

CITY COUNCIL

For City Clerk's Use:

☐

APPROVED

☐

DENIED

Reso No. _____

File No. _____

Ord No. _____

Agenda Item No.: 5

Date: January 5, 2011

TO: Honorable Mayor and Members of the City Council
FROM: Edward N. Domingue, Director of Engineering Services

SUBJECT: Set the Date of January 26, 2011 for a Public Hearing to Consider Adoption of a Resolution of Necessity Authorizing the City Attorney to Initiate Condemnation Proceedings

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2011-08 setting the date of January 26, 2011 at 4:00 p.m. for a Public Hearing to consider adopting a Resolution of Necessity authorizing the City Attorney to initiate condemnation proceedings to acquire the property rights across portions of Assessor Parcel Numbers 226-112-27(KGD Enterprises, Inc.), 226-112-31(Pompo & Sokol) & 226-112-49(Helix Reit), 228-360-14, 228-360-38 (Robert & Pamela Bills) & 228-360-39(Wells-CECO, LLP) for construction of the Nordahl Bridge Replacement Project.

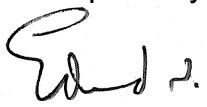
FISCAL ANALYSIS:

Funds for the acquisition of the property rights will be paid out of Transnet Funds.

BACKGROUND:

This is the acquisition of permanent and temporary property rights required for construction of the Nordahl Bridge Replacement Project across portions of six parcels, five owners. Widening of the Nordahl Bridge is necessary to accommodate future traffic and fulfill requirements of the Palomar Pomerado Hospital Development Agreement. The bridge at Nordahl & SR78 is also required to be lengthened to accommodate the future widening of SR78. Staff has not received the required property rights from the owners and will continue its negotiations. However, it is recommended that the City initiate an eminent domain process at this time in order to maintain the project schedule and allow the project to move forward.

Respectfully submitted,



Edward N. Domingue P.E.
Director of Engineering Services

5.

RESOLUTION NO. 2011-08

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING NOTICES OF INTENT TO
ADOPT RESOLUTIONS OF NECESSITY TO
CONDEMN PROPERTY IDENTIFIED AS
ASSESSOR PARCEL NUMBERS 226-112-27,
31 & 49, 228-360-14, 38 & 39

Hearing Date January 26, 2011

WHEREAS, the City of Escondido recommends the replacement of the Nordahl Bridge to accommodate future traffic and fulfill requirements of the Palomar Pomerado Hospital Development Agreement; and

WHEREAS, said bridge is also required to be lengthened to accommodate the future widening of SR78; and

WHEREAS, it will be necessary to acquire properties identified as Assessor Parcel Numbers 226-112-27, owned by KGD Enterprises, Inc.; 226-112-31, owned by Vincent N. & Pamela A. Pompo & Richard T. Sokol; 226-112-49, owned by Helix REIT; 228-360-14 & 38, owned by Robert S. & Pamela A. Bills; and 228-360-39, owned by Wells-CECO L.P. & Lloyd Henry Wells, and described in the attached Exhibit "A," which is incorporated by this reference, in order to accomplish such construction; and

WHEREAS, attempts thus far to acquire the properties from the property owners have failed; and

WHEREAS, the properties are necessary to complete the Nordahl Bridge Replacement Project; and

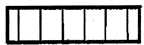
WHEREAS, this City Council desires to give notice to all interested parties that they may appear and be heard on this matter on January 26, 2011, at 4:00 PM;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That a public hearing shall be held on January 26, 2011, at 4:00 PM in the City Hall Council Chambers, located at 201 North Broadway, Escondido, California.
3. That the City Council of the City of Escondido authorizes the issuance of a notice of its intent to adopt Resolutions of Necessity for the initiation of eminent domain proceedings with regard to the subject properties. A copy of the Notice of Hearing is attached as Exhibit "B" and is incorporated by this reference.
4. That the City Clerk is directed to send a copy of the Notice of Hearing to the person or persons who appear on the latest equalized assessment roll as the owners of the subject property.

EXHIBIT "B"

LEGEND



PERMANENT ACQUISITION (ACQ)
 AREA = 251 SQ. FT., MORE OR LESS



TEMPORARY CONSTRUCTION EASEMENT
 AREA = 8,715 SQ. FT., MORE OR LESS

P.O.B.

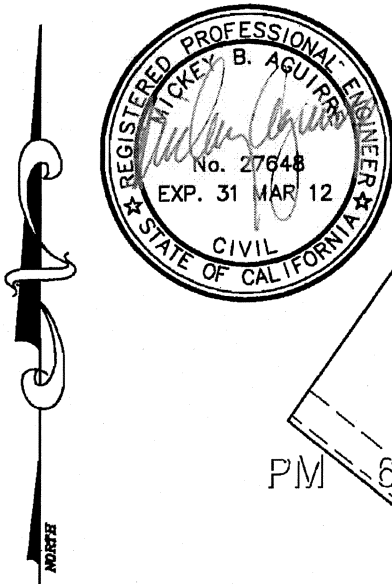
POINT OF BEGINNING

T.P.O.B.

TRUE POINT OF BEGINNING

E1

SDG&E UTILITY EASEMENT REC. 4/10/73
 AS INST. NO. 73-094057 O.R.



STATE SEE SHEET 3
 HIGHWAY 78

PAR. 3
 APN 226-112-27

PM 678

E1

POR. PAR. 2

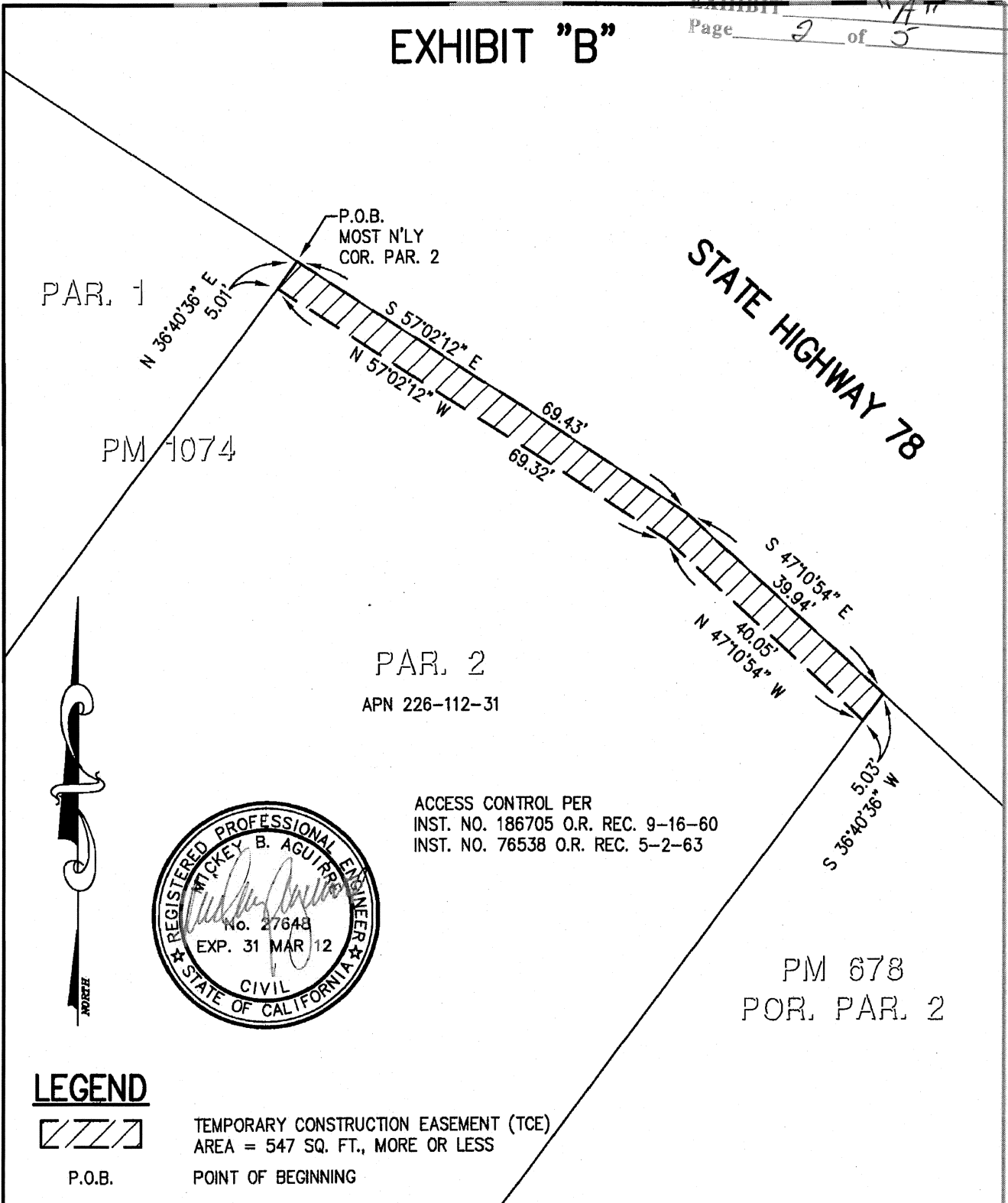
PAR. 1

STATE HIGHWAY 78
 SEE SHEET 2

SHEET 1 OF 3

REVISED BY	DATE	CITY OF SAN MARCOS	SCALE
APPROVED BY	DATE		1" = 40'
CHECKED BY MA	DATE 5-20-10		REF.
DRAWN BY KA	DATE 5-20-10		TRACING NO.
		EXHIBIT "B"	
		PERMANENT ACQUISITION AND	
		TEMPORARY CONSTRUCTION EASEMENT	
		APN 226-112-27	

EXHIBIT "B"



REVISED BY	DATE	CITY OF SAN MARCOS	SCALE 1" = 20'
APPROVED BY	DATE		REF.
CHECKED BY MA	DATE 5-21-10		TRACING NO.
DRAWN BY KA	DATE 5-21-10		
		EXHIBIT "B" TEMPORARY CONSTRUCTION EASEMENT APN 226-112-31	

EXHIBIT "B"

PM 1074
 PAR. 2

P.O.B.
 MOST N'LY
 COR. PAR. 2

N 36°40'36" E
 5.03'

STATE HIGHWAY 78

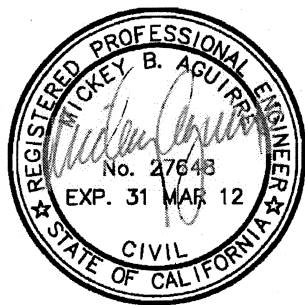
S 47°10'54" E
 N 47°10'54" W

ACCESS CONTROL PER
 INST. NO. 186705 O.R. REC. 9-16-60

191.72'
 191.83'

PAR. 2

APN 226-112-49



S 35°23'07" W
 5.04'

PM 678

PAR. 3

LEGEND



TEMPORARY CONSTRUCTION EASEMENT (TCE)
 AREA = 959 SQ. FT., MORE OR LESS

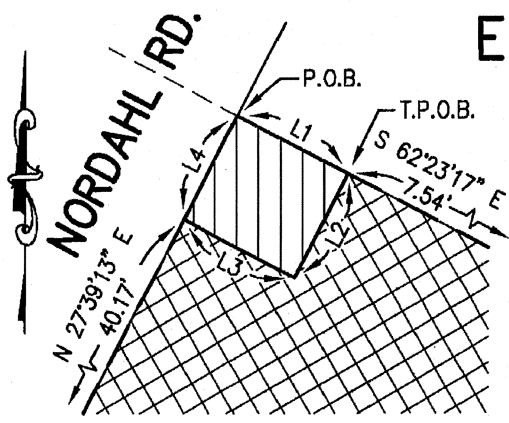
P.O.B.

POINT OF BEGINNING

REVISED BY	DATE	CITY OF SAN MARCOS	SCALE 1" = 30'
APPROVED BY	DATE		REF.
CHECKED BY MA	DATE 5-21-10		TRACING NO.
DRAWN BY KA	DATE 5-21-10		
		EXHIBIT "B" TEMPORARY CONSTRUCTION EASEMENT APN 226-112-49	

EXHIBIT "B"

STATE HIGHWAY 78



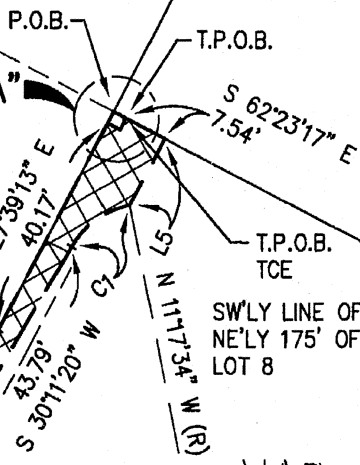
DETAIL "A"
 NOT TO SCALE

TABULATED CURVE DATA			
CURVE	DELTA	RADIUS	LENGTH
C1	48°31'06"	15.00'	12.70'
C2	8°44'46"	571.00'	87.16'
C3	11°16'53"	568.00'	111.84'

TABULATED LINE DATA		
LINE	BEARING	LENGTH
L1	S 62°23'17" E	2.39'
L2	S 27°39'01" W	2.22'
L3	N 62°20'59" W	2.39'
L4	N 27°39'13" E	2.22'
L5	S 27°39'01" W	12.90'

SEE DETAIL "A"

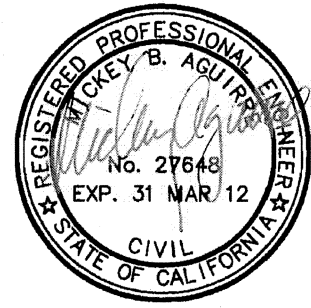
NORDAHL RD.



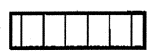
APN 226-360-38



PUBLIC STREET EASEMENT
 REC. 11/12/91 AS DOC.
 NO. 1991-0382407 O.R.



LEGEND



PERMANENT ACQUISITION
 AREA = 5 SQ. FT., MORE OR LESS



TEMPORARY CONSTRUCTION EASEMENT (TCE)
 AREA = 879 SQ. FT., MORE OR LESS

P.O.B.

POINT OF BEGINNING

T.P.O.B.

TRUE POINT OF BEGINNING

E1

SDG&E UTILITY EASEMENT REC. 4/21/92
 AS INST. NO. 1992-0232368 O.R.

REVISED BY	DATE
APPROVED BY	DATE
CHECKED BY MA	DATE 6-10-10
DRAWN BY KA	DATE 6-10-10

CITY OF SAN MARCOS

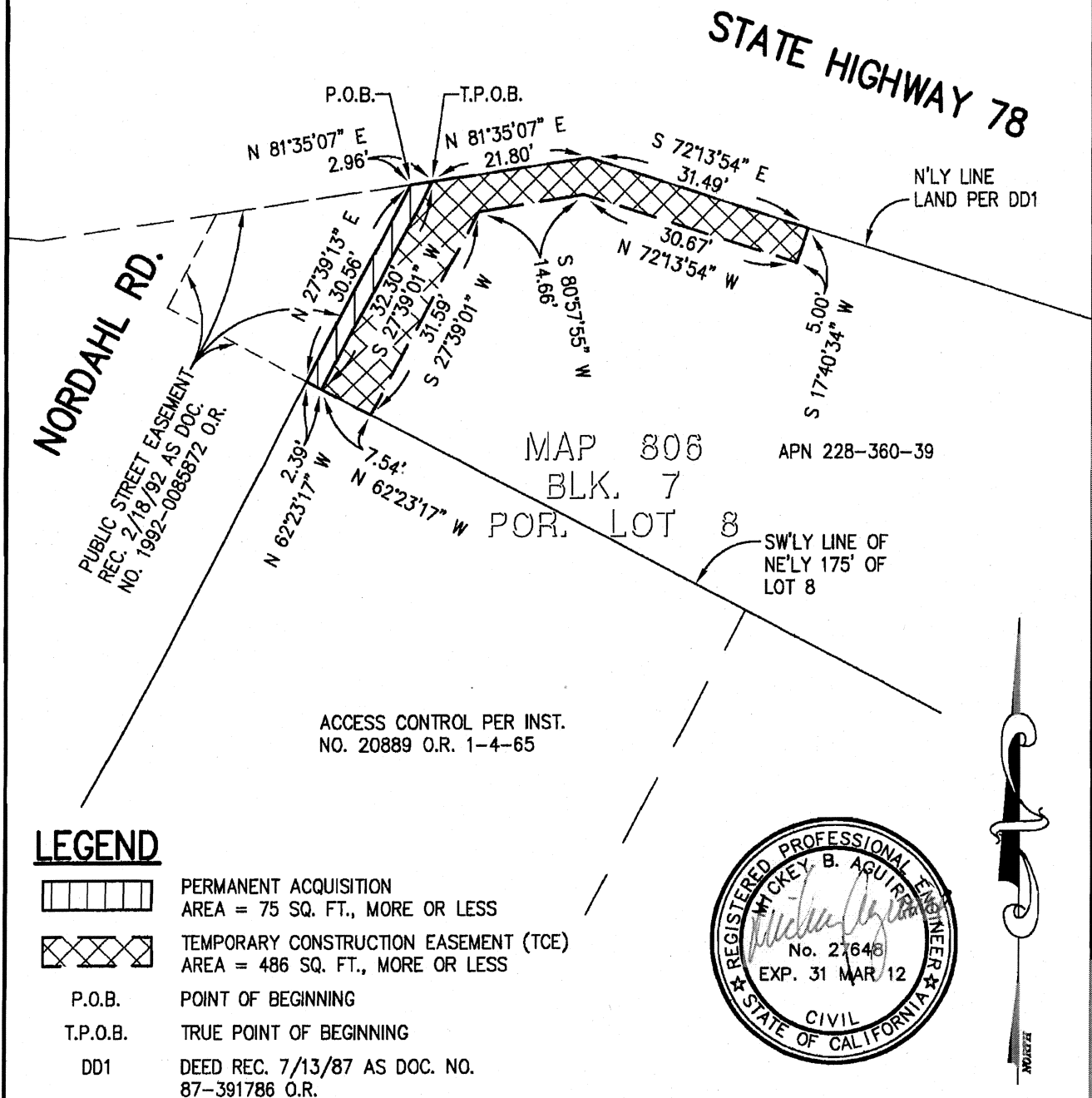
EXHIBIT "B"
 PERMANENT ACQUISITION AND
 TEMPORARY CONSTRUCTION EASEMENT
 APN 228-360-38

SCALE 1" = 30'

REF.

TRACING NO.

EXHIBIT "B"



REVISED BY	DATE	CITY OF SAN MARCOS	SCALE 1" = 20'
APPROVED BY	DATE		REF.
CHECKED BY MA	DATE 6-10-10		TRACING NO.
DRAWN BY KA	DATE 6-10-10		

EXHIBIT "B"
 PERMANENT ACQUISITION AND
 TEMPORARY CONSTRUCTION EASEMENT
 APN 228-360-39



CITY OF ESCONDIDO
OFFICE OF THE CITY CLERK
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
(760) 839-4617

Resolution No. 2011-08
EXHIBIT "B"
Page 1 of 1

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN on January 26, 2011 at 4:00 p.m. the Escondido City Council of the City of Escondido will hold a Public Hearing to consider the following item:

Adopt a Resolution of Necessity to condemn property identified as Assessor Parcel Numbers 226-112-27, owned by KGD Enterprises, Inc., 226-112-31, owned by Vincent N. & Pamela A. Pompo & Richard T. Sokol, 226-112-49, owned by Helix REIT, 228-360-14 & 38, owned by Robert S. & Pamela A. Bills, and 228-360-39, owned by Wells-CECO L.P. & Lloyd Henry Wells AS ASSESSOR PARCEL NUMBERS 226-112-27, 31 & 49, 228-360-14, 38 & 39

IF YOU CHALLENGE this item in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council, at or prior to the Public Hearing.

The City of Escondido recognizes its obligation to provide equal access to public services for those individuals with disabilities. Please contact the American Disabilities Act (A.D.A.) Coordinator (760) 839-4643 with any requests for reasonable accommodations, to include sign language interpreters, at least 24 hours prior to the meeting. The City of Escondido does not discriminate against any person with a handicapped status.

ALL INTERESTED PERSONS are invited to attend said Public Hearing to express their opinion in this matter. Said Public Hearing will be held in the Council Chambers, 201 N. Broadway, Escondido, California, 92025. For additional information, please contact _____, (760) 839-_____.

MARSHA WHALEN, City Clerk
City of Escondido

Date: January 6, 2011