



RESOLUTION No. 22-494

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, 048-100-012, 048-120-043, 048-240-006 AND 048-240-008 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 048-100-007
- .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 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 25, 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 25, 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; and
 - 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.

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.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 13th day of September, 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

9/13/2022 cc: DPW*
AC*

EXHIBIT 1

Exhibit "A"

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

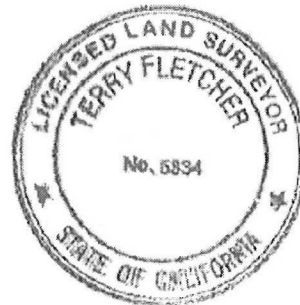
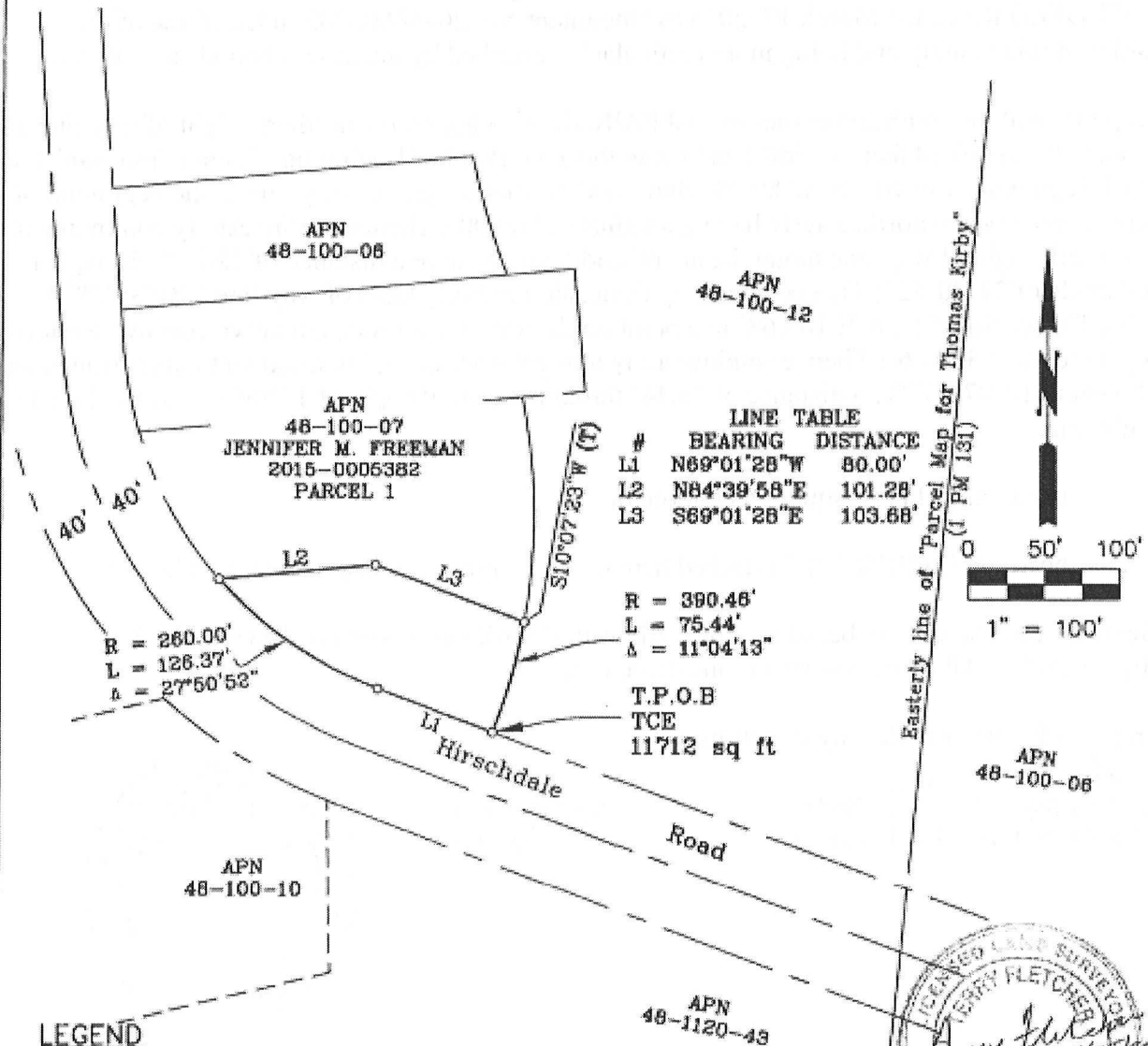


EXHIBIT "B"

Temporary Construction Easement



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.

DE DOKKEN
 ENGINEERING
 110 BLUE RAVINE ROAD, SUITE 200
 FOLSOM, CA 95630
 (916) 858-0642

Temporary Construction Easement

COUNTY OF NEVADA
 STATE OF CALIFORNIA

CHECKED BY:

PREPARED BY: TF

DATE: 11/24/20

APN: 48-100-07

DE NO. 6

SHEET 1 OF 1

OWNER: JENNIFER M. FREEMAN

EXHIBIT 2

EXHIBIT A

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.

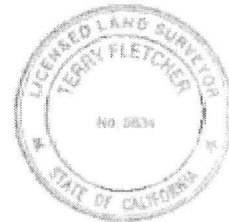
Containing 18105 square feet, more or less.

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

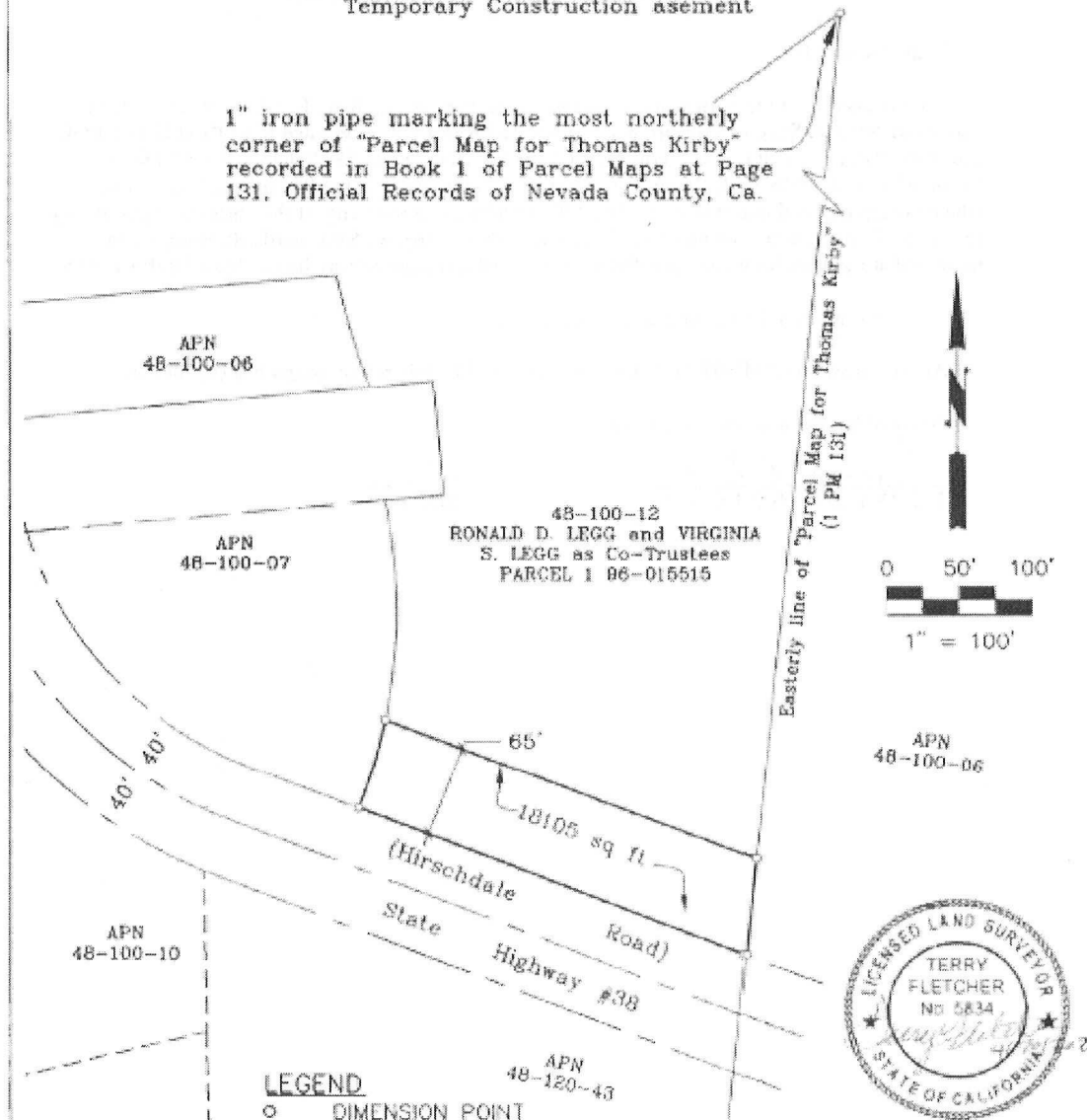


STAMPED

EXHIBIT "B"

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.



LEGEND
 o DIMENSION POINT

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

DE DOKKEN
 ENGINEERING
 110 BLUE RAVINE ROAD, SUITE 200
 FOLSOM, CA 95630
 (916)858-0642

Temporary Construction Easement

COUNTY OF NEVADA
 STATE OF CALIFORNIA

CHECKED BY:

PREPARED BY: TF

DATE: 4/20/20

APN: 48-100-12

DE NO. 4.2

SHEET 1 OF 1

OWNER: Ronald D. and Virginia S. Legg as Co-trustees

EXHIBIT 3

EXHIBIT "A"
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 LS 5834

4/29/2000
DATE

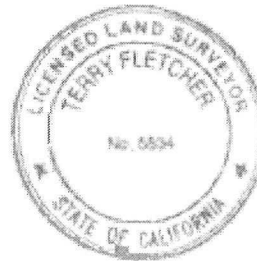
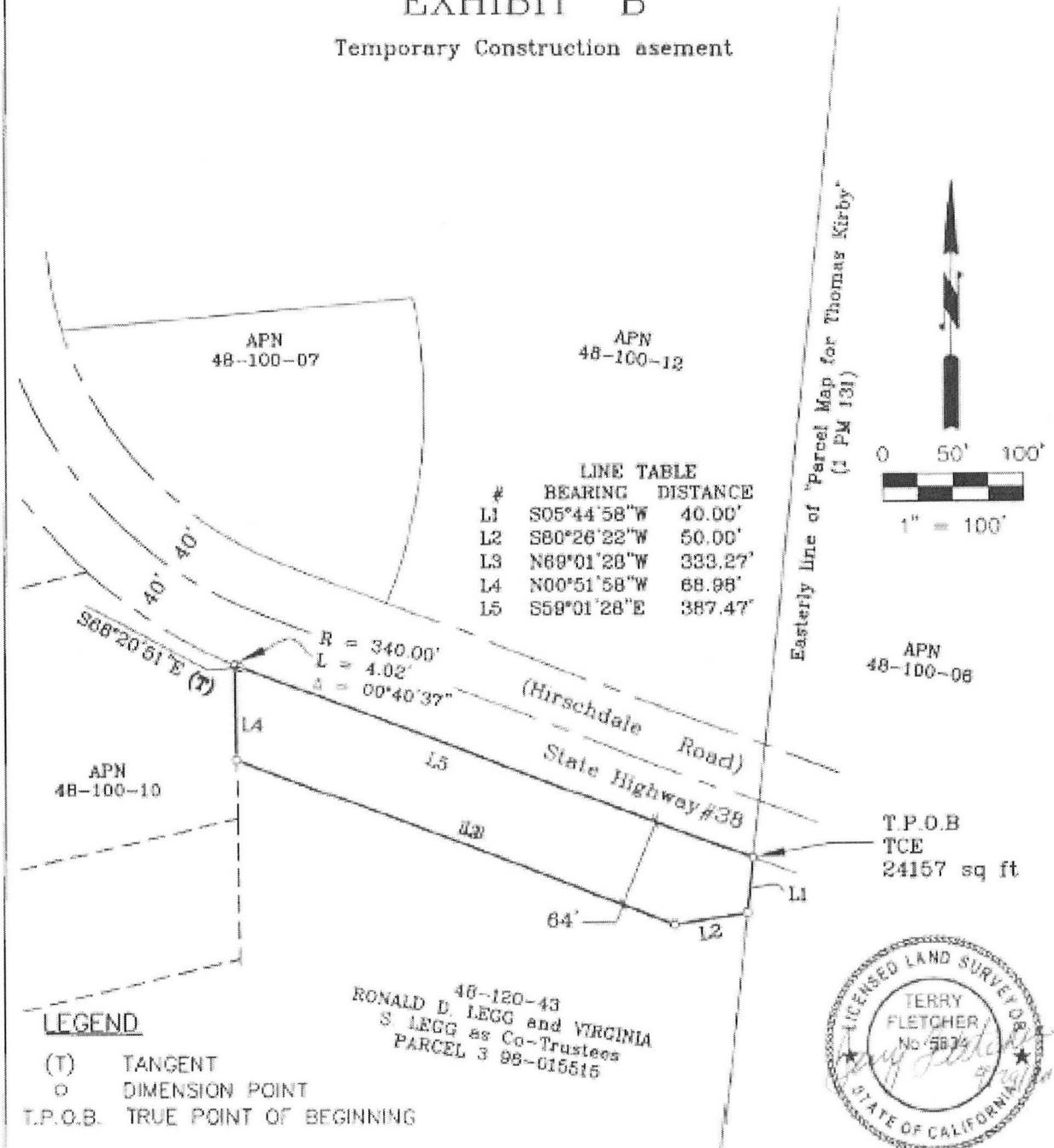


EXHIBIT "B"

Temporary Construction easement



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

DOKKEN ENGINEERING 110 BLUE RAYNE ROAD, SUITE 200 FOLSOM, CA 95630 (916)858-3642	Temporary Construction Easement		DATE: 4/29/20
	COUNTY OF NEVADA STATE OF CALIFORNIA		APN: 48-120-43
	CHECKED BY: _____		DE NO. 5
	PREPARED BY: TF		SHEET 1 OF 1

OWNER: Ronald D. and Virginia S. Legg as Co-trustees

EXHIBIT 4

EXHIBIT "A"
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

11/24/2020
DATE

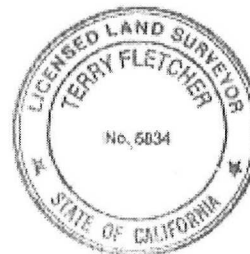
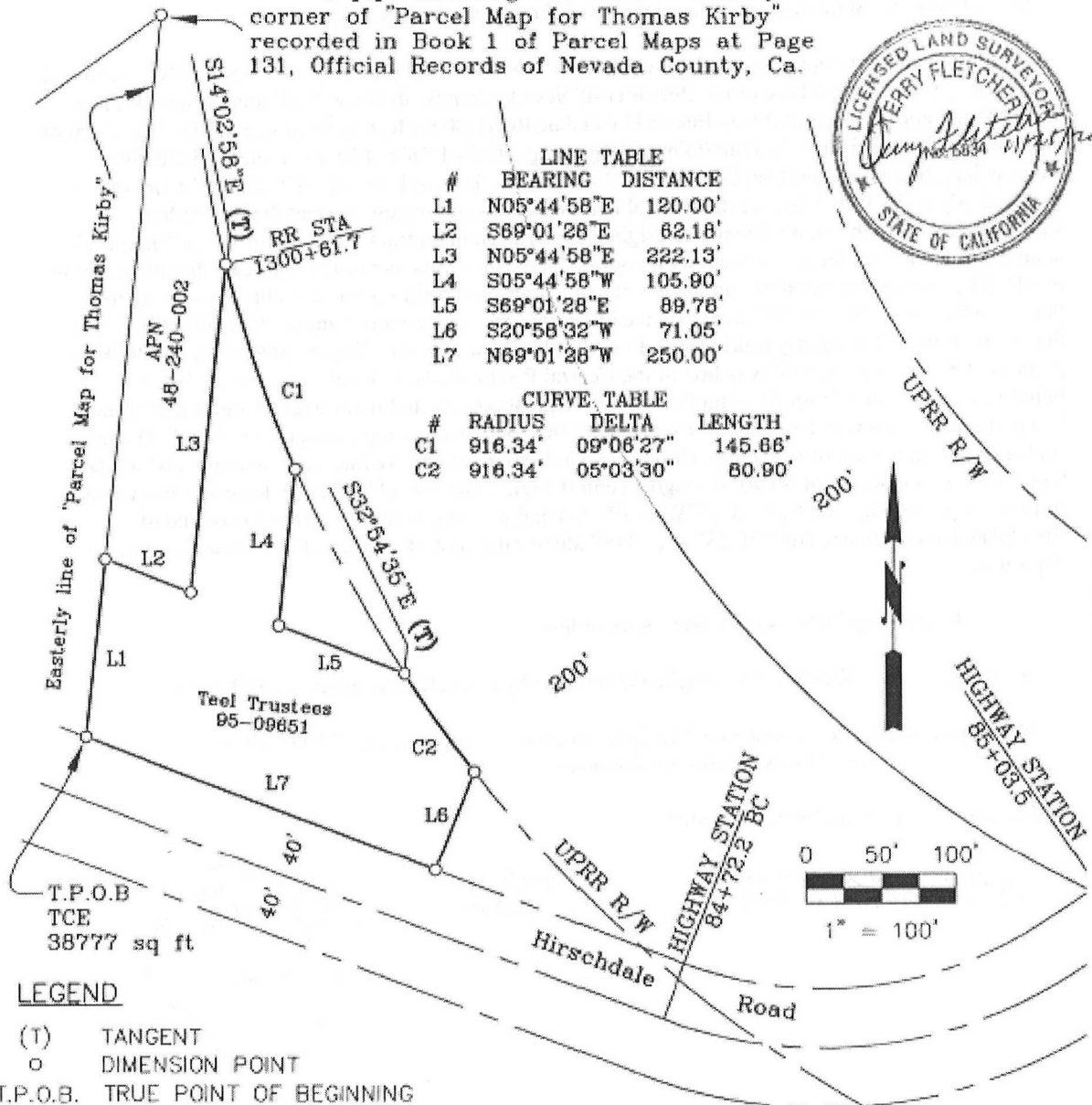


EXHIBIT "B"

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.

DE DOKKEN
ENGINEERING
110 BLUE RAVINE ROAD, SUITE 200
FOLSOM, CA 95630
(916)858-0642

Temporary Construction Easement

COUNTY OF NEVADA
STATE OF CALIFORNIA

CHECKED BY:

PREPARED BY: TF

DATE: 11/24/20

APN: 48-240-002

DE NO. 2

SHEET 1 OF 1

OWNER: TEEL FAMILY TRUST

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EXHIBIT 5

EXHIBIT "A-1"
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 LS 5834

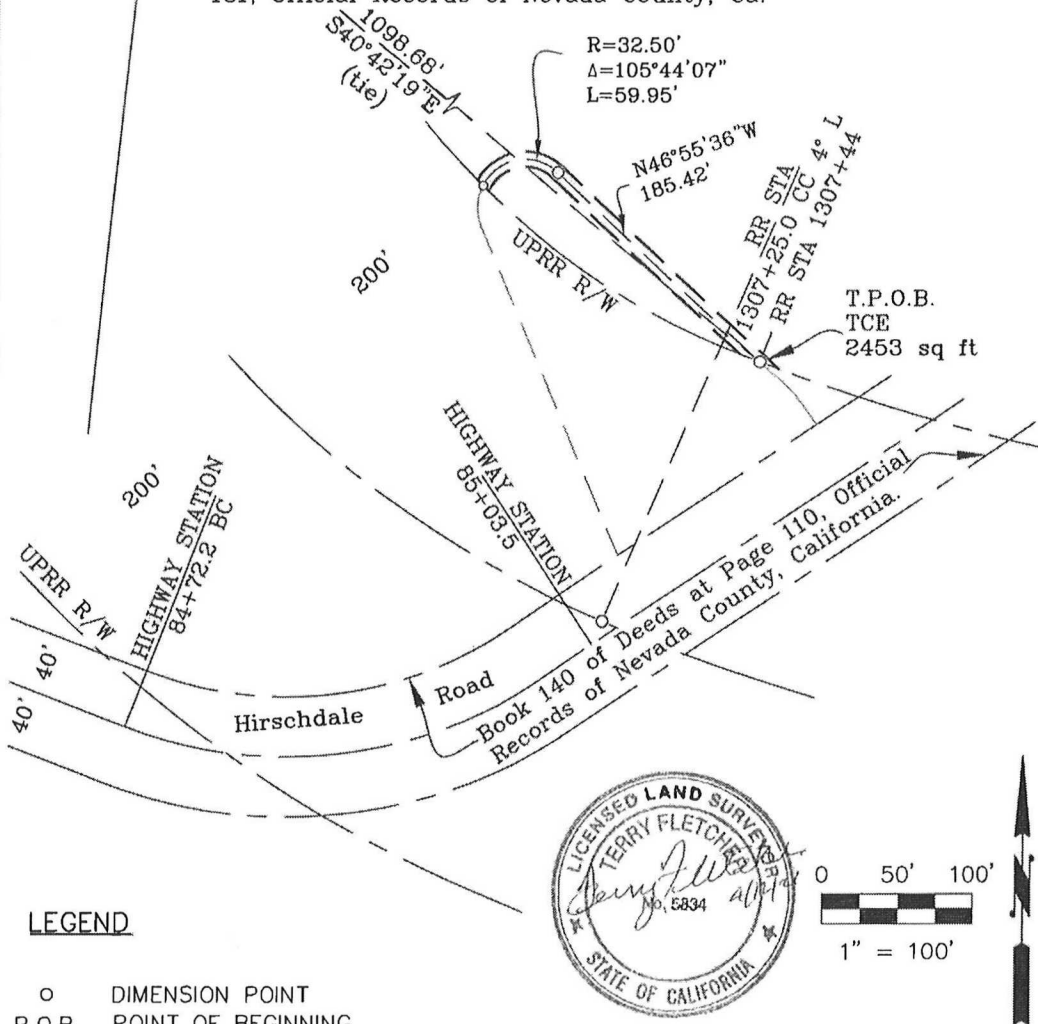
4/12/21
DATE



EXHIBIT "B-1"

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.



LEGEND

○ DIMENSION POINT
P.O.B. POINT OF BEGINNING

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

DE DOKKEN
ENGINEERING
110 BLUE RAVINE ROAD, SUITE 200
FOLSOM, CA 95630
(916)858-0642

Temporary Construction Easement

COUNTY OF NEVADA
STATE OF CALIFORNIA

CHECKED BY:

PREPARED BY TF:

DATE: 4/8/21

APN: 48-240-008

DE NO.-----

SHEET 1 OF 1

OWNER: MEZGER - TRUSTEE

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