

**Website:**www.sanbenitocountyca.gov**BOARD MEMBERS:**

DISTRICT 1 - Dom Zanger
DISTRICT 2 - Kollin Kosmicki
DISTRICT 3 - Mindy Sotelo
DISTRICT 4 - Angela Curro
DISTRICT 5 - Ignacio Velazquez

COUNTY EXECUTIVE OFFICER:
Esperanza Colio Warren

COUNTY COUNSEL:
Gregory P Priamos

CLERK OF THE BOARD:
Vanessa Delgado

Agenda Item
Regular Meeting of the
Board of Supervisors
Tuesday, August 25, 2026

Item Number: 1.12

MEETING DATE: 08/25/2026

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Deems Katada

DEPT HEAD/DIRECTOR: Deems Katada

SUBJECT:**PUBLIC WORKS - D. KATADA**

1. Approve settlement and adopt a resolution approving a Stipulation for Entry of Judgment in Condemnation and Issuance of Final Order of Condemnation between the County of San Benito and fee owners of property located at 401 Anzar Road, San Benito, CA also identified as Assessor's Parcel Number 012-040-044 needed for the Anzar Road Bridge Replacement Project; and
2. Authorize Chair to sign Stipulation for Entry of Judgment in Condemnation and Issuance of Final Order of Condemnation that has been signed by the property owners and approved as to form by County counsel and counsel for the fee owners; and
3. Authorize and direct the San Benito County Auditor to issue a County warrant in the amount of \$3,495.00 made payable to "Lani Sung" and forward payment to her attorney "Barton G. Hechtman, Matteoni, O'Laughlin & Hechtman, 848 The Alameda, San Jose, CA 95126" from Budget Unit Bridge Projects Fixed Asset Right of Way.

SBC FILE NUMBER: 105

RESOLUTION NO.: 2026-110

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

On December 10, 2024, this Board conducted a hearing and adopted a Resolution of Necessity making required findings and authorizing the commencement of eminent domain proceedings to acquire a fee take of 830 square feet and a five year temporary construction easement ("TCE") of 6,951 square feet from a portion of the property located at 401 Anzar Road, San Juan Bautista, CA 94054, APN: 012-040-

044 ("Subject Property") for the Anzar Road Bridge Replacement Project.

The Eminent domain action was filed on December 20, 2024. Ten defendants having an interest in the subject property were named in the action. Two of the fee owners were deceased, so the County served the fee owners and the heirs of the deceased fee owners that could be located. The unknown heirs and devisees of the deceased owners were served by publication. Once service was complete, the County took the default of eight of the fee owners including the heirs of the deceased fee owners and dismissed one defendant, who was not a fee owner and whose interest was outside of the acquisition area. Negotiations then commenced with the remaining fee owners Wendy Low, Trustee of the Wendy Low GST Trust U/A dated September 12, 1992, and Lani Sung, one of the heirs to both deceased fee owners. On the eve of the trial setting conference, a tentative settlement was reached subject to approval by the Board of Supervisors. If the settlement is not approved, trial will take place on February 8, 2027.

Wendy Low, Trustee of the Wendy Low GST Trust U/A dated September 12, 1992, and Lani Sung have agreed to settle the action and to receive just compensation in the amount of \$5,625 [\$2,500 and \$3,125 respectively] plus statutory costs. Statutory costs are recoverable by property owners in eminent domain cases as a matter of law. Each property owner is entitled to \$475 in statutory costs.

Prior to filing the action, the County made an offer to the fee owners in the amount of \$3,000. The date of value for the appraisal that was the basis for the \$3,000 determination is November 20, 2023. For purposes of trial, a new appraisal would need to be conducted using a date of value of January 1, 2025, the date we deposited the \$3,000 on behalf of the County. Property values have increased and most likely the amount of the County's appraisal would be higher than \$3,000. Fees and costs to go through a jury trial would be over \$100,000.

Payment to Wendy Low would be made from the monies on deposit. Payment due and owing to Lani Sung is \$3,495, if the settlement is approved.

FISCAL IMPACT:

This Project is budgeted for \$1,000,000.00 for FY 2026-2027.

STAFF RECOMMENDATION:

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2. Authorize Chair sign Stipulation for Entry of Judgment in Condemnation and Issuance of Final Order of Condemnation that has been signed by the property owners and approved as to form by County counsel and counsel for the fee owners; and
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ATTACHMENTS:

[Agenda Fact Sheet - Entry of Judgment](#)
[Resolution - Stipulation for Entry of Judgment](#)
[Stipulation for Entry of Judgment \(Attachment 1\)](#)