



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

### **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

#### **RESOLUTION APPROVING NOTICE OF INTENT TO CONSIDER ADOPTING A RESOLUTION OF NECESSITY FOR TEMPORARY CONSTRUCTION EASEMENTS REGARDING PORTIONS OF PARCEL NOS. APN 048-100-007, 048-240-006, 048-240-008, 048-100-012, AND 048-100-043 FOR THE HIRSCHDALE ROAD BRIDGE PROJECTS**

WHEREAS, the portions of real property that are the subjects of this Notice ("Subject Properties") are located in the County of Nevada in the general vicinity of the Hirschdale Road Bridge at the Truckee River and the Hirschdale Road Bridge at the Union Pacific Railroad (UPRR) overcrossing and are legally described and pictorially depicted on the documents attached hereto as Exhibits "1", "2", "3", "4", and "5"; and

WHEREAS, APN 048-100-007 is one of the parcels affected by this Notice and is owned by an individual; and

WHEREAS, APN 048-100-012 and 048-120-043 are the parcels affected by this Notice and are both owned by the same person(s); and

WHEREAS, APN 048-240-008 and 048-240-006 are the parcels affected by this Notice and are both owned by the same person(s); and

WHEREAS the existing Hirschdale Road Bridge at the Truckee River and Hirschdale Road at the UPRR Crossing are in poor condition, and have been deemed structurally deficient by The State of California; and

WHEREAS the proposed project that is the subject of this Notice ("Proposed Project") is to replace the Hirschdale Road Bridge at the Truckee River and rehabilitate the Hirschdale Road Bridge at the UPRR Crossing; and

WHEREAS the interests in property that are the subject of this Notice ("Subject Property Interests") are temporary construction easements of approximately:

- .269 acres from APN 048-100-001
- .416 acres from APN 048-100-012
- .555 acres from APN 048-120-043
- .890 acres from APN 048-240-006
- .005 acres from APN 048-240-008

as set forth in Exhibit 1,2,3,4, and 5 attached hereto; and

WHEREAS, the authorities that authorize the County to acquire the Subject Property Interests for a public use, the replacement of the Hirschdale Road at Truckee River Bridge and rehabilitation of the Hirschdale Road at UPRR crossing and construction of improvements to the adjacent roadway approaches, by eminent domain include Article 1, Section 19 of the California Constitution; Section 25350.5 of the Government Code; and Sections 1240.010, 1240.020, 1240.030, 1240.040, 1240.110, 1240.410, 1240.510, and 1240.610 of the Code of Civil Procedure.

NOW, THEREFORE, BE IT HEREBY RESOLVED AND ORDERED as follows by the Nevada County Board of Supervisors:

1. Notice is hereby provided that the Nevada County Board of Supervisors, at its meeting on October 11, 2022, intends to consider the adoption of a Resolution of Necessity that would authorize the County to acquire the Subject Property Interests described herein by eminent domain for the replacement of the Hirschdale Road at Truckee River Bridge and rehabilitation of the Hirschdale Road at UPRR crossing bridge and construction of improvements to the adjacent roadway approaches. A description of the property being considered for acquisition is attached to this Resolution of Notice as Exhibits 1, 2, 3, 4 and 5.
2. Notice is hereby provided that the Nevada County Board of Supervisors at its meeting on October 11, 2022, at 9:30 a.m., or as soon thereafter as the matter may be heard, in the Board of Supervisors Chambers, located at 950 Maidu Avenue, Nevada City, California, will hold a hearing on whether such a Resolution of Necessity should be adopted, as required by the California Code of Civil Procedure section 1245.220, for the commencement of an eminent domain proceeding to acquire real property for Temporary Construction Easement(s).
3. Pursuant to Code of Civil Procedure section 1240.030, the owner(s) of the Subject Property referenced herein are entitled to appear and be heard before the Nevada County Board of Supervisors at the above-scheduled hearing, and to be heard on the following matters and issues before the Board:
  - a. Whether the public interest and necessity require the Proposed Project; and
  - b. Whether the Proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
  - c. Whether the property described in the resolution is necessary for the Proposed Project; and
  - d. Whether the offer required by Government Code Section 7267.2 has been made to the owner or owners of record of the Subject Properties; and
  - e. Whether Nevada County is authorized by statute to condemn the Subject Property on the basis that the use of the Proposed Project is a compatible use that will not unreasonably interfere with or impair the continuance of the public uses as they presently exist or may reasonably be expected to exist in the future (Code of Civil Procedure section 1240.510) or the use of the Proposed Project is a more necessary public use than are the presently existing public uses (Code of Civil Procedure section 1240.610); and
  - f. Whether this notice was duly given as required by Code of Civil Procedure section 1245.235.
4. If, within fifteen (15) calendar days from the mailing of this Notice, the property owner(s) files a written request to appear at the meeting and be heard on the matters described above, the property owners shall have a right to appear at the meeting and be heard on those matters.
5. All such written requests by the property owner(s) to appear and be heard must be filed with the Clerk of the Nevada County Board of Supervisors, located at 950 Maidu Avenue Suite 200, Nevada City, California.
6. The property owner's written request to appear and be heard must be actually received by the Clerk for filing within fifteen (15) calendar days after this Notice was mailed. Code of Civil Procedure section 1245.235(b)(3) provides that the failure to file such a timely written request will result in a waiver of the property owner's right to appear and be heard on the matters that are the subject of the hearing.
7. Questions regarding the amount of compensation to be paid will not be part of the public meeting and the Board will not consider such questions in determining whether a Resolution of Necessity should be adopted.
8. The Clerk of the Nevada County Board of Supervisors shall send a copy of this

Resolution of Notice by first class mail to each person whose property may be acquired by eminent domain and whose name and address appears on the last equalized County Assessment Roll.