

**RESOLUTION NO. 2017-11
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 26 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 26 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, the Government Code, 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:

ALEJANDRO CHAVEZ, CHAIR
TRANSPORTATION AGENCY FOR MONTEREY COUNTY

ATTEST:

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:

That portion of Lot 7 and a portion of "Bremen Park" in the Block labeled Bremen Park (sometimes known as Block 23 1/2) in the City of Salinas, as shown on the Map of Salinas City, filed January 14, 1869 in Volume 1, Maps of "Cities and Towns", Page 36, in the Office of the County Recorder of said county, described as follows:

Beginning at a stake on the north side of Castroville Street (now known as West Market Street) marked R. T. B., at a point from which a 1" diameter iron pipe standing at the intersection of the easterly line of Natividad Street (not know a Station Place), as shown on said map, bears West, 62.28 feet along the northerly line of Castroville Street; thence from said point of beginning along last mentioned line,

(1) West, 39 feet to a stake marked M. Z. S. and R. T. B. at the southeast corner of the lands described in the Deed to G. Vannetti, recorded March 22, 1892 in Book 34, Page 402, of Deeds, Monterey County Records; thence along the east line of said lands of Vannetti,

(2) North, 165 feet to a 15 foot alley adjoining the Southern Pacific Railroad Depot Grounds; thence along the southerly line of said alley,

(3) East, 39 feet; thence

(4) Southerly, 165 feet to the point of beginning.

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