

JOHN A. FANTHAM  
DIRECTOR OF PUBLIC WORKS

# County of Santa Cruz

603

## DEPARTMENT OF PUBLIC WORKS - REAL PROPERTY DIVISION

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 95060-4070  
(831) 454-2331 FAX (831) 454-2385 TDD (831) 454-2123

SCOTT C. LOICHINGER  
CHIEF REAL PROPERTY AGENT

AGENDA: AUGUST 3, 1999  
July 22, 1999

SANTA CRUZ COUNTY BOARD OF SUPERVISORS  
701 Ocean Street  
Santa Cruz, California 95060

SUBJECT: RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS -  
PORTOLA DRIVE AND 41 ST AVENUE ROAD IMPROVEMENT PROJECT  
STAGNARO ET AL - APN 033-141-49  
GIBSON - APN 032-032-50  
WONG ET AL - APN 032-075-01 & 02  
SCHWEITZER - APN 032-082-41

### Members of the Board:

Included in the 1999/2000 Public Works Budget are funds for the construction of road improvements on Portola Drive and 41st Avenue and for the acquisition of the required easements and rights-of-entry. The project requires the acquisition of these four easements for additional sidewalk and bus shelters on the above mentioned grantor's property.

This project is scheduled for construction later this fall. The grantors have been afforded a reasonable amount of time to negotiate a settlement. In order to meet the County's deadline for this project, it is necessary to file a condemnation action against the owners of the above mentioned parcels. This action will provide for the acquisition of the required easements 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 owners of record have been apprised of the intention of condemnation proceedings and, by law, are 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.

## SANTA CRUZ COUNTY BOARD OF SUPERVISORS

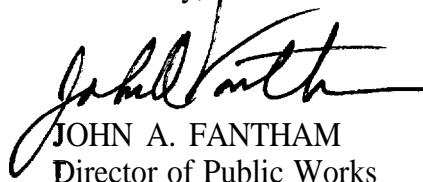
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As a minimum, the adoption of the attached resolution of necessity requires a **4/5** vote by your **Board**.

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.

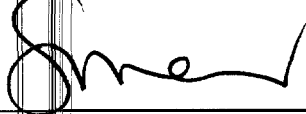
Yours truly,



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

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

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 PORTOLA DRIVE & 41ST AVE ROAD IMPROVEMENT PROJECT**  
STAGNARO ET AL - APN 033-141-49  
GIBSON - APN 032-032-50  
WONG ET AL - APN **032-075-01 & 02**  
SCHWEITZER - APN 032-082-41

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 interests 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.

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:

 7-22-99  
Assistant County Counsel

Distribution: County Counsel  
Auditor-Controller  
Public Works  
Real Property

CONDEMNATION

**EXHIBIT "A"****STAGNARO****APN 033-141-49**

Situate in the County of **Santa Cruz**, State of California, and described as follows:

Being an easement for sidewalk and **pedestrian** purposes over a portion of Parcel Two of the land conveyed to Janet Stagnaro, et al. by that deed recorded July **31, 1997** in Document Number 1997-0034661 of Official Records of Santa **Cruz** County, and more particularly described as follows:

Beginning at the northwesterly comer of said land of Stagnaro; thence from said of point of beginning along the northerly boundary of said land North 89" 49' East 4.50 feet; thence leaving said northerly boundary South 0" 11' East 12.00 feet; thence South **27° 00'** West 5.47 feet; thence South **0° 11' 00"** East 23.13 feet; thence South 89" 49' West 2.00 feet to a point on the westerly boundary of said land of Stagnaro; thence along said westerly boundary North **0° 11'** West 40.00 feet to the point of beginning.

Containing 116 square feet, more or less.

RHN:bbs

# EXHIBIT "A"

608

G I B S O N

APN 032-032-50

Situate in the County of Santa **Cruz**, State of California, and described as follows:

Being an easement for bus shelter purposes over a portion of the land conveyed to the 9921 Gibson Family Trust by that deed recorded August 24, 1994 in Volume 5559 of Official Records of Santa **Cruz** County at Page 132, and more particularly described as follows:

Being a strip of land 6.00 feet wide, the southerly boundary of which **is the** southerly boundary of said land of Gibson, and more particularly described as follows:

Beginning at a point on the southerly boundary of said land of Gibson, **from** which the southeasterly corner thereof lies 47.00 feet distant; thence continuing westerly along said boundary 12.00 feet.

Containing 72 square feet, more or less.

RHN:rw

**EXHIBIT "A"****WONG****APN 032-075-01**

Situate in the County of Santa Cruz, State of California, and described as follows:

Being an easement for sidewalk and pedestrian purposes over a portion of Parcel One of the land conveyed to Kong Y. Wong, Trustee, by that deed recorded May 3, 1994 in Volume 5499 of Official Records of Santa Cruz County at Page 863, and more particularly described as follows:

Being a strip of land 1.00 feet wide, the northerly boundary of which is the northerly boundary of said land of Wong, and more particularly described as follows:

Beginning at the northeasterly corner of said land of Wong; thence westerly along said northerly boundary 5.00 feet.

Containing 5 square feet, more or less. :

RHN:rw

# EXHIBIT "A"

WONG

610

APN 032-075-02

Situate in the County of Santa Cruz, State of California, and described as follows:

Being an easement for sidewalk, pedestrian, retaining wall and bus shelter  
Purposes over a portion of Parcel Two of the land conveyed to Kong Y. Wong, Trustee, by that  
deed recorded May 3, 1994 in Volume 5499 of Official Records of Santa Cruz County at Page  
863, and more particularly described as follows:

Beginning at the northwesterly comer of said land of Wong; thence along the  
northerly boundary of said land South 89° 55' East 92.00 feet; thence leaving said boundary  
south 0° 05' West 5.50 feet; thence North 89° 55' West 12.00 feet; thence North 0° 55' East 4.50  
feet; thence North 89° 55' West 80.00 feet to a point on the westerly bound&y of said land of  
Kong; thence along said westerly boundary North 0° 10' West 1 .00 feet to the point of beginning.

Containing 146 square feet, more or less.

RHN:rw

WRR

761



3

EXHIBIT "A"

0611

MILLER

APN 032-082-41

Situate in the County of Santa Cruz, State of California, and described as follows:

Being an easement for bus shelter purposes over a portion of the land of Janet Miller, and more particularly described as follows:

Being a strip of land 5.00 feet in width, the northerly boundary of which is the northerly boundary of said land of Miller, and more particularly described as follows:

Beginning at a point on said northerly boundary of said land of Miller, from which the northwesterly comer thereof lies 22.00 feet distant; thence continuing easterly along said boundary 12.00 feet.

Containing 60 square feet, more or less.

RHN:bbs

MILLB

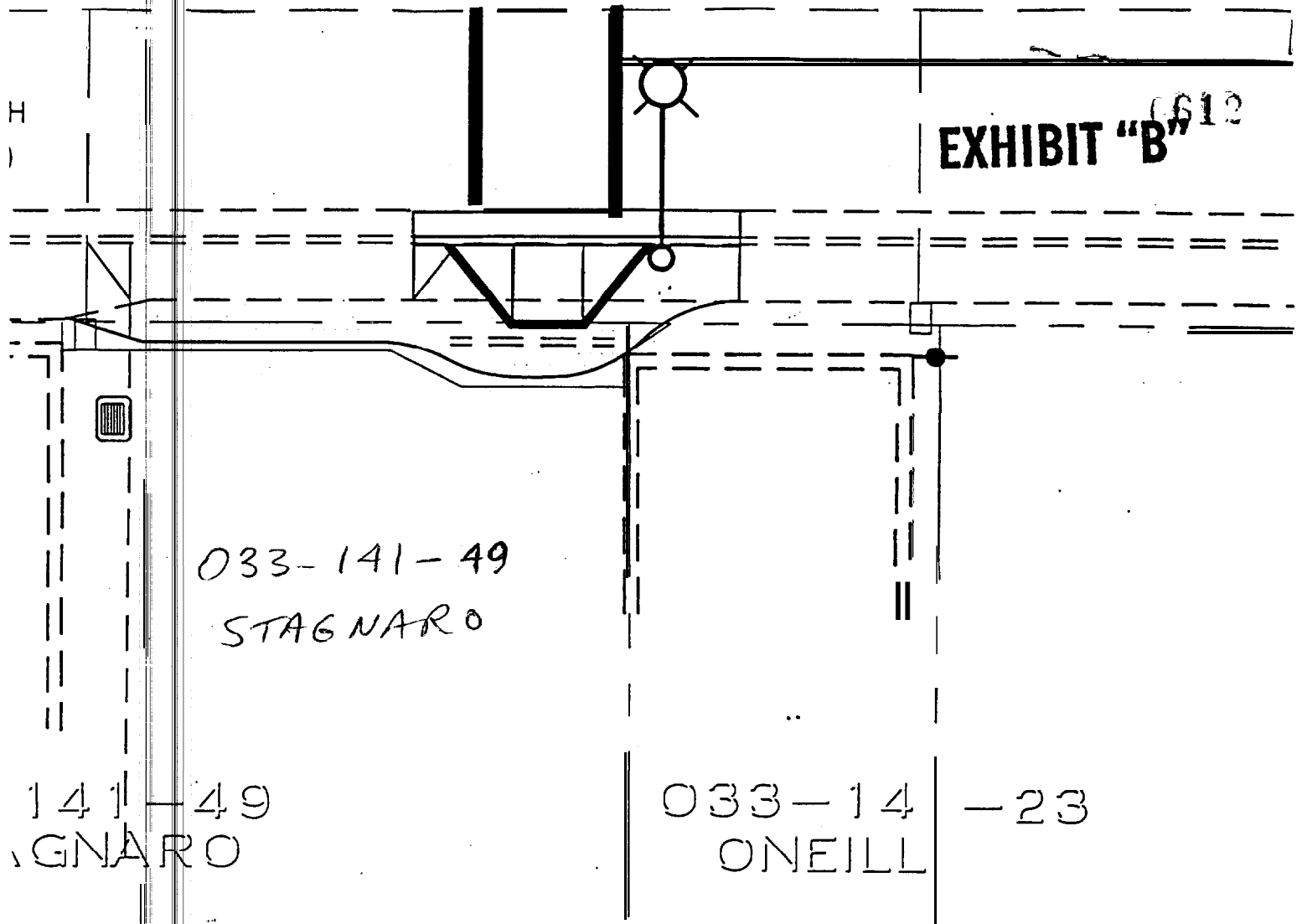


EXHIBIT "B" 612

033-141-49  
STAGNARO

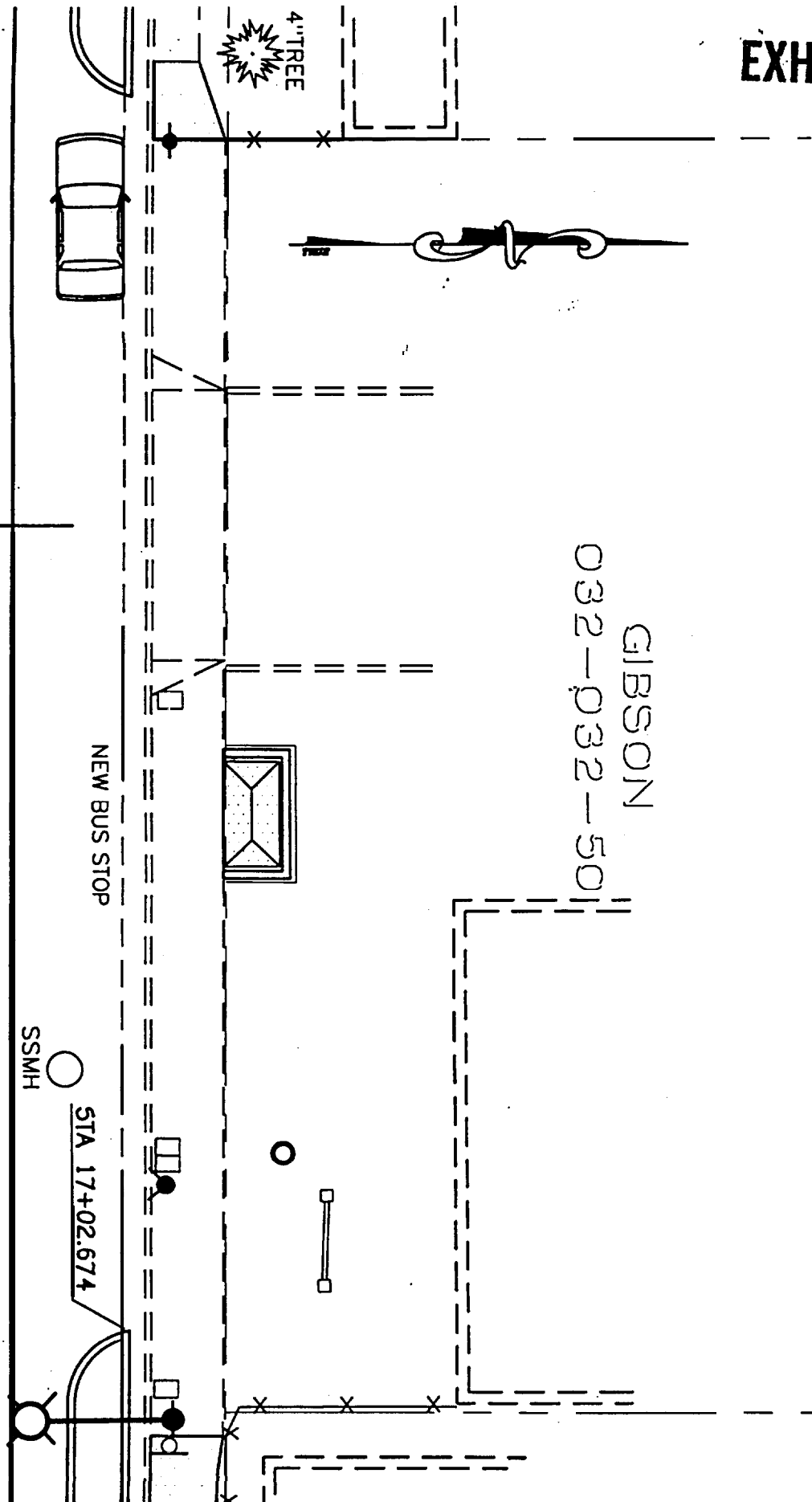
141-49  
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033-14-23  
ONEILL

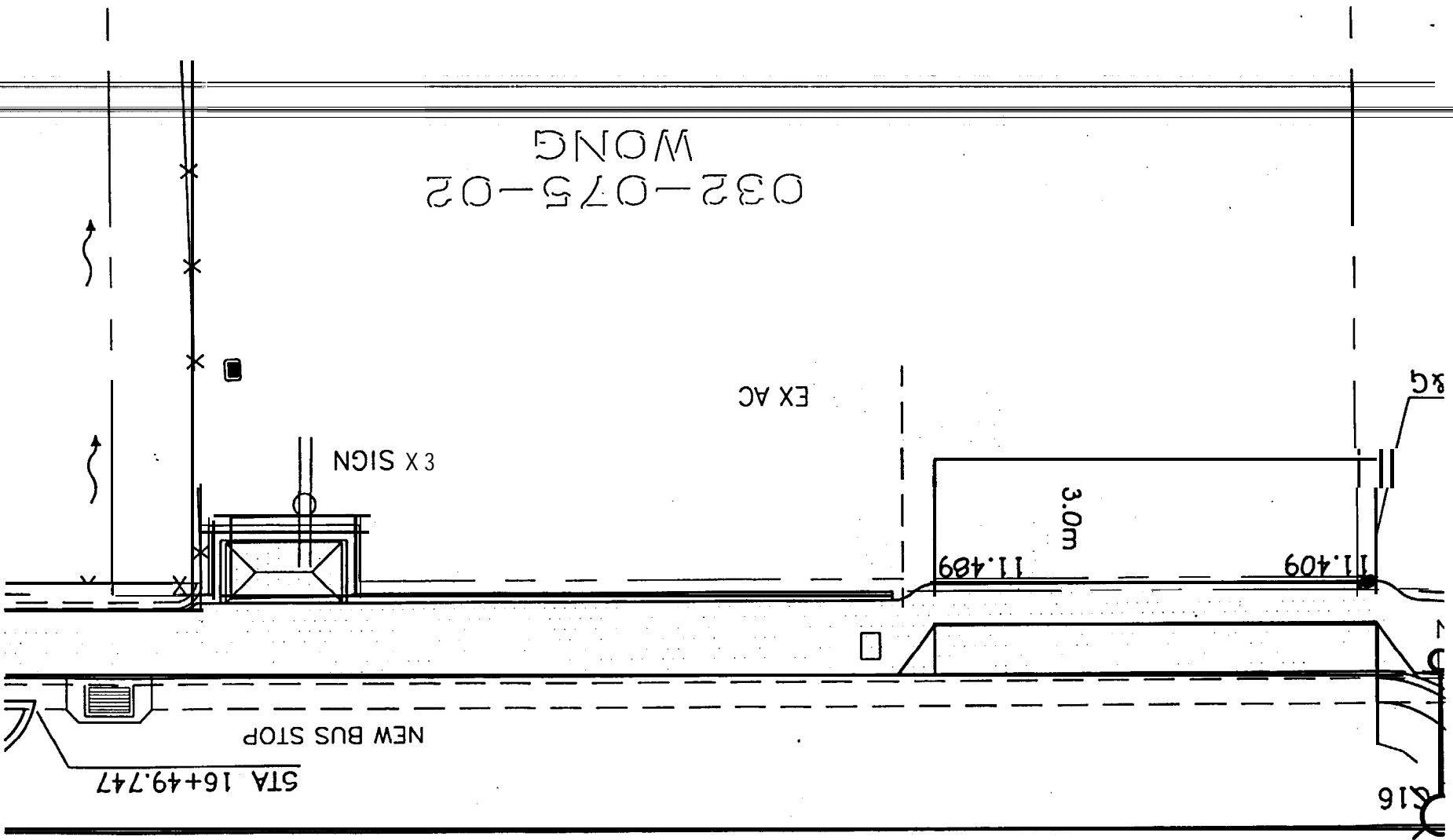
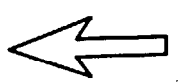
# EXHIBIT "B"

0613

TA 16+81.00  
- 7.00 D/W







92

19+75

S 89°-45'-00" E

PORTOLA D RIVE.

SSMH  
0

STA 19+50.741, 10.025m RT  
BEGIN C&G. MATCH EX

STA 19+01.600 ER  
10.025m RT, FL=12.066  
 $\Delta/2$  FL=12.900

STA 0+01.050 ER  
5.500m LT, FL= 12.925

STA 0+00.033, 5.500m L T  
END CG&S/W, FL= 12.930

032-082-4  
MILLER

37TH AVENUE

0+75

616

EXHIBIT "B"

