

RESOLUTION NO. 2359**A 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 Wastewater 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 construct a new sanitary sewer pipeline from Soledad State Prison to the City of Soledad Wastewater Treatment Plant; 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; and
- (b) Whether the Project is planned or located in the manner that

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 to the City Wastewater 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/she 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/she 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.

PASSED AND ADOPTED by the City Council of the City of Soledad at a regular meeting duly held on the 11th day of July, 1994 by the following vote.

AYES, and in favor thereof, Councilmembers: John Holguin, Ben Jimenez, Richard Ortiz, Mayor Pro Tem Fabian Barrera, Mayor Fred Ledesma.

NAYES, Councilmembers. None

ABSENT, Councilmembers. None

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MNRS&W

FAX NO. 510 351 4481

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PARCEL ONE

BEING a portion of Lot 5 of the Rancho San Vicente as shown on that map filed for Record in Book 1 of Surveys, at Page 94, Records of Monterey County, California, and also being a portion of Parcel 1 as conveyed to Harry Downie and Crocker-Citizens National Bank, Trustee, by Deed Recorded in Reel 1617, Page 1138, Official Records of said County, Amended by Deed Recorded in Reel 1617, Page 1163, Official Records of said County, being more particularly described as follows.

BEING an easement for the installation and maintenance of an underground sanitary sewer pipeline and any appurtenances thereto 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 Camphore Road (40.00 feet wide) distant thereon S.40°22'50"W. 35.02 feet from the intersection thereof with the southwesterly line of the lands of the Southern Pacific Company as shown on that Record of Survey filed for record in Book 8 of Surveys, at Page 15, Records of said county and running thence: N.51°29'00"W. along a line that is parallel with and 35.00 feet distant southwesterly (at right angles) from said southwesterly line of the Southern Pacific Company lands 502.79 feet to an angle point; thence N.6°29'00"W. 35.00 feet to an angle point, said angle point lying on the prolongation of the centerline of an existing steel pipe casing said steel pipe casing lying under said Southern Pacific Company lands and the state highway 101 right of way; thence N.38°31'00"E 10 25 feet along said prolongation to said southwesterly line of the Southern Pacific Company lands.

PARCEL THREE

BEING a portion of Lot 5 of the Rancho San Vicente as shown on that map filed for Record in Book 1 of Surveys, at Page 94, Records of Monterey County, California, and also being a portion of Parcel 1 as conveyed to Harry Downie and Crocker-Citizens National Bank, Trustee, by Deed Recorded in Reel 1617, Page 1138, Official Records of said County, Amended by Deed Recorded in Reel 1617, Page 1163, Official Records of said County, being more particularly described as follows:

BEING an easement for the installation and maintenance of an

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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 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.

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