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February 20, 2025

VIA EMAIL

City Council of the City of Clearlake
c/o Alan Flora
City Manager
City of Clearlake
14050 Olympic Drive
Clearlake, CA 95422
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Tel: (707) 994-8201

Re: Notice of Objection and Request for Opportunity to be Heard at Hearing on Resolution of Necessity; Site Address: 12105 San Joaquin Extension, Clearlake, CA 95422; APN 037-171-100

To The Honorable City Council Members:

We have been retained as counsel by Andrew and Bailey Hulett (“the Hulett’s”) with respect to the proposed acquisition by the City of Clearlake (“City”) by eminent domain of portions of the above-referenced property (“Subject Property”) for the Gooseneck Landslide Emergency Repair Project (“Project”)

The Hulett’s do not question the necessity of the Project itself. However, as discussed below, they question the need for taking the Hulett’s’ property for that Project, and they also question the extent of the taking.

The Hulett’s hereby object to the City Council Members’ consideration of adopting the above-referenced Resolution of Necessity, as they request postponement pending receipt of further information. If the hearing proceeds, they request the opportunity to be heard at the public hearing on February 20th, 2025.

A. The Resolution of Necessity Should Be Postponed.

The Huletts respectfully request that this matter be removed from any final determination at the February 20th, 2025 meeting because it is premature. The City has failed to adequately identify the boundaries of the proposed taking, and it has failed to identify the need for the extent of the taking that has been indicated. The City has not yet provided the Huletts with a plat map showing the relationship between the area proposed to be taken and the current and previously approved improvements on the Subject Property (including the Huletts' home itself, surrounding decks, and their garage). While they appreciate that stakes were recently placed by the City, these stakes do not clearly identify the boundary lines of the taking and there has not been any opportunity for the Huletts to obtain clarification. The information that the Hulett have received, including the drawings and stakes placed, raises questions that need to be answered before a proper hearing can take place. The Huletts would like additional time to get a full evaluation by walking the property with a representative from the City to help identify what is being taken and what boundaries, structures and improvements on the Subject Property would be affected.

B. The Huletts Object to Any Determination that the Taking Associated With the Project as Presently Configured is Necessary

However, in the event the Council decides to proceed with the public hearing for consideration of a Resolution of Necessity to acquire portions of the Subject Property, the Huletts object to such a finding on several grounds as discussed below:

1. The Proposed Taking is Planned and Located in a Manner That Is Not Compatible with The Greatest Public Good and the Least Private Injury

The Huletts respectfully disagree that the project currently proposed is being planned and located in a manner that is most compatible with the greatest public good and the least private injury as required under California Code of Civil Procedure Section 1240.030 (b). While they do not disagree that the Project itself is pursuant to the public interest, they do object to the amount of their Property proposed to be taken for the Project, although the boundaries remain somewhat uncertain. Additionally, the Huletts do not agree that any of the Subject Property needs to be taken to accomplish the Project.

The boundaries of the taking as indicated to date (though still not well understood) appear to indicate that the taking currently proposed would cause the Huletts to lose portions of the Subject Property that are the site of standing structures. One stake placed in connection with the proposed taking appears to indicate that a boundary line will be immediately adjacent to their home. If these stakes are accurate, the Huletts will be precluded from proceeding with previously-approved

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structures and improvements, and will be impaired in their ability to add and improve on the entire property and hinder their quiet enjoyment of the Subject Property, where they live with their family. They see no reason why the “public good” requires taking of these portions of the Subject Property.

2. The Property Sought to be Acquired is Unnecessary for the Project

The Huletts respectfully contest that the area sought to be taken is necessary for the Project within the meaning of Code of Civil Procedure § 1240.030(c). As stated above, they believe that the Project can be completed without taking any or all of the portion of the Subject Property proposed to be taken.

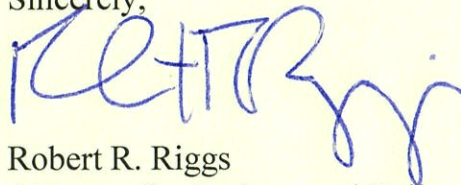
Conclusion

For the foregoing reasons, among others, the Huletts respectfully submit that the City should not consider adoption of the proposed Resolution of Necessity on February 20th, 2025.

In the event that the public hearing proceeds on February 20th, 2025, the Huletts respectfully request that the City Council should deny the Resolution of Necessity. They do not agree with the proposition that the taking as currently configured is necessary for the Project.

Thank you for your time and consideration.

Sincerely,



Robert R. Riggs
Attorney for Andrew and Bailey Hulett

cc via email: Dean Pucci, Counsel, City of Clearlake
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