



## **RESOLUTION No. \_\_\_\_\_**

### **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 PARCELS NO. 048-100-012 and 048-120-043 FOR THE HIRSCHDALE ROAD BRIDGE PROJECTS (4/5 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 interests in properties that is the subject of this Notice ("Subject Properties") is temporary construction easements of approximately:

- .416 acres from APN 048-100-012
- .555 acres from APN 048-120-043

WHEREAS, the County of Nevada made written offers to acquire easement interests in the Subject Properties 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 Properties 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 that the Nevada County Board of Supervisors:

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 Easements as described on Exhibit A and Exhibit B pages 7 - 10, 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, the Board of Supervisors has reviewed the proposed Projects and finds as follows:

- a. There is a need to provide improvements for public safety and public interest and necessity require the proposed Projects.
- b. The proposed Projects is planned or located in a manner that is compatible with the greatest public good and least private injury.
- c. The offer required by Government Code Section 7267.2 has been made to the owners of record of the described properties.
- d. The acquisition of the property for Temporary Construction Easements is necessary for the proposed Projects.
- e. 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.
- f. 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.