

RESOLUTION NO. _____

RESOLUTION OF NECESSITY AUTHORIZING AN EMINENT DOMAIN ACTION TO ACQUIRE EASEMENT INTERESTS IN A PORTION OF THE REAL PROPERTY IDENTIFIED AS YOLO COUNTY ASSESSOR'S PARCEL NUMBERS 042-100-015 AND 042-100-016, PROPERTY OWNERS: JAMES FITZGERALD KELLY AND T. ROSS KELLY, FOR THE COUNTY ROAD 28H PUBLIC UTILITY EASEMENT PROJECT RELATED TO THE LANDFILL'S GAS-TO-ENERGY FACILITIES

WHEREAS, the County of Yolo ("County" or "Yolo County") owns and operates the Yolo County Central Landfill, which accepts solid waste, organic waste (e.g., food scraps, yard clippings, paper, and wood), and other materials;

WHEREAS, gas is generated at the Landfill as part of the anaerobic (without oxygen) decomposition of solid waste that contains methane, which the Yolo County Climate Action Plan recognizes a potent greenhouse gas and significant contributor to the County's overall greenhouse gas emissions;

WHEREAS, to minimize methane emissions, the County entered into a Commercial Gas Production Agreement (Lease) in 1985 related to the collection of methane release from the Landfill;

WHEREAS, under the Lease, the County granted rights to Neo Yolo, LLC and MM Yolo Power, LLC's predecessor in interest to install, operate and maintain a landfill gas-to-energy facility that would collect the methane to generate electricity;

WHEREAS, in 2016, the County purchased the gas-to-energy facility, including the gas production rights, landfill gas collection system, gas to energy conversion system, and the electrical power generation and transmission facilities necessary to generate and deliver electricity;

WHEREAS, the Landfill's gas-to-energy facility generates approximately 20,000 kWh per year and eliminates more than 90% of methane emissions generated by the Landfill;

WHEREAS, the County utilizes the overhead power lines, substation, and utility easements along County Road 28H to transmit renewable electricity generated by the Landfill's gas-to-energy facilities, which is currently sold to the Sacramento Municipal Utility District (SMUD), which revenues the County uses to reduce the disposal cost per ton to all constituents in Davis, West Sacramento, Winters, Woodland and unincorporated Yolo County (the County Road 28H Public Utility Easement Project or "the Project");

WHEREAS, the electric facilities along County Road 28H are currently within easement areas that the County acquired from Neo Yolo and MM Yolo pursuant to easement agreements that expire as of December 31, 2024;

WHEREAS, the purpose of the Project is to establish a permanent easement for the continued operation and maintenance of the Landfill's gas-to-energy electric facilities along the Project alignment, which currently supply renewable power and reduce the global warming potential of the Landfill's gas emissions; and

WHEREAS, to allow the Project and the Landfill's gas-to-energy facilities to continue, the County has determined that it needs to acquire certain permanent property interests more particularly described in Exhibit 1 and Exhibit 2 attached hereto (the "Property") and located in the unincorporated area of Yolo County, California.

WHEREAS, California Government Code section 25350.5 and California Code of Civil Procedure sections 1240.010, 1240.040, and 1240.510 authorize the County Board of Supervisors to acquire by eminent domain for the Project; and

WHEREAS, each person whose name and address appeared on the last equalized Yolo County Assessment Roll as an owner of the Property has been given notice and a reasonable opportunity to appear and be heard on the matters referred to in California Code of Civil Procedure section 1240.030 in accordance with California Code of Civil Procedure section 1245.235, and on the date and at the time and place fixed for hearing, this Board did hear and consider all of the evidence presented.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF YOLO COUNTY:

Based upon the evidence presented, the Board of Directors by vote of two-thirds or more of its members hereby finds and determines each of the following:

1. The public interest and necessity require the Project.
2. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The property interests described in Exhibit 1 and Exhibit 2 attached hereto are necessary for the Project.
4. The County has made the offer required under Section 7267.2 of the Government Code to the owners of record or representatives of the owners of record of the Property.
5. All conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the property interests described in Exhibit 1 and Exhibit 2 attached hereto have been complied with by the County.
6. The easements to be acquired are located on parcels of property subject to a Land Conservation Contract pursuant to section 51200, et seq., of the California Government Code. As a result, the County makes the following additional findings relating to the property interests to be acquired: (a) the location of the easements to

be acquired is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve; and (b) there is no other land within or outside the agricultural preserve on which it is reasonably feasible to locate the proposed Project.

7. The County possesses the statutory authority to acquire the Property by eminent domain, including pursuant to Government Code section 25350.5 and Code of Civil Procedure sections 1240.010, 1240.040, and 1240.510.
8. That the County, its appropriate officers, employees, and agents, including legal counsel retained or employed by the County, are hereby authorized and empowered:
 - a. To acquire, in the name of the County, the property interests described in Exhibit 1 and Exhibit 2 attached hereto, by condemnation in accordance with the provisions of the Eminent Domain Law of the State of California.
 - b. To prepare, file, and prosecute in the appropriate court, such proceedings in eminent domain as are necessary for the acquisition of the Property.
 - c. To deposit the probable amount of compensation with the appropriate authority.
 - d. To make application to a court of competent jurisdiction for an order permitting the County to take immediate possession and use of the Property.

PASSED AND ADOPTED this 24th day of September, 2024, by the Board of Supervisors, County of Yolo, State of California, by the following vote:

AYES:
NOES;
ABSENT:
ABSTAIN:

Lucas Frerichs, Chair
Yolo County Board of Supervisors

Attest:
Julie Dachtler, Senior Deputy Clerk
Yolo County Board of Supervisors

Approved as to Form:
Philip J. Pogledich, County Counsel

By _____
Deputy (Seal)

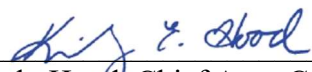
By 
Kimberly Hood, Chief Asst. County Counsel

EXHIBIT 1

PUBLIC UTILITY EASEMENT

COUNTY OF YOLO, a political subdivision of the State of California (“County”), hereby acquires in perpetuity an easement for public utility purposes in, on, over, along, across, and under that certain land situated in the County of Yolo, State of California, and more particularly described in **Exhibit A** and depicted in **Exhibit B**, attached hereto and made a part hereof. Such public utility purposes include, but are not limited to, the continued maintenance, operation, reconstruction, and removal of a substation and overhead electrical power lines.

EXHIBIT "A"
DESCRIPTION OF
GRANT OF POWER LINE RIGHT-OF-WAY AND EASEMENT

All that real property situated within the southwest one-quarter of Section 26, Township 9 North, Range 2 East, Mount Diablo Meridian, County of Yolo, State of California and being a portion of the Lands of T. Ross Kelly Revocable Trust dated June 19, 2012, as described in that certain Grant Deed recorded on December 30, 2013, in Document Number 2013-0039924, Official Records of Yolo County and further described as follows:

Being all of Parcel 1 as shown and so designated on that certain Parcel Map entitled "PARCEL MAP NO. 3745 FOR WELLHEAD ELECTRIC COMPANY, INC." filed for record on October 8, 1992, in Book 10 of Parcel Maps, at Page 77, Yolo County Records.

Together with the following:

Beginning at a 7/8 inch open iron pipe bent marking the northwest corner of said Parcel 1; thence from said **POINT OF BEGINNING** coincident with the west line of said Parcel 1, South 00°49'22" West a distance of 50.19 to a 7/8 inch open iron pipe marking the southwest corner of said Parcel 1; thence coincident with the south line of said Parcel 1, South 89°30'23" East a distance of 30.00 feet; thence leaving said south line of Parcel 1, South 00°45'02" West a distance of 12.32 feet; thence North 74°22'32" West a distance of 54.12 feet to the easterly right-of-way line of County Road 102; thence coincident with said easterly right-of-way line of County Road 102, North 00°48'07" East a distance of 48.52 feet; thence leaving said easterly right-of-way line of County Road 102, South 89°09'54" East a distance of 22.34 feet to the **POINT OF BEGINNING**.

Further together with the following:

A strip of land, forty feet (40') in width, measured at right angles, lying twenty feet (20') on both sides of the following described centerline:

Commencing at the southwest corner of said Section 26; thence North 10°45'44" East a distance of 404.71 to the True Point of Beginning; thence from said **TRUE POINT OF BEGINNING** South 89°09'54" East a distance of 92.25 feet; thence South 00°45'02" West a distance of 306.60 feet; thence South 89°00'58" East a distance of 2,477.95 feet more or less to the east line of the southwest one-quarter of said Section 26 and being the point of termination from which the south one-quarter corner of Section 26 bears South 00°51'11" West a distance of 63.57 feet.

The sidelines of said strip shall be extended or shortened as necessary so as to meet at angle points and terminate on the east line of said southwest one-quarter of Section 26.

See Exhibit B, plat to accompany description, attached hereto and made a part hereof.

This legal description was prepared by me or under my supervision pursuant to Section 8729 (2) of the Professional Land Surveyors Act.

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02/09/2024
SEL

CR CdB

Carl R. C.de Baca, PLS 5854
License Expiration Date: 12-31-24

Date: 2/13/24



Description prepared by:
R.E.Y. ENGINEERS, INC.
905 Sutter Street, Suite 200, Folsom, CA 95630

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1690.001-KELLY-DESC.docx

EXHIBIT B

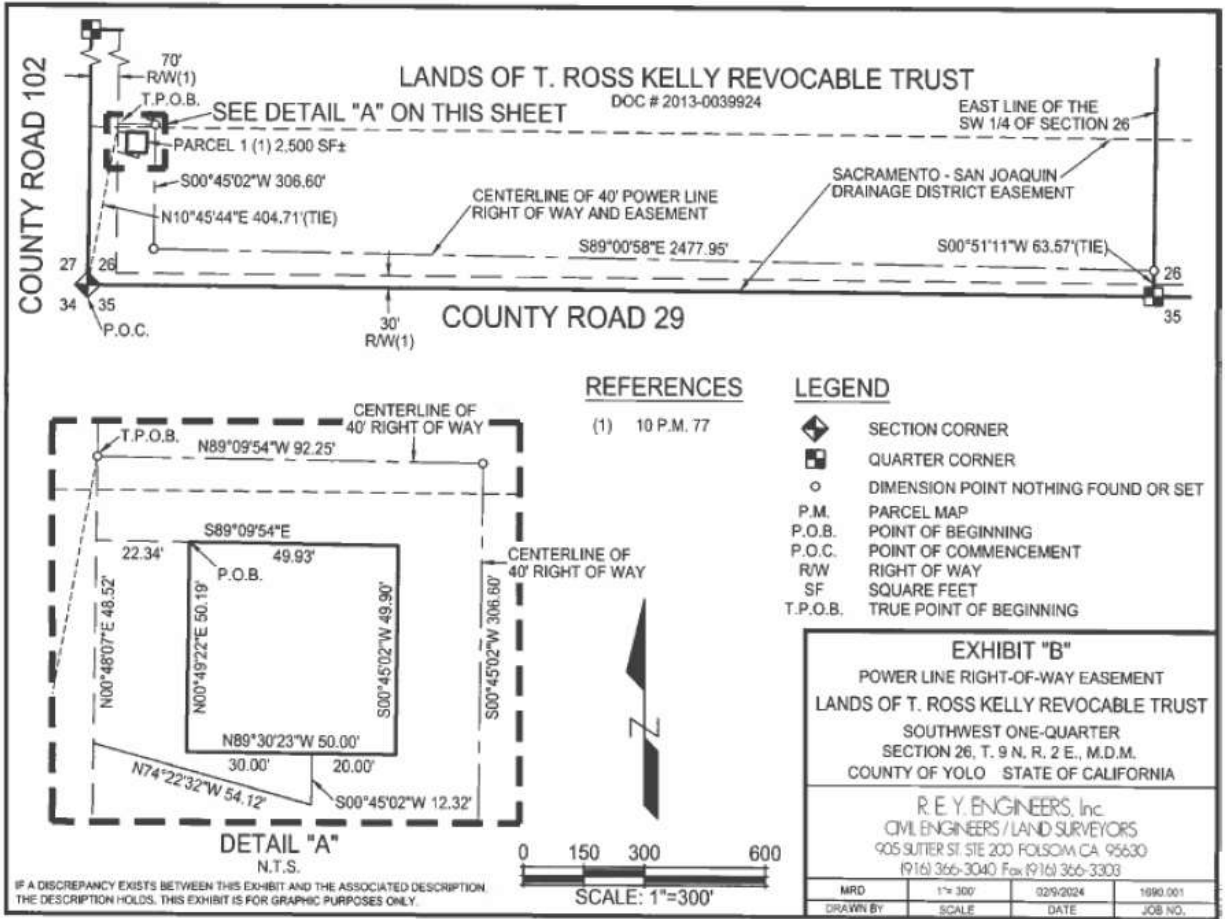


EXHIBIT 2

PUBLIC UTILITY ACCESS EASEMENT

COUNTY OF YOLO, a political subdivision of the State of California (“County”), hereby acquires in perpetuity an easement for public utility purposes in, on, over, along, across, and under that certain land situated in the County of Yolo, State of California, and more particularly described in **Exhibit A** and depicted in **Exhibit B**, attached hereto and made a part hereof. Such public utility purposes include, but are not limited to, the continued maintenance, operation, reconstruction, and removal of access facilities.

EXHIBIT "A"

ACCESS EASEMENT

All that real property situated within the southwest one-quarter of Section 26, Township 9 North, Range 2 East, Mount Diablo Meridian, County of Yolo, State of California and being a portion of the Lands of T. Ross Kelly Revocable Trust dated June 19, 2012, as described in that certain Grant Deed recorded on December 30, 2013, in Document Number 2013-0039924, Official Records of Yolo County and further described as follows:

Commencing at the southwest corner of said Section 26; thence coincident with the south line of said one-quarter of Section 26, South 89°38'36" East a distance of 70.00 feet to the east Right-of-Way line of County Road 102 as shown on that certain Parcel Map entitled "PARCEL MAP NO. 3745 FOR WELLHEAD ELECTRIC COMPANY, INC." filed for record on October 8, 1992, in Book 10 of Parcel Maps, at Page 77, Yolo County Records; thence leaving the said south line of one-quarter of Section 26, coincident with the said East Right-of-Way line, North 00°48'07" East a distance of 308.86 feet to the True Point of Beginning; thence from said **TRUE POINT OF BEGINNING** and continuing coincident with said east Right-of-Way line, North 00°48'07" East a distance of 20.69 feet; thence leaving said east Right-of-Way line for the following two (2) courses and distances:

1. South 74°22'32" East a distance of 54.12 feet; and
2. North 00°45'02" East a distance of 12.32 feet to the south line of Parcel 1 of said Parcel Map;

thence coincident with the south line of said Parcel 1, South 89°30'23" East a distance of 20.00 feet; thence leaving the south line of said Parcel 1 for the following four (4) arc, courses and distances:

1. South 00°45'02" West a distance of 17.72 feet;
2. South 74°22'32" East a distance of 45.49 feet;
3. South 88°58'11" East a distance of 381.81 feet to a point of curvature; and
4. 68.21 feet along the arc of a tangent 38.50 foot radius curve to the left through a central angle of 101°30'19" to a point of curvature and the southwesterly Right-of-Way of County Road 28H as described in that certain Grant Deed recorded on July 15 1982 in Book 1532, at Page 166, Official Records of Yolo County;

thence coincident with the said southwesterly right-of-way, from a radial line which bears North 21°20'16" East, 26.86 feet along the arc of a non-tangent 1235.00-foot radius curve to the left through a central angle of 01°14'47" to a point of curvature; thence leaving said southwesterly Right-of-Way for the following two (2) arc, course and distance:

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1. from a radial line which bears South 59°56'33" East, 51.94 feet along the arc of a non-tangent 25.00 foot radius curve to the left through a central angle of 119°01'39"; and
2. South 88°58'11" East a distance of 108.32 feet to a point of curvature and said southwesterly Right-of-Way;

thence coincident with said southwesterly right-of-way, from a radial line which bears North 13°48'29" East, 113.61 feet along the arc of a non-tangent 1235.00-foot radius curve to the left through a central angle of 05°16'15"; thence leaving said southwesterly Right-of-Way for the following two (2) courses and distances:

1. North 88°58'11" West a distance of 689.37 feet; and
2. North 74°22'32" West a distance of 117.58 feet to the True Point of Beginning.

Containing 16,591 Square feet.

See Exhibit B, plat to accompany description, attached hereto and made a part hereof.

This legal description was prepared by me or under my supervision pursuant to Section 8729 (2) of the Professional Land Surveyors Act.



Carl R. C. de Baca
License Expiration Date: 12-31-24

Date: 2/13/24



Description prepared by:
R.E.Y. ENGINEERS, INC.
905 Sutter Street, Suite 200, Folsom, CA 95630

N:\1690 - CMD West\001 - Lands of T. Ross Kelly Revocable Trust\10 - CAD Drawings\Plats\
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EXHIBIT B

