



County of Sonoma

State of California

Date: February 6, 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
Stewarts Point/Skaggs Springs Road (PM 19.67; County Project No.C31890, APN: 123-080-
004, Federal Project No. ER-40A0 (102)).**

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 Stewarts Point/Skaggs Springs Road (SPSS) (“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 23, 2022, found it complied with the National Environmental Policy Act (NEPA) and determining it to be exempt; and

Whereas, the County intends to construct a retaining wall and reconstruct the damaged portion of roadway on the subject portion of SPSS 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 Stewarts Point/Skaggs Spring Road near Annapolis, formally known as APN 123-080-004, 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 January 18, 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 February 6, 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.