



County of Santa Cruz

DEPARTMENT OF PUBLIC WORKS - REAL PROPERTY DIVISION

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THOMAS L. BOLICH
DIRECTOR OF PUBLIC WORKS

SCOTT C. LOICHINGER
CHIEF REAL PROPERTY AGENT

AGENDA : August 21, 2001
August 13, 2001

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

SUBJECT: RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS ON
TANNER COURT IMPROVEMENT PROJECT - MLD 98-0817
CROSS - APN: 026-451-29

Members of the Board:

A portion of the above referenced parcel, **1,788** square feet, was required to construct the cul-de-sac at the end of Tanner Court that provided a sufficient turning radius (see attached map). The location and radius were County requirements for the approval of MLD 98-0817. The developer, after lengthy negotiations, was unable to secure the necessary right-of-way on the Cross parcel. As the acquisition was a County requirement, the Public Works Department received your Board's approval to proceed with acquiring the needed right-of-way for the subject project. At this time our staff believes it is advisable to seek eminent domain authorization on the above mentioned parcel, for which we have been unable to reach a timely negotiated agreement. The applicant, Les Orban, has deposited \$10,000.00 to cover the **cost** of the action.

Tanner Court has been constructed and is ready to be accepted into the County Maintained Road System. To proceed with the acceptance, it may be necessary to file a condemnation action against the owners of the above mentioned parcel. This action will provide for the acquisition of the necessary right-of-way along the rear of the subject parcel required for the acceptance of the road. All of the required right-of-way is located along Tanner Court. The rights being acquired are for fee and were 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 an effort to settle this matter 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 are 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 take the following action:

1. Conduct a 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 interest;
3. Direct the Clerk of the Board to return a certified copy of the Resolution to the Real Property Division.

Yours truly,



THOMAS L. BOLICH
Director of Public Works

scl

Attachments

RECOMMENDED FOR APPROVAL:



County Administrative Officer

Copy to: Public Works, Real Property 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 TANNER COURT ROAD IMPROVEMENT PROJECT
MLD 98-0817
CROSS - APN: 026-45 1-29

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), Government Code Section 66462.5 and County Code Section 14.01.513 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 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 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 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 interest 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

EXHIBIT "A"

BEING a portion of the lands conveyed to Jack W. Cross and Arline M. Cross, husband and wife, by Deed recorded in Volume 1969 at Page 422 of Official Records of Santa Cruz County, said portion of land being described as follows:

BEGINNING at the southwesterly corner of said lands; thence from said point of beginning along the westerly boundary of said lands North 24°50'30" East 28.95 feet; thence leaving the last mentioned boundary South 55°05'00" East 37.10 feet; thence on a curve to the right with a radius of 40.00 feet through an angle of 73°17'30" for a distance of 51.17 feet to a point on the southerly boundary of said lands from which the point of beginning bears North 55' 05' 00" West 70.28 feet distant; thence along the last mentioned boundary North 55°05'00" West 70.28 feet to the point of beginning.

AND CONTAINING 1,788 square feet of land.

0282



1100 WATER STREET
SANTA CRUZ, CA 95062
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FAX (408) 428-1783

CIVIL ENGINEERING • LAND SURVEYING • STRUCTURAL DESIGN

JOB NO. _____ FARNER COURT - #85024
SHEET NO. _____ 1 _____ OF _____ 1
CALCULATED BY _____ GLEN _____ DATE _____ 10-08-97
SCALE: _____ 1" = 50'

