

DEPARTMENT: Public Works

By: Michael D. Edwards Phone: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X)

1. Adopt the attached Resolution of Necessity for the acquisition of land necessary for the Hayward Road Reconstruction Project; and if adopted:
2. Direct County Counsel to immediately initiate the processes necessary to commence condemnation action on the required parcel.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Hayward Road Reconstruction Project has been in the planning stages since 1986. The project is budgeted and on our current CIP scheduled for reconstruction during this summer. Funding is available and has been allocated to this project by the Board and CALTRANS. See the attached STAFF REPORT for further background information.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Adopt the Resolution of Necessity, but continue negotiations, instead of commencing condemnation actions at this time. If a settlement cannot be reached, the Board could latter direct Counsel to commence condemnation actions. The Project would have to be postponed for an undetermined amount of time, probably until next summer.
2. Do not adopt the Resolution of Necessity and continue negotiations. The Project would then have to be postponed until either a settlement or another impasse was reached.
3. Do not adopt the Resolution of Necessity, cancel the project, and allocate the funds to another project or projects.

COSTS: (X) Not Applicable **

A. Budgeted current FY \$ _____

B. Total anticipated costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

SOURCE: () 4/5th Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

Balance in Reserve Contingencies, if approved: \$ _____

** Costs will become applicable when bids are received

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

1. Resolution of Necessity
with Exhibits "A" & "B"
2. Staff Report

CLERK'S USE ONLY

Res. No.: 93-399 Ord. No. _____

Vote - Ayes: _____ Noes: _____

Absent: _____ Abstained: _____

Approved Denied

Minute Order Attached No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____

ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

- Recommended
- Not Recommended
- For Policy Determination
- Submitted with Comment
- Returned for Further Action

Comment: _____

A.O. Initials: 

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: MIKE EDWARDS, PUBLIC WORKS DIRECTOR

FROM: MARGIE WILLIAMS, CLERK OF THE BOARD *mw*

RE: HAYWARD ROAD RECONSTRUCTION

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on July 20, 1993

ACTION AND VOTE:

Resolution of Necessity for the Acquisition of Land Necessary for the Hayward Road Reconstruction Project
BOARD ACTION: Mike presented staff report, reviewed the proposed project and status of negotiations with the Gookins - County had offered to purchase the land necessary for the project, pay for fencing, and redesign the project to make a "T" intersection at Hayward and Ranchito. The Gookins have also requested weed abatement. Chairman explained the hearing process. Public input was provided by: Tom Gookin/property owner, who addressed problems created by urbanization in the area, and requested a \$5,000 bond for Klamath weed control. Staff responded to questions by County Counsel concerning the environmental report for this project and whether it addressed weed control. Additional public input was provided by: Tim Erickson/property owner, who stated he initiated the project to re-route the road so it would not go between his house and barn, addressed the problem with Klamath weed and thistle, and stated he does not have a problem with relocating the road to the other side of his property. Mike Edwards responded relative to design issues. Charlotte Scotti/Lake Don Pedro Subdivision Board of Directors, advised of their support. Wes Snyder/Community Services District Board of Directors, presented petitions in support of the project. Art Hardin stated he supports the project. Tom Gookin offered rebuttal. Board commenced with deliberations. (M)Balmain, (S)Baggett, to adopt resolution of necessity was withdrawn by maker, agreeable with second, following discussion concerning authorizing Public Works to further negotiate and making funding available to Farm Advisor for weed abatement. (M)Balmain, (S)Baggett, Res. 93-399 adopted/Resolution of Necessity for the acquisition of land from Thomas and Janice Gookin necessary for the Hayward road reconstruction project/Ayes: Baggett, Balmain, Erickson, Parker; Noes: Taber. (M)Parker, (S)Balmain, Board directed the scope of the project be amended to delete the southern portion from

Hayward and Ranchito Roads intersection/Ayes: Baggett,
Balmain, Erickson, Parker; Noes: Taber. (M)Balmain,
(S)Parker, Board directed County Counsel to immediately
initiate the processes necessary to commence condemnation
action on the required parcel/Ayes: Baggett, Balmain,
Erickson, Parker; Noes: Taber.

cc: County Counsel
File

MARIPOSA COUNTY RESOLUTION NO. 93-399

**A RESOLUTION OF NECESSITY FOR THE ACQUISITION OF LAND NECESSARY
FOR THE HAYWARD ROAD RECONSTRUCTION PROJECT**

WHEREAS, in accordance with the provisions of the California Code of Civil Procedure Section 1245.235, Mariposa County has caused notice of a hearing to be sent to Thomas and Janice Gookin, whose names and address appear on the last equalized County assessment roll; and

WHEREAS, Mariposa County on July 20, 1993, held a hearing in the Board Chambers, Mariposa, California, to consider the necessity for acquisition of the real property described below by eminent domain proceedings for purposes of the Hayward Road Reconstruction Project.

NOW, THEREFORE, BE IT RESOLVED by the Mariposa County Board of Supervisors, a political subdivision of the State of California, as follows:

1. The public interest and necessity require the proposed project.
2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The property described in the resolution is necessary for the proposed project.

4. The offer required by Section 7267.2 of the California Government Code has been made to the owner or owners of record.
5. The taking of real property for Public purposes by eminent domain proceedings is authorized by Government Code Section 25350.5, Code of Civil Procedure Sections 1240.050 and 1240.110(a), and by Article I, Section 19, of the California Constitution.
6. The total area of the subject real property consists of approximately 3.661 acres, more or less, and is located generally in the vicinity of the interesection of Hayward Road and Ranchito Drive (in the Don Pedro area), and is more particularly described in EXHIBIT "A" attached hereto, and by this reference incorporated herein, as though set forth in full.
7. The proposed permanent HIGHWAY GRAND DEED and RIGHT-OF-WAY, as shown by the YELLOW HATCHED area on the plat map attached hereto as EXHIBIT "B", include the right to enter upon the aforementioned subject Real Property, to construct, maintain, improve, replace and repair a County Road known as Hayward Road. The said HIGHWAY GRANT DEED and RIGHT-OF-WAY consists of 3.661 acres, more or less.

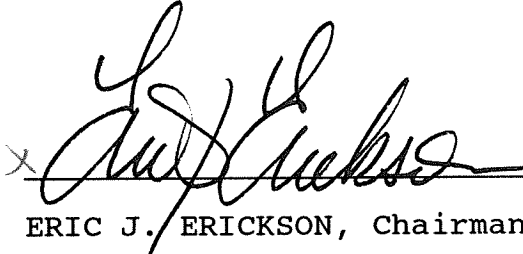
PASSED AND ADOPTED by the Mariposa County Board of Supervisors this ²⁰~~4~~th day of ~~MAY~~, ^{July} 1993, by the following vote:

AYES: Baggett, Balmain, Erickson, Parker

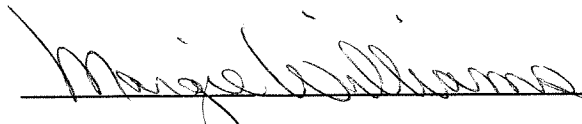
NOES: Taber

ABSENT: None

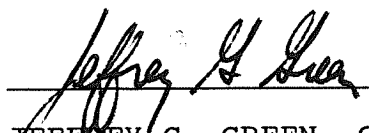
ABSTAINED: None


ERIC J. ERICKSON, Chairman
Mariposa County Board of Supervisor

ATTEST:


MARGIE WILLIAMS, Clerk of the Board

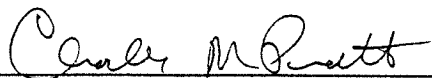
APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


JEFFREY G. GREEN, County Counsel

"EXHIBIT A"

All of that portion of the North Half of Section 36, Township 3 South, Range 14 East, Mount Diablo Base and Meridian, as shown on that Parcel Map for Thomas R. Gookin, recorded September 18, 1990 in Book 24 of Parcel Maps at Page 47, Mariposa county Records, situated in the County of Mariposa, State of California, and being more particularly described as follows;

COMMENCING at the Northeast CORNER of Section 36, T.3 S., R.14 E. M.D.B.& M., said CORNER being the TRUE POINT OF BEGINNING for this description; THENCE westerly along the Section Line common to Sections 25 and 36, North $89^{\circ} 42' 58''$ West, a distance of 60.00 feet; THENCE leaving said Section Line, South $0^{\circ} 03' 58''$ East, a distance of 1966.77 feet; THENCE South $5^{\circ} 38' 40''$ West, a distance of 50.25 feet; THENCE South $11^{\circ} 14' 38''$ West, a distance of 50.99 feet; THENCE South $16^{\circ} 45' 55''$ East, a distance of 52.20 feet; THENCE South $0^{\circ} 03' 59''$ East, a distance of 524.19 feet, more or less, to the North line of the South half of Section 36; THENCE easterly along said North line, South $89^{\circ} 37' 06''$ East, a distance of 60.00 feet to the East 1/4 CORNER of said Section 36; THENCE leaving said North line of the South half of Section 36 and heading northerly along the East line of Section 36, North $0^{\circ} 03' 58''$ West, a distance of 2641.06 feet, more or less, to the POINT OF BEGINNING, said point being the terminus of this description, containing 3.661 acres.



Charles M. Pratt, L.S. 4891

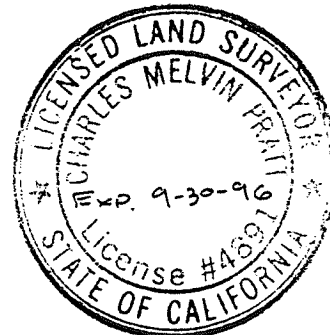


EXHIBIT B

N 89° 42' 58" W

60.00

25.30
36.31

THOMAS R. & JANICE GOOKIN
A. P. N. 001-250-003



Hayward Road

N 00° 03' 58" W 1966.77'

N 00° 03' 58" W 2641.04'

S 05° 38' 40" W 50.25"

S 11° 14' 38" W 50.99'

S 16° 45' 55" E 52.2'

HAYWARD ROAD (EXISTING)

Ranchito Drive

1/4 CORNER

N 89° 37' 06" W 60.00'