

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 THE JAMES AND JANET BAHRINGER TRUST AND FROM LINN'S FARM ET AL FOR THE SAN LUIS OBISPO COUNTY MAIN STREET BRIDGE REPLACEMENT PROJECT, CAMBRIA, 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 existing bridge on Main Street at Santa Rosa Creek was constructed in 1922 and has been found to be functionally obsolete and eligible for replacement under the Federal Highway Administration's Highway Bridge Program, as administered by Caltrans; and

2. The San Luis Obispo County Planning Department issued Minor Use Permit / Coastal Development Permit DRC2009-00041 dated April 19, 2010 for the Cambria Main Street Bridge Replacement Project (WBS 300180). This Permit was appealed to the County Board of Supervisors, but was affirmed by Resolution 2010-204 on June 22, 2010. Said Permit was further appealed to the California Coastal Commission, but the appeal was denied (A-3-SLO-10-039) on March 11, 2011; and

3. The County of San Luis Obispo desires to acquire easements for public roadway and for temporary construction purposes over, upon, across and through certain parcels of real property described herein for public use by the exercise of the power of eminent domain. The acquisition of such easements is required to complete construction of the Cambria Main Street Bridge Replacement Project ("Project"). A general description of the Project is contained in the Minor Use Permit / Coastal Development Permit Application DRC2009-00041, which is incorporated herein by reference; and

4. 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 "1" attached hereto and specifically incorporated herein; and

5. 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 June 19, 2012 and July 12, 2012, to the owners of record of said real property. Written notice was also delivered to a subordinate interest held by Linn's Farm on August 14, 2012. 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

6. Said easements 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

7. The Board of Supervisors of the County of San Luis Obispo has previously determined that all requirements of the California Environmental Quality Act and the Public Resources Code have been met; and

8. 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 September 11, 2012, the Staff Report dated September 11, 2012, and the testimony, records and documents referenced at said hearing, all of which are incorporated by this reference.
- II. The easements for public roadway and for temporary construction purposes are to be acquired over, within, upon, across and through each of those certain parcels of land more specifically described in Exhibit "1" attached hereto and made a part hereof;
- III. Said permanent easement shall be an exclusive easement that is superior to, and free and clear of, any outdoor advertising signs or other improvements.
- IV. The said easements are to be acquired for public roadway and temporary construction 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;
- V. The public interest and necessity require the easements as above described.

- VI. The proposed Project is planned or located in the manner that is most compatible with the greatest public good and the least private injury.
- VII. The public roadway and right of way easements over, within, upon, across and through each of those certain parcels of land described in Exhibit "1" attached hereto and made a part hereof are necessary for the proposed project.
- 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 public roadway and right of way easements in the properties described in Exhibit "1", 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

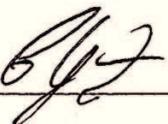
ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN
County Counsel



By: Patrick J. Foran
Deputy County Counsel

Dated: August 21, 2012

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.

EXHIBIT 1

- A. A Permanent Exclusive Easement** in perpetuity for Public Road and Slope purposes including, but not limited to, the right to lay, construct, repair, maintain, operate, renew and replace roadway improvements, roadway related water collection and drainage systems, public utility facilities and appurtenances incidental thereto, in, over, on, along, through, within, under, and across that certain real property situate in the County of San Luis Obispo, State of California, described and depicted in Exhibit "A" attached hereto and incorporated herein by reference. Said Permanent Exclusive Easement includes the right to maintain slopes and ditches; plant and maintain grass, plants, or shrubs within the easement area for soil erosion purposes; and
- B. A Temporary Construction Easement** for the purpose of construction and construction support activities related to the Cambria Main Street Bridge Replacement Project, WBS No. 300180 (Project) including, but not limited to construction equipment parking, and the stockpiling of materials and soil, in, over, on, along, through, within, under, and across that certain real property in the County of San Luis Obispo, State of California, described and depicted in Exhibit "B" attached hereto and incorporated herein by reference. Said Temporary Construction Easement to commence upon County's written notice to property owner and shall terminate upon completion of said Project or after twenty four (24) months from the date of commencement, whichever shall occur first.

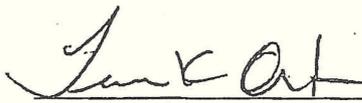
EXHIBIT A

LEGAL DESCRIPTION

That portion of a Parcel 2 of COAL 97-0033 in the unincorporated area of San Luis Obispo County, State of California as said parcel is described in Document Number 1998-087217 of Official Records, on file in the Office of the County Recorder of said county and state, more particularly described as follows:

Beginning at a found 1 inch iron pipe with plastic cap marked LS 5751 located near the northeasterly corner of said parcel of land described in Document Number 1998-087217 as said pipe is depicted on the map recorded in Book 95 of Records of Survey, at Page 44 on file in the Office of the County Recorder of said county and state; said pipe being distant North 13°12'04" West, 880.42 feet from a found nail with tag marked LS 5812 located at the center of the bridge on Main Street, over Santa Rosa Creek as depicted on the map recorded in Book 69 of Records of Survey, at Page 28, records of said county; thence easterly along the northerly line of said parcel, North 78°52'16" East, a distance of 2.59 feet to the northeasterly corner of said parcel; thence along the easterly line of said parcel, South 10°43'27" East, a distance of 554.82 feet to the easterly right of way of Santa Rosa Creek Road as said right of way was established from existing fencing by a survey conducted by Westland Engineering, Inc. in September, 2003; thence continuing along said easterly line of said parcel, South 10°43'27" East, a distance of 148.31 feet to the True Point of Beginning (TPOB); thence departing from said easterly line, North 64°15'07" West, a distance of 52.10 feet; thence North 44°21'48" West, a distance of 55.42 feet to the easterly right of way of Santa Rosa Creek Road; thence southerly along said right of way, South 34°50'03" West, a distance of 60.76 feet to the northeasterly corner of Santa Rosa Creek Road and Main Street, the right of way of Main Street being established from existing pavement by said survey by Westland Engineering, Inc., said corner being the beginning of a curve through which a radial of said curve bears North 33°42'41" East; thence easterly along the northerly right of way of Main Street, along the arc of said curve concave southwesterly, having a radius of 530.00 feet through a central angle of 3°29'20", an arc distance of 32.27 feet; thence continuing along said right of way, tangent to last described curve, South 52°48'00" East, a distance of 139.73 feet to the easterly line of said parcel described in Document Number 1998-087217; thence departing from said right of way, along said easterly line North 10°43'27" West, a distance of 92.44 feet to the True Point of Beginning.

Consisting of 8,012 square feet, more or less.


Terence K. Orton, PE 21,807

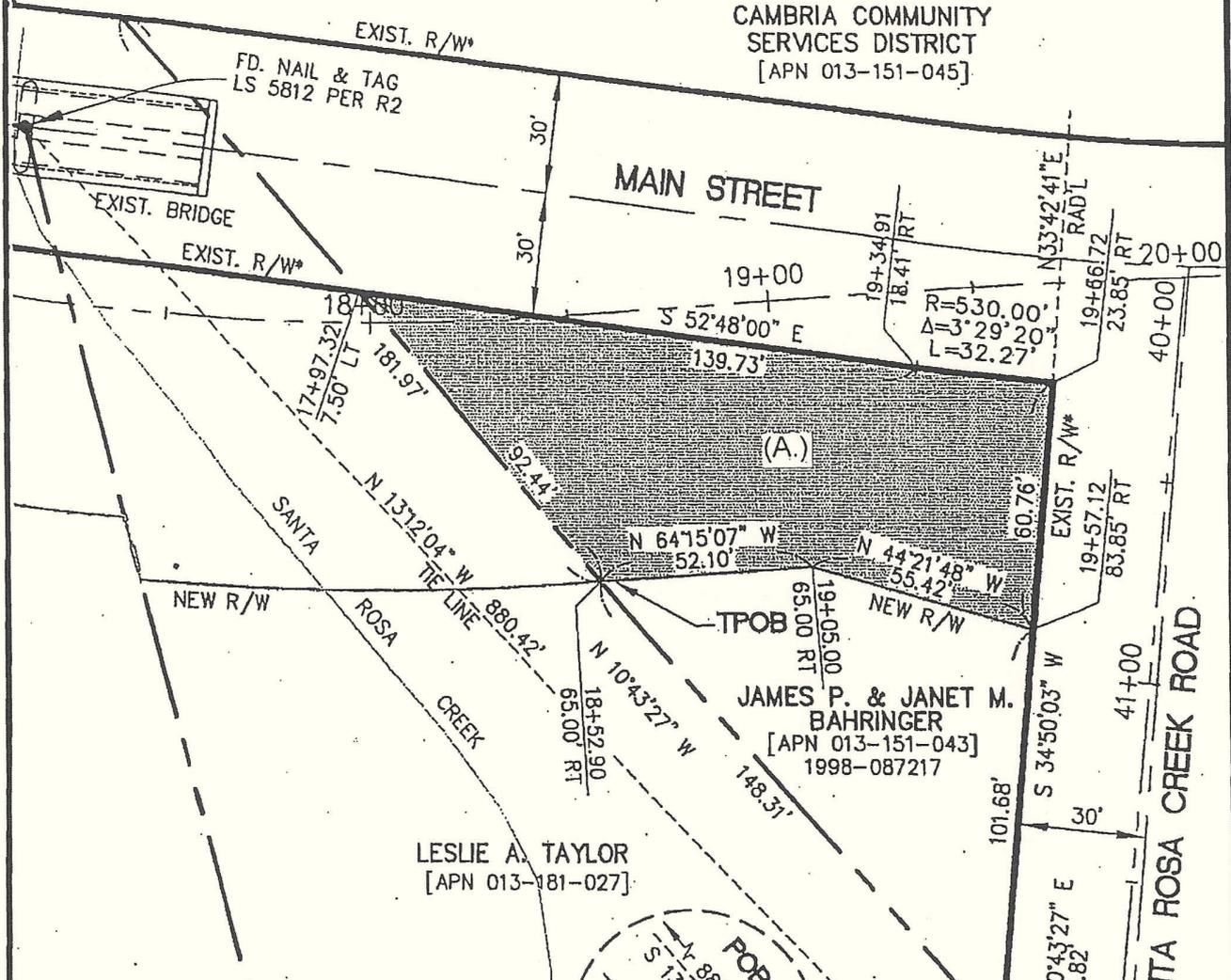


Bahringer January 31, 2012

2-9-12

Page 1 of 2

CAMBRIA COMMUNITY SERVICES DISTRICT
[APN 013-151-045]



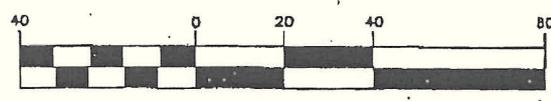
LINE TABLE

LINE	BEARING	DISTANCE
L1	N78°52'16"E	2.59'

LEGEND

*EXIST. RIGHT OF WAY OF MAIN ST. ESTABLISHED FROM LOC. OF EXIST. PAVEMENT.
EXIST. RIGHT OF WAY OF SANTA ROSA CREEK ROAD ESTABLISHED FROM EXIST. FENCING.

PERMANENT EASEMENT (A.)
 R1..... 95 LS 44
 R2..... 69 LS 28
 AREA OF EASEMENT:
 8,012 S.F. MORE OR LESS
 19+00 --- CONST. &



PLAT

OF A PORTION OF PARCEL 2 OF COAL 97-0033
PER DOC. No. 1998-087217 OF OFFICIAL RECORDS
IN THE COUNTY OF SAN LUIS OBISPO,
STATE OF CALIFORNIA
PREPARED AT THE REQUEST OF
T.Y. LIN INTERNATIONAL
BY

ORTON ENGINEERING, INC.
1686 RAMONA AVE., STE. F
GROVER BEACH, CA 93433
TELEPHONE: (805) 474-1700
JANUARY 31, 2012 JOB NO. 03.048
PAGE 2 OF 2

EXHIBIT B

LEGAL DESCRIPTION

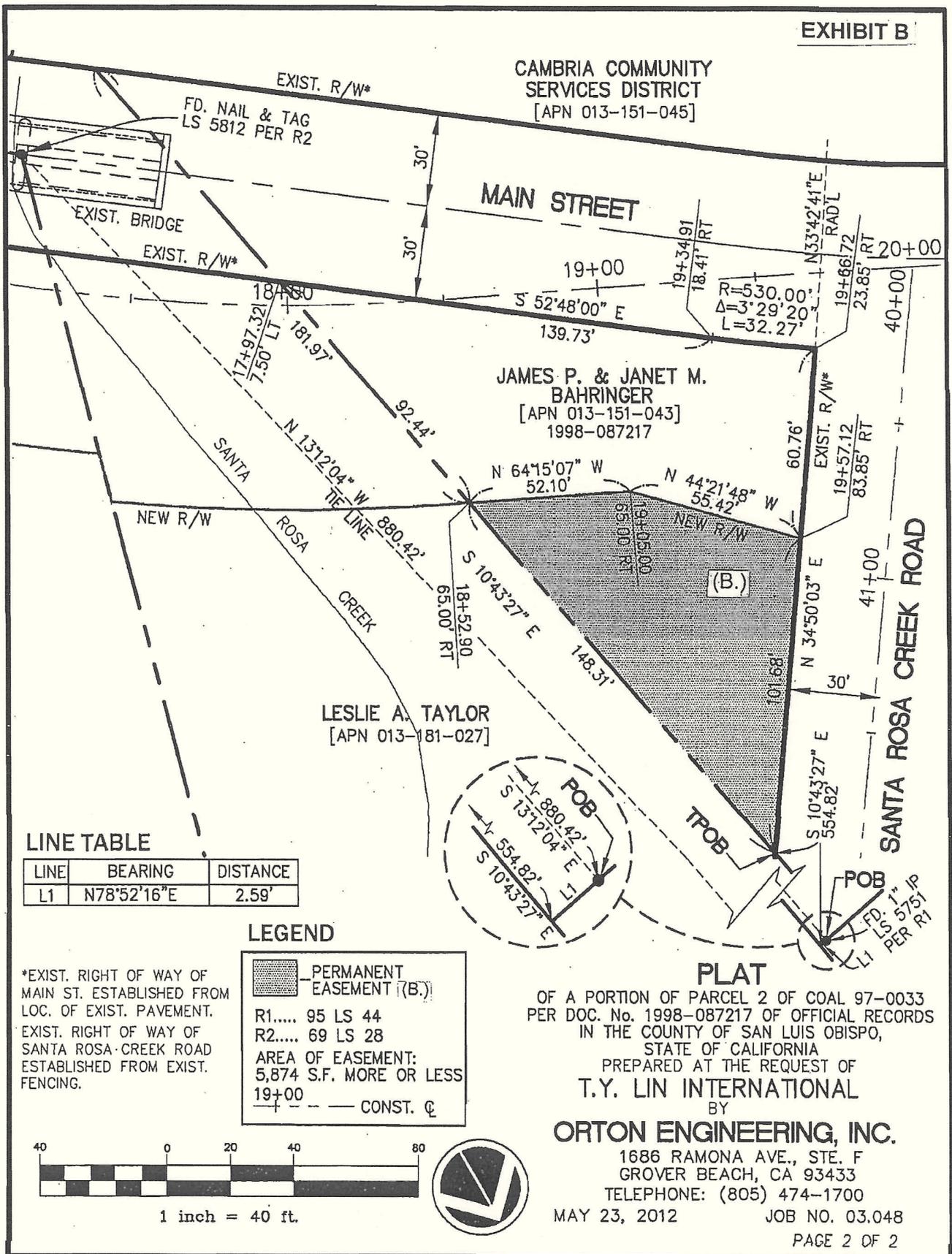
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Consisting of 5,874 square feet, more or less.

 5.29.12
Terence K. Orton, PE 21,807





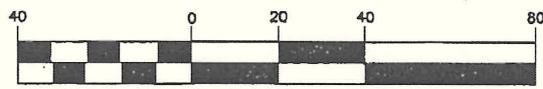
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 AREA OF EASEMENT:
 5,874 S.F. MORE OR LESS
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*EXIST. RIGHT OF WAY OF MAIN ST. ESTABLISHED FROM LOC. OF EXIST. PAVEMENT.
 EXIST. RIGHT OF WAY OF SANTA ROSA-CREEK ROAD ESTABLISHED FROM EXIST. FENCING.



PLAT

OF A PORTION OF PARCEL 2 OF COAL 97-0033 PER DOC. No. 1998-087217 OF OFFICIAL RECORDS IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA PREPARED AT THE REQUEST OF T.Y. LIN INTERNATIONAL BY

ORTON ENGINEERING, INC.

1686 RAMONA AVE., STE. F
 GROVER BEACH, CA 93433
 TELEPHONE: (805) 474-1700
 MAY 23, 2012 JOB NO. 03.048