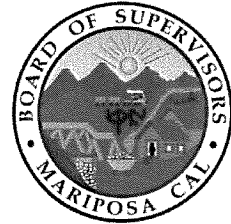




MARIPOSA COUNTY

County Counsel · (209) 966-3222



RESOLUTION - ACTION REQUESTED 2019-524

MEETING: September 10, 2019

TO: The Board of Supervisors

FROM: Steve Dahlem, County Counsel

RE: Resolution to Schedule Resolution of Necessity Public Hearing and Notice Affected Property Owners

RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution of Intention to Set a Public Hearing to Consider Adopting a Resolution of Necessity and to Notice Affected Property Owners for Acquisition of Real Property for the Darrah Road Bridge Replacement Project Over the West Fork of the Chowchilla River.

County staff, through a Right-of-Way Agent, has made written offers to affected property owners for the acquisition of real property for the Darrah Road Bridge Replacement Project. Staff remains hopeful that we may be able to acquire the easements in question through direct negotiation and voluntary transfer to the County. However, the timing constraints of the project require that the County move forward with a Resolution of Necessity that would form the basis to secure the easements needed for the project by court order.

The County will continue to talk with the property owners and attempt to secure the easements without the need to file a court action. But if those efforts prove fruitless, the County must have in place a mechanism to acquire possession.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Prior Board approvals include authorizing contracts for field archeological investigation, environmental review, and design work. The Board has a long record of making improvements that improve the safety for the traveling public. The Board last addressed this matter on August 27, 2019, when it adopted a Resolution reaffirming Mariposa County's actions to replace the Darrah Road Bridge.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Without the Board scheduling a hearing to consider a Resolution of Necessity to acquire the easements for the Darrah Road Bridge project, the County may not be able to gain possession of the property necessary to enter the construction phase of the project.

Resolution - Action Requested 2019-524

FINANCIAL IMPACT:

None

ATTACHMENTS:

Darrah Road Bridge Replacement Proj Res (DOC)

NOTICE-Darrah Rd Bridge Proj-Pearson family (DOC)

NOTICE-Darrah Rd Bridge Proj-McCormack (DOC)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Rosemarie Smallcombe, District I Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Rosemarie Smallcombe, Merlin Jones, Marshall Long

EXCUSED: Kevin Cann, Miles Menetrey

MARIPOSA COUNTY RESOLUTION NO. 19-524

**RESOLUTION TO SCHEDULE RESOLUTION OF NECESSITY PUBLIC HEARING
AND TO NOTICE AFFECTED PROPERTY OWNERS IN THE ACQUISITION OF REAL PROPERTY FOR
THE DARRAH ROAD BRIDGE REPLACEMENT PROJECT OVER THE CHOWCHILLA RIVER**

WHEREAS, it appears necessary to acquire by eminent domain certain real property interests for the purpose of the Darrah Road Bridge Replacement Project over the Chowchilla River in the County of Mariposa, hereinafter referred to as "Project."

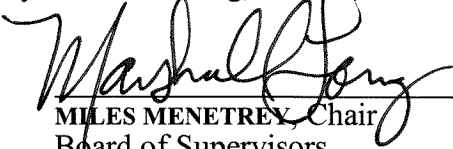
NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Mariposa County that October 15, 2019, at 9:00 a.m., or as soon thereafter as practicable, in the meeting room of the Board of Supervisors of the County of Mariposa, 5100 Bullion Street, 2nd floor, Mariposa, California, is hereby set as the time and place of the public hearing to determine whether a resolution of necessity should be adopted as provided by law precedent to the commencement of eminent domain proceedings to acquire the real property interests needed for the Project in accordance with those plans and specifications on file with the Mariposa County Department of Public Works and Transportation.

BE IT FURTHER RESOLVED that the Director of the Mariposa County Department of Public Works and Transportation is hereby directed to give notice of said public hearing in the manner required by law and that the Clerk of the Board be designated in said notice as the office to answer inquiries regarding the hearing proceedings.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 10th day of September, 2019 by the following vote:

AYES: SMALLCOMBE, JONES, LONG
NOES: NONE
ABSENT: CANN, MENETREY
ABSTAINED: NONE

By: Marshall Long, Pro-Tem Chair


MILES MENETREY, Chair
Board of Supervisors

ATTEST:

APPROVED AS TO FORM:


RENE LAROCHE, Clerk of the Board


STEVEN W. DAHLEM, County Counsel

EXHIBIT A

**DARRAH ROAD BRIDGE REPLACEMENT PROJECT OVER THE CHOWCHILLA RIVER
(FEDERAL PROJECT ID: BRLS-5940(004))**

Parcel 1: \$6,200 Site Address

Florence Pearson
5146 Darrah Road
Mariposa, CA. 95338
APN: 014-510-0340

Assessor's Tax Roll Mailing Address:

Florence Pearson
1740 S. Cornelia Avenue
Fresno, CA. 93706

Mrs. Beverly Pearson
1740 S. Cornelia Avenue
Fresno, CA. 93706

Mr. and Mrs. Keith and Ruby Pearson
3875 Bootjack Lane
Mariposa, CA 95338

Ms. Tessa Pearson
906 West McKinley Avenue
Fresno, CA. 93728

Parcel 2: \$10,000 Site Address

Dorothy MacCormack, Trustee
5131 Darrah Road
Mariposa, CA. 95338
APN: 014-510-0040

Assessor's Tax Roll Mailing Address:

Dorothy MacCormack
1021 H Street #5
Sacramento, CA. 95814

Mr. Aaron Marcus
P.O. Box 1417
Mariposa, CA. 95338