

RESOLUTION NO. ____**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLACERVILLE
TO DETERMINE THE NECESSITY TO ACQUIRE PROPERTY BY EMINENT
DOMAIN FOR THE PLACERVILLE DRIVE BICYCLE AND PEDESTRIAN
FACILITIES PROJECT (CIP #41816), AND AUTHORIZE THE CITY ATTORNEY TO
PROCEED WITH LITIGATION TO ACQUIRE PROPERTY BY EMINENT DOMAIN
AND OBTAIN ORDERS OF PREJUDGMENT POSSESSION****PARCEL: APN 325-120-089-000****OWNER: AMERIGAS PROPANE, LP, A DELAWARE LIMITED PARTNERSHIP**

WHEREAS, Article I, section 19 of the Constitution of the State of California, California Code of Civil Procedures Section 1240.010 et seq., and Government Code Section 25350.5 authorizes the governing body of a local agency to acquire by eminent domain any property necessary to carry out any of the powers or functions of the City; and

WHEREAS, on June 27, 2017, the City Council approved the Fiscal Year 2017-2018 Capital Improvement Program Budget establishing the Placerville Drive Bicycle and Pedestrian Facilities Project (CIP #41816) to provide new bicycle and pedestrian facilities on Placerville Drive from Armory Drive to the Highway 50 undercrossing, and a new sidewalk on Green Valley Road from Placerville Drive to Mallard Lane; and

WHEREAS, CIP #41816 has federal funding for preliminary engineering and right-of-way through the Congestion Mitigation and Air Quality (CMAQ) program and federal funding for the final design, right-of-way, and construction phases for Phase 1 of the project through the Active Transportation Program (ATP); and

WHEREAS, On March 2, 2023, FHWA issued the federal authorization of the right of way phase initiating the right-of-way engineering and acquisition process; and

WHEREAS, the public interest and necessity require that the City acquire permanent right-of-way in fee and a temporary construction easement in a portion of that real property commonly known as 7485 Green Valley Road, in the City of Placerville, County of El Dorado, California (APN 325-120-089-000) for public use, namely the said project all uses necessary, incidental or convenient thereto. The property sought to be acquired for the said project is more particularly defined, described, and depicted in "Attachment 1" attached hereto and incorporated herein, and a map of the proposed acquisition is attached as "Attachment 2;" and

WHEREAS, the requirements of the California Environmental Quality Act and National Environmental Policy Act have been satisfied for the said project as set forth in the Categorical Exclusion issued on January 17, 2023; and

WHEREAS, the 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 name of record have been given a reasonable opportunity to appear and be heard by the City Council on the matters set forth in Code of Civil Procedures sections 1240.030 and 1240.510.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Placerville does hereby:

1. The recitals stated above are true and correct and are incorporated herein.
2. Find that the public interest and necessity require the Placerville Drive Bicycle and Pedestrian Facilities Project (CIP #41816); and
3. 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
4. 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
5. Find the offer required by Section 7267.2 of the Government Code has been made to the property owner; and
6. Adopt this Resolution of Necessity by at least a 2/3 vote of the Council; and
7. Authorize the City Attorney to initiate eminent domain proceedings to acquire the property interest described in the Resolution of Necessity and file orders for prejudgment possession of the subject property interests.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Placerville held on April 14, 2026, by Councilmember _____ who moved its adoption. The motion was seconded by _____. The motion was passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor Nicole Gotberg

ATTEST:

Regina O'Connell, CPMC, City Clerk

"ATTACHMENT 1"

RECORDED FOR THE BENEFIT OF
City of Placerville

WHEN RECORDED RETURN TO:
Bender Rosenthal, Inc.
Attn: Rebekah Green
2825 Watt Avenue, Suite 200
Sacramento, CA 95821

No Fee Document – per Government code 27383
No Document Transfer Tax- per R&T Code 11922

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Project Name: Placerville Drive Bicycle and Pedestrian Facilities
APN: 325-120-089

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Amerigas Propane, L.P., a Delaware limited partnership (“Grantor”), hereby Grants to the CITY OF PLACERVILLE, a municipal corporation (“Grantee”), all of Grantor’s right, to title, and interest in that real property in the County of El Dorado, State of California described as:

SEE EXHIBIT "A" AND “B”

Grantor: Amerigas Propane, L.P., a Delaware limited partnership

By: _____

By: _____

Name: _____

Name: _____

Its: _____

Its: _____

Exhibit A
Road Right of Way Acquisition
Portion of A.P.N. 325-120-089

All that certain real property being situate in the Northeast One-Quarter (1/4) of Section 14, Township 10 North, Range 10 East, Mount Diablo Meridian, and being a portion of the parcel of land described in the grant deed to Amerigas Propane, LP, filed for record on January 12, 2001 as Document No. 2001-0002194 of the Official Records of El Dorado County and being more particularly described as follows:

Beginning at a 5/8" Rebar with a cap stamped RCE 22180 marking the most northeasterly corner of said parcel, as shown on that certain Record of Survey filed in Book 4 at Page 117 of said Official Records;

Thence from said **Point of Beginning**, along the southeasterly line of said parcel, also being the existing northerly right of Way of Green Valley Road, South 29°16'17" West a distance of 126.10 feet to the most northerly point on the Right of Way dedication filed as Doc No. 2001-0002195;

Thence proceeding along the northerly line of said Right of Way the following five (6) courses, distances and arcs:

1. South 76°56'47" West, 1.74 feet;
2. South 31°56'45" West, 36.41 feet;
3. South 33°10'57" West, 98.01 feet;
4. South 78°10'57" West, 6.01 feet to a point of curvature;
5. From a radial line which bears South 56°49'00" East, westerly 35.70 feet along the arc of a 24.00 foot radius curve to the right, through a central angle of 85°12'38";
6. North 61°36'22"W, 6.09 feet to a Point of Cusp situate on the northeasterly Right of Way of Mallard Lane;

Thence leaving said Right of Way, from a radial line which bears South 28°23'38" West, easterly 37.09 feet along the arc of a 25.00 foot radius curve to the left, through a central angle of 85°00'01";

Thence North 33°23'37" East a distance of 35.73 feet;

Thence North 32°14'02" East a distance of 31.97 feet;

Thence North 12°45'58" West a distance of 3.54 feet;

Thence North 32°14'02" East a distance of 32.50 feet;

Thence North 77°14'02" East a distance of 3.54 feet;

Thence North 32°14'02" East a distance of 41.09 feet;

Thence South 57°45'58" East a distance of 2.00 feet;

Thence North 32°14'02" East a distance of 118.61 feet to a point situate on the northeasterly line of said parcel;

Thence along said parcel line, South 65°34'43" East a distance of 2.92 feet to the Point of Beginning.

Said Right of Way parcel contains 2,364 square feet of land, more or less.

See Exhibit B, Plat to Accompany description, attached hereto and made a part hereof.

The Basis of Bearings for this description is the California State Plane Coordinate System, NAD 83, Zone II.

Carl C. de Baca

Carl R. C. de Baca
License Expiration Date: 12-31-26

Date: 1/9/25



Description prepared by:

R.E.Y. ENGINEERS, INC.

905 Sutter Street, Suite 200, Folsom, CA 95630

TEMPORARY CONSTRUCTION EASEMENT
(APN 325-120-089-000)

A TEMPORARY CONSTRUCTION EASEMENT ("TCE") granted to the CITY OF PLACERVILLE ("City") over, under, upon and across, for access,, ingress, egress and construction purposes, in the real property in the County of El Dorado, State of California described as:

SEE EXHIBIT "A" AND "B"

This TCE shall be for the purpose of construction activities related to the Placerville Drive Bicycle and Pedestrian Facilities Project including, but not limited to use for ingress and egress, sidewalk and road construction areas, parking of vehicles and all other activities whatsoever in nature incidental to the construction of the specified. This TCE shall not in any way unreasonably impair the property owners' use, access and ingress or egress of the property.

Said easement shall be for a period of forty two months beginning July 1, 2026 and ending December 31, 2029. The City of Placerville or its authorized agent(s) and/or contractor(s) are permitted to enter upon the property subject to this TCE where necessary for the purpose described herein. This TCE also includes the right to remove structures, property or any other item reasonably inhibiting access to and use of the TCE by the City. Upon completion of the underlying project, the City shall return these lands within this TCE to the surrounding land's condition absent alternative arrangements made, in writing, with the underlying property owner.

Exhibit A
Temporary Construction Easement
Portion of A.P.N. 325-120-089

All that certain real property being situate in the Northeast One-Quarter (1/4) of Section 14, Township 10 North, Range 10 East, Mount Diablo Meridian, and being a portion of the parcel of land described in the grant deed to Amerigas Propane, LP, filed for record on January 12, 2001 as Document No. 2001-0002194 of the Official Records of El Dorado County and being more particularly described as follows:

Commencing at a 5/8" Rebar with a cap stamped RCE 22180 marking the most northeasterly corner of said parcel, as shown on that certain Record of Survey filed in Book 4 at Page 117 of said Official Records;

Thence from said Point of Commencement, along the northeasterly line of said parcel, North 65°34'43" West a distance of 2.92 feet to the True Point of Beginning;

Thence from said **Point of Beginning**, continuing along the northeasterly line, North 65°34'43" West a distance of 12.62 feet;

Thence leaving said parcel line, South 32°14'02" West a distance of 36.51 feet;

Thence South 56°33'14" East a distance of 6.60 feet;

Thence South 36°45'01" West a distance of 97.98 feet;

Thence South 32°51'09" West a distance of 41.06 feet;

Thence South 43°52'42" West a distance of 54.84 feet;

Thence South 09°19'14" West a distance of 49.56 feet to a point situate on the arc of a non-tangent curve;

Thence from a radial line which bears South 28°51'36" East, northeasterly 12.11 feet along the arc of a 25.00 foot radius curve to the left, through a central angle of 27°44'47":

Thence North 33°23'37" East a distance of 35.73 feet;

Thence North 32°14'02" East a distance of 31.97 feet;

Thence North 12°45'58" West a distance of 3.54 feet;

Thence North 32°14'02" East a distance of 32.50 feet;

Thence North 77°14'02" East a distance of 3.54 feet;

Thence North 32°14'02" East a distance of 41.09 feet;

Thence South 57°45'58" East a distance of 2.00 feet;

Thence North 32°14'02" East a distance of 118.61 feet to a point situate on the northeasterly line of said parcel and to the Point of Beginning.

Said Temporary Easement contains 3,312 square feet of land, more or less.

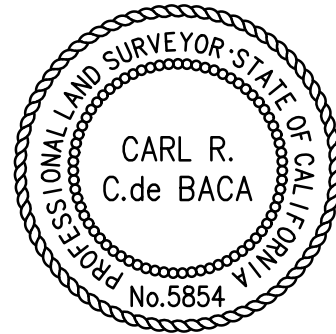
See Exhibit B, Plat to Accompany description, attached hereto and made a part hereof.

The Basis of Bearings for this description is the California State Plane Coordinate System, NAD 83, Zone II.

Carl R. C.de Baca

Carl R. C.de Baca
License Expiration Date: 12-31-26

Date: 1/8/2025

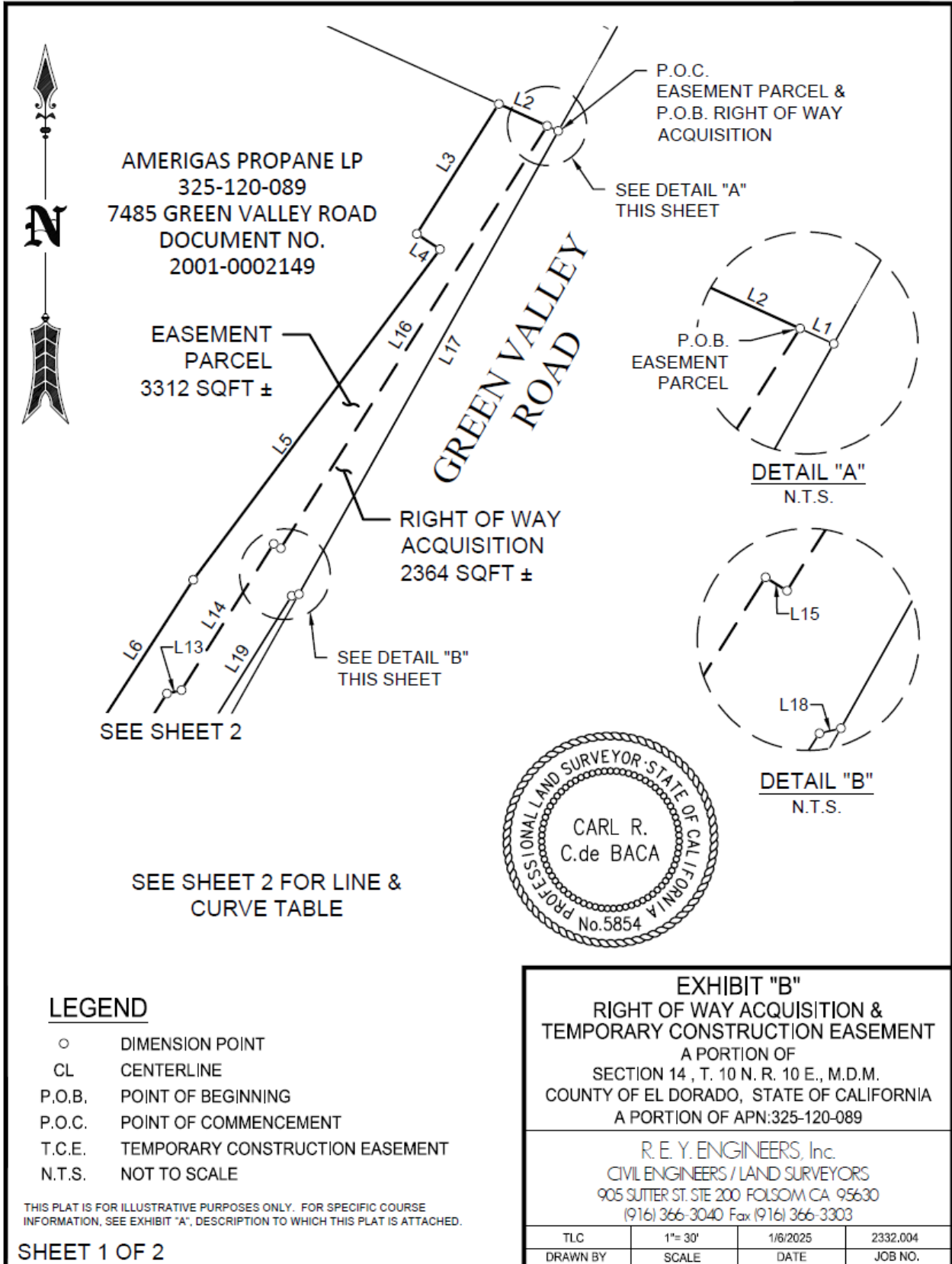


Description prepared by:

R.E.Y. ENGINEERS, INC.

905 Sutter Street, Suite 200, Folsom, CA 95630

EXHIBIT "B"



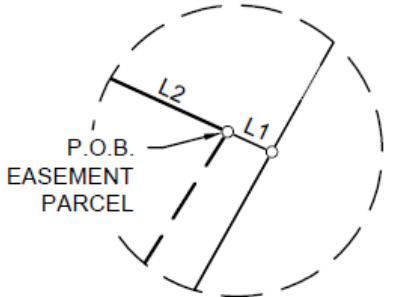
AMERIGAS PROPANE LP
325-120-089
7485 GREEN VALLEY ROAD
DOCUMENT NO.
2001-0002149

EASEMENT
PARCEL
3312 SQFT ±

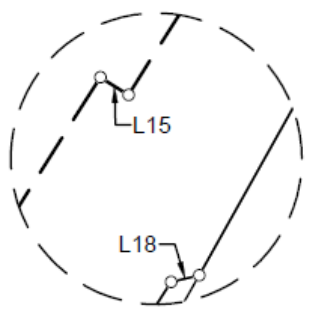
RIGHT OF WAY
ACQUISITION
2364 SQFT ±

P.O.C.
EASEMENT PARCEL &
P.O.B. RIGHT OF WAY
ACQUISITION

SEE DETAIL "A"
THIS SHEET



DETAIL "A"
N.T.S.



DETAIL "B"
N.T.S.



SEE SHEET 2 FOR LINE &
CURVE TABLE

LEGEND

- DIMENSION POINT
- CL CENTERLINE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- T.C.E. TEMPORARY CONSTRUCTION EASEMENT
- N.T.S. NOT TO SCALE

THIS PLAT IS FOR ILLUSTRATIVE PURPOSES ONLY. FOR SPECIFIC COURSE
INFORMATION, SEE EXHIBIT "A", DESCRIPTION TO WHICH THIS PLAT IS ATTACHED.

EXHIBIT "B"
RIGHT OF WAY ACQUISITION &
TEMPORARY CONSTRUCTION EASEMENT
A PORTION OF
SECTION 14 , T. 10 N. R. 10 E., M.D.M.
COUNTY OF EL DORADO, STATE OF CALIFORNIA
A PORTION OF APN:325-120-089

R. E. Y. ENGINEERS, Inc.
CIVIL ENGINEERS / LAND SURVEYORS
905 SUTTER ST. STE 200 FOLSOM CA 95630
(916) 366-3040 Fax (916) 366-3303

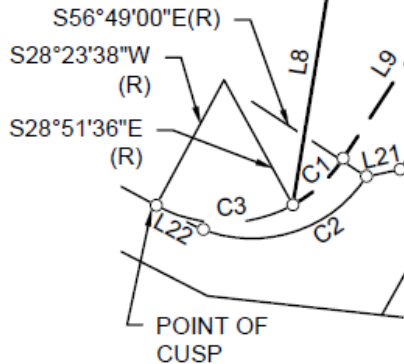
TLC	1"= 30'	1/6/2025	2332.004
DRAWN BY	SCALE	DATE	JOB NO.



AMERIGAS PROPANE LP
 325-120-089
 7485 GREEN VALLEY ROAD
 DOCUMENT NO.
 2001-0002149

RIGHT OF WAY
 ACQUISITION
 2364 SQFT ±

EASEMENT
 PARCEL
 3312 SQFT ±



SEE SHEET 1

SEE DETAIL "B" ON SHEET 1

GREEN VALLEY ROAD

LINE TABLE

#	BEARING	DISTANCE
L1	S65°34'43"E	2.92'
L2	N65°34'43"W	12.62'
L3	S32°14'02"W	36.51'
L4	S56°33'14"E	6.60'
L5	S36°45'01"W	97.98'
L6	S32°51'09"W	41.06'
L7	S43°52'42"W	54.84'
L8	S9°19'14"W	49.56'
L9	N33°23'37"E	35.73'
L10	N32°14'02"E	31.97'
L11	N12°45'58"W	3.54'
L12	N32°14'02"E	32.50'
L13	N77°14'02"E	3.54'
L14	N32°14'02"E	41.09'
L15	S57°45'58"E	2.00'
L16	N32°14'02"E	118.61'
L17	S29°16'17"W	126.10'
L18	S76°56'47"W	1.74'
L19	S31°56'45"W	36.41'
L20	S33°10'57"W	98.01'
L21	S78°10'57"W	6.01'
L22	N61°36'22"W	6.09'

CURVE TABLE

#	RADIUS	DELTA	LENGTH
C1	25.00'	27°44'47"	12.11'
C2	24.00'	85°12'38"	35.70'
C3	25.00'	57°15'14"	24.98'

LEGEND

- DIMENSION POINT
- CL CENTERLINE
- P.O.B. POINT OF BEGINNING
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SHEET 2 OF 2

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 TEMPORARY CONSTRUCTION EASEMENT
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"ATTACHMENT 2"

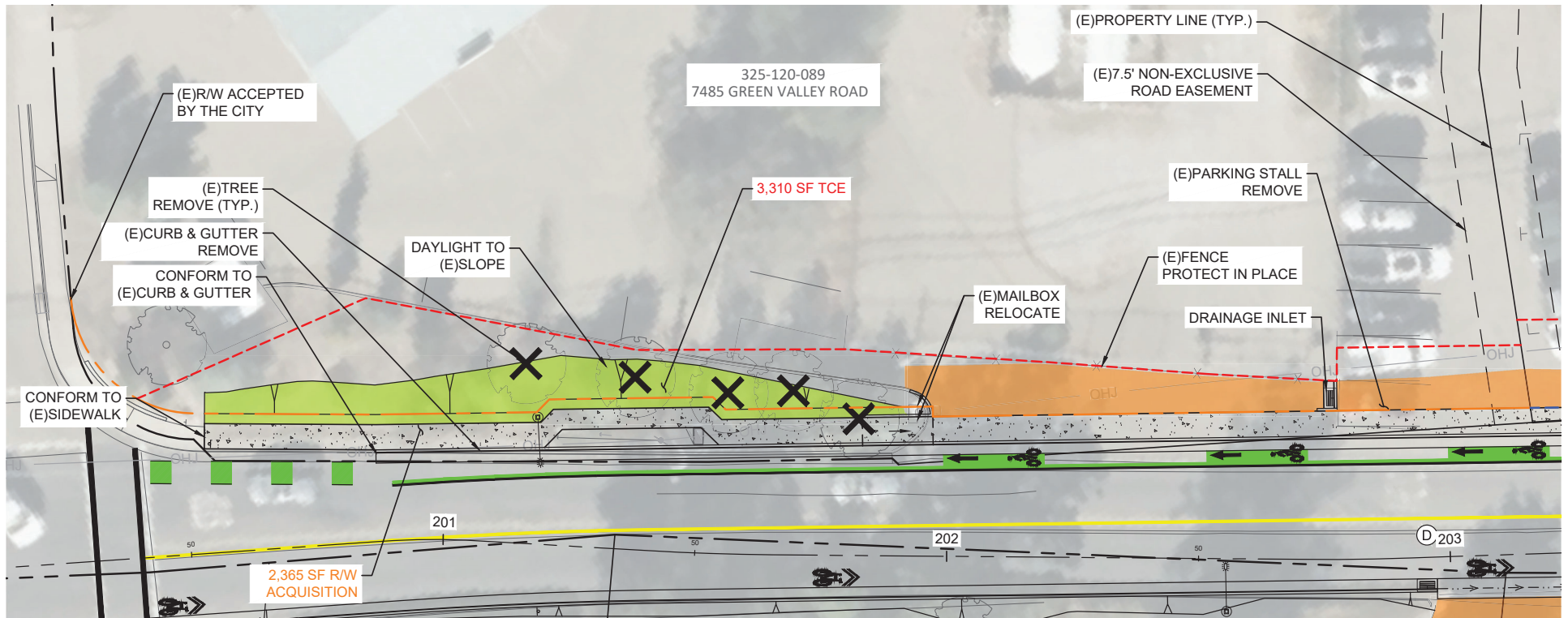
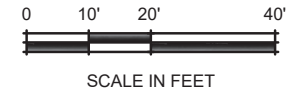
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 Civil Engineers | Land Surveyors | Remote Sensing
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PLACERVILLE DRIVE BICYCLE & PEDESTRIAN FACILITIES, CIP #41816

PROPERTY OWNER EXHIBIT

GREEN VALLEY ROAD
 APN 325-120-089
 SEPTEMBER 23, 2024



NOTES:

DESIGN IS PRELIMINARY AND IMPROVEMENTS ARE SUBJECT TO CHANGE.

(E) = EXISTING

(TYP.) = TYPICAL

R/W = RIGHT OF WAY

TCE = TEMPORARY CONSTRUCTION EASEMENT

LEGEND:

SCALED FOR CLARITY

SYMBOL	PROPOSED IMPROVEMENT	SYMBOL	PROPOSED IMPROVEMENT
	DRIVEWAY ASPHALT CONFORM		DRIVEWAY DEPRESSION
	SIDEWALK ASPHALT CONFORM		SLOPE
	LANDSCAPING		
	SIDEWALK		
	GREEN BIKEWAY STRIPE		