

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Public Works *W. Hough*

BOARD AGENDA # C-3g

Urgent Routine

AGENDA DATE July 16, 2013

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Consider and Adopt a Resolution of Necessity to Acquire Real Property or Interest in Real Property by Eminent Domain for the Claribel Road Widening Project, Parcel Owner: KB Farm Fab and Welding, a General Partnership, APN 074-015-006

STAFF RECOMMENDATIONS:

1. Find that the public interest and necessity require the proposed project.
 2. Find that the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
 3. Find that the subject property described in the attached Resolution is necessary for the proposed project.
 4. Find that the offer required by section 7267.2 of the Government Code has been made to the owners of record of the property to be acquired.
- (CONTINUED ON PAGE 2)

FISCAL IMPACT:

The costs associated with conducting the Resolution of Necessity hearings are funded by the Regional Transportation Impact Fee (RTIF) funds. Although the costs have not been identified, it is anticipated that they will be minimal and will be absorbed within the current year Public Works Road Projects Budget.

BOARD ACTION AS FOLLOWS:

No. 2013-361

On motion of Supervisor O'Brien, Seconded by Supervisor De Martini

and approved by the following vote,

Ayes: Supervisors: O'Brien, Withrow, De Martini and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: Monteith

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Consider and Adopt a Resolution of Necessity to Acquire Real Property or Interest in Real Property by Eminent Domain for the Claribel Road Widening Project, Parcel Owner: KB Farm Fab and Welding, a General Partnership, APN 074-015-006

STAFF RECOMMENDATIONS (Continued):

5. Adopt a Resolution of Necessity in the form attached hereto as Attachment A.
6. Authorize County Counsel to initiate eminent domain proceedings to acquire the subject property.

DISCUSSION:

The Claribel Road Widening project proposes to widen Claribel Road from two lanes to four lanes from McHenry Avenue to Oakdale Road, construct a Class I bikeway, replace the Modesto Irrigation District (MID) Lateral No. 6 bridge with concrete pipe culverts, and signalize the intersection of Coffee Road at Claribel Road.

On May 22, 2012, the Board of Supervisors adopted the Mitigated Negative Declaration for the project. County Public Works staff is currently in the process of acquiring the Right of Way (ROW) necessary to complete the project.

The County needs to acquire 0.067 acres of the property located on the northern side of Claribel Road, midway between McHenry Avenue and Coffee Road (hereby referred to as the "subject property"), to accomplish the proposed improvements. The owner of the subject property is KB Farm Fab and Welding, a General Partnership (hereby referred to as the "owner").

The property is zoned General Agriculture District A-2-40, and the entire parcel contains 0.82 acres. The owner has a use permit to develop the property as a fabrication shop. The project will eliminate the majority of the owner's frontage of the property and prevent the use of the existing shop doors.

The County has offered the owner of the subject property the sum of \$32,177, which an appraiser hired by the County determined to be the fair market value for the subject property, pursuant to section 7267.2 of the Government Code. A copy of the offer letter is attached hereto as Attachment B.

The County and owner have been in correspondence since February 2012, to discuss the project and ROW acquisition needed for the project. The County's ROW consultant, Overland Pacific and Cutler (OPC), met with the owner on February 5, 2013, to discuss the offer. On April 19, 2013, the owner requested that the County provide compensation for a protective wall along the frontage of the property, as the project will shift the roadway within 25 feet of the existing shop building. The County is agreeable to the additional compensation of \$18,304 requested by the owner, based on a contractor's construction quote, for the protective wall. On May 22, 2013, the owner wanted clarification on the

Approval to Consider and Adopt a Resolution of Necessity to Acquire Real Property or Interest in Real Property by Eminent Domain for the Claribel Road Widening Project, Parcel Owner: KB Farm Fab and Welding, a General Partnership, APN 074-015-006

drainage on the subject property after the project improvements are complete. The County provided clarification to the owner on June 11, 2013, and the owner is ready to accept the County's offer with the negotiated compensation for a protective wall. The owner is supportive of the project and is waiting for the County to draft the final Agreement for Acquisition of property to review and accept.

Even though it is anticipated that an agreement with the owner will be reached, Public Works staff recommends beginning the process of acquiring the ROW from the owner through the eminent domain process. The project has a short construction window beginning this winter and starting the eminent domain process now allows the County to obtain an order of possession while the agreement is drafted and reviewed by the owner for signature and acceptance.

To authorize the use of the power of eminent domain, the Board must first adopt a Resolution of Necessity required by section 1245.220 of the Code of Civil Procedure. The purpose of the Resolution of Necessity hearing is to provide the owners of the property the opportunity to be heard on the matters referred to in section 1240.030 of the Civil Code as follows:

1. Whether the public interest and necessity require the project;
2. Whether the project is planned or located in the manner that will be most compatible with the greatest public good and least private harm;
3. Whether the property sought to be acquired is necessary for the project; and
4. Find that the offer required by section 7267.2 of the Government Code has been made to the owners of record of the property to be acquired.

The owner was sent a written Notice of Hearing on Monday, June 24, 2013, as required by section 245.235 of the Code of Civil Procedure, refer to Attachment C.

The Department of Public Works offers the following in support of each of the above-mentioned matters:

1. The Public Interest and Necessity Require the project.

Purpose

The purpose of the Project is to improve the corridor to accommodate east/west interregional traffic between the cities of Riverbank, Modesto, Oakdale, and Stanislaus County and to State Highway 108 (McHenry Avenue), which would improve regional network circulation, relieve existing traffic congestion, reduce traffic delay, accommodate future traffic, improve safety, and promote non-motorized modes of transportation consistent with the County General Plan.

Approval to Consider and Adopt a Resolution of Necessity to Acquire Real Property or Interest in Real Property by Eminent Domain for the Claribel Road Widening Project, Parcel Owner: KB Farm Fab and Welding, a General Partnership, APN 074-015-006

Need

The segment of Claribel Road between McHenry Road and Coffee Road is one of the County's most congested roadways and carries significant volumes of traffic. The consideration of "Level of Service" (LOS) is very important in traffic planning. The most common scale for measuring level of service, that describes traffic flows in relation to the speed limit and traffic mobility between lanes, is designation of an LOS A to F. LOS A describes free flow of traffic traveling at or above the posted speed limit with complete mobility between lanes; whereas, LOS F describes a breakdown in vehicular flow with heavy traffic congestion and no allowance for movement between lanes. The minimum standard LOS the County seeks to maintain is "C" where traffic flows at near free-flow speeds at the posted speed limit and maneuverability between lanes is restricted due to traffic congestion, but with driver awareness can be achieved safely. The existing LOS for the project segment of Claribel Road Widening is currently operating at E at peak hours, which is described in the 2010 Highway Capacity Manual (HCM) as a road where the demand is approaching capacity, speeds are significantly reduced, and passing is not possible. Claribel Road will continue to operate at an LOS of E at the peak hour until the year 2025, when the two-way flow rate is projected to exceed 3,200 passenger cars per hour, which is the limit between E and F. The current and future operation of the corridor does not meet the County's required LOS of C at peak hours; however, with the project, the LOS will improve from E to B at peak hours, where there is not vehicle impedence and traffic moves freely, resulting in reduced traffic incidences.

The existing intersection of Claribel Road and Coffee Road is controlled by an all-way stop. The intersection operates at an LOS of F with average AM and PM delays of 84.1 and 205.7 seconds, respectively. Signalization of the intersection will significantly reduce traffic delays, reduce congestion, and improve air quality and safety, by improving average AM and PM delays to 12.2 and 11.8 seconds, respectively.

There were 66 collisions along this segment of Claribel Road from 2007-2011. The project will improve safety by reducing traffic collisions because of increased driver comfort and restricted turning movements on and off Claribel Road.

2. The project is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury.

The widening of Claribel Road requires an average of 90 feet of ROW take on the northern side of the corridor, with a limited ROW take on the southern side of the corridor. County staff considered widening to the south, as opposed to the north. Widening to the north is more feasible because there are fewer conflicts with existing structures on the northern side of Claribel Road. Major structures on the southern side

Approval to Consider and Adopt a Resolution of Necessity to Acquire Real Property or Interest in Real Property by Eminent Domain for the Claribel Road Widening Project, Parcel Owner: KB Farm Fab and Welding, a General Partnership, APN 074-015-006

of the roadway include Bambacigno Steel, Morningside Mobile Home Park, and the MID Substation.

3. The property sought to be acquired is necessary for the project.

To relieve current congestion, improve safety, and maintain a minimum standard LOS for the Claribel Road corridor, and Claribel Road and Coffee Road intersection, the proposed ROW acquisition of the subject property is necessary for the project to be built.

4. Find that the offer required by section 7267.2 of the Government Code has been made to the owners of record of the property to be acquired.

The offer was sent to KB Farm Fab and Welding, a General Partnership on January 24, 2013.

ROW acquisition is required from 17 parcels in order to construct the project. ROW is still being negotiated with the owners of 10 parcels, including this parcel.

POLICY ISSUES:

The recommended actions are consistent with the Board's priorities of providing A Safe Community, A Healthy Community, and A Well Planned Infrastructure System by improving traffic safety and reducing traffic congestion on the County road system.

STAFFING IMPACT:

There is no staffing impact associated with this item.

CONTACT PERSON:

Matt Machado, Public Works Director. Telephone: (209) 525-4130.

"ATTACHMENT A"

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: July 16, 2013

No. 2013-361

On motion of Supervisor O'Brien Seconded by Supervisor De Martini
and approved by the following vote,

Ayes: Supervisors: O'Brien, Withrow, De Martini and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: Monteith

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # C-3g

**RESOLUTION OF NECESSITY
TO ACQUIRE CERTAIN REAL PROPERTY OR INTEREST IN REAL PROPERTY
BY EMINENT DOMAIN PARCEL APN: 074-015-006
OWNER: KB FARM FAB AND WELDING, A GENERAL PARTNERSHIP**

BE IT RESOLVED, that the Board of Supervisors of the County of Stanislaus, State of California, hereby finds and determines as follows:

WHEREAS, Article I, section 19 of the Constitution of the State of California and section 25350.5 of the Government Code authorizes the Board of Supervisors of any County to acquire by eminent domain any property necessary to carry out any of the powers or functions of the County; and

WHEREAS, the real properties to be taken are described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the take of the real property required for the project; and

WHEREAS, the County proposes to widen Claribel Road from two lanes to four lanes from McHenry Avenue to Oakdale Road, construct a Class I bikeway, replace the Modesto Irrigation District (MID) Lateral No. 6 bridge with concrete pipe culverts, and signalize the intersection of Coffee Road at Claribel Road; and

WHEREAS, notice has been properly given as required by and according to the provisions of section 1245.235 of the California Code of Civil Procedure, and a meeting has been held at which all persons whose property may be acquired by eminent domain and whose name and address appear on the last equalized County Assessment Roll have been given a reasonable opportunity to appear and be heard by the Board of Supervisors on the matters set forth in Code of Civil Procedures sections 1240.030 and 1240.510; and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of Supervisors of Stanislaus County by no less than two-thirds vote of its members:

1. The public interest and necessity require the acquisition of the real property interests described in Exhibit "A" attached hereto and incorporated by this reference for the proposed public project.
2. The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The properties sought to be acquired and described by this resolution is necessary for the public project.
4. The offer required by section 7267.2 of the Government Code has been made to the owners of record.
5. The findings and determinations contained in this Resolution are based on and incorporate the record before the Board on April 19, 2011, and May 22, 2012, which include the staff Board reports regarding CEQA compliance, the environmental analysis of the proposed project contained in the Mitigated Negative Declaration, project approval, and all other documents referenced above and in the staff Board report to this Resolution. The findings and determinations contained herein are also based on any testimony, records, and documents produced at the hearing, all of which are incorporated herein by this reference.
6. The County Counsel is hereby authorized to institute eminent domain proceedings in the Superior Court of the State of California for the County of Stanislaus, for the purpose of acquiring the properties described herein above, and is further authorized to institute proceedings for taking pre-judgment possession of said properties and to deposit the probable amount of compensation therefore, in accordance with California Code of Civil Procedure section 1255.010, as directed by the Superior Court as security for said possessions. Counsel is further authorized to associate with, at its election, a private law firm for the prosecution of said proceedings.
7. In order to timely complete the project and provide the benefits of the project in a timely and orderly manner, the County has an overriding need for possession of the property described and depicted in Exhibit "A" attached hereto and prior to entry of denied, the County and the residents of California to be served by the proposed project, will suffer a substantial hardship. County Counsel is hereby authorized to request an Order from the Court authorizing the County to take prejudgment possession of the property.
8. That the Auditor/Controller of Stanislaus County is directed to draw all necessary warrants payable to the State Treasurer or County Clerk in the amount specified in the Written Summary of Just Compensation prepared in accordance with the Code of Civil Procedure sections 1255.010, et seq. All warrants shall be drawn from the County Treasury. No warrant shall be drawn on that account for purposes of furthering the eminent domain action unless sufficient funds have been deposited to fund any such warrant.

**ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
Stanislaus County Board of Supervisors,
State of California**

Christine Ferraro

File No.

AV/sn

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EXHIBIT "A"
LEGAL DESCRIPTION
CLARIBEL ROAD RIGHT OF WAY WIDENING
A.P.N. 074-015-006

All that certain piece or parcel of land situate in the County of Stanislaus, State of California, lying within the Southeast quarter of Section 33, Township 2 South, Range 9 east, Mount Diablo Meridian, described as follows:

ALL that portion of that parcel of land conveyed to K-B Farm and Welding, a General Partnership by Grant Deed filed in the Office of the Recorder of the County of Stanislaus on February 17, 1998 as Document No. 89-0014864, being more particularly described as follows:

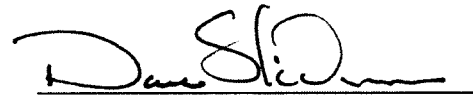
THE North 20.00 feet of the South 30.00 feet of Parcel B as shown on that map filed for record in the Office of the Recorder of the County of Stanislaus on May, 23, 1967 in Book 3 of Parcel Maps at page 78.

The North line of said South 30.00 feet being measured perpendicular to and 75.00 feet North of the South line of said Southeast quarter of Section 33.

CONTAINING 2,904 Square Feet more or less

SUBJECT to all easements and/or rights of way of record.




Dave Skidmore, P.L.S. 7126
1/24/12



APN: 074-015-015

1/4 SECTION LINE

PARCEL B
3 - PM - 78

K-B FARM FAB & WELDING
DOC. NO 98-0014864
APN: 074-015-006

APN: 074-015-007

PROPOSED R/W

CLARIBEL ROAD WIDENING
2,904 S.F. ±

PROPOSED R/W

N89°27'42"W
145.20'

SECTION 33

10' - ROAD DEED
INST. NO. 98-103798

45'

55'

145.20'
N89°27'42"W
S. LINE PCL. B

45'

55'

20'

N89°28'00"W

S89°27'42"E

S. 1/4 COR. OF
SEC. 33, 2/9
POC

TOWNSHIP LINE

CLARIBEL ROAD

SECTION 4

DRAWN	DLS
DATE	1/19/12
SCALE	1"=50'
JOB #	784-10
DWG.	Id_plats

**PLAT TO ACCOMPANY
LEGAL DESCRIPTION**

CLARIBEL ROAD WIDENING
STANISLAUS COUNTY, CALIFORNIA



**ASSOCIATED
ENGINEERING, INC.**
Surveying • Design • Planning
4206 TECHNOLOGY DRIVE, SUITE 4
MODESTO, CALIFORNIA 95356
PH: (209) 545-3390 FAX: (209) 545-3875



8950 Cal Center Drive, Suite 102
Sacramento, California 95826
916.857.1520 ph
916.857.1525 fax
www.OPCservices.com

January 24, 2013

K-B Farm Fab and Welding
c/o Mr. Ken Ramos
707 Claribel Road
Modesto, California 95356

Regarding: County of Stanislaus ~ Claribel Road Widening Project
Acquisition portion of APN: 074-015-006

Dear Mr. Ramos:

The County of Stanislaus is currently finalizing plans for a public improvement project for the widening of Claribel Road. As discussed with you, this project will require the acquisition of a portion of your property. The County seeks to acquire in fee a portion of your property consisting of a total of 2,904+/- Sq. Ft. or approximately 0.0666+/- Acre on your parcel known as APN: 074-015-006.

Accordingly, the County hereby makes an offer for the fee simple acquisition of a portion of your property located at 707 Claribel Road, Modesto, California, for the sum of \$32,177.00, which is segregated as follows:

<u>\$ 5,808.00</u>	Fee Simple: 2,904+/- Sq. Ft. (or 0.0666+/-Acre)
<u>\$ N/A</u>	Temporary Construction Easement
<u>\$ 26,369.00</u>	Cost to Cure (loss of utility, asphalt, lawn, fencing, concrete, flag pole)
<u>\$ 32,177.00</u>	Total

The County's offer is the full amount determined to be just compensation for the property interest. The basis for that determination is explained in the attached Information and Appraisal Summary Statements. It is the County's hope that this price is agreeable to you and that the acquisition can begin immediately.

I, Steve Long of Overland, Pacific & Cutler, Inc., the County's acquisition agent, will work with you in this acquisition. If you have any questions regarding this Notice and accompanying statements, please contact me or Burt Presnell at (916) 857-1520 or (800) 400-7356.

If this offer is acceptable, please contact me to open escrow services.

K-B Farm Fab and Welding
APN: 074-015-006
January 24, 2013
Page 2 of 2

This offer is subject to and conditioned upon acceptable soils conditions and the absence from the property of toxic or hazardous substances and any other kind of soil or water contamination, and to the grant of a right-of-entry to the County for the purpose of conducting a soils, toxic and hazardous substances investigation of the Property at the County's expense. This offer is subject to modification depending on the results of that investigation.

Finally, any agreement that you make with the County's staff or consultants for the County's purchase of the Property will not be binding on the County unless and until it is approved by the County's Board of Supervisors.

Also enclosed is an informational pamphlet about the California Eminent Domain Law. Under California Law, the County is required to provide you with the attached informational pamphlet detailing the eminent domain process and your rights under the Californian Eminent Domain Law.

Alternatively, it is requested that you acknowledge receipt of the County's offer by signing a copy of this letter and returning same in the enclosed self-addressed stamped envelope. Your signature on the copy does not signify acceptance of the offer to settle the acquisition by the County, it only acknowledges receipt of the County's offer.

Your cooperation in this matter will be greatly appreciated.


Sincerely,



Steven F. Long
Project Manager

SL:dm
cc: Aja Verburg – Stanislaus County

OFFER RECEIVED

By 

Date 2-5-13

Receipt of Offer Does Not
Constitute Acceptance

INFORMATION STATEMENT

This offer is presented in settlement of the acquisition of a portion of your property at 707 Claribel Road, Modesto, California.

<u>\$ 5,808.00</u>	Fee Simple: 2,904+/- Sq. Ft. (or 0.0666+/-Acre)
<u>\$ N/A</u>	Temporary Construction Easement
<u>\$ 26,369.00</u>	Cost to Cure (loss of utility, asphalt, lawn, fencing, concrete, flag pole)
<u>\$ 32,177.00</u>	Total

The value of the portion of your property being purchased is based upon a market value appraisal prepared by an independent appraisal firm in accordance with accepted appraisal procedures. Valuation of your property is based upon an analysis of, where applicable, recent sales of comparable sites and similar properties in this locality with consideration to the highest and best use for development of the property; an income approach based on the potential fair rental for your property has been considered where applicable; and a replacement cost approach considering the estimated depreciated cost of the improvements, together with the value of the land, has been considered where applicable. Any diminution in value of the remainder parcel, or costs to mitigate same, have also been considered.

Before arriving at a conclusion of value, the appraiser conducted an investigation in order to obtain the information necessary. The investigation generally includes an inspection of the property and improvements, and review of the improvements, a review of the immediate surrounding and regional influences, the property zoning and uses permitted, a study of the highest and best use to which the property can be put, easements which may exist on the property, the availability of utilities, access and street improvements. The appraiser conducted interviews with knowledgeable persons, collect comparable data, information relating to fair rental value of the property and the cost of reproducing the improvements on the property.

The offer is the full amount believed by the County of Stanislaus to be just compensation for the portion of your property. It is not less than the County's approved appraisal of the Fair Market Value of the property. Any decreases or increases in the Fair Market Value of the real property to be acquired prior to the date of the valuation caused by the public improvements or project for which the property is to be acquired, or by the likelihood that the property would be acquired for such improvement or project, other than that due to physical deterioration within the reasonable control of the owner, has been disregarded by the County and its appraiser in making their determination of the Fair Market Value of such property.

FAIR MARKET VALUE, as used in the appraisal, is (a) "... the fair market value of the property taken is the highest price on the date of valuation that would be agreed by a seller, being willing to sell but under no particular or urgent necessity for doing so, nor obligated to sell, and a buyer, being ready, willing and able to buy but under no particular necessity for so doing, each dealing with the full knowledge of all the uses and purposes for which the property is reasonably adaptable and available. (b) The fair market value of property taken for which there is no relevant, comparable market is its value on the date of valuation as determined by any method of valuation that is just and equitable." (Section 1263.320 Code of Civil Procedure)

The determination of just compensation does not reflect any consideration of or allowance for relocation assistance and payments to which you may be entitled to receive under applicable State or Federal Law or of the County's agreement to pay certain settlement costs.

This summary of the basis of the amount offered as just compensation is presented in compliance with State, and where applicable, Federal Law. Attached is an Appraisal Summary Statement including information pertinent to our offer to acquire a portion of the property.

In the event you are the owner of a business conducted on the property being acquired by the County, you may be entitled to compensation for loss of goodwill, if any, if you are able to make a showing of such loss pursuant to the requirements of California Code of Civil Procedure Section 1263.510. For your information, Section 1263.510 is reprinted below in its entirety.

- (A) The owner of a business conducted on the property taken, or on the remainder if such property is part of a larger parcel, shall be compensated for loss of goodwill if the owner proves all of the following:
 - (1) The loss is caused by the taking of the property or the injury to the remainder.
 - (2) The loss cannot reasonably be prevented by relocation of the business or by taking steps and adopting procedures that a reasonably prudent person would take and adopt in preserving the goodwill.
 - (3) Compensation for the loss will not be included in payments under Section 7262 of the Government Code.
 - (4) Compensation for the loss will not be duplicated in the compensation otherwise awarded to the owner.
- (B) Within the meaning of this article, "goodwill" consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality, and any other circumstances resulting in probable retention of old or acquisition of new patronage.

Pursuant to Civil Code of Procedure section 1263.025 should you elect to obtain an independent appraisal, the County will pay for the actual reasonable costs up to \$5,000 subject to the following conditions;

- (A) You, not the County, must order the appraisal. Should you enter into a contract with the selected appraiser, the County will not be a party to the contract.
- (B) The selected appraiser must be licensed with the Office of Real Estate Appraisers (OREA).

- (C) Appraisal cost reimbursement requests must be made in writing, and submitted to the County of Stanislaus, 1716 Morgan Road, Modesto, California 95358 within 90 days of the earliest of the following dates: (1) the date the selected appraiser requests payment from you for the appraisal; or, (2) the date upon which you, or someone on your behalf, remitted full payment to the selected appraiser for the appraisal, copies of the contract (if a contract was made), appraisal report, and invoice for completed work by the appraiser must be provided to the County concurrent with submission of the appraisal cost reimbursement request. The costs must be reasonable and justifiable.

BASIS OF APPRAISAL
(707 Claribel Road, Modesto, California)

The market value for the fee simple portion of property to be acquired by the County is based upon an appraisal prepared in accordance with accepted appraisal principles and procedures.

Recent sales of comparable properties and income data are utilized as appropriate. Full consideration is given to zoning, development potential and the income the property is capable of producing.

1. The Sales Comparison approach is based on the consideration of comparable land sales.

Value of the fee simple portion of Property pursuant to Sales Comparison approach (See attached sheet for Exhibit "B" principal transactions)	\$5,808.00
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2. The Cost approach is based in part on a replacement cost new of improvements less depreciation.

Total Replacement Cost New	\$ N/A
Depreciation from all causes	\$ N/A
Value of Improvements in Place	\$ N/A
Land (estimated by direct sales comparison)	\$ N/A
Indicated value of the larger parcel (entire Property) by Cost approach	\$ N/A

3. The Income approach is based on an analysis of income and expenses to the property.

Overall Capitalization Rate	N/A
Net Operating Income	\$ N/A
Indicated value of the larger parcel by Income approach	\$ N/A

Valuation Conclusion Fair Market Value of Property: \$5,808.00

APPRAISAL SUMMARY STATEMENT

PROJECT: CLARIBEL ROAD WIDENING

Date of Valuation:	July 25, 2012
Assessor's Parcel Number:	074-015-006 (portion thereof), Stanislaus County
Property Owner:	K-B FARM FAB AND WELDING, a General Partnership
Owners Mailing Address:	707 Claribel Road, Modesto, CA
Subject Property Address:	707 Claribel Road, Modesto, CA
Legal Description:	See Exhibit "A", and plat map attached hereto
Site Area:	<u>0.82+/-</u> Acres
Fee Simple Area:	<u>2,904+/-</u> Sq. Ft. (or 0.0666+/- Acre)
Improvements to be acquired:	loss of utility of drive-thru doors, asphalt, lawn, fencing, concrete, flag pole
Zoning:	A-2-40, General Agricultural
Present Use:	Rural Industrial/Commercial
Highest & Best Use Determination:	Rural Industrial/Commercial
Interest Being Valued:	Fee Simple Estate

VALUATION APPROACHES USED:

Market Data Approach:	Yes
Cost/Data Reproduction Approach:	No
Income Approach:	No

Damage to Remainder (Severance Damage):	No
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BASIS FOR CALCULATION:

Fee Simple: 2,904+/- Sq. Ft. x \$2.00/Sq. Ft. = \$5,808.00

EXHIBIT "A"
LEGAL DESCRIPTION
CLARIBEL ROAD RIGHT OF WAY WIDENING
A.P.N. 074-015-006

All that certain piece or parcel of land situate in the County of Stanislaus, State of California, lying within the Southeast quarter of Section 33, Township 2 South, Range 9 east, Mount Diablo Meridian, described as follows:

ALL that portion of that parcel of land conveyed to K-B Farm and Welding, a General Partnership by Grant Deed filed in the Office of the Recorder of the County of Stanislaus on February 17, 1998 as Document No. 89-0014864, being more particularly described as follows:


THE North 20.00 feet of the South 30.00 feet of Parcel B as shown on that map filed for record in the Office of the Recorder of the County of Stanislaus on May, 23, 1967 in Book 3 of Parcel Maps at page 78.

The North line of said South 30.00 feet being measured perpendicular to and 75.00 feet North of the South line of said Southeast quarter of Section 33.

CONTAINING 2,904 Square Feet more or less

SUBJECT to all easements and/or rights of way of record.




Dave Skidmore, P.L.S. 7126
1/24/12



APN: 074-015-015

1/4 SECTION LINE

PARCEL B
3 - PM - 78

K-B FARM FAB & WELDING
DOC. NO 98-0014864
APN: 074-015-006

APN: 074-015-007

PROPOSED R/W

30'
20'
N89°27'42"W
145.20'

CLARIBEL ROAD WIDENING
2,904 S.F. ±

PROPOSED R/W

SECTION 33

45'
55'

145.20'
N89°27'42"W
S. LINE PCL. B

10' - ROAD DEED
INST. NO. 98-103798

S. 1/4 COR. OF
SEC. 33, 2/9
POC

TOWNSHIP LINE

N89°28'00"W

S89°27'42"E

CLARIBEL ROAD

SECTION 4

DRAWN	DLS
DATE	1/19/12
SCALE	1"=50'
JOB #	784-10
DWG.	ld_plats

**PLAT TO ACCOMPANY
LEGAL DESCRIPTION**

CLARIBEL ROAD WIDENING
STANISLAUS COUNTY, CALIFORNIA



**ASSOCIATED
ENGINEERING, INC.**
Surveying · Design · Planning
4206 TECHNOLOGY DRIVE, SUITE 4
MODESTO, CALIFORNIA 95355
PH: (209) 545-3390 FAX: (209) 545-3875

EXHIBIT "B"

COMPARABLE IMPROVED SALES DATA SUMMARY

NO.	LOCATION / APN	SALE DATE	GRANTOR GRANTEE DOC. NO.	SALE PRICE	PARCEL SIZE (S.F.) EST. VALUE	PRIMARY BLDG. SIZE (S.F.)	BLDG. TYPE EFF. AGE / COND. EAVE HT. FINISH %	PRICE PER BLDG. AREA (S.F.)	LAND TO BLDG. RATIO
1	247 S. SIERRA AVE., OAKDALE, CA / 129-004-052	MAR-11	BAYVIEW LN SERV. BARRALES #26780	\$150,000	2,500 \$37,500	4,500	STEEL 20 YRS. / AVGE 16' 10%	\$33.33	1.67 : 1
2	12524 BENTLEY ST., WATERFORD CA / 134-006-011	APR-11	RAGSDALE NYDAM #36448	\$220,000	30,928 \$65,000	4,720	MIXED 40 +/- / FAIR VARIES 10%	\$46.61	4.09 : 1
3	5200 YOSEMITE BLVD., MODESTO, CA / 153-017-010	AUG-11	CARTER LAWRENCE #62659	\$100,000	14,375 \$36,000	3,600	STEEL 20 YRS. / AVGE 16' 10%+-	\$27.78	3.99 : 1
4	2405 N. WALNUT RD., TURLOCK, CA / 083-007-036	MAY-12	BONANDER GARTON #47161	\$220,000	11,761 \$60,000	4,000	STEEL 20 YRS. / AVGE 18' 20%+-	\$55.00	2.94 : 1
5	319 S. PARALLEL AVE., RIPON, CA / 261-150-34	PENDING SEP-12	N/A N/A N/A	\$310,000 (ASKING)	29,621 \$135,000	4,800	STEEL 25 YRS. / AVGE 14' 15%	\$64.58 (ASKING)	6.17 : 1
	707 CLARIBEL RD., MODESTO, CA / 074-015-006 SUBJECT	N/A	N/A	N/A	35,719 \$71,500	3,560	MIXED 20 YRS. +/- / AVGE 10-16' 35%	N/A	10.03 : 1



"ATTACHMENT C"



DEPARTMENT OF PUBLIC WORKS

Matt Machado, PE
Director

Colt Esenwein, PE
Deputy Director, Engineering/Operations

Diane Haugh
Assistant Director, Business/Finance

1716 Morgan Road, Modesto, CA 95358
Phone: 209.525.6550 email: publicworks@stancounty.com

June 24, 2013

**TO ACQUIRE CERTAIN REAL PROPERTY OR INTEREST IN REAL PROPERTY
BY EMINENT DOMAIN HIGHWAY**

APN: 074-015-006,

OWNER: K-B Farm Fab and Welding, a General Partnership

(Code of Civil Procedure, section 1245.235)

K-B Farm Fab and Welding
c/o Mr. Ken Ramos
707 Claribel Road
Modesto, CA 953556

Dear Mr. Ramos,

The law provides procedures for public agencies to acquire private property for public use. It presently requires that every agency, which intends to condemn property, notify the owners of that property of its intention to condemn. California Code of Civil Procedure section 1240.030, provides that the power of eminent domain may be exercised to acquire property for a proposed project if the following three conditions are established:

- (A) The public interest and necessity require the project.
- (B) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- (C) The property sought to be acquired is necessary for the project.

Also, CCP section 1245.230 requires that the offer required by section 7267.2 of the Government Code has been made to the owner of record.

You are hereby notified that the Board of Supervisors at its meeting to be held on July 16, 2013, at 6:30 PM, at 1010 10th Street, Board Chambers (Basement), Modesto, California, will be asked to decide if the above conditions are met concerning your property and, if so, to adopt a Resolution of Necessity. Questions regarding the amount of compensation to be paid are not part of this proceeding and the Board of Supervisors does not consider such in determining whether a Resolution should be adopted.

The adopted Resolution will authorize Stanislaus County to acquire the property by eminent domain. A description of the required property is attached to this Notice and is marked Exhibit A and Exhibit B.

This Notice of Intent gives you an opportunity to appear before the Board of Supervisors and raise questions concerning the three conditions referred to in CCP 1240.030 as cited above. If you file a written request to appear (within 15 days from the mailing of this Notice) you are entitled to appear and object to the adoption of the Resolution.

Objections are limited as set forth below.

All requests to appear must be sent for filing to: Aja Verburg, Project Manager, Stanislaus County Department of Public Works, 1716 Morgan Road, Modesto, CA, 95358. If you desire to appear, you will be notified of the date, time, and location of the meeting at a later date.

The written request must actually be received within the 15-day period. Failure to file a written request to appear will result in a waiver of your rights to appear and be heard.

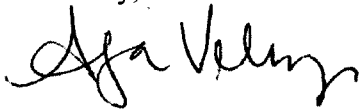
Your written request to appear should include a statement of the condition(s), which you feel are pertinent to your property. The three conditions that may affect your property are set forth above (designate (A), (B), and/or (C)). By designating which condition forms the basis of your concerns, and why, you will enable the Board of Supervisors to have a full and expeditious review made of the project's effect on your property.

For your convenience, the Board of Supervisors will consider any written observations you may wish to submit, so long as such written observations are filed with the Public Works Department within the 15-day period.

The Board of Supervisors must adopt a Resolution of Necessity before an eminent domain proceeding can be commenced. Within six months of the adoption of the Resolution of Necessity, the Stanislaus County Department of Public Works will commence eminent domain proceedings in the Superior Court in the County where the property is located. In that proceeding, the court will determine the amount of compensation to which you are entitled.

If you have any questions, please call Aja Verburg at telephone number (209) 525-4133 or Right of Way Agent - Steve Long, Overland Pacific & Cutler, Inc. at telephone number (916) 857-1520.

Sincerely,

A handwritten signature in black ink, appearing to read "Aja Verburg". The signature is fluid and cursive, written over a horizontal line.

Aja Verburg, P.E.
Project Manager

Enclosure(s): Plat and Legal Description

**STANISLAUS COUNTY, DEPARTMENT OF PUBLIC WORKS
DECLARATION OF MAILING**

I declare that I am employed in the County of Stanislaus, State of California, I am over the age of eighteen years and not a party to the within entitled cause, and my business address is: Stanislaus County Department of Public Works, 1716 Morgan Road, Modesto, California 95358.

On June 24, 2013, I served the following document(s) in the manner(s) indicated below:

NOTICE OF INTENT TO ADOPT RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN

(CERTIFIED U.S. MAIL): I caused true and correct copies of the above document(s), by following ordinary business practices, to be placed and sealed in an envelope at the Stanislaus County Department of Public Works, 1716 Morgan Road, Modesto, CA, 95358, for collection and mailing in the United States Postal Service. The envelope was addressed to the below-named addressee. I am familiar with the Stanislaus County Department of Public Works' office practice for collection and processing of correspondence for mailing with the United States Postal Service, and in the ordinary course of business, correspondence placed for collection on a particular day is deposited with the United States Postal Service that same day.

K-B Farm Fab and Welding
c/o Mr. Ken Ramos
707 Claribel Road
Modesto, CA 95356

(FEDERAL EXPRESS) by placing a true and correct copy thereof enclosed in a sealed envelope, for overnight delivery, delivered to Federal Express for overnight courier service, at the address(es) set forth above.

(PERSONAL DELIVERY) by personal delivery to the party or to their attorney, if known, at the address(es) set forth above.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on June 24, 2013.

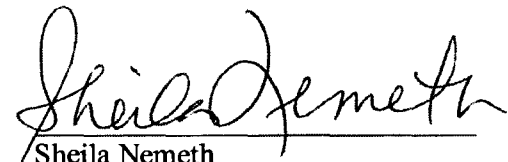

Sheila Nemeth

EXHIBIT "A"
LEGAL DESCRIPTION
CLARIBEL ROAD RIGHT OF WAY WIDENING
A.P.N. 074-015-006

All that certain piece or parcel of land situate in the County of Stanislaus, State of California, lying within the Southeast quarter of Section 33, Township 2 South, Range 9 east, Mount Diablo Meridian, described as follows:

ALL that portion of that parcel of land conveyed to K-B Farm and Welding, a General Partnership by Grant Deed filed in the Office of the Recorder of the County of Stanislaus on February 17, 1998 as Document No. 89-0014864, being more particularly described as follows:


THE North 20.00 feet of the South 30.00 feet of Parcel B as shown on that map filed for record in the Office of the Recorder of the County of Stanislaus on May, 23, 1967 in Book 3 of Parcel Maps at page 78.

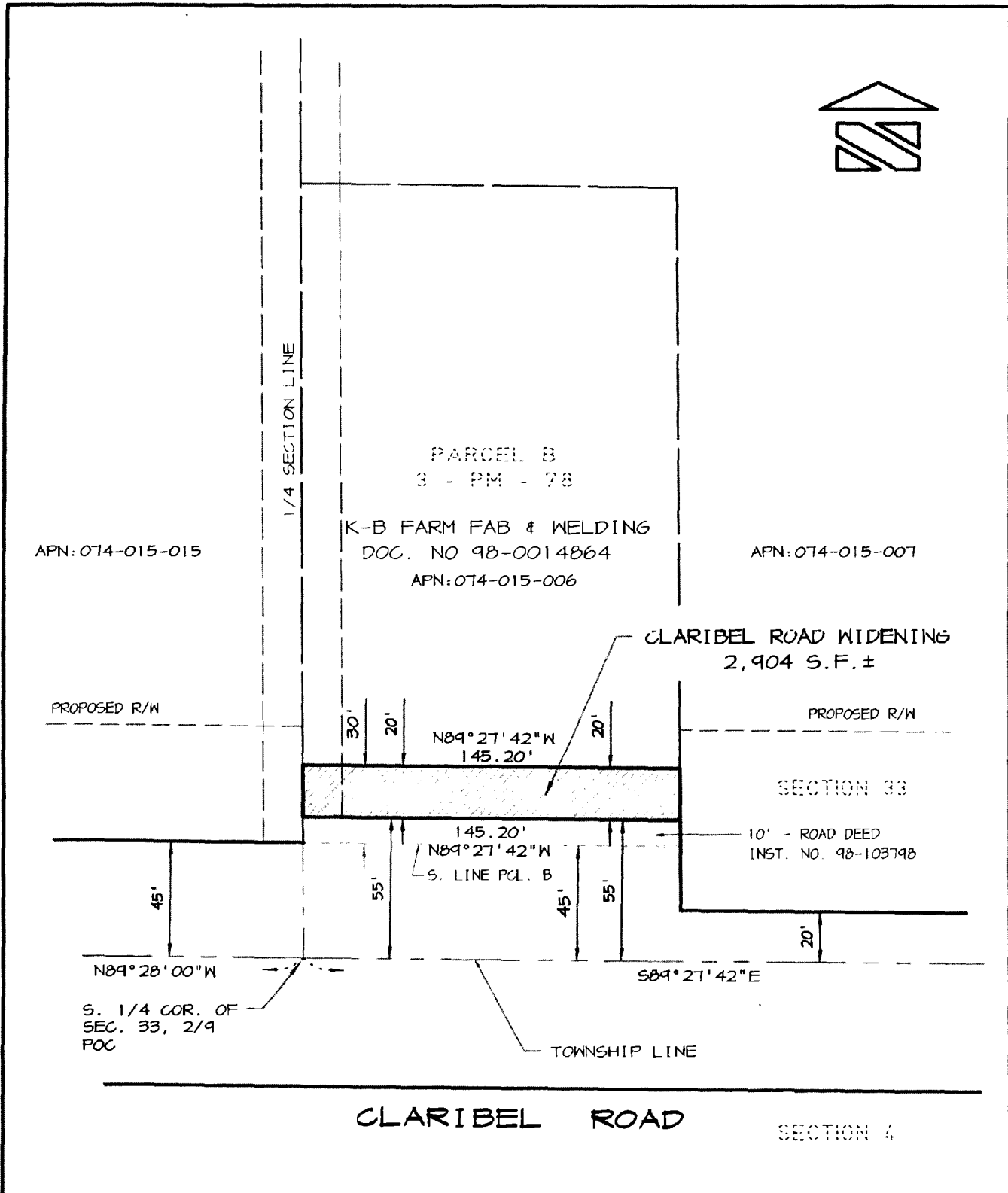
The North line of said South 30.00 feet being measured perpendicular to and 75.00 feet North of the South line of said Southeast quarter of Section 33.

CONTAINING 2,904 Square Feet more or less

SUBJECT to all easements and/or rights of way of record.




Dave Skidmore, P.L.S. 7126
1/24/12



DRAWN	DLS
DATE	1/19/12
SCALE	1"=50'
JOB #	784-10
DWG.	ld_plats

**PLAT TO ACCOMPANY
LEGAL DESCRIPTION**

 CLARIBEL ROAD WIDENING
 STANISLAUS COUNTY, CALIFORNIA

**ASSOCIATED
ENGINEERING, INC.**
 Surveying • Design • Planning
 4206 TECHNOLOGY DRIVE, SUITE 4
 MODESTO, CALIFORNIA 95356
 PH: (209) 545-3390 FAX: (209) 545-3875

DEPARTMENT OF PUBLIC WORKS

**Approval to Consider and Adopt
a Resolution of Necessity to
Acquire Real Property or
Interest in Real Property by
Eminent Domain**

July 16, 2013

**Claribel Road
Widening**

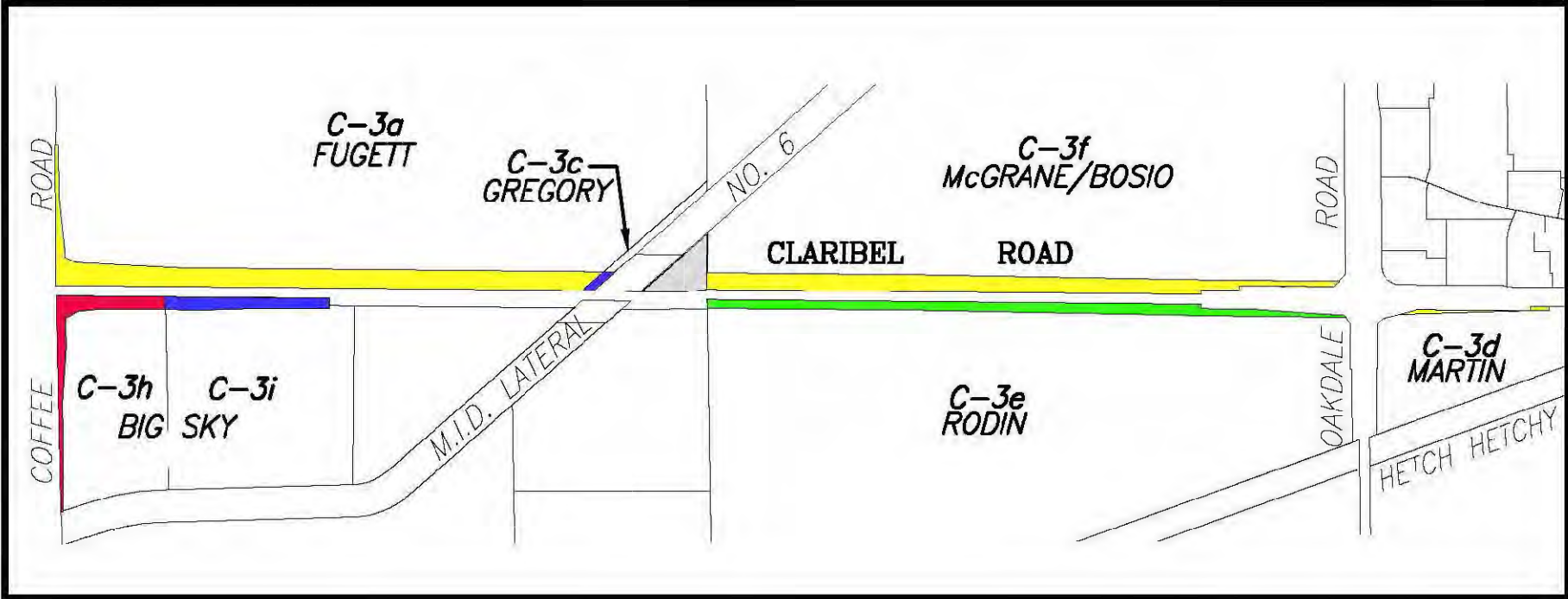
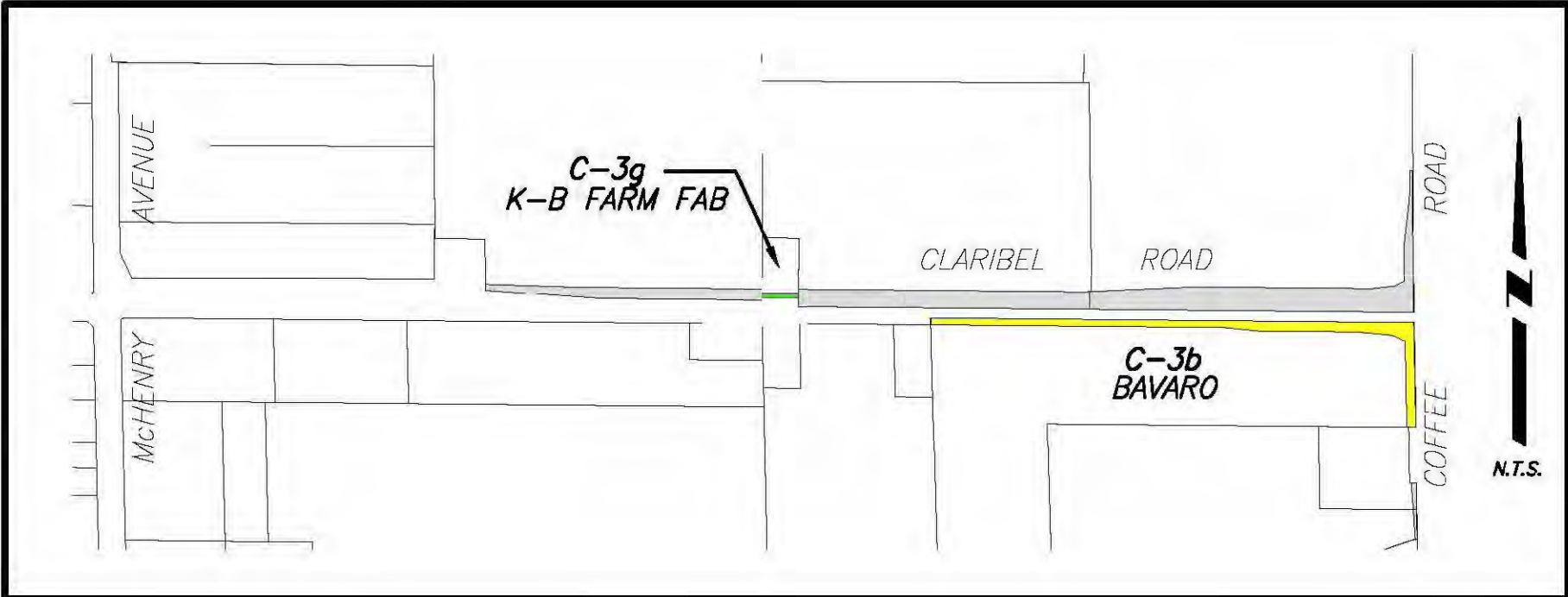
PROJECT LOCATION AND PURPOSE



To improve regional network circulation between the cities of Riverbank, Modesto, Oakdale, and Stanislaus County; relieve existing traffic congestion; reduce traffic delay; accommodate future traffic; improve safety; improve air quality; and promote non-motorized modes of transportation.

PROJECT NEED

- Existing level of service for corridor is “E” at peak hours, where demand is approaching capacity, speeds are significantly reduced, and passing is not possible.
- Existing Claribel Road/Coffee Road intersection experiences an average of one and one half minute and three and one half minute delays at morning and evening peak hours.
- The two mile segment has experienced 66 collisions in a 5 year period.



STAFF RECOMMENDATIONS

1. Find that the public interest and necessity require the proposed project.
2. Find that the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. Find that the subject property described in the Resolution is necessary for the proposed project.
4. Find that the offer required by Section 7267.2 of the Government Code has been made to the owners of record of the property to be acquired.
5. Adopt a Resolution of Necessity.
6. Authorize County Counsel to initiate eminent domain proceedings to acquire the subject property.