

RESOLUTION NO. _____
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

Resolution Determining That The Public Interest And Necessity Require The Acquisition Of Fee Title To
And Temporary Construction Easements Across Certain Real Property Located In The City Of
Burlingame For The Broadway Interchange Project And Directing The Filing Of Eminent Domain
Proceedings

(1288 & 1290 Bayshore Highway, Burlingame; APN 026-142-070)

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that,

WHEREAS, on December 11, 2012, the County of San Mateo (the "County") entered into a cooperative agreement (the "Cooperative Agreement") with the San Mateo County Transportation Authority ("SMCTA") whereby the County will be responsible for condemning property that may be acquired through eminent domain in connection with the Burlingame Interchange Project, a project undertaken by SMCTA and the State of California Department of Transportation ("Caltrans") to improve the interchange between U.S. Highway 101 and Broadway in the City of Burlingame (the "Project"); and,

WHEREAS, the County is authorized by Streets and Highway Code section 760 and Code of Civil Procedure sections 1240.020 and 1240.120 to condemn property for SMCTA and Caltrans' use in connection with the Project;

WHEREAS, Caltrans prepared and circulated a Negative Declaration and Finding of No Significant Impact with regard to the Project;

WHEREAS, on March 18, 2011, Caltrans certified that the Negative Declaration and Finding of No Significant Impact were completed in compliance with the California Environmental Quality Act, the National Environmental Policy Act and related implementing regulations;

WHEREAS, on behalf of the Project, the County seeks to acquire for public use, by exercise of its power of eminent domain, property interests, to wit, fee simple ownership of and temporary construction easements across certain real property reportedly owned in fee by Fox Investments GP, as its interest appears of record, which real property, or interests in property, is located at 1288 and 1290

Bayshore Highway, County of San Mateo, State of California, and identified as Assessor's Parcel Number 026-142-070, more particularly described and depicted in Exhibits A, B, and C, and a map of the location of the project in Exhibit D attached hereto and incorporated herein by this reference ("Subject Property");

WHEREAS, Code of Civil Procedure sections 1240.010, et seq. authorize the County to acquire property located in San Mateo County, by eminent domain;

WHEREAS, this Board of Supervisors constitutes the governing body of the County; and,

WHEREAS, SMCTA has tendered a formal offer to the owner of record to purchase Subject Property, or interests in Subject Property, for fair market value as established by an independent appraisal and that offer has not been accepted by the owner;

WHEREAS, the offer met the requirements of Government Code section 7267.2 and Code of Civil Procedure section 1263.025, including by providing the owner of Subject Property with an Offer Letter; a Summary Statement relating to Purchase of Real Property or an Interest Therein; a set of proposed Right of Way Contracts, Grant Deed, and Temporary Construction Easement Deeds including legal descriptions and plat maps depicting the subject property interests; a Copy of the Appraisal; and, a statement of the owner's right to obtain and be paid up to \$5,000.00 for an independent appraisal;

WHEREAS, notice has been duly given to the owner of Subject Property pursuant to Code of Civil Procedure section 1245.235; and,

WHEREAS, County calendared this Resolution of Necessity on the Agenda and invited public comment prior to the meeting during which this Resolution was considered for adoption.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the San Mateo County Board of Supervisors finds and determines that:

1. The public interest and necessity require the proposed Project;
2. The proposed Project is planned and located in the manner that will be most compatible with the greatest public good and least private injury;

3. The interests in property described in this resolution are necessary for the proposed Project; and,

4. An offer has been made to the owner(s) in accordance with Section 7267.2 of the with an Offer Letter; a Summary Statement relating to Purchase of Real Property or an Interest Therein; a set of proposed Right of Way Contracts, Grant Deed, and Temporary Construction Easement Deeds including legal descriptions and plat maps depicting the subject property interests; a Copy of the Appraisal; and, a statement of the owner's right to obtain and be paid up to \$5,000.00 for an independent appraisal.

NOW THEREFORE, BE IT FURTHER RESOLVED that the County Manager or his designee is hereby authorized to:

1. Institute proceedings in eminent domain to acquire the Subject Property, or interests in Subject Property;

2. Deposit funds provided by SMCTA with the California State Treasurer in the amount of probable compensation as determined by a professional appraisal and seek prejudgment possession of the property by negotiation or court process consistent with Code of Civil Procedure section 1255;

3. Take such further actions as may be necessary to give effect to this Resolution;

AND, BE IT FURTHER RESOLVED that, upon acquiring title to the Subject Property, the County Manager or his designee is authorized to:

4. Convey the Subject Property to SMCTA, pursuant to the terms of the Cooperative Agreement, for use in the Project pursuant to the County's authority under Streets and Highway Code section 760 and Code of Civil Procedure sections 1240.020 and 1240.120.

* * * * *