

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 9/11/2012	(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Hearing to consider a resolution of necessity for the acquisition of real property interests required from James and Janet Bahringer 2006 Trust and from Linn's Farm et al for the Cambria Main Street Bridge Replacement Project (WBS# 300180). District 2.			
(5) RECOMMENDED ACTION It is our recommendation that your Honorable Board: <ol style="list-style-type: none"> <li>1. Open and conduct a hearing on the adoption of the Resolution of Necessity, receive comments from the staff, take testimony from the property owners or their authorized representative, and consider all the evidence; and</li> <li>2. Adopt, by a 4/5<sup>th</sup>'s vote, the Resolution of Necessity on the James and Janet Bahringer 2006 Trust property and the Linn's Farm interests.</li> </ol>			
(6) FUNDING SOURCE(S) Roads Fund / FHWA HBP	(7) CURRENT YEAR FINANCIAL IMPACT \$20,400.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT { } Consent    { } Presentation    {X} Hearing (Time Est. 20 min.)    { } Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS { } Resolutions    {x} Contracts    { } Ordinances    { } N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A { } 4/5th's Vote Required    {X} N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY { } N/A Date _____	
(17) ADMINISTRATIVE OFFICE REVIEW  <i>Nikki J. Schmidt</i>			
(18) SUPERVISOR DISTRICT(S) District 2 -			

# County of San Luis Obispo



TO: Board of Supervisors  
FROM: Public Works  
Phil Acosta, Right of Way Agent  
VIA: Dave Flynn, Deputy Director of Public Works  
DATE: 9/11/2012

SUBJECT: Hearing to consider a resolution of necessity for the acquisition of real property interests required from James and Janet Bahringer 2006 Trust and from Linn's Farm et al for the Cambria Main Street Bridge Replacement Project (WBS# 300180). District 2.

## **RECOMMENDATION**

It is our recommendation that your Honorable Board:

1. Open and conduct a hearing on the adoption of the Resolution of Necessity, receive comments from the staff, take testimony from the property owners or their authorized representative, and consider all the evidence; and
2. Adopt, by a 4/5<sup>th</sup>'s vote, the Resolution of Necessity on the James and Janet Bahringer 2006 Trust property and the Linn's Farm interests.

## **DISCUSSION**

The existing Cambria Main Street Bridge (Bridge #49C0337), located over Santa Rosa Creek, was constructed in 1922 and has been found to be functionally obsolete. The bridge qualified for Federal replacement funding under the Federal Highway Bridge Program (Federal project number BRLO-5949(065)). The proposed project will replace the existing bridge with a single clear span over the creek and improve the width to support bike lanes and vehicular travel.

The County Planning and Building Department conditionally approved Minor Use Permit/Coastal Development Permit Number DRC2009-00041 for the Project dated April 19, 2010. An appeal to the minor use permit was filed regarding the project's impacts on the existing creek. On June 22, 2010, your Board adopted Resolution No. 2010-204 affirming the decision of the hearing officer regarding the conditionally approved permit. Subsequently, on March 11, 2011 the California Coastal Commission considered an appeal of the County's Permit determination (Appeal No. A-3-SLO-10-039). The Commission determined that the Appeal "does not present a substantial issue" with respect to the grounds on which the appeal was filed, and therefore denied the appeal.

The Bahringer property contains approximately 8 acres, zoned Residential Multi-Family, and is improved with several structures. The property is owner occupied and managed as a bed-and-

breakfast known as the “Fog’s End”. A small portion of the property containing 0.32 acre (13,886 square feet) is segregated from the larger property by Santa Rosa Creek Road and is the only portion of the property impacted by the recommended action – see attached property illustration.

### Project Needs

The County requires a Public Road Easement over a 0.18 acre portion of the segregated portion of the property for construction of the new bridge and realignment of Main Street. A two (2) year Temporary Construction Easement (TCE) is also required over the remaining 0.14 acre portion of the segregated portion of the property for construction staging and related activities over the duration of project construction period.

### Linn’s Farm – Pie Shop

The Linn’s Farm - Pie Shop owns a 4’x8’ double-posted sign currently located within the County’s proposed public road easement area and would be relocated onto the Bahringer remainder property within the County’s proposed TCE area. Staff is facilitating relocation of the sign near the future intersection with Santa Rosa Creek Road.

### Procedural Steps

The County’s offer to purchase the easements was made to Bahringer on April 20, 2012. The County’s offer to purchase the Linn’s interest was made on July 12, 2012.

The recommended action is necessary to initiate legal steps that will assure that the County obtains legal possession of the property in accordance with the Project schedule. If approved, which requires a 4/5<sup>th</sup>s vote, ongoing discussions and negotiations between the County and the property owner(s) will continue with the intent of reaching mutually agreeable terms of compensation as provide by applicable laws and regulations.

Federal, State and Local guidelines provide the County with the right to implement Eminent Domain proceedings upon the adoption of a Resolution of Necessity as recommended. The Code of Civil Procedures requires a 4/5<sup>th</sup>s vote for the adoption of this Resolution.

Owners of the required property and/or their authorized representative are allowed to present comments and evidence in opposition to a Resolution of Necessity only as to the following issues as they may apply to the subject property:

- A. The public interest and necessity require the project;
- B. The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- C. The subject property is necessary for the proposed project; and
- D. The offer required by Section 7267.2 of the Government Code has been made to the subject owner(s) of record.

Any other issues, including value/compensation are not proper subjects for this hearing.

## **OTHER AGENCY INVOLVEMENT/IMPACT**

County Counsel has reviewed and approved the subject Resolution as to legal form and effect. County Planning and the California Coastal Commission have been involved in project permitting. Caltrans administers the Federal Highway Bridge Program in California.

## **FINANCIAL CONSIDERATIONS**

The cost of the interests required from the James and Janet Bahringer 2006 Trust and from Linn's Farm are currently appraised at a total of \$20,400.00. This cost is included in the Project budget.

The Project is primarily funded under the Federal Highway Administration's Highway Bridge Program along with County Road Funds (WBS# 300180).

## **RESULTS**

Adopting the subject Resolution will allow continued progress toward construction of the Cambria Main Street Bridge Replacement Project by supporting the acquisition of the described real property interests required for the Project. Construction of the project will provide for a safe community and enhancement of the creek environment.

File: 300180

Reference: 12SEP11-H-1

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## **ATTACHMENTS**

1. Vicinity Map
2. Exhibit 1 - Owner and Parcel List
3. 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