

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2018

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: 152 Martens Avenue (APN 197-41-060)
Mountain View, California

WHEREAS, the City of Mountain View ("City") has approved a capital project titled "Modifications to Grant/Phyllis/Martens Intersection", Project 15-31, for various transportation and pedestrian improvements to improve traffic operations and safety ("Project"); and

WHEREAS, the Project will include constructing a new sidewalk, curb and gutter along the Martens Avenue frontage of 152 Martens Avenue (APN 197-41-060); and

WHEREAS, construction of the new sidewalk, curb and gutter require the acquisition of those permanent easement rights and temporary construction easement rights set forth in Exhibits A and B over a portion of 152 Martens Avenue (APN 197-41-060), attached hereto and made a part hereof; 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 whose name(s) appear on the last Equalized County Assessment Roll as having an interest in the property, 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; and

WHEREAS, the hearing referenced in the notice was held on March 27, 2018, at the time and place stated in the notice, and all interested parties were given an opportunity to be heard.

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 reduce traffic congestion and improve safety of pedestrians and bicyclists;
2. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. The easement 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 Exhibits A and B, 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 easement rights.

JLQ/4/RESO
010-03-27-18r-E