

RESOLUTION NO. 2295

**RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF SOLEDAD DETERMINING THAT  
THE PUBLIC INTEREST AND NECESSITY  
REQUIRE THE ACQUISITION OF CERTAIN EASEMENTS  
AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS**

**City of Soledad Waste Water Pipeline Project**

IT IS RESOLVED by the City Council of the City of Soledad, California, as follows:

WHEREAS, it is desirable and necessary for the City of Soledad to acquire certain easements, particularly described in Exhibit "A", attached hereto and made a part hereof by reference, in order to implement the objectives of the grade separation project; and

WHEREAS, the City Council of the City of Soledad is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Section 33391 of the Health and Safety Code of the State of California, and Sections 1240.050, 1240.110, 1240.120, 1240.125, 1240.150, and 1240.410 of the Code of Civil Procedure of the State of California; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Monterey County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be

heard before the City Council of the City of Soledad on the following matters:

- (a) Whether the public interest and necessity require the Project;
- (b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and
- (c) Whether the property sought to be acquired is necessary for the Project;
- (d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, IT IS FOUND, DETERMINED, AND ORDERED as follows:

1. The public interest and necessity require the Project to construct a new sanitary sewer pipeline from the Soledad State Prison and the Dole Salad Processing Facility to the City Waste Water Treatment Plant.

2. The Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;

3. The taking of permanent easements and temporary construction easements, more particularly described in said Exhibit "A", is necessary for the Project;

4. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the real property;

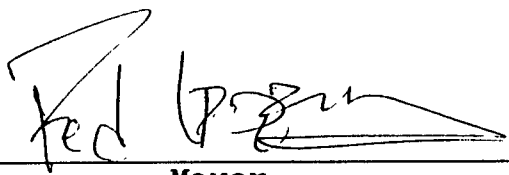
5. The City Attorney of the City of Soledad or his duly authorized designee be, and he is hereby, authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as he may deem advisable or necessary in connection therewith;


6. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount determined by the Court to be so deposited, as a condition to the right of immediate possession.

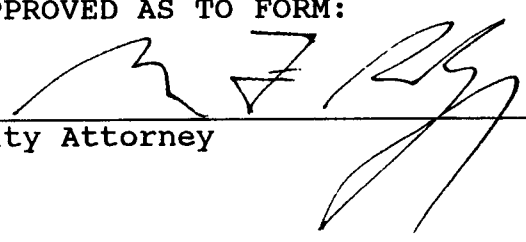
The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Soledad held on the 13th day of December, 1993, by the following vote:

AYES, and in favor thereof, Councilmembers: John Holguin, Ben Jimenez, Jr., Richard Ortiz, Mayor Pro Tem Fabian Barrera, Mayor Fred Ledesma  
NOES, Councilmembers: None

ABSENT, Councilmembers: None

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
City Attorney

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EASEMENT OVER LANDS OF CAMINO-MONTEREY RANCH, LTD

PARCEL ONE

BEING a portion of Lots 3 and 4 as shown on Map filed for record in Book 1 of Surveys at page 94, Records of Monterey County, California and being also a portion of Parcel 1 as conveyed to Camino-Monterey Ranch, Ltd. by deed recorded in Reel 493 at page 65, Official Records of Monterey County. and being more particularly described as follows:

BEING an easement for the installation and maintenance of an underground sanitary sewer pipeline under, over, on and across a strip of land 20.00 feet in width, the centerline of which is more particularly described as follows: BEGINNING at a point in the northwesterly line of Parcel 1, as described in the Deed above referred to, distant thereon  $S.24^{\circ}08'18''W.$  ( $S.22^{\circ}40'45''W$ ) 98.99 feet from the intersection thereof with the southwesterly line of the lands of the Southern Pacific Company, as shown on Record of Survey Map filed for record in Book 7 of Surveys at page 48, Records of Monterey County, and running thence  $S.50^{\circ}31'24''E.$  1044.43 feet to an angle point; thence  $S.50^{\circ}55'26''E.$  1575.37 feet to a point that is 60.00 distant at right angles from the southwesterly line of said Southern Pacific Company lands; thence parallel with said southwesterly line  $S.49^{\circ}59'38''E.$  1395.00 feet, more or less, to an intersection with the southeasterly line of said Parcel 1, above referred to.

EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT  
LANDS OF CAMINO-MONTEREY RANCH, LTD.

PARCEL TWO

BEING a temporary right of way for construction purposes over, on and across a strip of land, varying in width, lying between the southwesterly line of the Southern Pacific Company lands and the northeasterly line of Parcel One, above described, and extending the full length thereof, and also a strip of land 10.00 feet in width adjoining the southwesterly line of Parcel One and extending the full length thereof.

BEING a portion of APN 257-081-01 and APN 257-081-12

( ) denotes record data per Reel 493, Page 65

The above temporary construction easement will be considered abandoned upon acceptance of the completed sanitary sewer line by the City Council of the City of Soledad.

EASEMENT OVER LANDS OF CALLAHAN & TROXEL, TRUSTEES (NO 1)

BEING portion of Lot 4 as shown on Map filed for record in Book 1 of Surveys at page 94, Records of Monterey County, California, and being also a portion of Parcel One as conveyed to Lewis Callaghan and John Troxel, Trustees, by Deed recorded in Reel 1549 at page 798, Official Records of Monterey County, and being more particularly described as follows.

PARCEL ONE

BEING and easement for the installation and maintenamcem of an undergroundsanitary sewer pipeline under, over, on and across a strip of land 20.00 feet in width, the centerline of which is more particularly described as follows BEGINNING at a point in the southeasterly line of Camphor Road (40.00 feet wide) distant thereon  $S.41^{\circ}46'01''W$  ( $S16^{\circ}45''W$ . per above Deed) 35.01 feet from the intersection thereof with the southwesterly line of the lands of the Southern Pacific Company as shown on Record of Survey Map filed for record in Book 8 of Surveys at page 15, Records of Monnterey County, and running thence  $S.49^{\circ}59'44''E$ . ( $S.51^{\circ}29'E$ .) along a line that is parallel with and 35.00 feet distant southwesterly (at right angles) from the southwesterly line of said Southern Pacific Company lands 1263.00 feet, more or less, to an intersection with the southeasterly line of as described in the Deed first above referred to.

EASEMENT OVER LANDS OF CALLAGHAN & TROXEL, TRUSTEES. (NO 2)

BEING portion of Lot 4 as shown on map filed for record in Book 1 of surveys at page 94 Records of Monterey County, California and being also a portion of Parcel Two as conveyed to Lewis Callaghan and John Troxel, Trustees, by deed recorded in Reel 1549 at page 798, Official Records of Monterey County, California and being more particularly described as follows:

PARCEL ONE

BEING an easement for the installation and maintenance of an underground sanitary sewer pipeline under, over, on and across a strip of land 20.00 feet in width the centerline of which is more particularly described as follows: BEGINNING at a point in the northwesterly line of said Parcel Two (above referred to) distant thereon S.37°33'46"W. (S.36°04'30"W.) 35.04 feet from the intersection thereof with the southwesterly line of the lands of the Southern Pacific Company, and running thence S.49°59'44"E. (S.51°29'E.) along a line that is parallel with and 35.00 feet distant southwesterly, at right angles, from the southwesterly line of said lands of Southern Pacific Company 683.00 feet, more or less; thence leaving said parallel line S.05°00'00"E. 197.49 feet, S.50°00'00"E. 174.17 feet, S.85°00'00"E. 187.07 feet, S.47°43'49"E. 669.04 feet, S.23°44'55"E. 92.99 feet, S.59°02'28"E. 197.19 feet, S.49°59'23"E. 449.42 feet, S.31°15'14"E. 233.90 feet, S.50°04'45"E. 81.31 feet, S.53°58'46"E. 806.54 feet and S.50°31'24"E. 495 feet to an intersection with the southeasterly line of Parcel Two as described in said Deed.

TEMPORARY CONSTRUCTION EASEMENT  
LANDS OF CALLAHAN & TROXEL, TRUSTEES (NO. 1)

PARCEL TWO

BEING a temporary right of way for construction purposes over, on and across a strip of land 25.00 feet in width adjoining the lying between the southwesterly line of said Southern Pacific Company lands and the northeasterly line of above described Parcel One and extending the full length thereof and also a strip of land 10.00 feet in width adjoining the southwesterly line of above described Parcel One and extending the full length thereof.

BEING a portion of APN 257-051-02

( ) Denotes record data per Reel 1549 at page 798

The above temporary construction easement will be considered abandoned upon acceptance of the completed sewer line of the City Council of the City of Soledad.

EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT  
LANDS OF CALLAHAN & TROXEL, TRUSTEES (NO. 2)

PARCEL TWO

BEING a temporary right of way for construction purposes over, on and across a strip of land, varying in width, adjoining the southwesterly line of said lands of Southern Pacific Company and the northeasterly line of Parcel One, above described, and extending the full length thereof and also a strip of land 10.00 feet in width adjoining the southwesterly line of said Parcel One and extending the full length thereof

BEING a portion of APN 257-051-01

( ) denotes record information per Reel 1549, Page 798.

The above temporary construction easement will be considered abandoned upon acceptance of the completed sanitary sewer line by the City Council of the City of Soledad.

**EASEMENT OVER LANDS OF HUNTINGTON FARMS, INC.**

BEING portion of Subdivision D of Lot 3 as shown on map filed for record in Book 1 of Surveys at page 94, Records of Monterey County, California, and being also a portion of that certain parcel of land conveyed to Huntington Farms, Inc. by Deed recorded in Reel 1800 at page 578, Official Records of Monterey County, and being more particularly described as follows:

**PARCEL ONE**

BEING an easement for the installation and maintenance of an underground sanitary sewer pipeline under, over, on and across a strip of land 20.00 feet in width, the centerline of which is more particularly described as follows: BEGINNING at a point in the westerly line of said parcel distant thereon  $S.4^{\circ}30'16''W.$  ( $3^{\circ}11'W.$ ) 73.79 feet from the intersection thereof with the lands of the Southern Pacific Company, as shown on Record of Survey Map filed for Record in Book 8 of Surveys at page 38, Records of Monterey County, and running thence  $S.51^{\circ}33'20''E.$  905.17 feet to a point lying 35.00 feet distant, at right angles, from the said southwesterly line of lands of the Southern Pacific Company; thence parallel with said southwesterly line  $S.49^{\circ}33'20''E.$  1217.88 feet, more or less, to the intersection of said centerline with the easterly line of said Parcel.

TEMPORARY CONSTRUCTION EASEMENTS  
LANDS OF HUNTINGTON FARMS, INC.

PARCEL TWO

BEING a temporary right of way for construction purpose over, on and across a strip of land, varying in width, lying between said southwesterly line of the lands of the Southern Pacific Company and the northeasterly line of above described Parcel One and extending the full length thereof and also a strip of land 10.00 feet in width adjoining the southwesterly line of above described Parcel one and extending the full length thereof.

PARCEL THREE

BEING a temporary right of way for construction purposes over, on and across a strip of land, varying in width, bounded by a line more particularly described as follows: BEGINNING at the southwesterly corner of Parcel 2 as conveyed to Theodore N. & Evelyn M. Salmina, Trustees, by Deed recorded in Reel 2589 at page 961, Records of Monterey County, said line being the line common to Lots 2 and 3 of the Rancho San Vicente as shown on the Record of Survey Map above referred to and running thence along said common line N.1°45'58"E. (North) 3889.09 feet to the intersection thereof with the southwesterly line of the above described 10.00 foot strip; thence leaving said common line and running along said southwesterly line N.49°33'20"W. (N.51°28'W.) 84.53 feet to a point that is 50.00 feet, at right angles, from said common line; thence parallel with said common line S.1°45'58"W. 2884.10 feet to an angle point; thence leaving said parallel line S.0°37'43"E. 265.98 feet to an angle point and S.0°38'53"E. 287.18 feet to an angle point; thence southeasterly 354.00 feet, more or less, to the point of beginning.

BEING a portion of APN 257-082-11 & APN 257-082-10

( ) Denotes record data per Reel 1800, page 576 & Reel 2589, page 961

The above temporary construction easements will be considered abandoned upon acceptance of the completed project by the City Council of the City of Soledad.

## SOLEIDAD SANITARY SEWER EASEMENT OVER LANDS OF MARING (NO 1)

BEING portion of Lot 3 as shown on map filed for record in Book 1 of Surveys at page 94, Records of Monterey County, California, and being also a portion of that certain parcel of land conveyed to John A. Maring and Helen M. Maring, Trustees, by deed recorded in Reel 1616 at page 115, Official Records of Monterey County, and being more particularly described as follows:

## PARCEL ONE

BEING an easement for the installation and maintenance of an underground sanitary sewer pipeline under, over, on and across a strip of land 20.00 feet in width the centerline of which is more particularly described as follows: BEGINNING at a point in the northwesterly line of the parcel of land, above referred to, distant thereon  $S.12^{\circ}45'52''W.$  ( $S.11^{\circ}18'15''W$ ) 67.67 feet from the intersection thereof with the southwesterly line of the Southern Pacific Company Lands, as shown on Record of Survey Map filed for Record in Book 7 of Surveys at page 48, Records of Monterey County, and running thence  $S.49^{\circ}59'38''E.$  ( $S.51^{\circ}27'15''E.$ ) along a line that is parallel with and 60.00 feet distant, at right angles, from the southwesterly line of said Southern Pacific Company Lands 1370.00 feet, more or less, to an intersection with the southeasterly line of said parcel conveyed to Maring.

## SOLEDAD SANITARY SEWER EASEMENT OVER LANDS OF MARING (NO 2)

BEING portion of Lot 3 as shown on map filed for record in Book 1 of Surveys at page 94, Records of Monterey County, California, and being also a portion of that certain parcel of land in Monterey County as described in that "JUDGEMENT FOR FINAL DISTRIBUTION" recorded in Reel 2024 at pages 431 and 432, Official Records of Monterey County, and being more particularly described as follows:

## PARCEL ONE

BEING an easement for the installation and maintenance of an underground sanitary sewerpipe line under, over, on and across a strip of land 20.00 feet in width, the centerline of which is more particularly described as follows: BEGINNING at a point in the westerly line of said Parcel, above referred to, distant thereon  $S.7^{\circ}17'37''W.$  ( $5^{\circ}50'W.$ ) 71.73 feet from the intersection thereof with the southwesterly line of the lands of the Suthern Pacific Company and running thence  $S.49^{\circ}59'38''E.$  ( $S.51^{\circ}27'15''E.$ ) along a line that is parallel with and 60.00 feet southwesterly, at right angles, from the southwesterly line of said Southern Pacific Company property 1560.44 feet to an angle point; thence  $S.50^{\circ}00'00''E.$  289.91 feet to an intersection with the southeasterly line of said Parcel above referred to.

TEMPORARY CONSTRUCTION EASEMENT  
LANDS OF MARING (NO. 1)

PARCEL TWO

BEING a temporary right of way for construction purposes over, on and across a strip of land 50.00 feet in width adjoining the southwesterly line of said Southern Pacific Company land and the northeasterly line of Parcel One, above described, and extending the full length thereof, and also a strip of land 10.00 feet in width adjoining the southwesterly line of Parcel One and extending the full length thereof.

BEING a portion of APN 259-081-11

( ) Denotes data per Reel 1816 page 115

The above temporary construction easement will be considered abandoned upon acceptance of the completed Sanitary Sewer line by the City Council by the City of Soledad.

EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT  
LANDS OF MARING (NO. 2)

PARCEL TWO

BEING a temporary right of way for construction purposes over, on and across a strip land varying in width adjoining said southwesterly line of the Southern Pacific Company property and the northeasterly line of Parcel One, above described, and extending the full length thereof, and also a strip of land 10.00 feet in width adjoining the southwesterly line of said Parcel One and extending the full length thereof.

BEING a portion of APN 257-061-10

( ) Denotes record data per Reel 2024 pages 431 & 432

The above temporary construction easement will be considered abandoned upon acceptance of the completed Sanitary Sewer line by the City Council of the City of Soledad.

EXHIBIT A

EASEMENT OVER LANDS OF THEODORE N. & EVELYN M. SALMINA  
(TRUSTEES)

BEING a portion of Subdivision D of Lot 2 as shown on map filed for record in Book 1 of Surveys at page 102, Records of Monterey County, California, and being also a portion of Parcel 2 as conveyed to Theodore N. and Evelyn M. Salmina, Trustees, by deed recorded in Reel 2589 at page 981, Official Records of Monterey County, and being more particularly described as follows:

PARCEL ONE

BEING an easement for the installation and maintenance of an underground sanitary sewer pipeline under, over, on and across a strip of land 20.00 feet in width, the centerline of which is more particularly described as follows: BEGINNING at a point in the westerly line of said Parcel 2 distant thereon  $S.1^{\circ}45'56''W.$  (South) 45.17 from the intersection thereof with the southwesterly line of the lands of the Southern Pacific Company, as shown on Record of Survey Map filed for record in Book 8 of Surveys at page 36, Records of Monterey County, and running thence  $S.49^{\circ}33'20''E.$  ( $51^{\circ}28''E.$ ) along a line that is parallel with and 35.00 feet distant southwesterly (at right angles) from the southwesterly line of said lands of Southern Pacific Company 11.00 feet, more or less, to a point that is 10.00 feet easterly (at right angles) from said westerly line; thence parallel with said westerly line  $S.1^{\circ}45'56''W.$  2800.00 feet to an angle point; thence leaving said parallel line  $S.0^{\circ}37'43''E.$  285.00 feet,  $S.0^{\circ}36'53''E.$  285.00 feet,  $S.4^{\circ}53'15''E.$  363.36 feet and  $S.26^{\circ}38'40''W.$  27.00 feet, more or less, to the southerly line of above said Parcel 2.

EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT  
LANDS OF SALMINA

PARCEL TWO

BEING a temporary right of way for construction purposes over, on and across a strip of land 25.00 feet in width lying between the southwesterly line of said lands of the Southern Pacific Company and the easterly line of above described Parcel One and extending the full length thereof, and also a strip of land varying in width, adjoining the westerly line of above described Parcel One and the westerly line of said Parcel 2, and also a strip of land, 10.00 feet in width, adjoining the easterly line of above described Parcel One and extending the full length thereof.

BEING a portion of APN 257-082-12 & APN 257-082-13

( ) Denotes record data per Reel 2589 page 961

The above temporary construction easement will be considered abandoned upon acceptance of the completed project by the City Council of the City of Soledad.

EXHIBIT A