

City Council  
March 16, 2021

*Resolution of Necessity:  
Authorizing use of Eminent Domain  
to Acquire Parcels West of Railroad*



# Agenda:

## Resolution of Necessity

- Background
- Resolution of Necessity - Overview
- City Council Clarifying Questions
- Public Hearing
- City Council Deliberation and Decision
- Next Steps



# Background: Need for Property

- City policies being implemented (the Project):
  - protect significant habitat and scenic values;
  - provide an area for green infrastructure to control drainage and manage hazards/erosion;
  - manage retreat of the Coastal Trail;
  - mitigate cumulative traffic impacts through its lot retirement program; and
  - maintain public access and recreational opportunities in the West of Railroad PD area.



# Background:

## Lot Retirement Program

- City will purchase and retire lots in the West of Railroad PD area using funds paid by the developer of the Pacific Ridge subdivision (Ailanto Project).
  - The Coastal Commission approved the Coastal Development Permit for the Ailanto Project subject to payment of \$2.835 million.
- These funds will be used by the City to purchase and retire other property West of Railroad to mitigate the traffic impacts of the Ailanto Project, until funds are depleted.
  - City has sent Notices of Decision to Appraise letters to owners of 5 other parcels.



# Background:

## Offer to Purchase Property

- City gave notice of decision to appraise to property owners, allowing owners to join appraiser and provide input to appraiser.
  - Property owners declined to join.
- Appraisal values all six properties (jointly) at \$91,000.
- City made offer to property owners for full appraisal value.
  - Property owners declined; Owners did not provide valuation data to support their asserted value of properties.
  - City remains open to negotiate purchase of property from owners.



# PLANNED DEVELOPMENT DIAGRAM - WEST OF RAILROAD



## Legend

-  GEARING PARCELS
-  COASTAL TRAIL
-  PUBLIC AND LAND TRUST OWNERSHIP
-  CITY OF HALF MOON BAY
-  CONSERVATION EASEMENT
-  WEST OF RAILROAD PD BOUNDARY



DATA SOURCE: CITY OF HALF MOON BAY, 2014; SAN MATEO COUNTY GIS, 2014; M-GROUP 2021



# Resolution of Necessity :

- In passing the Resolution of Necessity, City must find that:
  - the public interest and necessity require the Project;
  - 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 property sought to be acquired is necessary for the Project; and
  - the offer required by Section 7267.2 of the Government Code has been made to the owners of record.
  
- NOTE: Value of property is not at issue in this proceeding; value is determined during trial or by settlement.



# City Council Action

- Clarifying Questions
- Public Hearing
- City Council Deliberation and Decision



# RECOMMENDATION / MOTION

## Recommendation:

- Adopt by a 4/5 vote a resolution authorizing an eminent domain action to acquire the real property owned by Thomas J. Gearing (San Mateo County APNs 056-096-240, 056-096-480, 056-127-030, 056-127-040, and 056-128-090) and Daniel K. Gearing (San Mateo County APN 056-125-210) located in the West of Railroad PD area.



# Next Steps

If Resolution of Necessity passes, City Attorney will:

- promptly file eminent domain action;
- deposit the fair market value with the court as the amount of probable compensation based on City's appraisal (\$91,000);
- ask for order granting possession of property to City 90 days after filing motion for immediate possession.

