



JOHN A. FANTHAM  
DIRECTOR OF PUBLIC WORKS

# County of Santa Cruz

## DEPARTMENT OF PUBLIC WORKS - REAL PROPERTY DIVISION

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SCOTT C. LOICHINGER  
CHIEF REAL PROPERTY AGENT

Agenda: June 8, 1999

May 26, 1999

### SANTA CRUZ COUNTY BOARD OF SUPERVISORS

701 Ocean Street  
Santa Cruz, California 95060

SUBJECT: RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS -  
TROUT GULCH ROAD IMPROVEMENT PROJECT  
420 TROUT GULCH ROAD, APTOS, CA  
KENNETH G. CARLSON - APN 041-021-04&05

#### Members of the Board:

Included in the 1998/1999 Public Works budget are funds for the construction of sidewalk, drainage, and road improvements along Trout Gulch Road between Valencia Street and Cathedral Drive. The project requires the acquisition of right of way and a temporary construction easement for conform work in the above mentioned grantor's driveway and removal of a portion of a six foot fence for sight distance requirements. Funding for this acquisition is being provided by Aptos Road and Traffic Improvement fees.

This project is scheduled for construction later this summer. The grantor has been afforded a reasonable amount of time to negotiate a settlement. In order to meet the County's 1999 deadlines for this project, it is necessary to file a condemnation action against the owner of the above mentioned parcels. This action will provide for the acquisition of 49 sf of road right of way in the present driveway and temporary construction easements totaling 538 sf to construct a driveway conform and remove a portion of fencing due to sight distance requirements for the completion of the above mentioned project (see attached maps). The property being acquired was appraised by the Real Property Division. The property owner has been offered the fair market value for the property rights being acquired.

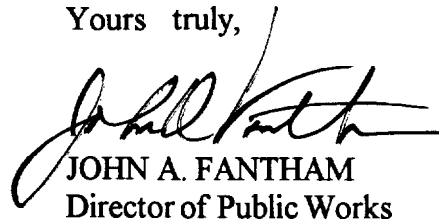
We will continue with our negotiations in anticipation that a settlement can be reached without going to trial. The owner of record has been apprised of the intention of condemnation proceedings and, by law, is required to file a written request to appear and be heard if they so desire. You will be informed at the Board meeting if any such requests have been received.

As a minimum, the adoption of the attached resolution of necessity requires a 4/5 vote by your Board.

It is recommended that the Board of Supervisors of the County of Santa Cruz take the following action:

1. Conduct a public hearing on the proposed eminent domain action;
2. Adopt the accompanying Resolution authorizing County Counsel to institute eminent domain proceedings to obtain immediate possession of the required property interests;
3. Direct the Clerk of the Board to return a certified copy of the Resolution to the Real Property Division.

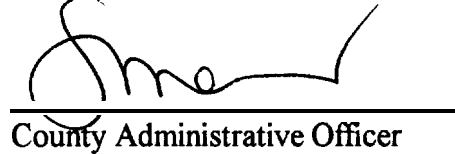
Yours truly,



JOHN A. FANTHAM  
Director of Public Works

jsk  
Attachments

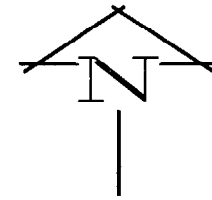
RECOMMENDED FOR APPROVAL:



County Administrative Officer

Copy to: Public Works, Real Property Division  
Public Works, Operations Division  
County Counsel  
Auditor-Controller

TROUT GULCH ROAD



TEMPORARY CONSTRUCTION  
EASEMENT  
SCALE: 1"=10'  
MAF 5/21/99

$$\begin{array}{c} \alpha \\ \omega \end{array}$$

38

# PARCEL ONE OF CARLSON

TROUT GULCH ROAD

N89°08'00"E 3.04'

S89°08'00"W

70.68'

POINT OF BEGINNING

DESCRIPTION COMMENCES HERE

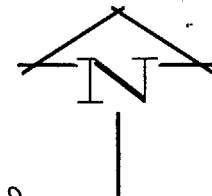
N08°41'00"E 21.16'

S08°41'00"W 21.66'

TEMPORARY CONSTRUCTION EASEMENT  
AREA = 64 SQUARE FEET

N81°19'00"W  
3.00'

## PARCEL TWO OF CARLSON APN 041-021-05



S48°00'00"E  
28.70'

S35°08'00"W  
50.55'

N89°54'00"W

75.00'

TEMPORARY CONSTRUCTION  
EASEMENT  
SCALE: 1"=10'  
MAF 5/21/99

008

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA  
RESOLUTION NO. \_\_\_\_\_

891

On the motion of Supervisor  
duly seconded by Supervisor  
the following resolution is adopted\*:

**RESOLUTION AUTHORIZING COUNTY COUNSEL TO INSTITUTE EMINENT DOMAIN  
PROCEEDINGS FOR THE TROUT GULCH ROAD IMPROVEMENT PROJECT  
KENNETH G. CARLSON - APN 041-021-04&05**

**RESOLVED** by the Board of Supervisors of the County of Santa Cruz, State of California:

WHEREAS, in conjunction with the above proposed project, the real property interests hereinafter described are required and the County of Santa Cruz is authorized by the Eminent Domain Law of California (commencing with California Code of Civil Procedure Section 1230.010 and following) to acquire the said property interests by eminent domain; and

WHEREAS, the acquisition of said property interests would be beneficial and in the best public interest;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors of the County of Santa Cruz hereby finds, determines, and declares that the public interest and necessity require the acquisition, construction, and completion by the County of the proposed public improvement project.

BE IT FURTHER RESOLVED AND ORDERED that said Board hereby finds, determines and declares that the proposed public improvement project is planned and located in the manner that will be most compatible with the greatest public good and least private injury.

BE IT FURTHER RESOLVED AND ORDERED that said Board hereby finds, determines, and declares that the real property interest hereinafter described in Exhibit "A" and as shown on Exhibit "B", said Exhibits being attached hereto and incorporated herein by this reference, is necessary for the proposed public improvement project.

BE IT FURTHER RESOLVED AND ORDERED that said Board hereby finds, determines, and declares that an amount which it believes to be just compensation therefore has been offered to owners of record by the County to purchase said property interests described in Exhibit "A" and as shown in Exhibit "B" in accordance with Section 7267.2 of the Government Code.

BE IT FURTHER RESOLVED AND ORDERED that County Counsel be and is hereby authorized to prepare, file, and prosecute to completion eminent domain proceedings to acquire for the County of Santa Cruz, the property interests described in Exhibit "A" and as shown on Exhibit "B".

\* 4/5 Vote Required

BE IT FURTHER RESOLVED AND ORDERED that County Counsel be and is authorized to obtain an order for immediate possession, and the Auditor-Controller of the County of Santa Cruz is hereby authorized to transfer to the Court deposit trust fund such funds as are required by the County as security for such immediate possession. 892

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this \_\_\_\_ day of \_\_\_\_\_, 1999, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

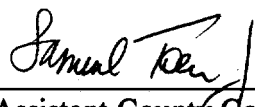
ABSENT: SUPERVISORS

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CHAIR OF SAID BOARD

ATTEST: \_\_\_\_\_  
Clerk of said Board

Approved as to form:

 5/24/99  
\_\_\_\_\_  
Assistant County Counsel

Distribution: County Counsel  
Auditor-Controller  
Public Works  
Real Property

RSLUTN65.EDM

Legal description of additional right of way for the Trout Gulch Road Improvement Project.

Parcel One

Situated in the County of Santa Cruz, State of California

Being a part of the parcel of land conveyed by deed to Fred W. and Elma C. Toney, filed for record December 29, 1978 in Volume 3003, Page 525, Santa Cruz County Records and more particularly described as follows:

Commencing at a point at the most southerly corner of lands conveyed to A. E. Perkins by deed recorded October 29, 1904 in Volume 157, Page 334, Official Records of Santa Cruz County; thence along the southwesterly line of said land, North  $49^{\circ}15'$  West, 81.50 feet to the point of beginning; thence continuing on the southwesterly line of said land of Perkins, North  $49^{\circ}15'$  West, 5.49 feet to a point, said point being on the easterly right of way line of Trout Gulch Road; thence South  $08^{\circ}35'$  West, 21.01 feet along the easterly right of way line of Trout Gulch Road to a point; thence leaving the easterly right of way line of Trout Gulch Road, North  $22^{\circ}57'53''$  East, 18.78 feet to the point of beginning.

Containing 49 square feet more or less.

APN 041-021-04

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## EXHIBIT 'A'

Legal description of a temporary construction easement for the Trout Gulch Road Improvement Project.

Parcel **TWO**

Situated in the County of Santa Cruz, State of California

Being a part of the parcel of land conveyed by deed to Kenneth G. Carlson, described as Parcel Two and filed for record August 9, 1988 in Volume 4368, Page 606, Santa Cruz County Records and more particularly described as follows:

Commencing at a point at the most southerly corner of lands conveyed to A. E. Perkins by deed recorded October 29, 1904 in Volume 157, Page 334, Official Records of Santa Cruz County and the easterly corner of lands described as Parcel One and conveyed to Kenneth G. Carlson by deed recorded on August 9, 1988 in Volume 4368, Page 606, Official Records of Santa Cruz County; thence along the southerly boundary of said Parcel One of Carlson, South  $89^{\circ}08'$  West, 70.68 feet to the point of beginning; thence leaving the southerly line of said Parcel One of Carlson, South  $08^{\circ}41'00''$  West, 21.66 feet to a point; thence North  $81^{\circ}19'00''$  West, 3.00 feet to a point on the easterly right of way line of Trout Gulch Road; thence along the easterly right of way

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line of Trout Gulch Road North  $08^{\circ}41'00''$  East, 21.16 feet to a point on the southerly boundary of said Parcel One of Carlson; thence leaving the easterly right of way line of Trout Gulch Road North  $89^{\circ}08'00''$  East, 3.04 feet along the southerly boundary of said Parcel One of Carlson to the point of beginning.

Containing 64 square feet more or less.

APN 041-021-05

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## EXHIBIT 'A'

Legal description of a temporary construction easement for the Trout Gulch Road Improvement Project.

Parcel **THREE**

Situated in the County of Santa Cruz, State of California

Being a part of the parcel of land conveyed by deed to Kenneth G. Carlson as Parcel One-and filed for record August 9, 1988 in Volume 4368, Page 606, Santa Cruz County Records and more particularly described as follows:

Commencing at a point at the most southerly corner of lands conveyed to A. E. Perkins by deed recorded October 29, 1904 in Volume 157, Page 334, Official Records of Santa **Cruz** County; thence <sup>1</sup>along the southwesterly boundary of said land, North 49°15' West, 66.32 feet to the point of beginning; thence leaving the southwesterly boundary of said land of Perkins, South 22°12'27" West, 11.00 feet to a point on a non-tangent curve with a radial bearing of South 70°10'57" East; thence along said curve to the right and bearing southwesterly, with a radius of 9.16 feet, through an angle of 77°28'07", for an arc length of 12.39 feet to a point on a non-tangent line with a radial bearing of South 07°17'09" West; thence South 11°52'36" West, 30.31 feet to

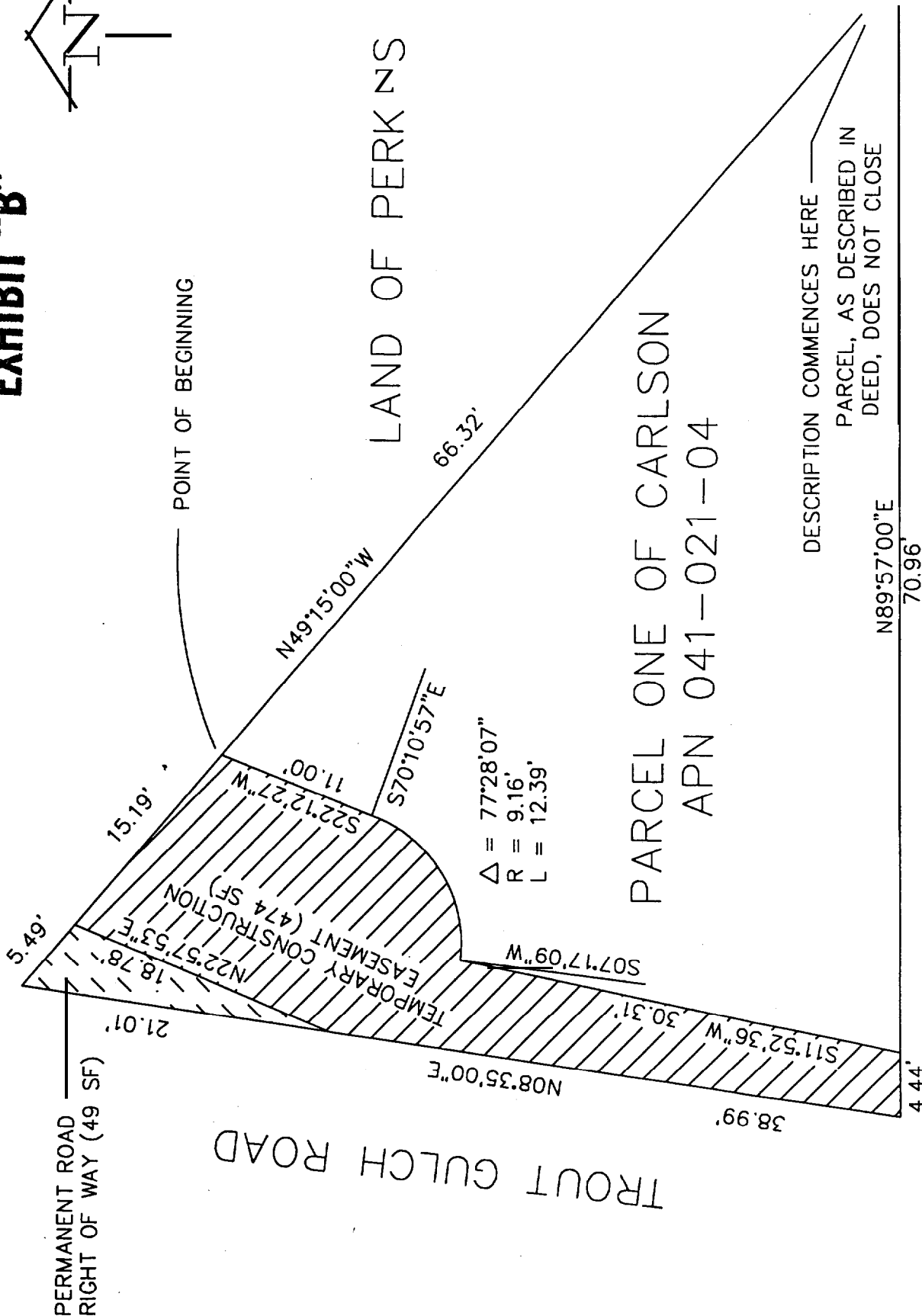
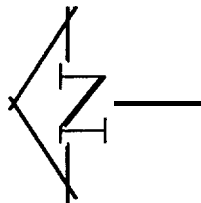
File Name: MAF D:\wpw\projects\troutgulch\legdesc3.wpw

a point on the northerly boundary of lands described as Parcel Two and conveyed to Kenneth G. Carlson by deed recorded August 9, 1988 in Volume 4368, Page 606, Official Records of Santa Cruz County; thence along the northerly boundary of said Parcel Two of Carlson South  $89^{\circ}57'00''$  West, 4.44 feet to a point on the easterly right of way line of Trout Gulch Road; thence leaving the northerly boundary of said Parcel Two of Carlson North  $08^{\circ}35'00''$  East, 38.99 feet along the easterly right of way line of Trout Gulch Road to a point; thence leaving the easterly right of way line of Trout Gulch Road North  $22^{\circ}57'53''$  East, 18.78 feet to a point on the southwesterly boundary of said land of Perkins; thence South  $49^{\circ}15'00''$  East, 15.19 feet along the southwesterly boundary of said land of Perkins to the point of 'beginning.

Containing 474 square feet more or less.

APN 041-021-04

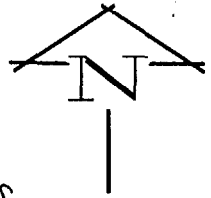
# EXHIBIT "B"



TEMPORARY CONSTRUCTION  
EASEMENT  
SCALE: 1"=10'  
MAF 5/21/99

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# PARCEL ONE OF CARLSON EXHIBIT "B"



TROUT GULCH ROAD

N89°08'00"E 3.04'

S89°08'00"W

70.68'

POINT OF BEGINNING

DESCRIPTION COMMENCES HERE

N08°41'00"E 21.16'

S08°41'00"W 21.66'

TEMPORARY CONSTRUCTION EASEMENT  
AREA = 64 SQUARE FEET

N81°19'00"W  
3.00'

S48°00'00"E  
28.70'

PARCEL TWO OF CARLSON  
APN 041-021-05

S35°08'00"W  
50.55'

N89°54'00"W

75.00'

TEMPORARY CONSTRUCTION  
EASEMENT  
SCALE: 1" = 10'  
MAF 5/21/99

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