



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 2/6/2024

To: Board of Supervisors

Department or Agency Name(s): Sonoma County Public Infrastructure

Staff Name and Phone Number: Johannes J. Hoevertsz, 707-565-2550

Vote Requirement: 4/5th

Supervisorial District(s): Fifth

Title:

Public Hearing to Authorize the Use of Eminent Domain to Acquire Property Rights for the Stewarts Point/Skaggs Springs Road Repair Project.

Recommended Action:

- A. Conduct a public hearing to determine the necessity to acquire real property for the Stewarts Point/Skaggs Springs Road Repair Project.
- B. Approve the proposed Resolution of Necessity and authorize acquisition of real property rights as required for the Project.
- C. Authorize and direct County Counsel and the Director of Public Infrastructure to take all necessary steps to obtain the real property rights required for the Project, including initiation of litigation if necessary.
- D. Delegate authority to the Director of Public Infrastructure to execute a Purchase and Sale Agreement, a certificate of acceptance therefor in accordance with Government Code section 27281, and all other instruments and materials, in form approved by County Counsel, as needed to acquire the subject real property rights.

Executive Summary:

The Sonoma County Public Infrastructure Department (SPI) is requesting your Board make the required findings necessary to allow the County to proceed with eminent domain to acquire certain necessary property rights for the Stewarts Point Skaggs Springs Road Project (C31890). Making the recommended findings and authorization of eminent domain will allow the County to pursue legal means, including filing litigation if necessary, to secure the rights needed for the Project, should the County remain unable to acquire the needed rights through a negotiated agreement with the property owner. However, County staff and its right of way representatives will continue to work with the property owner to reach agreement, if the owner can be located and is amenable.

Discussion:

During the February 2019 winter storm event several sites along Stewart's Point/Skaggs Springs Road were

severely damaged and require significant repairs. Among the sites is a slope failure at mile marker 19.67. The slope failure was approximately 225-feet above the roadway, 500-feet-wide, and resulted in landslide debris completely covering the roadway to depth of approximately 15 feet. Landslide debris continued to travel across the roadway, down the slope, and into the Wheatfield Fork of the Gualala River, approximately 100 feet below the existing road grade. The County established a new temporary single lane gravel roadway following the slope failure until permanent repairs can be completed.

The proposed project includes excavation of the landslide debris down to the level of the buried roadway, removal of two temporary existing culverts, construction of a 360-foot-long soldier pile retaining wall, reconstruction of a roadside ditch, installation of an 18- or 24-inch corrugated metal pipe (CMP) cross culvert, and reconstruction of the roadway. Sonoma County Public Infrastructure (SPI) has secured grant funding from the Federal Highway Administration (FHWA) and substantially completed preliminary engineering, design, and environmental work for the Project.

To finalize design and begin the construction phase of the Project, SPI has been working to acquire necessary temporary and permanent easements. Because the easements are necessary to complete the Project, SPI has made repeated attempts to contact the subject property owner through certified mailings, personal delivery of offer documents to the subject property, and contacts with known associates. To date, the owner has been non-responsive to the County's offer of just compensation.

A "Waiver Valuation" report was prepared by the County in accordance with Caltrans Guidelines for property interests considered "low value" or "nominal value" property and an offer package was sent to the mailing address of the parcel owner of record as of May 15, 2023. There has been no response from the owner. In addition, numerous phone numbers were tried from internet searches, but none were fruitful. Two more offer packages were mailed to other addresses associated with the owner's mailing address. Contact was made with one person who is associated with the subject property owner, but they had no phone number or other contact information for the owner. Staff drove to the mailing address twice, but the residence was behind a locked gate, and no-one came out though someone was clearly in residence.

Eventually the owner called the department and expressed interest in agreeing to the easement. The owner claimed that they had never seen an offer package but did confirm that the mailing address was correct. A new offer package was sent out that day as agreed. A follow up call was made the next week and there was no response to the phone call or message. Follow up calls were placed for weeks thereafter until the owner's phone began giving a message stating that the phone was restricted. A letter sent after this time was returned by the post office. No communication with the owner has occurred since the initial phone call. An updated offer package was sent on Dec 28, 2023, based on an updated appraisal. As of the date of this report, no response from the owner has been received.

It is necessary in the public interest to repair the roadway to ensure public safety. The subject section of Stewart point/Skaggs Spring Road serves as a crucial evacuation route for tsunami, wildfire, and other public emergencies. The absence of alternative ingress and egress routes in the case of emergencies to the west of the project location underscores the critical importance of the subject roadway as a vital piece of County infrastructure. The property interests to be acquired are also necessary in the public interest, in order to repair the subject roadway to current and modern road width, safety, and other engineering requirements and to provide a retaining wall and related drainage improvements needed to mitigate against future mudslide, erosion, and other damages to the roadway. Accordingly, it is necessary to receive authorization to obtain the

property through the process of eminent domain. Adoption of the Resolution of Necessity enables the County to proceed with the condemnation process to acquire the necessary property rights to construct the Project should the property owner continue to not engage as needed to secure the necessary rights. If the Resolution of Necessity is approved, County staff and its agents will continue to negotiate with the owner, however if those negotiations are unsuccessful, the matter will be referred to County Counsel for applicable legal action.

The total acreage of permanent easement to be acquired is 0.55 acres and the total temporary acreage to be acquired is 0.41 acres. The total parcel size is 88 acres. The value of the total acquisition transaction is \$2,250.00.

To acquire the needed property interests by eminent domain, the Board must now hold a public hearing and adopt of a Resolution of Necessity, which must include the following:

1. A description of the property location, and the use for which the property is to be taken.
2. A finding that an offer has been made to the owner of record in accordance with law.
3. A finding that the public interest and necessity require the Project.
4. A finding that the Project is planned in a manner which is most compatible with the greatest public good and least private injury.
5. A finding that the property is required for the Project.

The department recommends approval of the Resolution of Necessity and approval to proceed with eminent domain in order to advance the project and continue meeting Federal funding requirements. If the Board chooses not to approve, Federal funding for this project would be in jeopardy, due to a failure to meet scheduling deadlines and obligations.

Strategic Plan:

This item directly supports the County’s Five-year Strategic Plan and is aligned with the following pillar, goal, and objective.

Pillar: Resilient Infrastructure

Goal: Goal 3: Continue to invest in critical road, bridge, bicycle, and pedestrian infrastructure.

Objective: Objective 1: Align the Board of Supervisor’s strategic priorities, policy, and operational goals with funding and resources.

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

July 7, 2020, Item #23 - Award of Design/Engineering Services Agreement for 2019 Storm Repairs along

Stewarts Point/Skaggs Springs Road.

FISCAL SUMMARY

Expenditures	FY23-24 Adopted	FY24-25 Projected	FY25-26 Projected
Budgeted Expenses	\$ 2,250		
Additional Appropriation Requested			
Total Expenditures	\$ 2,250		
Funding Sources			
General Fund/WA GF			
State/Federal	\$ 1992		
Fees/Other	\$ 258		
Use of Fund Balance			
General Fund Contingencies			
Total Sources	\$ 2,250		

Narrative Explanation of Fiscal Impacts:

Revenue and expenses associated with this acquisition are included in the FY 2023-24 Roads Capital (11051-34010103) Adopted Budget. Funding for the Stewarts Point/Skaggs Springs Road Repair has been approved for funding through the Federal Highway Administration Emergency Relief Grant Program (FHWA-ER) for 88.53% of eligible Right of Way costs. The Roads Division is responsible for 11.47% of eligible Right of Way costs and will utilize traditional Roads funding sources such as State Highway User Tax (HUTA) and Road Maintenance Rehabilitation Account (SB1) for the local match.

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

- Resolution
- Attachment 1: Location Map
- Attachment 2: Offer Package Presentation

Related Items "On File" with the Clerk of the Board:

None.