

**RESOLUTION NO. 2017-09  
OF THE  
TRANSPORTATION AGENCY FOR MONTEREY COUNTY**

**RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC INTEREST  
AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND  
DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS  
FOR 42 WEST MARKET STREET, SALINAS, CALIFORNIA**

**WHEREAS**, the Salinas Rail Extension Kick Start Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

**WHEREAS**, the Transportation Agency for Monterey County (“TAMC”) approved the Project and complied with the requirements of the California Environmental Quality Act (“CEQA”); and

**WHEREAS**, it is desirable and necessary for TAMC to acquire certain property in fee located at 42 W. Market Street, Salinas, California, more particularly described in **Exhibit A** attached hereto and made a part hereof by this reference, for the construction of the Project; and

**WHEREAS**, TAMC has investigated and examined alternatives to the Project and the acquisition of the Property, and concluded that both the Project and the acquisition of the Property for the Project are necessary; and

**WHEREAS**, TAMC is authorized to acquire the subject property and exercise the power of eminent domain pursuant to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law, Code of Civil Procedure Sections 1230.010 *et seq.*, and Government Code Sections 67930 and 67931; and

**WHEREAS**, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to the owner(s) of the property herein, all of whom have been given a reasonable opportunity to appear and be heard before the Board of Directors of TAMC at the time and place set forth in said notice, regarding the matters specified therein.

**NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED as follows:**

1. The recitals contained herein are true and correct.
2. Upon examination of the alternatives, TAMC requires the Property for the Project.
3. TAMC is authorized to acquire the Property and exercise the power of eminent domain pursuant to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law, Code

of Civil Procedure Sections 1230.010 *et seq.*, and Sections 67930 and 67931 of the Government Code; and

4. The public interest and necessity require the Project.
5. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
6. The entire property in fee described in **Exhibit A** is necessary for the Project.
7. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2.
8. TAMC has complied with all conditions and statutory requirements, including those prescribed by CEQA, and that are necessary for approval and adoption of the Project.
9. All conditions and statutory requirements necessary to exercise the power of eminent domain (“the right to take”) to acquire the property described herein have been complied with by TAMC.
10. Insofar as any portion of the property has heretofore been appropriated for public use, the proposed use set forth herein will not unreasonably interfere with or impair the continuation of the public use as it exists or may reasonably be expected to exist in the future, and is therefore a compatible public use pursuant to Code of Civil Procedure Section 1240.510, or, as applicable, constitutes a more necessary public use to which the property is appropriated pursuant to Code of Civil Procedure Section 1240.610.
11. The parcel described in **Exhibit A** is being acquired in whole or in part pursuant to the provisions of Code of Civil Procedure Sections 1240.320, 1240.330 and 1240.350, as the case may be, as substitute property necessary for either the relocation of public utility facilities or to provide utility service to the remainder property. It is further found and determined that the taking of said substitute property is necessary for the purpose specified in Sections 1240.320, 1240.330 and/or 1240.350.
12. Special counsel, Meyers Nave, is hereby **AUTHORIZED** and **EMPOWERED**:
  - a. To acquire in the name of TAMC by condemnation the Property described in **Exhibit A**, attached hereto and incorporated herein by

reference in accordance with the provisions of the California Eminent Domain Law, the Code of Civil Procedure and the Constitution of the State of California.

- b. To prepare or have prepared and to prosecute in the name of TAMC such proceedings in the proper court as is necessary for such acquisition; and
- c. To deposit the probable amount of just compensation, based on an appraisal.

**PASSED AND ADOPTED** by the Transportation Agency for Monterey County, State of California this \_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

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**ALEJANDRO CHAVEZ, CHAIR**  
**TRANSPORTATION AGENCY FOR MONTEREY COUNTY**

**ATTEST:**

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**DEBRA L. HALE, EXECUTIVE DIRECTOR**  
**TRANSPORTATION AGENCY FOR MONTEREY COUNTY**

**EXHIBIT "A"**  
**Legal Description of Property**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF Salinas, COUNTY OF Monterey, STATE OF California AND IS DESCRIBED AS FOLLOWS:

**PARCEL I:**

Lots 9, 10 and 11, in Block 24, as said Lots and Block are shown on the map entitled, "Map of Salinas City, Monterey County, California", commonly known as Sherwood and Hellman's Map of Salinas City, filed November 7, 1868 in Volume 1, Maps of "Cities and Towns", at Page 36, in the Office of the County Recorder of the County of Monterey, State of California.

Except from that portion of said Lot 11 conveyed in the Deed to Charles E. Bugbee, recorded September 16, 1926 in Volume 91, Page 148, Official Records of Monterey County.

**PARCEL II:**

That portion of State Highway 183 adjoining Block 24 of the City of Salinas, said Block shown on the "Map of Salinas City", filed November 7, 1868 in Volume 1, Maps of "Cities and Towns", at Page 36, Records of Monterey County, described as follows:

Beginning at the southeasterly corner of Lot 9 of said Block 24, which is shown as the intersection of the northwesterly side of Station Place and the northeasterly side line of West Market Street on the Record of Survey Map filed in Volume 21 of Surveys, at Page 105, Records of said County; thence along said northeasterly side line of West Market Street, which is also the northeasterly side line of State Highway 183,

(1) N. 65° 35' 05" W., 119.23 feet to the southeasterly corner of that portion of Lot 11 of said Block 24 described in the Deed recorded September 16, 1926 in Volume 91, Page 148, Official Records of Monterey County; thence

(2) S. 24° 24' 55" E., 4.00 feet; thence

(3) S. 65° 35' 05" E., 119.23 feet

(4) N. 24° 24' 55" W., 4.00 feet to the point of beginning, as described in the Deed from the State of California, recorded November 7, 2003 in Series No. 2003138117, of Official Records.

APN: 002-171-005