

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2014

A RESOLUTION OF NECESSITY DETERMINING THAT THE
PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF
CERTAIN PROPERTY RIGHTS AND DIRECTING THE FILING OF
EMINENT DOMAIN PROCEEDINGS

Property Location: A portion of Washington Alley abutting
APN 153-28-051 and 153-28-052
Mountain View, California

WHEREAS, the City of Mountain View ("City") has initiated a traffic improvement project to offer alternative routes, improve pedestrian and bicycle safety, and increase traffic flow and circulation near the Downtown Transit Center and a main thoroughfare of Central Expressway ("Project"); and

WHEREAS, this Project will include the closure of a portion of Stierlin Road, a portion of Washington Alley, and an on-ramp onto Central Expressway to eliminate cut-through vehicular traffic in a residential neighborhood and provide an access point for bicycle and pedestrian traffic traveling from the Downtown Transit Center to other locations in the City; and

WHEREAS, on January 21, 2014, the City Council adopted Resolution No 17833 ordering the vacation of portions of Stierlin Road and Washington Alley; and

WHEREAS, this Project will also include traffic improvements such as the addition of a right-hand turn lane from Moffett Boulevard onto Central Expressway; and

WHEREAS, Washington Alley did provide vehicular access to Stierlin Road; and

WHEREAS, it is necessary for the safety of the public traveling through this access point to eliminate any potential conflicts between vehicles and pedestrians and bicyclists; and

WHEREAS, the Stierlin Road on-ramp to Central Expressway has been/will be closed as it is no longer necessary for vehicles to access Stierlin Road via Washington Alley; and

WHEREAS, easement rights exist to access Washington Alley in a manner that could conflict with the Project and endanger pedestrians and bicyclists, and the City seeks to extinguish these easement rights; and

WHEREAS, the City is authorized to acquire the subject easement rights and exercise the power of eminent domain pursuant to, and in accordance with, Section 200 of the Mountain View City Charter, Article 1, Section 19, of the California Constitution, the California Eminent Domain Law, Code of Civil Procedure Sections 1230.010 *et seq.*, and Section 37350.5 of the California Government Code; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to the owner(s) of the property herein, all of whom have been given a reasonable opportunity to appear and be heard before the City Council of the City at the time and place set forth in said notice regarding the matters specified therein;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View as follows:

1. The public interest and necessity require the Project in order to promote alternative routes of traffic to reduce traffic congestion and improve safety of pedestrians and bicyclists;
2. The Project is planned and will be located in a manner that will be most compatible with the greatest public good and the least private injury;
3. The property rights sought to be acquired are necessary for the Project;
4. The offer required by Section 7267.2(a) of the Government Code, together with the accompanying statement of the amount established as just compensation, was made to the easement holders of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2(a);
5. All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the easement rights described herein have been complied with by the City; and

6. The City Attorney, or City Attorney's duly authorized designee, is hereby authorized and directed to commence and conduct to conclusion eminent domain proceedings to acquire the easement rights within the property described in Exhibit A, to take such actions that Council deems advisable or necessary in connection therewith, and is authorized to deposit the probable amount of compensation and obtain an order for prejudgment possession of the subject property.

JLQ/3/RESO
010-07-01-14r-E