



RESOLUTION No. 22-597

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION OF NECESSITY AND HEARING DETERMINING THE PUBLIC INTEREST AND NECESSITY REQUIRING ACQUISITION OF TEMPORARY CONSTRUCTION EASEMENTS REGARDING PORTIONS OF PARCEL NO. 048-100-007 FOR THE HIRSCHDALE ROAD BRIDGE PROJECTS (4/5 AFFIRMATIVE VOTE REQUIRED)

WHEREAS, The Board of Supervisors of the County of Nevada, is empowered to open and improve highways for the public benefit and to acquire real property for such purposes; and

WHEREAS, Temporary Construction Easement for the safety of the public is necessary on Hirschdale Road in eastern Nevada County for the Hirschdale Road Bridge Projects ("Projects") for a term of five years; and

WHEREAS, certain Temporary Construction Easements must be acquired for construction of such improvements; and

WHEREAS, for the public purposes set forth herein, the County of Nevada is vested with the power of eminent domain to acquire real property interests by virtue of Article 1, Section 19 of the Constitution of the State of California; California Streets and Highways Code sections 26 and 943; California Code of Civil Procedure sections 1240.010-1240.050, 1240.510 and 1240.610; and California Government Code sections 25350.5 and 25353; and

WHEREAS, the interest in property that is the subject of this Notice ("Subject Property") is a temporary construction easement of approximately:

- .269 acres from APN 048-100-007

WHEREAS, the County of Nevada made written offer to acquire easement interests in the Subject Property to the record owner at an amount that was not less than the appraised fair market value, in compliance with Government Code section 7267.2(a), and the owner of the Subject Property has not accepted the offer; and

WHEREAS, attempts to reach negotiated settlements will continue after the adoption of the Resolution of Necessity.

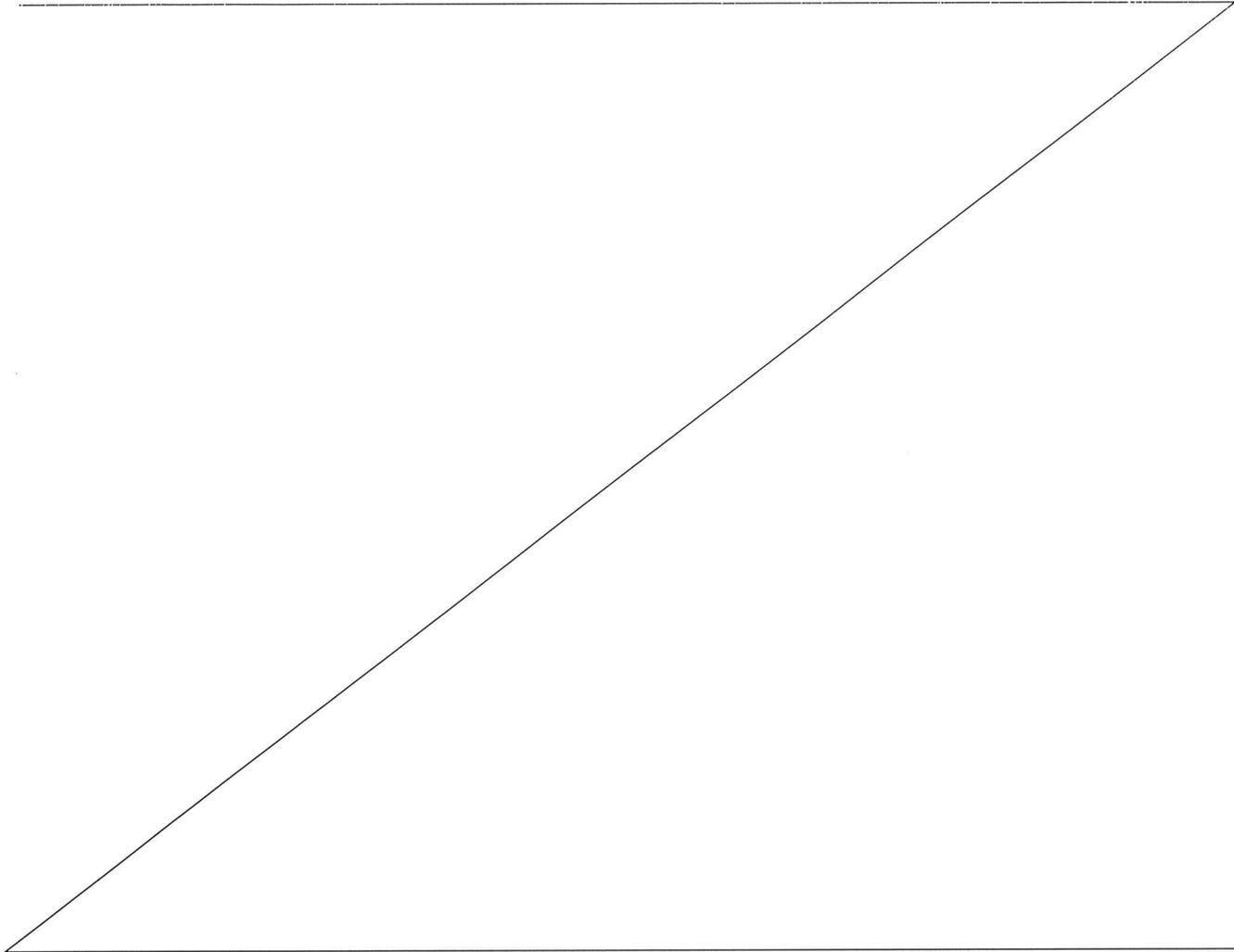
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Nevada County Board of Supervisors that:

1. The above recitals are true and correct and are matters on which these findings are based.
2. The facts and conclusions referenced in this Resolution, and the findings made herein are supported by substantial evidence contained in the record of this proceeding. Prior to taking action, the Board of Supervisors has heard, reviewed, and considered all of the information in the administrative record, including any oral and written evidence presented during the public hearing.

3. The Board hereby declares its intention to acquire a Temporary Construction Easement as described on Exhibit A and Exhibit B pages 1 & 2, attached hereto, and incorporated herein by reference for a term of five years.
4. The property will be acquired pursuant to authority granted in Article 1, Section 19 of the Constitution of the State of California; California Streets and Highways Code sections 26 and 943; California Code of Civil Procedure sections 1240.010-1240.050, 1240.510 and 1240.610; and California Government Code sections 25350.5 and 25353, and will be used for construction of the Hirschdale Road bridge projects.
5. The environmental impacts and effects of the Projects were fully addressed, and all obligations imposed by the California Environmental Quality Act have been complied with for the Projects, the Board having previously adopted the Initial Study and Mitigated Negative Declaration by Resolution 19-466.

BE IT FURTHER RESOLVED that the Board of Supervisors has reviewed the proposed Projects and finds as follows:

1. There is a need to provide improvements for public safety and public interest and necessity require the proposed Projects.
2. The proposed Projects is planned or located in a manner that is compatible with the greatest public good and least private injury.
3. The offer required by Government Code Section 7267.2 has been made to the owners of record of the described properties.
4. The acquisition of the property for Temporary Construction Easements is necessary for the proposed Projects.
5. That County Counsel is hereby authorized and directed to prepare, in the name of the County, an action in eminent domain in accordance with the requirements of the Eminent Domain Law, and to take all steps or actions as may be necessary or appropriate pursuant to said law and other applicable law for the purpose of acquiring said interest in said real property together with the right of immediate possession thereof.
6. An order of prejudgment possession may be obtained in said eminent domain action, and a deposit made to the State Treasury Condemnation Fund, in the amount determined by the Court to be so deposited, as a condition to the right of immediate possession.



PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 6th day of December, 2022, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

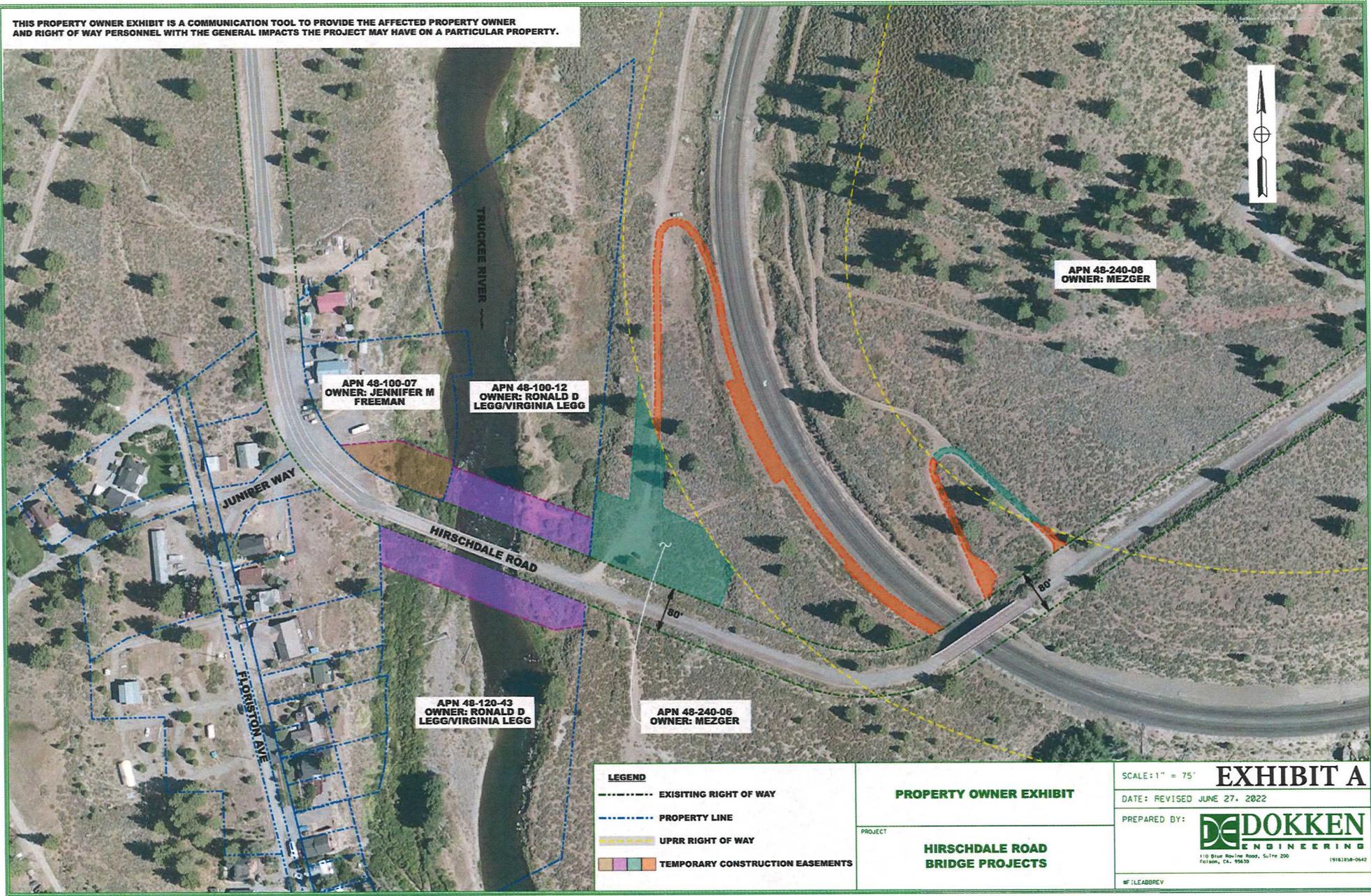
JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Susan K. Hoek, Chair

12/6/2022 cc: DPW*
AC*

THIS PROPERTY OWNER EXHIBIT IS A COMMUNICATION TOOL TO PROVIDE THE AFFECTED PROPERTY OWNER AND RIGHT OF WAY PERSONNEL WITH THE GENERAL IMPACTS THE PROJECT MAY HAVE ON A PARTICULAR PROPERTY.



LEGEND	
	EXISTING RIGHT OF WAY
	PROPERTY LINE
	UPRR RIGHT OF WAY
	TEMPORARY CONSTRUCTION EASEMENTS

PROPERTY OWNER EXHIBIT	
PROJECT	HIRSCHDALE ROAD BRIDGE PROJECTS

SCALE: 1" = 75'	EXHIBIT A
DATE: REVISED JUNE 27, 2022	
PREPARED BY:	
#1:LEADREV	110 State Ravine Road, Suite 200 Folsom, CA, 95630 19181938-0642

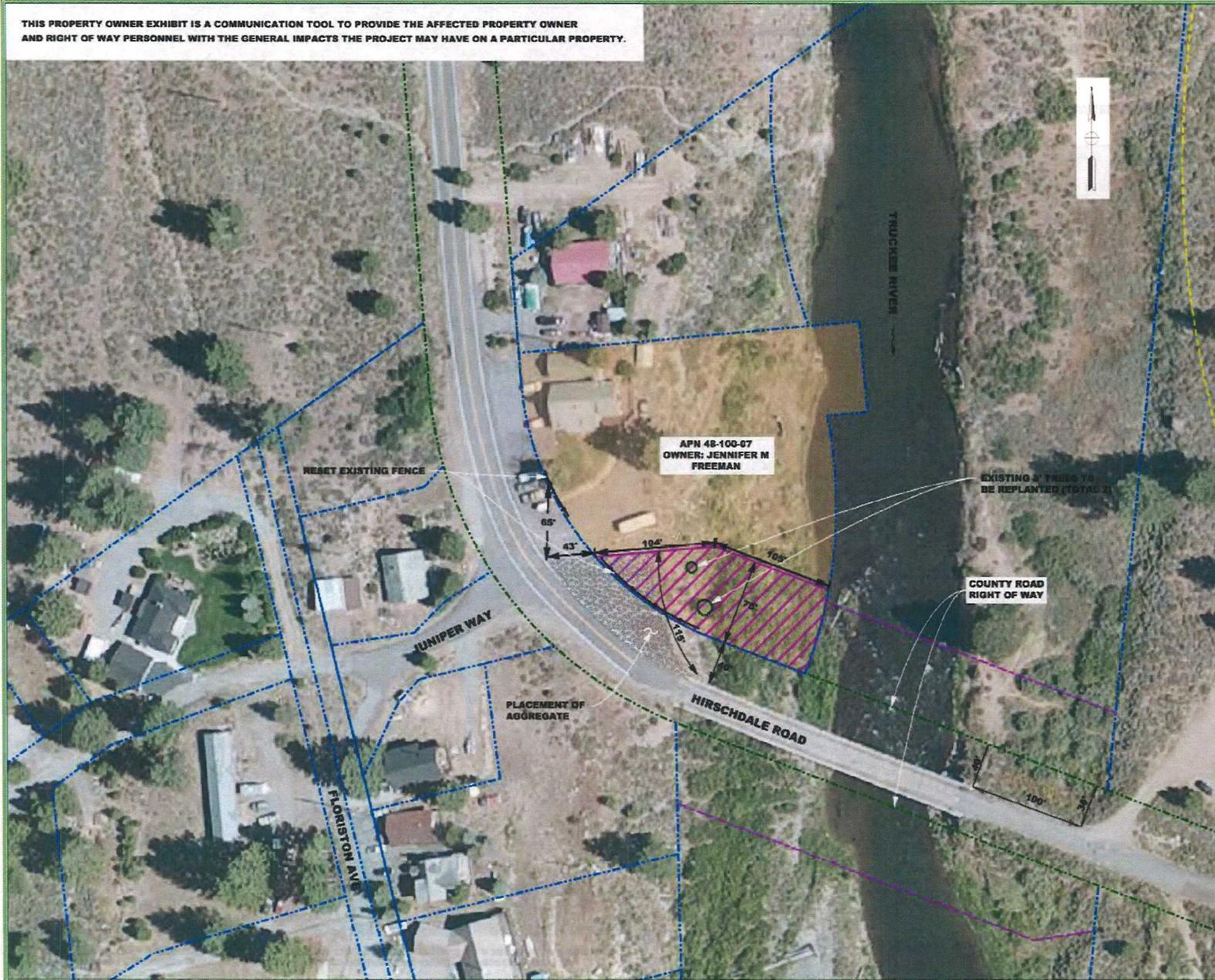
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**PROPERTY OWNER EXHIBIT
APN: 48-100-07**

**HIRSCHDALE ROAD
AT TRUCKEE RIVER
BRIDGE**

LEGEND

(E)	EXISTING
(P)	PROPOSED
UPRR	UNION PACIFIC RAILROAD
---	(E) RIGHT OF WAY
---	(E) UPRR RIGHT OF WAY
---	PROPERTY LINE
---	(P) TEMPORARY CONSTRUCTION EASEMENT
■	PARCEL AREA
▨	(P) TEMPORARY CONSTRUCTION EASEMENT AREA



SCALE: 1" = 40'

DATE: REVISED, NOVEMBER 24, 2022

PREPARED BY:

DOKKEN ENGINEERING

1120 SHAW BLVD STE 100, SOUTH BEND, IN 46601

PH: 800.555.5622

100-1024-CAD-08-100-07.dwg



**PROPERTY OWNER EXHIBIT
APN 48-120-43**

**HIRSCHDALE ROAD
AT TRUCKEE RIVER
BRIDGE**

LEGEND

- (E) EXISTING
- (P) PROPOSED
- UPRR UNION PACIFIC RAIL ROAD
- - - - (E) RIGHT OF WAY
- (E) UPRR RIGHT OF WAY
- - - - PROPERTY LINE
- PARCEL AREA
- ▨ TEMPORARY CONSTRUCTION EASEMENT AREA

APN 48-120-43
OWNER: RONALD D LEGG/
VIRGINIA LEGG

COUNTRY ROAD
RIGHT OF WAY



THIS PROPERTY OWNER EXHIBIT IS A COMMUNICATION TOOL TO PROVIDE THE AFFECTED PROPERTY OWNER AND RIGHT OF WAY PERSONNEL WITH THE GENERAL IMPACTS THE PROJECT MAY HAVE ON A PARTICULAR PROPERTY.

SCALE: 1" = 50'

DATE REVISED: NOVEMBER 24, 2020

PREPARED BY:

DOKKEN ENGINEERING
110 BLVD. IN THE AVENUE, SUITE 200
FOYUS, CA 94620 (916) 928-2422

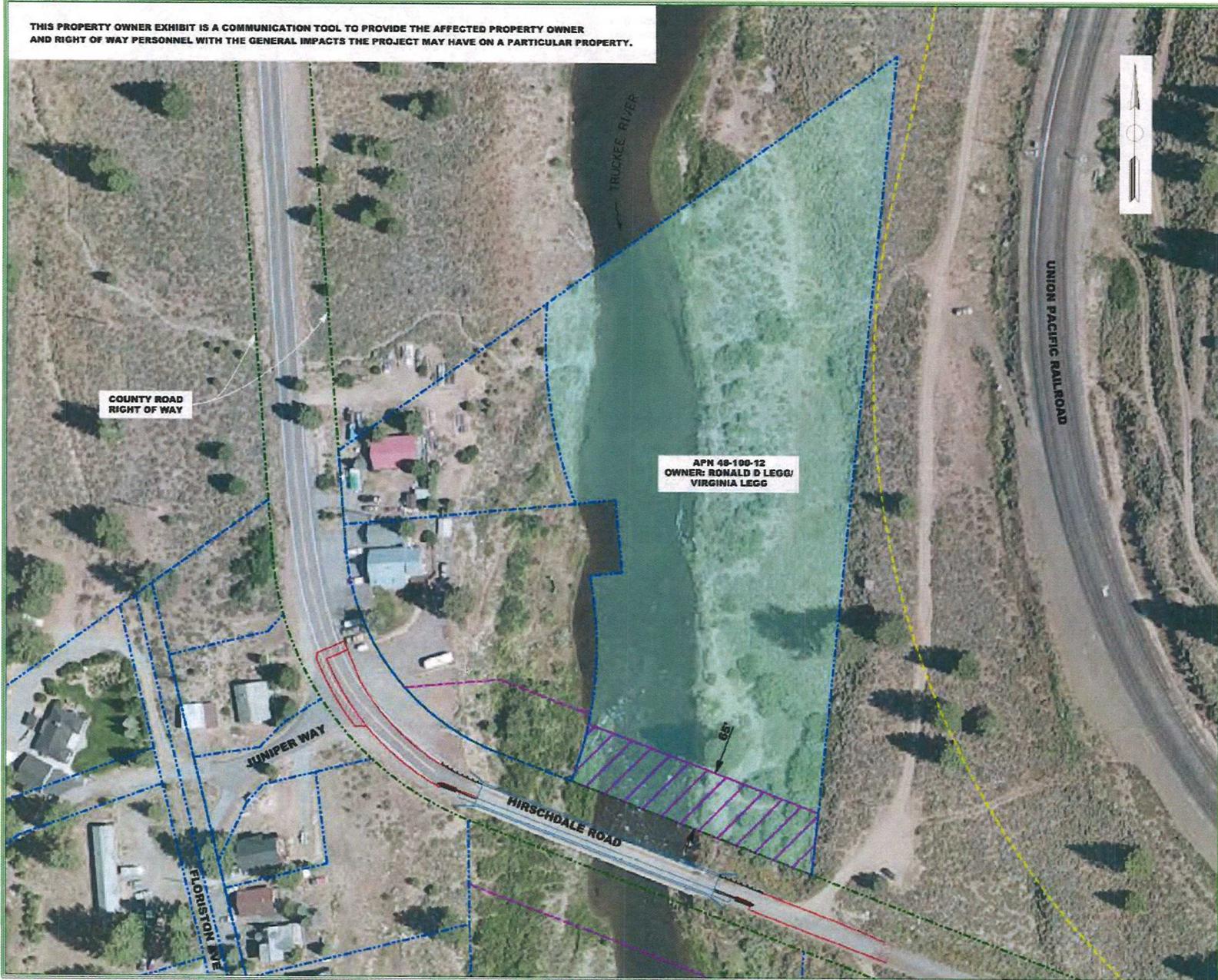
THIS PROPERTY OWNER EXHIBIT IS A COMMUNICATION TOOL TO PROVIDE THE AFFECTED PROPERTY OWNER AND RIGHT OF WAY PERSONNEL WITH THE GENERAL IMPACTS THE PROJECT MAY HAVE ON A PARTICULAR PROPERTY.

**PROPERTY OWNER EXHIBIT
APN 48-100-12**

**HIRSCHDALE ROAD
AT TRUCKEE RIVER
BRIDGE**

LEGEND

- (E) EXISTING
- (P) PROPOSED
- UPRR UNION PACIFIC RAILROAD
- (E) RIGHT OF WAY
- (E) UPRR RIGHT OF WAY
- PROPERTY LINE
- (P) TEMPORARY CONSTRUCTION EASEMENT
- █ PARCEL AREA
- █ TEMPORARY CONSTRUCTION EASEMENT AREA



APPROVED FOR THE PROJECT BY:

DATE: 11/19/2020

PROJECT NO: 2020-001

SCALE: 1" = 50' (AS SHOWN)

DATE: REVISED, NOVEMBER 19, 2020

PREPARED BY: **DOKKEN ENGINEERING**

1109 N. WILSON AVENUE, SUITE 200
TAMPA, FL 33606

2020-001-APN 48-100-12-02

THIS PROPERTY OWNER EXHIBIT IS A COMMUNICATION TOOL TO PROVIDE THE AFFECTED PROPERTY OWNER AND RIGHT OF WAY PERSONNEL WITH THE GENERAL IMPACTS THE PROJECT MAY HAVE ON A PARTICULAR PROPERTY.

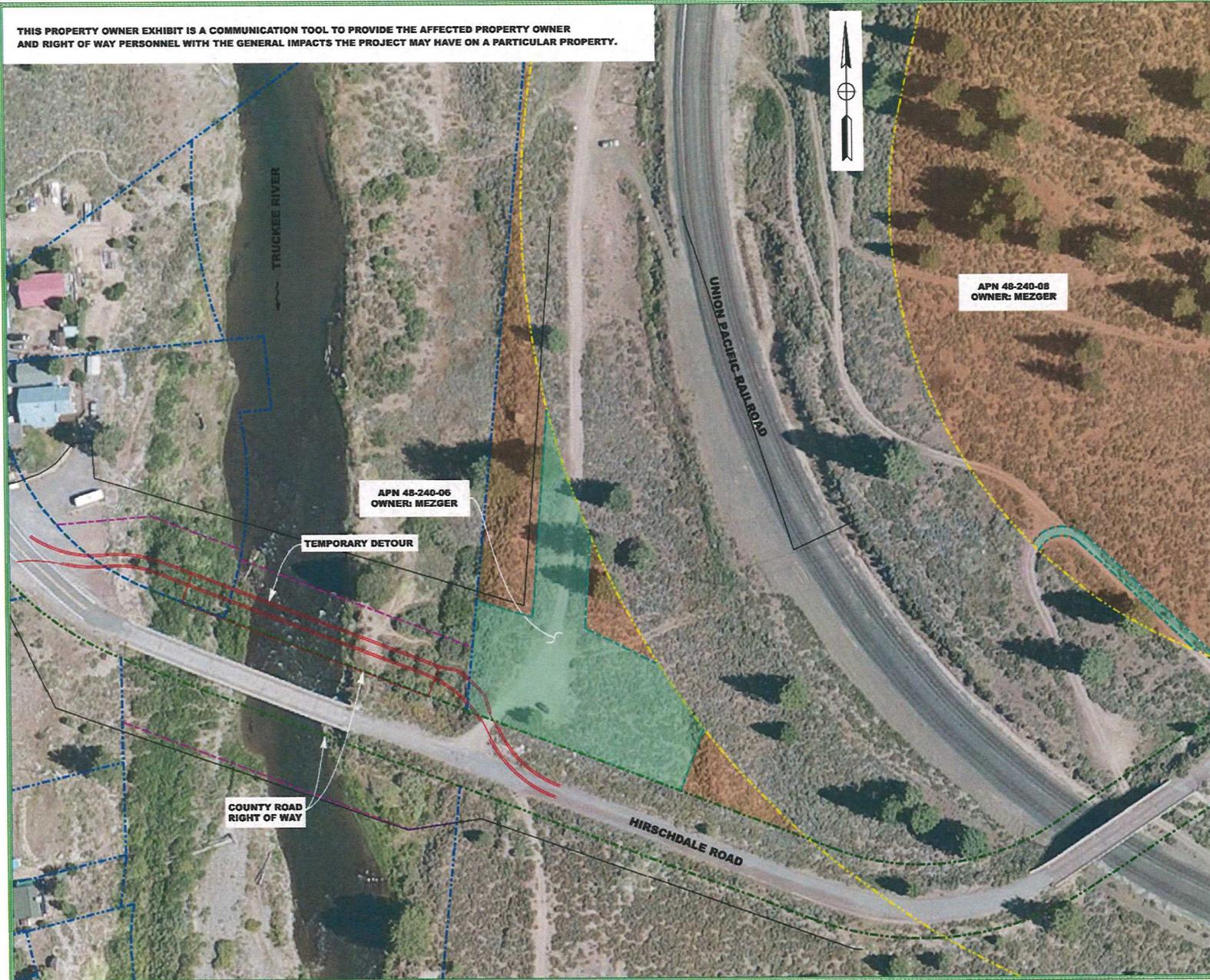
**PROPERTY OWNER EXHIBIT
APN: 48-240-08 &
48-240-06**

PROJECT

HINTON OVERHEAD

LEGEND

- (E) EXISTING
- (P) PROPOSED
- UPRR UNION PACIFIC RAILROAD
- - - - (E) RIGHT OF WAY
- - - - (E) UPRR RIGHT OF WAY
- - - - PROPERTY LINE
- - - - (P) TEMPORARY CONSTRUCTION EASEMENT
- ORANGE PARCEL AREA
- BLUE (P) TEMPORARY CONSTRUCTION EASEMENT AREA (HINTON OVERHEAD)



SCALE: 1" = 50'

DATE: REVISED JUNE 27, 2022

PREPARED BY:



#F1LEABREV

THIS PROPERTY OWNER EXHIBIT IS A COMMUNICATION TOOL TO PROVIDE THE AFFECTED PROPERTY OWNER AND RIGHT OF WAY PERSONNEL WITH THE GENERAL IMPACTS THE PROJECT MAY HAVE ON A PARTICULAR PROPERTY.



**PROPERTY OWNER EXHIBIT
UNION PACIFIC RAILROAD**

HINTON OVERHEAD

LEGEND

- (E) EXISTING
- (P) PROPOSED
- UPRR UNION PACIFIC RAILROAD
- (E) RIGHT OF WAY
- (E) UPRR RIGHT OF WAY
- PROPERTY LINE
- PARCEL AREA
- (P) TEMPORARY CONSTRUCTION EASEMENT AREA

SCALE: 1" = 50'

DATE REVISED: APRIL 30, 2020

PREPARED BY:



1110 SHILOH AVENUE, SUITE 100
TWIN FALLS, ID 83401

PROJECT NUMBER: 2019-0000000000

EXHIBIT B

Temporary Construction Easement

Legal Description:

All that portion of the north one half of Section 34, T. 18 N., R. 17 E., M. D. B. & M., County of Nevada, State of California, described as PARCEL 1, as granted to JENNIFER M. FREEMAN by GRANT DEED Recorded March 17, 2015 as Document No. 20150005382 in the office of the Recorder of said County and being more particularly described by metes and bounds as follows.

Beginning at the southeast corner of said PARCEL 1, being on the northerly right of way line of Hirschdale Road (80.00 feet in width) and being the True Point of Beginning; Thence from said True Point of Beginning N69°01'28"W 80.00' along said northerly right of way line to the beginning of a tangent curve concave northeasterly having a radius of 260.00'; Thence northwesterly continuing along said northerly right of way line along the arc of said tangent curve a distance of 126.37' through a central angle of 27°50'52"; Thence departing from said northerly right of way line N84°39'58"E 101.28'; Thence S69°01'28"E 103.68' to a point on the arc of a non-tangent curve concave westerly having a radius of 390.46'; Thence southwesterly along the arc of said non-tangent curve, from a tangent which bears S10°07'23"W, a distance of 75.44' through a central angle of 11°04'13" to the True Point of Beginning.

Containing 11712 square feet, more or less.

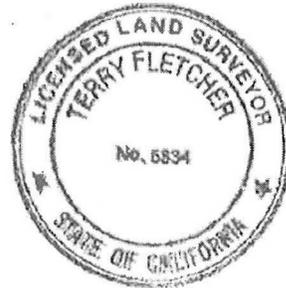
All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.

Bearings used herein are based on The California Coordinate System of 1983, Zone 2, (Epoch 2011). All distances are ground distances.

Prepared by me or under my direction.

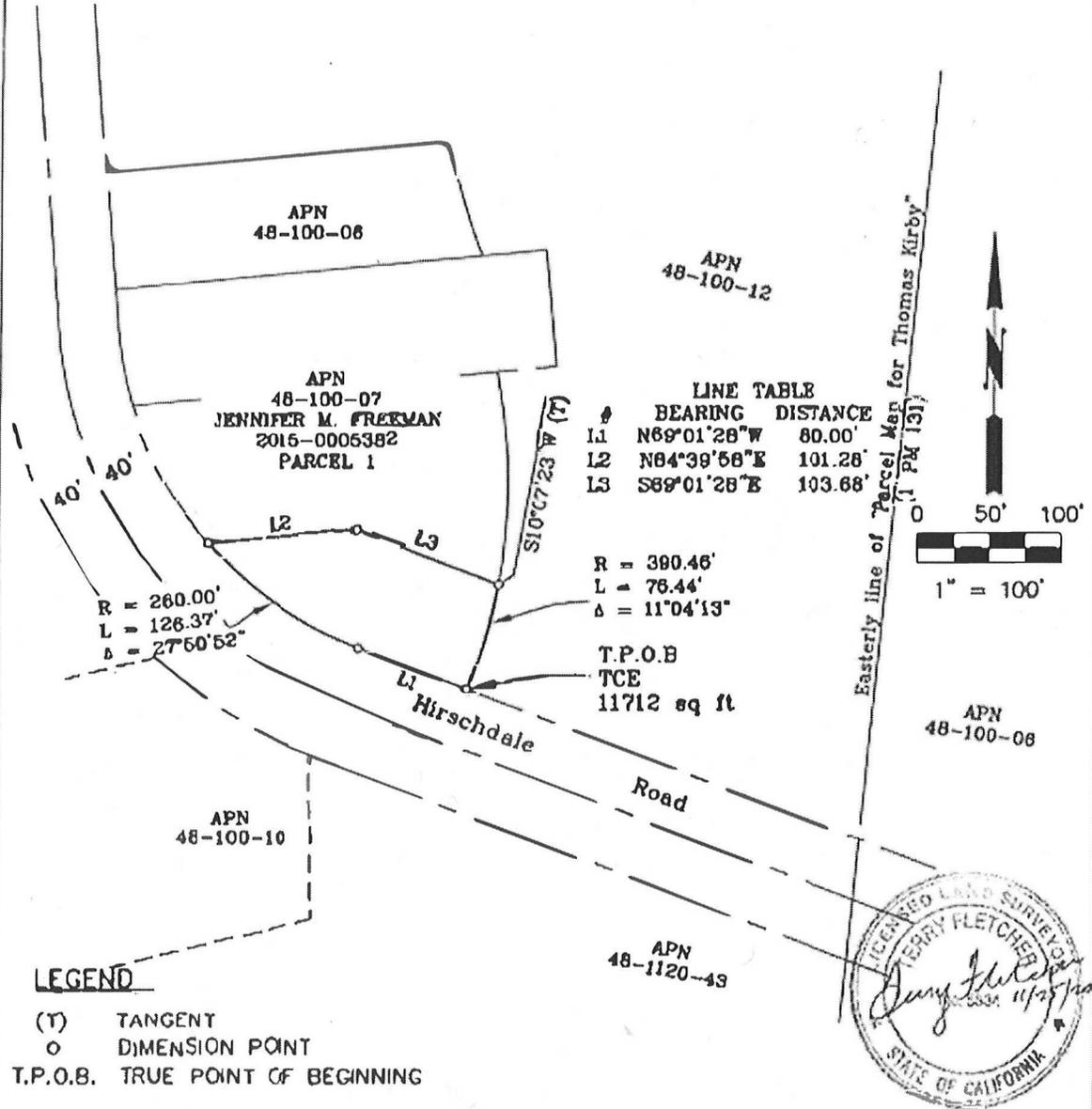

TERRY FLETCHER LS 5834

11/24/2015
DATE



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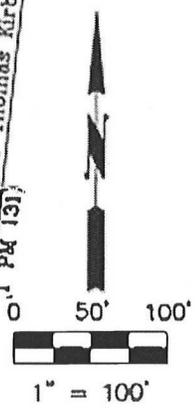
Temporary Construction Easement



LINE TABLE

#	BEARING	DISTANCE
L1	N69°01'28"W	80.00'
L2	N84°39'58"E	101.28'
L3	S89°01'28"E	103.68'

R = 390.46'
 L = 78.44'
 Δ = 11°04'13"
 T.P.O.B
 TCE
 11712 sq ft



LEGEND

- (T) TANGENT
- o DIMENSION POINT
- T.P.O.B. TRUE POINT OF BEGINNING

BASIS OF BEARINGS: CALIFORNIA STATE PLANE COORDINATE SYSTEM, NAD83, ZONE 11 (Epoch 2011).
 ALL DISTANCES ARE GROUND DISTANCES.



<p>110 BLUE RAYNE ROAD, SUITE 200 FOLSOM, CA 95630 (916) 958-0642</p>	Temporary Construction Easement		DATE: 11/24/20
	COUNTY OF NEVADA STATE OF CALIFORNIA		APN: 48-100-07
OWNER: JENNIFER M. FREEMAN	CHECKED BY:	PREPARED BY: TF	DE NO. 6 SHEET 1 OF 1