RESOLUTION NO. 24-__ (FC)

RESOLUTION OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS, STATE OF CALIFORNIA, DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF PORTIONS OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (Property Owner Jose Cruz Calderon, a Married Man, as His Sole and Separate Property, as to An Undivided 50% Interest and Maximino Ballines, an Unmarried Man, as to an Undivided 50% Interest, as Tenants in Common, Portion of APNs 044-230-002 and 044-230-003).

WHEREAS, City of Napa (City) residents and businesses have long suffered devastating loss of life and property due to flooding from the Napa River; and

WHEREAS, the Napa County Flood Control and Water Conservation District ("District") is undertaking the construction of the Napa River/Napa Creek Flood Protection Project ("Project"), which is seeking to provide flood protection to most of the City by reconnecting the Napa River to its flood plain, creating wetlands throughout the area, and maintaining fish and wildlife habitats while retaining the natural characteristics of the river; and

WHEREAS, as part of the next phase of the Project, the Floodwalls North of the Bypass, approximately one mile of setback floodwall will be constructed along the west bank of the Napa Rive from River Terrace Inn to the Elks Grove Homeowners association (Floodwalls North of the Bypass, Contract 3 North); and

WHEREAS, the District and the United States Army Corps of Engineers have prepared and circulated an Environmental Impact Statement/Environmental Impact Report; and

WHEREAS, the Environmental Impact Statement/Environmental Impact Report was certified by the United States Corps of Engineers and Board of Directors of the District as having been completed in compliance with the National Environmental Policy Act/California Environmental Quality Act and related implementing regulations; and

WHEREAS, on behalf of the Project, the District desires to acquire for public use, by exercise of its power of eminent domain, property interests, to wit, two (2) Flood Protection Levee Easements, two (2) Temporary Construction Easements and two (2) Partial Fee Simple Interests, to certain real property reportedly owned in fee simple by Jose Cruz Calderon, a Married Man, as his sole and separate property, as to an undivided 50% interest and Maximino Ballines, an unmarried man, as to an undivided 50% interest as the interests appear on the record, which real property interest is located at 1114 Jordan Lane in the City of Napa, California, over and across a portion of APNs 044-230-002 and 044-230-003, as is more particularly described and shown on Exhibits A through C, respectively, attached hereto and incorporated herein by this reference ("Subject Property"); and

WHEREAS, the Board of Directors has found that the acquisition of the aforementioned real property, or interests in property, for said public use is required by the public interest and necessity; and

WHEREAS, Napa County Flood Control and Water Conservation District Act sections 5 and 6 authorize the District to acquire property by eminent domain; and

WHEREAS, this Board of Directors constitutes the governing body of the District; and

WHEREAS, the District has tendered a formal offer to the owner of record to purchase the permanent and temporary interests in real property; and

WHEREAS, the District has calendared this Resolution of Necessity on the Board's October 22, 2024, agenda and properly notified the property owner(s) of their right to appear and be heard before the Board prior to the adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Napa County Flood Control and Water Conservation District, by a vote of two-thirds or more of its members, that:

1. The District finds that the public interest and necessity require the proposed project; and

2. The District finds that the proposed project is planned and located in a manner that will be most compatible with the greatest public good and least private injury; and

3. The Subject Property described herein is necessary for the proposed project; and

4. The offer required by Government Code section 7267.2 has been made to the owner of record.

BE IT FURTHER RESOLVED, that:

District Counsel is hereby AUTHORIZED AND EMPOWERED:

1. To acquire in the Napa County Flood Control and Water Conservation District's name, by condemnation, the said property in accordance with the provisions of the eminent domain law, the Code of Civil Procedure, and the Constitution of California; and

2. To prepare and prosecute in the Napa County Flood Control District and Water Conservation District's name such proceedings in the proper court as are necessary for such acquisition; and

3. To deposit the probable amount of compensation, based on appraisal, and to apply to said court for an order permitting the District to take immediate possession and use said real property for said public uses and purposes.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of the Napa County Flood Control and Water Conservation District at a regular meeting of the Board held on the 22nd day of October, 2024, by the following vote:

AYES: DIRECTORS _____

_____

NOES: DIRECTORS _____

ABSTAIN: DIRECTORS _____

ABSENT: DIRECTORS _____

NAPA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT,
a special district of the State of California

By: _____
SCOTT SEDGLEY, Chairperson of the
Board of Directors

APPROVED AS TO FORM Office of County Counsel By: Shana A. Bagley Deputy County Counsel Date: October 9, 2024	APPROVED BY THE BOARD OF DIRECTORS OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT Date: _____ Processed By: _____ Deputy Secretary of the District Board	ATTEST: NEHA HOSKINS Secretary of the District Board By: _____

[PL No 121156]