

**Heer Property Acquisition
13th Street Bridge Widening**

**HEARING RECORD
Exhibit 5**

June 17, 2003
City Council Meeting

COPY

**NOTICE OF INTENT TO ADOPT RESOLUTION OF NECESSITY
TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN
(Code of Civil Procedure, Section 1245.235)**

To Donna Heer and Walter Heer:

California Code of Civil Procedure, Section 1240.030, provides that the power of eminent domain may be exercised by a city to acquire property for a proposed municipal project if the following conditions are established:

- a) The public interest and necessity require the project.
- b) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- c) The property sought to be acquired is necessary for the project.
- d) The offer required by Section 7267.2 of the Government Code has been made to the owner of record.

You are hereby notified that the City Council of the City of Paso Robles will meet to consider the adoption of a Resolution of Necessity regarding your property on June 17, 2003 at 7:30 p.m. at 1000 Spring Street, Paso Robles, California. You may appear personally or through a representative, if you so choose. The Council will decide if the above conditions are met. Questions regarding the amount of compensation to be paid are not part of this proceeding and the City Council will not consider compensation in determining whether a resolution should be adopted.

If adopted, the resolution will authorize the City of Paso Robles to acquire a portion of your property by eminent domain for the project known as the widening of the 13th Street Bridge, and for related purposes. A description of the required property, located at 101 Creston Road, Paso Robles, California (also identified as San Luis Obispo County Assessor's Parcel Number 009-401-018) is attached to the proposed resolution, which is included with this notice.

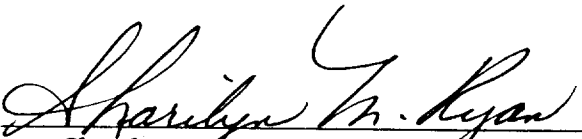
At the hearing, objections to the adoption of the resolution are limited to those issues set forth in (a), (b) and (c) above.

The City of Paso Robles must adopt a Resolution of Necessity before an eminent domain proceeding can be commenced. If the City Council adopts the Resolution of Necessity, the City of Paso Robles may commence eminent domain proceedings in the San Luis Obispo County Superior Court. In that proceeding, the Court will determine the amount of compensation to which you are entitled.

A copy of the proposed resolution is attached.

If you have any questions, please call me at (805) 237-3960.

CITY OF PASO ROBLES

BY: 
Sharilyn M. Ryan, Deputy City Clerk

cc: Thomas D. Green, Esq.
Iris P. Yang, City Attorney

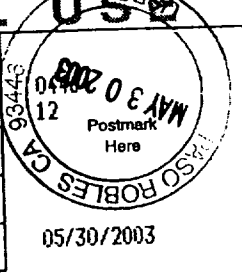
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Sent To Walter Heer
 Street, Apt. No., or PO Box No. 4740 Tower Road
 City, State, ZIP+4 Paso Robles Ca 93446

PS Form 3800, June 2002 See Reverse for Instructions

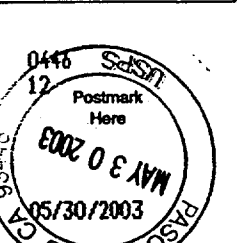
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Sent To Donna Heer
 Street, Apt. No., or PO Box No. 101 Creston Road
 City, State, ZIP+4 Paso Robles, Ca 93446

PS Form 3800, June 2002 See Reverse for Instructions

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