



Resource Management Agency

COUNTY OF TULARE AGENDA ITEM

BOARD OF SUPERVISORS

LARRY MICARI
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

EDDIE VALERO
District Four

DENNIS TOWNSEND
District Five

AGENDA DATE: January 28, 2025

Public Hearing Required	Yes
Scheduled Public Hearing w/Clerk	Yes
Published Notice Required	Yes
Advertised Published Notice	Yes
Meet & Confer Required	N/A
Budget Transfer (Aud 308) attached	N/A
Personnel Resolution attached	N/A
Agreement(s) attached	N/A

CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010

SUBJECT: Acquisition of Property Owned by Samantha Brett Meriwether Hammer and Brett David Meriwether Hammer, for the Avenue 280 Widening Project – Segment 2 pursuant to Code of Civil Procedure Section 1245.220

REQUEST(S):

That the Board of Supervisors:

1. Make the findings, determinations and declarations required to obtain, by eminent domain action in Superior Court, the real property described in Attachment A ("Subject Property"), as possession of the Subject Property is necessary for completion of the Avenue 280 Widening Project – Segment 2 ("Project"), more fully described in the Resolution of Necessity included as Attachment F.
2. Authorize a deposit of probable compensation for purchase of the Subject Property with the State Treasury, pursuant to CCP §1255.010, in the amount of \$80,800.
3. Determine that acquisition of the Subject Property was contemplated by and remains consistent with the Final Environmental Impact Report and complies with the California Environmental Quality Act (CEQA) for the Project as adopted by the Board on May 22, 2012, pursuant to 14 CCR §15301(c).
4. Adopt the Resolution of Necessity included as Attachment F (4/5ths vote required).
5. Direct County Counsel to initiate and pursue any and all legal action necessary to acquire the Subject Property, against Samantha Brett Meriwether Hammer and Brett David Meriwether Hammer and any other interested parties.

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SUMMARY:

The County of Tulare is currently in the right-of-way phase for the Avenue 280 Widening Project - Segment 2 (Project). The Project was approved as part of the 2020-21 County Transportation Improvement Program (CTIP) and is funded by Measure R Regional Funds (Tulare County Agreement No. 30044-B). The Project will accommodate projected increases in traffic and modernize approximately 2.5 miles of Avenue 280 (Caldwell Avenue) between Road 140 (Lover's Lane) and Road 160 (Virginia Avenue), near the Farmersville city limits. The Project will widen the road from an undivided two-lane road to a four-lane roadway with a center median, turn lanes, and intersection improvements. The Project will also install roadside drainage facilities, improve bridges and culverts, relocate utilities, and add new traffic stripes and pavement markings. Construction is anticipated to begin summer of 2026.

The Project includes right-of-way acquisitions to accommodate the improvements associated with the Project. The County needs to acquire Right-of-Way ("ROW") and Temporary Construction Easements ("TCEs") across fifty-one parcels, with fifty-one separate owners, in order to complete the Project.

On May 22, 2012, the Board determined that a Final Environmental Impact Report was prepared for this Project pursuant to the provisions of CEQA and adopted the Notice of Determination (NOD). The Board certified that the Final Environmental Impact Report (EIR) for the Avenue 280 Widening Project complies with CEQA and the Guidelines for the Implementation of the California Environmental Quality Act, per Board Resolution number 2012-0364.

The Subject Property is located along the frontage area of Avenue 280. It is commonly referred to as Assessor Parcel Number (APN) 127-050-018.

The County made a good faith offer of just compensation for the Subject Property, pursuant to Government Code Section 7267.2, on November 17, 2023. The County has been engaged in formal negotiations with the property owner since that time but has been unable to reach an agreement to purchase the Subject Property.

The ROW required for the Project from APN 127-050-018 is an L-shaped take area and is situated at the southeast corner of the property fronting the intersection of Avenue 280 and Road 156. Altogether it includes 0.68 acres in area. TCEs required for the Project include a 10-foot-wide strip, 0.26 acres in area, on the Subject Property. Detailed legal descriptions and plats of the required ROW and TCE are attached to the Resolution of Necessity as Appendix A.

On December 30, 2024, the County provided a notice of the Board's intent to adopt a resolution of necessity to acquire the Subject Property to the record owners pursuant to CCP §1245.235.

If the Board wishes to proceed with the Project and acquire the Subject Property, staff recommends the Board consider adoption of the proposed Resolution of Necessity. The

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eminent domain law requires that a Resolution of Necessity be adopted, if at all, by the affirmative vote of no less than 4/5 of the members of the Board of Supervisors.

In order to acquire the Subject Property, the Board must make the following findings, as contained in the Resolution of Necessity included as Attachment F to this agenda item:

- a. The Project is consistent with the approved environmental documents and satisfies all applicable CEQA requirements;
- b. The public interest and necessity require the Project;
- c. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
- d. The Subject Property is necessary for the Project; and
- e. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of and summary of the basis for the amount established as just compensation, was made to the owner or owners of record and the offer and accompanying statement and summary comply with the requirements of Gov't. §7267.2.

The Project is consistent with the approved environmental documents and satisfies the requirements of the California Environmental Quality Act (CEQA). Please refer to Attachment D, which contains a discussion of the environmental analysis of the Project. The Project has been designed and the proposed ROW is being acquired in accordance with the provisions of the adopted environmental document.

The public interest and necessity require the Project. The Project is consistent with the goals of the Tulare County General Plan including providing a public benefit by improving the safety and security of the public by improving the transportation infrastructure for the general population in the region and motorists using this facility. The Project will relieve traffic congestion, improve safety, provide multi-modal accommodations, improve air quality through emission reduction, and address localized flooding with the installation of a storm drain system.

The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury. The proposed Activity/Project will not have a direct or cumulative impact or create an unusual circumstance that will cause the proposed Activity/Project to have a significant effect on the population, or housing in the area. The Activity/Project follows the existing road alignment of Caldwell Avenue/ Avenue 280 which serves as a regional route that connects Route 99 to the cities of Visalia, Farmersville, and Exeter.

The Subject Property is necessary for the Project. Attachment A is the legal descriptions and plats for the right-of-way, and temporary construction easement to be acquired from the record owners of the Subject Property. The right-of-way and easements being acquired are consistent with the project description in the approved environmental document and are necessary for the Project. The Project cannot be built without acquisition of the Subject Property.

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The offer required by Section 7267.2 of the Government Code, together with the accompanying statement and summary of the basis for the amount established as just compensation, was made to the owner or owners of record and the offer and accompanying statement and summary complied with the requirements of Gov't. §7267.2. The County made a statutorily-complaint offers to the record owners on November 17, 2023. This offer is included as Attachment E.

The County's final offer to purchase the Subject Property was \$80,800. Therefore, staff is requesting that the Board authorize a deposit with the State Treasury in this amount as probable compensation for the purchase of the Subject Property.

FISCAL IMPACT/FINANCING:

No net County cost to the General Fund.

The Project (RMA No. 19300068-003) was initially approved as part of the 2020-2021 County Transportation Improvement Program (CTIP) and is funded by Measure R Regional Funds. The Right-of-Way phase was approved as part of the 2022-2023 CTIP.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

This Project will enhance the safety and security of the public by improving the transportation infrastructure for both the general population in the region and the motorists using this facility.

ADMINISTRATIVE SIGN-OFF:

/s/ Reed Schenke

Reed Schenke, P.E.
Director

Cc: County Administrative Office

Attachment A – Legal Description of Property at Issue

Attachment B – Notice of County of Tulare's Intent to Adopt Resolution of Necessity to Acquire Property by Eminent Domain

Attachment C – Vicinity Map

Attachment D – Notice of Determination

Attachment E – First Written Offer (APN 127-050-018)

Attachment F – Resolution of Necessity