

**RESOLUTION NO. 2019-13
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 346 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 fee simple interests in certain property identified as part of Assessor’s Parcel Number 002-021-006 located at 346 West Market, Salinas, California, more particularly described in **Exhibit A** and depicted in **Exhibit B** 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. Fee simple interests in the property described in **Exhibit A** and depicted in **Exhibit B** 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 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. 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** and depicted in **Exhibit B**, 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”



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BKF No. 20136140
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EXHIBIT “A”
Legal Description

PARCEL B
TAMC Salinas Rail
(Portion of APN 002-021-006)

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

Being a portion of the lands described in that certain Quitclaim Deed, released to The Baillie Family Limited Partnership, a California Limited Partnership, recorded on July 17, 1997 in Reel 3545 at Page 686, Official Records of Monterey County, more particularly described as follows:

BEGINNING at the most northerly corner of said lands of Baillie (Re 3545 Im 686), 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, 119.89 feet to the southeasterly line of said lands of Baillie;

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, 119.89 feet to the northwesterly line of said lands of Baillie;

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

Containing an area of 14,178 square feet, more or less.

Being also a portion of Assessor's Parcel No. 002-021-006 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 07, 2019



EXHIBIT B
APN 002-021-006

