

## **MOUNTAINS RECREATION AND CONSERVATION AUTHORITY**

February 7, 2018 – Agenda Item XI

Resolution No. 18- 36

### **RESOLUTION OF THE GOVERNING BOARD OF THE MOUNTAINS RECREATION AND CONSERVATION AUTHORITY DECLARING THE PUBLIC NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY, NAMELY THE PROPERTY IDENTIFIED AS LOS ANGELES COUNTY ASSESSOR'S PARCEL NO. 2064-006-001, FOR THE LIBERTY CANYON WILDLIFE PROJECT**

RESOLVED, by the Governing Board (“the Board”) of the Mountains Recreation and Conservation Authority (the “Authority”), County of Los Angeles (the “County”), State of California, as follows:

WHEREAS, the Liberty Canyon Wildlife Corridor Project (“Project”) is a public project intended to provide a safe and sustainable passage for wildlife across US-101 near Liberty Canyon Road in the City of Agoura Hills that reduces wildlife mortality and allows for the movement of animals and the exchange of genetic material; and

WHEREAS, the real property interest described within this Resolution is to be taken for a public use, namely as a critical component of the design and construction of the Project, pursuant to the authority conferred upon the MRCA to acquire real property by eminent domain by California Constitution Article 1, Section 19, California Code of Civil Procedure Sections 1245.210 *et seq.* (Eminent Domain Law), including, but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120 and 1245.250 and other provisions of law;

WHEREAS, The MRCA seeks to acquire Certain Real Property for Public Purposes, namely the property identified as Los Angeles County Assessor's Parcel No. 2064-006-001 (“Subject Property Use”) for public use, namely to construct a vegetated bridge across US-101 near Liberty Canyon Road in the City of Agoura Hills to function as a wildlife crossing. The legal description of the Subject Property of Interest is attached to this Resolution. The Subject Property Interest is depicted and attached to this Resolution. The above-referenced attachments are incorporated herein by this reference. The Subject Property Interest is required for the construction of the Project, which is a public use;

WHEREAS, Pursuant to California Government Code Section 7262 *et seq.*, the MRCA obtained a fair market value appraisal of the Subject Property Interests. The MRCA set just compensation in accordance with the appraised fair market value and on April 7, 2016, extended a written offer to the record owners seeking to purchase the Subject Property Interests pursuant to Government Code Section 7267.2;

WHEREAS, On January 23, 2018 the MRCA provided written notice to the record owners of the MRCA's intent to consider the adoption of the proposed Resolution of Necessity at its February 7, 2018 meeting as required by Code of Civil Procedure Section 1245.235;

WHEREAS, the hearing set out in said notice was held on February 7, 2018 at the time and place stated therein, and all interested parties were given an opportunity to be heard;

*Resolved*, that the governing board of the Mountains Recreation and Conservation Authority (MRCA) hereby:

- A. FINDS that the public interest and necessity require the Project; and
- B. FINDS that the Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury; and
- C. FINDS that the Subject Property Interest described and depicted hereto is necessary for the Project; and
- D. FINDS the MRCA made the offer required by Section 7267.2 of the Government Code to the owner of record; and
- E. FINDS the findings and declarations contained in this Resolution are based on the record before the Governing Board on February 7, 2017, including the Staff Report dated February 7, 2018 and all documents referenced therein, all of which are incorporated herein by this reference. These documents include the, the offer letter sent to the owners of record pursuant to Government Code Section 7267.2, the notice to the owners of record pursuant to Code of Civil Procedure Section 1245.235 of the MRCA's intent to consider the adoption of the Resolution of Necessity, and all the file documents relating to the Project. The findings and declarations in this Resolution are also based on any testimony, records and documents produced at the hearing, all of which are incorporated herein by this reference; and
- F. AUTHORIZES and directs staff and the law firm of Richards, Watson & Gershon, to take all steps necessary to commence and prosecute legal proceedings in a court of competent jurisdiction to acquire by eminent domain the Subject Property Interest legally described and depicted herein; and

- G. AUTHORIZES staff to execute all necessary documents in connection with the eminent domain proceeding; and
- H. This Resolution shall take effect upon adoption.

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Chairperson

AYES:

NOS:

ABSTAIN:

ABSENT:

I HEREBY CERTIFY that the forgoing resolution was adopted at a regular meeting of the Governing Board of the Mountains Recreation and Conservation Authority, duly noticed and held according to law, on the 7<sup>th</sup> day of February, 2018.

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Executive Officer