

MARIN EMERGENCY RADIO AUTHORITY
c/o Novato Fire Protection District
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Resolution No. 2016-15

**A RESOLUTION OF NECESSITY OF THE
MARIN EMERGENCY RADIO AUTHORITY
GOVERNING BOARD
WITH RESPECT TO THE ACQUISITION OF A LEASEHOLD INTEREST OVER
A PORTION OF REAL PROPERTY NECESSARY FOR THE
“TOMALES TELECOMMUNICATION FACILITY PROJECT”.**

WHEREAS, over the past several years the Marin Emergency Radio Authority (MERA) has been planning to expand emergency radio communications coverage in western Marin County; and

WHEREAS, specifically MERA has determined the need for expanded coverage in the Tomales area; and

WHEREAS, MERA staff determined that the development of an emergency radio communications site on a portion of property located at 28375 State Route 1, Tomales, (Property) commonly known as the “Parks Ranch” and also identified as Assessor Parcel No. 100-050-42, would be the best and preferred site to enhance and expand MERA system coverage; however

WHEREAS, the Property is encumbered with an Agricultural Conservation Easement (Easement) in favor of the Marin Agricultural Land Trust by that certain Deed recorded February 20, 2001 in the Office of the Marin County Recorder as document number 2001-0007371; and

WHEREAS, the Easement cannot be rescinded or otherwise amended for non-authorized uses, such as the MERA project, in the absence of an appropriate exercise of a public entity’s power of eminent domain;

NOW, THEREFORE the Marin Emergency Radio Authority Governing Board hereby finds that the proposed project is exempt from the California Environmental Quality Act, Public Resources Code Sections 21000, et seq. (“CEQA”) and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.). This action is found to be exempt from further review on the basis of Section 15303 (Class 3). The project entails the installation and operation of a new emergency radio facility that would not result in grading, tree removal, or other potentially significant impacts on the environment. The site is served by an existing roadway and electrical power. The radio facility does not require water service or sewage collection. The 150 square foot radio

building, 50 square foot emergency generator and monopole will not occupy more than 230 square feet of land area. The subject property is zoned for the proposed use and the emergency radio facility does not involve the use of significant hazardous materials. Additionally a report prepared by Hammett and Edison, Inc. dated December 1, 2010 concludes that the proposed facility would not result in any direct or cumulative significant risks with respect to human exposure to radio frequency fields emitted by the proposed and existing telecommunications facilities.

NOW, THEREFORE, BE IT RESOLVED by the Marin Emergency Radio Authority Governing Board as follows pursuant to California Code of Civil Procedure Section 1245.230:

1. The public use for which the interest in real property is to be taken, specifically the MALT easement, is for an emergency radio communications facility to serve the County of Marin and its emergency agencies. Exercise of the power of eminent domain to acquire real property or an interest therein for this purpose by MERA is provided by California Government Code Section 6508.
2. The property to be taken comprises a 1,365 square foot emergency radio communications equipment site, a 10 foot wide by 1,000 +/- long underground utility area and an existing gravel access road beginning at the entrance to the property off of State Route 1 through the property to the site all of which will be located within the property. The property and emergency radio communications site are graphically identified on the "Site Plan Exhibit" attached to this Resolution as Exhibit "A."

FURTHER, the Marin Emergency Radio Authority Governing Board finds and determines each of the following:

1. The public interest and necessity require this proposed project.
2. This proposed project is planned and located in a manner that will be most compatible with the greatest public good and the least private injury.
3. The property described in this resolution is necessary for the proposed project.
4. The offer required by California Government Code Section 7267.2 has not been made in this matter because the holder of the MALT easement has specifically consented to the acquisition dependent upon the adoption of an otherwise appropriate Resolution of Necessity. In addition, the holder of the MALT easement has been fully informed of their right to receive just compensation for the property rights being sought, and have elected to not claim or receive just compensation under California Government Code Section 7267.7(b).
5. The owners of the property and the holder of the MALT easement have specifically waived the notice and hearing requirements of California Code of Civil Procedure Section 1245.230.

ADOPTED AND APPROVED at a regular meeting of the Governing Board of the Marin
Emergency Radio Authority held on this 24th day of August, 2016 by the following vote:

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT:

President

Executive Officer