

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

DEPT: Public Works

BOARD AGENDA: 7.1
AGENDA DATE: April 29, 2025

SUBJECT:

Approval to Consider and Adopt a Resolution of Necessity to Acquire Real Property, or Interest in Real Property, by Eminent Domain for the North County Corridor Project, Parcel Owner(s) Olive Lane Properties, LLC., Assessor's Parcel Number: 014-001-002

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2025-0217

On motion of Supervisor Withrow Seconded by Supervisor Grewal

and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Grewal, C. Condit, and Chairman B. Condit

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST: Kelly Rodriguez
KELLY RODRIGUEZ, Assistant Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Public Works

BOARD AGENDA:7.1
AGENDA DATE: April 29, 2025

CONSENT

CEO CONCURRENCE: YES

4/5 Vote Required: Yes

SUBJECT:

Approval to Consider and Adopt a Resolution of Necessity to Acquire Real Property, or Interest in Real Property, by Eminent Domain for the North County Corridor Project, Parcel Owner(s) Olive Lane Properties, LLC., Assessor's Parcel Number: 014-001-002

STAFF RECOMMENDATION:

1. Find that the public interest and necessity require the North County Corridor Phase 1 Project, Assessor's Parcel Number: 014-001-002.
2. Find that the 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 interests in the properties sought to be acquired and described in the attached Resolution of Necessity are necessary for the Project.
4. Find that the offer required by section 7267.2 of the Government Code has been made to the owners.
5. Adopt a Resolution of Necessity in the form attached hereto as Attachment 1.
6. Authorize County Counsel to initiate eminent domain proceedings to acquire the property interest described therein.

DISCUSSION:

The North County Corridor (NCC) Phase 1 Project (Project) proposes to be a high-capacity expressway that will bypass around the Cities of Modesto, Riverbank, and Oakdale connecting the eastern portion of the County to State Route 99. The 18-mile NCC Project will build a west-east expressway that will improve regional network circulation, relieve existing traffic congestion, reduce traffic delay, accommodate future traffic, benefit commerce, and enhance safety by eliminating an at-grade railroad crossing.

The existing transportation system in Northern Stanislaus County, including the existing State Route 108, is a network of traditional highways, freeway (State Route 99), arterial roadways and local streets that serve a combination of interregional, regional, and local traffic. The traffic is highly congested during peak hours, and traffic congestion is expected to increase as development in the region continues. The existing network lacks a high-capacity transportation facility to serve west-east interregional and regional traffic moving through the Project area.

The NCC Phase 1 received a grant from the U.S. Department of Transportation for the initial segment of the NCC Project in the amount of \$20 million under the - Better Utilizing Investments to Leverage Development (BUILD) program. The BUILD grant segment is a three-mile portion beginning at the SR-219 (Claribel Road) and Oakdale Road intersection. The NCC Phase I also received a grant from the State Trade Corridor Enhancement Program (TCEP) in the amount of \$20 million.

The Project will follow a parallel alignment of Claribel Road, constructing grade separations over Roselle Avenue, Terminal Avenue, and the Burlington Northern Santa Fe (BNSF) Railroad tracks, extending eastward to the intersection of Claribel Road and Claus Road. The proposed Project will provide a four-lane access-controlled facility with a median. The expressway will be accessed at key locations served by new frontage roads.

To implement the proposed Project, Stanislaus County has partnered with the Stanislaus Council of Governments (StanCOG), the Cities of Modesto, Riverbank, and Oakdale, the California Department of Transportation (Caltrans), and the Federal Highway Administration (FHWA). The Project is subject to State and Federal environmental review requirements; therefore, Project documentation was prepared in compliance with both California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA). The draft environmental document was circulated for public review and comments from August 9, 2017, to October 16, 2017. After considering all the comments received, the Project development team identified the preferred alternative. The actions taken by both State and Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Report/Final Environmental Impact Statement (FEIR/EIS) for the Project, approved on March 13, 2020. On May 22, 2020, CEQA and NEPA requirements for the Project were satisfied with the issuance of a Notice of Determination and Record of Decision. Documents are available for review through the Caltrans and Stanislaus County websites, www.dot.ca.gov, <https://northcountycorridorphase1.com/>, and incorporated herein by reference.

The design has progressed to a level of detail to precisely determine the right-of-way (ROW) needs for the first phase of the Project. There are a total of 59 parcels affected and 13 of them will likely require full acquisition. The Stanislaus County Board of Supervisors (Board) is being asked to consider the adoption of a Resolution of Necessity (RON) to acquire by eminent domain the real property set forth herein.

The power of eminent domain is used by the County only as a last resort to obtain interests necessary for the Project. An offer of just compensation has been made to the owner for the full fair market value of the property interests sought to be acquired including improvements pertaining to realty, if any, as determined by various appraisals. Staff has attempted to negotiate a settlement in good faith and will continue to do so throughout the process. County engaged the current owners in an attempt to reach a negotiated settlement, and County and the current owners have in fact reached an agreement for the acquisition of the property; however, title to the property remains encumbered based on a break in the chain of title when the property was conveyed from the previous owners to the now current owners. Accordingly, County has not been able to clear title through escrow, necessitating condemnation of the property interest to provide a forum for clearing the encumbrance clouding title.

California eminent domain law provides that a public entity may not commence an eminent domain proceeding on a property until its governing body has adopted a RON. That resolution may only be adopted after the governing body has given the record owner of the affected property, a reasonable opportunity to appear and be heard on each of the required findings.

A notice of this hearing was sent by U.S. mail to the property owner(s) as prescribed by law. The notice stated the County's intent to consider the adoption of a RON, the right of the property owner to appear and be heard on the issues set forth above, and that failure to file a written request to appear would result in a waiver of the right to appear and be heard. A copy of the proposed RON being recommended for adoption is attached hereto.

The hearing on the proposed resolution relates only to the findings set forth below as they may apply to the property sought to be acquired. The fair market value of the property or interests in property sought to be acquired is not an issue, nor is the amount of the County's offer a matter for consideration at the time of the hearing.

STATEMENT OF PUBLIC USE:

Portions of the properties described herein and in the RON are to be acquired for the construction of the first phase of the Project, consisting of a new west-east four-lane access-controlled expressway from the Claribel and Oakdale Road intersection along a new alignment to Claus Road. The Project begins at the Claribel and Oakdale Road intersection, heads south, then runs eastward parallel to Claribel Road on a new alignment and connects to Claus Road at the existing Claribel Road intersection. Claribel Road will also be partially realigned with this effort. The Project also includes a new interchange at Roselle Avenue, grade separated structures over the Burlington Northern Santa Fe rail line, Terminal Avenue, and the Modesto Irrigation District (MID) Main Canal, and new frontage roads to maintain access to adjacent properties. This first phase of the Project is known as the State Route 108/NCC Phase 1 Project. The Project will:

- Improve regional network circulation
- Relieve existing traffic congestion, reduce traffic delay and accommodate future traffic on State Route 108
- Support efficient movement of goods and services
- Enhance traffic safety

While Caltrans and FHWA were the lead agency for environmental review, Stanislaus County is the lead agency for implementation and construction of the Project and is also responsible for all ROW acquisitions needed for the construction of the Project. Staff is currently in the process of acquiring the ROW necessary to complete the Project.

The County needs to acquire the property interests described below to certify the Project and construct the proposed Project improvements:

Property Owners and ROW Acquisition Areas:

Olive Lane Properties, LLC.

A 6,852 square foot Permanent Road Easement (CPN 40) from a portion of real property commonly identified as 4628 Claus Road, Modesto, CA 95357 (APN: 014-001-002) (the take area is hereinafter referred to as the "Property")

The Olive Lane Properties, LLC., ownership interest owns the above-referenced parcel including the Property. A mobile home park is operated from a portion of the larger parcel, while the remainder of the larger parcel is used for agricultural purposes. The proposed acquisition from the larger parcel will require acquisition of an approximately 407-foot narrow strip of vacant land from the northerly portion of the larger parcel adjacent to Claus Road and which property is largely within the area used for agricultural purposes. The permanent road easement will not require the acquisition of any structures on the larger parcel, will not impact the area where the mobile home park is located, and will not require any relocations.

The Property will accommodate the widening of Claus Road as it approaches the new SR 108 North County Corridor.

The County hired a Member Appraisal Institute (MAI) certified general real estate appraiser to appraise the Property. The appraiser's opinion is that the fair market value of the Property as defined by Section 1263.320 of the Code of Civil Procedure including damages to the remainder, if any, is \$15,300. Pursuant to section 7267.2 of the Government Code, an offer of just compensation in the full amount of the appraisal was presented to the owner of the property.

Since the date of the initial offers, OPC acquisition consultants have been in contact with principals of Olive Lane Properties, LLC., the escrow company, as well as previous owners of the property to attempt to clear title issues. However, despite multiple efforts over a two year period, the current owner has been unable to convey clear title to the County and close escrow. As such, the County and the owner have agreed to proceed by way of this "friendly" condemnation action to provide a forum in which to clear the title issues.

Staff recommends beginning the process of acquiring the Property through the eminent domain process. Proceeding by eminent domain will allow the County to name any and all interested parties who may have an interest in the property in the condemnation lawsuit, allowing the County to clear title and obtain clear unencumbered title to the Property while ensuring the current owners receive just compensation for the taking.

For any property interest to be acquired, a RON must be adopted prior to the commencement of eminent domain proceedings.

NEXT STEPS:

Staff and County Counsel will work with outside counsel to initiate court proceedings to acquire the Property necessary for the Project should the Board approve the RON. Throughout the process, Staff will continue to work with the owner to attempt to finalize this matter reflecting fair and equitable compensation for the Property while delivering clear title to the County.

POLICY ISSUES:

The Board of Supervisors' adoption of the Resolution of Necessity (RON) is required per section 1245.220 of the Code of Civil Procedures before condemnation proceedings may be commenced.

FISCAL IMPACT:

The cost associated with conducting the Resolution of Necessity (RON) hearing is part of the right-of-way (ROW) phase of the project. This phase is currently funded by a Federal BUILD grant, and local County Public Facilities Fees (PFF). The total cost for this parcel is not known at this time and will be appropriated in a future Board item. The ROW costs for the NCC Project were included in the Fiscal Year 2025 Adopted Public Works Road and Bridge Project budget.

BOARD OF SUPERVISORS' PRIORITY:

The recommended actions are consistent with the Board's priorities of *Delivering Efficient Public Services* and *Enhancing Community Infrastructure* by improving traffic safety and reducing traffic congestion on the County Road system.

STAFFING IMPACT:

Existing Public Works staff is overseeing this project.

CONTACT PERSON:

David A. Leamon, Public Works Director

Telephone: (209) 525-4130

ATTACHMENT(S):

1. Resolution of Necessity
2. Project Plan View - Available from Clerk
3. Right-of-Way Requirements Exhibit
4. Offer Letter - March 30, 2022
5. Resolution of Necessity Requirements
6. Notice of Hearing to Adopt Resolution of Necessity

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

Date: April 29, 2025

2025-0217

On motion of Supervisor Withrow Seconded by Supervisor Grewal
and approved by the following vote,
Ayes: Supervisors: Chiesa, Withrow, Grewal, C. Condit, and Chairman B. Condit
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Recused: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED: Item # 7.1
**RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY OR INTEREST IN REAL
PROPERTY BY EMINENT DOMAIN**

PARCEL APN: 014-001-002
OWNER: Olive Lane Properties, LLC

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, California Code of Civil Procedure section 1240.010 et seq., and Government Code section 25350.5 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 County of Stanislaus ("County") in cooperation with the State of California Department of Transportation ("Caltrans"), the Stanislaus Council of Governments ("StanCOG"), the Cities of Modesto, Riverbank, and Oakdale, proposes to construct a new west-east four-lane access-controlled expressway from the Claribel and Oakdale Road intersection along a new alignment to Claus Road. The project is known as State Route 108/North County Corridor Phase I Project (the "Project"); and

WHEREAS, the public interest and necessity require that the County acquire a permanent road easement in a portion of that certain real property commonly known as 4628 Clause Road, in the City of Modesto, County of Stanislaus, California (APN 014-001-002) for public use, namely the Project and all uses necessary, incidental or convenient thereto. The property sought to be acquired for the Project is more particularly defined, described and depicted in Exhibit "1" attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the requirements of the California Environmental Quality Act ("CEQA") and National Environmental Policy Act ("NEPA") have been satisfied for the Project as set forth in the Record of Decision issued on May 22, 2020; and

WHEREAS, notice of the hearing for this Resolution of Necessity 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.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of Supervisors of Stanislaus County as follows:

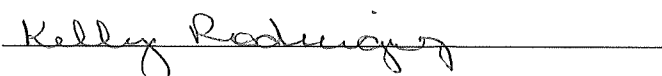
1. The public interest and necessity require the Project.
2. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The Property sought to be acquired and described by this resolution is necessary for the Project.
4. The offer required by Government Code section 7267.2 has been made to the owner(s) of record.
5. The recitals contained herein are true and correct. Furthermore, the findings and determinations contained in this Resolution of Necessity are based on and incorporate the record before the Board of Supervisors. 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. Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property is already devoted.

7. 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 Property described herein above, and is further authorized to institute proceedings for taking pre-judgment possession of the Property 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 possession. Counsel is further authorized to associate with, at its election, a private law firm for the prosecution of said proceedings. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized to reduce or modify the extent of the interests or property to be acquired so as to reduce the compensation payable in the action where such change would not substantially impair the construction and operation for the project for which the real property is being acquired.

ATTACHMENTS

Exhibit 1 - Legal Definition, Description & Plat Map

**ATTEST: KELLY RODRIGUEZ, Assistant Clerk
Stanislaus County Board of Supervisors,
State of California**

A handwritten signature in cursive script, reading "Kelly Rodriguez", is written over a horizontal line.

File No.

Exhibit 1

Permanent Road Easement (CPN 40)

(APN 014-001-002)

The property interests to be acquired have been designated as a Permanent Road Easement in County Parcel No. 40, which represent certain interests in portions of the property located at 4628 Claus Road, in the City of Modesto, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Number 014-001-002, as described more specifically in Exhibits A (legal description) and B (plat map) attached hereto, and which are incorporated herein by this reference ("Property").

The rights of the County of Stanislaus ("County") in the Property shall include without limitation the right to use the easement for roadway purposes associated with the State Route 108/North County Corridor Phase I Project and all uses convenient and necessary thereto, which activities may include, but are not limited to, constructing and using permanent roadway improvements, utilities, and other improvements. County shall have the right to remove all improvements located within the Property including, but not limited to, buildings, trees, hardscape, and landscape improvements.

County shall have the right to transfer, assign and/or convey the Property, including without limitation any interest therein, and/or in whole or in part, to successors and/or assigns, including without limitation other governmental agencies. The covenants contained in this writing, including without limitation any restrictions set forth above, shall run with the land.

EXHIBIT "A"
ROAD EASEMENT

North County Corridor Phase 1 Construction Project
Olive Lane Properties, LLC to County of Stanislaus
APN: 014-001-002

Legal description

ALL that certain real property, being a portion of the lands described in Grant Deed to Olive Lane Properties, LLC, filed for record October 9, 2000, as Document No. 2000-0084942, Stanislaus County Records, and situate in the northwest quarter of Section 6, Township 3 South, Range 10 East, Mount Diablo Meridian, County of Stanislaus, State of California, lying westerly and northwesterly of courses (4) and (5) of the following described line:

COMMENCING at a 2" iron pipe with brass disc, stamped "LS 3260" in a monument well at the northwest corner of said Section 6, as shown on that certain map filed for record August 12, 1983 in Book 16 of Surveys, Page 16 Stanislaus County Records, from which a 2" iron pipe with disc, stamped "LS 3260" in a monument well at the West quarter corner of said Section 6, as shown on said Record of Survey bears South 00°12'23" East 2648.30 feet; thence along the West line of said northwest quarter South 00°12'23" East 321.96 feet to the **TRUE POINT OF BEGINNING**;

thence (1), leaving said West line and proceeding North 89°37'36" East 80.59 feet;

thence (2), South 01°48'20" East 366.59 feet to a point on the South line of the lands described in Corporation Grant Deed, filed for record August 24, 2009 as Document No. 2009-0083435, Stanislaus County Records;

thence (3), South 00°29'11" West 299.99 feet to a point on the South line of that certain property depicted as "Parcel Two – Deed Instrument No. 10773-64" on that certain map, filed for record October 27, 1969 in Book 7 of Parcel Maps, at Page 83, Stanislaus County Records;

thence (4), South 01°20'18" West 407.95 feet;

thence (5), South 56°42'52" West 13.37 feet to a point on the East right-of-way line of Claus Road, as described in Road Deed to Stanislaus County, filed for record July 28, 1971 in Book 2408 of Official Records, at Page 601, Stanislaus County Records;

thence (6), South 89°47'37" West 65.00 feet to a point on said West line of the northwest quarter and the terminus point of this description, said terminus point bears North 00°12'23" East 1245.05 feet from said West quarter corner.

Containing (6,851 square feet Grid) 6,852 square feet [0.16 acres] Ground, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System 83 (2010.00), Zone 3, adjusted to NGS monuments "F 1388" (PID HS4417), "U 1414" (PID HS4500) and GPS Station Number 601, as shown on that certain map filed for record April 25, 2013 in Book 33 of Surveys, Page 54, Stanislaus County Records. All distances and areas shown are grid. To convert to ground distances, divide grid distances by a combined scale factor of 0.999927913. To convert to ground areas, divide grid areas by the combined factor squared (0.99985583).

All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.


Rien Groenewoud, P.L.S. 6946



EXHIBIT 'B'

ROAD EASEMENT

CLARIBEL

S.36

S.31

ROAD

2" IRON PIPE w/BRASS CAP, STAMPED
LS 3260 IN MON. WELL AT NW COR.
SEC. 6, T3S R10E PER 16-S-16
POINT OF COMMENCEMENT



11/19/21

T.P.O.B.

ROAD

S.6

321.96'(TIE)
N89°37'36"E
80.59'

40'

TOWNSHIP LINE

PROPOSED RIGHT-OF-WAY LINE

DOC. No.
2009-0083435

S1°48'20"E 366.59'

PROPOSED ROAD
EASEMENT LINE

S0°29'11"W 299.99'

7-PM-83

EASTERLY RIGHT-OF-WAY
LINE PER 2408-OR-601

2648.30'(TIE)

S0°12'23"E

LEGEND:

- T.P.O.B. TRUE POINT OF BEGINNING
- S- RECORD OF SURVEY, BOOK & PAGE
- APN ASSESSOR'S PARCEL NUMBER
- DOC. DOCUMENT
- O.R. OFFICIAL RECORDS
- S.C.R. STANISLAUS COUNTY RECORDS
- S.2** SECTION IDENTIFIER

SEE SHEET 2

S89°47'37"W 65.00'

RANGE LINE

407.95'
S1°20'18"W

S56°42'52"W 13.37'

1245.05'(TIE)

S.1

S.6

2" IRON PIPE w/DISC, STAMPED LS
3260 IN MON. WELL AT W. 1/4
COR. SEC. 6, T3S R10E PER
16-S-16

M.I.D. MAIN CANAL

COPYRIGHT © 2021 NORTHSTAR ENGINEERING GROUP, INC



North Star

Engineering Group, Inc.

• CIVIL ENGINEERING • SURVEYING • PLANNING •
620 12th Street Modesto, CA 95354
(209) 524-3525 Phone (209) 524-3526 Fax

**PLAT TO ACCOMPANY
LEGAL DESCRIPTION**

BEING A PORTION OF THE NORTHWEST QUARTER OF
SECTION 6, T.3 S., R.10 E., MOUNT DIABLO MERIDIAN.

STANISLAUS COUNTY

CALIFORNIA

JOB:	J20-2539
DATE:	11/18/21
SCALE:	1"=300'
DRAWN:	RG
DESIGN:	RG
CHK'D:	RG
SHEET	

01

OF **02**

EXHIBIT 'B'
ROAD EASEMENT

APN 084-001-013

RANGE LINE

ROAD

65'

APN 014-001-015

7-PM-83

EASTERLY RIGHT-OF-WAY
LINE PER 2408-OR-601

6,851 SQ.FT.
0.16 ACRES

S0°12'23"E 2648.30'(TIE)

CLAUS

S1°20'18"W 407.95'

APN 014-001-002

PROPOSED ROAD
EASEMENT LINE

DOC. No.
2000-0084942

APN 084-001-012

65'

S56°42'52"W 13.37'

S89°47'37"W 65.00'

EXIST. RIGHT-
OF-WAY LINE

1230.40'(TIE)

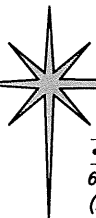


LEGEND:

- APN ASSESSOR'S PARCEL NUMBER
- DOC. DOCUMENT
- S.C.R. STANISLAUS COUNTY RECORDS

COPYRIGHT © 2021 NORTHSTAR ENGINEERING GROUP, INC

DWC NAME: K:\J20-2539 Clabber Road Extension Project\DWG\Maping\Exhibits\APN 014-001-002 Olive Lane-RE.dwg PLOTTED: 11/19/21 14:18



NorthStar

Engineering Group, Inc.

• CIVIL ENGINEERING • SURVEYING • PLANNING •
620 12th Street Modesto, CA 95354
(209) 524-3525 Phone (209) 524-3526 Fax

**PLAT TO ACCOMPANY
LEGAL DESCRIPTION**

BEING A PORTION OF THE NORTHWEST QUARTER OF
SECTION 6, T.3 S., R.10 E., MOUNT DIABLO MERIDIAN.

STANISLAUS COUNTY

CALIFORNIA

JOB:	J20-2539
DATE:	11/18/21
SCALE:	1"=100'
DRAWN:	RG
DESIGN:	RG
CHK'D:	RG
SHEET	

02
OF **02**

Project: J20-2539 Claribel Road Extension Project Thu November 18 08:52:08 2021
Parcel Map Check

Parcel name: NW 1/4 SEC 6-RE

North:	2081588.1524	East :	6439659.0498	
Line Course:	S 00-12-23 E	Length:	321.96	
	North:	2081266.1945	East :	6439660.2096
Line Course:	N 89-37-36 E	Length:	80.59	
	North:	2081266.7196	East :	6439740.7979
Line Course:	S 01-48-20 E	Length:	366.59	
	North:	2080900.3116	East :	6439752.3483
Line Course:	S 00-29-11 W	Length:	299.99	
	North:	2080600.3324	East :	6439749.8017
Line Course:	S 01-20-18 W	Length:	407.95	
	North:	2080192.4937	East :	6439740.2735
Line Course:	S 56-42-52 W	Length:	13.37	
	North:	2080185.1561	East :	6439729.0969
Line Course:	S 89-47-37 W	Length:	65.00	
	North:	2080184.9219	East :	6439664.0973
Line Course:	S 00-12-23 E	Length:	1245.05	
	North:	2078939.8800	East :	6439668.5822
Line Course:	N 00-12-23 W	Length:	2648.30	
	North:	2081588.1628	East :	6439659.0426

Perimeter: 5448.80 Area: 91,929 sq. ft. 2.11 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0127 Course: N 34-42-55 W

Error North: 0.01044 East : -0.00724

Precision 1: 429,039.37

Project: J20-2539 Claribel Road Extension Project Thu November 18 11:21:24 2021
Parcel Map Check

Parcel name: 014-001-002 Olive-RE






North:	2080600.2936	East :	6439727.6075	
Line Course:	N 89-54-59 E	Length:	22.20	
	North:	2080600.3260	East :	6439749.8075
Line Course:	S 01-20-18 W	Length:	407.95	
	North:	2080192.4873	East :	6439740.2793
Line Course:	S 56-42-52 W	Length:	13.37	
	North:	2080185.1497	East :	6439729.1027
Line Course:	N 00-12-23 W	Length:	415.15	
	North:	2080600.2970	East :	6439727.6073

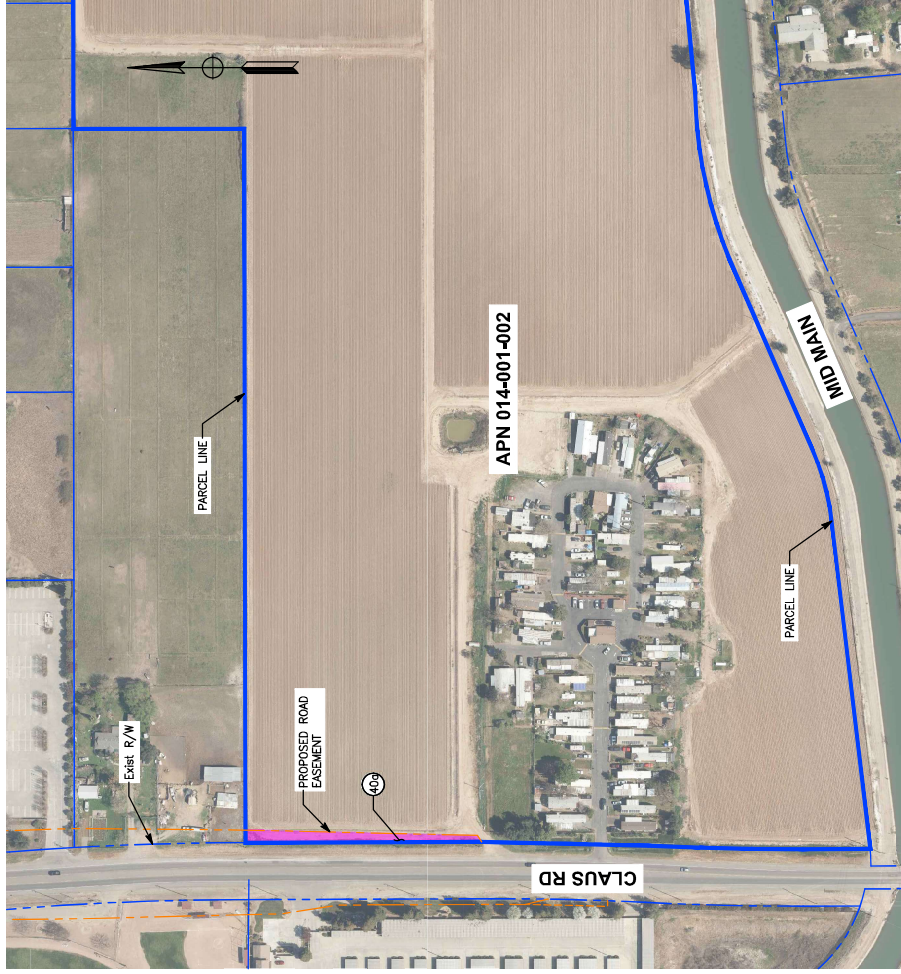
Perimeter: 858.67 Area: 6,851 sq. ft. 0.16 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0034 Course: N 03-39-29 W
Error North: 0.00337 East : -0.00022
Precision 1: 252,550.00

AVAILABLE FROM THE CLERK
Project Plan View for North County Corridor

LEGEND:

-  Exist R/W
-  PARCEL BOUNDARIES
-  IDENTIFIED PARCEL
-  PROPOSED ROAD EASEMENT
-  PROPOSED TEMPORARY CONSTRUCTION EASEMENT (TCE)



#	APN	OWNER	ROAD EASEMENT	
			SQFT	ACRES
409	014-001-002	OLIVE LANE PROPERTIES LLC	6,851	0.16



Dewberry

**OLIVE LANE PROPERTIES LLC
RIGHT OF WAY REQUIREMENTS EXHIBIT**
DECEMBER 2021





March 30, 2022

Olive Lane Properties, LLC

[REDACTED]
[REDACTED]

RE: **County of Stanislaus - State Route 108/North County Corridor Phase I Project
Road Easement for APN: 014-001-002**

Dear Property Owner:

The County of Stanislaus (County) has finalized plans for the proposed State Route 108/North County Corridor Phase I Project (NCCP). The purpose of the project is to ultimately build a west east roadway that would improve regional network circulation, relieve existing traffic congestion, reduce traffic delay, accommodate future traffic, and benefit commerce and enhance safety. As previously discussed with you, this project will require the acquisition of a Road Easement on a portion of your property necessary to construct the proposed project improvements. The County seeks to acquire a Road Easement consisting of 6,851 sq. ft. (0.16 AC) of your parcel known as APN: 014-001-002 and as shown in the attached Exhibits A and B.

Accordingly, the County hereby makes an offer to acquire a Road Easement on a portion of your property located at 4628 Claus Road, Modesto, CA, 95357 for the sum of \$15,300.00, which is segregated as follows:

\$ <u>5,600.00</u>	Road Easement
\$ <u>9,700.00</u>	Site Improvements
\$ <u>00.00</u>	Damages/Benefits
\$ <u>15,300.00</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.

As the County's acquisition agent, I will be your main point of contact and will work directly with you throughout the acquisition process. If you have any questions regarding this letter and accompanying statements, please feel free to contact me at (559) 392-0853 or by email: cnelson@opcservices.com.

If this offer is acceptable, please contact me to coordinate execution of the Agreement and open escrow services.

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 soil, 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.

To assist you in considering this offer, we have enclosed the following documents for your review:

- 1) Written Offer Letter
- 2) Appraisal Summary Statement
- 3) Appraisal Report
- 4) Purchase and Sale Agreement
- 5) Road Easement Deed
- 6) Stanislaus County Acquisition Informational Brochure
- 7) Caltrans Title VI Information
- 8) Certificate of Occupancy Form
- 9) Tax Relief Information Exhibit- 8-ex-49-a11y
- 10) Appraisal Cost Reimbursement Notification
- 11) Summary Statement Relating to the Purchase of Real Property or an Interest Therein.

Your cooperation and immediate attention to this matter will be greatly appreciated.

Sincerely,



Corey Nelson
Acquisition Agent

cc: Dave Leamon, Director of Public Works
Stanislaus County

OFFER RECEIVED

By _____

Date _____

Receipt of Offer Does Not
Constitute Acceptance

INFORMATION STATEMENT

This offer is presented in settlement of the acquisition of a Road Easement on a portion of your property located at 4628 Claus Road, Modesto, CA, 95357.

\$ <u>5,600.00</u>	Road Easement
\$ <u>9,700.00</u>	Site Improvements
\$ <u>00.00</u>	Damages/Benefits
\$ <u>15,300.00</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.

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 the easement portion of 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.

Exhibit "A" Road Easement Legal Description

North County Corridor Phase 1 Construction Project
Olive Lane Properties, LLC to County of Stanislaus
APN: 014-001-002

Legal description

ALL that certain real property, being a portion of the lands described in Grant Deed to Olive Lane Properties, LLC, filed for record October 9, 2000, as Document No. 2000-0084942, Stanislaus County Records, and situate in the northwest quarter of Section 6, Township 3 South, Range 10 East, Mount Diablo Meridian, County of Stanislaus, State of California, lying westerly and northwesterly of courses (4) and (5) of the following described line:

COMMENCING at a 2" iron pipe with brass disc, stamped "LS 3260" in a monument well at the northwest corner of said Section 6, as shown on that certain map filed for record August 12, 1983 in Book 16 of Surveys, Page 16 Stanislaus County Records, from which a 2" iron pipe with disc, stamped "LS 3260" in a monument well at the West quarter corner of said Section 6, as shown on said Record of Survey bears South 00°12'23" East 2648.30 feet; thence along the West line of said northwest quarter South 00°12'23" East 321.96 feet to the **TRUE POINT OF BEGINNING**;

thence (1), leaving said West line and proceeding North 89°37'36" East 80.59 feet;

thence (2), South 01°48'20" East 366.59 feet to a point on the South line of the lands described in Corporation Grant Deed, filed for record August 24, 2009 as Document No. 2009-0083435, Stanislaus County Records;

thence (3), South 00°29'11" West 299.99 feet to a point on the South line of that certain property depicted as "Parcel Two – Deed Instrument No. 10773-64" on that certain map, filed for record October 27, 1969 in Book 7 of Parcel Maps, at Page 83, Stanislaus County Records;

thence (4), South 01°20'18" West 407.95 feet;

thence (5), South 56°42'52" West 13.37 feet to a point on the East right-of-way line of Claus Road, as described in Road Deed to Stanislaus County, filed for record July 28, 1971 in Book 2408 of Official Records, at Page 601, Stanislaus County Records;

thence (6), South 89°47'37" West 65.00 feet to a point on said West line of the northwest quarter and the terminus point of this description, said terminus point bears North 00°12'23" East 1245.05 feet from said West quarter corner.

Containing (6,851 square feet Grid) 6,852 square feet [0.16 acres] Ground, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System 83 (2010.00), Zone 3, adjusted to NGS monuments "F 1388" (PID HS4417), "U 1414" (PID HS4500) and GPS Station Number 601, as shown on that certain map filed for record April 25, 2013 in Book 33 of Surveys, Page 54, Stanislaus County Records. All distances and areas shown are grid. To convert to ground distances, divide grid distances by a combined scale factor of 0.999927913. To convert to ground areas, divide grid areas by the combined factor squared (0.99985583).

All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.

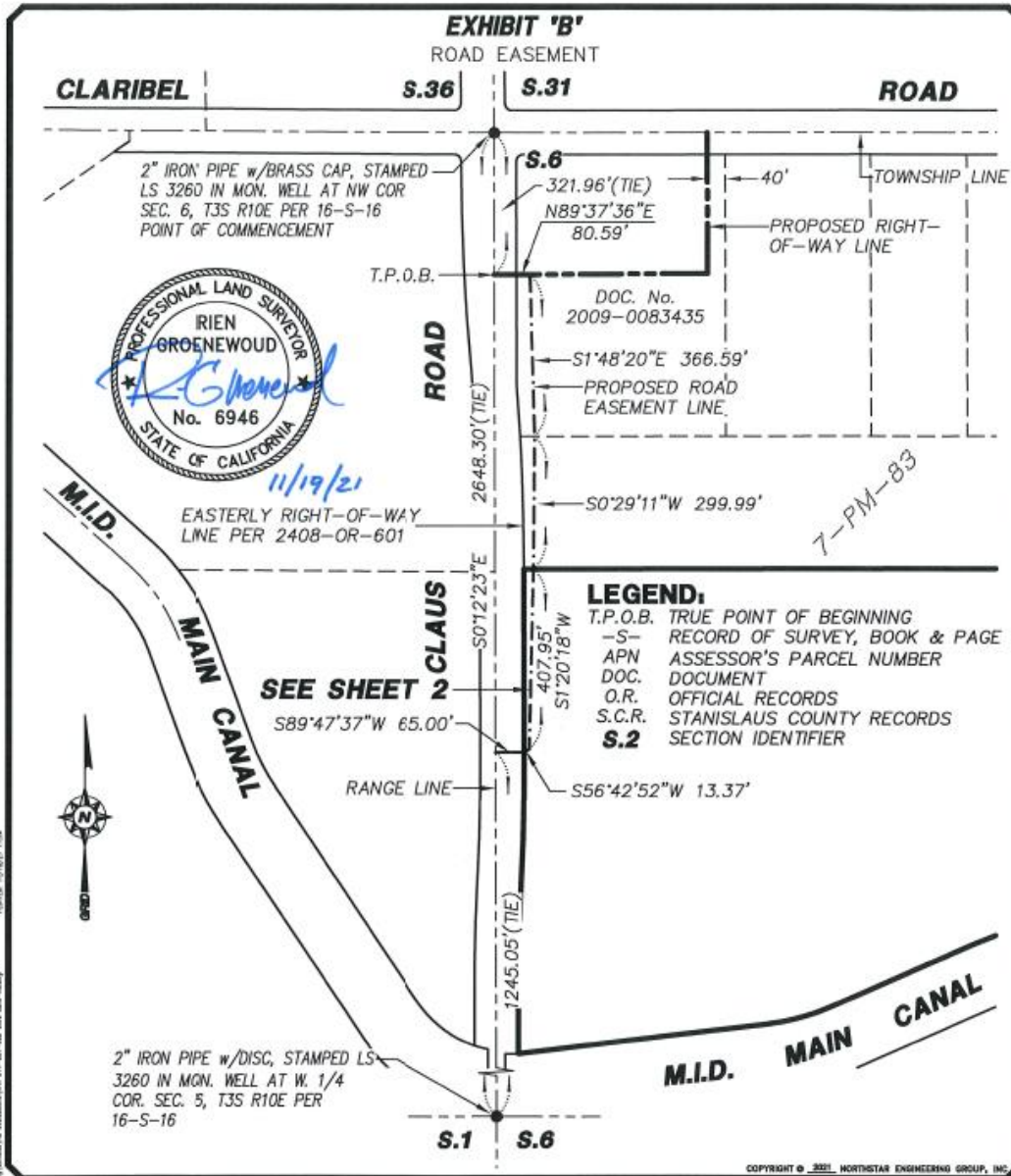


Rien Groenewoud, P.L.S. 6946

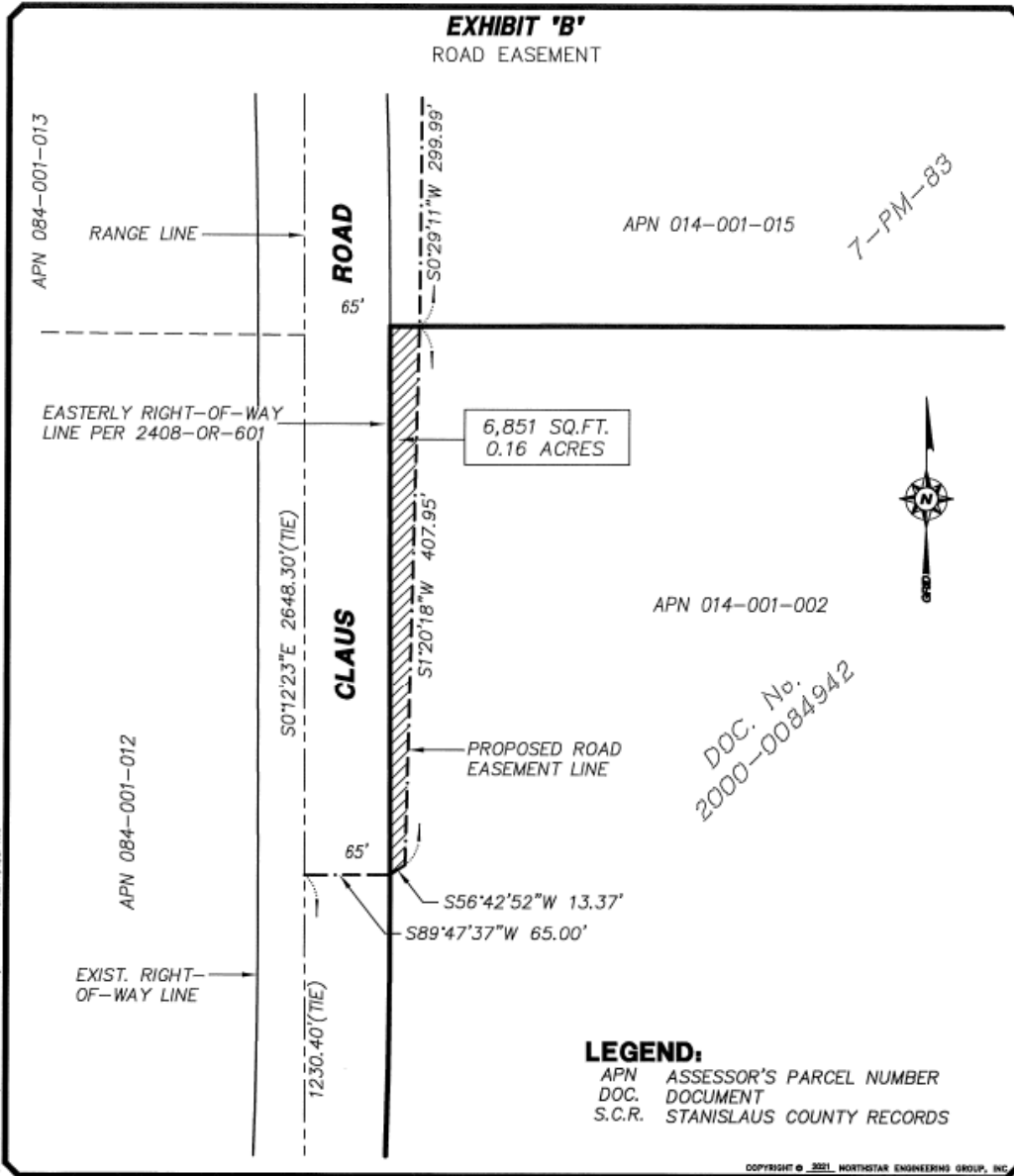


11/19/21

Exhibit "B" Plat Map



<p>NorthStar Engineering Group, Inc. • CIVIL ENGINEERING • SURVEYING • PLANNING • 620 12th Street Modesto, CA 95354 (209) 524-3525 Phone (209) 524-3526 Fax</p>	<p>PLAT TO ACCOMPANY LEGAL DESCRIPTION</p> <p>BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 6, T.3 S., R.10 E., MOUNT DIABLO MERIDIAN.</p> <p>STANISLAUS COUNTY CALIFORNIA</p>	<p>JOB: J20-2539 DATE: 11/18/21 SCALE: 1"=300' DRAWN: RG DESIGN: RG CHECKED: RG SHEET: 01 OF 02</p>
	<p>STANISLAUS COUNTY CALIFORNIA</p>	



<p>NorthStar Engineering Group, Inc.</p> <p>CIVIL ENGINEERING • SURVEYING • PLANNING • 620 12th Street Modesto, CA 95354 (209) 524-3525 Phone (209) 524-3526 Fax</p>	<p>PLAT TO ACCOMPANY LEGAL DESCRIPTION</p> <p>BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 6, T.3 S., R.10 E., MOUNT DIABLO MERIDIAN.</p>	<p>JOB: J20-2539 DATE: 11/18/21 SCALE: 1"=100' DRAWN: RG DESIGNED: RG CHECKED: RG SHEET</p>
	<p>STANISLAUS COUNTY CALIFORNIA</p>	<p>02 OF 02</p>

RESOLUTION OF NECESSITY REQUIREMENTS

For each property interest to be acquired, a resolution of necessity must be adopted prior to the commencement of eminent domain proceedings pursuant to Code of Civil Procedure Section 1245.220. The statutory requirement that a public entity adopt a Resolution of Necessity before initiating a condemnation action "is designed to ensure that public entities will verify and confirm the validity of their intended use of the power of eminent domain prior to the application of that power in any one particular instance" (*San Bernardino County Flood Control Dist. v. Grabowski* (1988) 205 Cal.App.3d 885, 897).

A Resolution of Necessity must contain a general statement of the public use for which the property is to be taken, a reference to the statutes authorizing the exercise of eminent domain, a description of the property, and a declaration stating that each of the following have been found and determined by the Board to be the case (Code of Civil Procedure § 1245.230):

1. The public interest and necessity require the project;
2. The project is planned or located in the manner that will be most compatible with the greatest public good and least private harm;
3. The property sought to be acquired is necessary for the project; and
4. That either the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner cannot be located with reasonable diligence.

Issues relating to the amount or adequacy of compensation are not pertinent to the findings that the Board must make in adopting Resolutions of Necessity.

In addition, before adopting a Resolution of Necessity, each person whose property is to be acquired by eminent domain must be given notice and a reasonable opportunity to appear and be heard on the matters referred to above. (Code of Civil Procedure § 1245.230.) The owner was sent written Notices of the Hearing on February 18, 2025. (See Attachment 5 – Notice of Hearing to Consider Adoption of Resolution of Necessity.)

This report provides data and information addressing each of the foregoing items. This report is provided to assist the Board in determining whether the requirements of Section 1245.230 have been met, and whether the other findings specified above, as applicable, can be made. If the Board determines that all requirements have been met, and that all findings can be made, it is recommended that the Board adopt a Resolution of Necessity for acquisition of the Property.

ADOPTION OF THE RESOLUTION OF NECESSITY AND FINDINGS:

By adopting the proposed Resolution of Necessity, the Board will authorize the filing of an eminent domain action to acquire a portion of the property located at 4628 Clause Road, Modesto, County of Stanislaus, California (CPN 40) (APN 014-001-002) for the State Route 108/North County Corridor Phase I Project. Before adopting the Resolution of Necessity, the Board must make the following findings based on evidence presented at the hearing:

1. *The Public Interest and Necessity Require the Project*

Information and evidence establishing that the public interest and necessity require the Project is contained in the planning and environmental documents for the Project, including but not limited to, the North County Corridor New State Route 108 Project Draft and Final Environmental Impact Report/Environmental Impact Statement (FEIR/EIS), and Final Section 4(f) De Minimis Findings, and all Appendices thereto (March 2020), all of which were discussed above and are incorporated herein by this reference.

The Project is proposed to reduce existing and future traffic congestion in northern Stanislaus County, support the efficient movement of goods and services and improve interregional travel as follows:

- Reduce average daily traffic volumes and current traffic congestion and accommodate anticipated future traffic on the existing SR-108 and the surrounding regional transportation network in Stanislaus County and the Cities of Modesto, Riverbank, and Oakdale.
- Support the efficient movement of goods and services throughout the region for the benefit of the regional economy by providing a more direct and dependable truck route, increasing the average operating speeds of all vehicles, and reducing the number of areas of conflict between motorized traffic and non-motorized means of travel.
- Improve the efficiency of interregional travel by reducing travel times for long distance commuters, recreational traffic, and interregional goods movement.

The Project has been identified as a necessary improvement to accommodate regional east-west traffic and to improve north-south connectivity in Stanislaus County and southern San Joaquin County. The Project is also needed because travel conditions in the region, including traffic congestion on existing SR-108, will continue to worsen due to regional population growth and projected traffic volume increases; traffic congestion on existing truck routes (SR-108/SR-120) will continue to hinder the efficient movement of goods and services; existing SR-108 is part of the interregional system, and interregional circulation will become increasingly constrained as travel times on existing SR-108 increase substantially with planned residential and employment growth.

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*

The Project has been designed to maximize the benefits to the public at large while minimizing impacts to private property owners. The project team has worked diligently to minimize the need for property acquisitions.

The proposed project will connect SR-219 near Modesto to SR-120 near Oakdale. The environmental documents analyzed four build alternatives and the no build alternative. The western end of all alternatives is at the SR-219 (Kiernan Avenue)/Tully Road intersection. The project was analyzed as three distinct segments for environmental evaluation purposes.

To minimize private injury, a thorough analysis regarding the need for each property interest was conducted in the Project's planning stages, which included public outreach meetings and other efforts to determine if modifications to the alignment were necessary to minimize impacts. These efforts continued over the course of years to ensure the alignment design achieved the greatest public good with the least private injury as set forth below.

After review of public comments, the Project Development Team (Caltrans, StanCOG, Stanislaus County, Cities of Modesto, Riverdale and Oakdale) met on February 5, 2018 to discuss the proposed project alternatives. During the meeting, the four build alternatives in the environmental document (Alternatives 1A, 1B, 2A, and 2B) were discussed relative to any issues raised by the public during the public review period and the local agencies' input on the locally preferred alternative. Based on public review and local agency input, it was determined that Alternative 1B was the preferred alternative because it provides the best balance between avoiding and/or minimizing environmental impacts, project feasibility, right-of-way acquisition, overall cost, and ability to meet the project's purpose and need. Specifically, the decision to select Alternative 1B as the preferred alternative was based upon the following.

- 1) Alternative 1B meets the purpose and need of the project.
- 2) Alternative 1B has fewer adverse impacts to homes and businesses in the area.

- 3) Alternative 1B maximizes traffic operations compared to Alternatives 2A or 2B.
- 4) Alternative 1B is closest to the urbanized areas and planned growth areas in the region.
- 5) Alternative 1B was preferred by the public as expressed during public meetings public comments.
- 6) The local jurisdictions (City of Modesto, City of Oakdale, City of Riverbank, and Stanislaus County) unanimously support the selection of Alternative 1B as the locally preferred alternative. Each of these local jurisdictions approved a resolution in support of Alternative 1B.

Therefore, Alternative 1B is the alternative which is planned and located in the manner that is most compatible with providing the greatest public good and least private injury.

3. The Property Described in The Resolution Is Necessary for The Proposed Project

All property interests sought were analyzed, giving full consideration to whether a feasible design alternative exists that would alleviate the need for the interests. After extensive analysis of design and alignment alternatives, the current Project alignment was selected as the preferred alternative, which requires acquisition of the Property.

Accordingly, staff determined that the Property is necessary for the construction of the Project and related improvements as a portion the Property is necessary for the widening of Clause Road, to accommodate the State Route 108 North County Corridor.

4. The Offer Required by Section 7267.2 of the Government Code Has Been Made to the Owner or Owners of Record

The County engaged independent licensed appraisers to appraise the Property, pursuant to County and Caltrans policy and applicable laws, and determine just compensation based on the Property's "Fair Market Value." Written offer at the full appraised amount of \$15,300 was made to the property owner on or about March 30, 2022. Full copies of the appraisal reports and other information required by Section 7267.2 of the California Government Code were also provided to the owner. In accordance with State law, the owner was also offered up to \$5,000 as reimbursement for the cost to have its own appraisal prepared.

5. The Project is a More Necessary Public Use Than Any Existing Public Use

Under California Code of Civil Procedure section 1240.510 and 1240.610, to the extent any portion of the Project site is currently utilized for public use, the County may only acquire that interest to the extent the Project is a more necessary public use, or in the alternative, the Project is a compatible public use which will not unreasonably interfere with or impair the continuance of the existing public use. Some or all of the Property may be devoted to other public uses or easements and rights-of-way appropriated to existing public uses. As

set forth previously, the Project is a critical link in the state transportation network and the lack of route continuity contributes to traffic congestion and reduced levels of service on adjoining highways and local streets. Therefore, to the extent the Property or any portion thereof is already devoted to a public use that will interfere with the Project, staff recommends that the Board find that the Project is a more necessary public use than any existing public uses, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property is already devoted.



DEPARTMENT OF PUBLIC WORKS

David A. Leamon, PE, MPA
PUBLIC WORKS DIRECTOR
ROAD COMMISSIONER

Sambath Chrun, PE
DEPUTY DIRECTOR - ENGINEERING

Chad Johnson, LS
COUNTY SURVEYOR

Tracie Madison
ASSISTANT DIRECTOR - OPERATIONS

Andrew Malizia, PE
DEPUTY DIRECTOR - DEVELOPMENT
SERVICES & TRAFFIC

Janelle Kostlivy
SENIOR BUSINESS MANAGER

February 18, 2025

**NOTICE OF HEARING TO CONSIDER ADOPTION OF RESOLUTION OF
NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY OR INTEREST IN
REAL PROPERTY BY EMINENT DOMAIN**

(California Code of Civil Procedure section 1245.235)

Olive Lane Properties, LLC
[REDACTED]
[REDACTED]

Re: County of Stanislaus – State Route 108/North County Corridor, Phase 1 Project
Owner: Olive Lane Properties, LLC
Assessor's Parcel No.: 014-001-002

Dear Property Owner:

PLEASE TAKE NOTICE that, on **April 29, 2025 at 9:00 a.m.**, the County of Stanislaus ("County") Board of Supervisors will hold a meeting in the County Board Chambers (Basement) located at 1010 10th Street, Modesto, CA 95354, at which time County will consider adopting a resolution of necessity for taking by eminent domain the following property or interest(s) in real property for a public use, namely the State Route 108/North County Corridor Phase I Project ("Project"):

Subject Property: A 6,852 square foot Permanent Road Easement (CPN 40) from a portion of real property commonly identified as 4628 Claus Road, Modesto, CA 95357 and which property interest sought to be acquired is more particularly described in Exhibit "A" attached to this notice.
Assessor's Parcel No.: 014-001-002 (CPN 40)

PLEASE TAKE FURTHER NOTICE that it is the recommendation of County staff to adopt a resolution of necessity for the taking of said property by County.

Each person whose property is to be acquired by eminent domain and whose name and address appear on the last equalized County assessment roll with respect to such property is entitled to appear and be heard at said meeting of County with respect to the matters referred to in Code of Civil Procedure Section 1240.030. Should you wish to appear and be heard on these matters, you must file a written request to appear and be heard within fifteen (15) days of the mailing of this Notice. You have the right to appear and be heard 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 least private injury; and
- (c) Whether the property sought to be acquired by eminent domain and described in the Resolution of Necessity is necessary for the project.

The County will also consider whether the offer required by Government Code section 7267.2 has been made to the owner of record.

Please take further notice that pursuant to California Code of Civil Procedure section 1245.235(b)(3), your failure to file a written request with County to appear and be heard within 15-days from the date that this Notice is mailed may result in the waiver of your right to appear and be heard on the above-stated matters and issues that are the subject of the hearing. If you wish to appear and be heard by County with respect to said proposed resolution of necessity, you should file with County as soon as possible a written request to appear and be heard. All requests to appear must be sent for filing to: Stanislaus County Board of Supervisors, Attention: Clerk of the Board, 1010 10th Street, Suite 6700, Modesto, CA 95354.

For your convenience, if you are unable to personally appear or choose to submit written objections in place of a personal appearance, the Board of Supervisors will consider any written objections so long as they are filed within the 15-day period set forth above. All written objections filed with the County within the 15-day period will become part of the official record of the meeting at which the Board of Supervisors considers the Resolution.

Please note that questions regarding the amount of compensation to be paid or the value of the property to be acquired are *not* part of this proceeding and the Board of Supervisors will *not* consider such in determining whether a Resolution of Necessity should be adopted. All issues related to the compensation to be awarded for the acquisition of your property will be resolved in the eminent domain court proceeding. If you elect not to appear and be heard, you will still have the right to claim greater compensation in the court proceeding.

In accordance with Section 1263.615 of the California Code of Civil Procedure, the use of the property for the Project is scheduled to commence within two years of acquisition (or upon acquisition of property necessary for the Project, whichever is sooner), thus the County is not offering a leaseback agreement.

DATE OF HEARING: April 29, 2025 at 9:00 a.m.
PLACE OF HEARING: County Board Chambers
County of Stanislaus
1010 10th Street, (Basement)
Modesto, CA 95354

If you have any questions, please call me, Theron Roschen, at (209) 525-4194.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Theron Roschen', with a stylized flourish at the end.

Theron Roschen,
Project Manager

Enclosure(s): Exhibit A - Legal Definition, Descriptions & Plat Map

Exhibit A

Permanent Road Easement (CPN 40)

(APN 014-001-002)

The property interests to be acquired have been designated as a Permanent Road Easement in County Parcel No. 40, which represent certain interests in portions of the property located at 4628 Claus Road, in the City of Modesto, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Number 014-001-002, as described more specifically in Exhibits A1 (legal description) and A2 (plat map) attached hereto, and which are incorporated herein by this reference ("Property").

The rights of the County of Stanislaus ("County") in the Property shall include without limitation the right to use the easement for roadway purposes associated with the State Route 108/North County Corridor Phase I Project and all uses convenient and necessary thereto, which activities may include, but are not limited to, constructing and using permanent roadway improvements, utilities, and other improvements. County shall have the right to remove all improvements located within the Property including, but not limited to, buildings, trees, hardscape, and landscape improvements.

County shall have the right to transfer, assign and/or convey the Property, including without limitation any interest therein, and/or in whole or in part, to successors and/or assigns, including without limitation other governmental agencies. The covenants contained in this writing, including without limitation any restrictions set forth above, shall run with the land.

Exhibit A1

Legal Description (CPN 40)

(APN 014-001-002)

EXHIBIT "A"
ROAD EASEMENT

North County Corridor Phase 1 Construction Project
Olive Lane Properties, LLC to County of Stanislaus
APN: 014-001-002

Legal description

ALL that certain real property, being a portion of the lands described in Grant Deed to Olive Lane Properties, LLC, filed for record October 9, 2000, as Document No. 2000-0084942, Stanislaus County Records, and situate in the northwest quarter of Section 6, Township 3 South, Range 10 East, Mount Diablo Meridian, County of Stanislaus, State of California, lying westerly and northwesterly of courses (4) and (5) of the following described line:

COMMENCING at a 2" iron pipe with brass disc, stamped "LS 3260" in a monument well at the northwest corner of said Section 6, as shown on that certain map filed for record August 12, 1983 in Book 16 of Surveys, Page 16 Stanislaus County Records, from which a 2" iron pipe with disc, stamped "LS 3260" in a monument well at the West quarter corner of said Section 6, as shown on said Record of Survey bears South 00°12'23" East 2648.30 feet; thence along the West line of said northwest quarter South 00°12'23" East 321.96 feet to the **TRUE POINT OF BEGINNING**;

thence (1), leaving said West line and proceeding North 89°37'36" East 80.59 feet;

thence (2), South 01°48'20" East 366.59 feet to a point on the South line of the lands described in Corporation Grant Deed, filed for record August 24, 2009 as Document No. 2009-0083435, Stanislaus County Records;

thence (3), South 00°29'11" West 299.99 feet to a point on the South line of that certain property depicted as "Parcel Two – Deed Instrument No. 10773-64" on that certain map, filed for record October 27, 1969 in Book 7 of Parcel Maps, at Page 83, Stanislaus County Records;

thence (4), South 01°20'18" West 407.95 feet;

thence (5), South 56°42'52" West 13.37 feet to a point on the East right-of-way line of Claus Road, as described in Road Deed to Stanislaus County, filed for record July 28, 1971 in Book 2408 of Official Records, at Page 601, Stanislaus County Records;

thence (6), South 89°47'37" West 65.00 feet to a point on said West line of the northwest quarter and the terminus point of this description, said terminus point bears North 00°12'23" East 1245.05 feet from said West quarter corner.

Containing (6,851 square feet Grid) 6,852 square feet [0.16 acres] Ground, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System 83 (2010.00), Zone 3, adjusted to NGS monuments "F 1388" (PID HS4417), "U 1414" (PID HS4500) and GPS Station Number 601, as shown on that certain map filed for record April 25, 2013 in Book 33 of Surveys, Page 54, Stanislaus County Records. All distances and areas shown are grid. To convert to ground distances, divide grid distances by a combined scale factor of 0.999927913. To convert to ground areas, divide grid areas by the combined factor squared (0.99985583).

All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.

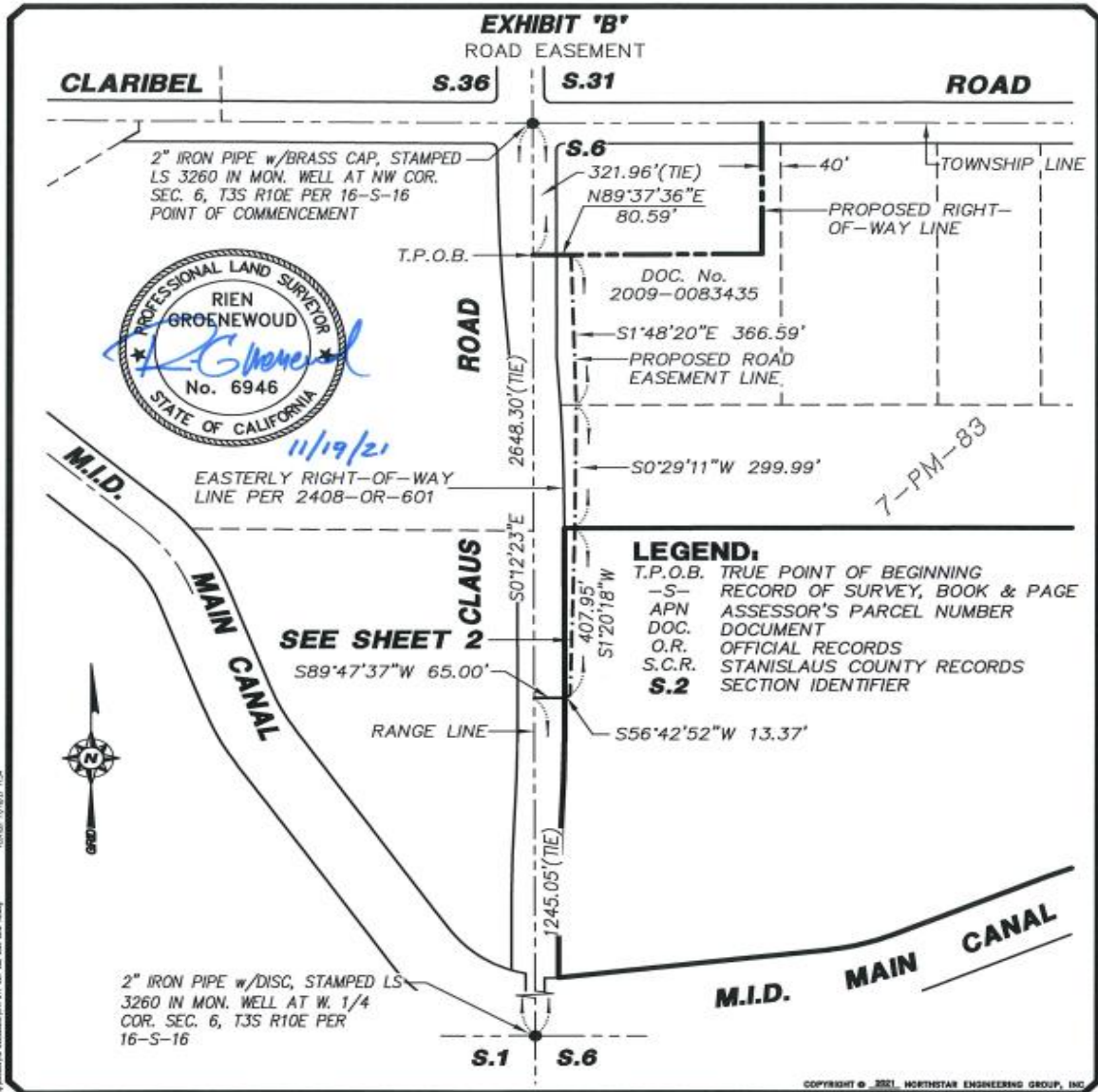

Rien Groenewoud, P.L.S. 6946



Exhibit A2

Plat Map (CPN 40)

(APN 014-001-002)



NorthStar
Engineering Group, Inc.

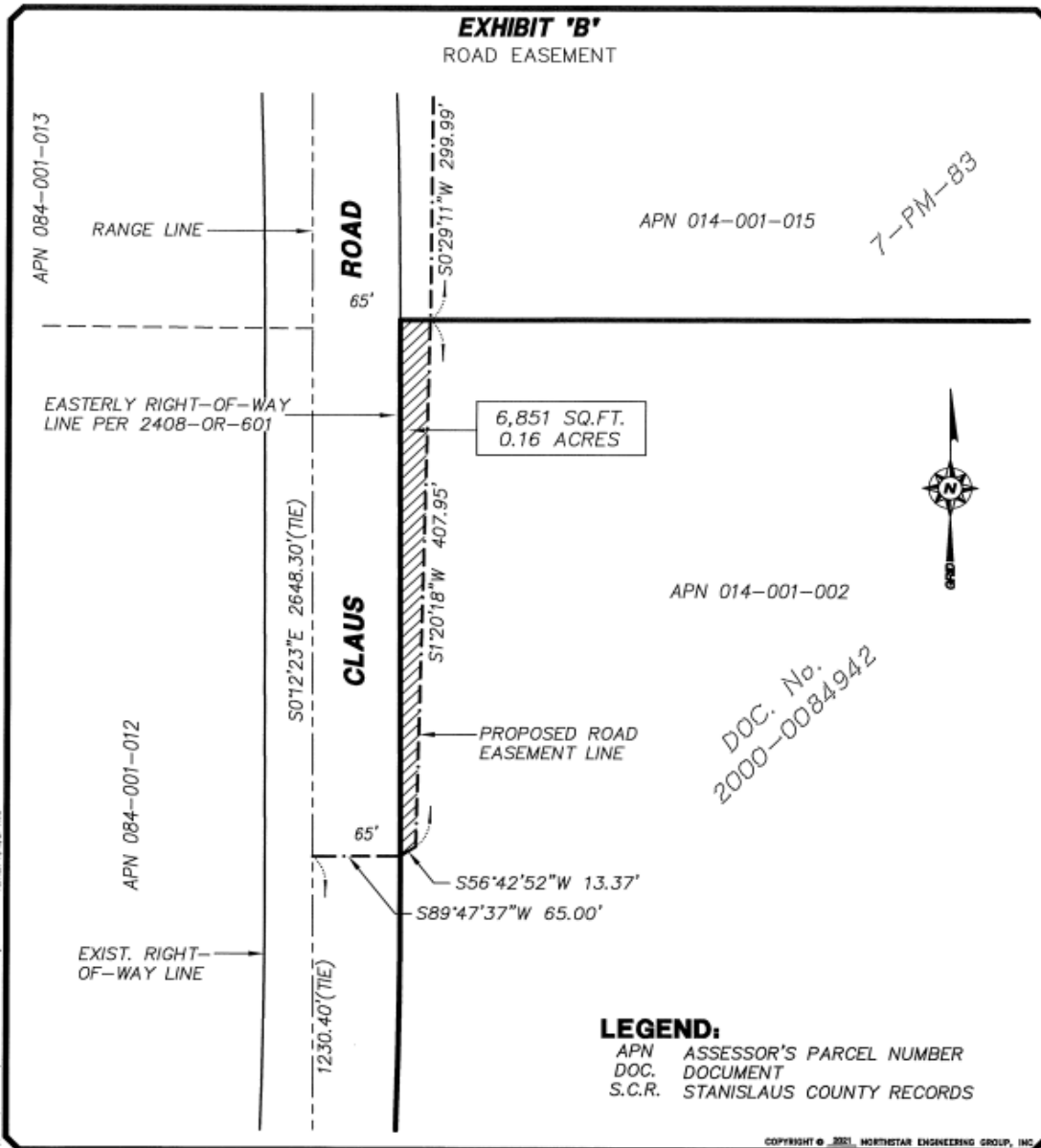
CIVIL ENGINEERING • SURVEYING • PLANNING •
 620 12th Street Modesto, CA 95354
 (209) 524-3525 Phone (209) 524-3526 Fax


**PLAT TO ACCOMPANY
LEGAL DESCRIPTION**

BEING A PORTION OF THE NORTHWEST QUARTER OF
SECTION 6, T.3 S., R.10 E., MOUNT DIABLO MERIDIAN.

STANISLAUS COUNTY CALIFORNIA

JOB: J20-2539
 DATE: 11/18/21
 SCALE: 1"=300'
 DRAWN: RG
 DESIGN: RG
 CHECK: RG
 SHEET: **01**
 OF 02



 <p>Northstar Engineering Group, Inc.</p> <p>• CIVIL ENGINEERING • SURVEYING • PLANNING • 620 12th Street Modesto, CA 95354 (209) 524-3525 Phone (209) 524-3526 Fax</p>	<p>PLAT TO ACCOMPANY LEGAL DESCRIPTION</p> <p>BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 6, T.3 S., R.10 E., MOUNT DIABLO MERIDIAN.</p>	<p>JOB: J20-2539 DATE: 11/18/21 SCALE: 1" = 100' DRAWN: RG DESIGNED: RG CHECKED: RG SHEET: 02 OF 02</p>
	<p>STANISLAUS COUNTY CALIFORNIA</p>	

Project: J20-2539 Claribel Road Extension Project Thu November 18 08:52:08 2021
Parcel Map Check

Parcel name: NW 1/4 SEC 6-RE

North:	2081588.1524	East :	6439659.0498	
Line Course:	S 00-12-23 E	Length:	321.96	
	North:	2081266.1945	East :	6439660.2096
Line Course:	N 89-37-36 E	Length:	80.59	
	North:	2081266.7196	East :	6439740.7979
Line Course:	S 01-48-20 E	Length:	366.59	
	North:	2080900.3116	East :	6439752.3483
Line Course:	S 00-29-11 W	Length:	299.99	
	North:	2080600.3324	East :	6439749.8017
Line Course:	S 01-20-18 W	Length:	407.95	
	North:	2080192.4937	East :	6439740.2735
Line Course:	S 56-42-52 W	Length:	13.37	
	North:	2080185.1561	East :	6439729.0969
Line Course:	S 89-47-37 W	Length:	65.00	
	North:	2080184.9219	East :	6439664.0973
Line Course:	S 00-12-23 E	Length:	1245.05	
	North:	2078939.8800	East :	6439668.5822
Line Course:	N 00-12-23 W	Length:	2648.30	
	North:	2081588.1628	East :	6439659.0426

Perimeter: 5448.80 Area: 91,929 sq. ft. 2.11 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0127 Course: N 34-42-55 W
Error North: 0.01044 East : -0.00724
Precision 1: 429,039.37

Project: J20-2539 Claribel Road Extension Project Thu November 18 11:21:24 2021
Parcel Map Check

Parcel name: 014-001-002 Olive-RE

North:	2080600.2936	East :	6439727.6075
Line Course:	N 89-54-59 E	Length:	22.20
	North: 2080600.3260	East :	6439749.8075
Line Course:	S 01-20-18 W	Length:	407.95
	North: 2080192.4873	East :	6439740.2793
Line Course:	S 56-42-52 W	Length:	13.37
	North: 2080185.1497	East :	6439729.1027
Line Course:	N 00-12-23 W	Length:	415.15
	North: 2080600.2970	East :	6439727.6073

Perimeter: 858.67 Area: 6,851 sq. ft. 0.16 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0034 Course: N 03-39-29 W
Error North: 0.00337 East : -0.00022
Precision 1: 252,550.00

**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 February 18, 2025, I served the following document(s) in the manner(s) indicated below:

NOTICE OF HEARING TO CONSIDER ADOPTION OF 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.

Olive Lane Properties, LLC
5633 E. Sorrento Drive
Long Beach, CA 90803

(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 February 14, 2025.


Brianne Jones



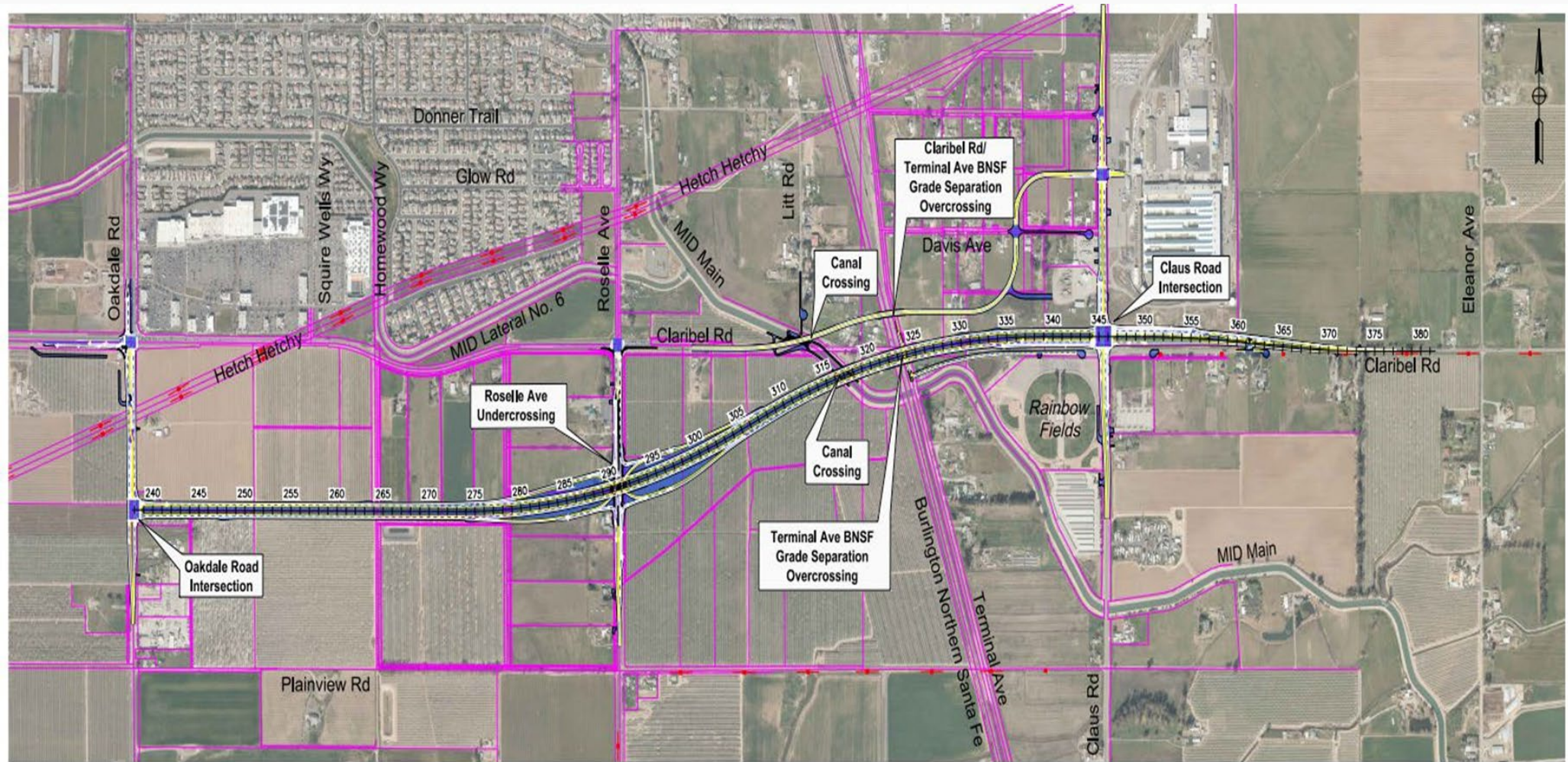
Discussion Item

**North County Corridor (NCC) Phase I
Resolution of Necessity
Olive Lane Properties, LLC.
APN: 014-001-002**

Agenda – Olive Lane Properties, LLC.

- Project Description
- Overview of Process
- Discussion of Individual Property: Olive Lane Properties, LLC.
4628 Claus Road, Modesto – APN: 014-001-002






Project Limits - NCC



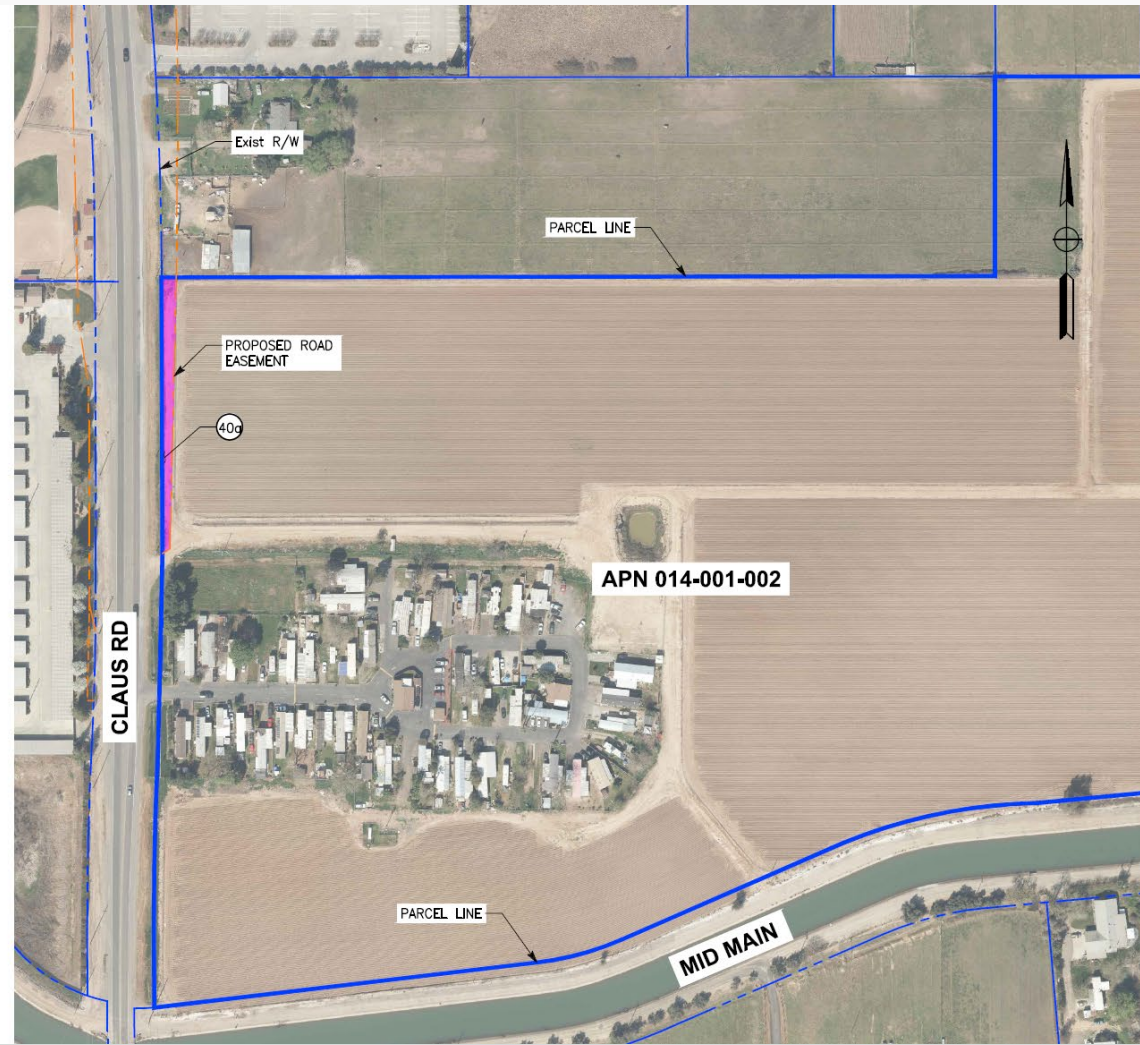
PLAN VIEW

Project Limits – Olive Lane Properties, LLC.

LEGEND:

-  Exist R/W
-  PARCEL BOUNDARIES
-  IDENTIFIED PARCEL
-  PROPOSED ROAD EASEMENT
-  PROPOSED TEMPORARY CONSTRUCTION EASEMENT (TCE)

#	APN	OWNER	ROAD EASEMENT	
			SQFT	ACRES
40g	014-001-002	OLIVE LANE PROPERTIES LLC	6,851	0.16



Project Approvals, to Date – Olive Lane Properties, LLC.

- Caltrans approved the CEQA/NEPA Environmental documents and routed adoption on May 22, 2020.
- These actions confirmed the alignment (1-B) which created and approved the NCC Project.



Public Interest and Necessity Project Approvals, to Date – Olive Lane Properties, LLC.

- The NCC Project will improve the regional network circulation.
- Relieve existing traffic congestion, reduce traffic delay, and accommodate future traffic on State Route 108.
- Support efficient movement of goods and services.
- Enhance traffic safety.

Greatest Public Good & Least Private Injury – Olive Lane Properties, LLC.

- Through rigorous environmental study and public outreach:
- NCC has been designed to maximize the benefits to the public at large while minimizing impacts to private property owners.
- A thorough analysis regarding the need for each property interest was conducted in the project's planning stages.
- Project team has worked diligently to minimize the need for property acquisitions.
- Alternative 1-B is the alternative which is planned and located in the manner that is most compatible with providing the greatest public good and least private injury.

Key Resolution of Necessity Findings Required – Olive Lane Properties, LLC.

- Public interest and necessity require the NCC Phase I – Final EIR / EIS Approved May 22, 2020.
- Project is planned in the manner that will be most compatible with the greatest public good and the least private injury.
- The subject properties are necessary for the Project.
- Offer has been made to the parcel owner(s) to be acquired.

Key Resolution of Necessity Findings Required – Olive Lane Properties, LLC.

- Owner has been unable to convey clear title and close escrow. County and the owner have agreed to proceed by way of this “friendly” condemnation to clear the title issues.
- Proceeding by eminent domain will allow the County to name parties who may have an interest in the property in the condemnation lawsuit, allowing County to clear title while ensuring the current owners receive just compensation for the taking.

Staff Recommendations

1. Find that the public interest and necessity require the North County Corridor Project.
2. Find that the 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 APN 014-001-002 (Olive Lane Properties), described in the Resolutions attached to the Staff Report are necessary for the Project.

Staff Recommendations

4. Find that the offer required by section 7267.2 of the Government Code has been made to the parcel owners of the properties to be acquired.
5. Adopt a Resolution of Necessity in the form attached to the Staff Report as Attachment 1.
6. Authorize County Counsel to initiate eminent domain proceedings to acquire the subject property.



PUBLIC WORKS

Questions?