



County of Sonoma
State of California

Date: June 4, 2024

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Authorizing the Use of Eminent Domain to Acquire Property Rights Necessary For The Project
to Repair and Improve Certain Storm Damaged Roadway and Road Appurtenances on North
Fitch Mountain Road (PM 13.20; County Project No. C11601, APN: 087-030-004, Federal
Project No. ER-32L0(502).**

Whereas, the Department of Public Infrastructure, County of Sonoma, State of California, (“County”) proposes to repair and improve the roadway and related roadway infrastructure on a certain portion of North Fitch Mountain Road (NFM) (“Project”); and

Whereas, the County of Sonoma, State of California, proposes to acquire real property interests described hereinafter (“Property Interests”) for the Project; and

Whereas, the project has met all the requirements of the Government Code Section 65402 for General Plan consistency; and

Whereas, the California Department of Transportation (Caltrans) approved the Project and on September 9, 2021, found it complied with the National Environmental Policy Act (NEPA) and determined it to be exempt; and

Whereas, the County intends to reconstruct the damaged portion of roadway on the subject portions of NFM using current roadway design and safety standards, to make effective the principal roadway and public transportation and safety purposes involved, in accordance with Code of Civil Procedure section 1240.120(a), and, in connection

therewith needs to acquire interests in certain real property; and

Whereas, the Project is for a public use that is a function of the County; and

Whereas, the statute that authorizes the County to acquire the properties by eminent domain is Government Code section 25350.5, and the County may acquire the Property Interests for the public use set forth herein and in accordance with the California Constitution and the California Eminent Domain Law, Code of Civil Procedure section 1230.010 et seq; and

Whereas, the Property Interests to be acquired consist of portions of one parcel and are generally located on North Fitch Mountain Road near Healdsburg, formally known as APN 087-030-004, the general location and extent of which, with sufficient detail for reasonable identification, are more particularly described and depicted in Attachment "1"; and

Whereas, by April 12, 2024, there was mailed a Notice of Hearing Regarding Adoption of a Resolution of Necessity to Acquire Property by Eminent Domain for the acquisition by eminent domain of the Property Interests. Said Notice of Hearing was mailed to all persons whose names appear on the last equalized County Assessment Roll as having an interest in the Property and to the address appearing on said Roll. Said Notice of Hearing advised said persons of their right to be heard on the matters referred to therein on the date and at the time and place stated therein; and

Whereas, the hearing set out in said Notice of Hearing was held on April 30, 2024 at the time and place stated therein, and all interested parties were given an opportunity to be heard. The hearing was closed.

Now, Therefore, Be It Resolved that, based on the evidence presented at the hearing, the Board of Supervisors of the County of Sonoma finds, determines, declares, and resolves:

1. The public interest and necessity require the Project.
2. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
3. Acquisition by the County of the Property Interests is necessary for the proposed Project.
4. The acquisition, construction, and completion by the County of the public improvements and the use of the Property Interests is a public use authorized by law.
5. It is necessary under all the facts and circumstances that the Property Interests be acquired in fee and easement except where a lesser estate or interest is specifically designated.
6. An offer has been made, as required by Government Code section 7267.2, to the owner of the property.
7. The Project has been fully reviewed under and met all requirements of the California Environmental Quality Act.
8. All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the Property Interests have been complied with by County.

Be It Further Resolved that the County of Sonoma proposes to acquire the real property herein concerned for said public improvements purposes by donation, purchase, or condemnation in accordance with the provisions of California law relating to eminent domain, and that the County Counsel of Sonoma County be and is hereby authorized and directed to institute and prosecute in the name of the County such suit or suits in the proper court having jurisdiction thereof, as shall be necessary to condemn said real property interests for such public use.

Be It Further Resolved that should it appear from declaration of the Director of Public Infrastructure of the County of Sonoma that construction of public improvements and utilities herein concerned necessitates the taking of possession of Property Interests prior to final determination of the suit or suits authorized, application shall be made to the court for an order authorizing County to take immediate possession of and to sue the property sought to be condemned; and that the County deposit probable just

compensation with said court in such manner as the law may direct out of proper funds held by or provided to County, and should said funds be payable from money on hand with the Treasurer of Sonoma County that the Auditor and Treasurer of Sonoma County be and they are hereby authorized to issue and honor warrants for the payment of said amount on amounts as aforesaid.

Be It Further Resolved that the Director of Public Infrastructure and the County Counsel acting together be and they are hereby authorized to employ at rates of compensation standard in this area such appraisers, engineers, and other expert witnesses as they deem necessary to the preparation for trial and, upon receipt of the appropriate claim forms approved by the Director Public Infrastructure, the Auditor and Treasurer are authorized and directed to issue and honor warrants in payment for said service.

Supervisors:

Gorin:

Coursey:

Gore:

Hopkins:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

ATTACHMENT 1

**EXHIBIT A
LEGAL DESCRIPTION
PERMANENT RIGHT-OF-WAY EASEMENT**

Lying within the unincorporated area of County of Sonoma, State of California and being a portion of the lands of Laura Jeanne Burgess as described by Quitclaim Deed recorded under Document Number 2014-017276, Sonoma County Records, said portion is more particularly described as follows:

PARCEL 'A'

COMMENCING at a point on the centerline of North Fitch Mountain Road at Station 135+26.03 as shown on that pending Record of Survey of the Right-of-Way of a Portion of North Fitch Mountain Road, Job #8896-20 on file in the office of Cinquini & Passarino, Inc., from which point a 1/2-inch iron pipe, not tagged, bears North 57°31'16" West 270.09 feet and a rebar tagged "LS 8485" bears South 79°13'44" East 68.39 feet; thence along said centerline, North 74°45'24" West 114.90 feet; thence continuing along said centerline, along a curve to the left having a radius of 140.00 feet, through a central angle of 23°20'00", for a length of 57.01 feet; thence South 81°54'36" West 12.09 feet; thence leaving said centerline, North 8°05'24" West 25.00 feet to a point the northerly right-of-way of North Fitch Mountain Road, being the POINT OF BEGINNING; thence along said northerly right-of-way, North 81°54'36" East 12.09 feet; thence continuing along said right-of-way, along a curve to the right having a radius of 165.00 feet, through a central angle of 4°30'31", for a length of 12.98 feet; thence leaving said northerly right-of-way, North 75°27'21" West 21.96 feet, more or less, to the westerly line of said lands of Burgess; thence along said westerly line, South 23°01'52" West 9.27 feet to the POINT OF BEGINNING.

Containing 97 square feet more or less.

PARCEL 'B'

COMMENCING at a point on the centerline of North Fitch Mountain Road at Station 135+26.03 as shown on that pending Record of Survey of the Right-of-Way of a Portion of North Fitch Mountain Road, Job #8896-20 on file in the office of Cinquini & Passarino, Inc., from which point a 1/2-inch iron pipe, not tagged, bears North 57°31'16" West 270.09 feet and a rebar tagged "LS 8485" bears South 79°13'44" East 68.39 feet; thence along said centerline, North 74°45'24" West 107.27 feet; thence leaving said centerline, North 15°14'36" East 25.00 feet to a point on the northerly right-of-way of North Fitch Mountain Road, said point being the POINT OF BEGINNING; thence along said northerly right-of-way North 74°45'24" West 7.63 feet; thence continuing along said right-of-way, along a curve to the left having a radius of 165.00 feet, through a central angle of 8°07'06", for a length of 23.38 feet; thence leaving said northerly right-of-way, North 44°33'15" East 52.30 feet; thence South 50°17'40" East 25.67 feet; thence South 43°39'47" West 37.89 feet; to the POINT OF BEGINNING.

Containing 1,156 square feet more or less.

EXHIBIT A
LEGAL DESCRIPTION
PERMANENT RIGHT-OF-WAY EASEMENT

END OF DESCRIPTION

Being a portion of APN 087-030-004

Basis of Bearings: California Coordinate System, Zone 2, NAD 83, Epoch 2017.50 as determined locally by a line between Continuous Global positioning Systems (CGPS) Station P197 and Station P204; being North 11°05'36" East as derived from geodetic values published by the California Spatial Reference Center (CSRC).

Prepared by Cinquini & Passarino, Inc.


Anthony G. Cinquini, P.L.S. 8614










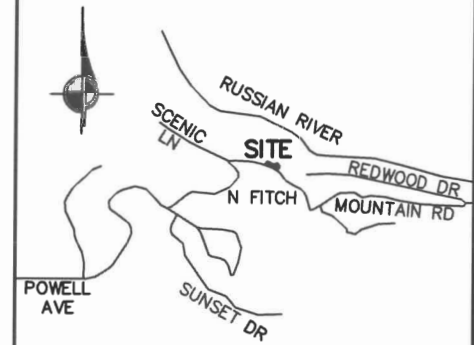
4/13/2023
Date

EXHIBIT B

HEALDSBURG, CA

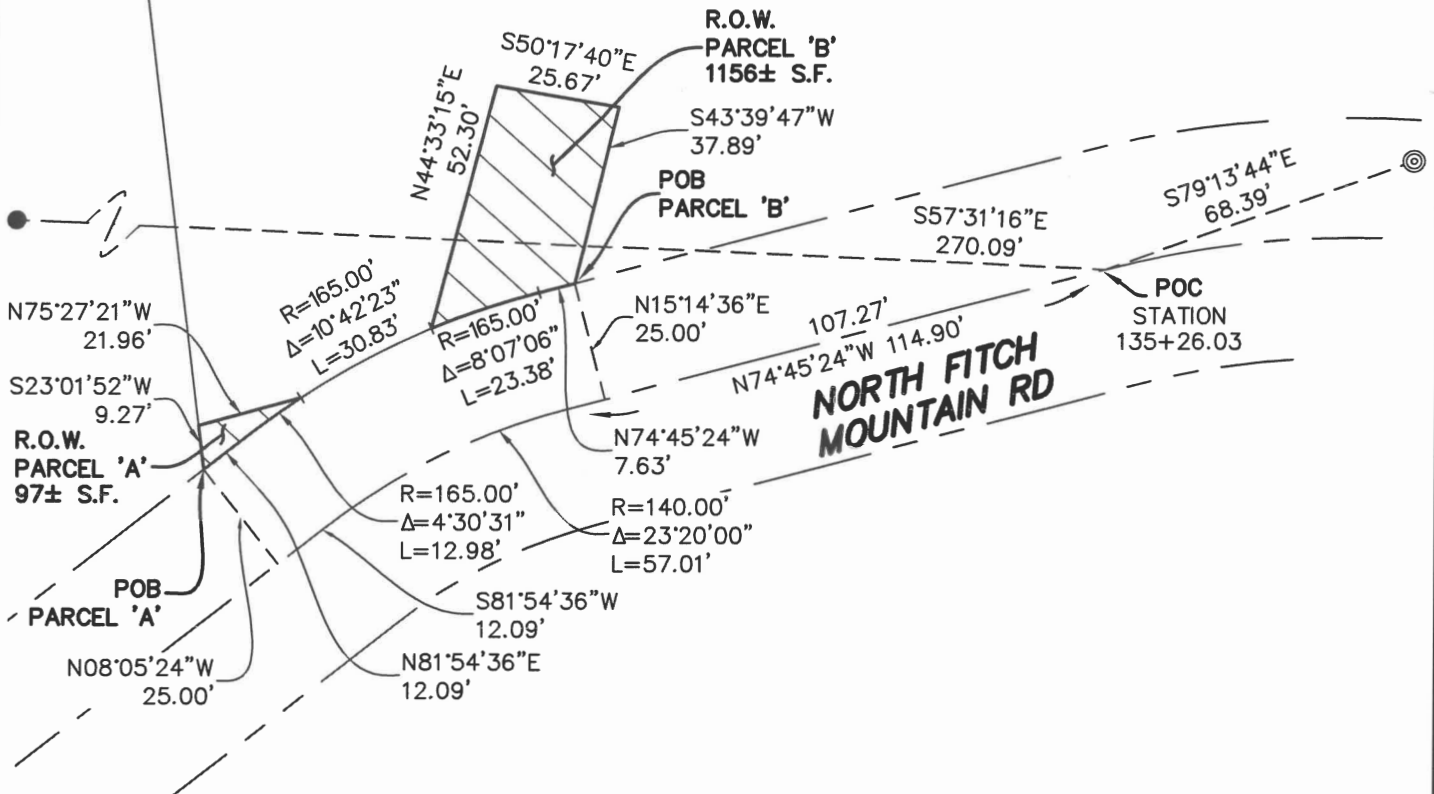
LEGEND

-  ROADWAY CENTERLINE
-  ROADWAY RIGHT-OF-WAY
-  ADJACENT PROPERTY LINE
-  SURVEY TIE
-  EASEMENT AREA
-  FOUND 1/2" IRON PIPE, NOT TAGGED
-  FOUND REBAR TAGGED LS8485
- R.O.W.** PERMANENT RIGHT-OF-WAY EASEMENT
- POC** POINT OF COMMENCEMENT
- POB** POINT OF BEGINNING
- DN** DOCUMENT NUMBER
- S.F.** SQUARE FEET



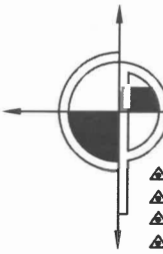
LOCATION MAP
NOT TO SCALE

LANDS OF
BURGESS
APN 087-030-004
DN 2014-017276



BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM, ZONE 2, NAD 83, EPOCH 2017.50 AS DETERMINED LOCALLY BY A LINE BETWEEN CONTINUOUS GLOBAL POSITIONING SYSTEMS (CGPS) STATION P197 AND STATION P204; BEING NORTH 11°05'36" EAST AS DERIVED FROM GEODETIC VALUES PUBLISHED BY THE CALIFORNIA SPATIAL REFERENCE CENTER (CSRC).

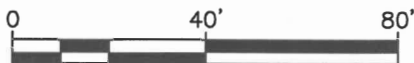


CINQUINI & PASSARINO, INC.
LAND SURVEYING

- ▲ BOUNDARY
- ▲ TOPOGRAPHIC
- ▲ CONSTRUCTION
- ▲ SUBDIVISIONS

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Santa Rosa, Ca. 95401
Phone: (707) 542-6268
Fax: (707) 542-2106

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JOB NAME: N FITCH MOUNTAIN LANDSLIDES TASK ORDER NO. 14	DRAWN BY: AJD	CHECKED BY: AGC
DESCRIPTION: R.O.W. OVER THE LANDS OF BURGESS - APN 087-030-004	SCALE: 1"=40'	DATE: 2/1/22
	JOB #: 8896-20	PAGE: 3 OF 3

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T.C.E. A

COMMENCING at a point on the centerline of North Fitch Mountain Road at Station 135+26.03 as shown on that pending Record of Survey of the Right-of-Way of a Portion of North Fitch Mountain Road, Job #8896-20 on file in the office of Cinquini & Passarino, Inc., from which point a 1/2-inch iron pipe, not tagged, bears North 57°31'16" West 270.09 feet and a rebar tagged "LS 8485" bears South 79°13'44" East 68.39 feet; thence along said centerline, North 74°45'24" West 114.90 feet; thence continuing along said centerline, along a curve to the left having a radius of 140.00 feet, through a central angle of 23°20'00", for a length of 57.01 feet; thence South 81°54'36" West 12.09 feet; thence leaving said centerline, North 8°05'24" West 25.00 feet to a point the northerly right-of-way of North Fitch Mountain Road; thence along the westerly line of said lands of Burgess, North 23°01'52" East 9.27 feet to the POINT OF BEGINNING; thence continuing along said westerly line North 23°01'52" East 19.81 feet; thence leaving said westerly line, South 79°53'55" East 59.28 feet; thence South 44°33'15" West 20.06 feet to a point on said northerly right-of-way; said point being the beginning of a non-tangent curve to the left, from which point the radius bears South 7°07'33" West 165.00 feet, thence along said right-of-way on said curve to the left through a central angle of 10°42'25", for a length of 30.83 feet, thence leaving said right-of-way, North 75°27'21" West 21.96 feet to the POINT OF BEGINNING.

Containing 1,050 square feet more or less.

T.C.E. B

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Containing 390 square feet more or less.

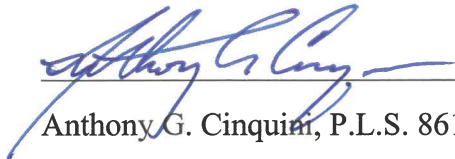
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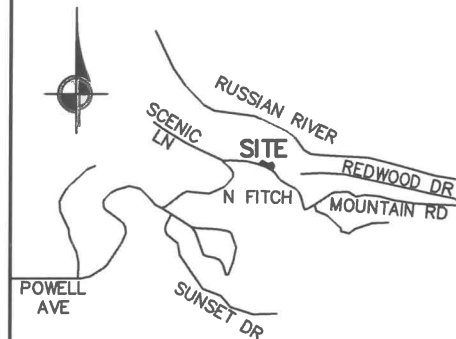
EXHIBIT B

HEALDSBURG, CA

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N23°01'52"E	9.27'
L2	N23°01'52"E	19.81'
L3	S79°53'55"E	59.28'
L4	S44°33'15"W	20.06'
L5	N75°27'21"W	21.96'
L6	S74°45'24"E	25.19'
L7	N14°32'32"E	19.70'
L8	N74°16'01"W	14.22'
L9	S43°39'47"W	22.54'

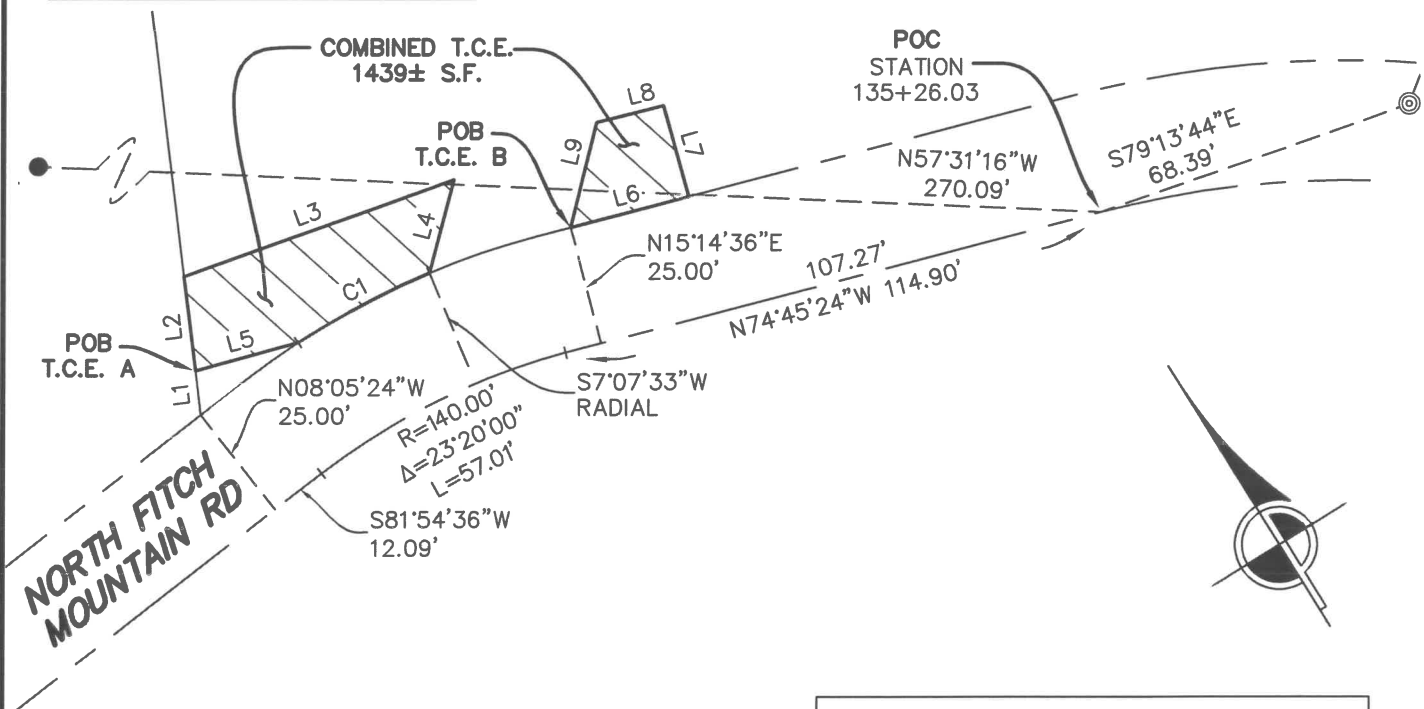
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LOCATION MAP
NOT TO SCALE

LANDS OF
BURGESS
APN 087-030-004
DN 2014-017276



LEGEND

- ROADWAY CENTERLINE
- ROADWAY RIGHT-OF-WAY
- ADJACENT PROPERTY LINE
- SURVEY TIE
- EASEMENT AREA

- FOUND 1/2" IRON PIPE, NOT TAGGED
- ⊗ FOUND REBAR TAGGED LS8485
- T.C.E. TEMPORARY CONSTRUCTION EASEMENT
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- E.A. EXCEPTION AREA
- DN DOCUMENT NUMBER
- S.F. SQUARE FEET

CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
C1	165.00	10°42'25"	30.83



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