



THOMAS L. BOLICH
DIRECTOR OF PUBLIC WORKS

County of Santa Cruz

0527

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: MAY 7, 2002

April 25, 2002

SANTA CRUZ COUNTY BOARD OF SUPERVISORS

701 Ocean Street
Santa Cruz, California 95060

**SUBJECT: RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS ON
BROMMER STREET IMPROVEMENTS, 7TH AVENUE TO 17TH AVENUE
WACHS - APN: 026-255-13**

Members of the Board:

Included in the 2001/2002 Public Works and Redevelopment Agency Budgets are funds for the construction of road improvements on Brommer Street between 7th and 17th Avenues and for the acquisition of the required property rights. At this time our staff believes it is advisable to seek eminent domain authorization on the above mentioned parcel as it does not appear likely that we will reach a timely negotiated agreement.

In order to proceed with the construction of this road project and begin this construction season, we need to have possession of this required easement by the middle of June. To meet this timeline, it may be necessary to file a condemnation action against the owner of the above mentioned parcel. This action will provide for the acquisition of the necessary easement along the front of the subject parcel required for the construction of the above mentioned road project. All of the required easement is located along the Brommer Street frontage and will allow for the construction of the new roadside improvements. The property owner of the subject parcel is stated above. The property right being acquired is for an easement only and was appraised by the Real Property Division. The subject property owner has been offered the fair market value for the property right being acquired.

We will continue with our negotiations in an effort to settle this matter without going to trial. The owner of record has been apprized 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 a request has been received.

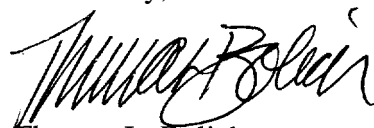
The funding for this acquisition is being provided by the County's Redevelopment Agency. Redevelopment funds are being used because it has been determined that the improvements are of benefit to the project area in which this acquisition is located, that no other reasonable means of financing the improvements 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 plan. The Redevelopment Department has a letter to the Board of Directors of the Redevelopment Agency on today's agenda requesting authorization for the expenditure of funds necessary for this 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:

1. Determine that the acquisition is 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 one required property interests;
4. Direct the Clerk of the Board to return a certified copy of the Resolution to the Real Property Division.

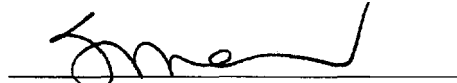
Yours truly,



Thomas L. Bolich
Director of Public Works

pap
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. _____

0529

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 BROMMER STREET IMPROVEMENTS, 7TH AVE TO 17TH AVE
WACHS - APN: 026-255-13

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 owner 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 _____, 2002, by the following vote:

AYES: SUPERVISORS

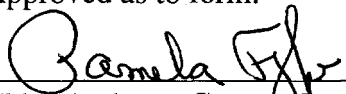
NOES: SUPERVISORS

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

EXHIBIT "A"

0531

WACHS

APN 026-255-13

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

Being an easement for sidewalk, utility, retaining wall, and sign purposes over a portion of Parcel A as shown on the map filed March 5, 1979 in Volume 31 of Parcel Maps at Page 58, Santa Cruz County Records, and more particularly described as follows:

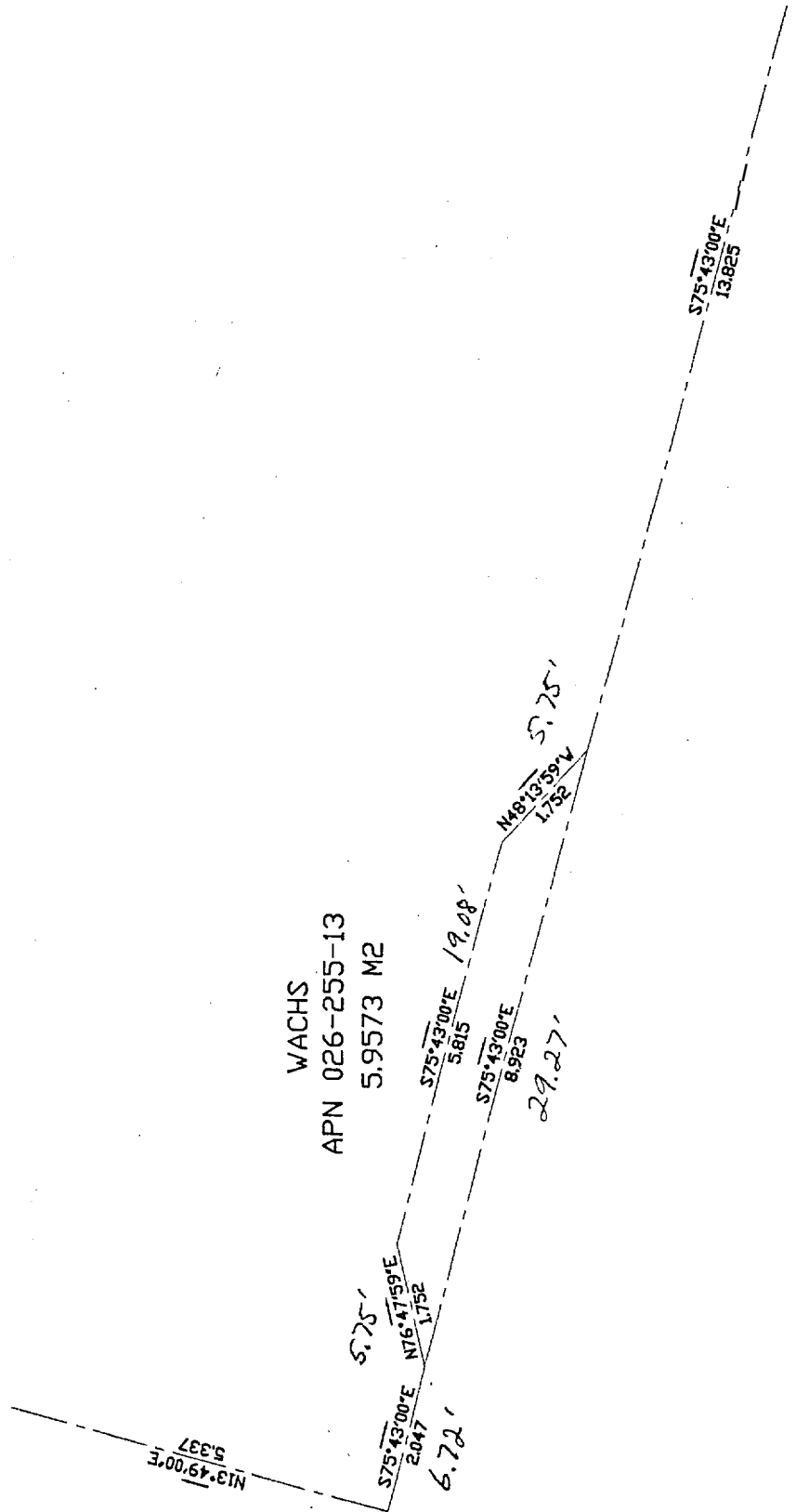
Beginning at a point on the westerly boundary of said Parcel A, on the northerly line of Brommer Street, from which the southwesterly corner of said land as shown on said map bears South 13° 49' West 25.00 feet; thence along said northerly line South 75° 43' East 6.72 feet to the true point of beginning; thence from said true point of beginning along said northerly line South 75° 43' East 29.27 feet; thence leaving said northerly line North 48° 13' 59" West 5.75 feet; thence North 75° 43' West 19.08 feet; thence South 76° 47' 59" West 5.75 feet to the true point of beginning.

Containing 64 square feet, more or less.

EXHIBIT "B"

0532

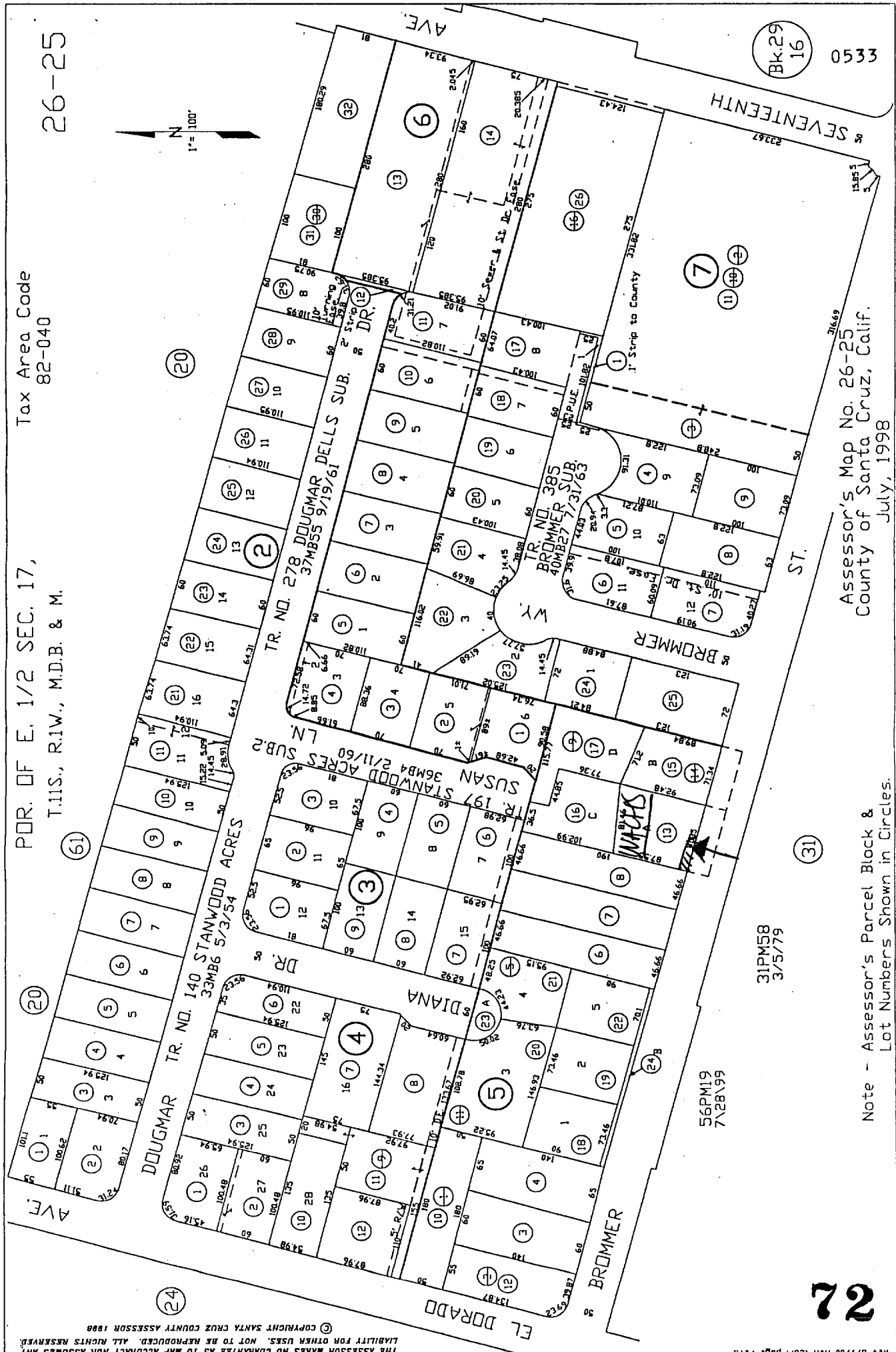
WACHS
APN 026-255-13
5.9573 M2



POR. OF E. 1/2 SEC. 17,
T.11S., R.1W., M.D.B. & M.

Tax Area Code
82-040

26-25



0533

Bk. 29
16

Assessor's Map No. 26-25
County of Santa Cruz, Calif.
July, 1998

Note - Assessor's Parcel Block &
Lot Numbers Shown in Circles.

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THE ASSASSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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Rev 6/7/99 CB (56PM19, LBA 5-18 to 24)
Rev 6/7/99 CB (56PM19, LBA 5-18 to 24)