

**RESOLUTION NO. 2019-15
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 320 AND 330 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 properties in fee identified as Assessor’s Parcel Number 002-021-009 (**Exhibit A**) located at 320 West Market Street and fee simple interests in certain property identified as part of Assessor’s Parcel Numbers 002-021-007 (**Exhibit B** – Parcel C) and 002-021-008 (**Exhibit C** – Parcel D) located at 320 and 330 West Market, Salinas, California, more particularly described and depicted in **Exhibits A, B, and C** 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 properties 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 properties 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 Properties for the Project.
3. TAMC is authorized to acquire the Properties 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 for Assessor's Parcel Number 002-021-009 (**Exhibit A**) and fee simple interests for part of Assessor's Parcel Numbers 002-021-007 (**Exhibit B**) and 002-021-008 (**Exhibit C**) as described and depicted in **Exhibits A, B, and C** are 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 properties described herein have been complied with by TAMC.

10. Insofar as any portion of the properties 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 parcels described and depicted in **Exhibits A, B, and C** are 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 Properties described and depicted in **Exhibits A, B, and C**, 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 _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ROBERT HUITT, CHAIR
TRANSPORTATION AGENCY FOR MONTEREY COUNTY

ATTEST:

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

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 002-021-009

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SALINAS, COUNTY OF MONTEREY, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Beginning at a 3/4" diameter iron pipe, top driven flush with the ground, standing at the Northeasterly corner of the above mentioned parcel of land, said corner being in the Westerly line of Mill Street, now New Street, and the Southerly line of the Southern Pacific Railroad Company's right of way; thence running along said Westerly line of Mill Street, S. 23°38 1/2' W. 120 feet to a one inch diameter steel bar, top driven flush with the ground; thence leave the Westerly line of Mill Street, and running parallel with the Southern Pacific Railroad right of way line, N. 66°21 1/2' W. 117.28 feet to a one inch diameter steel bar, top driven flush with the ground; thence running parallel with the Westerly line of Mill Street, N. 23°38 1/2' E. 120.0 feet, at 98.3 feet a 3/4" diameter pipe, top driven flush with the ground, 120.0 feet to the Southern Pacific Railroad Company's right of way; thence running along said right of way, S. 66°21 1/2' E. 117.28 feet to the place of beginning.

Legal Description

PARCEL C
TAMC Salinas Rail
(Portion of APN 002-021-007)

Real property in the City of Salinas, County of Monterey, State of California, described as follows:

Being a portion of Parcel 1, as said Parcel is described in that certain Grant Deed, dated January 9, 2018, recorded on January 11, 2018 as Document No. 2018-001165, Official Records of Monterey County, more particularly described as follows:

BEGINNING at the most northerly corner of said lands (Parcel 1), said corner being also a point on the southwesterly line of the lands of Union Pacific Railroad;

Thence leaving said corner and along said southwesterly line of the lands of Union Pacific Railroad, South 64°45'50" East, 120.01 feet to the southeasterly line of said lands (Parcel 1);

Thence along said southeasterly line, South 26°28'29" West, 118.29 feet;

Thence leaving said southeasterly line and parallel with said southwesterly line of the lands of Union Pacific Railroad, North 64°45'50" West, 120.01 feet to the northwesterly line of said lands (Parcel 1);

Thence along said northwesterly line, North 26°28'29" East, 118.29 feet to the point of **BEGINNING**.

Containing an area of 14,193 square feet, more or less.

Being also a portion of Assessor's Parcel No. 002-021-007 per Roll Year 2018-19.

As shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.

This legal description was prepared by me, or under my direction, in conformance with the requirements of the Professional Land Surveyors' Act.

By: John Koroyan
John Koroyan
P.L.S. No. 8883

Date: MAY 7, 2019



UNION PACIFIC RAILROAD
APN 002-021-014

POINT OF
BEGINNING

S64°45'50"E

120.01'

N26°28'29"E

118.29'

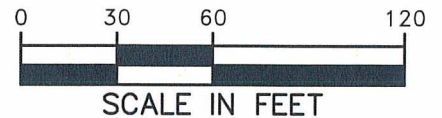
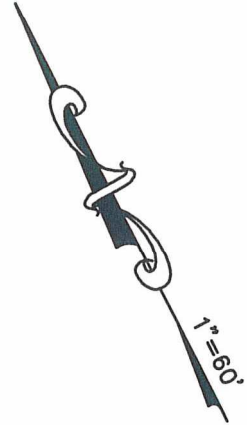
PARCEL C
14,193 S.F.±

118.29'

S26°28'29"W

120.01'

N64°45'50"W



BAILLIE FAMILY
DOC. 9740289
APN 002-021-006

NEUBERT, SILVA, AND TARP
PARCEL 1
DOC. 2018001165
APN 002-021-007

NEUBERT, SILVA, AND TARP
PARCEL 2
DOC. 2018001165
APN 002-021-008

← TO VILLA STREET

WEST MARKET STREET
(FORMERLY CASTROVILLE STREET)

TO NEW STREET →

(CA-183)
(80' WIDE)

LEGEND

APN ASSESSOR'S PARCEL NUMBER
(PER ROLL YEAR 2018-19)
S.F. SQUARE FEET

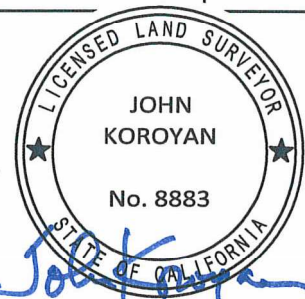


EXHIBIT "B"
PLAT TO ACCOMPANY
LEGAL DESCRIPTION

K:\SUR13\136140 TAMC SALINAS RAIL KICK START\DWG\PLATS\TRANSFER PARCEL C\TRANSFER_PARCEL C.DWG



1730 N. FIRST STREET
SUITE 600
SAN JOSE, CA 95112
408-467-9100
www.bkf.com

Subject PARCEL C
TAMC SALINAS RAIL

Job No. 20136140

By PAN Date 05-07-19 Chkd. JVK
SHEET 1 OF 1

Legal Description

PARCEL D
TAMC Salinas Rail
(Portion of APN 002-021-008)

Real property in the City of Salinas, County of Monterey, State of California, described as follows:

Being a portion of Parcel 2 and Parcel 3, as said Parcels are described in that certain Grant Deed, dated January 9, 2018, recorded on January 11, 2018 as Document No. 2018-001165, Official Records of Monterey County, more particularly described as follows:

BEGINNING at the most northerly corner of said lands (Parcel 2), said corner being also a point on the southwesterly line of the lands of Union Pacific Railroad;

Thence leaving said corner and along said southwesterly line of the lands of Union Pacific Railroad, South 64°45'50" East, 260.87 feet to the southeasterly line of said lands (Parcel 3);

Thence along said southeasterly line, South 25°28'20" West, 120.00 feet to the northeasterly line of said lands (Parcel 3);

Thence along said northeasterly line, South 64°45'50" East, 117.28 feet to the northwesterly line of New Street, being 50.00 feet in width;

Thence along said northwesterly line, South 25°28'20" West, 37.96 feet;

Thence leaving said northwesterly line of New Street and parallel with said southwesterly line of the lands of Union Pacific Railroad, North 64°45'50" West, 380.92 feet to the northwesterly line of said lands (Parcel 2);

Thence along said northwesterly line, North 26°28'29" East, 158.00 feet to the point of **BEGINNING**.

Containing an area of 45,878 square feet, more or less.

Being also a portion of Assessor's Parcel No. 002-021-008 per Roll Year 2018-19.

As shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.

This legal description was prepared by me, or under my direction, in conformance with the requirements of the Professional Land Surveyors' Act.

By: John Koroyan
John Koroyan
P.L.S. No. 8883

Date: JUNE 4, 2019



UNION PACIFIC RAILROAD
APN 002-021-014

S64°45'50"E

260.87'

POINT OF
BEGINNING

N26°28'29"E

158.00'

PARCEL D
45,878 S.F.±

120.00'

S25°28'20"W

NEUBERT, SILVA
AND TARP

PARCEL 4
DOC. 2018001165

APN 002-021-009

S64°45'50"E

117.28'

37.96'

NEW STREET
(50' WIDE)

S25°28'20"W

380.92'

N64°45'50"W

NEUBERT, SILVA, AND TARP

PARCEL 3
DOC. 2018001165

APN 002-021-008

NEUBERT, SILVA, AND TARP

PARCEL 2
DOC. 2018001165

APN 002-021-008

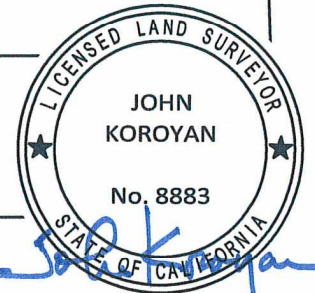
TORO PETROLEUM CO.

APN 002-021-010

0 30 60 120

SCALE IN FEET

1"=60'



← TO VILLA STREET

WEST MARKET STREET
(FORMERLY CASTROVILLE STREET)

(CA-183)
(80' WIDE)

LEGEND

APN ASSESSOR'S PARCEL NUMBER
(PER ROLL YEAR 2018-19)
S.F. SQUARE FEET

K:\SUR13\136140 TAMC SALINAS RAIL KICK START\DWG\PLATS\TRANSFER PARCEL D\TRANSFER PARCEL D.DWG

EXHIBIT "B"
PLAT TO ACCOMPANY
LEGAL DESCRIPTION



1730 N. FIRST STREET
SUITE 600
SAN JOSE, CA 95112
408-467-9100
www.bkf.com

Subject PARCEL D
TAMC SALINAS RAIL

Job No. 20136140

By PAN Date 06-04-19 Chkd. JVK

SHEET 1 OF 1