

# **County of Santa Cruz**

DEPARTMENT OF PUBLIC WORKS - REAL PROPERTY DIVISION

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 960804070 (831) 4643331 FAX (831) 464-2386 TDD (831) 464-2123

> SCOTT C. LOICHINGER CHIEF REAL PROPERTY AGENT

> > AGENDA: JANUARY 9, 2001

January 5, 2001

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

SUBJECT: RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS ON BARGETTO-SOQUEL DRIVE BRIDGE REPLACEMENT AND ROAD IMPROVEMENT PROJECT TUOSTO(WEBER) - APN: 030-082-38 CRAMBLIT - APN: 030-082-32 BNY WESTERN TRUST CO.(CLOVER TRUST) - APN: 030-151-23

Members of the Board:

Included in the 2000/2001 Public Works Road and Redevelopment Agency budgets are funds for the construction of a new bridge over Soquel Creek at Soquel Drive and streetscape improvements to Soquel Drive in the Soquel Village area and for the acquisition of the required right-of-way. At this time our staff believes it is advisable to seek eminent domain authorization on the three above mentioned parcels which do not appear likely to reach a timely negotiated agreement.

In order to proceed with the construction of this two year project and begin this construction season, we need to have possession of the required right-of-way prior to the project coming back to your Board for approval for bidding on March 6, 2001 with an anticipated award date on April 24, 2001. To meet this timeline, it may be necessary to file a condemnation action against the owners of the three above mentioned parcels. We are not proceeding with eminent domain at this time on two additional parcels, Central Fire Protection District and Morgan, because we have reached a tentative verbal agreement with these two owners and anticipate settling these two acquisitions shortly. This action will provide for the acquisition of the necessary right-of-way and easements along the front of the subject parcels required for the construction of the above mentioned road project. All of the required right-of-way is located along the Soquel Drive frontage or adjacent thereto and will allow for the construction of the bridge, its approaches and new roadside improvements to Soquel Drive between Main Street and Porter Street. The property owners of each parcel are stated above. The rights being acquired are for fee and easement and were appraised by the Real Property Division. Each property owner has been offered the fair market value for the property rights being acquired.

THOMAS L. BOLICH DIRECTOR OF PUBLIC WORKS

SANTA CRUZ COUNTY BOARD OF SUPERVISORS Page -2-

We will continue with our negotiations in an effort to settle these matters 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. Attached are two written requests from Tuosto and Cramblit to be heard at the Board meeting. You will be informed at the Board meeting if any more such requests are received.

The funding for one of these acquisitions, Tuosto, is being provided by the County's Redevelopment Agency. This parcel is located further west of the bridge near Porter Street and is part of the Redevelopment Agency's streetscape project. To save cost and work time in this area of Soquel, the Redevelopment Agency's streetscape project and Public Work's bridge replacement project are being bid as one and will be constructed at the same time. Redevelopment funds are being used because it has been determined that the improvements are of benefit to the project area, that no other reasonable means of financing the improvements are available to the community, that the project will assist in the elimination of blight, and that the project is consistent with the Redevelopment Agency's five year implementation The Redevelopment Department has a letter to the Board of plan. Directors of the Redevelopment Agency on today's agenda requesting authorization for the expenditure of funds necessary for the Tuosto acquisition.

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 take the following action:

- Determine that the acquisitions are of benefit to the project area or the immediate area in which the work is located, that no other reasonable means of financing the work are available to the community, that the work will assist in the elimination of blight, and that the project is consistent with the Redevelopment Agency's five year implementation plan;
- 2. Conduct a hearing on the proposed eminent domain action;
- 3. Adopt the accompanying Resolution authorizing County Counsel to institute eminent domain proceedings to obtain immediate possession of the three required property interests;

4. Direct the Clerk of the Board to return a certified copy of the Resolution to the Real Property Division.

Yours truly,

Thómas L. Bolich

Director of Public Works

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Attachments

RECOMMENDED FOR APPROVAL:

County Administrative Officer

copy to: Public Works, Real Property Division County Counsel Redevelopment Agency 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 BARGETTO-SOQUEL DRIVE BRIDGE REPLACEMENT AND ROAD IMPROVEMENT PROJECT TUOSTO (WEBER) - APN: 030-082-38 CRAMBLIT - APN: 030-082-32 BNY WESTERN TRUST COMPANY (CLOVER TRUST) - APN: 030-151-23

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 Code of Civil Procedure Section 1230.010 and following) to acquire the said property interests by eminent domain;

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 shown on Exhibit "B", said Exhibits being attached hereto and incorporated herein by this reference, are 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 Exhibits "A" and "B" in accordance with Section 7267.2 of the Government Code.

\* requires a 4/5 vote

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 Exhibits "A" and "B".

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 \_\_\_\_\_, 2001, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

Chairperson of said Board

ATTEST: Clerk of said Board

Approved as to form:

Chief Assistant County Counsel

Distribution: County Counsel Auditor-Controller Public Works Real Property Div. Redevelopment Agency

0570

#### WEBER

#### APN 030-082-38

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

Being a portion of the land conveyed to Bill Weber and Suzanne Weber by that deed recorded May 26, 1998, in Document Number 1998-0029658 of Official Records of Santa Cruz County, and more particularly described as follows:

#### Parcel A

Beginning at the southeasterly corner of said land of Weber on the northerly line of Soquel Drive; thence from said point of beginning leaving said northerly line along the easterly boundary of said land of Weber North 17 ° 12' West 14.24 feet; thence leaving said easterly boundary South 66°43' West 68.46 feet; thence along a tangent curve to the right with a radius of 31.81 feet through a central angle of 84°22'03" an arc distance of 46.84 feet to a point on the projected easterly line of Porter Street; thence along said projected easterly line South 00°32' West 47.0 1 feet to its intersection with the projected northerly line of Soquel Drive; thence leaving said projected easterly line along the northerly line of Soquel Drive and the projection thereof North 66 "43' East 122.16 feet to the point of beginning.

Excepting therefrom the lands described in the deeds to County of Santa Cruz recorded August 31, 1972 in Volume 2235 of Official Records of Santa Cruz County at Page 626, and recorded October 11, 196 1 in Volume 1429 of Official Records of Santa Cruz County at Page 632.

Containing 1,407 square feet, more or less.

#### Parcel B

Being an easement for sidewalk, utility, and sign purposes over a portion of said land of Weber, and more particularly described as follows:

Beginning at the northeasterly corner of the above described Parcel A, on the easterly boundary of said land of Weber; thence from said point of beginning along said easterly boundary North 17" 12' West 6.56 feet; thence leaving said easterly boundary South 69°55'12" West 3.04 feet; thence South 43 "26' West 2.43 feet; thence South 66°43' West 14.05 feet; thence West 2.49 feet; thence South 66°43' West 19.40 feet; thence South 43 "26' West 2.49 feet; thence South 66°43' West 30.44 feet; thence along a tangent curve to the right with a radius of 26.25 feet through a central angle of 102°57'15" an arc distance of 47.16 feet; thence North 12 "29'26" East 2.45 feet; thence North 00°39'53" East 22.50 feet; thence North 32°20'02" West 4.57 feet to the easterly line of Porter Street; thence along said easterly line and the projection thereof South 00°32' West 39.44 feet to the northwesterly corner of the above described parcel A; thence along the northerly boundary of said Parcel A to the point of beginning.

Excepting therefrom the lands described in the deeds to County of Santa Cruz

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recorded August 31,1972 in Volume 2235 of Official Records of Santa Cruz County at Page 626, and recorded October 11,1961 in Volume 1429 of Official Records of Santa Cruz County at Page 632.

Containing 767 square feet, more or less.

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#### WEBER

#### APN 030-082-38

## PARCEL C:

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

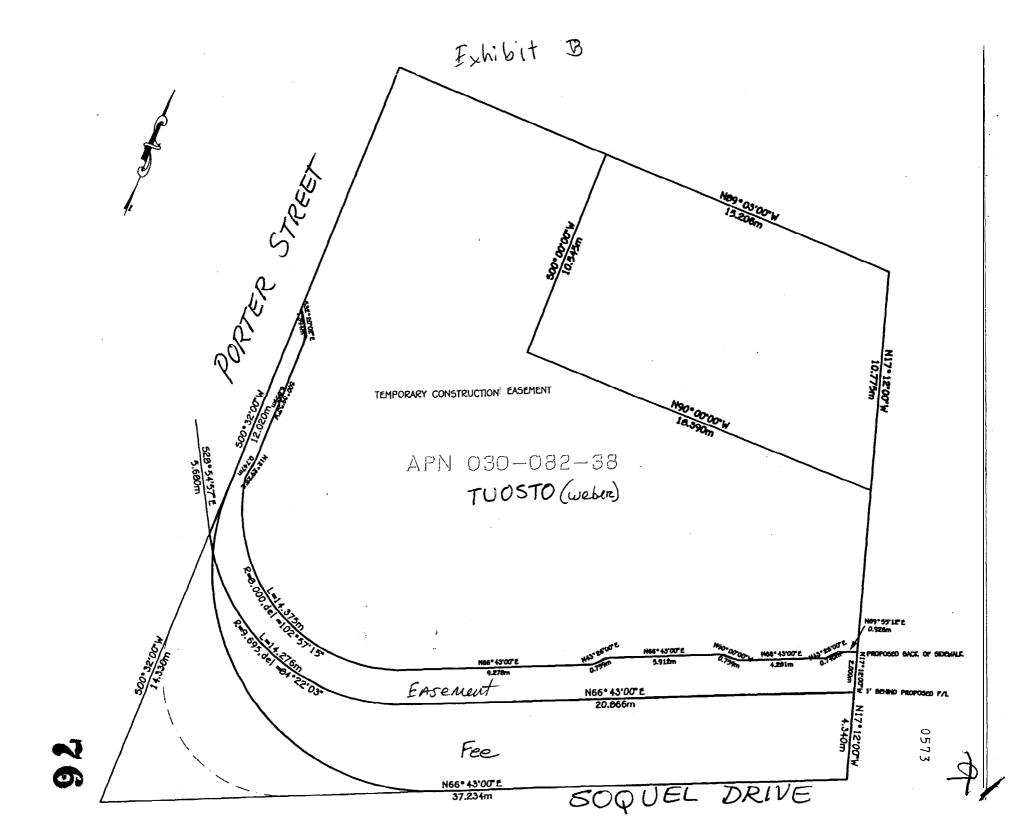
Being a temporary construction easement over a portion of the land conveyed to Bill Weber and Suzanne Weber by that deed recorded May 26, 1998, in Document Number 1998-0029658 of Official Records of Santa Cruz County, and more particularly described as follows:

Being the entire said land of Weber except the area described as follows:

Beginning at the northeasterly comer of said land of Weber; thence from said point of beginning along the northerly boundary of said land of Weber North 89°03' West 49.88 feet; thence leaving said northerly boundary South 34.60 feet; thence East 60.33 feet to a point on the easterly boundary of said land of Weber; thence along said easterly boundary North 17°12' West 35.35 feet to the point of beginning.

Containing 7,997 square feet, more or less.

ABT:abt



### EXHIBIT A

#### Gregory L. Cramblit To County of Santa Cruz

SITUATE in Rodeo Rancho, in the County of Santa Cruz, State of California, and

BEING a portion of the lands of Gregory L. Cramblit as said lands are described in the deed filed in Volume 5492, at Page 578 of the Official Records of Santa Cruz County and being more particularly described as follows:

BEGINNING at the most southern corner of said lands of Cramblit, being also a point on the northern sideline of the county road known as Soquel Drive; thence the following courses and distances:

- 1. N 66°49' E, 142.90 feet along the northern sideline of said county road to a point in the centerline of Soquel Creek at the Southeast corner of said lands of Cramblit, also being a point along the eastern boundary of **Rancho** Rodeo; thence
- 2. Leaving said county road and along the eastern boundary of said lands of Cramblit and along the boundary of said rancho, N 1°06' W, 11.39 feet to a point; thence
- 3. Leaving said boundaries, S 66°47'55" W, 61.04 feet to a point; thence
- 4. S 23°12'05" E, 9.89 feet to a point; thence
- 5. S 70°19'10" W, 41.40 feet to a point; thence
- 6. S 66°47'55" W, 43.87 feet to a point on the western boundary of said lands of Cramblit; thence
- 7. Along said western boundary, S 6°17' E, 3.30 feet to the point of beginning.

Containing 841 square feet, a little more or less.

Description prepared by Robert L. DeWitt & Associates, Inc., Civil Engineers and Land Surveyors, from field survey (dated 1/00) and from official records in August, 2000.

APN 030-082-32 (Portion)

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## EXHIBIT A

Gregory L. Cramblit To County of Santa Cruz Siderer All Eccrement

An easement over the lands of Gregory L. Cramblit as described as follows:

SITUATE in Rodeo Rancho, in the County of Santa Cruz, State of California, and

BEING a portion of the lands of Gregory L. Cramblii as said lands are described in the deed filed in Volume 5492, at Page 578 of the Official Records of Santa Cruz County and being more particularly described as follows:

BEGINNING at a point on the western boundary of said lands of Cramblit, from which the most southern corner of said lands of Cramblit bears S 6°17' E, 3.30 feet; thence the following courses and distances:

- 1. Along the western boundary of said lands of Cramblit, N 6°17' W, 6.90 feet to a point; thence
- 2. Leaving said western boundary, N 66°47'55" E, 42.06 feet to a point; thence
- 3. N 70°19'10" E, 41.20 feet to a point; thence
- 4. S 23°12'05' E, 6.61 feet to a point; thence
- 5. S 70°19'10' W, 41.40 feet to a point; thence
- 6. S 66°47'55" W, 43.87 feet to the point of beginning.

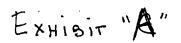
Containing 556 square feet, a little more or less.

Description prepared by Robert L. DeWitt & Associates, Inc., Civil Engineers and Land Surveyors, from field survey (dated 1/00) and from official records in August, 2000.

APN 030-082-32 (Portion)

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Gregory L. Cramblit To County of Santa Cruz TEMP. Construct: on Easenent An easement over the lands of Gregory L. Cramblit as described as follows:

SITUATE in Rodeo Rancho, in the County of Santa Cruz, State of California, and

BEING a portion of the lands of Gregory L. Cramblit as said lands are described in the deed filed in Volume 5492, at Page 578 of the Official Records of Santa Cruz County and being more particularly described as follows:

BEGINNING at the Southwest corner of said lands of Cramblit, being also a point on the northern sideline of Soquel Drive; thence the following courses and distances:

- Along the southern boundary of said lands of Cramblit and the northern sideline of said Soquel Drive, N 66°49' E, 142.90 feet to the Southeast corner of said lands of Cramblit, being also a point on the eastern boundary of Rodeo Rancho; thence
- Leaving the southern boundary of said lands of Cramblit and leaving the northern. sideline of said Soquel Drive, along the eastern boundary of said rancho, N 1°06' W, 47.76 feet to a point; thence
- 3. Leaving said rancho boundary, S 66°51' W, 39.87 feet to a point; thence
- 4. N 42°50" W, 29.21 feet to a point; thence
- 5. S 67°00' W, 8.59 feet to a point; thence
- 6. N13°20' W, 57.49 feet to a point; thence
- S 81°33'20" W, 70.25 feet to a point on the western boundary of said lands of Cramblit; thence
- 8. Along said western boundary, S 6°17' E, 77.39 feet to a point; thence
- 9. Leaving said boundary, N 87°22' E, 46.46 feet to a point; thence
- 10. S 0°30'30" E, 40.24 feet to a point; thence
- S 84°17' W, 4.49 feet to a point on'the eastern face of the building on said lands of Cramblit; thence
- Along said face of building, S 5°43' E, 6.48 feet to the Southeast corner of said building; thence
- 13. Along the Southern face of said building and the prolongation thereof, S 84°17' W, 37.77 feet to a point on the western boundary of said lands of Cramblit; thence

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14. Along said western boundary, S 6°17' E, 26.49 feet to the point of beginning.

Containing 12,080 square feet, a little more or less.

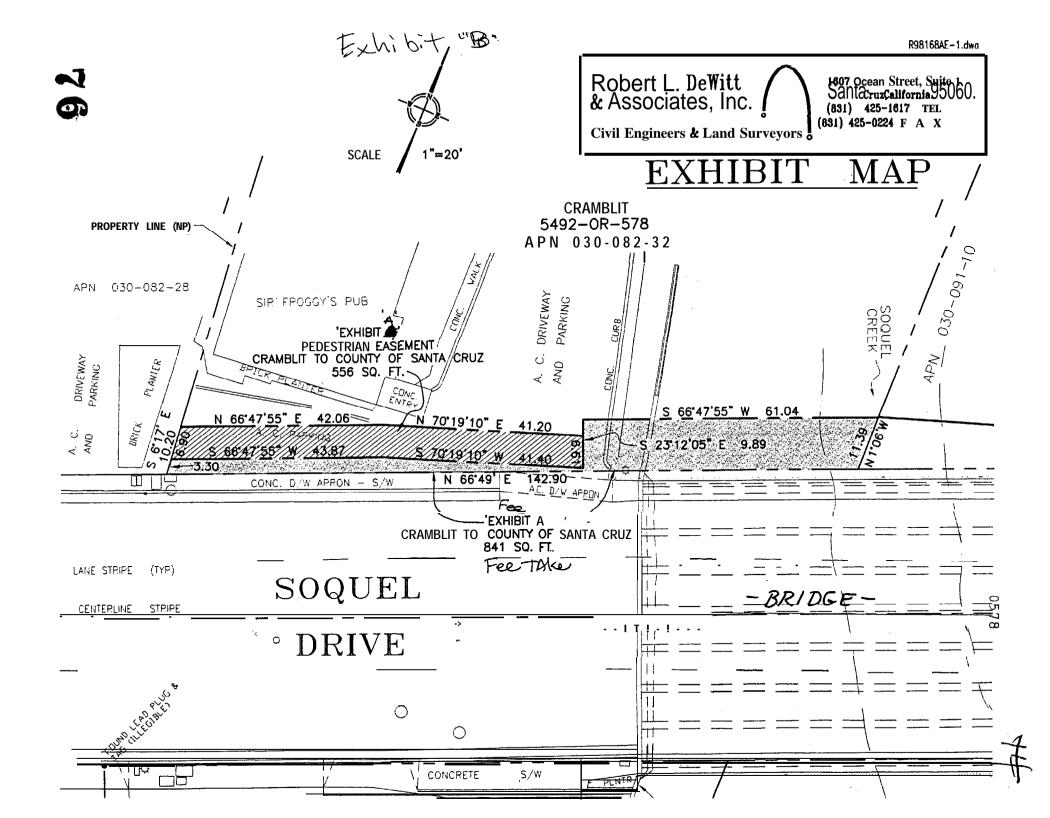
Description prepared by Robert L. DeWitt & Associates, Inc., Civil Engineers and Land Surveyors, from field survey (dated 1/00) and from official records in October, 2000.

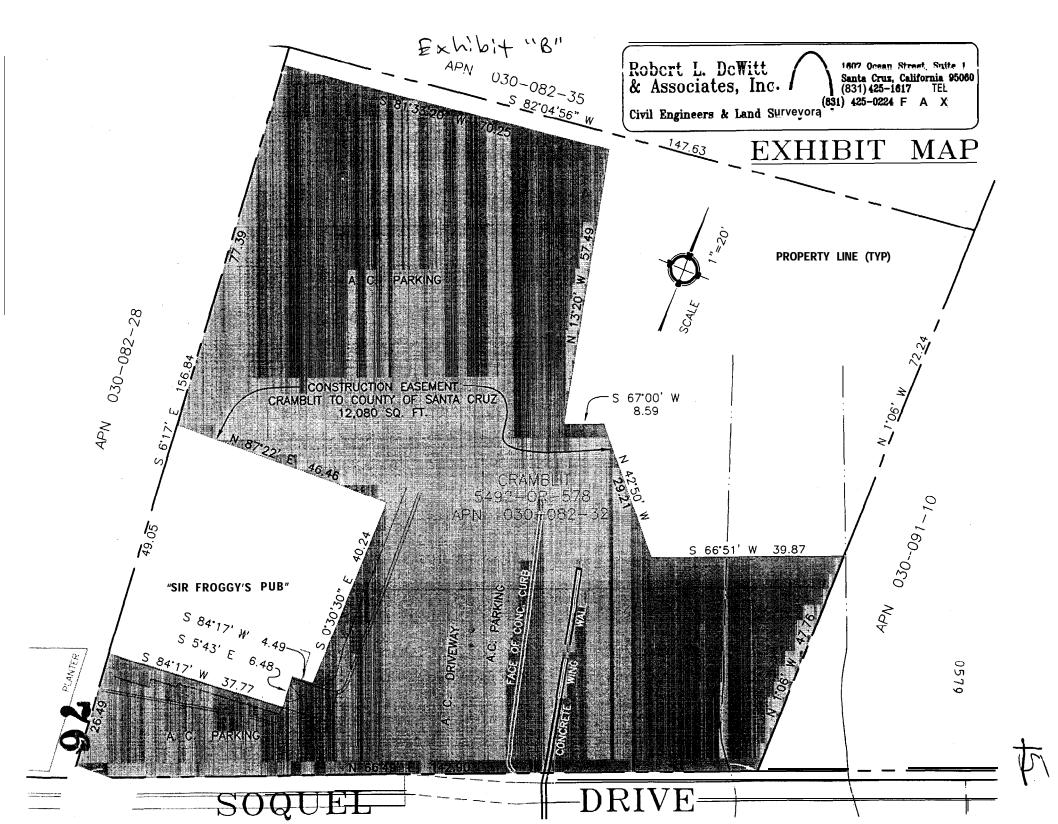
APN 030-082-32 (Portion)

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#### EXHIBIT A

#### Clover Trust To County of Santa Cruz

SITUATE in Soquel Rancho, in the County of Santa Cruz, State of California, and

BEING a portion of the lands of Clover Trust as said lands are described in that certain Corporation Grant Deed Instrument No. 1997-0016097 recorded April 11, 1997 in the **office** of the County Recorder of Santa Crut County and being more particularly described as follows:

BEGINNING at the most northwestern corner of said lands, being also a point on the southern sideline of the county road known as Soquel Drive; thence the following courses and distances:

- 1. Leaving said sideline, along the western boundary of said lands, S 1°07'20" W, 5.77 feet, to a point; thence
- Leaving said boundary, N 77°26' E, 47.75 feet, to the aforementioned southern sideline of said county road, being also the northern boundary of said lands of Clover Trust; thence
- 3. Along said sideline and boundary, S 84°19'40" W, 46.72 feet, to the point of beginning.

Containing 134 square feet, a little more or less.

Description prepared by Robert L. **DeWitt &** Associates, inc., Civil Engineers and Land Surveyors, from field survey (dated 1100) and from official records in August, 2000.

APN 030-I 51-23 (Portion)

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#### Temp. Construction Encement, Ciover I rust To County of Santa Cruz

An easement over the lands of Clover Trust as described as follows:

SITUATE in Soquel Rancho, in the County of Santa Cruz, State of California, and

BEING a portion of the lands of Clover Trust as said lands are described in that certain Corporation Grant Deed Instrument No. 1997-0016097, recorded April 1 1, 1997 in the office of the County Recorder of Santa Cruz County and being more particularly described as follows:

BEGINNING at the most northwestern corner of said lands, being also a point on the southern sideline of the county road known as Soquel Drive; thence the following. courses and distances:

- 1. Along the northern boundary of said lands, being also the southern sideline of said county road, N 84°19'40" E, 80.52 feet, to the beginning of a tangent curve; thence
- 2. Along said curve to the right, having a radius of 400 feet, through a central angle of 8°07'20", for a total length of 56.70 feet, to the end of said curve; thence
- 3. S 87°33' E, 9.37 feet, to the beginning of a tangent curve; thence
- 4. Along said curve to the right, having a radius of 20 feet, through a central angle of 9°01'40", for a total length of 3.15 feet, to a point; thence
- 5. Leaving the northern boundary of said lands and leaving the southern sideline of said county road, S 1 1°02' W, 8.09 feet, to a point; thence
- 6. S 88°16'20" W, 73.82 feet, to a point; thence
- 7. S 3°12' W, 4.67 feet, to a point; thence
- 8. N 87°02' W, 6.94 feet, to a point; thence
- 9. S 3°12' W, 7.60 feet, to a point; thence
- 10. S 83°13' W, 32.81 feet, to a point; thence
- 11. N 6°47' W, 7.37 feet, to a point; thence
- 12. S 83°13' W, 33.10 feet, to a point on the western boundary of said lands of Clover Trust; thence
  - 13. Along said boundary, N12°19'50" W, 1.07 feet, to an angle point in said boundary; thence

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- 14. Continuing along said western boundary, N 1°07'20" W, 12.71 feet, to the point of beginning.

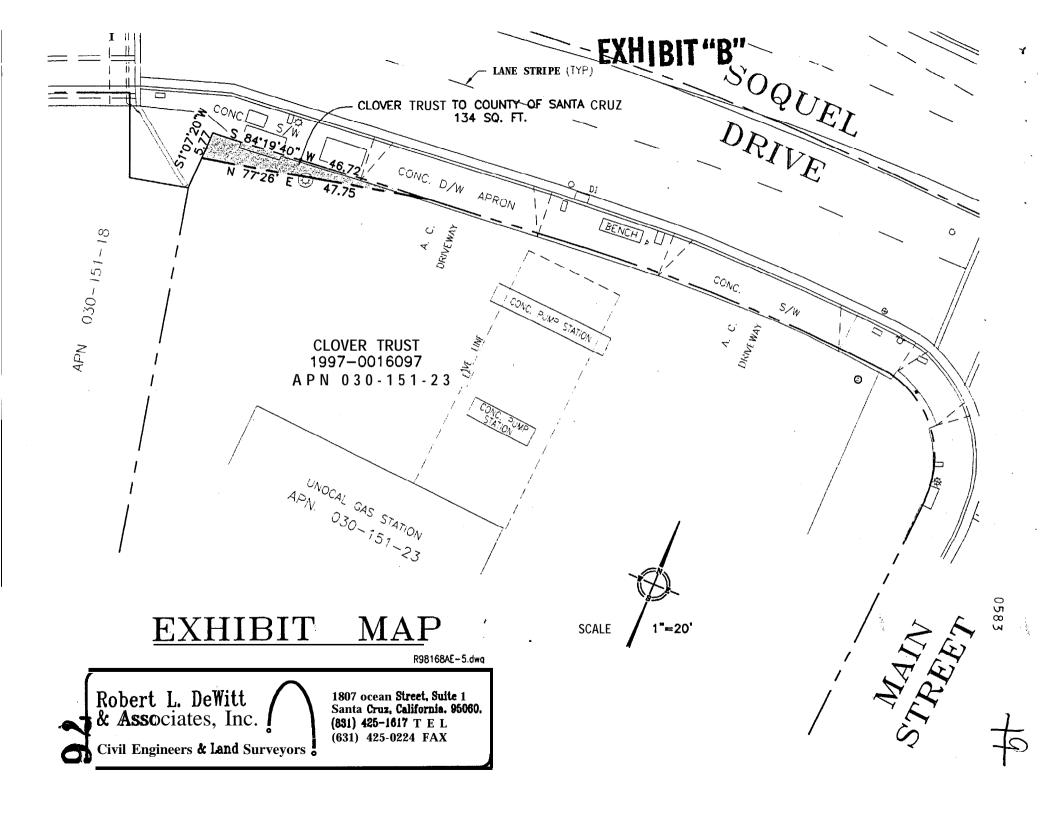
Containing 1,925 square feet, a little more or less.

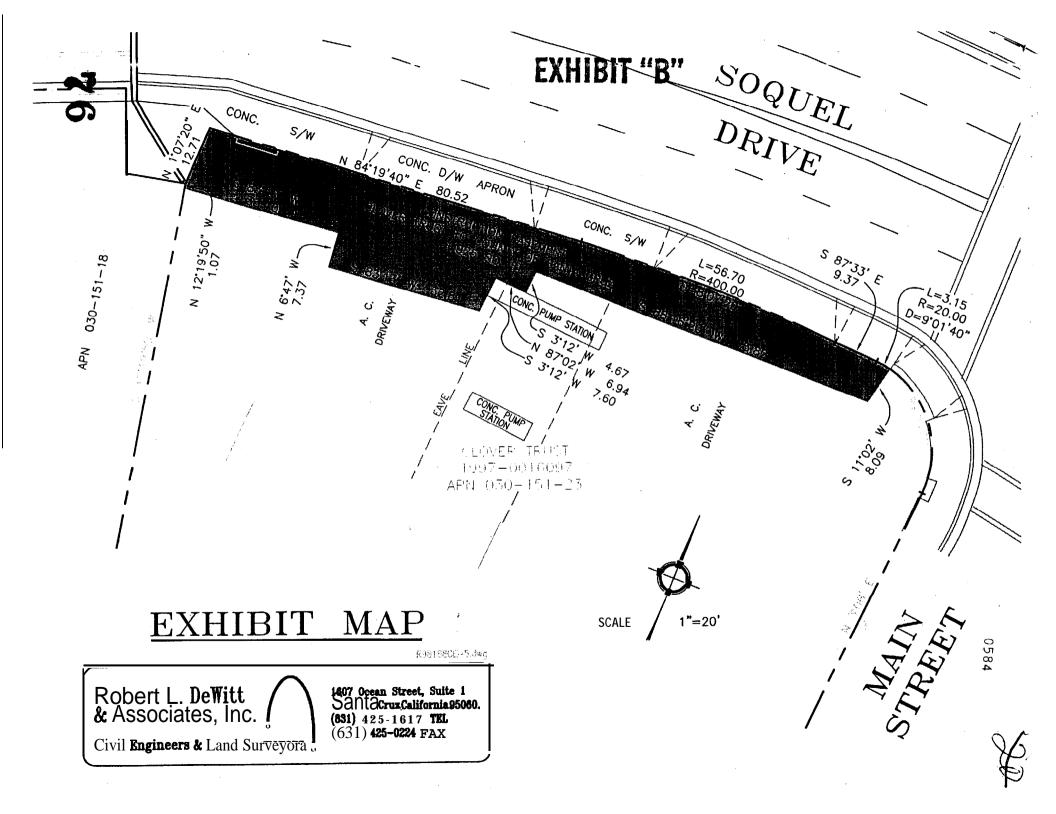
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Description prepared by Robert L. DeWitt & Associates, Inc., Civil Engineers and Land Surveyors, from field survey (dated 1/00) and from official records in October, 2000.

APN 030-I 51-23 (Portion)

98168oct.24





NOTICE OF INTENTION OF THE COUNTY OF SANTA CRUZ TO ADOPT RESOLUTION TO CONDEMN PROPERTY FOR THE BARGETTO-SOQUEL DRIVE BRIDGE REPLACEMENT PROJECT CRAMBLIT - APN 030-082-32

YOU ARE HEREBY NOTIFIED pursuant to California Code of Civil Procedure Section 1245.235 that the County of Santa Cruz intends to consider for adoption a resolution to condemn property for road improvement purposes which is more specifically described in Exhibit "A" and shown on the attached map, Exhibit "B".

The hearing by the County of Santa Cruz is set for the morning agenda (which starts at 9:00 a.m.) as soon thereafter as the matter can be heard by the Board on January 9, 2001, at the Board of Supervisors Chambers, 701 Ocean Street, Santa **Cruz**, CA.

YOU ARE FURTHER NOTIFIED that you have a right to appear and be heard on:

- 1. Whether the public interest and necessity require the project,
- 2. Whether the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury,
- 3. Whether the property sought to be acquired is necessary for the project.

If you desire to exercise your right to appear and be heard, you must file a written request to appear and be heard within fifteen (15) days of the mailing or service of this notice by filing or delivering a written request to:

> Thomas L. Bolich, Director of Public Works County of Santa Cruz 701 Ocean Street, Room 410 Santa Cruz, CA 95060

You may use the bottom portion of this notice for this purpose to notify the County of Santa Cruz of your intent to be heard. Your failure to file a written request to appear and be heard within fifteen (15) days after this notice was mailed or serviced will result by law in a waiver of your right to **be** heard.

REQUEST TO BE HEARD ON RESOLUTION TO CONDEMN PROPERTY FOR THE BARGETTO-SOQUEL DRIVE BRIDGE REPLACEMENT PROJECT CRAMBLIT - APN 030-082-32

NAME	:	

ADDRESS :

TELEPHONE NO. :

DATE :

SIGNATURE

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> REQUEST TO BE HEARD ON RESOLUTION TO CONDEMN PROPERTY FOR THE BARGETTO-SOQUEL DRIVE BRIDGE REPLACEMENT PROJECT CRAMBLIT - APN 030-082-32

NAME : <u>Grey Cramblit</u> ADDRESS : <u>11967 Meyor Crti</u>, Groveland, Ca. 9532/ TELEPHONE NO. : <u>209-962-0607</u> **~** ; 12/14/00 DATE :

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NOTICE OF INTENTION OF THE COUNTY OF SANTA CRUZ TO ADOPT RESOLUTION TO CONDEMN PROPERTY FOR THE BARGETTO-SOQUEL DRIVE BRIDGE REPLACEMENT PROJECT TUOSTO - APN 030-082-38

YOU ARE HEREBY NOTIFIED pursuant to California Code of Civil Procedure Section 1245.235 that the County of Santa Cruz intends to consider for adoption a resolution to condemn property for road improvement purposes which is more specifically described in Exhibit "A" and shown on the attached map, Exhibit "B".

The hearing by the County of Santa Cruz is set for the morning agenda (which starts at 9:00 a.m.) as soon thereafter as the matter can be heard by the Board on January 9, 2001, at the Board of Supervisors Chambers, 701 Ocean Street, Santa Cruz, CA.

YOU ARE FURTHER NOTIFIED that you have a right to appear and be heard on:

- 1. Whether the public interest and necessity require the project,
- 2. Whether the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury,
- 3. Whether the property sought to be acquired is necessary for the project.

If you desire to exercise your right to appear and be heard, you must file a written request to appear and be heard within fifteen (15) days of the mailing or service of this notice by filing or delivering a written request to:

> Thomas L. Bolich, Director of Public Works County of Santa Cruz 701 Ocean Street, Room 410 Santa Cruz, CA 95060



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REQUEST TO BE HEARD ON RESOLUTION TO CONDEMN PROPERTY FOR THE BARGETTO-SOQUEL DRIVE BRIDGE REPLACEMENT PROJECT TUOSTO - APN 030-082-38

NAME :

ADDRESS :

TELEPHONE NO. :

DATE : \_\_\_\_\_

SIGNATURE

You may use the bottom portion of this notice for this purpose to notify the County of Santa Cruz of your intent to be heard. Your failure to file a written request to appear and be heard within fifteen (15) days after this notice was mailed or serviced will result by law in a waiver of your right to be heard.

REQUEST TO BE HEARD ON RESOLUTION TO CONDEMN PROPERTY FOR THE BARGETTO-SOQUEL DRIVE BRIDGE REPLACEMENT PROJECT TUOSTO - APN 030-082-38

NAME : OUS J. TUDS	sto	(Subject & Id.	1459)
ADDRESS : 4701 SC	Quel Dr.	(Subject edd. SOQUEL (A	95073
TELEPHONE NO. (831)	4799885	POSTBOK 11	79 SOQue
DATE : Dec 8	00	(work)	79 SOQUE! (N)
SIGNATURE			

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