

**RESOLUTION NO. 2017-06
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 17 STATION PLACE, 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 17 Station Place, 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:

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 Lots J and K, in Block 24, as said Lots and Block are shown and designated on that certain map entitled, "Map of Salinas City, Monterey County, California" (commonly known as the Sherwood-Hellman Map) refiled January 14, 1869 in Volume 1, Maps of "Cities and Towns", at Page 36, Records of Monterey County, California, described as follows:

Beginning at a 1/2" diameter iron pipe standing in the westerly line of Natividad Street from which a 1" steel bar standing at the intersection of said street line with the northerly line of West Market Street bears along said street line S. 24° 37' W., 215.4 feet, said 1/2" diameter iron pipe being at the southeast corner of that certain 0.2676 acre tract of land described in Trustee's Deed from Coast Counties Land Title Company, a corporation to Steve Inglin, et ux., recorded May 27, 1949 in Volume 1141, Page 541, Official Records of said county; thence running parallel to said northerly line of West Market Street and along the southerly boundary of said 0.2676 acre tract of land,

(1) N. 65° 25-1/2' W., 200.98 feet to a 1/4" diameter iron pipe, top 18" underground, at a fence corner at the southwesterly corner of said 0.2676 acre tract of land in the line between said Lot J and Lot M in said Block 24; thence along the line common to said Lots J and M and along the line common to said Lot K and Lot L,

(2) S. 24° 35-3/4' W., 85.4 feet to a 1" diameter iron pipe, top 6" underground, standing at the northwest corner of Lot 12 in said Block 24; thence along the northerly line of said Lot 12,

(3) S. 65° 25-1/2' E., 50.0 feet to the northeast corner of said Lot 12, from which corner a 1" diameter steel bar bears N. 87° 24' E., 0.22 feet, said northeasterly corner of Lot 12 being in the westerly boundary of that certain piece or parcel of land described in Deed to Victor L. Molinari, et ux., recorded October 19, 1944 in Volume 843, Page 348, Official Records of said county; thence along the westerly boundary of said piece or parcel of land,

(4) N. 24° 35-3/4' E., 35.4 feet to a 1" diameter steel bar, top 10" underground, standing at the northwest corner of said parcel of land; thence along the northerly boundary thereof,

(5) S. 65° 25-1/2' E., 150.96 feet to a 1" diameter steel bar standing at the northeast corner of said parcel of land in said westerly line of Natividad Street; thence along said westerly street line,

(6) N. 24° 37' E., 50.0 feet to the point of beginning.

And as shown on the Record of Survey Map filed June 19, 1957 in Volume 5 of Surveys, Page 121, Monterey County Records.

APN: 002-171-007