

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: DAN HENNESSEY, DIRECTOR,
TRANSPORTATION AND PUBLIC WORKS DEPARTMENT
SUBJECT: A RESOLUTION OF NECESSITY FOR THE ACQUISITION BY
EMINENT DOMAIN OF EASEMENT INTERESTS IN PORTIONS
OF REAL PROPERTY COMMONLY KNOWN AS 408 DUNCAN
STREET, APN 010-495-010

AGENDA ACTION: PUBLIC HEARING AND RESOLUTION

RECOMMENDATION

The Transportation and Public Works Department recommends that the Council conduct a public hearing and adopt a Resolution of Necessity, by a two-thirds vote, declaring the necessity of acquisition, by eminent domain, of an easement interest (4,533 square feet) and a temporary construction easement interest (1,620 square feet) in portions of real property, described as Assessor Parcel No. 010-495-010, for the Santa Rosa Creek Trail Access at N. Dutton Ave (West Side) Project ("Project") in Santa Rosa, California. This item has no impact on current fiscal year budget.

EXECUTIVE SUMMARY

Acquisition, by eminent domain, of an easement interest (4,533 square feet) and a temporary construction easement interest (1,620 square feet) in portions of real property (collectively, the "Subject Property") commonly known as 408 Duncan Street will allow the City to construct a bicycle and pedestrian ADA compliant access pathway from the West side of North Dutton Avenue to the multi-use path along Santa Rosa Creek, which is a critical link in the off-street trail network.

GOAL

This item relates to Council Goal #2 - Invest in the Development and Maintenance of the City's Infrastructure and Council Goal #4- Foster a Safe, Healthy and Inclusive Community- because acquisition of the easement interests and construction of the path will support multi-modal transportation, promote equity and inclusion and align with City-adopted policies for sustainable, accessible and connected public infrastructure.

BACKGROUND/PRIOR COUNCIL REVIEW

The Project closes a critical gap in the City's bicycle and pedestrian network and directly supports policy goals outlined in the Santa Rosa General Plan, the Citywide Creek Master Plan, and the 2025 Active Transportation Plan.

On November 2, 2004, Sonoma County voters passed Measure M- the Traffic Relief and Road Improvement Measure. Measure M specifically identified bicycle and pedestrian improvements, including trail connectivity, as a funding priority to improve safety, reduce congestion and provide alternatives to automobile travel.

On August 16, 2005, the City Council, by Resolution No. 26361, approved Measure M Cooperative Funding Agreement No. M70106-05 between Sonoma County Transportation Authority ("SCTA") and the City of Santa Rosa for use of Measure M funds for the Santa Rosa Creek Trail – Dutton Avenue Access (West Side) Project, which Agreement enables the City and SCTA to work cooperatively in developing bicycle and pedestrian improvements along Santa Rosa Creek.

On May 8, 2018, the City Council, by Resolution No. RES-2018-068, approved Amendment No. 1 to Measure M Cooperative Funding Agreement No. M70106-05 between SCTA and the City of Santa Rosa.

On July 9, 2024, Council reviewed and adopted a Mitigated Negative Declaration for the Project.

The first two phases of the Project have been completed in other areas of the City. Phase III of the Project- Santa Rosa Creek Trail – Dutton Avenue Access (West Side) - is scheduled to be completed in Fall 2026, pending acquisition of the Subject Property interests.

The Subject Property is a portion of property commonly known as 408 Duncan Street and more particularly described as Assessor Parcel Number 010-495-010 ("Property") and is owned by Jim Beal ("Owner").

The Property is 0.35 acres in size and is zoned as R-1-6 (Residential Low Density) by the City of Santa Rosa.

The Property is improved with a 976 square foot single-family residence built in 1964, according to the Assessor's records, and a two-car garage of approximately 480 square feet, which building improvements will not be impacted by the Project. However, the acquisition will result in a variety of landscaping to be removed in the construction of the Project. This includes dry-farmed grapevines, numerous trees, some railroad tie retaining wall segments and some perimeter fencing, all of which factored into the appraisal valuation.

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The City obtained an appraisal of the real estate from Ryan Ward of Ward Levy Appraisal Group Inc. ("Appraiser"). The City made an offer of just compensation to the Owner for the acquisition of property interests, pursuant to California Government Code section 7267.2.

ANALYSIS

The permanent easement interest (4,533 sq ft) and temporary construction easement interest (1,620 sq ft) in portions of Assessor Parcel Number 010-495-010, are necessary for the Project to be built.

The City acquisition and negotiations process has transpired over the course of the past eight (8) months, including but not limited to the following dates:

1/8/2025--The Notice of Decision to Appraise was sent to Owner;
1/29/2025- The City project team and Owner met at the Property to discuss the Project;
2/26/2025- The easements were staked for purposes of the appraisal;
2/28/2025- Owner accompanied the Appraiser during inspection of the Property;
4/3/2025- The Appraiser valued the easement interests in the appraisal report ("Appraisal");
4/8/2025- An offer was made to Owner in the amount of the appraised value;
5/1/2025- The City project team and Owner met at the Property and the Owner stated a disagreement with the offer amount.

Despite encouragement from the City over the next several months to seek an independent appraisal at City expense, and in accordance with Council Policy No. 000-59, Reimbursement of Reasonable Costs for Independent Appraisals, Owner has declined to do so, and, as a result, the City and Owner are unable to come to agreement on the price and terms of the acquisition of the Subject Property interests.

Based on the current schedule, the Subject Property will be necessary for construction by approximately March 2026, so the City must start the eminent domain process immediately to avoid potential delays or change orders from the contractor should the City not succeed in obtaining a settlement agreement with Owner.

Adopting the Resolution of Necessity will allow the Project to stay on schedule while still allowing the parties to continue to negotiate should they choose to do so. In the absence of a Resolution of Necessity, the Owner must accept the original offer in the amount of the Appraisal or provide an independent appraisal that will allow the parties to negotiate a different purchase price. Choosing not to adopt a Resolution of Necessity at this time will result in the Project being unable to move forward, since the Subject Property interests are necessary to the Project.

FISCAL IMPACT

Approval of this action does not have a fiscal impact on the General Fund. Funds for the purchase of the Subject Property were previously appropriated into Job Ledger account number 17582.

ENVIRONMENTAL IMPACT

The potential environmental effects of the recommended action were adequately analyzed by the Mitigated Negative Declaration approved by Council on July 9, 2024, and no substantial changes to the Project, no substantial changes in circumstances, and no new information of substantial importance have emerged that would require additional environmental review under CEQA Guidelines Section 15162. Accordingly, no further CEQA action is required.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Following standard public records and due diligence searches for ownership information, a notice of the public hearing was mailed to the Owner on October 24, 2025, by first class mail.

HEARING AND REQUIRED FINDINGS

The recommended actions of the City Council pertain to the acquisition of specified easements on the Property identified as Assessor Parcel No. 010-495-010, owned by Jim Beal.

California eminent domain law provides that a public entity may not commence an eminent domain proceeding until its governing body has adopted a Resolution of Necessity, which resolution may only be adopted after the governing body has given each party with an interest in the affected property or their representatives a reasonable opportunity to appear and be heard on the following matters:

1. The public interest and necessity require the proposed Project.
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 real property to be acquired is necessary for the Project.
4. The offer of just compensation has been made to the property owner.

All notices of hearing were mailed on October 24, 2025, by first class mail to Owner in accordance with Section 1245.235 of the California Code of Civil Procedure.

The above four required findings are addressed as follows:

1. The Public Interest and Necessity Require the Proposed Project

The trail access is necessary to provide a protected and formalized connection to the Santa Rosa Creek Trail from the west side of North Dutton Avenue and to promote alternative, sustainable modes of transportation such as walking and bicycling. The Project is the third and final phase of a project designed to close critical gaps in the bicycle and pedestrian network in accordance with policy goals outlined in the Santa Rosa General Plan, the Citywide Creek Master Plan and the 2025 Active Transportation Plan. Currently, there is no other safe or feasible crossing in this area, creating a significant gap in the active transportation network on the west side of N. Dutton Avenue. The Project will improve equity in access to public infrastructure, as nearby neighborhoods currently lack access to the Santa Rosa Creek Trail due to physical and topographical barriers. It will also provide equitable, ADA-compliant access for all users, including those with disabilities. By creating a direct trail entrance, the Project will enhance connectivity and reduce traffic congestion, encouraging active transportation in place of short vehicle trips, improving air quality, conserving energy, promoting health and strengthening community identity.

2. The Project is Planned or Located in a Manner That Will be Most Compatible With the Greatest Public Good and the Least Private Injury

The alignment through the Property was identified as the only viable and practical option that allows for a direct, ADA-compliant trail connection with appropriate sight lines, minimal environmental impact, and the least disruption to adjacent properties. Existing private development, topographical constraints, and lack of public right-of-way make it physically impracticable to construct a safe and functional access point elsewhere along the corridor. A direct crossing of N. Dutton Avenue from the East side, while considered, was found to be infeasible and unsafe due to the vertical and horizontal curvature of the roadway. These geometric conditions severely limit visibility for both pedestrians and drivers, failing to meet modern safety standards for pedestrian crossings. In addition to safety concerns, an on-street crossing would require a considerably longer and indirect route for trail users, reducing convenience, accessibility and overall trail usability, particularly for individuals with limited mobility.

3. The Real Property to be Acquired is Necessary for the Proposed Project

The real property described in the exhibits attached to the Resolution of Necessity, as one permanent easement interest and one temporary construction easement interest in portions of Assessor Parcel Number 010-495-010, is needed for the Santa Rosa Creek Trail Access at N. Dutton Ave (West Side) Project and is necessary for the Project. This location provides the optimal balance of safety, feasibility, accessibility

and public benefit and, given the absence of alternative access routes, is essential to the success of the Project.

4. The Offer of Just Compensation Has Been Made

The appraisal was used to establish the fair market value of the property interests the City is seeking to acquire. An offer of just compensation was made to the record owner to purchase the permanent easement and temporary construction easement interests as established by the appraisal and as required by Section 7267.2 of the California Government Code. Although negotiated settlements may still be possible for the property interests cited above, it would be appropriate to commence the procedures to acquire the necessary property interests through eminent domain, to ensure that the City has possession of the Subject Property, which is necessary in order for the City to continue timely construction of the Project.

ATTACHMENTS

- Resolution/Exhibit A – Legal Definitions

PRESENTER(S)

Gregory Mariscal, Supervising Engineer
Stephanie Valkovic, Associate Real Property Agent