

ATTACHMENT A

RESOLUTION OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY, CALIFORNIA, DETERMINING THE NECESSITY OF ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY

January 14, 2025

WHEREAS, this Resolution of Necessity (“Resolution”) by the County of Orange (“County”) seeks to acquire property interests in the real property currently owned by TENBRIX LTD., a California limited partnership (“Owner”) and located at 7651 Stage Road, in the city of Buena Park, County of Orange, California, and whereas the property interests to be acquired (“Subject Property Interests”) consist of:

A 60-month temporary construction easement interest in and to that parcel of land identified as Project Parcel TR05B-800.2 a portion of Orange County Assessor’s Parcel Number 066-584-09 (“Temporary Easement”). The Temporary Easement is more particularly described in Exhibit A and depicted in Exhibit B attached hereto and by this reference made a part hereof.

WHEREAS, on or before December 27, 2024, pursuant to the requirements of California Code of Civil Procedure section 1245.235, the Clerk of the Board (“Clerk”) mailed notice to the Owner, *inter alia*, at the address shown by the last equalized Orange County assessment roll, of: (1) the intention of the Orange County Board of Supervisors (“Board”) to adopt this Resolution to acquire the Subject Property Interests for the purpose of constructing and operating a segment of public bikeway and pedestrian trail for the Orange County Loop (OC Loop) (“Project”) through eminent domain proceedings; and (2) the date set for a hearing thereon of January 14, 2025; and

WHEREAS, said notice by the Clerk notified the Owner of the Owner’s right to appear and to be heard at the January 14, 2025 hearing before the Board on the following matters: (a)

Page 1 of 9

Resolution No. 25-007, Item No. 40
OC Loop Segments OPQ
Acquisition by Eminent Domain of Easement for Public Bikeway

ATTACHMENT 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 the least private injury; (c) whether the Subject Property Interests sought to be acquired are necessary for the Project; and (d) whether the offer required by section 7267.2 of the Government Code has been made to the Owner; and

WHEREAS, on January 14, 2025, the Board conducted a public hearing and heard and considered public comments, if any, and evidence presented, regarding the Project and regarding the proposed eminent domain acquisition of the Subject Property Interests; and

WHEREAS, at the close of the public hearing and after the opportunity for open and public discussion among the Board, the Board voted, the statutorily required two-thirds' majority of the Board membership (requires four affirmative votes), to adopt this Resolution to acquire the Subject Property Interests necessary for the Project through eminent domain proceedings.

NOW, THEREFORE, after consideration of the information contained above as well as in the January 14, 2025, Agenda Staff Report,

IT IS HEREBY RESOLVED that this Board finds and determines as follows:

1. The Board authorizes County Counsel to retain BDG Law Group to advise and perform litigation services for the County related to obtaining the Subject Property Interests for the purpose of constructing, maintaining, and operating the Project. County Counsel, and/or his designee, is authorized to enter into the County Legal Services Agreement with BDG Law Group for this purpose.

ATTACHMENT A

2. The Board directs and authorizes County Counsel and/or outside eminent domain counsel, the firm of BDG Law Group, to initiate condemnation proceedings to condemn the Subject Property Interests.

3. The Board directs and authorizes the Auditor-Controller, upon request by County Counsel, to encumber funds and transfer estimated compensation to the State Treasurer's Condemnation Deposits Fund, in amounts to be specified by County Counsel, in a total amount up to \$341,400, Job No EQ18422R, to be paid from Fund 174; and to encumber such additional funds, and issue such additional funds as may be requested by County Counsel, and as necessary to satisfy any court orders for higher deposits or payment of greater compensation, and as necessary to pay for title insurance and other fees following transfer of ownership of the Subject Property Interests to the County. The total amount to be deposited is the total estimated fair market value of the Subject Property Interests as of the date of value of the appraisal obtained by the County, which was the basis of the purchase offer made to the Owner. Using those encumbered funds and the funds issued by the Auditor-Controller, County Counsel is hereby directed and authorized to make deposits of estimated compensation with the State Treasury's Condemnation Deposits Fund in an amount up to \$341,400.

5. Public interest and necessity require the Subject Property interests to be obtained to complete the Project, which closes one of the remaining gaps in the OC Loop, a planned 66-mile continuous facility for bicyclists and pedestrians. The OC Loop is currently 88% complete. When complete, the Project will provide a safe, environmentally friendly public bikeway for recreational purposes. The completed OC Loop will span across 17 cities, is estimated to

ATTACHMENT A

provide access to over 200 parks and 180 schools within a .5-mile range of the bikeway and will be within one mile of an estimated 650,000 residents and 340,000 jobs.

6. The County is authorized to acquire the Subject Property Interests for the public uses set forth herein, and to exercise the power of eminent domain in order to acquire said interests, under the California Constitution, the California eminent domain law (Code of Civil Procedure Sections 1230.010, *et seq.*, and 1240.010, *et seq.*, including without limitation Section 1240.110), and Government Code Section 25350.5.

7. The Project, which consists of the construction, maintenance and operation of a public bikeway and pedestrian trail, is planned and located in the manner that will be the most compatible with the greatest public good and least private injury.

8. The Subject Property Interests are being acquired for the construction of the Project and are necessary for the Project. It is necessary that the County acquire the Subject Property Interests to carry out the Project's purposes. If the Subject Property Interests are not acquired, the Project cannot proceed as planned, thereby leaving a gap in the 66- mile bikeway, and requiring bicyclists to continue to leave the safety of the offroad trail to share roads with vehicular traffic. The Temporary Easement will be used for staging and construction of the Project.

9. The Project for which the Subject Property Interests is being acquired constitutes a valid public use.

10. In conformance with Sections 7267.1 and 7267.2 of the California Government Code and Board of Supervisors Resolution 67-612, an appraisal of the Subject Property Interests was prepared. A code-compliant offer based on said appraisal was made to the

Page 4 of 9

Resolution No. 25-007, Item No. 40
OC Loop Segments OPQ
Acquisition by Eminent Domain of Easement for Public Bikeway

ATTACHMENT A

Owner of the Subject Property Interests, and a written statement showing the appraised value of the Subject Property Interests and summarizing the basis of that valuation was also delivered to the Owner.

11. The necessary notice of hearing on this Resolution has been given to all those entitled to same, in compliance with Code of Civil Procedure section 1245.235.

12. To the extent the Subject Property Interests are already devoted to a public use, the use of the Subject Property Interests for the County's Project is a compatible use that will not unreasonably interfere with or impair the continuance of the public use as it presently exists or may reasonably be expected to exist in the future (California Code of Civil Procedure Section 1240.510), or the use of the Subject Property Interests for the Project is a more necessary public use than is the presently existing public use (California Code of Civil Procedure Section 1240.610).

IT IS FURTHER RESOLVED that the Subject Property Interests be acquired by the County, and that the County Counsel of the County of Orange and/or outside counsel, BDG Law Group, (collectively, "County's Counsel"), are hereby directed and authorized to institute eminent domain proceedings for the foregoing acquisition, to do, perform, and carry out all necessary proceedings and steps incident to acquiring the Subject Property Interests, to correct any errors or to make or agree to non-material changes in the legal description of the Subject Property Interests as may be necessary for the conduct of the action or other proceedings or transactions required to acquire the Subject Property Interests, and to seek and obtain an order for prejudgment possession of some or all of the Subject Property Interests at such time as County's Counsel deems it to be necessary and appropriate.

Page 5 of 9

Resolution No. 25-007, Item No. 40
OC Loop Segments OPQ
Acquisition by Eminent Domain of Easement for Public Bikeway

ATTACHMENT A

IT IS FURTHER RESOLVED that this Resolution shall be effective immediately upon its adoption, and that the Clerk of the Board shall certify the adoption of this Resolution and certify this record to be a full true, correct copy of the action taken.

ATTACHMENT A

EXHIBIT A

LEGAL DESCRIPTION

COYOTE CREEK RIDING AND HIKING TRAIL

Facility No. TR05B

Parcel No. 800.2

That portion of Parcel 1, in the City of Buena Park, County of Orange, State of California, as shown on a map filed in Book 101, pages 41 and 42 of Parcel Maps in the office of the County Recorder of said County, described as follows:

Beginning at the most northerly corner of said Parcel:

thence along the northeasterly line of said Parcel, South 49°00'43" East 5.01 feet to a line that is parallel with and 5.00 feet southeasterly of the northwesterly line of said Parcel;

thence along said parallel line South 37°53'28" West 126.95 feet;

thence South 52°06'32" East 15.00 feet to a line that is parallel with and 20.00 feet southeasterly of the northwesterly line of said Parcel;

thence along said parallel line South 37°53'28" West 281.11 feet;

thence North 52°06'32" West 7.00 feet to a line that is parallel with and 13.00 feet southeasterly of the northwesterly line of said Parcel;

thence along said parallel line South 37°53'28" West 54.50 feet;

thence North 52°06'32" West 5.23 feet;

thence South 28°55'21" West 69.79 feet to the southwesterly line of said Parcel, also being the northeasterly line of Stage Road, 80.00 feet wide, as shown on said Parcel Map, also being a point on a non-tangent curve, concave southwesterly having a radius of 840.00 feet, a radial line to said curve bears North 21°20'49" East;

thence northwesterly 19.53 feet along said curve and said northeasterly line through a central angle of 01°19'55" to the most westerly corner of said Parcel;

thence along the northwesterly line of said Parcel, North 37°53'28" East 537.54 feet to the **Point of Beginning**;

ATTACHMENT A

Containing 7,930 square feet or 0.18 acres, more or less.

The Basis of Bearings for this survey is based on the California Coordinate System (CCS83), Zone VI, NAD 83, OCS (2017.50 Epoch Adjustment, as determined locally by a line between continuous global positioning stations CGPS Stations BLSA and CCCS, being North 66°06'41" East as derived from the coordinates published by the California Spatial Reference Center (CSRC) along with data sheets on file in the office of the Orange County Surveyor.

All distances shown are Grid, unless otherwise noted. To obtain ground distances multiply grid distance by a combined factor of 1.00000051.

As shown on the attached EXHIBIT "B" and by this reference made a part hereof.

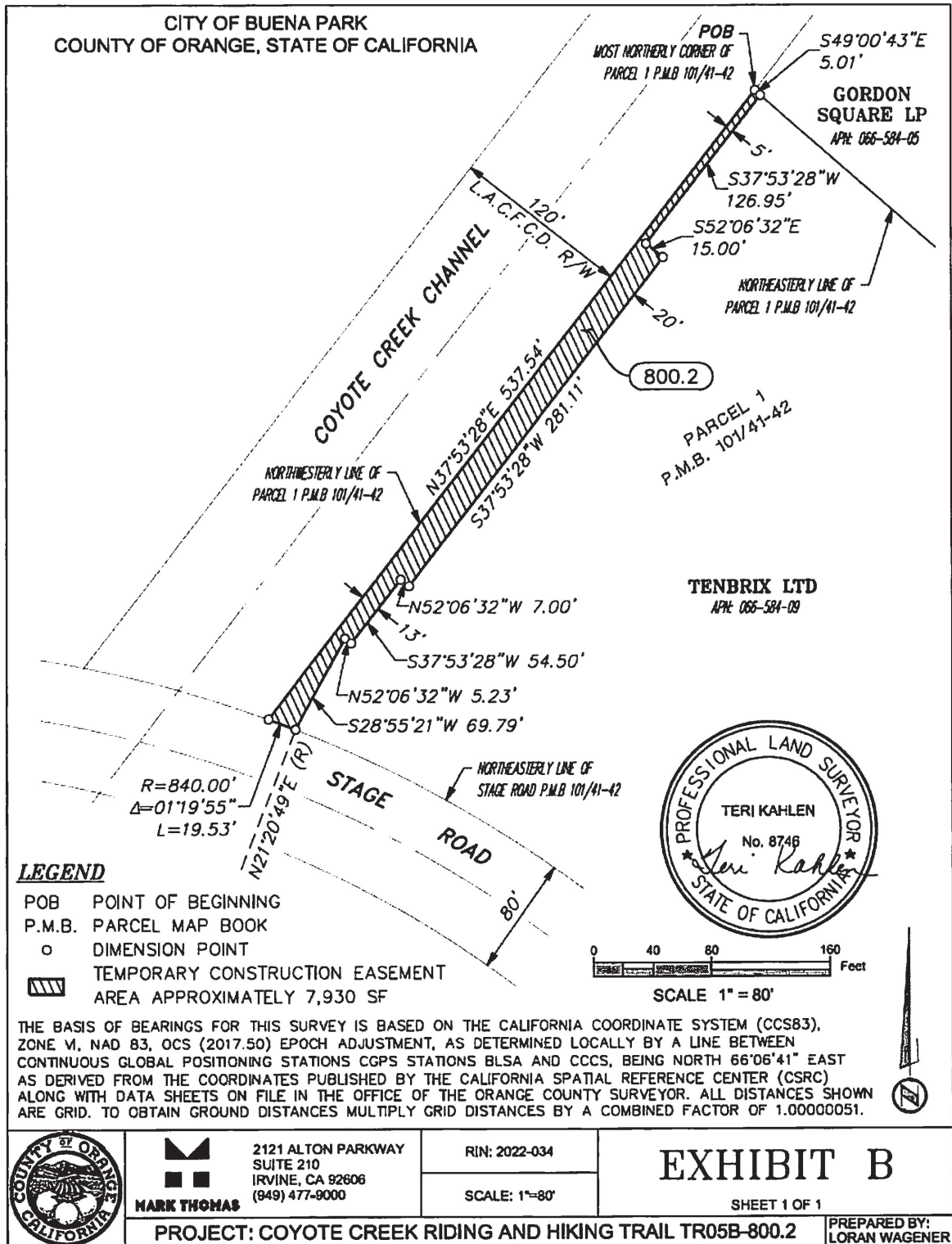
This real property description has been prepared at Mark Thomas, by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Teri Kahlen 11/27/2023
Teri Kahlen, PLS 8746 Date



ATTACHMENT A

EXHIBIT B



ATTACHMENT A

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on January 14, 2025, to wit:

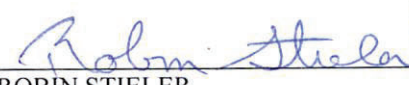
AYES:	Supervisors:	DOUG CHAFFEE, VICENTE SARMIENTO, JANET NGUYEN KATRINA FOLEY, DONALD P. WAGNER
NOES:	Supervisor(s):	
EXCUSED:	Supervisor(s):	
ABSTAINED:	Supervisor(s):	


CHAIRMAN

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

I, ROBIN STIELER, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange County Board of Supervisors

IN WITNESS WHEREOF, I have hereto set my hand and seal.


ROBIN STIELER
Clerk of the Board
County of Orange, State of California



Resolution No: 25-007
Agenda Date: 01/14/2025
Item No: 40



I certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Supervisors, Orange County, State of California

Robin Stieler, Clerk of the
By: _____
Deputy

DocuSigned by:



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