

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

DEPT: Public Works

BOARD AGENDA: 7.2
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 Quincy Road over Turlock Irrigation Lateral No. 3 Bridge Replacement Project, Assessor's Parcel Numbers: 073-001-003, 045-056-004, and 073-002-001

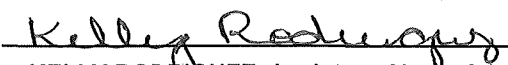
BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2025-0218

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, 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:7.2
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 Quincy Road over Turlock Irrigation Lateral No. 3 Bridge Replacement Project, Assessor's Parcel Numbers: 073-001-003, 045-056-004, and 073-002-001

STAFF RECOMMENDATION:

1. Find that the public interest and necessity require the Quincy Road over Turlock Irrigation Lateral No. 3 Bridge Replacement Project, Assessor's Parcel Numbers: 073-001-003, 045-056-004, and 073-002-001.
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 subject property.

DISCUSSION:

The Quincy Road over Turlock Irrigation Lateral No. 3 Bridge Replacement Project (Project) proposes to replace the bridge to correct structural deficiencies, increase the load capacity of the bridge, increase the permit rating, improve safety for motorists, widen the existing lanes to current standards and minimize vehicular accidents.

The Quincy Road bridge is located east of the City of Turlock, on Quincy Road between Taylor Road and Zeering Road, in Stanislaus County. Quincy Road is a two-lane road classified as a Local Road. The average daily traffic (ADT) along Quincy Road is approximately 1,625 vehicles per-day, 2% of which consists of truck traffic. The existing pavement width for the two-lane road is approximately 22 feet and has a low pavement condition index of 42. The existing bridge structure consists of a continuous reinforced concrete slab supported on a single reinforced concrete pier wall and diaphragm abutments founded on spread footings. The bridge is approximately 22 feet-wide and has a span of approximately 18 feet. The existing structure has indication of some

delamination, spalled areas, cracking, abrasion, and rail damage. Additionally, the existing bridge is functionally obsolete because of substandard widths and safety railing. The existing irrigation canal is usually full, with almost no extra space between the water level and the top of the canal. The water level is dependent on how much irrigation water Turlock Irrigation District (TID) customers need. In this condition, the soffit of the existing bridge is submerged for a good portion of the irrigation season, which has led to the deterioration of the existing structure.

The proposed Project improvements will bring the Quincy Road Bridge over TID Upper Lateral No. 3 Canal up to current County and American Association of State Highway and Transportation Officials (AASHTO) standards, including carrying heavy loads. This includes providing 12-foot travel lanes and 8-foot paved shoulders in each direction across the bridge.

The total estimated design and construction cost for the Project is \$2,951,929. \$2,851,929 of the project is funded by Senate Bill 1 (SB-1) funds, and \$100,000 of Measure L funds. The project is included in the 2025 Adopted Public Works Road Projects budget.

The Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations Title 14 Section 15302, as a replacement or reconstruction of existing structures and facilities. As such, the County has filed a Notice of Exemption on February 26, 2021.

On December 12, 2023, Stanislaus County and TID entered into an Agreement Consenting to Common Use establishing the common use area and sets forth the construction and future maintenance responsibilities of each party. Public Works is now requesting the Board consider the adoption of a Resolution of Necessity (RON) to acquire by eminent domain real property interests 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 as determined by various appraisals. Staff has attempted to negotiate a settlement in good faith and will continue to do so throughout the process. Although the County has attempted to engage the owners in an attempt to reach a negotiated settlement, as of the date of preparation of this report, a negotiated settlement has not been achieved.

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, or its representatives, a reasonable opportunity to appear and be heard on each of the required findings. Only owners of record need to be given notice of the hearing.

Notice of this hearing was sent by U.S. mail to the property owners 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.

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 property interests sought to be acquired is not at 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 Quincy Road over Turlock Irrigation Lateral No. 3 Bridge. The Project will:

- Correct structural deficiencies
- Increase the load capacity of the bridge
- Increase the permit rating
- Improve safety for motorists
- Widen the existing lanes to current standards, and
- Minimize vehicular accidents

Stanislaus County is the lead agency for the implementation and construction of the Project and is also responsible for all right-of-way (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 bid the Project and commence construction of the new bridge:

Property Owners and ROW Acquisition Areas:

1. Edwin H. Smith and Sons, Inc.

A 178-square-foot temporary construction easement (TCE) in a portion of the real property commonly known as 4501 N. Quincy Road, Denair, County of Stanislaus, California (APN 073-001-003).

The project will require the TCE to facilitate construction of the project. The TCE is a triangular-shaped parcel at the northeasterly corner of the larger parcel. It will be used for work areas to complete the roadway improvements. In the before condition, the area is used as part of the larger parcel's farm road and is unimproved (dirt). The TCE will be acquired for a 28-month term beginning October 1, 2025, and ending January 31, 2028, and will be exclusive only during project construction, which is expected to last from six to eight months. During construction, the TCE area will be fenced, to delineate Project areas from the remainder larger parcel.

The County hired a Member Appraisal Institute (MAI) certified general real estate appraiser to appraise the TCE. The appraiser's opinion is that the fair market value of the property being acquired as defined by Section 1263.320 of the Code of Civil Procedure is \$1,500. 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 owners on or about April 12, 2024.

Since the date of the initial offer, the County's ROW consultant, Associated Right-of-Way Services (ARWS) have contacted the owner and/or their counsel on more than 28 separate occasions to discuss the offer to purchase the property interests, the

Project's design, and to move forward with the acquisition process. However, to date, there has not been an agreement with the owner, as the owner has made a counteroffer which is not supported and has requested changes to the purchase and sale agreement which are not acceptable to County Counsel.

Accordingly, Staff recommends beginning the process of acquiring the ROW from the owner through the eminent domain process. Starting the eminent domain process now allows the County to obtain an order of prejudgment possession to keep the Project's construction schedule on track while giving the owner a forum in which to make their claim for just compensation.

2. Edwin Smith Family, LLC., a California limited liability company, as to an undivided 50% interest; Roger E. Smith and Patricia J. Smith, Trustees, R & P Smith 1994 Trust, as to an undivided 25% interest; and Rick Dean Smith and Janet Brownson Smith, Trustees, Smith 2016 Trust, as to an undivided 25% interest.

A 5,452-square-foot permanent roadway and drainage easement in a portion of the real property commonly known as 2325 E. Taylor Road, Denair, County of Stanislaus, California (APN 045-056-004).

The Project will require a permanent roadway and drainage easement consisting of a strip of land just under 12 feet-wide that contains 5,452 square feet and is located along the southerly boundary of the larger parcel, along the E. Taylor Road frontage. The easement area includes portions of unimproved land currently farmed with field crops. According to the owner, there is an existing 12 inch low head irrigation line within the proposed easement area, this underground irrigation infrastructure within the proposed roadway easement will be allowed to remain in place. The intersection of E. Taylor Road and N. Quincy Road will be elevated between 18-24 inches in the after condition. The proposed roadway easement will include an earthen shoulder that will be sloped to conform to the elevation of the remainder larger parcel.

The County hired a MAI certified general real estate appraiser to appraise the permanent roadway and drainage easement. The appraiser's opinion is that the fair market value of the property being acquired as defined by Section 1263.320 of the Code of Civil Procedure is \$4,800. 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 owners on or about April 12, 2024. Since the date of the initial offer, the County's ROW consultant and ARWS have contacted the owner and/or their counsel on more than 28 separate occasions to discuss the offer to purchase the property interests, the Project's design, and to move forward with the acquisition process. However, to date, there has not been an agreement with the owner, as the owner has made a counteroffer which is not supported and has requested changes to the purchase and sale agreement which are not acceptable to County Counsel.

Accordingly, Staff recommends beginning the process of acquiring the ROW from the owner through the eminent domain process. Starting the eminent domain process now allows the County to obtain an order of prejudgment possession to keep the Project's construction schedule on track while giving the owner a forum in which to make their claim for just compensation.

3. Roger E. Smith and Patricia J. Smith, Trustees, R & P Smith 1994 Trust, as to an

undivided 50% interest, and Beverly J. Smith, Trustee, H & B Smith 1994 Credit Bypass Trust, as to an undivided 50% (APN 073-002-001).

A 2,343 square foot permanent roadway, drainage and public utility easement, and an 1,877-square-foot temporary construction easement in a portion of real property commonly known as 5106 N. Quincy Rd., Denair, County of Stanislaus, California (APN 073-002-001).

The Project will require a permanent roadway, drainage and public utility easement consisting of a strip of land roughly 9 feet-wide that primarily runs along the northerly property boundary abutting E. Taylor Road, north of the TID Canal. A small portion of the proposed easement also extends southerly along the N. Quincy Road frontage. The easement contains 2,343 square feet. The large majority of the proposed easement area is either used as the shoulder along E. Taylor Road, or is encumbered with the TID Canal. Only a very small triangular portion of the easement area is utilized by the property owner for its access road near the northwest corner of the property (south of the canal). The proposed roadway easement will be acquired to conform the new roadway to the replaced bridge structure.

The Project will also require one TCE from this parcel to facilitate the Project. The TCE will consist of 1,877 square feet and is an atypically-shaped parcel at the northwesterly corner of the property, adjacent to the proposed permanent easement. It will be used for work areas to complete the roadway improvements and bridge structure. In the before condition, a portion of the TCE area is used for a farm road and is unimproved (dirt), whereas the northerly portion overlaps with the TID Canal. The TCE will be acquired for a 28-month term and will be exclusive only during project construction, beginning October 1, 2025, and ending January 31, 2028, and which is expected to last from six to eight months. During construction, the TCE area will be fenced, to delineate Project areas from the remainder larger parcel.

The County hired a MAI certified general real estate appraiser to appraise the permanent roadway, drainage and utility easement, as well as the TCE. The appraiser's opinion is that the fair market value of the property being acquired as defined by Section 1263.320 of the Code of Civil Procedure is \$3,500. 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 owners on or about April 12, 2024. Since the date of the initial offer, the County's ROW consultant and ARWS have contacted the owner and/or their counsel on more than 28 separate occasions to discuss the offer to purchase the property interests, the Project's design, and to move forward with the acquisition process. However, to date, there has not been an agreement with the owner as owner has made a counteroffer which is not supported and has requested changes to the purchase and sale agreement which are not acceptable to County Counsel.

Accordingly, Staff recommends beginning the process of acquiring the ROW from the owner through the eminent domain process. Starting the eminent domain process now allows the County to obtain an order of prejudgment possession to

keep the Project's construction schedule on track while giving the owner a forum in which to make their claim for just compensation.

The property interests sought to be acquired for the Project are more particularly defined, described and depicted in Exhibits "1" through "4" attached to the RON and incorporated herein by reference (the "Subject Property"). For each property interest to be acquired, a RON must be adopted prior to the commencement of eminent domain proceedings.

NEXT STEPS:

Should the Board approve and adopt the attached RON, Staff and County Counsel will work with outside counsel to initiate court proceedings to acquire the Subject Property necessary for the Project, as well as seek prejudgment possession of the Subject Property as necessary. Throughout the process, Staff will continue to work with the Subject Property owner to attempt to negotiate and finalize an agreement reflecting fair and equitable compensation for the Subject Property.

POLICY ISSUES:

The Board of Supervisors' adoption of the 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 RON hearing is part of the ROW Phase of the Project. The total cost for acquisition of the parcels will be determined in the condemnation proceedings and will be brought back to this Board in a future Board item. The cost for the Project is included in the 2025 Adopted Public Works Road and Bridge projects budget.

BOARD OF SUPERVISORS' PRIORITY:

The recommended actions are consistent with the Board's priorities by *Delivering Efficient Public Services* and *Enhancing Community Infrastructure*, by replacing an aging and functionally obsolete bridge.

STAFFING IMPACT:

Existing Public Works staff will be implementing the Project.

CONTACT PERSON:

David A. Leamon, Public Works Director

Telephone: (209) 525-4130

ATTACHMENT(S):

1. Resolution of Necessity
2. Right of Way Exhibit
3. Offer Letters - April 12, 2024
4. Resolution of Necessity Requirements
5. Notices of Hearing to Adopt Resolution of Necessity

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

Date: April 29, 2025

2025-0218

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 # 7.2

**RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY OR INTEREST IN REAL
PROPERTY BY EMINENT DOMAIN**

PARCEL APN: 073-001-003, 045-056-004 & 073-002-001

OWNERS: Edwin H. Smith and Sons, Inc. (as to APN 073-001-003);

Edwin Smith Family, LLC, a California limited liability company, as to an undivided 50% interest;
Roger E. Smith and Patricia J. Smith, Trustees, R & P Smith 1994 Trust, as to an undivided 25%
interest; and Rick Dean Smith and Janet Brownson Smith, Trustees, Smith 2016 Trust, as to an
undivided 25% interest (as to APN 045-056-004); and

Roger E. Smith and Patricia J. Smith, Trustees, R & P Smith 1994 Trust, as to an undivided 50%
interest, and Beverly J. Smith, Trustee, H & B Smith 1994 Credit Bypass Trust, as to an undivided
50% (as to APN 073-002-001).

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") proposes to replace the Quincy Road over Turlock
Irrigation District Lateral No. 3 Bridge in order to correct structural deficiencies, increase the load
capacity of the bridge, increase the permit rating, improve safety for motorists, widen the existing
lanes to current standards and minimize vehicular accidents. The project is known as the Quincy
Road over Turlock Irrigation Lateral No. 3 Bridge Replacement Project (the "Project"); and

WHEREAS, the public interest and necessity require that the County acquire the following property interests for public use, namely the Project and all uses necessary, incidental or convenient thereto: a 178 square foot temporary construction easement in a portion of the real property commonly known as 4501 N. Quincy Road, Denair, County of Stanislaus, California (APN 073-001-003); a 5,452 square foot permanent roadway and drainage easement in a portion of the real property commonly known as 2325 E. Taylor Road, Denair, County of Stanislaus, California (APN 045-056-004); and a 2,343 square foot permanent roadway and drainage easement, and an 1,877 square foot temporary construction easement in a portion of real property commonly known as 5106 N. Quincy Rd., Denair, County of Stanislaus, California (APN 073-002-001). The property interests sought to be acquired for the Project are more particularly defined, described and depicted in Exhibits "1" through "4" attached hereto and incorporated herein by reference (collectively the "Subject Property"); and

WHEREAS, County filed a Notice of Exemption on February 26, 2021, on the basis that the Project is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to California Code of Regulations Title 14 Section 15302, as a replacement or reconstruction of existing structures and facilities; 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 Subject 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 Subject Property is already devoted to a public use, the use to which the Subject Property is to be put is a more necessary public use than the use to which the Subject 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 Subject Property is already devoted.

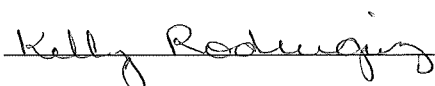
7. The Subject Property is being acquired in whole or in part pursuant to the provisions of Code of Civil Procedure Sections 1240.320, 1240.330 and 1240.350, as the case may be, as substitute property necessary for a public use, for the relocation of public utility facilities, or to provide utility service to the remainder property. It is further found and determined that the taking of said substitute property is necessary for the purpose specified in Sections 1240.320, 1240.330 and/or 1240.350.

8. 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 Subject Property described herein above, and is further authorized to institute proceedings for taking pre-judgment possession of the Subject 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 filing and 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 Subject 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

Exhibits 1 - 4 - Legal Definitions, Legal Descriptions & Plat Maps

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

_____

File No.

Temporary Construction Easement

(APN 073-001-003)

The property interest to be acquired has been designated as a Temporary Construction Easement ("TCE"), which represents certain interests over, under, upon, and across a portion of the property commonly known as 4501 N. Quincy Road, Denair, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Number 073-001-003, 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 access and construction purposes associated with the Quincy Road Over Turlock Irrigation District Lateral No. 3 Bridge Replacement Project. The TCE shall be for the purpose of construction activities related to said Project including, but not limited to, use for ingress and egress, road construction areas, parking of vehicles and all other activities incidental to the construction of the specified project. This TCE and its related purposes shall not unreasonably impair the owner and any occupant's use, access and ingress/egress of owner to/from and within the remainder property.

Said easement shall be for a period of 28 months beginning October 1, 2025 and ending January 31, 2028. Upon expiration of the TCE, unless otherwise agreed to by County or otherwise mandated by the requirements of applicable law, County shall restore the Property as nearly as practicable and commercially reasonable to its condition at the time the easement commenced.

County shall have the right to transfer, assign and/or convey the TCE, 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 until such time as the TCE ends.

Legal Description
(APN 073-001-003)

TEMPORARY CONSTRUCTION EASEMENT

Quincy Road over T.I.D. Lateral No. 3 Bridge Replacement Project
Edwin H. Smith and Sons, Inc. to County of Stanislaus
APN: 073-001-003

Legal description

ALL that certain real property, being a portion of Parcel B, as shown on that certain map filed for record December 17, 2004 in Book 53 of Parcel Maps, at Page 39, Stanislaus County Records, and situate in the northwest quarter of Section 1, Township 5 South, Range 10 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particular described as follows:

COMMENCING at the South quarter corner of Section 36, Township 4 South, Range 10 East, Mount Diablo Meridian, said corner being marked with a 6" concrete monument with a 3" square brass plate; thence along the South line of the southwest quarter of said Section 36 North 89°47'19" West 454.54 feet to a point on the West right-of-way line of North Quincy Road, last said point being 20.00 feet distant at right angles West from the East line of said northwest quarter; thence leaving said South line and proceeding along said West right-of-way line South 01°10'49" West 46.44 feet to a point on the South right-of-way line of Turlock Irrigation District's Lateral No. 3, as described in Quitclaim Deed, filed for record November 3, 2004 as Document No. 2004-0182891, Stanislaus County Records and the **TRUE POINT OF BEGINNING;**

thence (1), continuing along said West right-of-way line and parallel with said East line of the northwest quarter South 01°10'49" West 12.79 feet;

thence (2), leaving said West right-of-way line and proceeding North 65°18'16" West 30.34 feet to a point on said South right-of-way line of Turlock Irrigation District's Lateral No. 3;

thence (3), along said South right-of-way line North 89°45'55" East 27.83 feet to the Point of Beginning.

Containing 178 square feet, more or less.

SUBJECT TO all easements and/or rights-of-way of record.

A course of South 89°48'41" East between City of Turlock G.P.S. monuments no. D10 and no. D12, as calculated from coordinates shown in Book 20 of Surveys, at Page 56, Stanislaus County Records, was used as a basis for all bearings shown. All distances shown are ground.

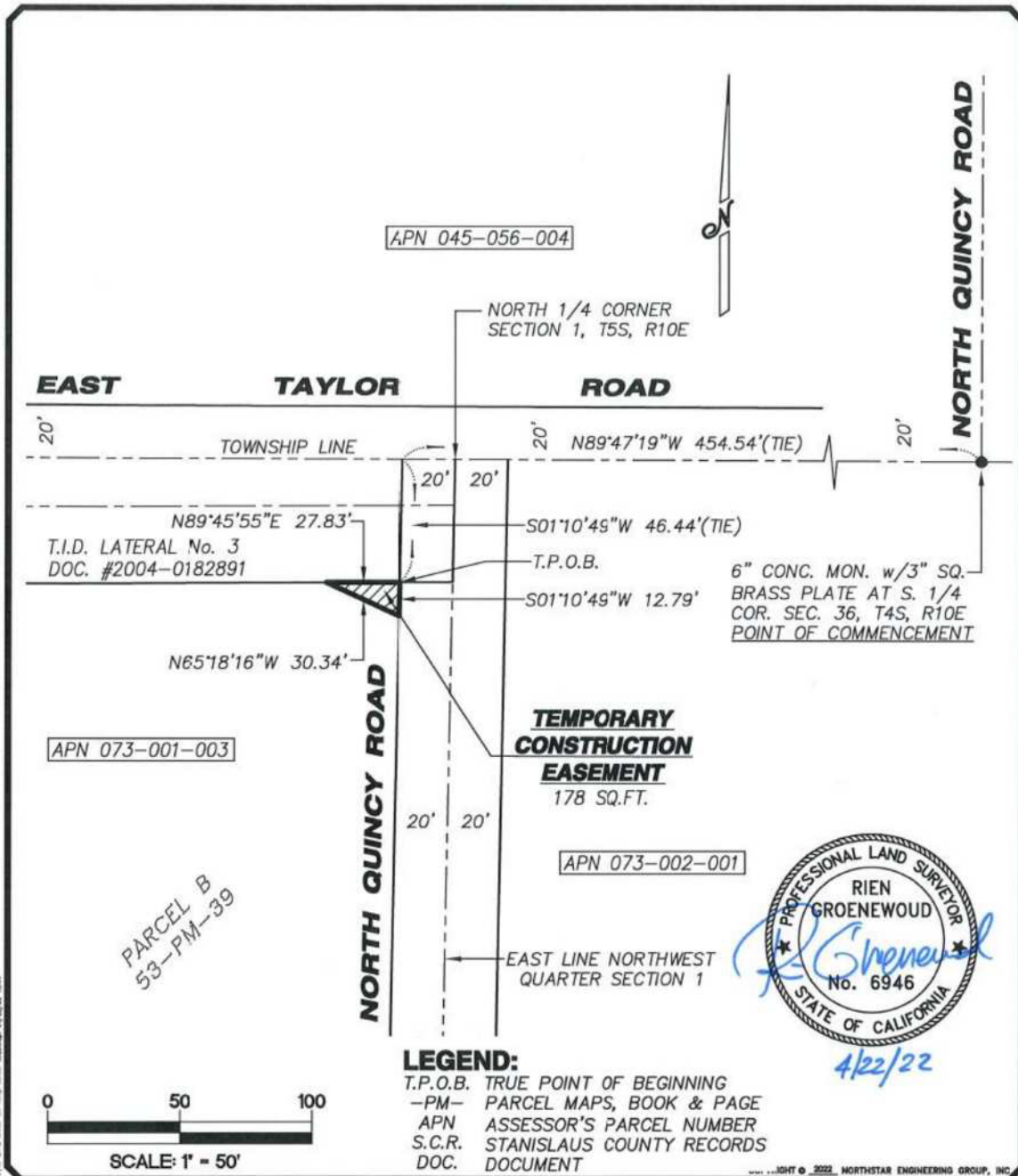
All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.


Rien Groenewoud, P.L.S. 6946



4/22/22

Plat Map
(APN 073-001-003)



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
EXHIBIT 'B'**
BEING A PORTION OF PARCEL B PER 53-PM-39, S.C.R.,
NORTHWEST QUARTER OF SECTION 1, T5S, R10E, MDM
STANISLAUS COUNTY CALIFORNIA

JOB: J19-2442
DATE: 04/22/22
SCALE: 1"=50'
DRAWN: RG
DESIGN: RG
CHK'D: RG
SHEET
01
OF 01

Permanent Road and Drainage Easement

(APN 045-056-004)

The property interest to be acquired has been designated as a Permanent Road and Drainage Easement, which represents certain interests from a portion of the property commonly known as 2325 E. Taylor Road, Denair, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Number 045-056-004, 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 Quincy Road Over Turlock Irrigation District Lateral No. 3 Bridge Replacement 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 related 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.

Legal Description
(APN 045-056-004)

ROADWAY and DRAINAGE EASEMENT

Quincy Road over T.I.D. Lateral No. 3 Bridge Replacement Project
Edwin Smith Family Partnership, L.P. et al to County of Stanislaus
APN: 045-056-004

Legal description

ALL that certain real property, being a portion of "Remainder", as shown on that certain map filed for record May 30, 1997 in Book 48 of Parcel Maps, at Page 28, Stanislaus County Records, and situate in southwest quarter of Section 36, Township 4 South, Range 10 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particular described as follows:

COMMENCING at the South quarter corner of said Section 36, said corner being marked with a 6" concrete monument with a 3" square brass plate; thence along the South line of said southwest quarter North 89°47'19" West 188.90 feet; thence leaving said South line and proceeding North 00°12'41" East 20.01 feet to a point on the North right-of-way line of East Taylor Road and the **TRUE POINT OF BEGINNING;**

thence (1), along said North right-of-way line North 89°47'19" West 474.61 feet;

thence (2), leaving said North right-of-way line and proceeding North 00°02'22" West 11.46 feet;

thence (3), South 89°47'41" East 474.56 feet;

thence (4), South 00°14'53" East 11.51 feet to the Point of Beginning.

Containing 5,452 square feet, more or less.

SUBJECT TO all easements and/or rights-of-way of record.

A course of South 89°48'41" East between City of Turlock G.P.S. monuments no. D10 and no. D12, as calculated from coordinates shown in Book 20 of Surveys, at Page 56, Stanislaus County Records, was used as a basis for all bearings shown. All distances shown are ground.

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

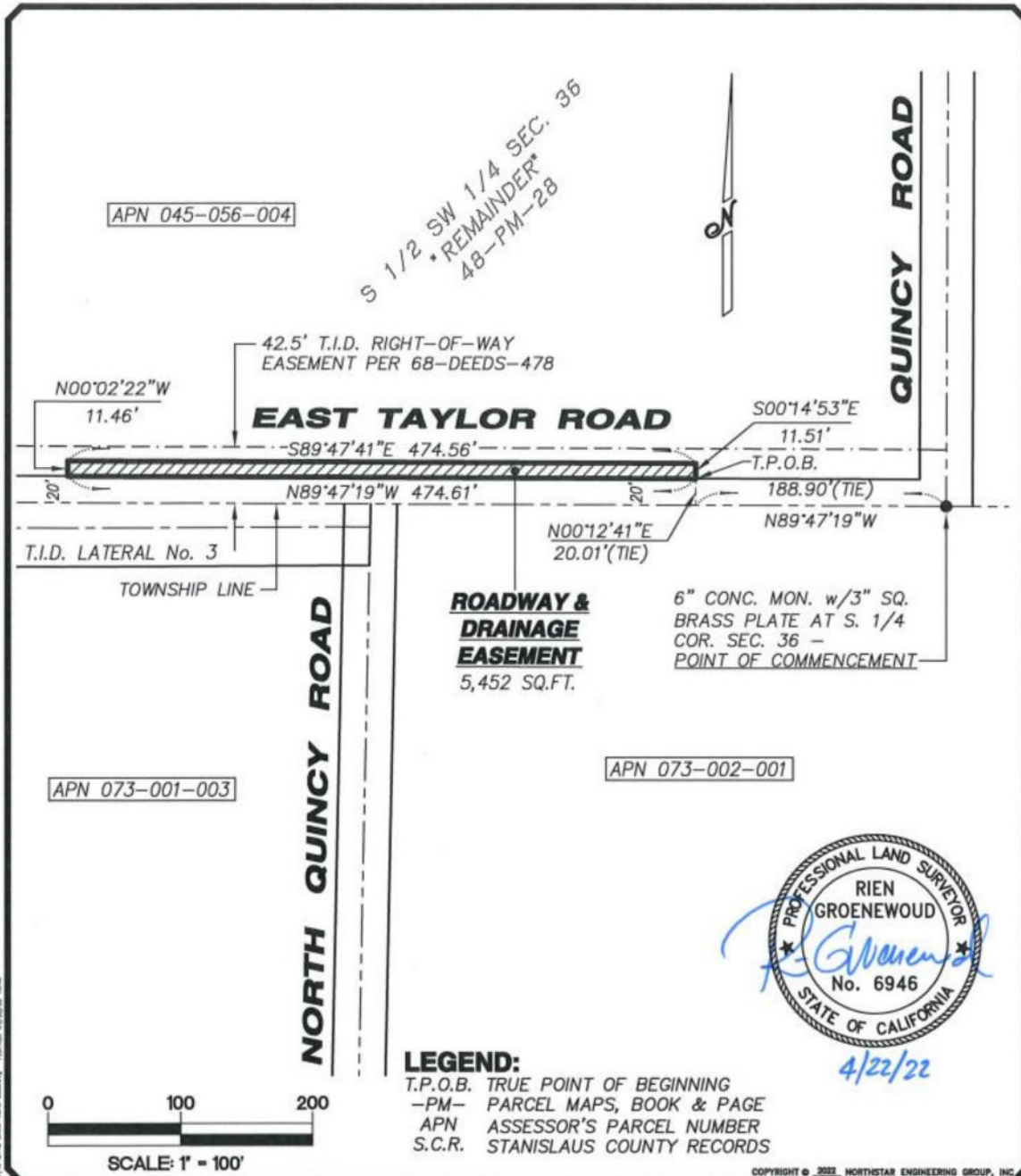


Rien Groenewoud, P.L.S. 6946



4/22/22

Plat Map
(APN 045-056-004)



**PLAT TO ACCOMPANY
LEGAL DESCRIPTION**

EXHIBIT 'B'

BEING A PORTION OF "REMAINDER" AS SHOWN IN Bk. 48 OF
PARCEL MAPS, Pg. 28, S.C.R., SW 1/4 SEC. 36, T4S, R10E, MDM

STANISLAUS COUNTY CALIFORNIA

JOB: J19-2442
DATE: 04/22/22
SCALE: 1"=100'
DRAWN: RG
DESIGN: RG
CHK'D: RG
SHEET
01
OF 01

Permanent Road and Drainage Easement

(APN 073-002-001)

The property interest to be acquired has been designated as a Permanent Road and Drainage Easement, which represents certain interests from a portion of the property commonly known as 5106 N. Quincy Road located at the SE Corner of N. Quincy Road and E. Taylor Road, Denair, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Number 073-002-001, 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 Quincy Road Over Turlock Irrigation District Lateral No. 3 Bridge Replacement 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 related 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.

Legal Description
(APN 073-002-001)

ROADWAY AND DRAINAGE EASEMENT

Quincy Road over T.I.D. Lateral No. 3 Bridge Replacement Project
R & P Smith 1994 Trust et al to County of Stanislaus
APN: 073-002-001

Legal description

ALL that certain real property, being a portion of and situate in the northeast quarter of Section 1, Township 5 South, Range 10 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particular described as follows:

COMMENCING at the South quarter corner of Section 36, Township 4 South, Range 10 East, Mount Diablo Meridian, said corner being marked with a 6" concrete monument with a 3" square brass plate; thence along the South line of the southwest quarter of said Section 36 North 89°47'19" West 188.73 to the **TRUE POINT OF BEGINNING**;

thence (1), leaving said South line and proceeding South 00°12'36" West 9.17 feet;

thence (2), South 89°59'16" West 220.08 feet;

thence (3), South 01°10'41" West 22.51 feet;

thence (4), South 24°26'47" West 14.91 feet to a point on the East right-of-way line of North Quincy Road, last said point being 20.00 feet distant at right angles East from the West line of said northeast quarter;

thence (5), along said East right-of-way line, parallel with said West line North 01°10'49" East 46.13 feet to a point on said South line of the southwest quarter of Section 36;

thence (6), along said South line of the southwest quarter of Section 36 South 89°47'19" East 225.80 feet to the Point of Beginning.

Containing 2,343 square feet, more or less.

SUBJECT TO all easements and/or rights-of-way of record.

A course of South 89°48'41" East between City of Turlock G.P.S. monuments no. D10 and no. D12, as calculated from coordinates shown in Book 20 of Surveys, at Page 56, Stanislaus County Records, was used as a basis for all bearings shown. All distances shown are ground.

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

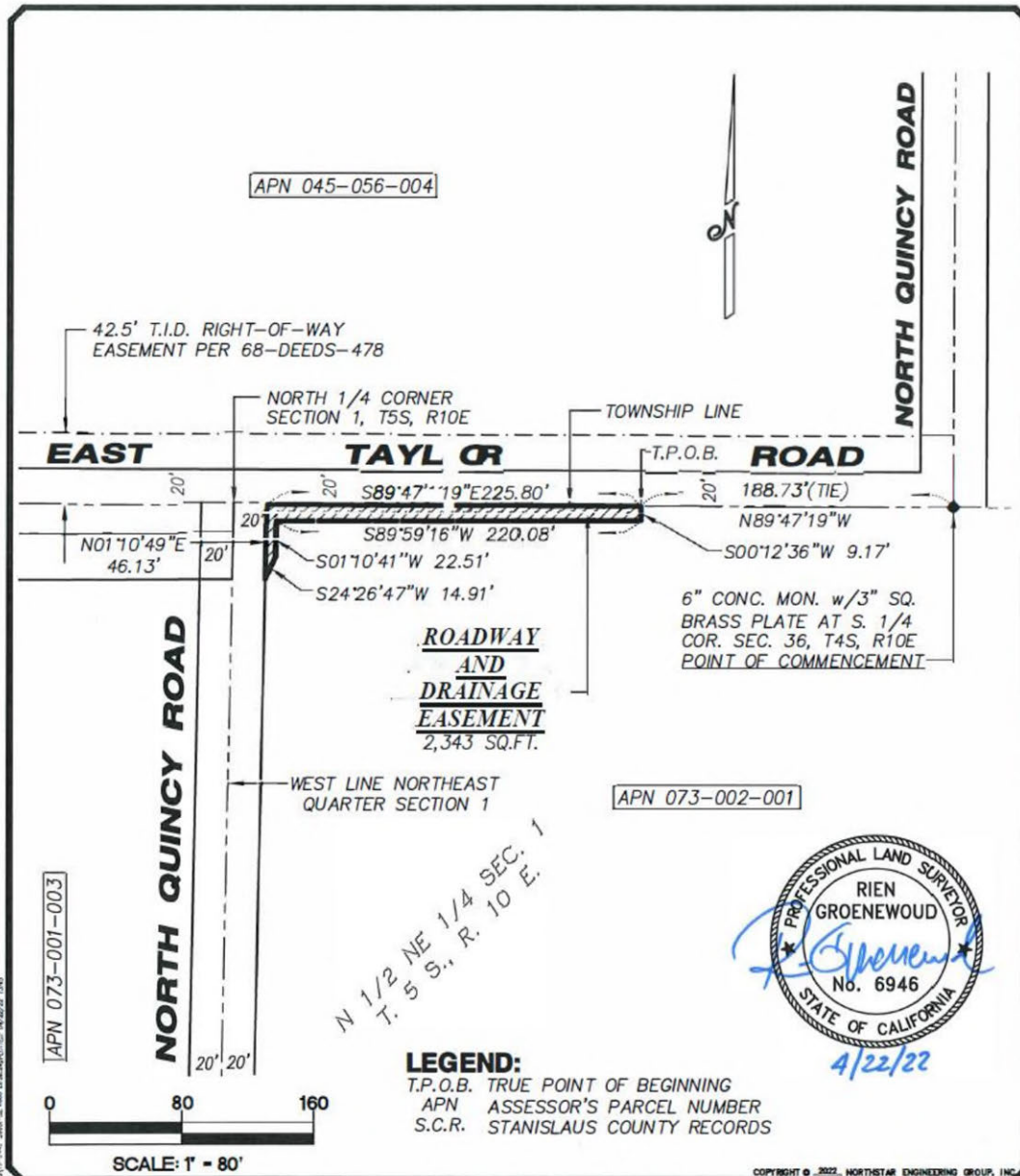


Rien Groenewoud, P.L.S. 6946



4/22/22

Plat Map
(APN 073-002-001)



**PLAT TO ACCOMPANY
LEGAL DESCRIPTION**

EXHIBIT 'B'

BEING A PORTION OF THE NORTH ONE-HALF OF THE
NORTHEAST QUARTER OF SECTION 1, T5S, R10E, MDM

STANISLAUS COUNTY CALIFORNIA

JOB: J19-2442
DATE: 04/22/22
SCALE: 1"=80'
DRAWN: RG
DESIGN: RG
CHK'D: RG
SHEET
01
OF 01

Temporary Construction Easement

(APN 073-002-001)

The property interest to be acquired has been designated as a Temporary Construction Easement ("TCE"), which represents certain interests over, under, upon, and across a portion of the property commonly known as 5106 N. Quincy Road located at the SE Corner of N. Quincy Road and E. Taylor Road, Denair, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Number 073-002-001, 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 access and construction purposes associated with the Quincy Road Over Turlock Irrigation District Lateral No. 3 Bridge Replacement Project. The TCE shall be for the purpose of construction activities related to said Project including, but not limited to, use for ingress and egress, road construction areas, parking of vehicles and all other activities incidental to the construction of the specified project. This TCE and its related purposes shall not unreasonably impair the owner and any occupant's use, access and ingress/egress of owner t/from and within the remainder property.

Said easement shall be for a period of 28 months beginning October 1, 2025 and ending January 31, 2028. Upon expiration of the TCE, unless otherwise agreed to by County or otherwise mandated by the requirements of applicable law, County shall restore the Property as nearly as practicable and commercially reasonable to its condition at the time the easement commenced.

County shall have the right to transfer, assign and/or convey the TCE, 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 until such time as the TCE ends.

Legal Description
(APN 073-002-001)

TEMPORARY CONSTRUCTION EASEMENT

Quincy Road over T.I.D. Lateral No. 3 Bridge Replacement Project
R & P Smith 1994 Trust et al to County of Stanislaus
APN: 073-002-001

Legal description

ALL that certain real property, being a portion of and situate in the northeast quarter of Section 1, Township 5 South, Range 10 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particular described as follows:

COMMENCING at the South quarter corner of Section 36, Township 4 South, Range 10 East, Mount Diablo Meridian, said corner being marked with a 6" concrete monument with a 3" square brass plate; thence along the South line of the southwest quarter of said Section 36 North 89°47'19" West 188.73; thence leaving said South line and proceeding South 00°12'36" West 9.17 feet; thence South 89°59'16" West 174.68 feet to the **TRUE POINT OF BEGINNING**;

thence (1), South 00°00'04" East 35.87 feet;

thence (2), South 89°16'39" West 20.03 feet;

thence (3), South 70°10'10" West 34.27 feet to a point on the East right-of-way line of North Quincy Road, last said point being 20.00 feet distant at right angles East from the West line of said northeast quarter;

thence (4), along said East right-of-way line, parallel with said West line North 01°10'49" East 11.67 feet;

thence (6), leaving said East right-of-way line and proceeding North 24°26'47" East 14.91 feet;

thence (7), North 01°10'41" East 22.51 feet;

thence (8), North 89°59'16" East 45.40 feet to the Point of Beginning.

Containing 1,877 square feet, more or less.

SUBJECT TO all easements and/or rights-of-way of record.

A course of South 89°48'41" East between City of Turlock G.P.S. monuments no. D10 and no. D12, as calculated from coordinates shown in Book 20 of Surveys, at Page 56, Stanislaus County Records, was used as a basis for all bearings shown. All distances shown are ground.

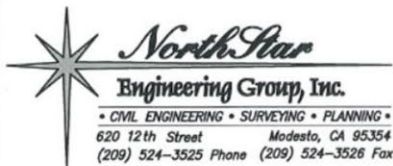
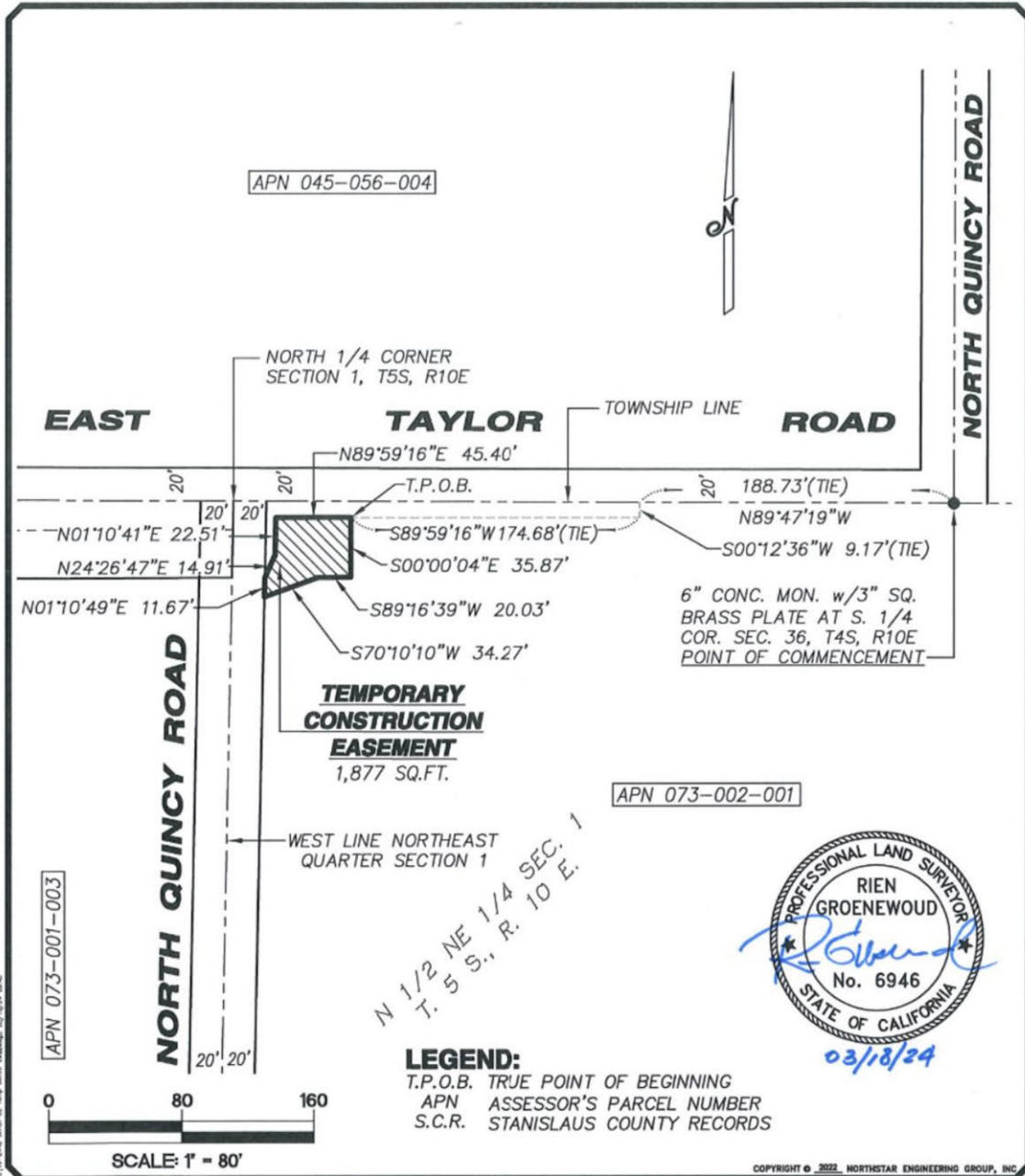
All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.


Rien Groenewoud, P.L.S. 6946



03/18/24

Plat Map
(APN 073-002-001)



**PLAT TO ACCOMPANY
LEGAL DESCRIPTION**

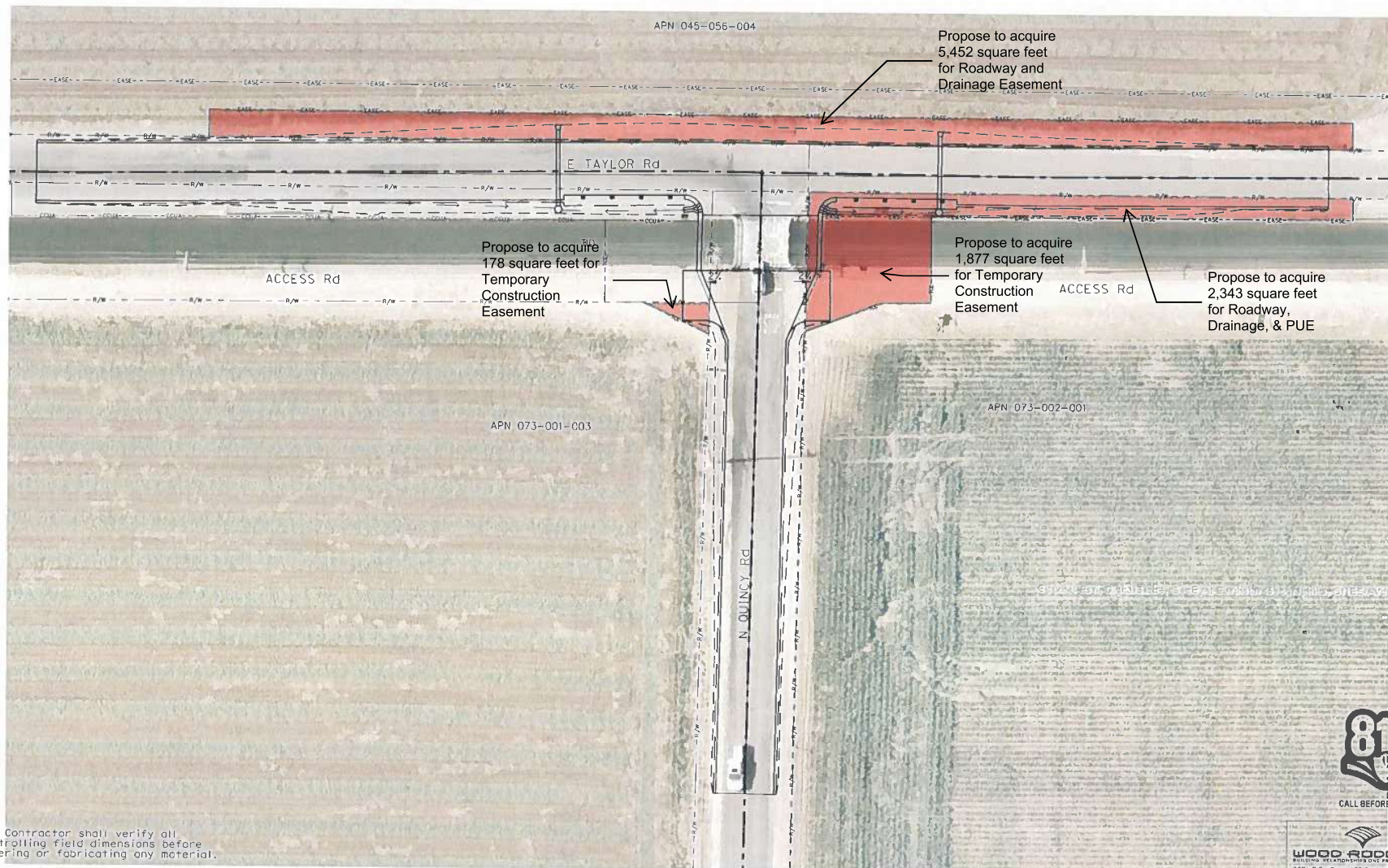
EXHIBIT 'B'

BEING A PORTION OF THE NORTH ONE-HALF OF THE
NORTHEAST QUARTER OF SECTION 1, T5S, R10E, MDM

STANISLAUS COUNTY CALIFORNIA

JOB: J19-2442
DATE: 03/18/24
SCALE: 1"=80'
DRAWN: RG
DESIGN: RG
CHK'D: RG
SHEET
01
OF 01

-----EASE-----	EASEMENT
-----R/W-----	RIGHT OF WAY
-----TCE-----	TEMPORARY CONSTRUCTION EASEMENT
-----CCUA-----	CONSENT TO COMMON USE AGREEMENT

 SMITH PARCEL IMPACTS

The Contractor shall verify all controlling field dimensions before ordering or fabricating any material.

SCADRON 10000 THE REGIMENT OF

[illegible]

Stanislaus County
DEPARTMENT OF PUBLIC WORKS
ENGINEERING AND OPERATIONS DIVISION
1716 MORGAN ROAD - MODESTO, CA 95358

DRAFT APPRAISAL MAP

IMPROVEMENT PLANS FOR:
**CENCY ROAD OVER TID LATERAL No. 3
 BRIDGE REPLACEMENT PROJECT**
 TIRLOCK, CALIFORNIA

JOB NO	8786001
DATE	10/04/21
CR BY	LS
CK BY	02
SCALE	1" = 20'

SHEET
NUMBER

02 1 SHEETS

ORIGINAL SCALE IN INCHES
FOR REDUCED PLANS



DEPARTMENT OF PUBLIC WORKS

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

Frederic Clark, PE, LS
DEPUTY DIRECTOR - OPERATIONS

Sambath Chrun, PE
DEPUTY DIRECTOR - ENGINEERING

Chad Johnson, LS
COUNTY SURVEYOR

Andrew Malizia, PE
DEPUTY DIRECTOR - DEVELOPMENT
SERVICES & TRAFFIC

Tracie Madison
SENIOR BUSINESS & FINANCE MANAGER

April 12, 2024

Edwin H. Smith and Sons



PROJECT: Quincy Rd over TID Lateral No. 3 Bridge Replacement Project

SUBJECT: Property Address: 4501 N. Quincy Road, Denair, CA 95316
APN: 073-001-003

Dear Property Owner:

The Stanislaus County Department of Public Works (County) is moving forward with the Quincy Road over Turlock Irrigation District Lateral No. 3 Bridge Replacement Project and will need to acquire a 178 square foot Temporary Construction Easement over a portion of your overall property. Based on the attached Appraisal Summary Statement and Summary of the Basis for Just Compensation, the County is offering you \$1,500.00 for the Temporary Construction Easement. This area is described and shown in the enclosed Agreement.

The County has retained Associated Right of Way Services, Inc. (AR/WS) to assist in acquiring the proposed property interests in connection with the Project. This letter and the accompanying paperwork contain material related to the County's offer to purchase from you the Temporary Construction Easement for the Project.

Attached for your review are the following documents:

1. Summary Statement Relating to the Purchase of Real Property or an Interest Therein
2. Appraisal Summary Statement and Summary Basis for Just Compensation
3. Agreement for Purchase of Property
4. Temporary Construction Easement Deed
5. Property Owner Information Handbook
6. W-9 form

The AR/WS consultant assigned to work with you is Mark apHugh, and he is prepared to meet and discuss the proposed acquisition with you at your convenience. He can be reached at (925) 691-2807 or by email at maphugh@arws.com. The County will assist in processing all documents,

including providing notary public services, and escrow. Expenses incidental to transfer of title to the County are paid by the County and these are detailed in the Contract.

Sincerely,

A handwritten signature in cursive script that reads "joe giulian".

Joe Giuliani, PE

Enclosures (6)

cc: Mark apHugh, AR/WS



DEPARTMENT OF PUBLIC WORKS

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

Frederic Clark, PE, LS
DEPUTY DIRECTOR - OPERATIONS

Sambath Chrun, PE
DEPUTY DIRECTOR - ENGINEERING

Chad Johnson, LS
COUNTY SURVEYOR

Andrew Malizia, PE
DEPUTY DIRECTOR - DEVELOPMENT
SERVICES & TRAFFIC

Tracie Madison
SENIOR BUSINESS & FINANCE MANAGER

April 12, 2024

Edwin Smith Family LLC,
Roger E. Smith and Patricia J. Smith, Trustees,
Rick Dean Smith and Janet Brownson Smith, Trustees



PROJECT: Quincy Rd over TID Lateral No. 3 Bridge Replacement Project

**SUBJECT: Property Address: 2525 E. Taylor Road, Denair, CA 95316
APN: 045-056--004**

Dear Property Owner:

The Stanislaus County Department of Public Works (County) is moving forward with the Quincy Road over Turlock Irrigation District Lateral No. 3 Bridge Replacement Project and will need to acquire a 5,452 square foot permanent Roadway and Drainage Easement over a portion of your overall property. Based on the attached Appraisal Summary Statement and Summary of the Basis for Just Compensation, the County is offering you \$4,800.00 for the permanent Roadway and Drainage Easement. This area is described and shown in the enclosed Agreement.

The County has retained Associated Right of Way Services, Inc. (AR/WS) to assist in acquiring the proposed property interests in connection with the Project. This letter and the accompanying paperwork contain material related to the County's offer to purchase from you the permanent Roadway and Drainage Easement for the Project.

Attached for your review are the following documents:

1. Summary Statement Relating to the Purchase of Real Property or an Interest Therein
2. Appraisal Summary Statement and Summary Basis for Just Compensation
3. Agreement For Purchase of Property
4. Roadway and Drainage Easement Deed
5. Property Owner Information Handbook
6. W-9 form

The AR/WS consultant assigned to work with you is Mark apHugh, and he is prepared to meet and discuss the proposed acquisition with you at your convenience. He can be reached at (925)

691-2807 or by email at maphugh@arws.com. The County will assist in processing all documents, including providing notary public services, and escrow. Expenses incidental to transfer of title to the County are paid by the County and these are detailed in the Contract.

Sincerely,

A handwritten signature in cursive script that reads "joe giulian".

Joe Giulian, PE

Enclosures (6)

cc: Mark apHugh, AR/WS



DEPARTMENT OF PUBLIC WORKS

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

Frederic Clark, PE, LS
DEPUTY DIRECTOR - OPERATIONS

Sambath Chrun, PE
DEPUTY DIRECTOR - ENGINEERING

Chad Johnson, LS
COUNTY SURVEYOR

Andrew Malizia, PE
DEPUTY DIRECTOR - DEVELOPMENT
SERVICES & TRAFFIC

Tracie Madison
SENIOR BUSINESS & FINANCE MANAGER

April 12, 2024

Roger E. Smith and Patricia J. Smith, Trustees
Beverly J. Smith, Trustee



PROJECT: Quincy Rd over TID Lateral No. 3 Bridge Replacement Project
SUBJECT: Property Address: SE corner of N. Quincy Road and E. Taylor Road, Denair,
CA 95316
APN: 073-002-001

Dear Property Owner:

The Stanislaus County Department of Public Works (County) is moving forward with the Quincy Road over Turlock Irrigation District Lateral No. 3 Bridge Replacement Project and will need to acquire a 2,343 square foot permanent Roadway and Drainage Easement and an 1,877 square foot Temporary Construction Easement over a portion of your overall property. Based on the attached Appraisal Summary Statement and Summary of the Basis for Just Compensation, the County is offering you \$3,500.00 for the Temporary Construction Easement. This area is described and shown in the enclosed Agreement.

The County has retained Associated Right of Way Services, Inc. (AR/WS) to assist in acquiring the proposed property interests in connection with the Project. This letter and the accompanying paperwork contain material related to the County's offer to purchase from you the permanent Roadway and Drainage Easement and Temporary Construction Easement for the Project.

Attached for your review are the following documents:

1. Summary Statement Relating to the Purchase of Real Property or an Interest Therein
2. Appraisal Summary Statement and Summary Basis for Just Compensation
3. Agreement For Purchase of Property
4. Roadway and Drainage Easement Deed
5. Temporary Construction Easement Deed
6. Property Owner Information Handbook
7. W-9 form

The AR/WS consultant assigned to work with you is Mark apHugh, and he is prepared to meet and discuss the proposed acquisition with you at your convenience. He can be reached at (925) 691-2807 or by email at maphugh@arws.com. The County will assist in processing all documents, including providing notary public services, and escrow. Expenses incidental to transfer of title to the County are paid by the County and these are detailed in the Contract.

Sincerely,

A handwritten signature in cursive script that reads "joe giulian".

Joe Giulian, PE

Enclosures (7)

cc: Mark apHugh, AR/WS

RESOLUTION OF NECESSITY REQUIREMENTS

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 Section 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 Section 1245.230.) The owners were sent a written Notice of the Hearing on March 13, 2025. (See Attachment 7.)

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

§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 Subject 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, the Subject Property as discussed in the Board of Supervisors' Report and described in Exhibit "1" through "4" to the Resolution of Necessity for the 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 documents for the Project, the County's Notice of Categorical Exemption to CEQA filed on February 25, 2021, the Board of Supervisors' approval of the Project and allocation of funding for same, and the discussion set forth in the Board of Supervisors' Report which are incorporated herein by this reference.

The Project proposes to replace the bridge in order to correct structural deficiencies, increase the load capacity of the bridge, increase the permit rating, improve safety for motorists, widen the existing lanes to current standards and minimize vehicular accidents. The proposed Project improvements will bring the Quincy Road Bridge over TID Upper Lateral No. 3 Canal up to current County and American Association of State Highway and Transportation Officials (AASHTO) standards, including carrying heavy loads. This includes providing 12-foot travel lanes and 8-foot paved shoulders in each direction across the bridge. The Project has been identified as a necessary improvement to:

- Correct structural deficiencies
- Increase the load capacity of the bridge
- Increase the permit rating
- Improve safety for motorists
- Widen the existing lanes to current standards, and
- Minimize vehicular accidents

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 replace the Quincy Road Bridge Over TID Lateral No. 3 at Taylor Road. to correct structural deficiencies, increase the load capacity of the bridge, and to improve safety for motorists. The Project proposes to replace or reconstruct an existing facility. Accordingly there is no alternative location or alignment for consideration.

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 have continued over the course of years to ensure the design achieved the greatest public good with the 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 design was selected as causing the least private injury. Based on current Project plans, staff has determined that the Subject Property is necessary for the construction of the Project and related improvements. As set forth in Attachment 2, all three of the larger parcels impacted by the Project are directly adjacent to the proposed new bridge and as such the Subject Property is necessary to facilitate construction of the Project.

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 an independent licensed appraisers to appraise the Subject Property, pursuant to County policy and applicable laws, and determine just compensation based on the Subject Property's "Fair Market Value." A written offer based on the full appraised values were made to the owners of each parcel on April 12, 2024. (See Attachments 3-5.) 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 owners were also offered up to \$5,000 as reimbursement for the cost to have their own appraisals prepared. County has attempted to negotiate an amicable settlement in good faith, continues to do so, but has been unsuccessful thus far. All offers made to the owners are incorporated herein by reference, made a part of this staff report, and are available for review by the Board.

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 Subject 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 necessary to replace the Quincy Road Bridge Over TID Lateral No. 3, to relocate utilities and ensure proper drainage. The Project is necessary to correct structural deficiencies of the bridge, increase the load capacity of the bridge, and to improve safety for motorists. Therefore, to the extent the Subject 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 Subject 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

March 13, 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)

Edwin Smith Family LLC
Roger E. Smith, Trustee,
Patricia J. Smith, Trustee
Rick Dean Smith, Trustee
Janet Brownson Smith, Trustee
[REDACTED]
[REDACTED]

Re: County of Stanislaus – Quincy Road Over Turlock Irrigation District Lateral No. 3
Bridge Replacement Project

Owner: Edwin Smith Family LLC, a California limited liability company, as to an
undivided 50% interest; Roger E. Smith and Patricia J. Smith, Trustees, R & P
Smith 1994 Trust, as to an undivided 25% interest; and Rick Dean Smith and
Janet Brownson Smith, Trustees, Smith 2016 Trust, as to an undivided 25%
interest

Assessor's Parcel No.: 045-056-004

Dear Property Owners:

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 Quincy Road Over Turlock Irrigation District Lateral No. 3 Bridge Replacement Project ("Project"):

Subject Property: A 5,452 square foot permanent Roadway and Drainage Easement from a portion of real property commonly known as 2325 E. Taylor Road, Denair, CA 95316 (Assessor's Parcel No.: 045-056-004). The property interest sought to be acquired by County is more particularly described in Exhibit "1" attached to this notice.

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.

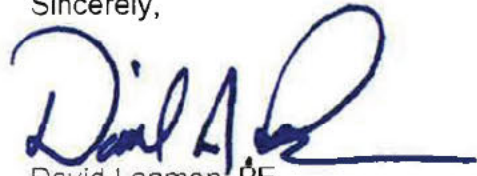
In accordance with Section 1263.615 of the California Code of Civil Procedure, the use of the property for the Project is scheduled to commence within two years of acquisition (or upon acquisition of property necessary for the Project, whichever is sooner), thus the County is not offering a leaseback 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, David Leamon, at (209) 525-4130.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Leamon", with a stylized flourish at the end.

David Leamon, PE
Director of Public Works

Enclosure(s): Exhibit 1 - Legal Definition, Legal Description & Plat Map

Permanent Road and Drainage Easement

(APN 045-056-004)

The property interest to be acquired has been designated as a Permanent Road and Drainage Easement, which represents certain interests from a portion of the property commonly known as 2325 E. Taylor Road, Denair, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Number 045-056-004, 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 Quincy Road Over Turlock Irrigation District Lateral No. 3 Bridge Replacement 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 related 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.

Legal Description
(APN 045-056-004)

ROADWAY and DRAINAGE EASEMENT

**Quincy Road over T.I.D. Lateral No. 3 Bridge Replacement Project
Edwin Smith Family Partnership, L.P. et al to County of Stanislaus
APN: 045-056-004**

Legal description

ALL that certain real property, being a portion of "Remainder", as shown on that certain map filed for record May 30, 1997 in Book 48 of Parcel Maps, at Page 28, Stanislaus County Records, and situate in southwest quarter of Section 36, Township 4 South, Range 10 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particular described as follows:

COMMENCING at the South quarter corner of said Section 36, said corner being marked with a 6" concrete monument with a 3" square brass plate; thence along the South line of said southwest quarter North 89°47'19" West 188.90 feet; thence leaving said South line and proceeding North 00°12'41" East 20.01 feet to a point on the North right-of-way line of East Taylor Road and the **TRUE POINT OF BEGINNING;**

thence (1), along said North right-of-way line North 89°47'19" West 474.61 feet;

thence (2), leaving said North right-of-way line and proceeding North 00°02'22" West 11.46 feet;

thence (3), South 89°47'41" East 474.56 feet;

thence (4), South 00°14'53" East 11.51 feet to the Point of Beginning.

Containing 5.452 square feet, more or less.

SUBJECT TO all easements and/or rights-of-way of record.

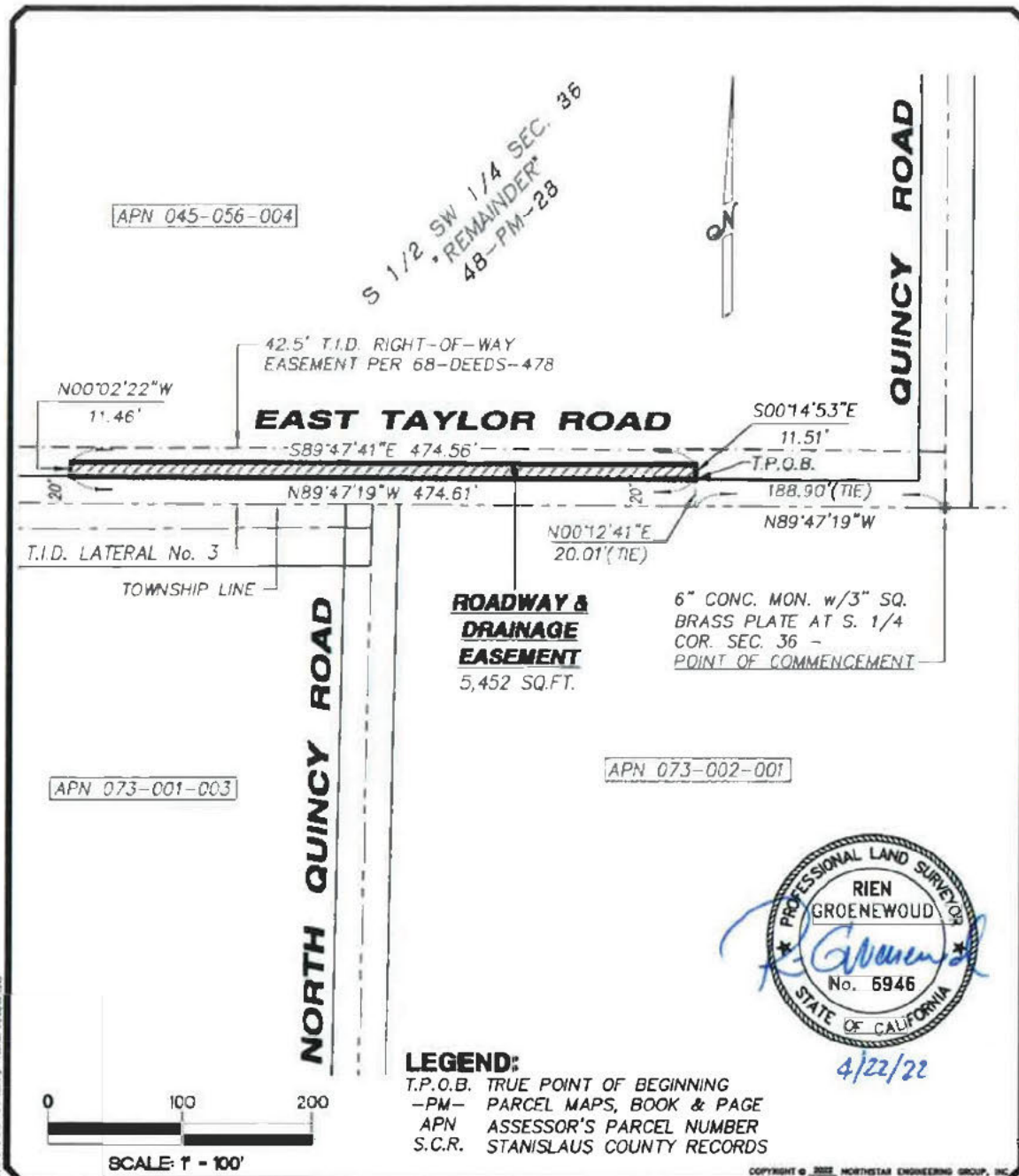
A course of South 89°48'41" East between City of Turlock G.P.S. monuments no. D10 and no. D12, as calculated from coordinates shown in Book 20 of Surveys, at Page 56, Stanislaus County Records, was used as a basis for all bearings shown. All distances shown are ground.

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


Rien Groenewoud, P.L.S. 6946



Plat Map
(APN 045-056-004)



<p>NorthStar Engineering Group, Inc.</p> <p>CIVIL ENGINEERING • SURVEYING • PLANNING • 820 12th Street Modesto, CA 95354 (209) 524-3525 Phone (209) 524-3525 Fax</p>	<p>PLAT TO ACCOMPANY LEGAL DESCRIPTION</p> <p>EXHIBIT 'B'</p> <p>BEING A PORTION OF "REMAINDER" AS SHOWN IN Bk. 48 OF PARCEL MAPS, Pg. 28, S.C.R., SW 1/4 SEC. 36, T4S, R10E, MDM STANISLAUS COUNTY CALIFORNIA</p>	<p>DATE: J19-2442</p> <p>DATE: 04/22/22</p> <p>SCALE: 1" = 100'</p> <p>DRAWN: RG</p> <p>CHECKED: RG</p> <p>DATE: 04/22/22</p> <p>SHEET: 01 of 01</p>
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DECLARATION OF MAILING

I declare that I am employed with the law firm of Nossaman LLP, I am over the age of eighteen years and not a party to the within entitled cause, and my business address is: Nossaman LLP, 777 S. Figueroa Street, 34th Floor, Los Angeles, California 90017.

On March 13, 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 Nossaman LLP, 777 S. Figueroa Street, 34th Floor, Los Angeles, CA, 90017, for collection and mailing in the United States Postal Service. The envelope was addressed to the below-named addressee. I am familiar with Nossaman LLP's 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.

Edwin Smith Family LLC
Roger E. Smith, Trustee,
Patricia J. Smith, Trustee
Rick Dean Smith, Trustee
Janet Brownson Smith, Trustee
4905 N. Quincy Road
Denair, CA 95316

☐ (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 March 13, 2025.



Tony Lewis

7020 3160 0001 4805 1686

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

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Total Postage and Fees

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City, State, ZIP+4®

Postmark
Here

Edwin Smith Family LLC
Roger E. Smith, Trustee,
Patricia J. Smith, Trustee
Rick Dean Smith, Trustee
Janet Brownson Smith, Trustee

PS Form 3800, April 2015 PSN 7530-02-000-9037

See Reverse for Instructions



NOSSAMAN LLP Attorneys at Law
777 South Figueroa Street, 30th Floor
Los Angeles, CA 90017

Edwin Smith Family LLC
Roger E. Smith, Trustee,
Patricia J. Smith, Trustee
Rick Dean Smith, Trustee
Janet Brownson Smith, Trustee



CERTIFIED MAIL®

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Edwin Smith Family LLC
Roger E. Smith, Trustee
Patricia J. Smith, Trustee
Rick Dean Smith, Trustee
Janet Brownson Smith, Trustee
[Redacted]
[Redacted]
[Redacted]



9590 9402 9176 4225 7630 88

2. Article Number (Transfer from service label)

7020 3160 0001 4805 1686

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

☐ Insured Mail Restricted Delivery

(over \$500)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery



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
ASS STANT DIRECTOR - OPERATIONS

Andrew Malizia, PE
DEPUTY DIRECTOR - DEVELOPMENT
SERVICES & TRAFFIC

Janelle Kostlivy
SENIOR BUSINESS MANAGER

March 13, 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)

Edwin H. Smith and Sons, Inc.
[REDACTED]
[REDACTED]

Re: County of Stanislaus – Quincy Road Over Turlock Irrigation District Lateral No. 3
Bridge Replacement Project

Owner: Edwin H. Smith and Sons, a California corporation

Assessor's Parcel No.: 073-001-003

Dear Property Owners:

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 Quincy Road Over Turlock Irrigation District Lateral No. 3 Bridge Replacement Project ("Project"):

Subject Property: A 178 square foot exclusive-use Temporary Construction Easement from a portion of real property commonly known as 4501 N. Quincy Road, Denair, CA 95316 (Assessor's Parcel No.: 073-001-003). The property interest sought to be acquired by County is more particularly described in Exhibit "1" attached to this notice.

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 10 th Street, (Basement) Modesto, CA 95354

If you have any questions, please call me, David Leamon, at (209) 525-4130.

Sincerely,

A handwritten signature in blue ink, appearing to read "David A. Leamon". The signature is stylized with a large, looping "D" and a long horizontal stroke at the end.

David Leamon, PE
Director of Public Works

Enclosure(s): Exhibit 1 - Legal Definition, Legal Description & Plat Map

Temporary Construction Easement

(APN 073-001-003)

The property interest to be acquired has been designated as an exclusive-use Temporary Construction Easement ("TCE"), which represents certain interests over, under, upon, and across a portion of the property commonly known as 4501 N. Quincy Road, Denair, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Number 073-001-003, 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 access and construction purposes associated with the Quincy Road Over Turlock Irrigation District Lateral No. 3 Bridge Replacement Project. The TCE shall be for the purpose of construction activities related to said Project including, but not limited to, use for ingress and egress, road construction areas, parking of vehicles and all other activities incidental to the construction of the specified project. This TCE and its related purposes shall not unreasonably impair the owner and any occupant's use, access and ingress/egress of owner to/from and within the remainder property.

Said easement shall be for a period of 28 months beginning October 1, 2025 and ending January 31, 2028. Upon expiration of the TCE, unless otherwise agreed to by County or otherwise mandated by the requirements of applicable law, County shall restore the Property as nearly as practicable and commercially reasonable to its condition at the time the easement commenced.

County shall have the right to transfer, assign and/or convey the TCE, 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 until such time as the TCE ends.

Legal Description
(APN 073-001-003)

TEMPORARY CONSTRUCTION EASEMENT

Quincy Road over T.I.D. Lateral No. 3 Bridge Replacement Project
Edwin H. Smith and Sons, Inc. to County of Stanislaus
APN: 073-001-003

Legal description

ALL that certain real property, being a portion of Parcel B, as shown on that certain map filed for record December 17, 2004 in Book 53 of Parcel Maps, at Page 39, Stanislaus County Records, and situate in the northwest quarter of Section 1, Township 5 South, Range 10 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particular described as follows:

COMMENCING at the South quarter corner of Section 36, Township 4 South, Range 10 East, Mount Diablo Meridian, said corner being marked with a 6" concrete monument with a 3" square brass plate; thence along the South line of the southwest quarter of said Section 36 North 89°47'19" West 454.54 feet to a point on the West right-of-way line of North Quincy Road, last said point being 20.00 feet distant at right angles West from the East line of said northwest quarter; thence leaving said South line and proceeding along said West right-of-way line South 01°10'49" West 46.44 feet to a point on the South right-of-way line of Turlock Irrigation District's Lateral No. 3, as described in Quitclaim Deed, filed for record November 3, 2004 as Document No. 2004-0182891, Stanislaus County Records and the **TRUE POINT OF BEGINNING**;

thence (1), continuing along said West right-of-way line and parallel with said East line of the northwest quarter South 01°10'49" West 12.79 feet;

thence (2), leaving said West right-of-way line and proceeding North 65°18'16" West 30.34 feet to a point on said South right-of-way line of Turlock Irrigation District's Lateral No. 3;

thence (3), along said South right-of-way line North 89°45'55" East 27.83 feet to the Point of Beginning.

Containing 178 square feet, more or less.

SUBJECT TO all easements and/or rights-of-way of record.

A course of South 89°48'41" East between City of Turlock G.P.S. monuments no. D10 and no. D12, as calculated from coordinates shown in Book 20 of Surveys, at Page 56, Stanislaus County Records, was used as a basis for all bearings shown. All distances shown are ground.

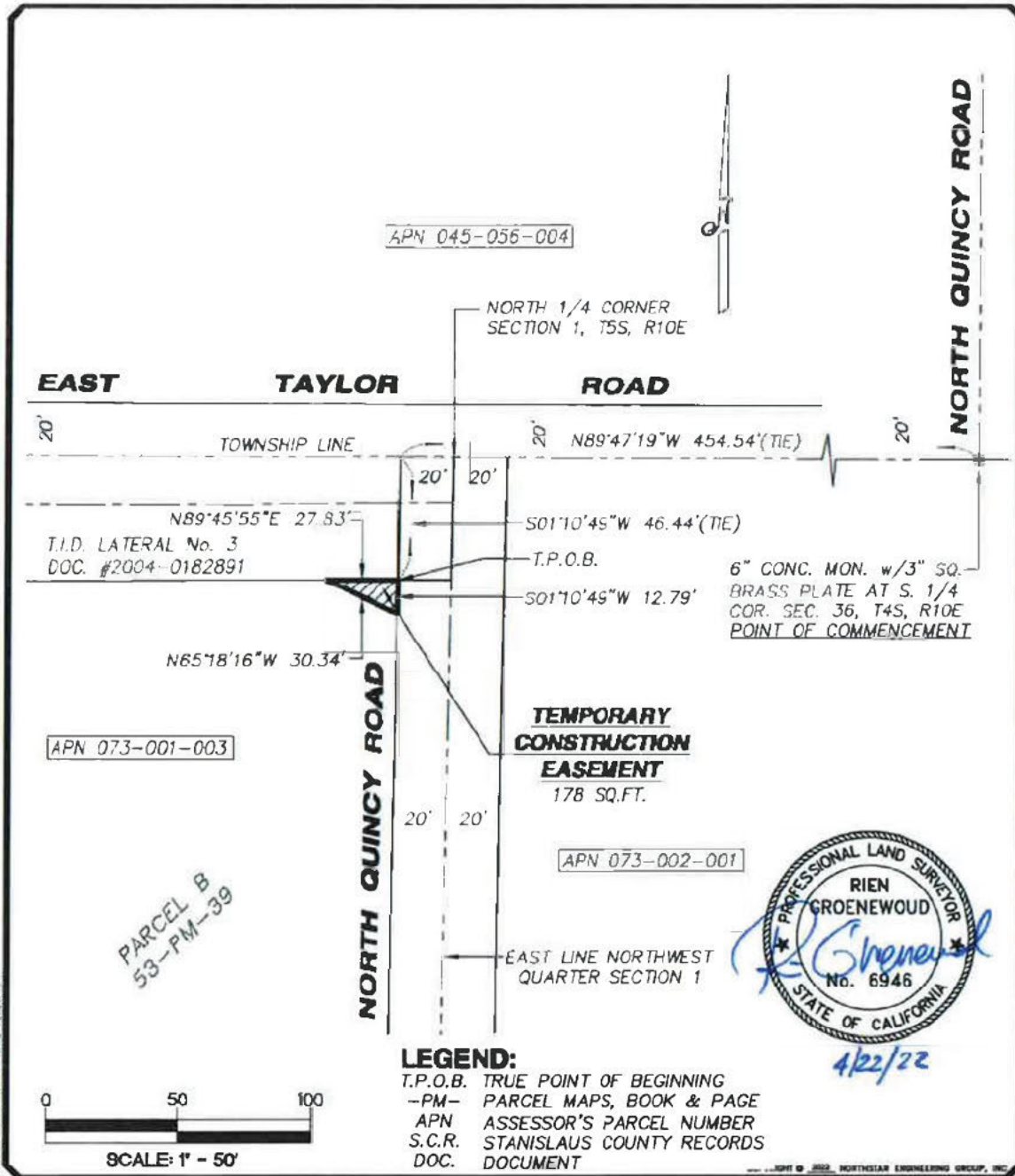
All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.


Rien Groenewoud, P.L.S. 6946



4/22/22

Plat Map
(APN 073-001-003)



 North Star Engineering Group, Inc. <small>• CIVIL ENGINEERING • SURVEYING • PLANNING •</small> 520 12th Street Modesto, CA 95354 (209) 524-3525 Phone (209) 524-3526 Fax	PLAT TO ACCOMPANY LEGAL DESCRIPTION EXHIBIT 'B' BEING A PORTION OF PARCEL B PER 53-PM-39, S.C.R., NORTHWEST QUARTER OF SECTION 1, T5S, R10E, MDM STANISLAUS COUNTY CALIFORNIA		JOB: J19-2442 DATE: 04/22/22 SCALE: 1"=50' DRAWN: RG DESIGN: RG CHECKED: RG SHEET: 01 of 01
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DECLARATION OF MAILING

I declare that I am employed with the law firm of Nossaman LLP, I am over the age of eighteen years and not a party to the within entitled cause, and my business address is: Nossaman LLP, 777 S. Figueroa Street, 34th Floor, Los Angeles, California 90017.

On March 13, 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 Nossaman LLP, 777 S. Figueroa Street, 34th Floor, Los Angeles, CA, 90017, for collection and mailing in the United States Postal Service. The envelope was addressed to the below-named addressee. I am familiar with Nossaman LLP's 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.

Edwin H. Smith and Sons, Inc.
4905 N. Quincy Road
Denair, CA 95316

☐ (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 March 13, 2025.



Tony Lewis

NEOPUSI
03/13/2025
US POSTAGE \$010.99
ZIP 90017
041L11250329



Attorneys at Law
777 South Figueroa Street, 34th Floor
Los Angeles, CA 90017

EDWIN H. SMITH AND SONS, INC.

Edwin H. Smith and Sons, Inc.

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postmark
Here

Postage

Total Postage and Fees

10.99

Sent To

Edwin H. Smith and Sons, Inc.

Street and Apt. No., or PO Box No.

City, State, ZIP+4[®]

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Edwin H. Smith and Sons, Inc.

[Redacted Address]



176 4225 7630 95

(refer from service label)

1 0001 4805 1679

2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
- ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☒ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL®





DEPARTMENT OF PUBLIC WORKS

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

Sambath Chhun, 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

March 13, 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)

Roger E. Smith, Trustee,
Patricia J. Smith, Trustee
Beverly J. Smith, Trustee
[REDACTED]
[REDACTED]

Re: County of Stanislaus – Quincy Road Over Turlock Irrigation District Lateral No. 3 Bridge Replacement Project
Owner: Roger E. Smith and Patricia J. Smith, Trustees, R & P Smith 1994 Trust, as to an undivided 50% interest; and Beverly J. Smith, Trustee, H & B Smith 1994 Credit Bypass Trust, as to an undivided 50% interest
Assessor's Parcel No.: 073-002-001

Dear Property Owners:

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 Quincy Road Over Turlock Irrigation District Lateral No. 3 Bridge Replacement Project ("Project"):

Subject Property: A 2,343 square foot permanent Roadway and Drainage Easement and an 1,877 square foot exclusive-use Temporary Construction Easement from a portion of real property commonly known as 5106 N. Quincy Road and located at the SE corner of N. Quincy Road and E. Taylor Road, Denair, CA 95316 (Assessor's Parcel No.: 073-002-001). The property interests sought to be acquired by County are more particularly described in Exhibits "1" and "2" attached to this notice.

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.

WE BUILD COMMUNITY

MAIN OFFICE: 1716 MORGAN RD, MODESTO, CA 95358
DEVELOPMENT SERVICES: 1010 10TH ST, SUITE 4204,
MODESTO, CA 95354
PHONE: 209-525-4130 | WWW.STANCOUNTY.COM

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.

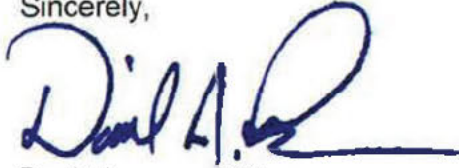
In accordance with Section 1263.615 of the California Code of Civil Procedure, the use of the property for the Project is scheduled to commence within two years of acquisition (or upon acquisition of property necessary for the Project, whichever is sooner), thus the County is not offering a leaseback 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, David Leamon, at (209) 525-4130.

Sincerely,

A handwritten signature in blue ink, appearing to read "David A. Leamon", with a long horizontal flourish extending to the right.

David Leamon, PE
Director of Public Works

Enclosure(s): Exhibits 1 & 2 - Legal Definitions, Legal Descriptions & Plat Maps

Permanent Road and Drainage Easement

(APN 073-002-001)

The property interest to be acquired has been designated as a Permanent Road and Drainage Easement, which represents certain interests from a portion of the property commonly known as 5106 N. Quincy Road located at the SE Corner of N. Quincy Road and E. Taylor Road, Denair, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Number 073-002-001, 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 Quincy Road Over Turlock Irrigation District Lateral No. 3 Bridge Replacement 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 related 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.

Legal Description
(APN 073-002-001)

ROADWAY AND DRAINAGE EASEMENT

Quincy Road over T.I.D. Lateral No. 3 Bridge Replacement Project
R & P Smith 1994 Trust et al to County of Stanislaus
APN: 073-002-001

Legal description

ALL that certain real property, being a portion of and situate in the northeast quarter of Section 1, Township 5 South, Range 10 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particular described as follows:

COMMENCING at the South quarter corner of Section 36, Township 4 South, Range 10 East, Mount Diablo Meridian, said corner being marked with a 6" concrete monument with a 3" square brass plate, thence along the South line of the southwest quarter of said Section 36 North 89°47'19" West 188.73 to the **TRUE POINT OF BEGINNING**;

thence (1), leaving said South line and proceeding South 00°12'36" West 9.17 feet;

thence (2), South 89°59'16" West 220.08 feet;

thence (3), South 01°10'41" West 22.51 feet;

thence (4), South 24°26'47" West 14.91 feet to a point on the East right-of-way line of North Quincy Road, last said point being 20.00 feet distant at right angles East from the West line of said northeast quarter;

thence (5), along said East right-of-way line, parallel with said West line North 01°10'49" East 46.13 feet to a point on said South line of the southwest quarter of Section 36;

thence (6), along said South line of the southwest quarter of Section 36 South 89°47'19" East 225.80 feet to the Point of Beginning.

Containing 2,343 square feet, more or less.

SUBJECT TO all easements and/or rights-of-way of record.

A course of South 89°48'41" East between City of Turlock G.P.S. monuments no. D10 and no. D12, as calculated from coordinates shown in Book 20 of Surveys, at Page 56, Stanislaus County Records, was used as a basis for all bearings shown. All distances shown are ground.

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

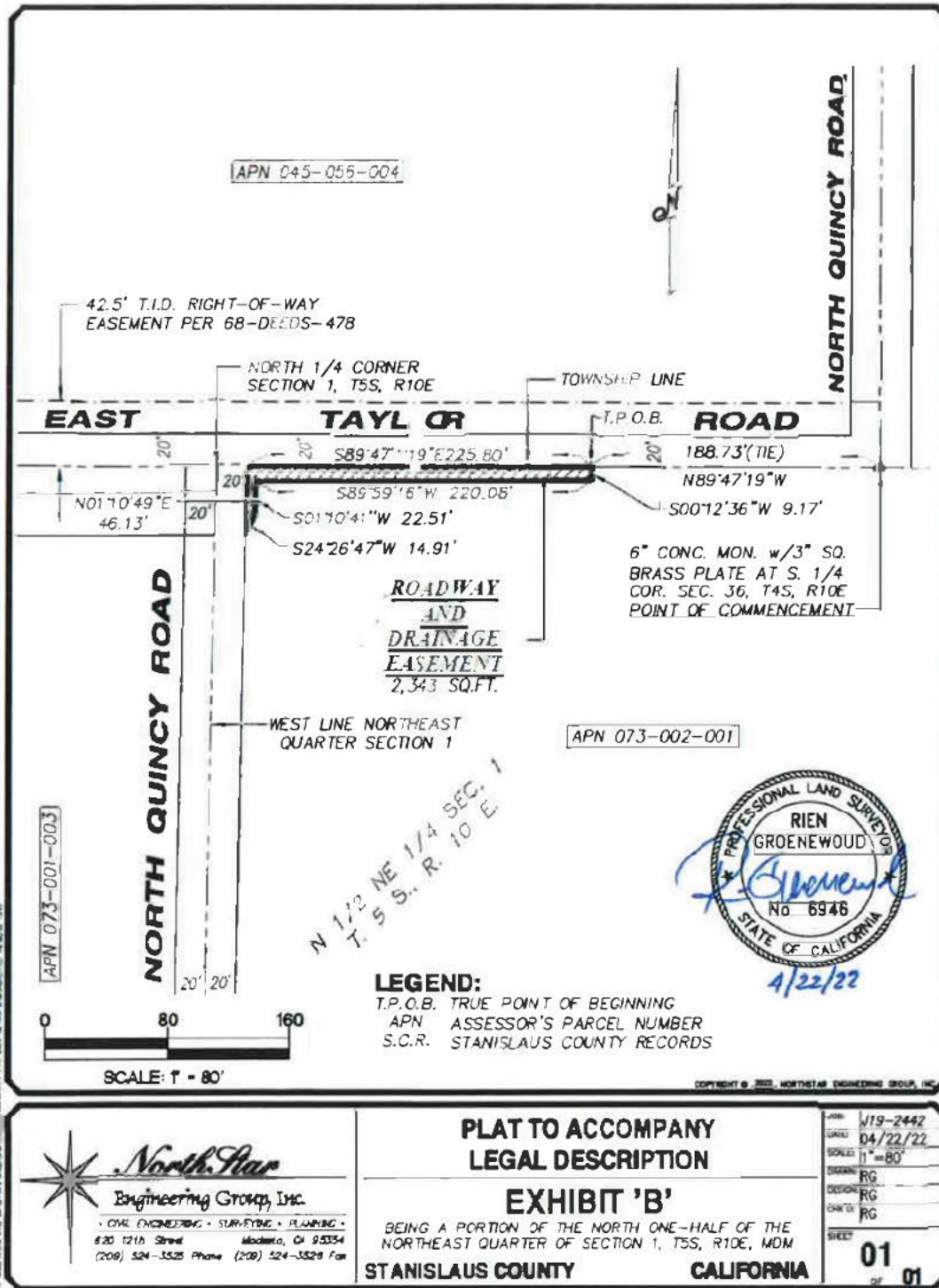


Rien Groenewoud, P.L.S. 6946



4/22/22

Plat Map
(APN 073-002-001)



Temporary Construction Easement

(APN 073-002-001)

The property interest to be acquired has been designated as an exclusive-use Temporary Construction Easement ("TCE"), which represents certain interests over, under, upon, and across a portion of the property commonly known as 5106 N. Quincy Road located at the SE Corner of N. Quincy Road and E. Taylor Road, Denair, County of Stanislaus, California bearing Stanislaus County Assessor's Parcel Number 073-002-001, 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 access and construction purposes associated with the Quincy Road Over Turlock Irrigation District Lateral No. 3 Bridge Replacement Project. The TCE shall be for the purpose of construction activities related to said Project including, but not limited to, use for ingress and egress, road construction areas, parking of vehicles and all other activities incidental to the construction of the specified project. This TCE and its related purposes shall not unreasonably impair the owner and any occupant's use, access and ingress/egress of owner to/from and within the remainder property.

Said easement shall be for a period of 28 months beginning October 1, 2025 and ending January 31, 2028. Upon expiration of the TCE, unless otherwise agreed to by County or otherwise mandated by the requirements of applicable law, County shall restore the Property as nearly as practicable and commercially reasonable to its condition at the time the easement commenced.

County shall have the right to transfer, assign and/or convey the TCE, 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 until such time as the TCE ends.

Legal Description
(APN 073-002-001)

TEMPORARY CONSTRUCTION EASEMENT

Quincy Road over T.I.D. Lateral No. 3 Bridge Replacement Project
R & P Smith 1994 Trust et al to County of Stanislaus
APN: 073-002-001

Legal description

ALL that certain real property, being a portion of and situate in the northeast quarter of Section 1, Township 5 South, Range 10 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particular described as follows:

COMMENCING at the South quarter corner of Section 36, Township 4 South, Range 10 East, Mount Diablo Meridian, said corner being marked with a 6" concrete monument with a 3" square brass plate; thence along the South line of the southwest quarter of said Section 36 North 89°47'19" West 188.73; thence leaving said South line and proceeding South 00°12'36" West 9.17 feet; thence South 89°59'16" West 174.68 feet to the **TRUE POINT OF BEGINNING;**

thence (1), South 00°00'04" East 35.87 feet;

thence (2), South 89°16'39" West 20.03 feet;

thence (3), South 70°10'10" West 34.27 feet to a point on the East right-of-way line of North Quincy Road, last said point being 20.00 feet distant at right angles East from the West line of said northeast quarter;

thence (4), along said East right-of-way line, parallel with said West line North 01°10'49" East 11.67 feet;

thence (6), leaving said East right-of-way line and proceeding North 24°26'47" East 14.91 feet;

thence (7), North 01°10'41" East 22.51 feet;

thence (8), North 89°59'16" East 45.40 feet to the Point of Beginning.

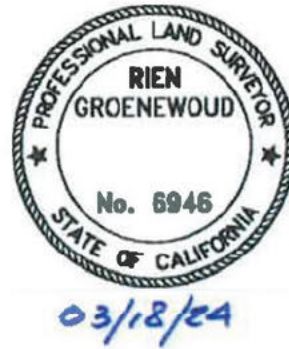
Containing 1,877 square feet, more or less.

SUBJECT TO all easements and/or rights-of-way of record.

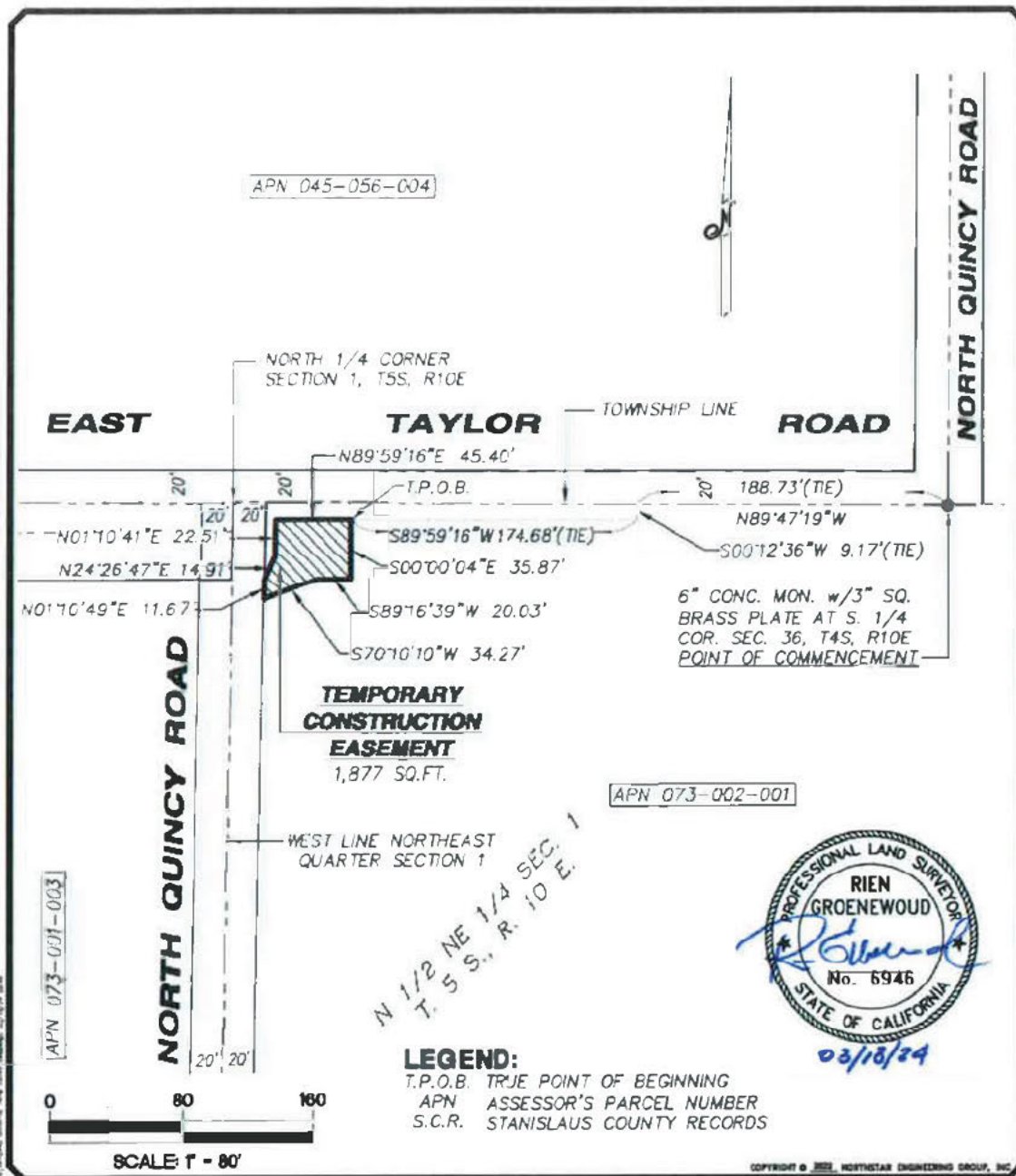
A course of South 89°48'41" East between City of Turlock G.P.S. monuments no. D10 and no. D12, as calculated from coordinates shown in Book 20 of Surveys, at Page 56, Stanislaus County Records, was used as a basis for all bearings shown. All distances shown are ground.

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


Rien Groenewoud, P.L.S. 6946



Plat Map
(APN 073-002-001)



**PLAT TO ACCOMPANY
LEGAL DESCRIPTION**

EXHIBIT 'B'

BEING A PORTION OF THE NORTH ONE-HALF OF THE
NORTHEAST QUARTER OF SECTION 1, T5S, R10E, MDM

STANISLAUS COUNTY CALIFORNIA

JOB: J19-2442
DATE: 03/18/24
SCALE: 1" = 80'
DRAWN: RG
CHECKED: RG
SHEET: 01
01

DECLARATION OF MAILING

I declare that I am employed with the law firm of Nossaman LLP, I am over the age of eighteen years and not a party to the within entitled cause, and my business address is: Nossaman LLP, 777 S. Figueroa Street, 34th Floor, Los Angeles, California 90017.

On March 13, 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 Nossaman LLP, 777 S. Figueroa Street, 34th Floor, Los Angeles, CA, 90017, for collection and mailing in the United States Postal Service. The envelope was addressed to the below-named addressee. I am familiar with Nossaman LLP's 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.

Roger E. Smith, Trustee,
Patricia J. Smith, Trustee
Beverly J. Smith, Trustee
4905 N. Quincy Road
Denair, CA 95316

☐ (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 March 13, 2025.



Tony Lewis

7020 3160 0001 4805 1693

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)

<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage

Total Postage and Fees

11.26

Postmark
Here

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

Roger E. Smith, Trustee,
Patricia J. Smith, Trustee
Beverly J. Smith, Trustee

PS Form 3800, April 2015 PSN 7530-02-000-9947

See Reverse for Instructions

NEOPOST

03/13/2025

US POSTAGE

\$011.26

ZIP 90017

041L11256329

NOSSAMAN

Attorneys at Law
777 South Figueroa Street, 34th Floor
Los Angeles, CA 90017

Roger E. Smith, Trustee,
Patricia J. Smith, Trustee
Beverly J. Smith, Trustee



CERTIFIED MAIL®

PLACE STICKER AT TOP OF ENVELOPE, FOLD AT DOTTED LINE
ON THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Roger E. Smith, Trustee,
Patricia J. Smith, Trustee
Beverly J. Smith, Trustee
[Redacted]
[Redacted]



9590 9402 9176 4225 7630 71

2. Article Number (Transfer from service label)

7020 3160 0001 4805 1693

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature

☒ Adult Signature Restricted Delivery

☐ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collection Delivery

☐ Collection Delivery Restricted Delivery

☐ Insured Mail

☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

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U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

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OFFICIAL USE

Certified Mail Fee	\$	
Extra Services & Fees (check box, add fee as appropriate)		
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage	\$	
Total Postage and Fees	\$ 11.29	
Sent To	Roger E. Smith, Trustee Patricia J. Smith, Trustee Beverly J. Smith, Trustee	
Street and Apt. No., or PO Box No.	[REDACTED]	
City, State, ZIP+4®	[REDACTED]	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 3160 0001 4805 1686

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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OFFICIAL USE

Certified Mail Fee	\$	
Extra Services & Fees (check box, add fee as appropriate)		
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage	\$	
Total Postage and Fees	\$ 10.49	
Sent To	Edwin Smith Family LLC Roger E. Smith, Trustee, Patricia J. Smith, Trustee Rick Dean Smith, Trustee Janet Brownson Smith, Trustee	
Street and Apt. No., or PO Box No.	[REDACTED]	
City, State, ZIP+4®	[REDACTED]	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 3160 0001 4805 1679

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

OFFICIAL USE

Certified Mail Fee	\$	
Extra Services & Fees (check box, add fee as appropriate)		
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage	\$	
Total Postage and Fees	\$ 10.49	
Sent To	Edwin H. Smith and Sons, Inc.	
Street and Apt. No., or PO Box No.	[REDACTED]	
City, State, ZIP+4®	[REDACTED]	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Discussion Item

**Quincy Road over Turlock Irrigation District Lateral No. 3 Bridge
Replacement Project
Resolution of Necessity**

APN: 073-001-003

APN: 073-002-001

APN: 045-056-004

Board of Supervisors Meeting
April 29, 2025

Agenda –

APN: 073-001-003, APN: 073-002-001, & APN: 045-056-004

- Project Description
- Overview of Process
- Discussion of Individual Properties:
 - APN: 073-001-003
Owner: Edwin H. Smith and Sons, Inc.
Address: 4905 N. Quincy Road, Denair, CA 95316

Agenda –

APN: 073-001-003, APN: 073-002-001, & APN: 045-056-004

- **APN: 073-002-001**

Owner: Roger E. Smith, Trustee, Patricia J. Smith, Trustee & Beverly J. Smith, Trustee

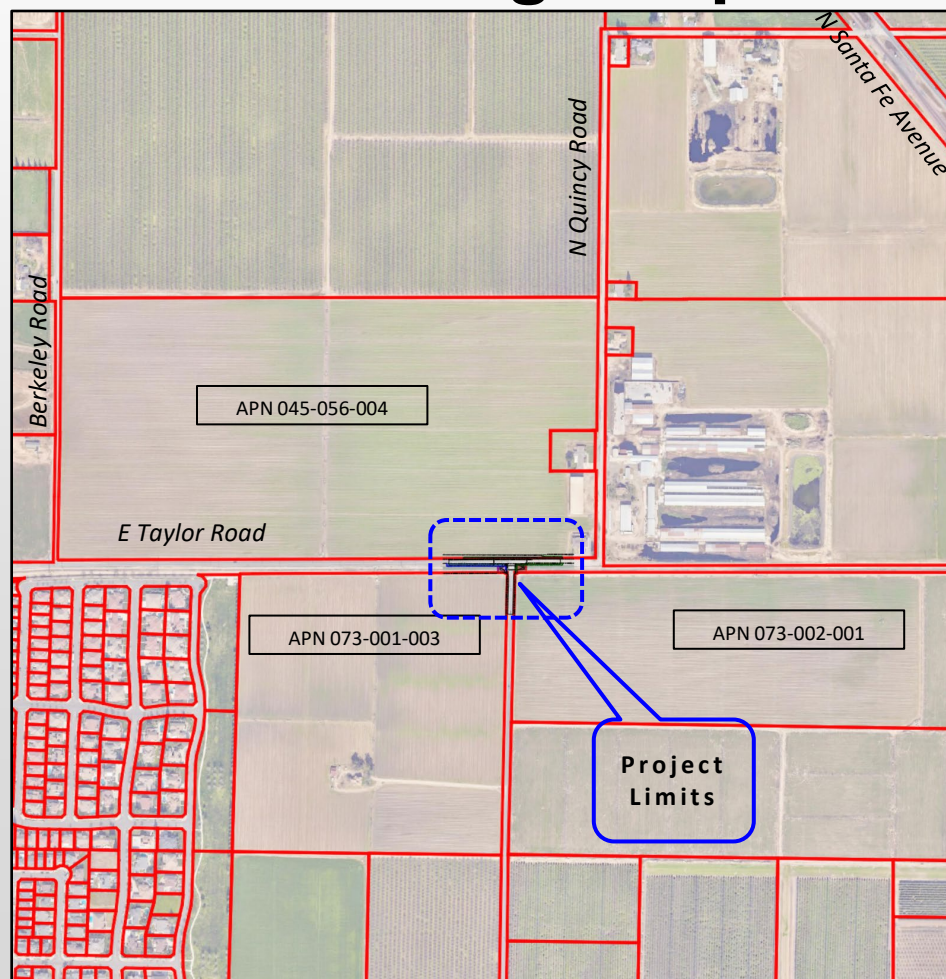
Address: 4905 N. Quincy Road, Denair CA 95316

- **APN: 046-056-004**

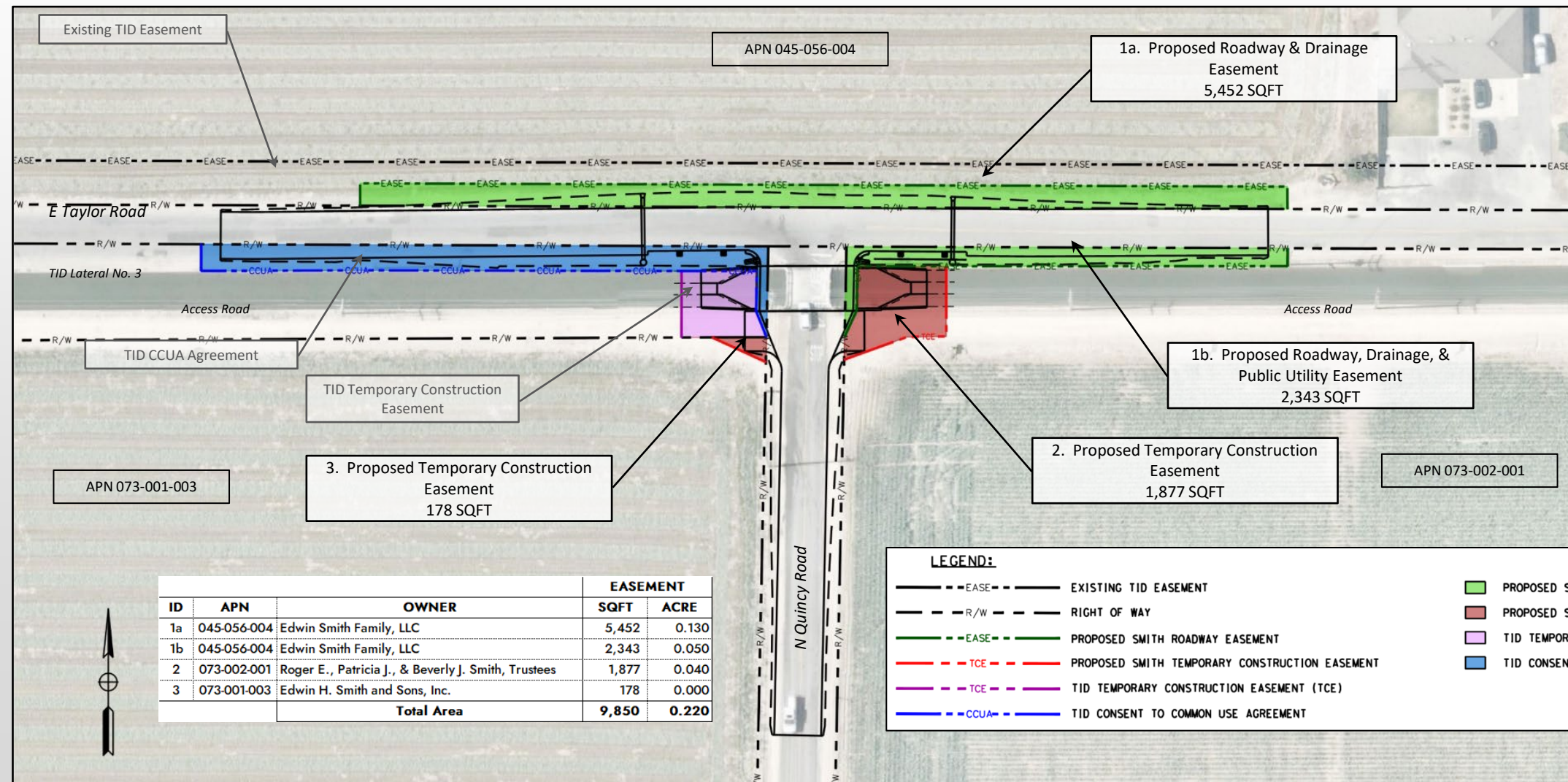
Owner: Edwin Smith Family LLC, Roger E. Smith, Trustee, Patricia J. Smith, Trustee, Rick Dean Smith, Trustee, Janet Brownson Smith, Trustee

Address: 4905 N. Quincy Road, Denair, CA 95316

Project Limits – Quincy Road over Turlock Irrigation District Lateral No. 3 Bridge Replacement Project













Project Vicinity



ID	APN	OWNER	EASEMENT	
			SQFT	ACRE
1a	045-056-004	Edwin Smith Family, LLC	5,452	0.130
1b	045-056-004	Edwin Smith Family, LLC	2,343	0.050
2	073-002-001	Roger E., Patricia J., & Beverly J. Smith, Trustees	1,877	0.040
3	073-001-003	Edwin H. Smith and Sons, Inc.	178	0.000
Total Area			9,850	0.220

LEGEND:

	EASE	EXISTING TID EASEMENT
	R/W	RIGHT OF WAY
	EASE	PROPOSED SMITH ROADWAY EASEMENT
	TCE	PROPOSED SMITH TEMPORARY CONSTRUCTION EASEMENT
	TCE	TID TEMPORARY CONSTRUCTION EASEMENT (TCE)
	CCUA	TID CONSENT TO COMMON USE AGREEMENT
		PROPOSED SMITH ROADWAY EASEMENT
		PROPOSED SMITH TEMPORARY CONSTRUCTION EASEMENT (TCE)
		TID TEMPORARY CONSTRUCTION EASEMENT (TCE)
		TID CONSENT TO COMMON USE AGREEMENT (CCUA)

Project Bridge – Quincy Road Bridge over Turlock Irrigation District Lateral No. 3



Project Approvals, to Date – APN: 073-001-003, APN: 073-002-001, & APN: 045-056-004

- The Project is categorically exempt from CEQA pursuant to California Code of Regulations Title 14 Section 15302, as a replacement or reconstruction of existing structures and facilities. As such, the County filed a Notice of Exemption on February 26, 2021.
- Consent to Common Use between Stanislaus County and Turlock Irrigation District Lateral No. 3 Bridge Replacement Project was approved by the Stanislaus County Board of Supervisors on December 12, 2023.

Public Interest and Necessity Project Approvals, to Date – APN: 073-001-003, APN: 073-002-001, & APN: 045-056-004

- The Quincy Road over Turlock Irrigation District Lateral No. 3 Bridge Replacement Project will bring the Quincy Road Bridge up to current County and American Association of State Highway and Transportation Officials (AASHTO) standards.
- Support efficient movement of goods and services.
- Enhance traffic safety.

Greatest Public Good & Least Private Injury – APN: 073-001-003, APN: 073-002-001, & APN: 045-056-004

- The Project has been designed to maximize the benefits to the public 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.

Key Resolution of Necessity Findings Required – APN 073-001-003, APN:073-002-001, & APN: 045-056-004

- The public interest and necessity require the project.
- The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- The subject properties sought to be acquired are necessary for the Project.
- The offer required by Government Code section 7267.2 has been made to the owner(s) of record.

Key Resolution of Necessity Findings Required – APN 073-001-003, APN:073-002-001, & APN: 045-056-004

- An offer of just compensation has been made to the owners for the full fair market value of the property interests sought to be acquired as determined by various appraisals. The County has attempted to engage the owners to reach a negotiated settlement, to date a negotiated settlement has not been achieved.

Staff Recommendations

1. Find that the public interest and necessity require the Quincy Road over Turlock Irrigation Lateral No. 3 Bridge Replacement Project, Assessor's Parcel Numbers: 073-001-003, 045-056-004, and 073-002-001.
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.

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?