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**City Manager's Report**

**April 14, 2026, City Council Meeting**

**Prepared by: Melissa Savage, City Engineer**

**Item #: 11.2**

**Subject:** Consider Adoption of a Resolution of Necessity to Acquire Real Property by Eminent Domain from 7485 Green Valley Road (APN 325-120-089-000), Property Owner - AmeriGas Propane, L.P., a Delaware limited partnership, for the Placerville Drive Bicycle and Pedestrian Facilities Project (CIP #41816).

**Recommendation:**

1. Find that the public interest and necessity require the Placerville Drive Bicycle and Pedestrian Facilities Project (CIP #41816); and
2. Find that the acquisition of property from 7485 Green Valley Road, APN 325-120-089-000 as described in the Resolution of Necessity is necessary for the said project; and
3. Find that the said project is planned or located in the manner that will be most compatible with the greatest public good and least private injury; and
4. Find the offer required by Section 7267.2 of the Government Code has been made to the property owner; and
5. Adopt a Resolution of Necessity by at least a 2/3 vote of the Council; and
6. Authorize the City Attorney to initiate eminent domain proceedings to acquire the property interest described in the Resolution of Necessity, including prejudgment possession orders.

**Purpose:** The purpose of this item is to take the necessary steps to acquire right-of-way for the Placerville Drive Bicycle and Pedestrian Facilities project.

**Strategic Plan Strategy:** Strategy 4 - Update and Maintain City-Owned Infrastructure

**Background:** The Placerville Drive Bicycle and Pedestrian Facilities project (CIP #41816) will provide safe and accessible bicycle and pedestrian facilities and improve multi-modal connectivity on Placerville Drive between Armory Drive and the US Highway 50 undercrossing. The project will also construct sidewalk and bicycle facilities on Green Valley Road from Placerville Drive to Mallard Lane for safe access to nearby community resources, including the Boys and Girls Club on Mallard Lane. The project environmental and design phase has been underway since 2018, and two public meetings have been held to engage and receive the input of the public on the proposed improvements.

The project is federally funded by the Congestion Mitigation and Air Quality Improvement Program (CMAQ) and Active Transportation Program (ATP). The project is environmentally cleared for the entire project limits, but the City has only secured final design, right of way, and construction funding

for Phase 1. Phase 1 includes reduced project limits – Placerville Drive from Cold Springs Road to Ray Lawyer Drive and Green Valley Road from Placerville Drive to Mallard Lane.

The Active Transportation Program has strict Timely Use of Funds requirements, and this project received approval from the California Transportation Commission for a 20-month construction allocation extension, and the project must receive construction allocation by February 28, 2027. However, this project is intended to be constructed concurrently, and under one construction contract, with the Placerville Drive Bridge Replacement Project, and staff intends to have both projects begin construction in 2027. In order to do so, both projects need to allocate funding and get federal construction authorization by August for the projects to be released for public bidding in the fall.

**Discussion:** On January 10, 2023, the City Council approved the project and adopted the Final Initial Study/Mitigated Negative Declaration. After receiving federal authorization of the right-of-way phase on March 2, 2023, the final design of the project progressed to a level of detail to precisely determine the right-of-way needs for the project. On December 10, 2024, under closed session, staff received direction from the City Council to proceed with Right of Way purchase negotiations for the Placerville Drive Bicycle and Pedestrian Facilities project with 11 property owners. Since that time, negotiations have been underway for the right-of-way acquisition, temporary construction easements, and utility easements needed for the project.

Because this project is consistent with City planning documents, and to be consistent with all prior project approvals, staff is recommending that the City Council find that the public interest and necessity require the proposed Placerville Drive Bicycle and Pedestrian Facilities Project (CIP #41816).

The property frontage that is being discussed this evening is located at 7485 Green Valley Road (APN 325-120-089-000), owned by AmeriGas Propane, L.P, a Delaware limited partnership. The property is located at the corner of Green Valley Road and Mallard Lane. An exhibit of the property, the proposed project improvements, and the project's right-of-way needs on this frontage is shown in Attachment 2. Currently, the property line along the Green Valley Road property frontage is located on the existing gutter line. In order for the City to construct the proposed public sidewalk behind the curb and gutter and along the property frontage, fee acquisition of 2,356 square feet is needed. At the driveway to the property, a Temporary Construction Easement of 3,310 square feet is needed to perform driveway conform paving, for the benefit of the private property, behind the new sidewalk and driveway to match grades on the private property. Without the fee acquisition and temporary construction easement, the City cannot connect the proposed public sidewalk on Green Valley Road to the existing sidewalk which currently terminates at the corner of Green Valley Road and Mallard Lane. This piece of sidewalk is critical to ensure that there is no gap left in the public sidewalk and to alleviate public safety concerns a gap would create. Failure to build this segment of sidewalk on the frontage would deem the project out of compliance with the approved scope of work for the project funding, and the project would not comply with the scope of work, or purpose and need of the approved environmental document.

Staff is recommending that the City Council find that the acquisition of property from 7485 Green Valley Road, APN 325-120-089-000 as described in the Resolution of Necessity is necessary for the project.

During the preliminary engineering phase, the project design consultant evaluated various alternatives for the Green Valley Road segment. Notably, the roadway was evaluated to determine if sidewalk could be located on both sides of the street, on just the north side of the street, or on just the south side of the street. Given the constraints of the narrow existing roadway, it was determined that sidewalk would only fit on one side of the street. Since the existing sidewalk on Mallard Lane is located on the east side of the street, a sidewalk on the north side of Green Valley Road was determined to be the most appropriate to provide one continuous sidewalk path of travel without forcing pedestrians to cross the street. The proposed sidewalk as currently designed meets the purpose and need of the project to improve pedestrian safety. Given the narrow roadway, there is no way to shift the alignment to the south to avoid the right of way acquisition needed along the frontage of 7485 Green Valley Road for the proposed sidewalk. As shown on the project exhibit provided in Attachment 2, the proposed sidewalk is located in an area currently landscaped between the business and the road.

Staff is recommending that the City Council find that the project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.

The City Council is being asked to consider the adoption of a Resolution of Necessity to acquire real property by eminent domain as described herein. The power of eminent domain is used by the City of Placerville only as a last resort to obtain interests necessary for a project. In this case, an offer of just compensation was made to the property owner for the full fair market value of the property interests sought to be acquired as determined by an appraisal. A first written offer was sent to the property owner on May 6, 2025 in accordance with Government Code Section 7267.2. A copy of the Offer is provided in Attachment 3. Notwithstanding the adoption of a Resolution of Necessity, negotiations with the property owners can continue.

Staff is recommending that the City Council find that the offer, required by Section 7267.2 of the Government Code, has been made to the property owner.

The right-of-way needed for the project from the AmeriGas Propane property at 7485 Green Valley Road includes fee acquisition of 2,356 square feet and a temporary construction easement of 3,310 square feet. Since sending the offer, the project's right-of-way consultant, Bender Rosenthal, Inc., has been in contact with the owner and attempted to negotiate a settlement in good faith and will continue to do so throughout the process. To date, these efforts have been unsuccessful. On March 26, 2026, the City mailed the property owner a Notice of Intent to consider the adoption of a Resolution of Necessity to acquire the property by eminent domain. The Notice informed the property owner of the hearing to be held this evening, April 14, 2026. A copy of the Notice is provided as Attachment 4. The fair market value of the property sought to be acquired is not an issue, nor is the amount of the City's offer a matter for consideration at the time of the hearing. The City needs to acquire the property to certify the project and construction the proposed project improvements. Compensation issues will be resolved through the eminent domain process after the adoption of any resolution of necessity.

Staff is recommending that the City Council adopt a Resolution of Necessity and authorize the City Attorney to initiate eminent domain proceedings to acquire the property interest described in the Resolution of Necessity.

**Options:**

1. Approve the recommendations of staff.
2. Provide other direction to staff. 3. Decline to adopt the Resolution of Necessity.

**Environmental:** On January 10, 2023, the City Council adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for this project pursuant to the provisions of the California Environmental Quality Act (CEQA) finding that there is no substantial evidence that the proposed project will have a significant effect on the environment. Caltrans issued the National Environmental Policy Act (NEPA) Categorical Exclusion on January 17, 2023.

**Cost:** If this property acquisition proceeds to trial as an eminent domain action, the cost will include the cost of the property acquisition in addition to attorney fees and costs, which could reach \$200,000. The cost of the acquisition is included in the project budget.

**Budget Impact:** None at this time.



Dave Warren, City Manager



Melissa Savage, City Engineer

**Attachments:**

1. Resolution
2. Property Owner Exhibit
3. Written Offer Package
4. Notice of Intent to Adopt a Resolution of Necessity

The following attachments are not included due to their size, but are available for Council review:

5. CEQA/NEPA Project environmental review documents.
6. Project planning documents
7. Analysis of Green Valley Road Alternatives