



Monterey County Board of Supervisors

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Board Order

A motion was made by Supervisor Chris Lopez, seconded by Supervisor Luis A. Alejo to:

Adopt Resolution No.: 21-274

of Necessity finding and determining that:

- a. The Public Interest and Necessity Require the Hartnell Bridge Replacement Project (Project).
- b. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and
- c. The property sought to be acquired is necessary for the Project

PASSED AND ADOPTED on this 24th day of August 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams

NOES: None

ABSENT: None

(Government Code 54953)

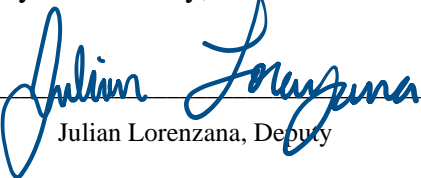
I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting August 24, 2021.

Dated: September 1, 2021

File ID: RES 21-143

Agenda Item No.: 18

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California


Julian Lorenzana, Deputy

*Before the Board of Supervisors in and for the
County of Monterey, State of California*

RESOLUTION NO.: 21-274

Adopt a Resolution of Necessity Finding and Determining that:

- a. The Public Interest and Necessity Require the Hartnell Bridge Replacement Project (Project).
- b. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- c. The property sought to be acquired is necessary for the Project.

CEQA Action: Mitigated Negative Declaration adopted by the Board of Supervisors on January 23, 2018.

Project Location: Intersection of Hartnell Road and Alisal Road, south of the City of Salinas.

Property Owners of record: Francisco M. Basaldua, Lucia N. Basaldua, Juan Basaldua, Julie B. Basaldua, Benjamin Basaldua, Louanna S. Basaldua.

(Applicable to Property: APN 107-031-013)

WHEREAS, the public interest and necessity require the proposed Hartnell Road Bridge Replacement Project; and

WHEREAS, the power of eminent domain may be exercised to acquire property for a proposed project only if all of the following are established:

- a. The Public Interest and Necessity Require the Hartnell Bridge Replacement Project (Project).
- b. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- c. The property sought to be acquired is necessary for the Project; and

WHEREAS, the roadway easements to be acquired are located within the unincorporated area of the County of Monterey and consist of a Permanent Roadway Easement, and a Temporary Construction Easement (0.0834 acres and 0.596 acres, respectively) fronting Hartnell Road; and

WHEREAS, the Department of Public Works, Facilities, and Parks (PWFP) is proposing the HARTNELL ROAD BRIDGE REPLACEMENT, COUNTY BRIDGE NO. 209, STATE PROJECT NO. EA 05-930298, FEDERAL AID PROJECT NO. BRLS-5944 (103) (Project) to replace the existing one-lane Hartnell Bridge with a new two- lane bridge; and

WHEREAS, the Project is located near the intersection of Hartnell Road with Alisal Road, just south of the City of Salinas. The existing bridge has been determined to be structurally deficient and is programmed to be replaced under the Federal Highway Administration (FHWA) Highway Bridge Program; and

WHEREAS, the Permanent Roadway Easements and Temporary Construction Easements are needed from four (4) adjacent properties to construct the Project. Permanent Roadway Easements and Temporary Construction Easements from three (3) of the four (4) properties have been approved and the corresponding Permanent Roadway Easements have been recorded with the County Recorder; and

WHEREAS, Staff has struggled with obtaining the Permanent Roadway Easement and Temporary Construction Easement for the fourth property (APN 107-031-013) which is owned by the Basaldua Family (hereafter, “subject property”) because of the pending probate process due to the death of one of the property owners of record; and

WHEREAS, the County has retained the services of Overland Pacific & Cutler, LLC., (OPC) to perform the appraisals and conduct the right-of-way negotiations for the easements. OPC staff, in consultation with Caltrans Local Assistance staff has recommended that Monterey County adopt a Resolution of Necessity pursuant to California Code of Civil Procedure Section 1240.030 et seq. to timely secure the Project funding in light of the unexpected Project delays related to the death of one of the property owners of record and pending probate process. Adoption of a Resolution of Necessity is a step in the eminent domain process for acquiring the easements for the subject property. Pursuant to California Government Code sections 7260 et seq., 7267.2 and 37350.5, and, California Code of Civil Procedure Section 1230.010 et seq. and Section 19, Article I of the California Constitution, and other applicable authorities, the County is authorized to acquire the property by eminent domain, provided certain procedural steps are followed; and

WHEREAS, given recent communications with the Basaldua Family regarding the pending probate process, staff expects to obtain the easements via the eminent domain process. Adoption of the Resolution of Necessity is also needed to timely secure grant funding for the construction of the Project. Caltrans and FHWA Program staff are requiring adoption of a Resolution of Necessity prior to programing the estimated \$2.5 Million for construction due to the delays incurred thus far due to the pending probate process which concerns the subject property; and

WHEREAS, on January 23, 2018, the Board of Supervisors adopted a Mitigated Negative Declaration for the Project and authorized staff to proceed with the Project’s final design and related activities to be able to construct the Project. The Project is scheduled to begin construction in the spring 2022, provided the funding is secured and the easements for the subject property are obtained; and

WHEREAS, the proposed Project is planned or located in a manner that will be most compatible with the greatest public good and least private injury; and

WHEREAS, the subject property is necessary for the proposed Project; and

WHEREAS, the taking of the Property is necessary for the proposed Project and such taking is authorized by, *inter alia*, Section 19, Article I of the California Constitution; Sections 37350.5 and 40401 et seq. and 40404 of the California Government Code, Sections 5100 et seq. and 10102 of the California Streets and Highways Code Sections 1230.010 et seq. and 1240.140(b) of the California Code of Civil Procedure, and other applicable law; and

WHEREAS, the ownership of the subject parcel (APN 107-031-013) is undergoing a probate process due to the death of one of the property owners of record; and

WHEREAS, the property owners of the subject parcel and the heirs of the deceased support the Project; and

WHEREAS, the Project funding is at risk due to delays in the probate process and inability to acquire and record the required roadway easements; and

WHEREAS, a purchase offer required by Section 7267.2 of the Government Code was made to the property owners of record and to those persons determined by County staff in consultation with OPC to be potential owners of and/or heirs to the subject property; and

WHEREAS, the County of Monterey has complied with Code of Civil Procedure Section 1245.235 regarding the provision of notice to those whose names and addresses appear on the last equalized county assessment roll concerning the subject property; and

WHEREAS, pursuant to Code of Civil Procedure Section 1240.030, the County has provided notice to the property owners of record of the County's intent to approve a Resolution of Necessity and of the reasonable opportunity to appear and be heard at the hearing on this Resolution; and

WHEREAS, the County of Monterey has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain (the "right to take") to acquire the Property.

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the Board of Supervisors of the County of Monterey, State of California, that said Board Finds and Determines that:

- a. The Public Interest and Necessity Require the Hartnell Bridge Replacement Project.
- b. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- c. The property sought to be acquired is necessary for the Project.

PASSED AND ADOPTED on this 24th day of August 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams

NOES: None

ABSENT: None

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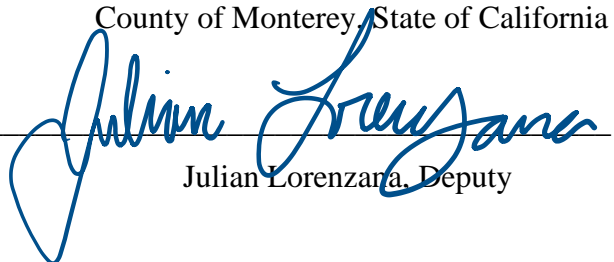
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