



COUNTY OF SONOMA

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

SUMMARY REPORT

Agenda Date: 1/27/2026

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 Morelli Lane Storm Damage Repair Project

Recommended Action:

- A) Conduct a public hearing to determine the necessity to acquire certain real property for the Morelli Lane Storm Damage Repair Project.
- B) Approve Resolution of Necessity for property rights 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 or Right of Way Contract, a certificate of acceptance 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 County of Sonoma (County), through its Public Infrastructure Department, is proposing to construct the Morelli Lane Storm Damage Repair Project on Morelli Lane in Camp Meeker in western Sonoma County. The purpose of the project is to repair the existing roadway that was damaged by a slope failure that occurred as a result of extreme weather events and saturated soils in the winter of 2019.

Needed property rights have been obtained from other affected owners. This item requests that the Board conduct a public hearing, make the required findings, and adopt a Resolution of Necessity which is required to acquire the remaining needed property through the exercise of eminent domain. If the Resolution is adopted, legal counsel will file a condemnation action in court; however, staff and right of way representatives will continue to work with the property owner's estate representatives to reach agreement if possible.

Discussion:

During severe winter storm events in 2019, County-owned roads and infrastructure sustained significant damage. One of the impacted locations was Morelli Lane in Camp Meeker, where a slope failure over two hundred feet long compromised the stability of the roadway. While temporary repairs have been completed,

permanent stabilization repairs are necessary to prevent further damage and avoid the road becoming fully impassable. This project was included under declared disaster event DR-4434 and is eligible for reimbursement, with 75% funded by the Federal Emergency Management Agency (FEMA) and 18.75% funded by the California Governor's Office of Emergency Services (CalOES).

To address this damage, on December 15, 2020, the Board approved a Professional Services Agreement with Dewberry Drake Haglan & Associates, Inc. to provide engineering and design services for the Morelli Lane Storm Damage Repair Project (C31864). The design for the needed repairs includes the construction of a 166-foot retaining wall, improved drainage features, and new vegetation plantings.

The design and environmental phases of the project are complete, including an analysis under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), with construction anticipated in the fall of 2026.

However, due to technical requirements imposed by modern safety and engineering standards, the design requires work and improvements that would be located outside of the existing County-owned right-of-way. To construct the Project consistent with current road standards, the County needs certain permanent easements and temporary construction easements.

Two parcels are impacted by the project needs. One owner has signed a Right of Way Contract with the County, and that escrow process is underway.

The second parcel impacted by the needs of the project is owned by the estate of Richard W. Hawkley. Mr. Hawkley is deceased and his estate has yet to be settled. Mr. Hawkley died intestate (without a will) and County representatives have attempted to determine who can settle affairs on behalf of the estate. Several Hawkley family members have been located and have discussed the situation however, there has been no probate of the estate, no estate administrator has been appointed, and it is not clear if and when the estate will be settled. Until then, no person can legally "speak" for the property and it is not clear what heirs and other interested parties there may be with any interests in the property. Currently the property is unoccupied.

An appraisal report was prepared by the County's Right of Way Consultant, and an independent appraisal review report was also provided in compliance with federal regulations (required on all federally-funded projects). The appraisal report valued the permanent easement as tantamount to taking complete fee, and given the extreme slope of the remaining parcel, determined that the property would be left with unusable and uneconomic remnant. Under applicable law, the County must offer to acquire any uneconomic remnant as part of an offer for other needed property. Accordingly, an offer for the entire value of the Hawkley property was made. An offer of just compensation package was sent to the mailing addresses for known property contacts, including to potential heirs to the property (the decedent owner's son, and grandchildren).

The County's Right of Way agent was in contact with the Hawkley property representative (grandson of Decedent) via phone on several occasions to discuss the offer letter package and to determine if a probate proceeding was in process. The representative indicated that due to lack of funds, the probate process has been delayed. A notarized death certificate for the Decedent was obtained, but no further progress has been made by the Decedent's family to establish an approved administrator for the estate.

Due to the need to repair the subject roadway and because of federal funding deadlines for the project, it has

been determined by County staff, in consultation with County Counsel and the family contacts of the Decedent, that, pending initiation of a probate proceeding, the most timely and effective way for the County to obtain legal rights as to the property is for the County to proceed with eminent domain for court orders to obtain the needed rights.

Since there is no other feasible alternative for timely obtaining the needed rights, authorization of condemnation is needed. 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. If the Resolution of Necessity is approved, the matter will be referred to County Counsel for applicable legal action. However, County staff and its agents will continue to negotiate with representatives of the estate if they can obtain the needed legal authorizations to act on behalf of the estate and property.

Remaining Property Rights Required for the Project:

Richard W. Hawkley - APN 075-270-001, 61 Morelli Lane, Camp Meeker, CA: a Permanent Easement of 5,056 square feet of land and a Temporary Construction Easement of 506 square feet of land, all needed to construct and maintain the Project. In addition, since the needed property rights are likely to result in the remaining property being economically not useful, the law requires that the County offer to acquire the entire property. Given the inability of the estate to agree, waive, or otherwise decline this required offer, the County will proceed in the condemnation to offer and acquire the entire property if necessary, consistent with the appraisal and offer that have been made to date.

To acquire the properties 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.

Pursuant to Code of Civil Procedure section 1245.240, a Resolution of Necessity may only be adopted pursuant to a 2/3rds vote (thus, a 4/5ths vote for your Board) of all the members of the governing board. The department recommends adoption of the Resolution of Necessity and approval to proceed with eminent domain to advance the project and continue meeting federal funding requirements.

Should the Board not approve, the subject portion of Morelli Lane will remain in unstable, precarious condition and the 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: Continue to maintain road segments, including designated turnouts where feasible, increase efforts on vegetation removal and drainage features, and improve pavement conditions in neighborhoods.

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

No

Prior Board Actions:

- Board Date: 5/06/2025, Item #: 22, Resolution #: 25-0228 'Authorizing Road Commissioner Authority to Sign'
- 12/15/2020, Item # 36, Award of Design/Engineering Services Agreement for 2019 Storm Repairs.

FISCAL SUMMARY

Expenditures	FY25-26 Adopted	FY26-27 Projected	FY27-28 Projected
Budgeted Expenses	\$ 200,000		
Additional Appropriation Requested			
Total Expenditures	\$ 200,000		
Funding Sources			
General Fund/WA GF			
State/Federal	\$ 187,500		
Fees/Other	\$12,500		
Use of Fund Balance			
General Fund Contingencies			
Total Sources	\$ 200,000		

Narrative Explanation of Fiscal Impacts:

Revenue and expenses associated with this acquisition are included in the FY 2025-26 Roads Capital (11051-34010103) Adopted Budget. Funding for Morelli Lane is anticipated to be reimbursed at 93.75% through a combination of FEMA funding (75%) and Cal OES funding (18.75%). The Roads Division is responsible for 6.25% 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.

Agenda Date: 1/27/2026

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Resolution of Necessity

Location Map

Offer Package

Power point

Related Items “On File” with the Clerk of the Board:

- Design Documents