

Replacement Pages Items #17, November 5, 2020

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is located between the proposed acquisition of OSRR and RTC property. A legal description and plat map is being attached to the proposed Resolution of Necessity as **Exhibits “C” and “D”**, and incorporated herein by reference. Parcel OSRR R5 is approximately 0.19 acres and will also become a landlocked parcel as a result of the acquisitions being acquired for the Project. It is also located between the proposed acquisition of OSRR and RTC property. A legal description and plat map is being attached to the proposed Resolution of Necessity as **Exhibits “C” and “D”** ~~Exhibits “E” and “F”~~. A map showing the location of Parcels OSRR R3 and R5 are attached to the end of this fact sheet.

WHEREAS, the SCCRTC seeks to acquire a fee simple interest in a portion of the real property identified by Assessor’s Parcel Number 059-023-10, located at Scaroni Road, within the unincorporated area of Santa Cruz County, as more particularly described and depicted in **Exhibits “A” and “B”** attached hereto, and incorporated herein by reference (“Subject Property”) for the Project; and

WHEREAS, the SCCRTC also seeks to acquire two uneconomic remnants (OSRR R3 and OSRR R5) in a portion of the real property identified by Assessor’s Parcel Number 059-023-10, located at Scaroni Road, within the unincorporated area of Santa Cruz County, as more particularly described in **Exhibits “C” [Parcel OSRR R3] and “E” [Parcel OSRR R5]** and depicted in **Exhibits “D” and “F”** respectively, attached hereto and incorporated herein by reference; and

WHEREAS, SCCRTC has investigated and examined alternatives to the Project, and has considered whether the Project is planned or located in a manner that is the most compatible with the greatest public good and the least private injury; and

WHEREAS, SCCRTC is a local area transportation planning agency, and is vested with the power of eminent domain by virtue of Government Code section 67941, which provides that SCCRTC has the power of eminent domain and the power to preserve, acquire, construct, improve, and oversee multimodal transportation projects and services on rail rights-of-ways within Santa Cruz County in any manner that facilitates recreational, commuter, intercity, and intercounty travel, and by virtue of Article 1, Section 19 of the Constitution of the State of California, and the California Eminent Domain Law, Part 3, Title 7, of the Code of Civil Procedure, Sections 1230.010 *et seq.*; and

WHEREAS, pursuant to Government Code sections 7267.1 and 7267.2, the Subject Property was appraised by an independent real estate appraiser and an amount believed to be just compensation was established by SCCRTC; and

WHEREAS, a written offer for the full appraised value was sent to the owner or owners of record, pursuant to Government Code section 7267.2; and

WHEREAS, on October 15, 2020, pursuant to the provisions of Code of Civil Procedure section 1245.235, written notice was sent by first-class mail to each person whose property is to be acquired by eminent domain and whose names and addresses appear on the Santa Cruz County last equalized roll, to provide notice and a reasonable opportunity to appear and be heard before the Commissioners for SCCRTC on the following matters:

- a. Whether the public interest and necessity require the Project;
- b. Whether said Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- c. Whether the Subject Property is necessary for the Project; and

- d. Whether the offer required by Government Code section 7267.2 has been made to all owners of record, unless the owner or owners could not be located with reasonable diligence.

NOW, THEREFORE, IT IS FOUND, DETERMINED, AND RESOLVED AS FOLLOWS:

1. The recitals contained herein are true and correct;
2. The Subject Property is being acquired for a public use, namely, for transportation and recreational uses, and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon SCCRTC to acquire property by eminent domain by Government Code section 67941, Article 1, Section 19 of the Constitution of the State of California, and the California Eminent Domain Law, Part 3, Title 7, of the Code of Civil Procedure, Sections 1230.010 *et seq.*;
3. The public interest and necessity require the Project;
4. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
5. The Subject Property, specifically a fee simple interest in a portion of the real property identified by Assessor's Parcel Number 059-023-10, located at Scaroni Road, within the unincorporated area of Santa Cruz County, as more particularly described and depicted in **Exhibits "A" and "B"** hereto, incorporated herein by reference, is necessary for the Project;
6. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record;
7. The requirements under the California Environmental Quality Act have been satisfied;
8. Parcels OSRR R3 and R5 are being acquired as uneconomic remnants pursuant to Code of Civil Procedure Section 1240.410, as more particularly described in **Exhibits "C" and "E"** respectively and depicted in **Exhibits "D" and "F"** attached hereto and incorporated herein by reference
9. Insofar as any portion of the Subject Property has heretofore been appropriated for public use, the Subject Property is being acquired for a compatible public use under Code of Civil Procedure section 1240.510, in that SCCRTC's use of the Subject Property will not unreasonably interfere with or impair the public use as it now exists or may reasonably be expected to exist in the future, and alternatively, for a more necessary public use under Code of Civil Procedure section 1240.610, in that SCCRTC's use of the Subject Property is a more necessary public use than the use to which the Subject Property is appropriated;

10. SCCRTC has complied with the provisions of Code of Civil Procedure section 1245.235 by providing each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear and be heard on the matters referred to in Code of Civil Procedure section 1240.030; and

BE IT FURTHER RESOLVED that, pursuant to Government Code section 67941, subdivision (a), SCCRTC shall request the Board of Supervisors of Santa Cruz County to adopt a Resolution consenting to the acquisition of the Subject Property for the Project. Following the adoption of a Resolution by the Board of Supervisors of Santa Cruz County consenting to the acquisition of the Subject Property for the Project, outside counsel, Meyers Nave and RTC Executive Director, is hereby authorized and empowered:

- a. To proceed immediately with the commencement of an action for eminent domain pursuant to the Eminent Domain Law set forth in the Code of Civil Procedure, commencing with Section 1230.010 *et seq.*, for the acquisition of the Subject Property described and depicted in Exhibits “A”, “B”, “C”, and “D”, ~~“E”~~, and ~~“F”~~ attached hereto; and
- b. To deposit with the State Treasury, the amount of probable just compensation established by an approved appraisal, and which served as the basis for the offer made to the Property Owner.

PASSED AND ADOPTED by the Santa Cruz County Regional Transportation Commission for Santa Cruz County, State of California this 5th day of November, 2020, by the following vote:

AYES:

NOES:

ABSENT:

BRUCE MCPHERSON, CHAIR
SANTA CRUZ COUNTY TRANSPORTATION COMMISSION

ATTEST:
GUY PRESTON, SECRETARY
SANTA CRUZ COUNTY TRANSPORTATION
COMMISSION

EXHIBIT C

LEGAL DESCRIPTION FOR UNECONOMIC

REMNANT OSRR R3 & OSRR R5

Available by 11/4/2020 on the RTC website

~~0.13 acres~~ from APN: 059-023-10
.32 acres

~~EXHIBIT E~~

~~LEGAL DESCRIPTION FOR UNECONOMIC REMNANT~~

~~OSRR R5~~

~~Available by 11/4/2020 on the RTC website~~

~~0.19 acres from APN: 059-023-10~~

DELETE



~~The five remainder areas are labeled OSRR R1 through OSRR R5. OSRR R1 has an area of 1.22 acres, OSRR R2 has an area of 0.98 acre, and OSRR R4 has an area of 1.51 acres.~~

North Coast Rail Trail Project

Property Fact Sheet – Portions of Santa Cruz Branch Rail Line (No Situs Address); APNs: 058-072-03; 058-121-03; 059-012-05; 059-023-10; 059-131-08

Owner:	Ocean Shore Railway Company
Property Address:	Southeast of Davenport and West of Santa Cruz, (No Situs Address)
Locale:	Unincorporated Area west of City of Santa Cruz, CA
Principal Improvements:	Vacant land located adjacent to facilities associated with an active railroad corridor
Total Property Area:	Larger Parcel 1: 34.17 acres Larger Parcel 2: 4.15 acres Larger Parcel 3: 4.26 acres
Area to be Acquired:	Four fee simple interests consisting of 19.06 acres, in portions of Larger Parcel 1, Larger Parcel 2 and Larger Parcel 3, as well as four <u>six</u> uneconomic remnants (LP1 R1 (6.97 acres), LP1 R3 (1.13 acres), LP1 R5(1.62 acres), and LP1 R7(.88 acres) <u>LP3 R1 (.09 acres), and LP3 R3 (.02 acres).</u>
Date of Offer:	September 14, 2020, with clarifying letter sent October 28, 2020

The property identified as Assessor's Parcel Numbers 058-072-03; 058-121-03; 059-012-05; 059-023-10; 059-131-08 is located Southeast of Davenport and West of Santa Cruz, in the unincorporated area of Santa Cruz County. The Litigation Guarantee lists Ocean Shore Railway Company as the owner of the properties. The properties are located along an approximately 6.25-mile stretch of land to the southwest of State Route (SR)-1 and the Santa Cruz Branch Rail Line.

The properties are located within three larger parcels consisting of approximately 42.58 acres and containing the Santa Cruz Branch Line, as follows:

Larger Parcel 1:	Portions of 058-072-03, 058-121-03, and 059-012-05
Larger Parcel 2:	Portion of 059-023-10
Larger Parcel 3:	Portion of 059-131-08

Portions of the larger parcels 2 and 3, are used for farming; otherwise the land is vacant.

SCCRTC seeks to acquire four six (4) (6) fee simple acquisitions from the three (3) separate larger parcels as follows:

(1) Two fee simple interests consisting of 8.12 acres and 4.80 acres from a portion of the properties identified as Assessor's Parcel Numbers 058-072-03, 058-121-03, and 059-012-05, as more particularly described and depicted in the legal descriptions and plat maps attached as **Exhibit A** to the proposed Resolution of Necessity, and incorporated herein by reference;

(2) A fee simple interest consisting of 3.18 acres from a portion of the property identified as Assessor's Parcel Number 059-023-10, as more particularly described and depicted in the legal description and plat maps attached as **Exhibit B** to the proposed Resolution of Necessity, and incorporated herein by reference; and,

(3) A fee simple interest consisting of 2.96 acres from a portion of the property identified as Assessor's Parcel Number 059-131-08, as more particularly described and depicted in the legal description and plat maps attached as **Exhibit C** to the proposed Resolution of Necessity, and incorporated herein by reference.

The property interests are needed for the trail improvements for the North Coast Rail Trail Project.

Four uneconomic remnants are also being acquired:

(1) LP1 R1 is approximately 6.97 acres and has been determined by the appraiser to be an uneconomic remnant, because it has limited to no economic utility in the after condition. It is more particularly described and depicted in the legal description and plat maps attached as **Exhibit D** to the proposed Resolution of Necessity, and incorporated herein by reference; and

(2) LP1 R3 is approximately 1.13 acres and as a result of the proposed acquisitions for the Project will be landlocked and, thus, is an uneconomic remnant. It is more particularly described and depicted in the legal description and plat map attached to the Resolution of Necessity as **Exhibit E** and is incorporated herein by reference; and

(3) LP1 R5 is approximately 1.62 acres and as a result of the proposed acquisitions for the Project will be landlocked and, thus, is an uneconomic remnant. It is more particularly described and depicted in the legal description and plat map attached to the Resolution of Necessity as **Exhibit F** and is incorporated herein by reference; and

(4) LP1 R7 is approximately .88 acres and has been determined by the appraiser to be an uneconomic remnant, because it has limited to no economic utility in the after condition. It is more particularly described and depicted in the legal description and plat maps attached as **Exhibit G** to the proposed Resolution of Necessity, and incorporated herein by reference. and;

(5) LP3 R1 is approximately .09 acres and as a result of the proposed acquisitions for the Project will be landlocked and, thus is an uneconomic remnant. It is more particularly described and depicted in the legal description and plat map attached to the Resolution of Necessity as Exhibit F and is incorporated herein by reference.

(6) LP3 R2 is approximately .02 acres and as a result of the proposed acquisitions for the Project will be landlocked and, thus is an uneconomic remnant. It is more particularly described and depicted in the legal description and plat map attached to the Resolution of Necessity as Exhibit F and is incorporated herein by reference.

A maps showing the location of the economic remnants are attached to the end of this fact sheet.

WHEREAS, SCCRTC seeks to acquire four fee simple interests in portions of the real property identified by Assessor's Parcel Numbers 058-072-03, 058-121-03, 059-012-05, 059-023-10, 059-131-08, located between Wilder Ranch State Park and Davenport along the Santa Cruz Branch Rail Line, within the unincorporated area of Santa Cruz County, as more particularly described and depicted in **Exhibits "A", "B" and "C"** attached hereto and incorporated herein by reference ("Subject Property") for the Project; and

WHEREAS, SCCRTC also seeks to acquire ~~four~~ six uneconomic remnants as more particularly described and depicted in **Exhibits "D", "E", and "F", and ~~"G"~~** attached hereto and incorporated herein by reference; and

WHEREAS, SCCRTC has investigated and examined alternatives to the Project, and has considered whether the Project is planned or located in a manner that is the most compatible with the greatest public good and the least private injury; and

WHEREAS, SCCRTC is a local area transportation planning agency, and is vested with the power of eminent domain by virtue of Government Code section 67941, which provides that SCCRTC has the power of eminent domain and the power to preserve, acquire, construct, improve, and oversee multimodal transportation projects and services on rail rights-of-ways within Santa Cruz County in any manner that facilitates recreational, commuter, intercity, and intercounty travel, and by virtue of Article 1, Section 19 of the Constitution of the State of California, and the California Eminent Domain Law, Part 3, Title 7, of the Code of Civil Procedure, Sections 1230.010 *et seq.*; and

WHEREAS, pursuant to Government Code sections 7267.1 and 7267.2, the Subject Property was appraised by an independent real estate appraiser and an amount believed to be just compensation was established by SCCRTC; and

WHEREAS, a written offer for the full appraised value was sent to the owner or owners of record, pursuant to Government Code section 7267.2; and

WHEREAS, on October 15, 2020, pursuant to the provisions of Code of Civil Procedure section 1245.235, written notice was sent by first-class mail to each person whose property is to be acquired by eminent domain and whose names and addresses appear on the Santa Cruz County last equalized roll, to provide notice and a reasonable opportunity to appear and be heard before the Commissioners for SCCRTC on the following matters:

- a. Whether the public interest and necessity require the Project;
- b. Whether said Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- c. Whether the Subject Property is necessary for the Project; and

- d. Whether the offer required by Government Code section 7267.2 has been made to all owners of record, unless the owner or owners could not be located with reasonable diligence.

NOW, THEREFORE, IT IS FOUND, DETERMINED, AND RESOLVED AS FOLLOWS:

1. The recitals contained herein are true and correct;
2. The Subject Property is being acquired for a public use, namely, for transportation and recreational uses, and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon SCCRTC to acquire property by eminent domain by Government Code section 67941, Article 1, Section 19 of the Constitution of the State of California, and the California Eminent Domain Law, Part 3, Title 7, of the Code of Civil Procedure, Sections 1230.010 *et seq.*;
3. The public interest and necessity require the Project;
4. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
5. The Subject Property, specifically four fee simple interests in portions of the real property identified by Assessor's Parcel Numbers 058-072-03, 058-121-03, 059-12-05, 059-023-10, 059-131-08, located at between Wilder Ranch State Park and Davenport along the Santa Cruz Branch Rail Line, within the unincorporated area of Santa Cruz County, as described and depicted in **Exhibits "A", "B" and "C"** attached hereto and incorporated herein by reference, is necessary for the Project;
6. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record;
7. The requirements under the California Environmental Quality Act have been satisfied;
8. Parcels LP1 R1, LP1 R3, LP1 R5, ~~and~~ LP1 R7, LP3 R1 and LP3 R2 are being acquired as uneconomic remnants pursuant to Code of Civil Procedure Section 1240.410, as more particularly described and depicted in **Exhibits "D", "E", and "F", and "~~G~~"** respectively.
89. Insofar as any portion of the Subject Property has heretofore been appropriated for public use, the Subject Property is being acquired for a compatible public use under Code of Civil Procedure section 1240.510, in that SCCRTC's use of the Subject Property will not unreasonably interfere with or impair the public use as it now exists or may reasonably be expected to exist in the future, and alternatively, for a more necessary public use under Code of Civil Procedure section 1240.610,

in that SCCRTC's use of the Subject Property is a more necessary public use than the use to which the Subject Property is appropriated;

910. SCCRTC has complied with the provisions of Code of Civil Procedure section 1245.235 by providing each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear and be heard on the matters referred to in Code of Civil Procedure section 1240.030; and

BE IT FURTHER RESOLVED that, pursuant to Government Code section 67941, subdivision (a), SCCRTC shall request the Board of Supervisors of Santa Cruz County to adopt a Resolution consenting to the acquisition of the Subject Property for the Project. Following the adoption of a Resolution by the Board of Supervisors of Santa Cruz County consenting to the acquisition of the Subject Property for the Project, outside counsel, Meyers Nave and RTC Executive Director, is hereby authorized and empowered:

- a. To proceed immediately with the commencement of an action for eminent domain pursuant to the Eminent Domain Law set forth in the Code of Civil Procedure, commencing with Section 1230.010 *et seq.*, for the acquisition of the Subject Property described and depicted in **Exhibits "A", "B", "C", "D", "E", and "F", and ~~"G"~~** attached hereto; and
- b. To deposit with the State Treasury, the amount of probable just compensation established by an approved appraisal, and which served as the basis for the offer made to the Property Owner.

PASSED AND ADOPTED by the Santa Cruz County Regional Transportation Commission for Santa Cruz County, State of California this 5th day of November, 2020, by the following vote:

AYES:

NOES:

ABSENT:

BRUCE MCPHERSON, CHAIR
SANTA CRUZ COUNTY TRANSPORTATION COMMISSION

ATTEST:
GUY PRESTON, SECRETARY
SANTA CRUZ COUNTY TRANSPORTATION
COMMISSION

EXHIBIT E

LEGAL DESCRIPTION FOR UNECONOMIC

REMNANT LP1 R3 , LP1 R5 and LP1 R7

Available by 11/4/2020 on the RTC website

~~1.13 acres~~

3.63 acres

3616231.1



lower image MOVED
from page 17-131 to
17-127

EXHIBIT F

LEGAL DESCRIPTION FOR UNECONOMIC

REMNANT ~~LP1 R5~~, LP3 R1 and LP3 R2

Available by 11/4/2020 on the RTC website

~~1.62 acres~~
.11 acres



DELETE

~~EXHIBIT C~~

~~LEGAL DESCRIPTION FOR UNECONOMIC REMNANT~~

~~LP1 R7~~

~~Available by 11/4/2020 on the RTC website~~

~~0.88 acres~~

DELETE

