



RESOLUTION No. 22-598

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. 048-240-006 AND 048- 240-008 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 are the subject of this Notice ("Subject Properties") are temporary construction easements of approximately:

- .890 acres from APN 048-240-006
- .005 acres from APN 048-240-008

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 3 - 6, 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.

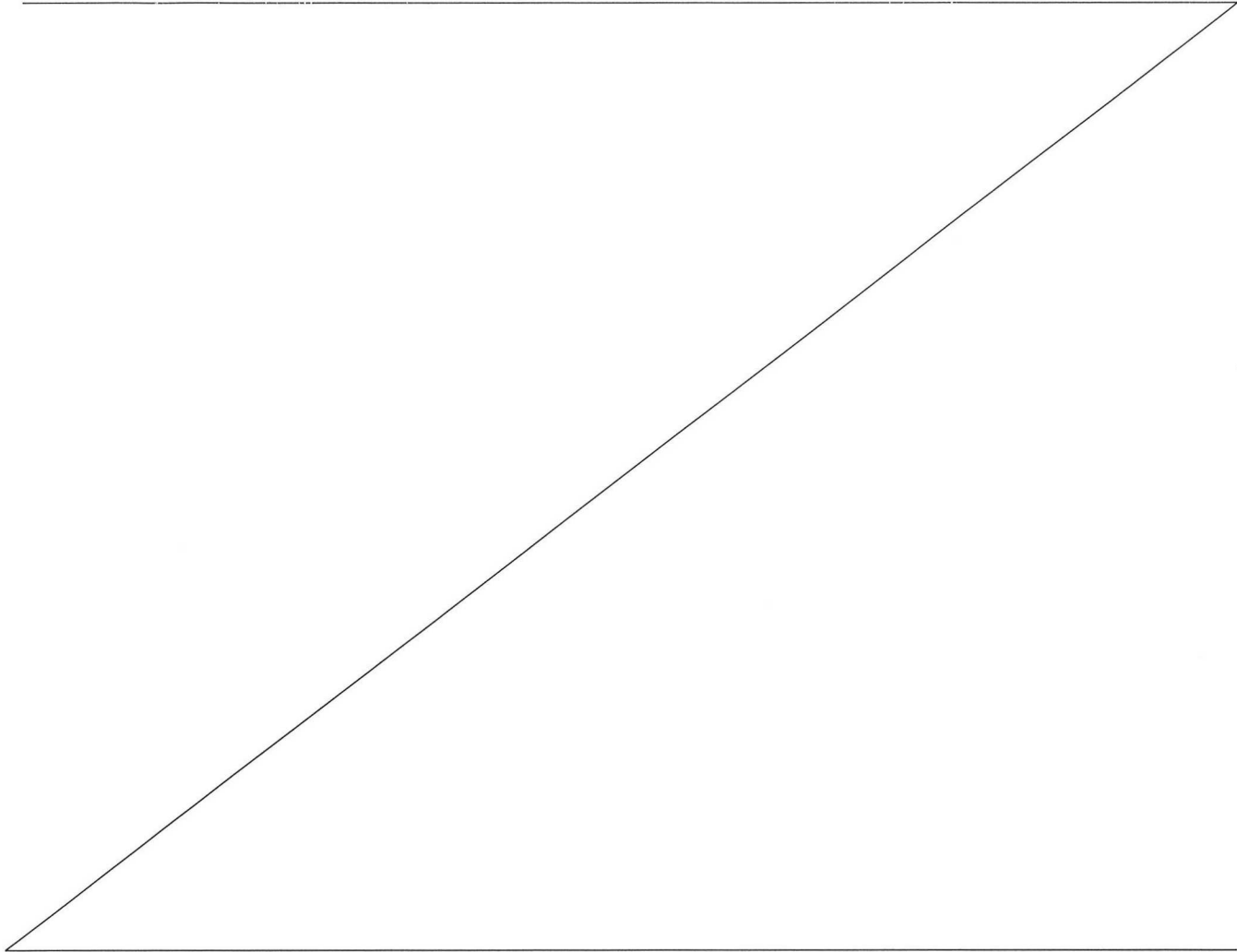
2. The proposed Projects is planned or located in a manner that is compatible with the greatest public good and least private injury.

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:

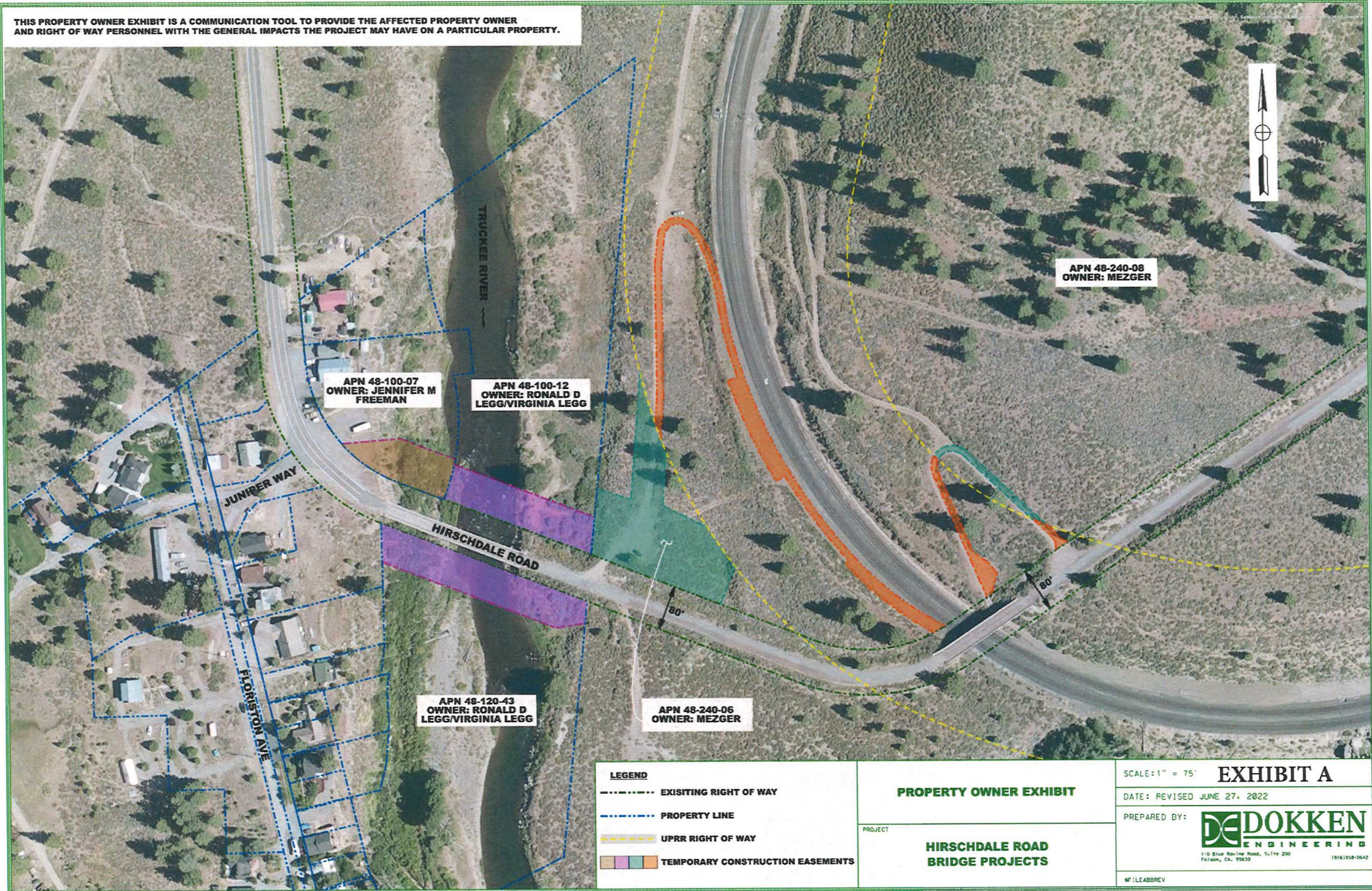
JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

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.



APN 48-100-07
OWNER: JENNIFER M
FREEMAN

APN 48-100-12
OWNER: RONALD D
LEGG/VIRGINIA LEGG

APN 48-240-08
OWNER: MEZGER

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

APN 48-240-06
OWNER: MEZGER

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:

110 Blue Hill Way, Suite 200
Folsom, CA 95630 (916) 958-0642

#1:LEABBREV

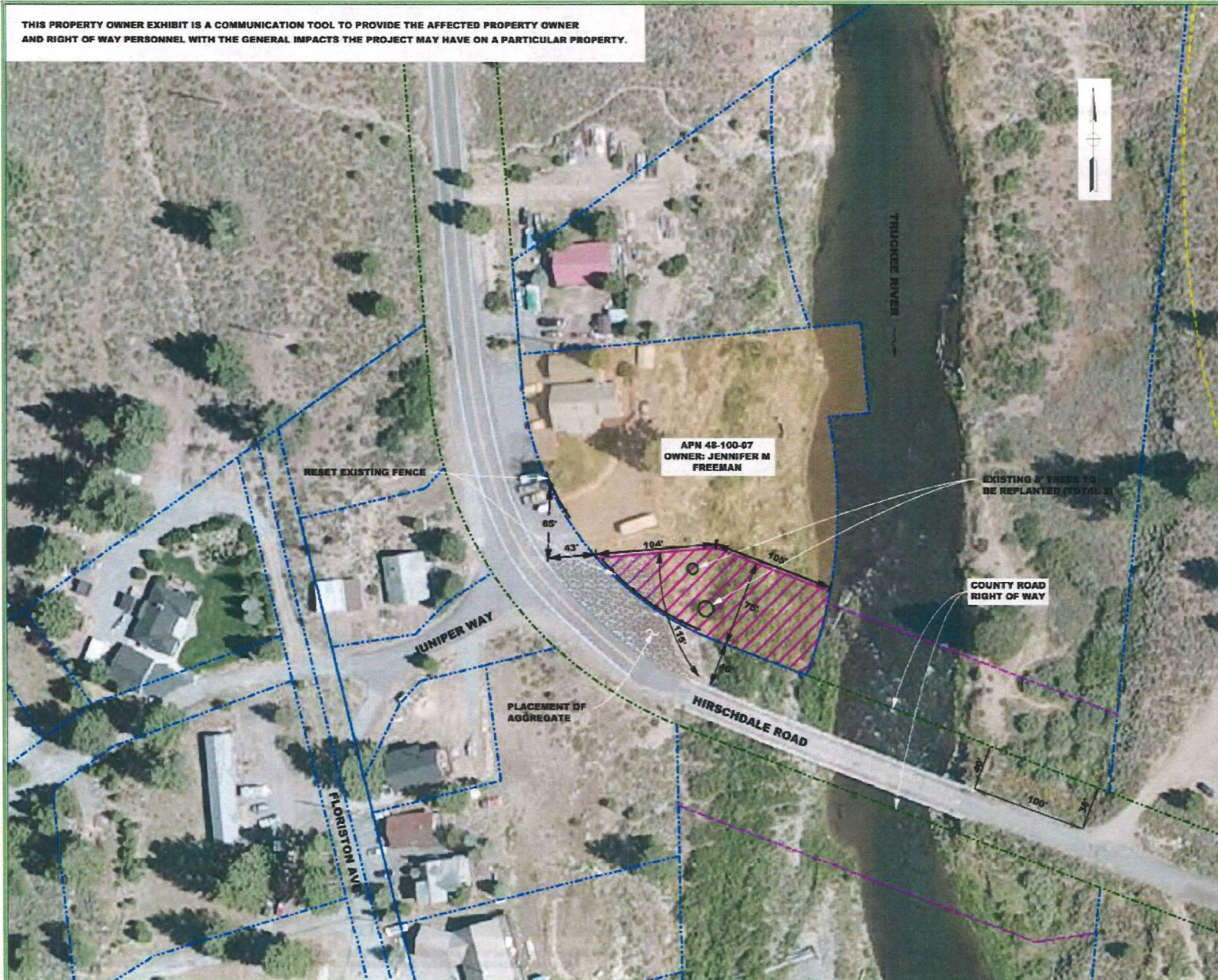
THIS PROPERTY OWNER EXHIBIT IS A COMMUNICATION TOOL TO PROVIDE THE AFFECTED PROPERTY OWNER AND RIGHT OF WAY PERSONNEL WITH THE GENERAL IMPACTS THE PROJECT MAY HAVE ON A PARTICULAR PROPERTY.

**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



EXISTING TREES TO BE REPLANTED (TOTAL 2)

COUNTY ROAD RIGHT OF WAY

PLACEMENT OF AGGREGATE

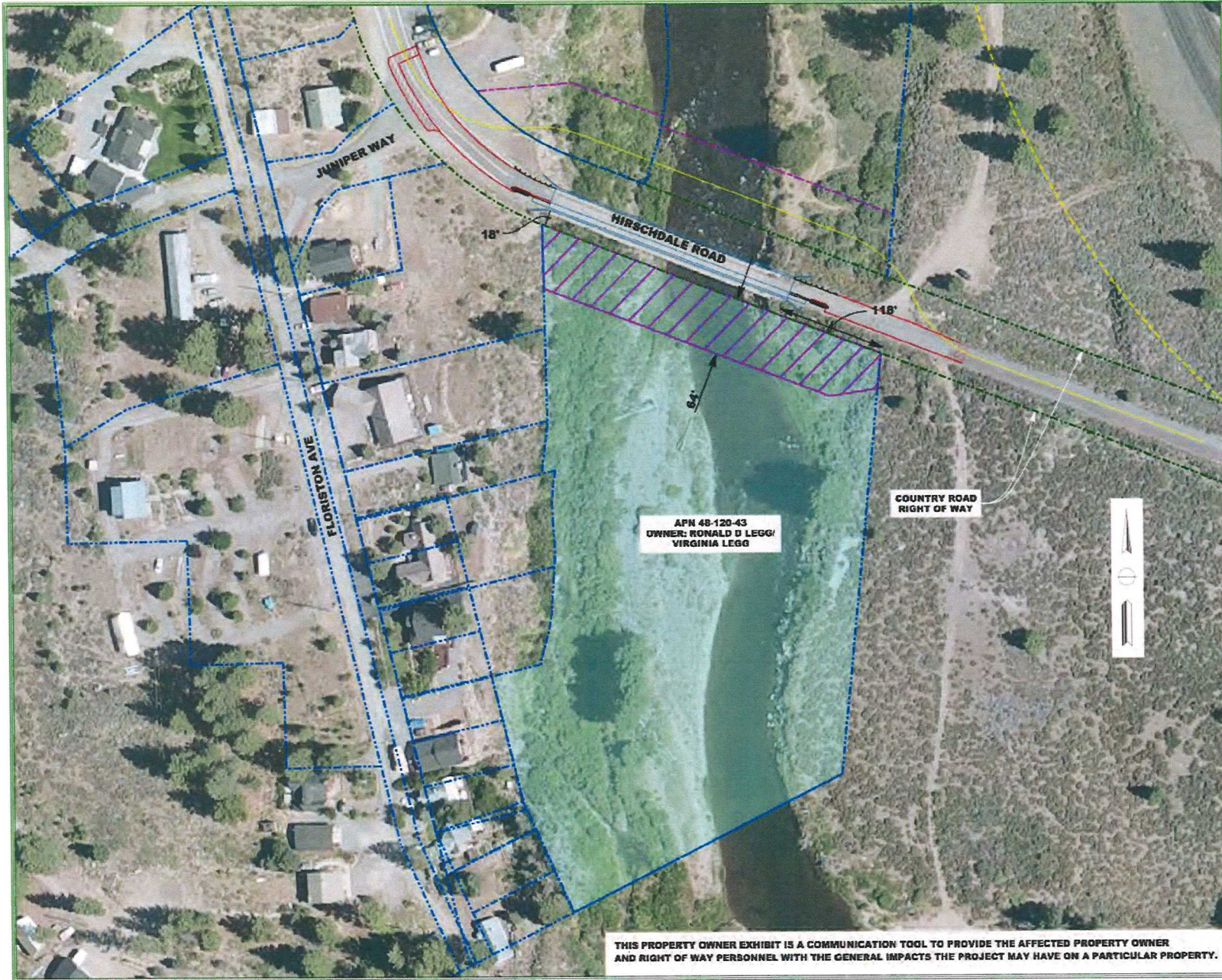
SCALE: 1" = 40'

DATE: REVISED: NOVEMBER 24, 2010

PREPARED BY: **DOKKEN ENGINEERING**

1120 S. W. 10TH AVE., SUITE 200
TULSA, OK 74106
1810301002

10047-179-48-100-07.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: **DE DOKKEN ENGINEERING**
170 S LAW RD, SUITE 100, SOUTH PLACED, CALIFORNIA, USA 95986

PROJECT: 2017-07-18-120-43-00

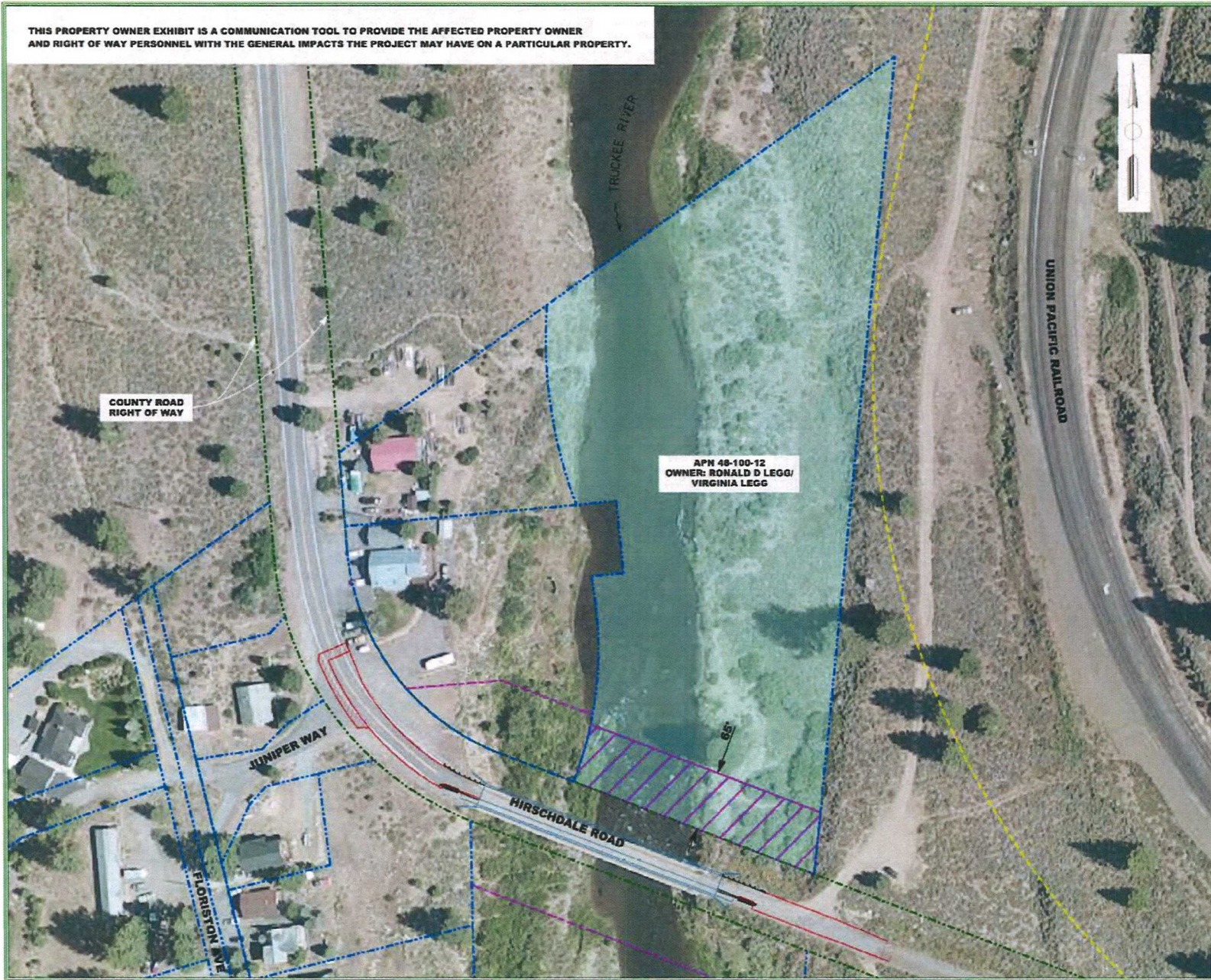
THIS PROPERTY OWNER EXHIBIT IS A COMMUNICATION TOOL TO PROVIDE THE AFFECTED PROPERTY OWNER AND RIGHT OF WAY PERSONNEL WITH THE GENERAL IMPACTS THE PROJECT MAY HAVE ON A PARTICULAR PROPERTY.

**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



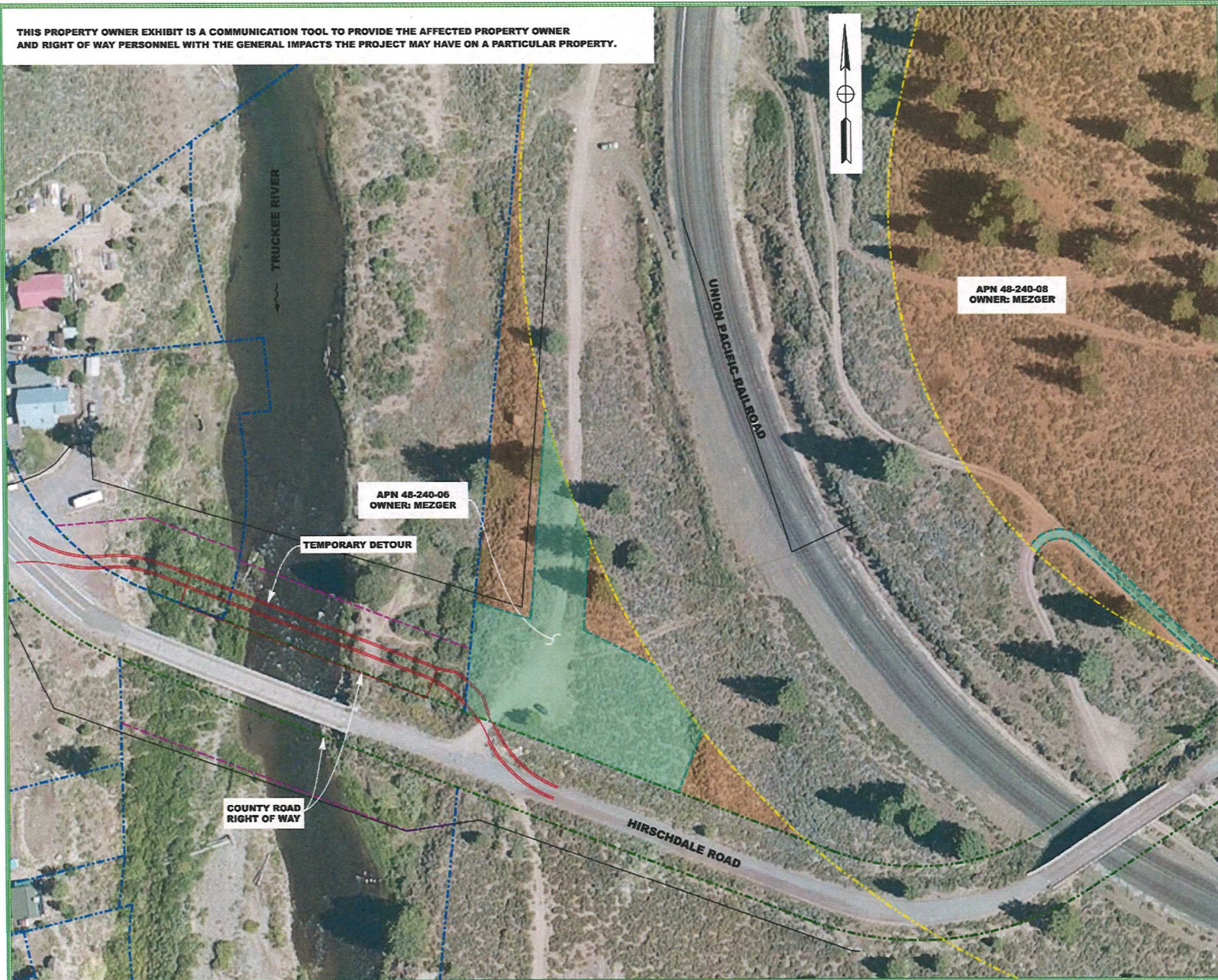
SCALE: 1" = 50'

DATE REVISED: 12/18/2014

PREPARED BY: **DOKKEN ENGINEERING**

112 SOUTH 4600 WEST, SUITE 202
TAMPA, FL 33609

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
 - PARCEL AREA
 - (P) TEMPORARY CONSTRUCTION EASEMENT AREA (HINTON OVERHEAD)

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

PREPARED BY: **DOKKEN ENGINEERING**
 118 Brook Shafter Road, Suite 200
 Folsom, CA, 95630 19161058-0642

#F1LEADBBREV

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 REVISION: APRIL 20, 2020

PREPARED BY: **DOKKEN ENGINEERING**

1100 W. 4400th Street, Suite 100
Troy, CA 95135
TEL: 408.261.1100 FAX: 408.261.1101

EXHIBIT B

PAGE 3

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, more particularly described 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 northerly right of way line of Hirschdale Road (80.00 feet in width) being the True Point of Beginning; Thence from said True Point of Beginning, N05°44'58"E 120.00' along said East line; Thence departing from said East line S69°01'28"E 62.18'; Thence N05°44'58"E 222.13' to a point on the southerly right of way line of the Central Pacific Railway Company, distant 200.00' radially, southwesterly from the centerline of the original constructed main track of said railroad, at Engineer's station 1300+61.7 and being on the arc of a non-tangent curve concave to the northeast, having a radius of 916.34'; Thence southeasterly on the arc of said curve along said southerly right of way line, from a tangent which bears S14°02'58"E, a distance of 145.66' through a central angle of 09°06'27"; Thence departing from said southerly right of way line S05°44'58"W 105.90'; Thence S69°01'28"E 89.78' to a point on the southerly right of way line of the Central Pacific Railway Company, distant 200.00' radially, southwesterly from the centerline of the original constructed main track of said railroad and being on the arc of a non-tangent curve concave to the northeast, having a radius of 916.34'; Thence southeasterly on the arc of said curve along said southerly right of way line, from a tangent which bears S32°54'35"E, a distance of 80.90' through a central angle of 05°03'30"; Thence departing from said southerly right of way line S20°58'32"W 71.05' to a point on the northerly right of way line of Hirschdale Road; Thence N69°01'28"W 250.00' along said right of way line to the True Point of Beginning.

Containing 38777 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

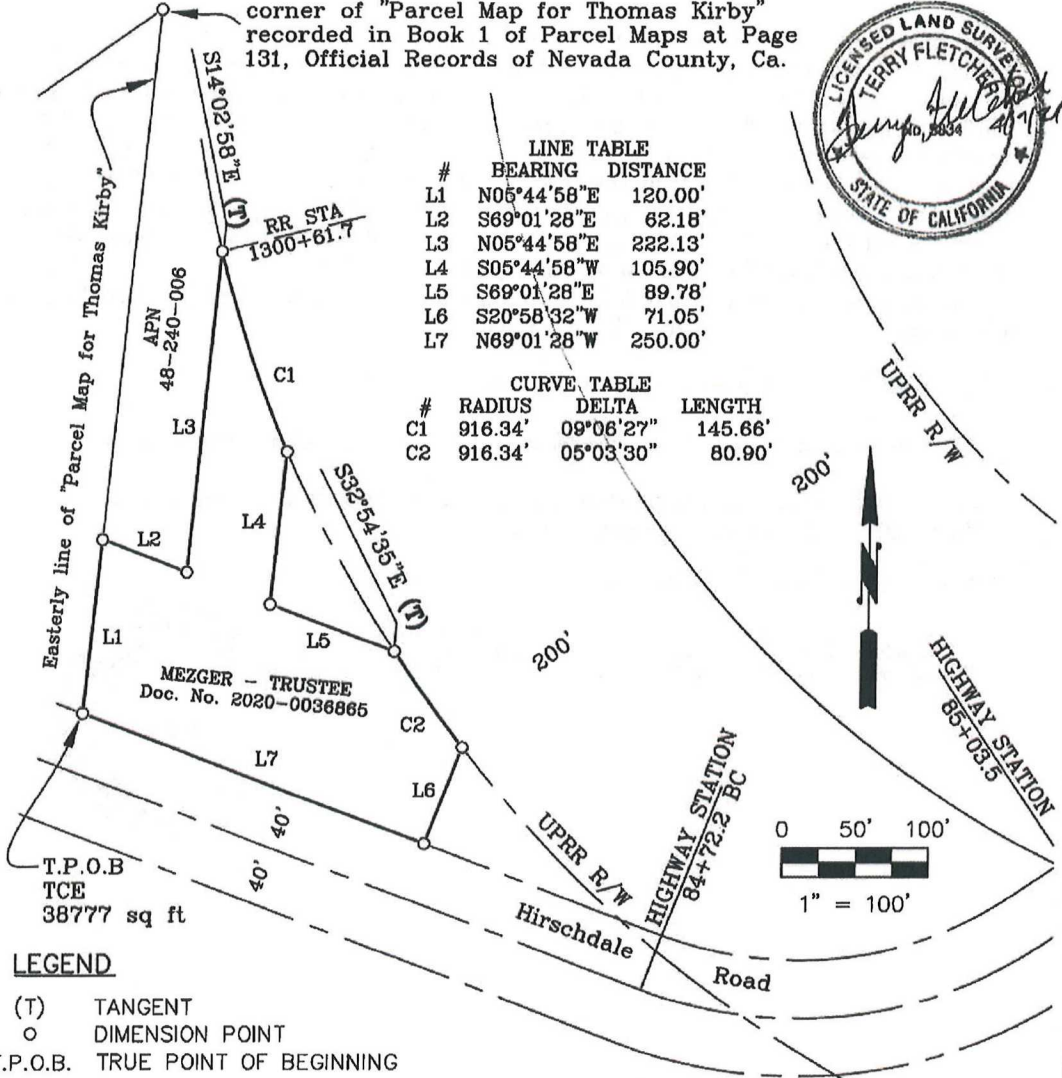
4/7/2021
DATE



PAGE 4

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.



#	BEARING	DISTANCE
L1	N05°44'58"E	120.00'
L2	S69°01'28"E	62.18'
L3	N05°44'58"E	222.13'
L4	S05°44'58"W	105.90'
L5	S69°01'28"E	89.78'
L6	S20°58'32"W	71.05'
L7	N69°01'28"W	250.00'

#	RADIUS	DELTA	LENGTH
C1	916.34'	09°06'27"	145.66'
C2	916.34'	05°03'30"	80.90'

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

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

 110 BLUE RAVINE ROAD, SUITE 200 FOLSOM, CA 95630 (916)858-0642	Temporary Construction Easement		DATE: 4/7/21	
	COUNTY OF NEVADA STATE OF CALIFORNIA		APN: 48-240-006	
	CHECKED BY:		PREPARED BY: TF	DE NO. 2
	OWNER: MEZGER - TRUSTEE			SHEET 1 OF 1

~~XXXXXX~~

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, lying within a strip of land 10.00' in width, 5.00' on each side of the following described centerline.

Beginning at a point on the northerly right of way line of the Central Pacific Railway Company, distant 200.00' radially, northerly from the centerline of the original constructed main track of said railroad, at Engineer's station 1307+44.0. Said point of beginning bears S40°42'19"E 1098.68' from a 1 inch iron pipe marking the most northerly corner 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; Thence along said centerline the following two (2) courses (1) N46°55'36"W 185.42' to the beginning of a tangent curve concave to the south having a radius of 32.50', (2) along the arc of said tangent curve a distance of 59.95' through a central angle of 105°44'07" to a point on the northerly right of way line of the Central Pacific Railway Company and there ending.

The sidelines of said strip shall be lengthened or shortened as necessary to terminate on the northerly right of way line of the Central Pacific Railway Company.

Containing 2453 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

4/12/21
DATE



