



# County of San Mateo

## Inter-Departmental Correspondence

---

**Department:** COUNTY MANAGER

**File #:** 21-139

Board Meeting Date: 2/23/2021

---

**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Michael P. Callagy, County Manager  
John C. Beiers, County Counsel

**Subject:** Adoption of a Resolution of Necessity for acquisition of two permanent easements and one temporary construction easement upon the parcel at 2710 Middlefield Road in North Fair Oaks

### **RECOMMENDATION:**

Adopt a Resolution of Necessity declaring that the acquisition of permanent easements and a temporary construction easement burdening a portion of the real property located at 2710 Middlefield Road, unincorporated Redwood City, California, Assessor Parcel Number 054-113-130, by eminent domain, is necessary to improve and modernize access along Middlefield Road.

### **BACKGROUND:**

The Department of Public Works ("DPW") has proposed to implement the Middlefield Road Improvement Project ("the Project") in the unincorporated North Fair Oaks Area. The proposed improvements are intended along an approximately 2,900-foot stretch of Middlefield Road from just south of Douglas Avenue in the north, to just north of Sixth Avenue in the south. The Project was the subject of an Initial Study and Mitigated Negative Declaration, which was certified by the Board of Supervisors on February 12, 2019 via Resolution No. 076420.

The Project would reconfigure Middlefield Road between Pacific Avenue and Fifth Avenue from a four-lane, two-way roadway to a three-lane (one lane in each direction with a center left turn lane) roadway with parallel parking, bike lanes, and wider sidewalks. Expanded sidewalk would be constructed to accommodate street amenities, such as benches, landscaping, street lights, trash receptacles, street art, public spaces, wayfinding signage, and low-impact development for stormwater management. The project would remove existing overhead utilities between MacArthur Avenue at the north end and Fifth Avenue at the south end and replace them with a proposed underground joint utility trench in the new southbound travel lane. The Project would also replace the existing sewer lines between Douglas Avenue and Sixth Avenue as part of a sanitary system upgrade.

2710 Middlefield Road is the site of Fair Oaks Health Center, a medical clinic that is part of the San Mateo County Health System. The property is leased by County Health from a private owner. The property has frontage on Middlefield Road near the junction of Middlefield Road, Pacific Avenue, Northside Avenue, Hurlingame Avenue and the point where the Dumbarton Rail spur owned by Union Pacific Railroad crosses Middlefield. The property is at the northern end of the stretch of Middlefield Road that is subject to the construction of the Project. Many of the elements of the Project, such as the roadway improvements, expanded sidewalk, utility trench, sewer replacement, and street amenities will need to occur in the vicinity of this intersection.

DPW has determined a need to acquire permanent easement rights for some of the Project elements that will permanently encroach upon a portion of the property at 2710 Middlefield Road adjacent to the roadway. In addition, the plans for the Project establish a temporary need for a designated area for staging of construction materials and equipment during the construction. DPW has worked with the Real Property Division to establish appropriate legal descriptions of the easement areas needed.

**DISCUSSION:**

The County Manager and County Counsel recommend adoption of a Resolution of Necessity that authorizes and directs the Office of the County Counsel to file an action in eminent domain and bring a motion for an order of immediate possession of the easements to permit this important public infrastructure process to proceed in a timely fashion. This resolution is a legal formality that must occur in order for the County to have the right to proceed with eminent domain if a voluntary transaction cannot be finalized and consummated in time for the Project to proceed.

The owner of the property has been notified of the County's intention to bring this Resolution of Necessity before the Board for approval, and the parties have been in ongoing discussions regarding an amicable and voluntary transaction to acquire the easement interests. Those discussions will continue. However, adoption of the Resolution of Necessity is nonetheless necessary because it will establish the scope of the County's intentions to acquire the property and will provide an appropriate vehicle for the resolution of any unresolved disputes as to the appropriate value to be paid to the owner for the easement rights.

The attachments to the resolution describe the location of the easements to be acquired.

**FISCAL IMPACT:**

The acquisition of the easements is a budgeted component of the Middlefield Road Improvement Project, and is projected to be \$527,310.