



Legislation Details (With Board Report)

File #: RES 21-143 **Name:** Approve a Resolution Finding and Determining that the Public Interest, Convenience and Necessity Require the Acquisition of Certain Property Interest for Public Purposes

Type: BoS Resolution **Status:** Passed - RMA Administration

File created: 8/5/2021 **In control:** Board of Supervisors

On agenda: 8/24/2021 **Final action:** 8/24/2021

Title: 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.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Project Budget, 3. Attachment B - Location Map, 4. Attachment C - Resolution, 5. Attachment D - Basaldua Easements, 6. Item No. 18 PowerPoint Presentation, 7. Completed Board Order and Resolution Item No. 18

Date	Ver.	Action By	Action	Result
8/24/2021	2	Board of Supervisors	adopted - rma administration	Pass

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RECOMMENDATION:

It is recommended that the Board of Supervisors 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.
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SUMMARY/DISCUSSION:

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.

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.

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.

There are challenges with obtaining and recording 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.

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, 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.

County and OPC staff have been in contact with the Basaldua Family over the past year trying to resolve the ownership and vesting of the subject property. Based on recent communications with the Basaldua Family regarding the pending probate process, the remaining option left available to timely obtain the easements is through the eminent domain process. Adoption of the Resolution of Necessity is 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 programming the estimated \$2.5 Million for construction due to the delays incurred thus far as result of the pending probate process which concerns the subject property.

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 of 2022, provided the funding is secured and the Basaldua easements are obtained.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed and approved the Resolution of Necessity as to form.

FINANCING:

The total estimated Project cost, including engineering, environmental review, right-of-way acquisition and construction is \$3,748,708. The Project is largely funded by the Federal Highway Administration (FHWA) Highway Bridge Program (HBP) in the amount of \$3,183,194. The Project is also funded by State Seismic Funds (\$368,582) and by Measure X funds (\$196,932). There are sufficient appropriations adopted in the fiscal year (FY) 2021-22 Road Fund 002, Appropriation Unit PFP004 budget to finance the right-of-way acquisition and construction phases of the Project.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The Project will replace the existing seismically deficient Hartnell Road Bridge with a new two-lane bridge that meets American Association of State Highway and Transportation Officials (AASHTO) and Caltrans Design Standards. The recommended action supports the following board of Supervisors' Strategic Initiative:

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Approved by: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities, and Parks

Attachments:

Attachment A - Project Budget

Attachment B - Location Map

Attachment C - Resolution

Attachment D - Basaldua Easement

(Attachments are on file with the Clerk of the Board)