

IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

**RESOLUTION OF NECESSITY FOR THE REAL PROPERTY INTERESTS
REQUIRED FROM JOHN GIACOMAZZI AND JANET KLINE
FOR THE SAN LUIS OBISPO COUNTY LOS OSOS WASTEWATER
PROJECT, SUPERVISORIAL DISTRICT NO. 2**

The Board of Supervisors of the County of San Luis Obispo, State of California, does hereby resolve as follows:

1. The Los Osos Wastewater Project proposes to construct a wastewater collection system and a wastewater treatment facility in the unincorporated community of Los Osos; and
2. On September 29, 2009, the San Luis Obispo County Board of Supervisors certified a Final Environmental Impact Report, adopted the Findings required by the California Environmental Quality Act, and filed a Notice of Determination for said Los Osos Wastewater Project (SCH# 2007121034) (WBS 300337); and
3. On September 7, 2010, the California Coastal Commission issued a Coastal Development Permit to the County for the Project as Permit Number CDP A-3-SLO-09-055/069. The Coastal Development Permit Application and related Coastal Commission Staff Report provide additional support for the purpose and need for the project as well as support for the planning and location of the project in the manner compatible with the greatest public good and the least private injury.

4. The County of San Luis Obispo desires to acquire fee simple absolute for a wastewater treatment plant and related facilities in, over, upon, across and through the certain parcel of real property described and depicted in Exhibit "A" attached hereto; the described real property interests are required for public use by exercise of the power of eminent domain. The acquisition of these real property interests is required to complete construction of the Los Osos Wastewater Project ("Project"). A general description of the Project is contained in the Final Environmental Impact Report (SCH# 2007121034) (WBS 300337), which is incorporated herein by reference; and
5. The County of San Luis Obispo desires to exercise its eminent domain authority to acquire the described real property interests in, over, within, upon, across and through each of those certain parcels of land described in Exhibit "A," attached hereto and specifically incorporated herein; and
6. Pursuant to Code of Civil Procedure Section 1245.235, written notice of the intent to consider the adoption of this Resolution of Necessity was sent on May 7, 2012, to the owners of record of said real property. Said Notice of Hearing was also mailed to all persons whose names appear on the last equalized County Assessment Rolls as having an interest in the subject real property; and
7. Said real property interests as described are located entirely within the County of San Luis Obispo, State of California, and are necessary for the purpose of constructing the Project, and for related public uses and purposes; and
8. The Board of Supervisors of the County of San Luis Obispo has previously determined that all requirements of the California Environmental Quality Act (CA Public Resources Code 21000 et seq) have been met; and
9. A Public Hearing was held and due consideration of all oral and documentary evidence introduced has been given.

IT IS HEREBY FOUND AND DETERMINED by at least a four-fifths vote of this entire Governing Board that:

- I. The findings and declarations contained in this Resolution are based upon the record with respect to the Project before the Board of Supervisors at its hearing of June 19, 2012, the Staff Report dated June 19, 2012, and the testimony, records and documents referenced at said hearing, all of which are incorporated by this reference.
- II. The real property interests as described are to be acquired in, over, within, upon, across and through each of those certain parcels of land more specifically described in Exhibit "A," attached hereto and made a part hereof.
- III. Said real property interests as described are to be acquired for public purposes, pursuant to the authority granted in California Constitution Article I Section 19;

California Government Code sections 25350.5; Title 7, Part 3 of the Code of Civil Procedure; and other provisions of law.

- IV. The public interest and necessity require the real property interests as herein described.
- V. The proposed Project is planned or located in the manner that is most compatible with the greatest public good and the least private injury.
- VI. The real property interests as described in, over, within, upon, across and through the certain parcels of land described in Exhibit "A," attached hereto and made a part hereof are necessary for the proposed project.
- VII. Under Code of Civil Procedure Section 1240.510, the proposed use of those certain parcels of land described in Exhibit "A" will not unreasonably interfere with or impair the continuance of any public use as it now exists or may reasonably be expected to exist in the future.
- VIII. The statutory offer required by Government Code Section 7267.2 has been made to the owners of record.
- IX. The Chairperson, or acting Chairperson of this Board of Supervisors, is hereby authorized and directed to execute all documents and papers necessary for the initiation, processing and completion of an eminent domain proceeding for the acquisition of the real property interests in the properties described in Exhibits "A," attached hereto.

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Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:
WARREN R. JENSEN
County Counsel



By: Deputy County Counsel
Patrick J. Foran
Dated: May 31, 2012

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STATE OF CALIFORNIA, }
County of San Luis Obispo, } ss.

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 20 _____.

(SEAL)

County Clerk and Ex-Officio Clerk of the Board
of Supervisors

By _____
Deputy Clerk.