

Olivehurst Public Utility District



Agenda Item Staff Report

Meeting Date: March 19, 2026

Item description/summary:

Overview of Requirements and Request for Authority to Carry Out Next Steps for Resolution of Necessity Relating to Acquisition of Property by Eminent Domain for Expansion of South Yuba County Regional Wastewater Project:

The purpose of this staff report is to apprise the Board of Directors of the Olivehurst Public Utility District (“OPUD”) regarding a process that may become necessary with respect to a parcel the District is attempting to acquire for the expansion of the South Yuba County Regional Wastewater Project.

Under California law, the OPUD cannot acquire private property via eminent domain unless and/or until the Board of Directors has adopted a Resolution of Necessity by a four-fifths majority vote. The statutory requirement that a public entity adopt a Resolution of Necessity before initiating a condemnation action is designed to ensure that public entities will verify and confirm the validity of their intended use of the power of eminent domain prior to the application of that power in any one particular instance.

OPUD has engaged in protracted negotiations with Robert W. Eneix and Leah A. Eneix regarding their property at 2795 Plute Road, Marysville, California 95901, APN: 014-510-023. Although on several occasions, it has appeared that the parties have reached agreement, no agreement has yet been signed. Therefore, staff seeks delegation of authority from the Board of Directors to carry out the below-listed steps.

OPUD must initiate the following before it can consider adopting a Resolution of Necessity that, if adopted, would authorize commencement of litigation to acquire property via eminent domain:

- (1) Obtain an appraisal of the fair market value;
- (2) Offer fair market value to the owner in a letter (see Gov. Code 72672);
- (3) Wait 2-3 weeks to see if an amicable resolution can be reached; and
- (4) Provide 15-days advanced notice of a hearing on a Resolution of Necessity.

Fiscal Analysis:

The fiscal impact of a voluntary acquisition will be the property acquisition cost. If a voluntary acquisition is not possible and OPUD files a complaint in eminent domain following the Board's consideration and adoption of a Resolution of Necessity at a duly noticed public hearing, the fiscal impact will include acquisition cost plus OPUD's attorneys' fees and costs.

OPUD has already carried out the first several steps. If OPUD is unable to reach an agreement for a voluntary acquisition of the property, OPUD will take the required next steps to bring a Resolution of Necessity to the Board for its consideration at either the next regularly scheduled Board of Directors meeting or a Special Meeting, depending on timing constraints.

Employee Feedback

N/A.

Sample Motion:

N/A.

Prepared by:

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