



RESOLUTION No. 22-599

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 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 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 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 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 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:

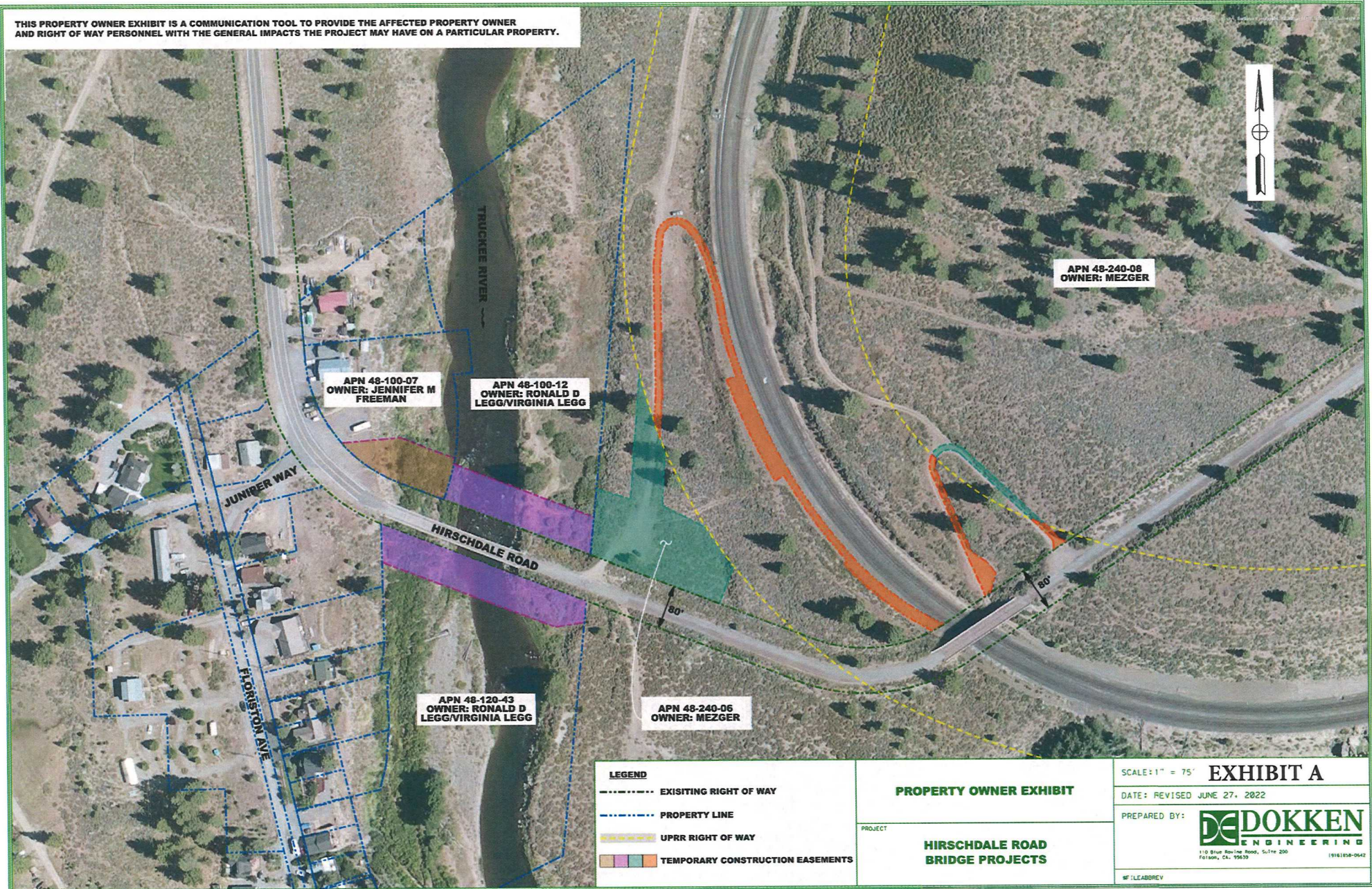
JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

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.



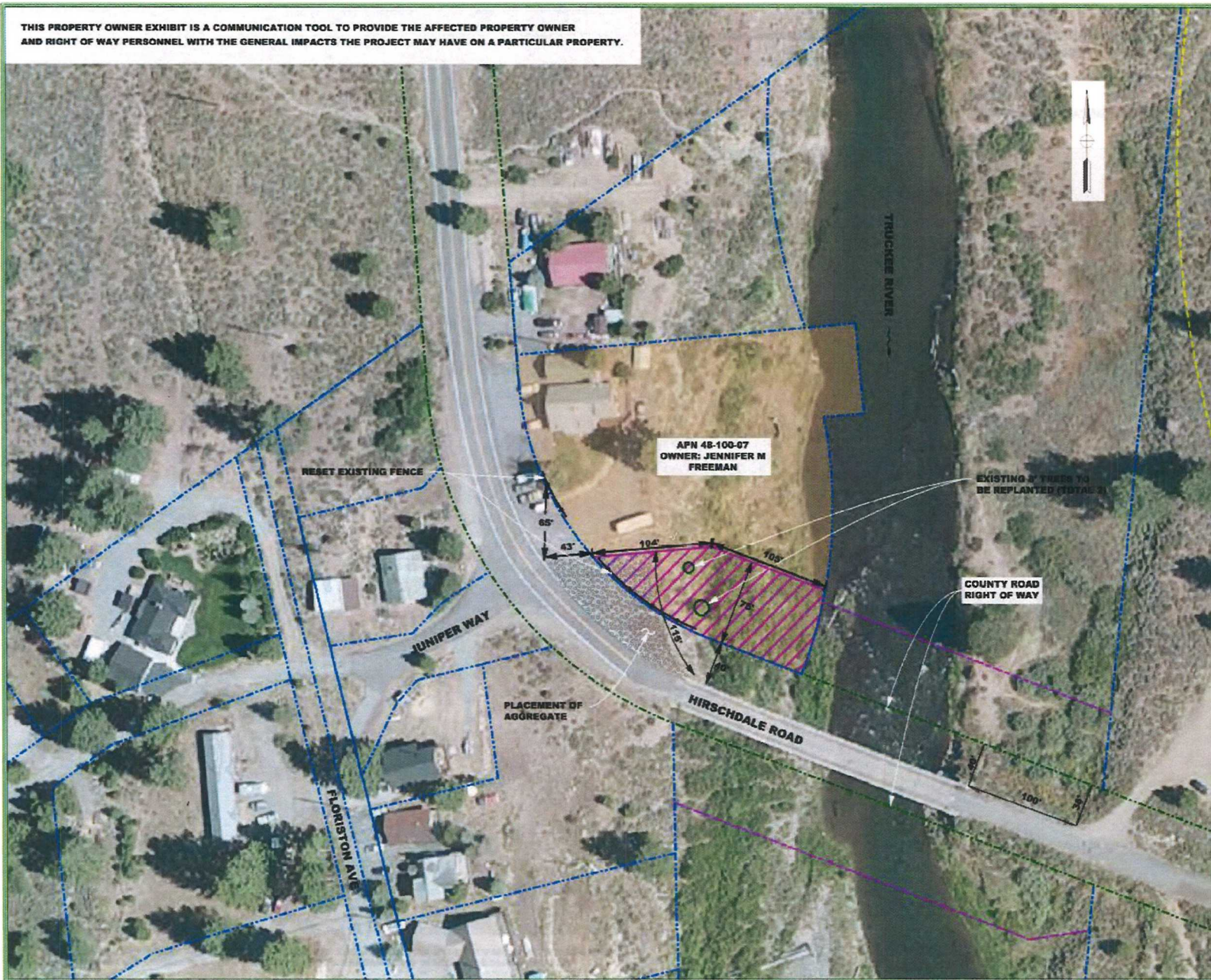
THIS PROPERTY OWNER EXHIBIT IS A COMMUNICATION TOOL TO PROVIDE THE AFFECTED PROPERTY OWNER AND RIGHT OF WAY PERSONNEL WITH THE GENERAL IMPACTS THE PROJECT MAY HAVE ON A PARTICULAR PROPERTY.

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

**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, 2010

PREPARED BY: **DOKKEN ENGINEERING**

11234 1/2 W. 112th AVE., SUITE 205
DENVER, CO 80233

10/20/10/0002

10/24/10/48-100-07.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**

1150 W. Lake Blvd., Suite 200, Truckee, CA 96202 (916) 850-0642

... 02471-APN 48-120-43-AP

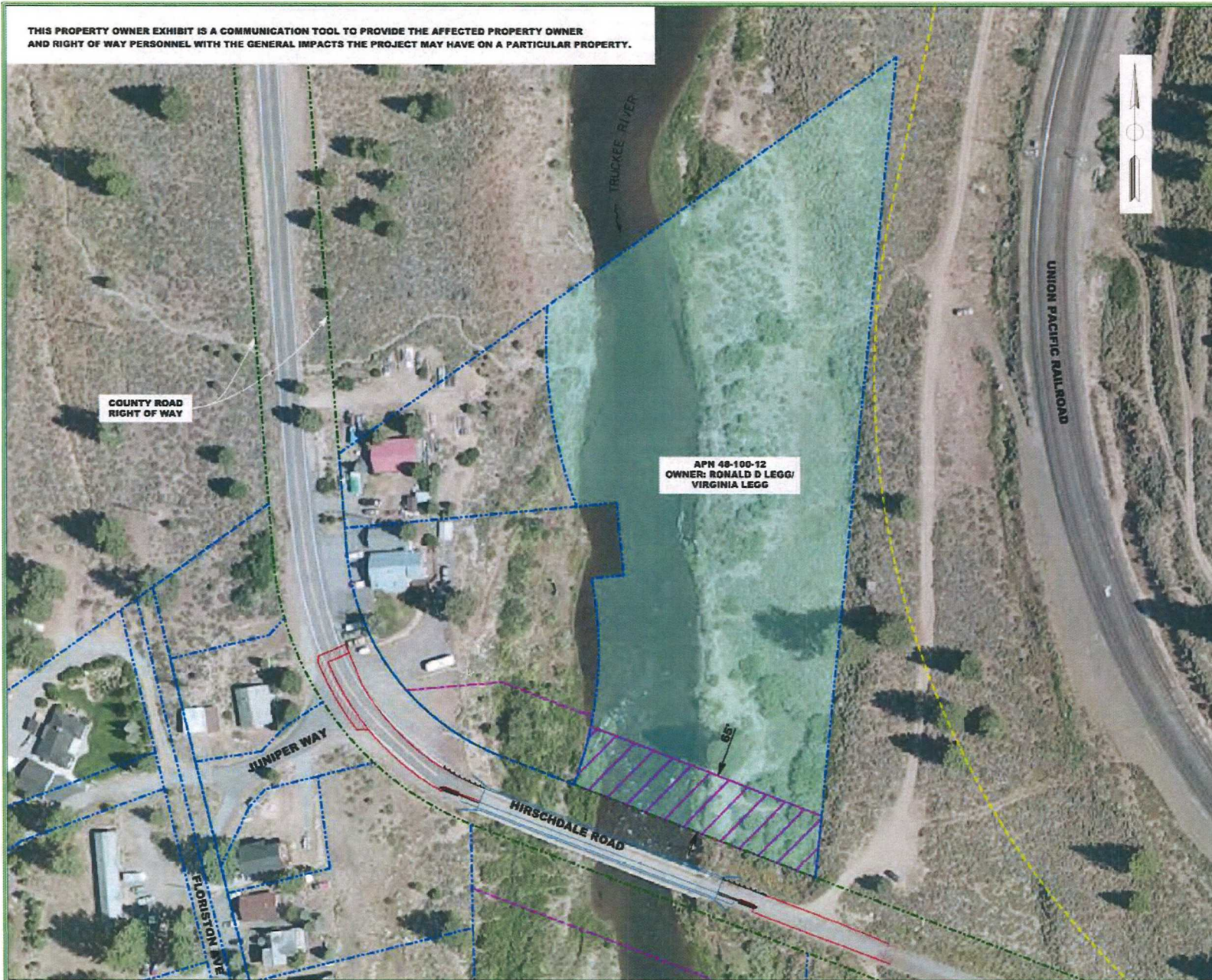
THIS PROPERTY OWNER EXHIBIT IS A COMMUNICATION TOOL TO PROVIDE THE AFFECTED PROPERTY OWNER AND RIGHT OF WAY PERSONNEL WITH THE GENERAL IMPACTS THE PROJECT MAY HAVE ON A PARTICULAR PROPERTY.

**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



SCALE: 1" = 50'

DATE REVISED: NOVEMBER 17, 2020

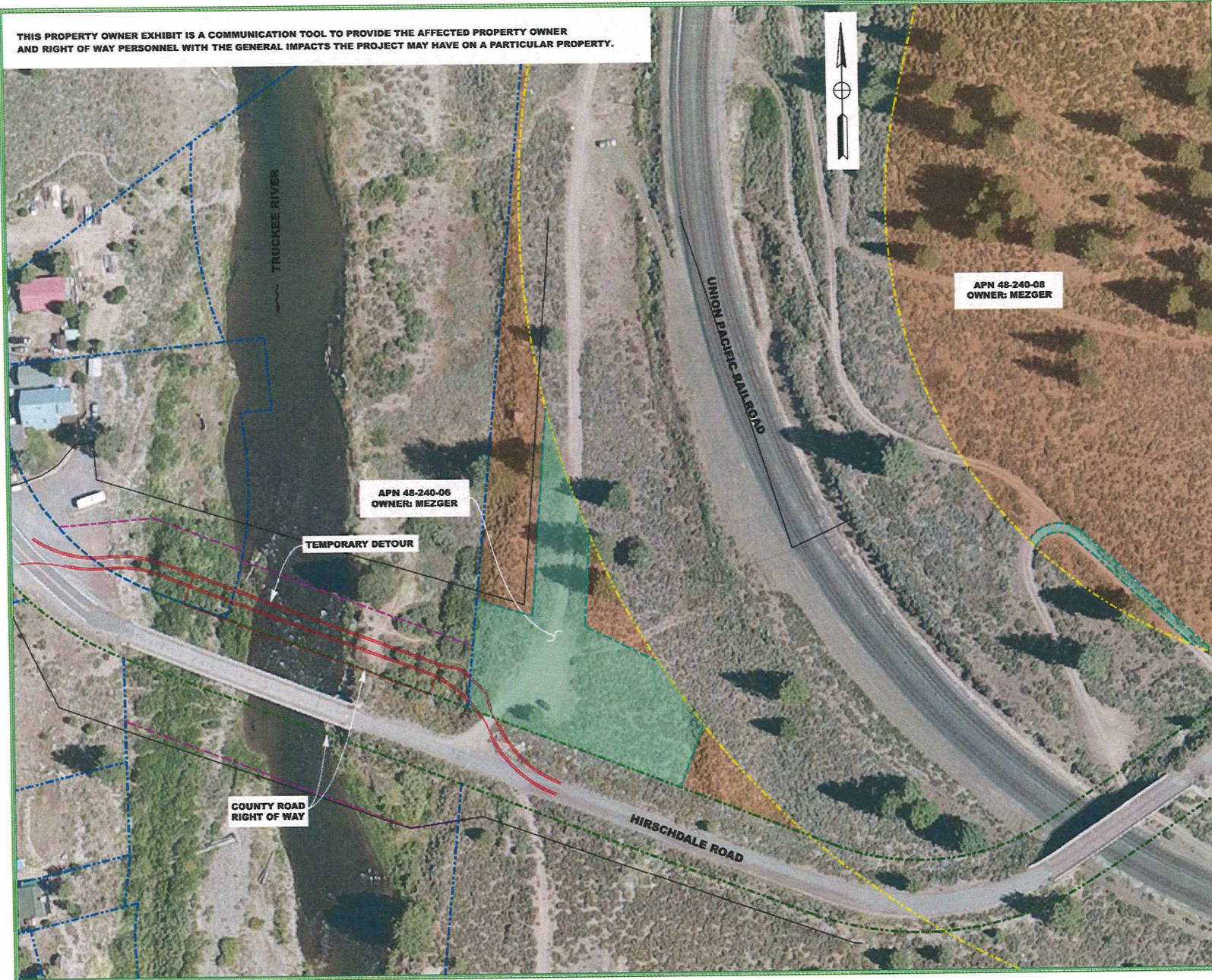
PREPARED BY:



115 BURNETT ROAD, SUITE 200
FARINA, CALIFORNIA 95928
TEL: 916-433-4422

PROJECT NUMBER: 48-100-12-04

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

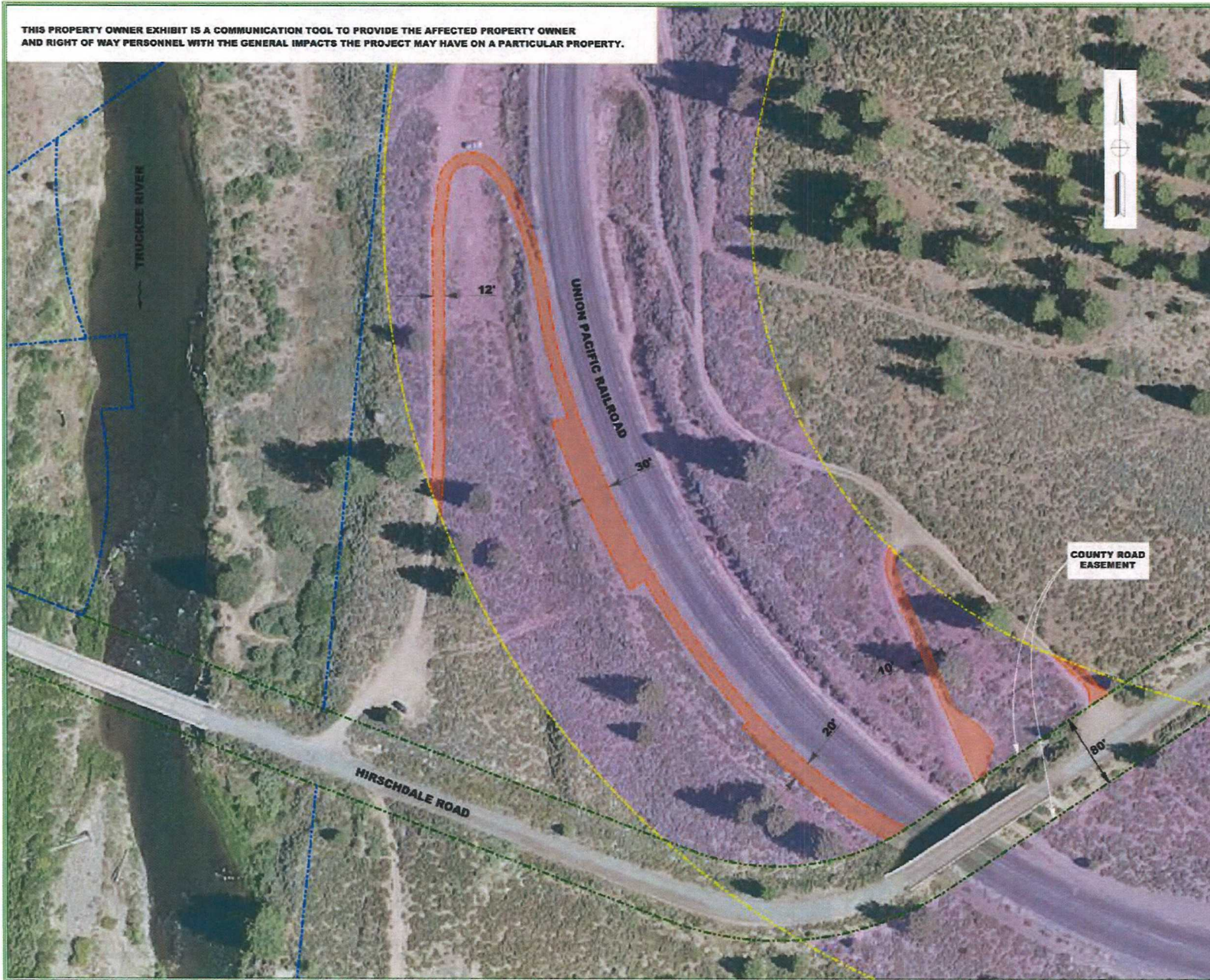
- LEGEND**
- (E) EXISTING
 - (P) PROPOSED
 - UPRR UNION PACIFIC RAILROAD
 - - - - (E) RIGHT OF WAY
 - (E) UPRR RIGHT OF WAY
 - - - - (P) PROPERTY LINE
 - - - - (P) TEMPORARY CONSTRUCTION EASEMENT
 - ORANGE PARCEL AREA
 - BLUE (P) TEMPORARY CONSTRUCTION EASEMENT AREA (HINTON OVERHEAD)

SCALE: 1" = 50'
 DATE: REVISED JUNE 27, 2022

PREPARED BY: **DE DOKKEN ENGINEERING**
 110 Blue Springs Road, Suite 200
 Folsom, CA 95630 (916)858-0642

WF ILEABREV

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

DATE: 04/20/2020
 TIME: 10:00 AM
 DRAWN BY: J. DOKKEN
 CHECKED BY: J. DOKKEN
 SCALE: 1" = 50'
 DATE REVISION: APRIL 20, 2020
 PREPARED BY: J. DOKKEN

SCALE: 1" = 50'
 DATE REVISION: APRIL 20, 2020
 PREPARED BY: J. DOKKEN

1100 West 400th Street, Suite 200
 Parkville, MO 64151
 PHONE: (816) 221-1100
 FAX: (816) 221-1101
 WWW.DOKKENENGINEERING.COM

EXHIBIT B

EXHIBIT B

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Temporary Construction Easement

Legal Description:

All that portion of the northeast one quarter 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 RONALD D. LEGG and VIRGINIA S. LEGG, as Co-Trustees of THE BLAKE LEGG TRUST by GRANT DEED Recorded June 4, 1996 as Document No. 96015515 in the office of the Recorder of said county, which is included within a strip of land 65.00' in width lying northerly of the northerly right of way line State Highway #38. The northerly line of said 65.00' strip is 65.00' northerly from, when measured at right angles to, and parallel with the northerly right of way line of State Highway #38.

Containing 18105 square feet, more or less.

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

Prepared by me or under my direction.


TERRY FLETCHER LS 5834

4/20/2020
DATE

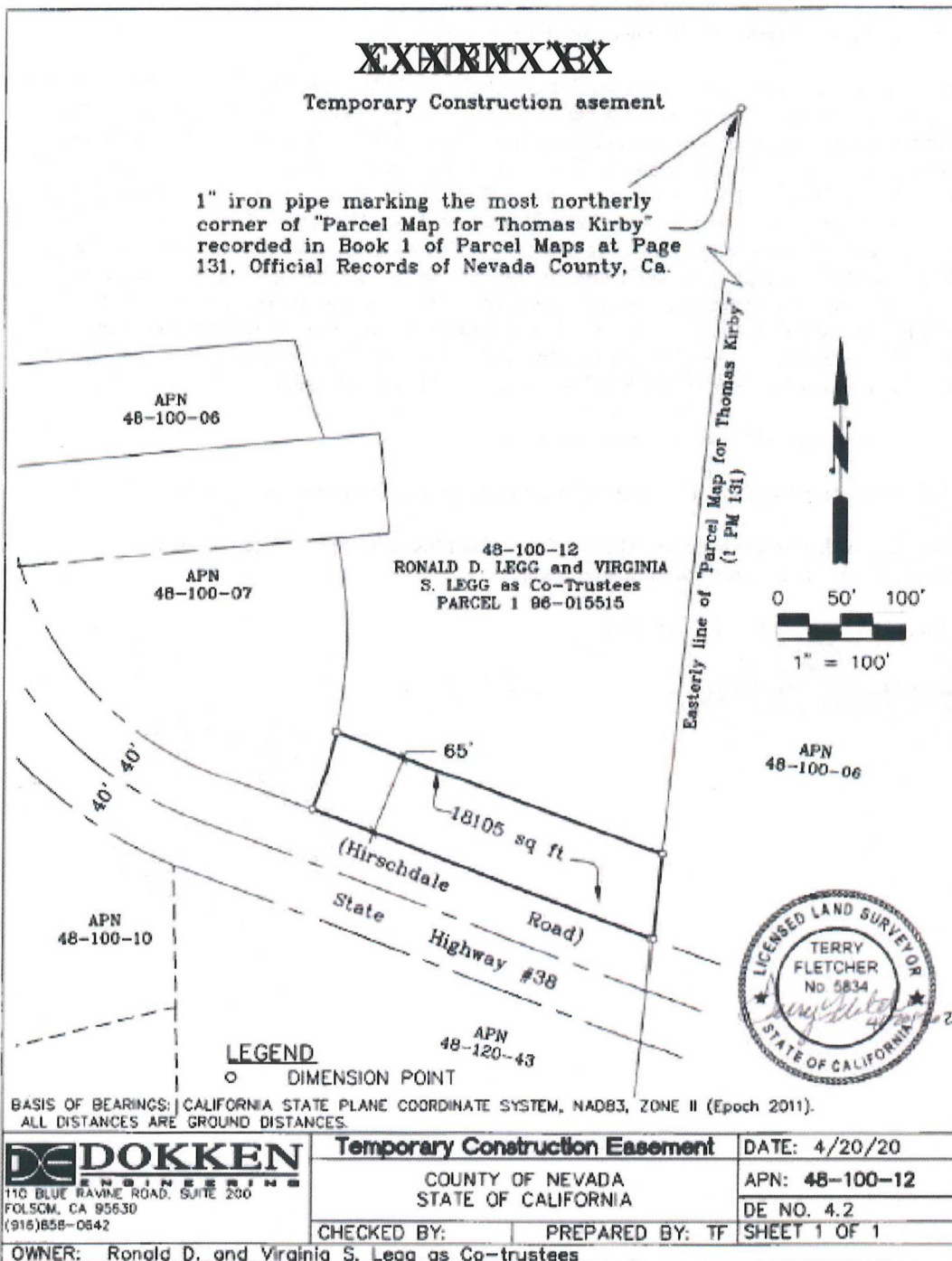


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Temporary Construction Easement

1" iron pipe marking the most northerly corner of "Parcel Map for Thomas Kirby" recorded in Book 1 of Parcel Maps at Page 131, Official Records of Nevada County, Ca.



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

<p>110 BLUE RAVINE ROAD, SUITE 200 FOLSOM, CA 95630 (916)858-0642</p>	Temporary Construction Easement		DATE: 4/20/20
	COUNTY OF NEVADA STATE OF CALIFORNIA		APN: 48-100-12
	CHECKED BY:	PREPARED BY: TF	DE NO. 4.2
OWNER: Ronald D. and Virginia S. Legg as Co-trustees			SHEET 1 OF 1

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~~EXHIBIT~~

Temporary Construction Easement

Legal Description:

All that portion of the northeast one quarter of Section 34, T. 18 N., R. 17 E., M. D. B. & M., County of Nevada, State of California, described as PARCEL 3, as granted to RONALD D. LEGG and VIRGINIA S. LEGG, as Co-Trustees of THE BLAKE LEGG TRUST by GRANT DEED Recorded June 4, 1996 as Document No. 96015515 in the office of the Recorder of said county and being more particularly described by metes and bounds as follows.

Beginning at the intersection of the East line of "PARCEL MAP FOR THOMAS KIRBY" recorded February 2, 1971 in the Office of the Recorder of Nevada County, in Book 1 of Parcel Maps, at Page 131 with the southerly right of way line of Hirschdale Road (80.00 feet in width), said point being the True Point of Beginning; Thence from said True Point of Beginning, S05°44'58"W 40.00' along said East line; Thence S80°26'22"W 50.00' to a point 64.00' distant southerly from, when measured at right angles to the southerly right of way line of said Hirschdale Road; Thence N69°01'28"W 333.27' parallel with said southerly right of way line to a point on the west line of grantors property; Thence N00°51'58"W 68.98' to a point on said southerly right of way line and being on the arc of a non-tangent curve concave northeasterly, having a radius of 340.00'; Thence southeasterly along said southerly right of way line, along the arc of said non-tangent curve, from a tangent which bears S68°20'51"E, a distance of 4.02' through a central angle of 00°40'37"; Thence continuing along said southerly right of way line S69°01'28"E 387.47' to the True Point of Beginning.

Containing 24157 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
TERRY FLETCHER LS 5834

4/29/2020
DATE



