD IN VOLUME 7 OF  
MAPS, PAGE 3, S.C.R., AND SITUATE IN THE SE 1/4 OF  
SECTION 36, T.2 S., R.9 E., MOUNT DIABLO MERIDIAN.

**STANISLAUS COUNTY**

**CALIFORNIA**

JOB: J20-2539  
DATE: 12/02/21  
SCALE: 1"=150'  
DRAWN: RG  
DESIGN: RG  
CHK'D: RG

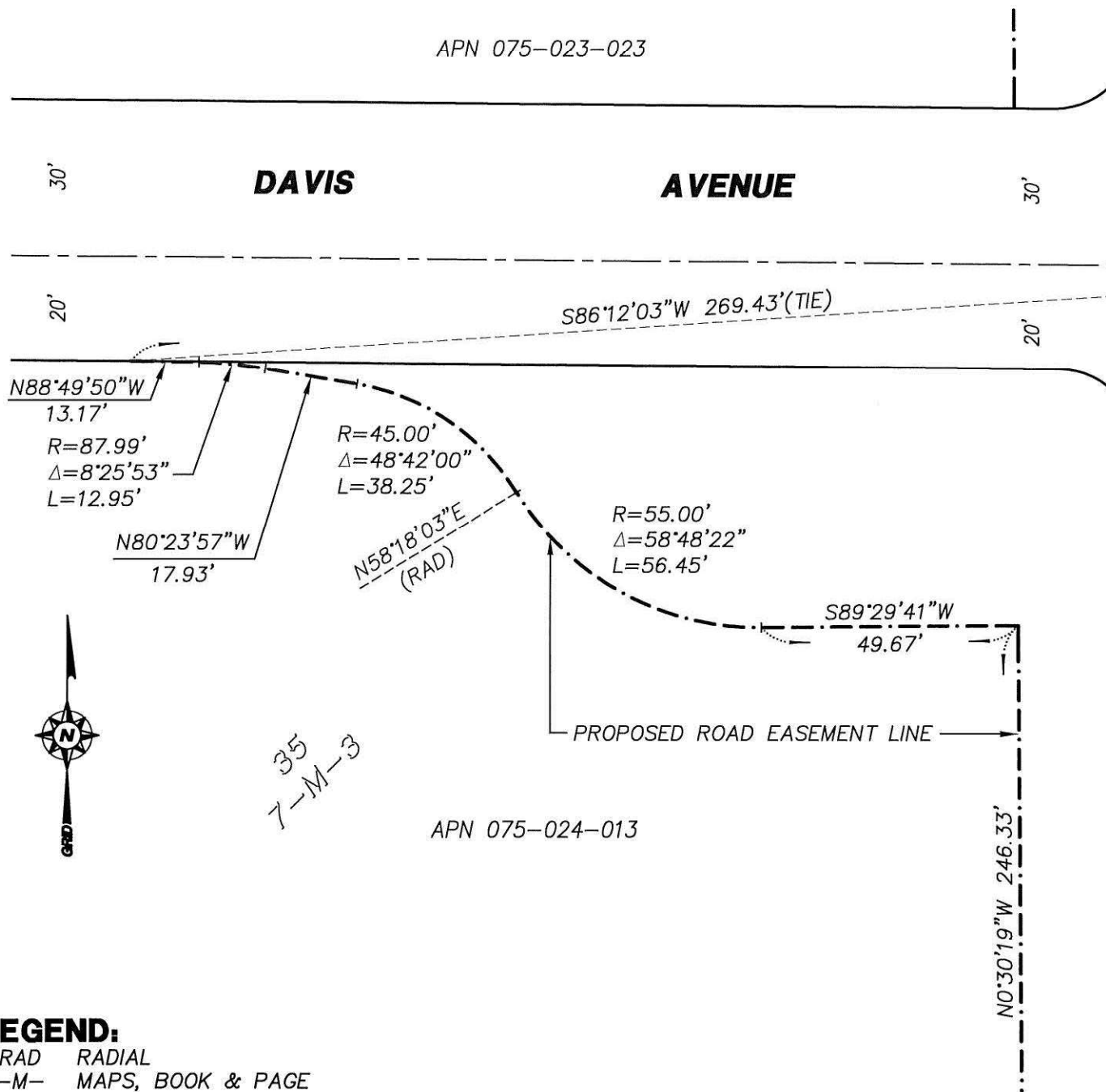
SHEET

**01**  
OF **02**

# EXHIBIT 'B'

## ROAD EASEMENT

APN 075-023-023



### LEGEND:

RAD RADIAL  
 -M- MAPS, BOOK & PAGE  
 APN ASSESSOR'S PARCEL NUMBER  
 S.C.R. STANISLAUS COUNTY RECORDS

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### PLAT TO ACCOMPANY LEGAL DESCRIPTION

BEING A PORTION OF LOTS 34 AND 35 OF "MAP OF THE ROSELLE TRACT", FILED FOR RECORD IN VOLUME 7 OF MAPS, PAGE 3, S.C.R., AND SITUATE IN THE SE 1/4 OF SECTION 36, T.2 S., R.9 E., MOUNT DIABLO MERIDIAN.

**STANISLAUS COUNTY CALIFORNIA**

JOB: J20-2539  
 DATE: 12/02/21  
 SCALE: 1"=30'  
 DRAWN: RG  
 DESIGN: RG  
 CHK'D: RG

SHEET  
**02**  
 OF 02



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

I declare that I am employed in the County of Los Angeles, 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: Nossaman LLP, 777 S. Figueroa Street, 34<sup>th</sup> Floor, Los Angeles, California 90017.

On April 12, 2023, 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 Nossaman LLP, 777 S. Figueroa Street, 34<sup>th</sup> Floor, Los Angeles, California 90017, for collection and mailing in the United States Postal Service. The envelope was addressed to the below-named addressee. I am familiar with Nossaman LLP's 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.

Cynthia Lindsey, Trustee  
The Lindsey 2010 Revocable Trust dated 12/15/2010  
P.O. Box 726  
Riverbank, CA 95367

Cynthia Lindsey, Trustee  
The Lindsey 2010 Revocable Trust dated 12/15/2010  
P.O. Box 886  
Riverbank, CA 95367

Louis Friedman, Esq.  
Gianelli Nielsen  
1014 16<sup>th</sup> Street  
Modesto, CA 95354 (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 April 12, 2023.



Tony Lewis

NEOPOST FIRST-CLASS MAIL  
04/12/2023  
US POSTAGE \$011.40<sup>0</sup>  
ZIP 90017  
041111256329

Attorneys at Law  
777 South Figueroa Street, 34th Floor  
Los Angeles, CA 90017



Cynthia Lindsey, Trustee  
The Lindsey 2006 Revocable Trust  
dated 4/5/2006  
P.O. Box 726  
Riverbank, CA 95367

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 11.40
Total Postage and Fees	\$

Postmark  
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Sent To Cynthia Lindsey, Trustee  
The Lindsey 2006 Revocable Trust dated 4/5/2006  
Street and Apt. No. P.O. Box 726  
City, State, ZIP+4<sup>®</sup> Riverbank, CA 95367



CERTIFIED MAIL

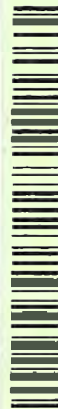
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

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:

Cynthia Lindsey, Trustee  
The Lindsey 2006 Revocable Trust  
dated 4/5/2006  
P.O. Box 726  
Riverbank, CA 95367



9590 9402 6802 1074 2325 71

2. Article Number (Transfer from service label)

7015 3010 0001 7960 5395

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type

☐ Adult Signature Restricted Delivery  
☐ Adult Signature Restricted Mail®  
☐ 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  
☐ Signature Confirmation™  
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt



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04/12/2023  
US POSTAGE \$011.40  
04111256329

Attorneys at Law  
777 South Figueroa Street, 34th Floor  
Los Angeles, CA 90017



Cynthia Lindsey, Trustee  
The Lindsey 2006 Revocable Trust  
dated 4/5/2006  
P.O. Box 886  
Riverbank, CA 95367

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$ 11.40

Postmark  
Here

Sent To  
Cynthia Lindsey, Trustee  
Street and Apt. No.  
The Lindsey 2006 Revocable Trust dated 4/5/2006  
P.O. Box 886  
City, State, ZIP+4  
Riverbank, CA 95367



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OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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P.O. Box 886  
Riverbank, CA 95367



9590 9402 6802 1074 2325 57

2. Article Number (Transfer from service label)

7015 3010 0001 7960 5401

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

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
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt



NEOPOST FIRST-CLASS MAIL  
 04/12/2023  
**US POSTAGE \$011.40**  
 ZIP 90017  
 041L1125329

Attorneys at Law  
 777 South Figueroa Street, 34th Floor  
 Los Angeles, CA 90017

**NOSSAMAN** LLP

Louis Friedman, Esq.  
 Gianelli Nielsen  
 1014 16th Street  
 Modesto, CA 95354

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Certified Mail Fee	
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Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	
\$	
Total Postage and Fees <b>11.40</b>	
\$	

Postmark  
 Here

Sent To	Louis Friedman, Esq.
Street and Apt. No., or PO Box No.	Gianelli Nielsen
City, State, ZIP+4®	1014 16th Street Modesto, CA 95354

7015 3010 0001 7960 5418



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- 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:

Louis Friedman, Esq.  
Gianelli Nielsen  
1014 16th Street  
Modesto, CA 95354



9590 9402 6802 1074 2325 64

2. Article Number (Transfer from service label)

7015 3010 0001 7960 5416

PS Form 3811, July 2020 PSN 7530-02-000-9053

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?  
If YES, enter delivery address below:

☐ Yes

☐ No

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

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt



## 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

April 12, 2023

[www.stancounty.com/publicworks](http://www.stancounty.com/publicworks)

### 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)

Cynthia Lindsey, Trustee  
The Lindsey 2006 Revocable Trust dated 4/5/2006  
P.O. Box 726  
Riverbank, CA 95367

**Re:** State Route 108/North County Corridor Phase I Project  
**Owner:** Cynthia Lindsey, trustee of The Family Trust as set forth in The Lindsey 2006  
Revocable Trust, dated April 5, 2006  
**Assessor Parcel No.:** 075-024-014

Dear Ms. Lindsey,

**PLEASE TAKE NOTICE** that, on **June 6, 2023**, 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 10<sup>th</sup> 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 to be Acquired:** An approximately 155,792 square foot (3.58 acre) fee interest, and a 697 square foot permanent roadway easement (CPN 41) in a portion of the real property located at 5101 Clause Road, Modesto, California (APN 075-024-014), as more particularly described in Exhibits "1" and "2" attached to this notice.

**PLEASE TAKE FURTHER NOTICE** that it is the recommendation of County staff that the Board of Supervisors adopt a resolution of necessity.

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,



MAIN OFFICE: 1716 MORGAN ROAD, MODESTO, CA 95358  
PHONE: 209.525.4130

DEVELOPMENT SERVICES: 1010 10<sup>TH</sup> STREET, SUITE 4204, MODESTO, CA 95354  
[STANCOUNTY.COM](http://STANCOUNTY.COM)



you must file a written request to appear and be heard within fifteen (15) days of the mailing of this Notice. You have the right to appear and be heard on the following matters:

- (a) Whether the public interest and necessity require the project;
- (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 10<sup>th</sup> 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, June 6, 2023 at 9:00 a.m.

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

If you have any questions, please call me, Theron Roschen, at (916) 842-1069 or  
roschent@stancounty.com.

Sincerely,



Theron Roschen,  
Project Manager

Enclosure(s): Exhibits 1 & 2 - Legal Definition, Descriptions & Plat Map



# Exhibit 1

## **Fee (CPN 41)** (075-024-014)

The property interest to be acquired in Fee has been designated County Parcel No. 41, which represents certain interests in portions of the property located at 5101 Clause Road, in the City of Modesto, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Number 075-024-014, as described more specifically in Exhibits A (legal description) and B (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 "A"**  
**RIGHT-OF-WAY**

**North County Corridor Phase 1 Construction Project**  
**Lindsey 2010 Revocable Trust to County of Stanislaus**  
APN: 075-024-014

**Legal description**

A portion of Parcel B of Parcel 1, as described in Grant Deed to Cynthia Lindsey, Trustee of the Lindsey 2010 Revocable Trust dated December 15, 2010, filed for record May 9, 2019 as Document No. 2019-0028884, Stanislaus County Records, and situate in the southeast quarter of Section 36, Township 2 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, southerly of course (7), (8), (9) and (10) of the following described line:

COMMENCING at a 2" iron pipe with a 2" diameter brass disk, stamped "C.O.M. 2827" in a monument well at the northwest corner of Section 1, Township 3 South, Range 9 East, Mount Diablo Meridian, as shown on Corner Record No. 2483, filed January 23, 2019 and on file with the Stanislaus County Surveyor's Office, from which a 3" square brass plate on a concrete monument, stamped "LS 1104" at the North 1/4 corner of said Section 1, as shown on Corner Record No. 1099, on file with the Stanislaus County Surveyor's Office, bears South 89°35'30" East 2644.93 feet; thence along the West line of said Section 1 South 00°16'51" East 425.14 feet to the **TRUE POINT OF BEGINNING**;

thence (1), South 90°00'00" East 84.30 feet;

thence (2), continuing South 90°00'00" East 384.92 feet;

thence (3), South 04°36'22" East 335.49 feet;

thence (4), North 68°18'29" East 1956.17 feet;

thence (5), North 69°19'39" East 206.31 feet;

thence (6), easterly 2102.06 feet along the arc of a non-tangent curve concave to the South having a radius of 9189.35 feet, to which beginning a radial line bears North 12°49'59" West, through a central angle of 13°06'23";

thence (7), along a non-tangent line North 90°00'00" East 570.99 feet;

thence (8), North 26°11'06" East 42.14 feet;

thence (9), North 00°34'25" West 274.13 feet;


thence (10), North 89°29'41" East 103.70 feet to a point on the East line of Section 36, Township 2 South, Range 9 East, Mount Diablo Meridian, and the terminal point of this description, said terminal point bears North 00°30'19" West 616.24 feet from the southeast corner of said Section 36, as said southeast corner is marked with a 2" iron pipe with brass cap, stamped "LS 3260" in a monument well and shown on that certain map, filed for record August 12, 1983 in Book 16 of Surveys, at Page 16, Stanislaus County Records.

TOGETHER WITH underlying fee interest, if any, contiguous to the above-described property in the adjoining public ways.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights of access, appurtenant to GRANTOR's remaining property, in and to the freeway.

The Basis of Bearings for this description is the California State Plane Coordinate System 83 (2010.00), Zone 3, adjusted to NGS monuments "F 1388" (PID HS4417), "U 1414" (PID HS4500) and GPS Station Number 601, as shown on that certain map filed for record April 25, 2013 in Book 33 of Surveys, Page 54, Stanislaus County Records. All distances and areas shown are grid. To convert to ground distances, divide grid distances by a combined scale factor of 0.999927913.

All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.

  
Rien Groenewoud, P.L.S. 6946





DATE: 10/01/21 08:34  
DRAWN: J20-2539 Claribel Road Extension, Project 1001 Mapping (Claribel) (025-024-014 Library Tract-2018.dwg)

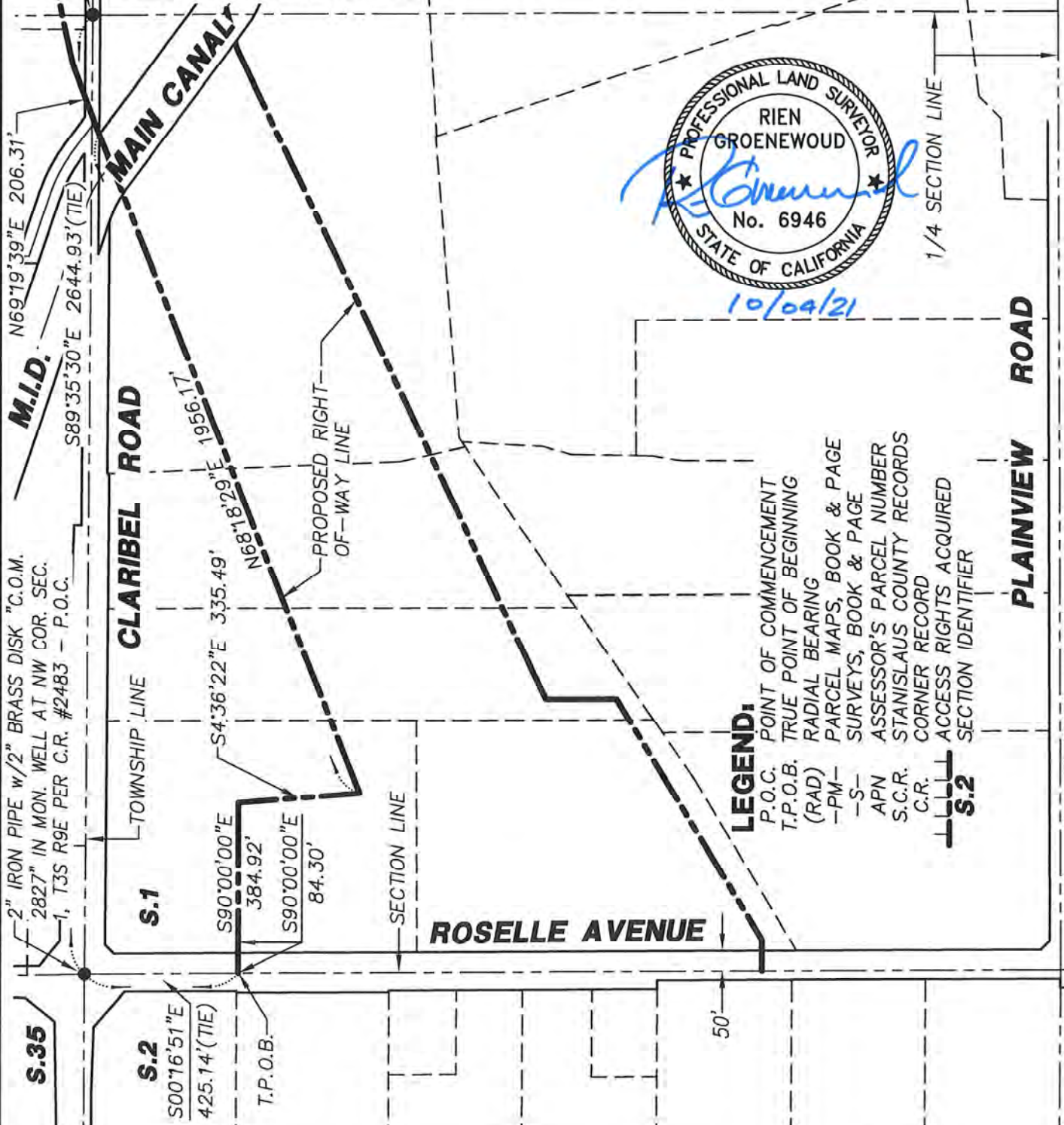
CONC. MON. w/BRASS PLATE IN  
MON. WELL AT N. 1/4 COR. SEC.  
1, T3S R9E PER C.R. #1099

# EXHIBIT 'B'

RIGHT-OF-WAY



SEE SHEET 2



## LEGEND:

P.O.C. POINT OF COMMENCEMENT  
T.P.O.B. TRUE POINT OF BEGINNING  
(RAD) RADIAL BEARING  
-PM- PARCEL MAPS, BOOK & PAGE  
-S- SURVEYS, BOOK & PAGE  
APN ASSESSOR'S PARCEL NUMBER  
S.C.R. STANISLAUS COUNTY RECORDS  
C.R. CORNER RECORD  
S.2 ACCESS RIGHTS ACQUIRED  
SECTION IDENTIFIER

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620 12th Street Modesto, CA 95354  
(209) 524-3525 Phone (209) 524-3526 Fax

## PLAT TO ACCOMPANY LEGAL DESCRIPTION

BEING A PORTION OF LOTS 34 AND 35 OF "MAP OF THE  
ROSELLE TRACT", FILED FOR RECORD IN VOLUME 7 OF  
MAPS, PAGE 3, S.C.R., AND SITUATE IN THE SE 1/4 OF  
SECTION 36, T.2 S., R.9 E., MOUNT DIABLO MERIDIAN.

STANISLAUS COUNTY

CALIFORNIA

JOB:	J20-2539
DATE:	10/01/21
SCALE:	1"=400'
DRAWN:	RG
DESIGN:	RG
CHK'D:	RG
SHEET	

01  
OF 03

# EXHIBIT 'B'

RIGHT-OF-WAY



CLAUS ROAD

S.31

S.6

N0°30'19"W  
616.24' (TIE)

S.36

CLARIBEL ROAD

2" IRON PIPE w/BRASS CAP, STAMPED  
LS 3260 IN MON. WELL AT NE COR.  
SEC. 1, T3S R9E PER 16-S-16

DAVIS AVENUE

N89°29'41"E 103.70'

N0°34'25"W 274.13'

N26°11'06"E 42.14'

N90°00'00"E 570.99'

SEE SHEET 3

N0°16'24"E (RAD)

DAVIS

PROPOSED RIGHT-  
OF-WAY LINE

R=9189.35'  
Δ=13°06'23"  
L=2102.06'

TOWNSHIP LINE

TERMINAL Ave.

B.N.S.F. RR.

SEE SHEET 1

CONC. MON. w/BRASS PLATE IN  
MON.WELL AT N. 1/4 COR. SEC.  
1, T3S R9E PER C.R. #1099

GROUP, INC

## LEGEND:

- T.P.O.B. TRUE POINT OF BEGINNING
- (RAD) - RADIAL BEARING
- M- MAPS, BOOK & PAGE
- S- SURVEYS, BOOK & PAGE
- C.R. CORNER RECORD
- APN ASSESSOR'S PARCEL NUMBER
- S.C.R. STANISLAUS COUNTY RECORDS
- ACCESS RIGHTS ACQUIRED
- SECTION IDENTIFIER

S.2

1/4 SECTION LINE

MINNIEAR AVENUE

RANGE LINE

26  
7-M-3

27  
7-M-3

HETCH HETCHY

## PLAT TO ACCOMPANY LEGAL DESCRIPTION

BEING A PORTION OF LOTS 34 AND 35 OF "MAP OF THE  
ROSELLE TRACT", FILED FOR RECORD IN VOLUME 7 OF  
MAPS, PAGE 3, S.C.R., AND SITUATE IN THE SE 1/4 OF  
SECTION 36, T.2 S., R.9 E., MOUNT DIABLO MERIDIAN.

STANISLAUS COUNTY

CALIFORNIA

JOB:	J20-2539
DATE:	10/01/21
SCALE:	1"=400'
DRAWN:	RG
DESIGN:	RG
CHK'D:	RG
SHEET	02
OF	03



*NorthStar*

Engineering Group, Inc.

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620 12th Street Modesto, CA 95354  
(209) 524-3525 Phone (209) 524-3526 Fax



## RIGHT-OF-WAY

**LEGEND:**

(RAD)	RADIAL BEARING
-PM-	PARCEL MAPS, BOOK & PAGE
APN	ASSESSOR'S PARCEL NUMBER
DOC.	DOCUMENT
S.C.R.	STANISLAUS COUNTY RECORDS
	ACCESS RIGHTS ACQUIRED
<b>S.2</b>	SECTION IDENTIFIER

**S.2**

APN 075-024-007

APN 075-024-011

APN 075-024-013

N89°29'41"E 103.70'

75'

N8°56'09"E 63.40'

S89°22'26"W  
4.69'

N0°34'25"W 274.13'

DOC. No.  
2019-0028884

APN 075-024-014

PROPOSED RIGHT-  
OF-WAY LINE

N26°11'06"E 42.14'

N90°00'00"E

570.99'

155,792 SQ.FT.  
3.58 ACRES

FILL SLOPE EASEMENT PER  
DOC. No. 2000-0006636

75'

S89°35'38"E 2644.98'(TIE)

## CLARIBEL

## ROAD

PROPOSED RIGHT-  
OF-WAY LINE

TOWNSHIP LINE

2" IRON PIPE w/BRASS CAP, STAMPED  
LS 3260 IN MON. WELL AT NE COR.  
SEC. 1, T3S R9E PER 16-S-16

**S.36**

**S.31**

**S.6**

**S.1**

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**PLAT TO ACCOMPANY  
LEGAL DESCRIPTION**

BEING A PORTION OF LOTS 34 AND 35 OF "MAP OF THE  
ROSELLE TRACT", FILED FOR RECORD IN VOLUME 7 OF  
MAPS, PAGE 3, S.C.R., AND SITUATE IN THE SE 1/4 OF  
SECTION 36, T.2 S., R.9 E., MOUNT DIABLO MERIDIAN.

**STANISLAUS COUNTY** **CALIFORNIA**

JOB:	J20-2539
DATE:	10/01/21
SCALE:	1"=120'
DRAWN:	RG
DESIGN:	RG
CHK'D:	RG

SHEET  
**03**  
OF **03**

## Exhibit 2

### **Permanent Roadway Easement (CPN 41)** (APN 075-024-014)

The property interest to be acquired has been designated as a Permanent Roadway Easement in County Parcel No. 41, which represent certain interests in portions of the property located at 5101 Clause Road, in the City of Modesto, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Numbers 075-024-014, as described more specifically in Exhibits A (legal description) and B (plat map) attached hereto, and which are incorporated herein by this reference ("Property").

The rights of the County of Stanislaus ("County") in the Property shall include without limitation the right to use the easement for roadway purposes associated with the State Route 108/North County Corridor Phase I Project and all uses convenient and necessary thereto, which activities may include, but are not limited to, constructing and using permanent roadway improvements. County shall have the right to remove all improvements located within the Property including, but not limited to, buildings, trees, hardscape, and landscape improvements.

County shall have the right to transfer, assign and/or convey the Property, including without limitation any interest therein, and/or in whole or in part, to successors and/or assigns, including without limitation other governmental agencies. The covenants contained in this writing, including without limitation any restrictions set forth above, shall run with the land.

# EXHIBIT "A"

## ROAD EASEMENT

**North County Corridor Phase 1 Construction Project**  
**Lindsey 2010 Revocable Trust to County of Stanislaus**  
APN: 075-024-014

### Legal description

ALL that certain real property, being a portion of Parcel B of Parcel 1, as described in Grant Deed to Cynthia Lindsey, Trustee of the Lindsey 2010 Revocable Trust dated December 15, 2010, filed for record May 9, 2019 as Document No. 2019-0028884, Stanislaus County Records, and situate in the southeast quarter of Section 36, Township 2 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, lying northerly and easterly of courses (1) through (3) of the following described line:

COMMENCING at a 2" iron pipe with brass cap, stamped "LS 3260" in a monument well at the southeast corner of said Section 36, as shown on that certain map filed for record August 12, 1983 in Book 16 of Surveys, at Page 16, Stanislaus County Records, from which a 1" iron pipe, tagged RCE 18573 in monument well at the point of intersection of the centerline of Davis Avenue and the East line of said southeast quarter, and shown on that certain map titled "Right-of-Way acquisition map Claus Road Claribel Road to Hwy. 108" on file with the Stanislaus County Surveyor's Office as file no. B-2A-32, bears North 00°30'19" West 992.95 feet; thence along said East line of the southeast quarter North 00°30'19" West 616.24 feet; thence leaving said East line and proceeding South 89°29'41" West 74.99 feet (75.00 feet Ground) to a point on the West right-of-way line of Claus Road and the **TRUE POINT OF BEGINNING**;

thence (1), continuing South 89°29'41" West 28.71 feet;

thence (2), South 89°22'26" West 4.69 feet;

thence (3), North 08°56'09" East 63.40 feet;

thence (4), parallel with and 97.99 feet distant (98.00 feet Ground) at right angles West of the said East line of the southeast quarter of Section 36 North 00°30'19" West 246.33 feet;

thence (5), South 89°29'41" West 49.67 feet;

thence (6), northwesterly 56.45 feet along the arc of a curve concave to the northeast having a radius of 55.00 feet through a central angle of 58°48'22";

thence (7), northwesterly 38.25 feet along the arc of a reverse curve concave to the southwest having a radius of 45.00 feet, a radial line through the beginning of said reverse curve bears North 58°18'03" East, through a central angle of 48°42'00";

thence (8), North 80°23'57" West 17.93 feet;

thence (9), westerly 12.95 feet along the arc of a curve concave to the South having a radius of 87.99 feet through a central angle of 08°25'53";

thence (10), North 88°49'50" West 13.17 feet to a point on the South right-of-way line of Davis Avenue, last said point being 20.00 feet distant at right angles South of said centerline of Davis Avenue, and the point of terminus, said point of terminus bears South 86°12'03" West 269.43 feet from said 1" iron pipe, tagged RCE 18573 in a monument well.

Containing (697 square feet Grid) 697 square feet [0.02 acres] Ground, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System 83 (2010.00), Zone 3, adjusted to NGS monuments "F 1388" (PID HS4417), "U 1414" (PID HS4500) and GPS Station Number 601, as shown on that certain map filed for record April 25, 2013 in Book 33 of Surveys, Page 54, Stanislaus County Records. All distances and areas shown are grid. To convert to ground distances, divide grid distances by a combined scale factor of 0.999927913. To convert to ground areas, divide grid areas by the combined factor squared (0.99985583).

All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.



Rien Groenewoud, P.L.S. 6946



11/30/21



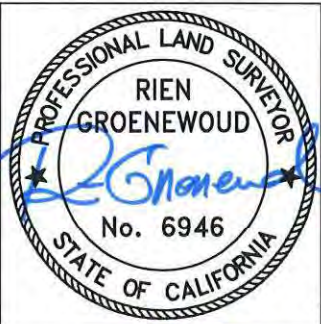
**EXHIBIT 'B'**  
ROAD EASEMENT

1" IRON PIPE, TAGGED RCE 18573  
PER CLAUS ROAD COUNTY ROW  
MAP, FILE No. B-2A-32

**LEGEND:**

T.P.O.B. TRUE POINT OF BEGINNING  
-M- MAPS, BOOK & PAGE  
APN ASSESSOR'S PARCEL NUMBER  
DOC. DOCUMENT  
S.C.R. STANISLAUS COUNTY RECORDS  
**S.2** SECTION IDENTIFIER

**SEE SHEET 2**



11/30/21

PROPOSED RIGHT-  
OF-WAY LINE

TOWNSHIP LINE

**CLARIBEL**

**ROAD**

2" IRON PIPE w/BRASS CAP, STAMPED  
LS 3260 IN MON. WELL AT NE COR.  
SEC. 1, T3S R9E PER 16-S-16  
POINT OF COMMENCEMENT

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**Engineering Group, Inc.**  
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620 12th Street Modesto, CA 95354  
(209) 524-3525 Phone (209) 524-3526 Fax

**PLAT TO ACCOMPANY  
LEGAL DESCRIPTION**

BEING A PORTION OF LOTS 34 AND 35 OF "MAP OF THE  
ROSELLE TRACT", FILED FOR RECORD IN VOLUME 7 OF  
MAPS, PAGE 3, S.C.R., AND SITUATE IN THE SE 1/4 OF  
SECTION 36, T.2 S., R.9 E., MOUNT DIABLO MERIDIAN.  
**STANISLAUS COUNTY CALIFORNIA**

JOB: J20-2539  
DATE: 11/23/21  
SCALE: 1"=150'  
DRAWN: RG  
DESIGN: RG  
CHK'D: RG

SHEET  
**01**  
OF **02**

PLOTTED: 11/20/21 11:48

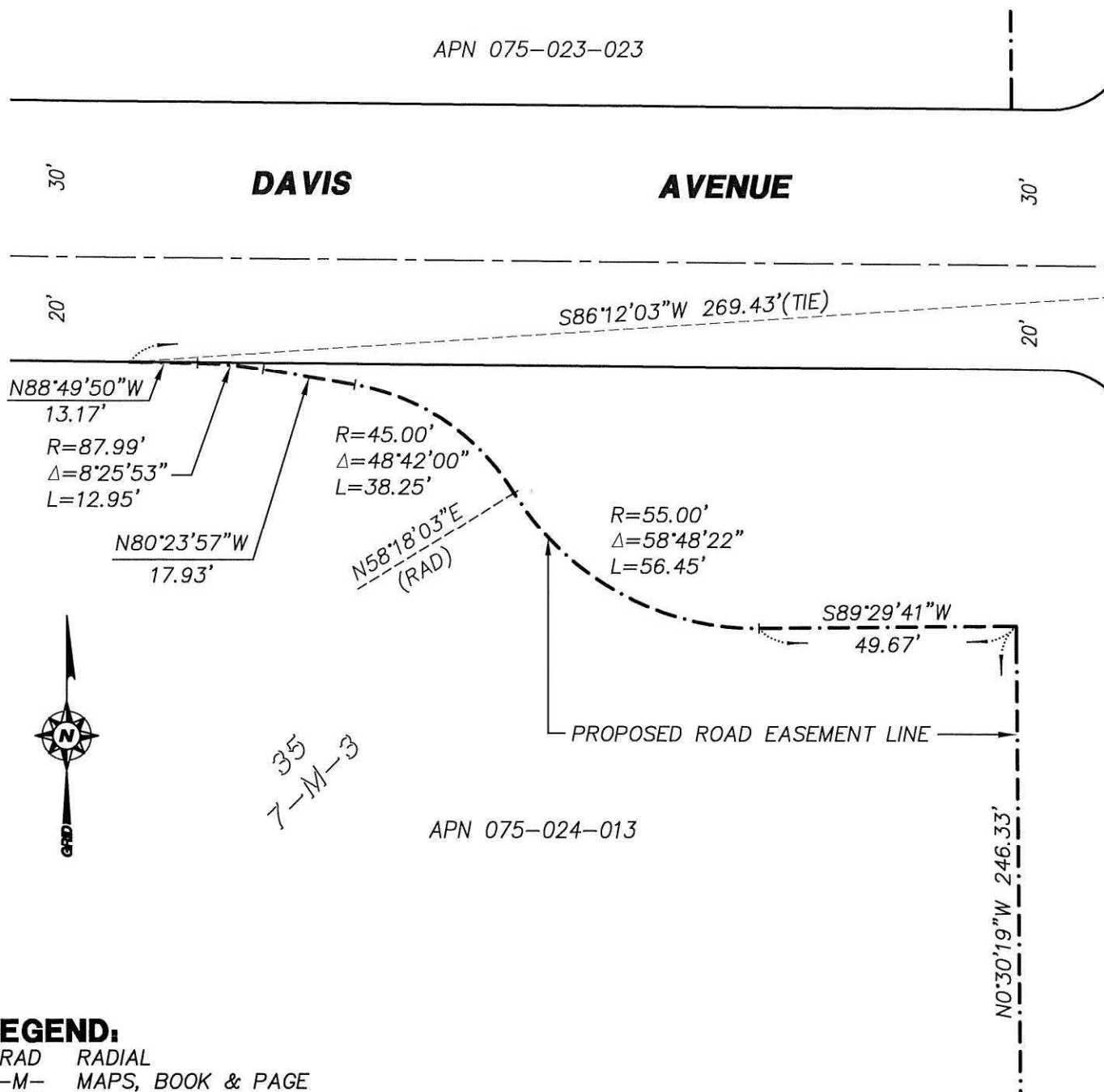
DWG NAME: K:\J20-2539 Claribel Road Extension Project\DWG\Maping\Exhibit\B\APN 075-024-014 Lindsey Trust-RE.dwg



# EXHIBIT 'B'

## ROAD EASEMENT

APN 075-023-023



### LEGEND:

RAD RADIAL  
 -M- MAPS, BOOK & PAGE  
 APN ASSESSOR'S PARCEL NUMBER  
 S.C.R. STANISLAUS COUNTY RECORDS

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### PLAT TO ACCOMPANY LEGAL DESCRIPTION

BEING A PORTION OF LOTS 34 AND 35 OF "MAP OF THE ROSELLE TRACT", FILED FOR RECORD IN VOLUME 7 OF MAPS, PAGE 3, S.C.R., AND SITUATE IN THE SE 1/4 OF SECTION 36, T.2 S., R.9 E., MOUNT DIABLO MERIDIAN.

**STANISLAUS COUNTY CALIFORNIA**

JOB: J20-2539  
 DATE: 11/23/21  
 SCALE: 1"=30'  
 DRAWN: RG  
 DESIGN: RG  
 CHK'D: RG  
 SHEET

**02**  
 OF 02

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

I declare that I am employed in the County of Los Angeles, 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: Nossaman LLP, 777 S. Figueroa Street, 34<sup>th</sup> Floor, Los Angeles, California 90017.

On April 12, 2023, 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 Nossaman LLP, 777 S. Figueroa Street, 34<sup>th</sup> Floor, Los Angeles, California 90017, for collection and mailing in the United States Postal Service. The envelope was addressed to the below-named addressee. I am familiar with Nossaman LLP's 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.

Cynthia Lindsey, Trustee  
The Lindsey 2006 Revocable Trust dated 4/5/2006  
P.O. Box 726  
Riverbank, CA 95367

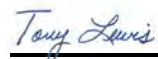
Cynthia Lindsey, Trustee  
The Lindsey 2006 Revocable Trust dated 4/5/2006  
P.O. Box 886  
Riverbank, CA 95367

Louis Friedman, Esq.  
Gianelli Nielsen  
1014 16<sup>th</sup> Street  
Modesto, CA 95354 (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 April 12, 2023.



Tony Lewis

NEOPOST FIRST-CLASS MAIL  
04/12/2023  
US POSTAGE \$011.40  
ZIP 90017  
041111256329

Attorneys at Law  
777 South Figueroa Street, 34th Floor  
Los Angeles, CA 90017



Cynthia Lindsey, Trustee  
The Lindsey 2006 Revocable Trust  
dated 4/5/2006  
P.O. Box 726  
Riverbank, CA 95367

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

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 11.40
Total Postage and Fees	\$

Postmark  
Here

Sent To Cynthia Lindsey, Trustee  
The Lindsey 2006 Revocable Trust dated 4/5/2006  
Street and Apt. No. P.O. Box 726  
City, State, ZIP+4® Riverbank, CA 95367

7015 3010 0001 7960 5395



CERTIFIED MAIL

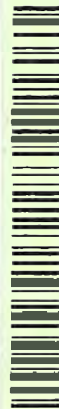
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

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:

Cynthia Lindsey, Trustee  
The Lindsey 2006 Revocable Trust  
dated 4/5/2006  
P.O. Box 726  
Riverbank, CA 95367



9590 9402 6802 1074 2325 71

2. Article Number (Transfer from service label)

7015 3010 0001 7960 5395

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type

☐ Adult Signature Restricted Delivery  
☐ Adult Signature Restricted Mail®  
☐ 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  
☐ Signature Confirmation™  
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt



NEOPOST  
FIRST-CLASS MAIL  
04/12/2023  
US POSTAGE \$011.40  
04111256329

**NOSSAMAN** LLP  
Attorneys at Law  
777 South Figueroa Street, 34th Floor  
Los Angeles, CA 90017

Cynthia Lindsey, Trustee  
The Lindsey 2006 Revocable Trust  
dated 4/5/2006  
P.O. Box 886  
Riverbank, CA 95367

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OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$ 11.40

Postmark  
Here

Sent To  
Cynthia Lindsey, Trustee  
Street and Apt. No.  
The Lindsey 2006 Revocable Trust dated 4/5/2006  
P.O. Box 886  
City, State, ZIP+4  
Riverbank, CA 95367

7015 3010 0001 7960 5401

CERTIFIED MAIL®

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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:

Cynthia Lindsey, Trustee  
The Lindsey 2006 Revocable Trust  
dated 4/5/2006  
P.O. Box 886  
Riverbank, CA 95367



9590 9402 6802 1074 2325 57

2. Article Number (Transfer from service label)

7015 3010 0001 7960 5401

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

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
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt



NEOPOST FIRST-CLASS MAIL  
 04/12/2023  
**US POSTAGE** \$011.40  
 ZIP 90017  
 041L1125329

Attorneys at Law  
 777 South Figueroa Street, 34th Floor  
 Los Angeles, CA 90017

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# North County Corridor (NCC) Resolution of Necessity

**June 6, 2023**

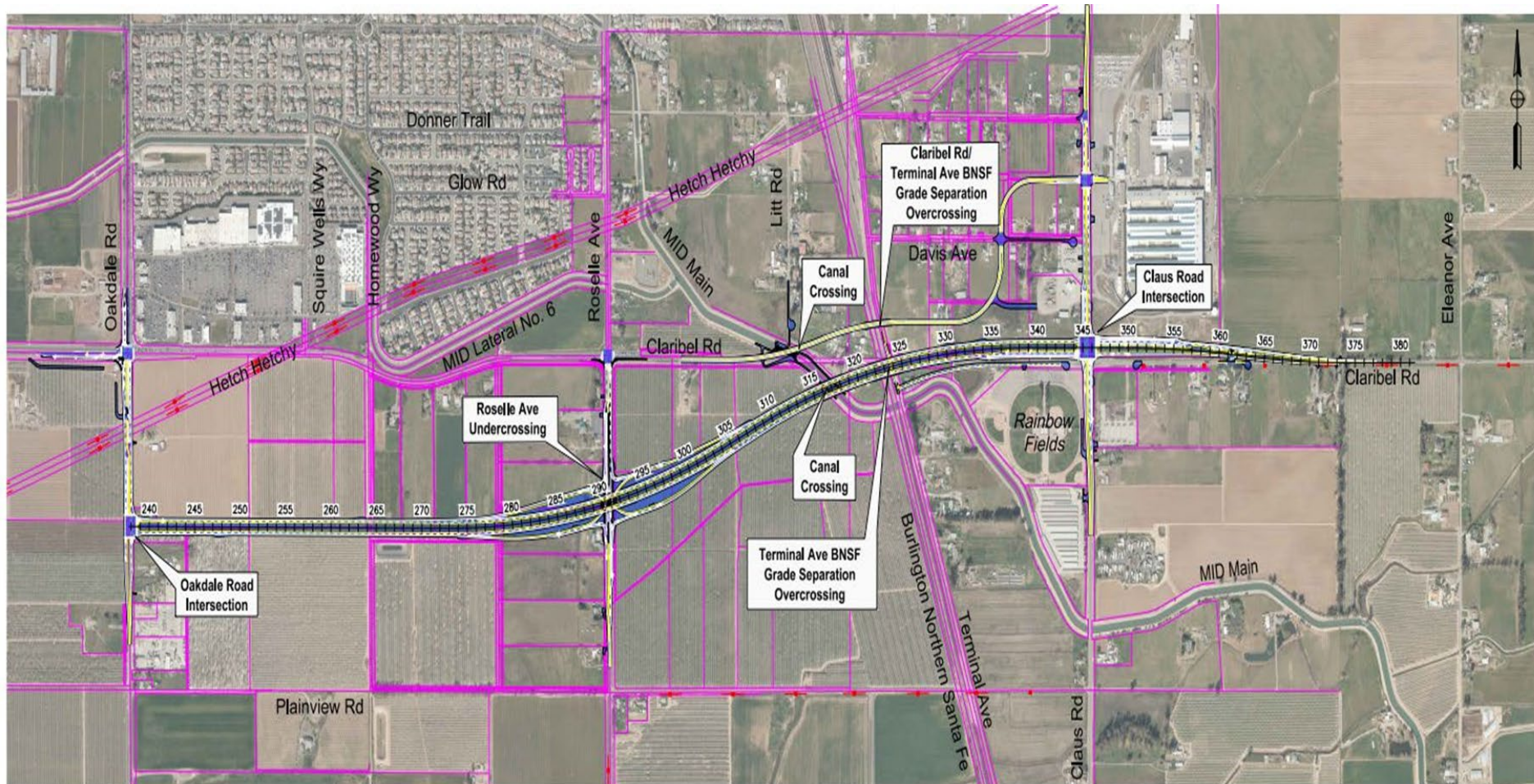
# Resolution of Necessity to Acquire Real Property

- APN 075-024-014 – Cynthia Lindsey, Trustee of the Lindsey 2006 Revocable Trust dated April 5, 2006; and
- APNs 075-024-011 & 013 – Cynthia Lindsey, Trustee of the Lindsey 2010 Revocable Trust dated December 15, 2010

# Agenda

- Project Description
- Overview of Process
- Discussion of Individual Property
- APNs 075-024-011, 014, & 013 – Lindsey Trusts

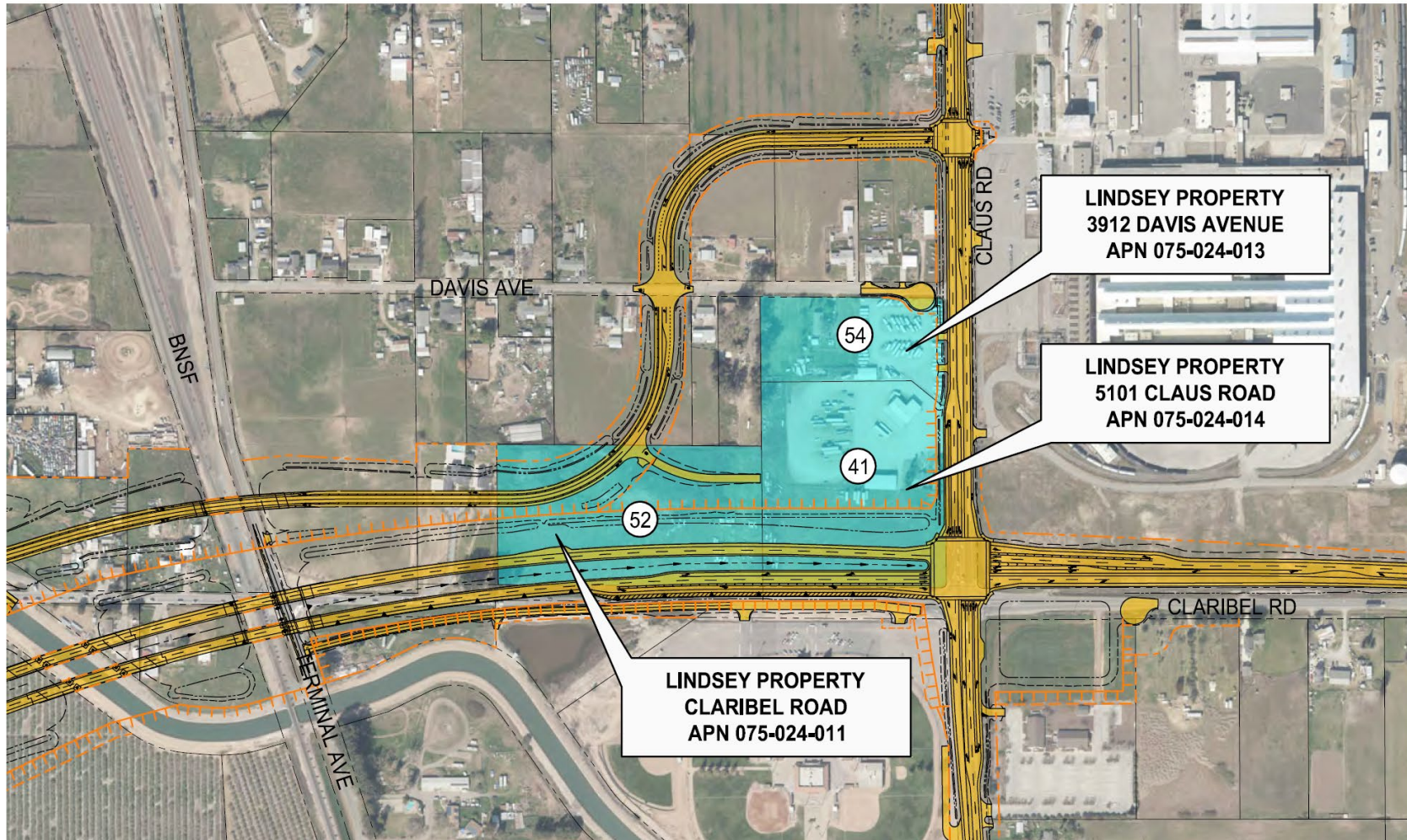
# Project Limits



PLAN VIEW

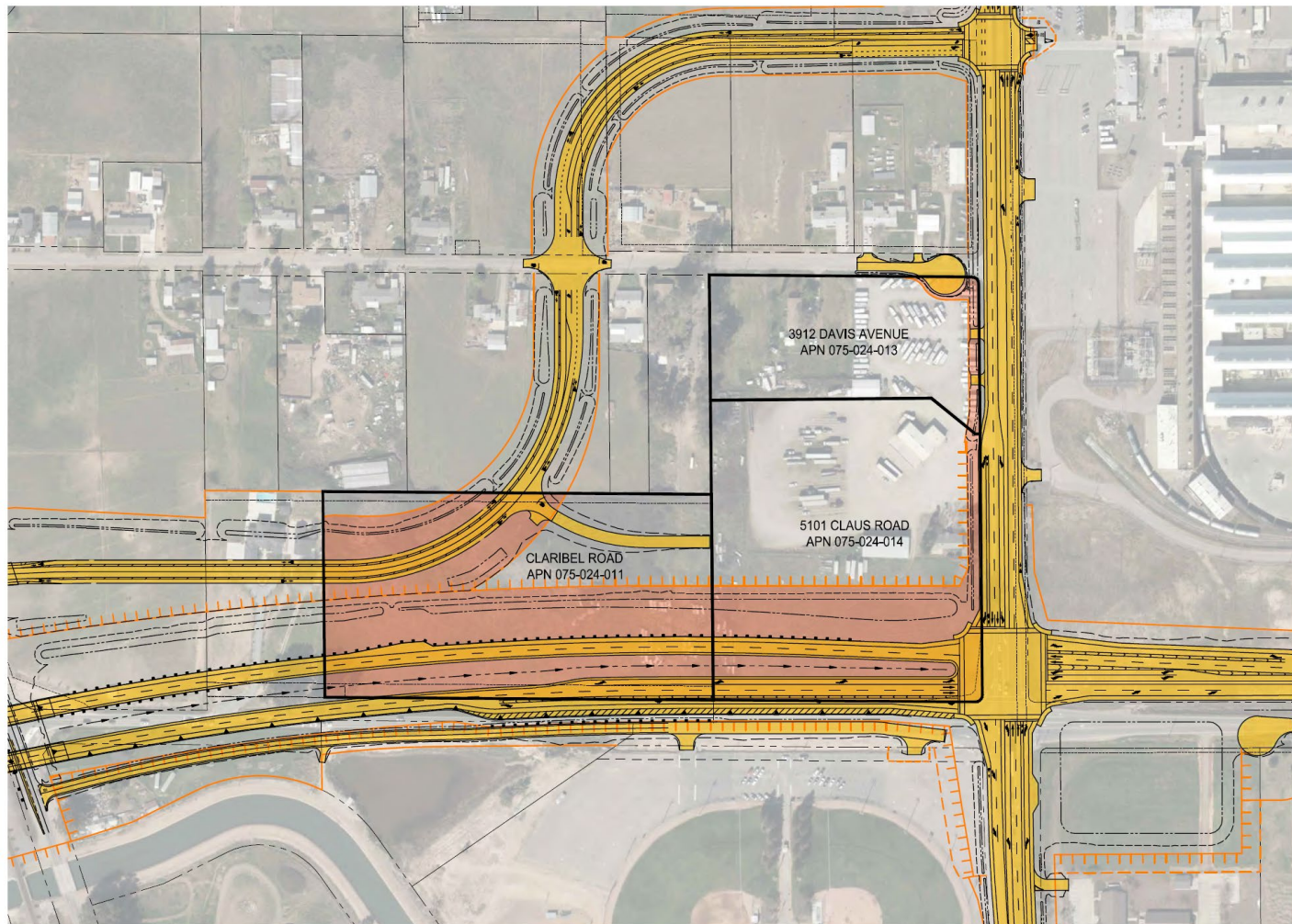


# Project Limits Lindsey





# Project Limits Lindsey



# Project Approvals, to Date

## APNs 075-024-011, 014, & 013 – Lindsey

- Caltrans approved the CEQA/NEPA Environmental Documents and Route Adoption on May 22, 2020
- These actions confirmed the alignment (1-B) and created and approved the North County Corridor Project

# Public Interest and Necessity

## APNs 075-024-011, 014, & 013 – Lindsey

- 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



# Greatest Public Good & Least Private Injury

APNs 075-024-011, 014, & 013 – Lindsey

## **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.
- A thorough analysis regarding the need for each property interest was conducted in the Project's planning stages.
- Project team has worked diligently to minimize the need for property acquisitions.
- Alternative 1-B 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.

# Key RON Findings Required

## APNs 075-024-011, 014, & 013 – Lindsey

- 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

# Staff Recommends

## APNs 075-024-011, 014, & 013 – Lindsey

1. Find that the public interest and necessity require the North County Corridor Phase 1 Project.
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 interests in the properties, (APNs 075-024-011, 014, & 013), sought to be acquired and described in the attached Resolution of Necessity is necessary for the Project.
4. Find that the offer required by section 7267.2 of the Government Code has been made to the owner, Cynthia Lindsey, Trustee of the Lindsey 2006 Revocable Trust, and Cynthia Lindsey, Trustee of the Lindsey 2010 Revocable Trust.
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 property interest described therein.