

MEMORANDUM

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: August 14-15, 2019

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.4a., Action Item

Prepared By: Jennifer S. Lowden, Chief
Division of Right of Way
and Land Surveys

Subject: **RESOLUTIONS OF NECESSITY - APPEARANCE**

ISSUE:

Should the California Transportation Commission (Commission) adopt Resolution of Necessity (Resolution) C-21756, for the parcel whose owners are contesting the declared findings of the California Department of Transportation (Department) under Section 1245.230 of the Code of Civil Procedure?

Prior to initiating Eminent Domain proceedings to acquire needed right of way for a programmed project, the Commission must first adopt a Resolution, stipulating specific findings identified under Section 1245.230 of the Code of Civil Procedure, which are:

1. The public interest and necessity require the proposed project.
2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The property is necessary for the proposed project.

An offer to acquire the property in accordance with Government Code Section 7267.2 has been made to the owner of record.

RECOMMENDATION:

The Department recommends the Commission adopt Resolution C-21756 summarized on the following page. This Resolution is for a transportation project on State Route 174 in District 3, in Nevada County.

*“Provide a safe, sustainable, integrated and efficient transportation system
to enhance California’s economy and livability”*

BACKGROUND:

Discussions have taken place with the owners, who have been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which they may subsequently be entitled. Adoption of this Resolution will not interrupt the Department's efforts to secure an equitable settlement. In accordance with statutory requirements, the owners have been advised that the Department is requesting the Resolution at the Commission's August 14-15, 2019 meeting. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-21756 - Rachel Corona, a single woman, as to an undivided 50% interest and Mark E. Carroll as Trustee of the Mark E. Carroll Revocable Living Trust Dated May 24, 2006, as to an undivided 50% interest

03-Nev-174-PM 4.08 - Parcel 36722-1, 2, 3 - EA 4F3709.

RWC Date: 08/01/2019; RTL Date: 08/20/2019. Conventional highway – realign roadway curves. Authorizes condemnation of land in fee for a State highway, a temporary easement for highway construction purposes, a permanent easement for utility purposes, and underlying fee. Located in the unincorporated area of Nevada County at 16130 Colfax Highway, Grass Valley. APN 12-250-05.

Attachments:

Attachment A – Project Information

Exhibit A - Project Maps

Attachment B – Parcel Panel Report

Exhibit B – Resolution of Necessity C-21756

Attachment C - Property Owners' letter to the Commission dated June 7, 2019

Exhibit C - Department Response dated June 14, 2019

Exhibit D - Department Response Letter dated July 17, 2019

ATTACHMENT A

Resolution of Necessity Appearance Fact Sheet

PROJECT DATA

03-Nev-174 PM 2.7/4.6
Project EA: 03-4F370, Project ID: 0314000152

Location:

In Nevada County on Route 174, near Peardale,
From Maple Way to You Bet Road

Limits:

5.4 miles southeast of Grass Valley and 5.0 miles
northwest of Colfax

Cost:

Capital Outlay Right of Way: \$2,503,000
Capital Outlay Construction: \$14,793,000

Funding Source:

SHOPP Safety Improvements 20.XX.201.010

Number of Lanes:

Existing: Two-lane Conventional Highway with narrow
shoulders in both northbound (NB) and southbound
(SB) directions.

Proposed: Two-lane Conventional Highway with
standard 8-foot shoulders in both NB and SB
directions, a SB left turn lane at Greenhorn Access
Road, improved geometry including horizontal and
vertical curves, improved sight distance, and an
improved Clear Recovery Zone (CRZ).

Proposed Major Features: Interchanges: N/A

Other:

Improve Nonstandard Horizontal Curve:

Existing horizontal curves do not meet standard radii
at several locations throughout the project limits. The
project proposes to improve or bring to full standard
several curve radii in accordance with the Highway
Design Manual (HDM). According to the HDM, for the
Design Speed of 45 MPH and a maximum
superelevation rate of 8%, the standard curve radius
should be 587'. Out of 12 total horizontal curves, 6
curves will not meet current design standards and

require design exceptions. These 6 curves, however, are equal to or greater in radius than the existing condition, providing an incremental improvement to the horizontal geometry.

Improve Nonstandard Vertical Curve:

Existing vertical curves do not meet standard length at several locations throughout the project limits. The project proposes to improve or bring to full standard curve lengths and sight distance in accordance with the HDM. According to the HDM, the minimum length of vertical curve is equal to $10V$, where V is the design speed. That equates to the minimum vertical curve length of 450 feet. Out of 19 vertical curves, 7 will not meet current design standards and require design exceptions. These 7 vertical curves, however, are equal to or greater in length than the existing condition, providing an incremental improvement to the vertical geometry.

Provide Standard Shoulder Width:

Existing shoulder width does not meet the current design standard for this type of facility. Existing shoulders vary in width from 0.1 to 5.3 feet wide. Standard 8-foot shoulders will be provided for both NB and SB sides throughout the entire project limits. Standard 8-foot shoulders will provide a more traversable and recoverable width and reduce collisions.

Improve Clear Recovery Zone (CRZ):

The Highway Design Manual (HDM) defines the CRZ as the unobstructed area, relatively flat (4:1 or flatter), beyond the edge of the traveled way (ETW) which allows drivers of errant vehicles the opportunity to regain control. Further, HDM Index 309.1(2) provides the minimum horizontal clearance from the ETW to the obstruction as 20-feet on conventional highways. Existing CRZ widths are non-standard at various locations due to the presence of a number of utility poles or steep slopes along the existing edge of pavement. The route realignment and the improved 8-foot shoulder width will require the overhead utility poles to be relocated. The joint PG&E and AT&T poles will be relocated as close to the State right of

way line as possible. providing improvement to the CRZ width.

Traffic:

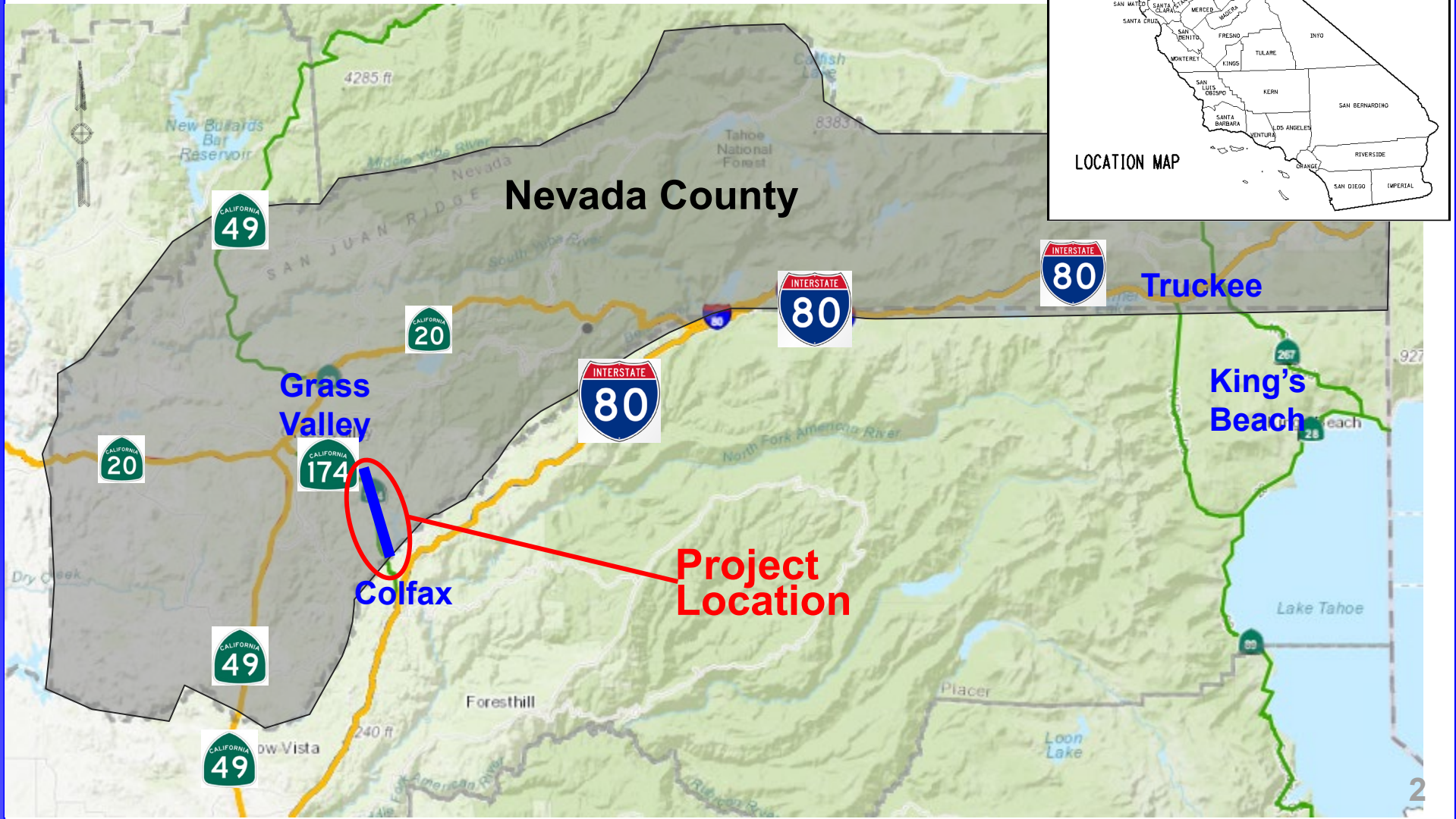
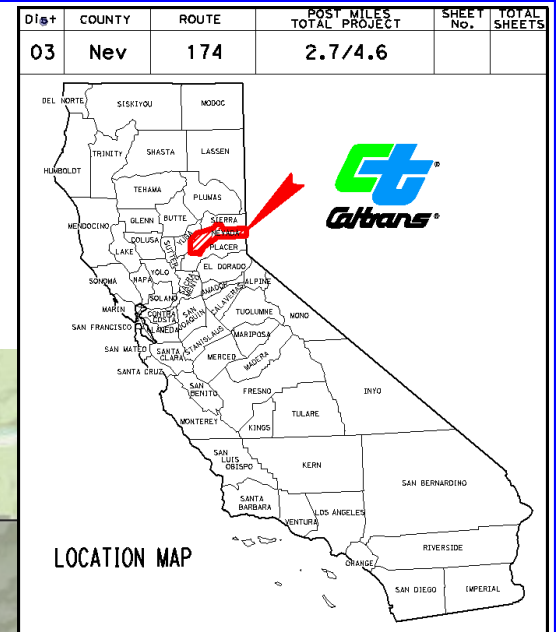
Existing (2019): 6,180 Annual Average Daily Traffic

Proposed (2021): 6,300 Annual Average Daily Traffic

EXHIBIT A

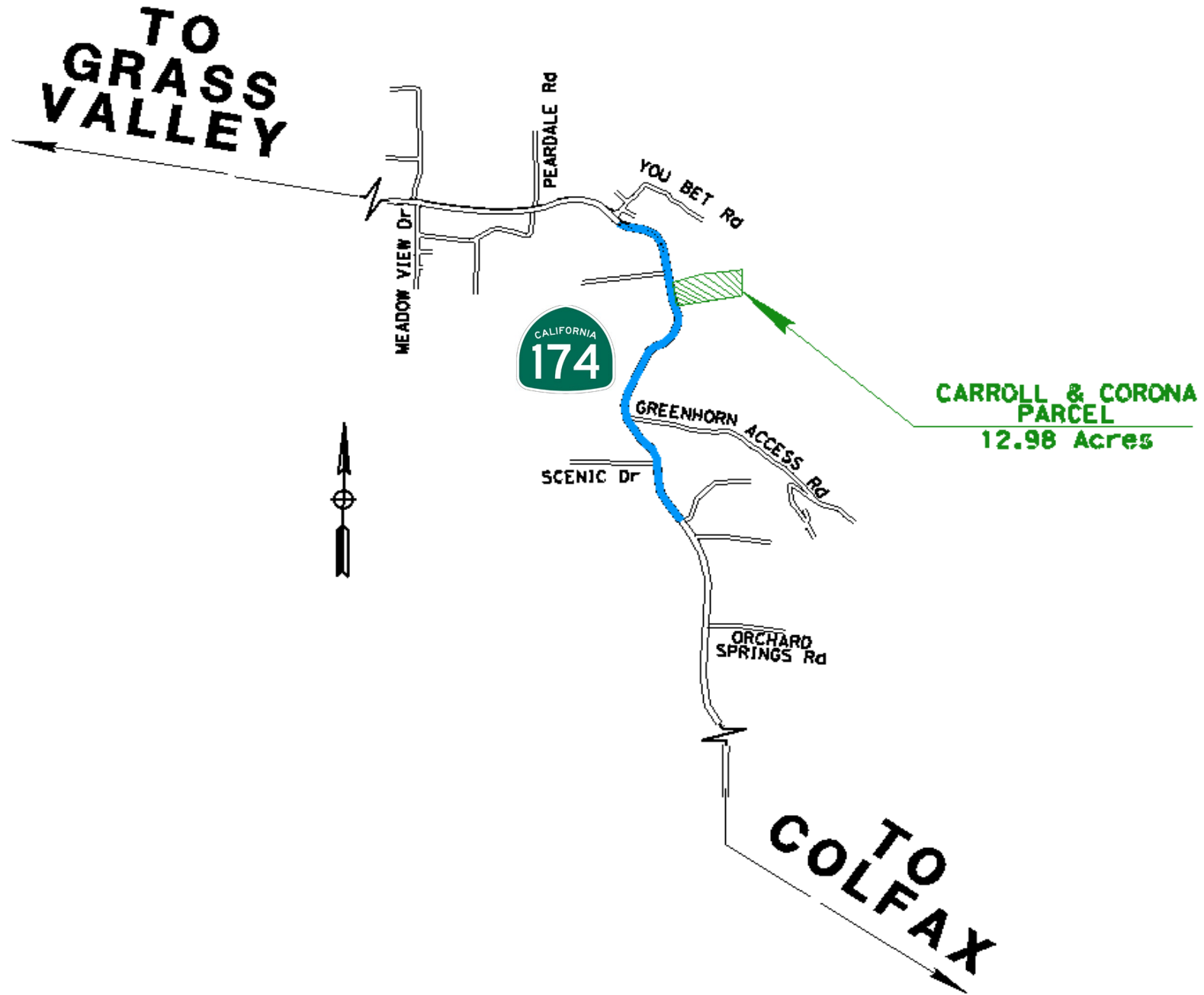
LOCATION MAP

State Route 174



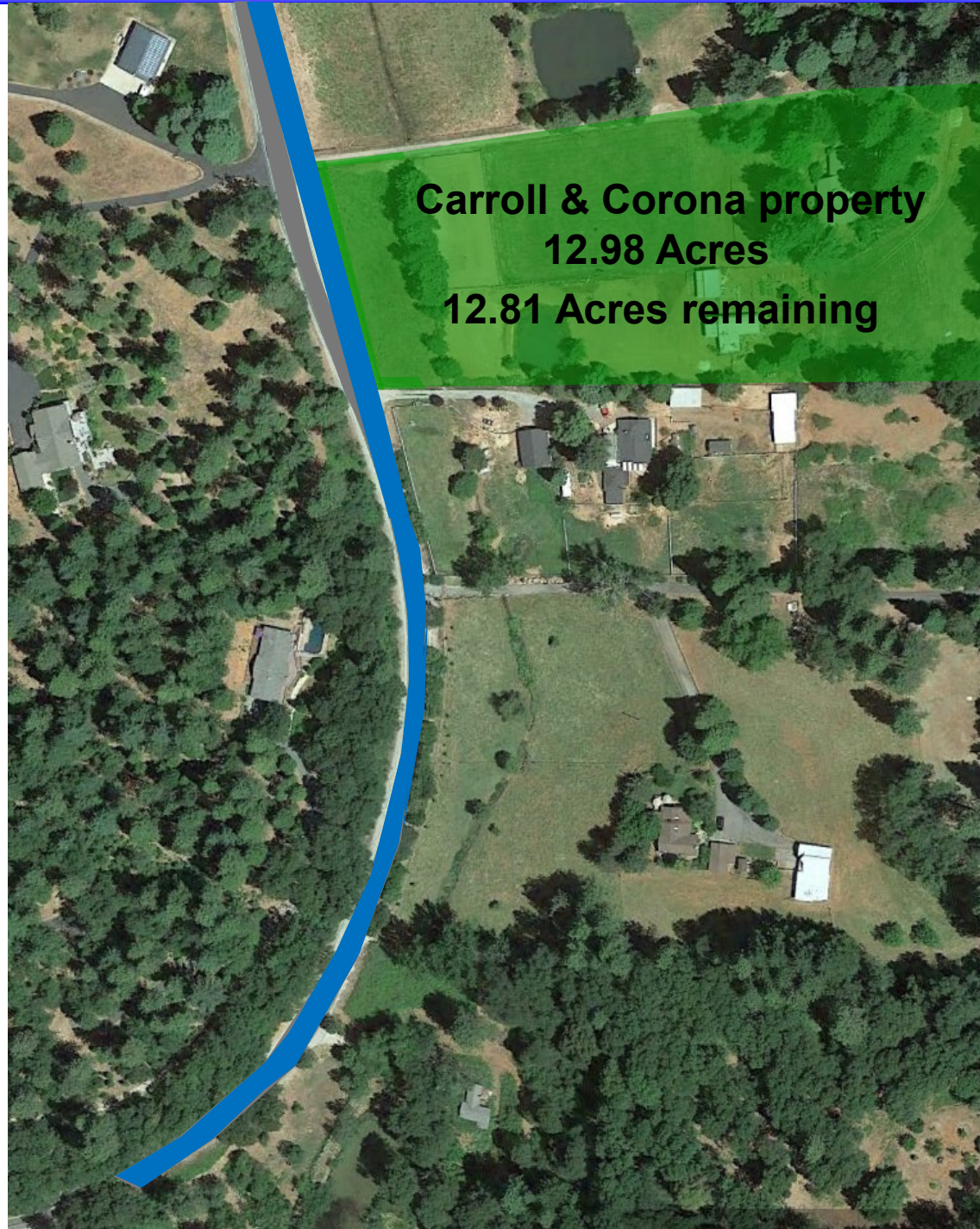
Project Location

State Route 174



Project Location

State Route 174



Existing Route



Proposed Route

Project Impact

State Route 174

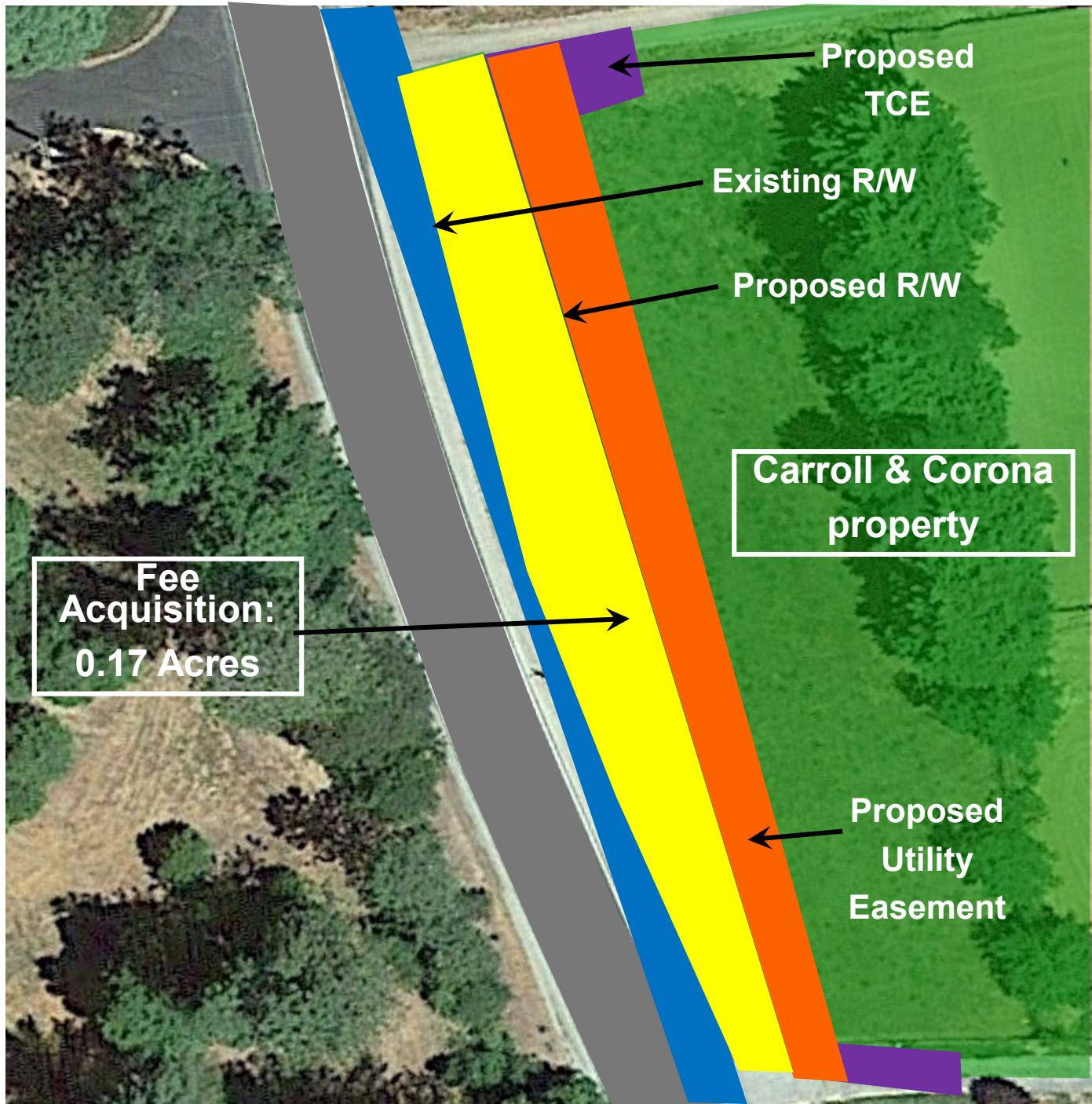
Existing Route

Proposed Route

Proposed Fee
0.17 Acres

Proposed TCE
0.10 Acres

Proposed PG&E/AT&T
Utility easement
0.13 Acres



ATTACHMENT B

PARCEL PANEL REPORT

PARCEL DATA

Property Owners: Rachel Corona, a single woman, as to an undivided 50% interest, and Mark E. Carroll, as trustee of the Mark E. Carroll Revocable Living Trust, dated May 24, 2006, as to an undivided 50% interest.

Parcel Location: East of State Route (SR) 174 at P.M. 4.08, Nevada County, Grass Valley. Site address is 16130 Colfax Highway, Grass Valley CA 95945, and Assessor Parcel Number: 12-250-05.

Present Use: Rural residential home site; Owners reside on property

Zoning: General Agricultural 5 Acres (AG-5)

Area of Property: 12.98 Acres

Area Required: 36722-1 0.17 Acres Fee
36722-1 0.14 Acres Underlying Fee
36722-2 0.10 Acres Temporary Construction Easement (TCE)
36722-3 0.13 Acres Utility Easement

PARCEL DESCRIPTION

The subject property consists of a single Assessor's Parcel Number (APN) 12-250-05, which consists of 12.98 acres. The property is zoned AG-5 (General Agricultural 5 Acres) by the Nevada County Planning Department. The property is irregular in shape and has frontage to the highway. It starts with relatively flat pasture land which is separated by a row of trees and continues to the east, sloping upward to an elevation of 75 feet above the highway at the home. The topography includes a canopy of trees around the home. In addition, the upward slope continues east behind the house where the property is heavily forested. The access to the subject parcel is off State Route 174 and is an unpaved (gravel) driveway. Improvements include a single-family residence, miscellaneous outbuildings, landscaping, and fencing. Off-site improvements to the property include paved roads, water, electricity, and telephone. An easement runs along the western boundary of the parcel for PG&E which fronts SR 174 (Colfax Highway).

The proposed fee acquisition is Parcel 36722-1 and lies along the western portion of the property that runs along SR 174. The proposed TCE acquisition is parcel 36722-2 and lies along the eastern boundary of Fee parcel 36722-1. The proposed Utility Easement

acquisition is parcel 36722-3 and begins at the eastern boundary of the Fee parcel and overlaps the TCE parcel 36722-2.

There are a total of 54 parcels required for this project. The following provides the status of the acquisitions to date:

Number of parcels acquired: 43

Number of parcels outstanding: 11

Number of parcels with adopted RONS: 10

Number of parcels pending adopted RONS: 1 (this parcel)

Number of parcels under order of possessions: 0

Number of parcels expected to request an appearance before the CTC: 1 (this parcel)

PROJECT BACKGROUND

The need for this project is to enhance safety and reduce the number of collisions. The Traffic Safety Analysis was based on accident data over a 3-year period from April 1, 2010, to March 31, 2013. In addition to increasing safety, the Department listened to concerns of property owners and local community groups.

Based on the interaction with the community, the design team reevaluated its initial concept and made significant modifications to minimize property impacts while still providing necessary safety improvements. Several design features were modified, including steepening the side slopes (2:1), reducing the width of shoulder backing, and placing the new right-of-way (RW) line at the point where the slope meets the original ground. These adjustments make it possible to physically reduce the required RW footprint from 14.7 acres down to 3.6 acres. In addition, the revised design reduces the number of trees to be removed from approximately 1,700 trees to about 550 trees. At the request of the community and property owners abutting the highway, it was also decided the speed limit would remain 45mph.

These changes helped to address the community's and the property owners' top three concerns, which are to keep the existing speed limit, reduce the right of way needed, and minimize the number of trees to be removed.

NEED FOR SUBJECT PROPERTY

The acquisition is necessary for the proposed Safety Project, as it provides the ability to correct non-standard highway curves, increase shoulder widths to 8-feet, and improve sight distances. The proposed 8-foot shoulders cannot be reduced, as they provide the necessary traversable and recoverable areas to reduce collisions. Shoulders of 4-foot width would not provide the same benefit. To provide the necessary traversable and

recoverable areas, 4-foot shoulders would need the side slopes redesigned to be much less steep (4:1) and clear of fixed objects, which would increase the RW to be acquired and increase the number of trees to be removed. In addition, rumble strips would need to be included. This would increase the impacts to the adjacent properties and would be contrary to the main concerns identified by the community.

CONDEMNATION PANEL REVIEW MEETING

The Condemnation Review Panel (Panel) meeting was held in Nevada City on July 11, 2019. All the Panel members, District staff and property owners who attended this meeting are listed on page 6 of this report.

This report summarizes the findings of the Panel with regard to the four criteria required for a Resolution of Necessity (see page 5) and makes a recommendation to the Department's Chief Engineer.

Property Owners' Concern:

Owners' requested the shoulder widths be reduced from 8 feet to 4 feet.

Department Response:

The 8-foot shoulder provides a traversable and recoverable area to reduce collisions for this safety project. If reduced to a 4-foot shoulder, the side slopes would need to be redesigned as 4:1 and cleared of fixed objects. This would significantly increase the RW footprint and the number of trees removed and would create additional impacts to adjacent properties. Reducing the RW footprint and keeping as many trees as possible remains a prime concerns among property owners and other stakeholders in this community.

Property Owners' Concern:

The number of trees being removed from properties to the south of their property will have a negative visual impact with vehicle headlights shining into their home (glare).

Department Response:

The concern does not pertain to this parcel, as there are no trees being removed from the Owners' Property. The Department maintains that the number of trees being removed on southern properties will not have a visual effect on the home due to the location of their home in relation to the highway alignment and area topography. Further, there is an existing canopy of trees surrounding the home in question, which may help to block any vehicle headlights from creating a visual impact.

Property Owners' Concern:

In the after condition, as constructed in the manner proposed, water will flood over their driveway. The owners would like a larger culvert pipe installed under their driveway during construction.

Department Response:

Based on hydraulic calculations performed in March 2019, the increase in pavement, coupled with the decrease in pasture area, would result in an insignificant increase of ponding water onto the neighboring or the Owners' property. The private culvert is outside of project limits, the ponding of water on the neighbor's property is pre-existing, and the potential increased flooding concern is speculative. In an attempt to satisfy the Owners' concerns, the Department tried to reach a monetary settlement with the Owners, but the Owners have not yet accepted this option because they are waiting on additional estimates for permits.

Property Owners' Concern:

The shift in the roadway alignment towards their home will increase traffic noise.

Department Response:

Although the project type did not warrant a Noise Study, the Department did discuss the potential impact with our noise study expert. The conclusion was that the very small increase in noise would not be audible to a normal healthy human ear. The level of increase is negligible because the project is not increasing the amount of traffic and is only moving the roadway 25 feet, about 4.3%, closer to the residence.

Property Owners' Concern:

Requested their private drainage line be positively located during construction and protected or relocated as necessary.

Department Response:

The Department walked the property with the Owners but was not able to locate or confirm whether the line exists. The Department therefore placed language in the construction contract requiring the contractor to use best practices to locate the line and if found, to relocate it onto the property Owners' remaining property.

Property Owners' Concern:

Owners requested Contour Grading sheets as they pertain to their parcel.

Department Response:

The Owners confirmed they have received all requested maps. Issue resolved.

Property Owners' Concern:

The fence type and height listed in the Department's appraisal are inaccurate; therefore, the value of same is inaccurate.

Department Response:

Agreement was reached as to adjusted valuation. The Owners will compare with the independent appraisal report upon receipt. The Department will continue to negotiate with the Owners.

Property Owners' Concern:

Requested custom horse pasture seed mix for reseeding in the TCE area after construction is complete to restore existing pasture area.

Department Response:

The Department has agreed to the Owners' request for custom horse pasture seed mix for reseeding in the TCE area after construction is complete. The Department therefore placed language in the construction contract requiring the contractor to use the special custom horse pasture see mix.

Property Owners' Concern:

Believe the fee acquisition area will significantly reduce the front pasture land for cattle usage, resulting in a damage to the remainder of parcel.

Department Response:

This is a compensation issue and will not be considered during the appearance request. The property owners are waiting for their independent appraisal before continuing discussing this matter with the Department.

Property Owners' Concern:

Requested compensation for damaged irrigation and sprinkler system that falls within the Fee and TCE areas. Owners request compensation for full redesign and installation of new irrigation system.

Department Response:

This is a compensation issue and will not be considered during the appearance request. The property Owners were offered compensation for reinstalling the impacted sprinkler system, as they did not want someone else to do the work. A cost to cure amount was verbally offered to the Owners and the Department will continue to negotiate.

DEPARTMENT'S CONTACTS

The following is a summary of contacts made with the Property Owners or their representative:

Type of Contact	Number of Contacts
Mailing of information	4
E-Mail of information	25
Telephone contacts	20
Personal / meeting contacts	6

STATUTORY OFFER TO PURCHASE

The Department has appraised the subject property and offered the full amount of the appraisal to the Owner of record, as required by Government Code Section 7267.2. The Property Owner has been notified that issues related to compensation are outside the purview of the Commission.

PANEL RECOMMENDATION

The Panel concludes that the Department's project complies with Section 1245.230 of the Code of Civil Procedure in that:

- The public interest and necessity requires the proposed project.
- The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.
- The property rights to be condemned are necessary for the proposed project.
- An offer to purchase in compliance with Government Code Section 7267.2 has been made to the owners of record.

The Panel recommends submitting this Resolution of Necessity to the Commission.

JEFFREY A. PURDIE
Chief
Office of Project Delivery

Division of Right of Way and Land Surveys
Panel Chair

I concur with the Panel's recommendation:

KARLA SUTLIFF
Chief Engineer

**PERSONS ATTENDING CONDEMNATION PANEL REVIEW MEETING
HEARING ON JULY 11, 2019**

Jeffrey Purdie, Headquarters' (HQ) Division of Right of Way and Land Surveys, Panel Chair
Thomas O'Neil, HQ's Division of Right of Way and Land Surveys, Panel Secretary
Carmen Shantz, HQ's Division of Design, Panel Member
Joann Georgallis, HQ's Division of Legal, Panel Member
Amarjeet Benipal, District Director, District 3
Karl Dreher, Chief of Project Development, North Region
John Ballantyne, Chief of Right of Way, North Region
Ron Ronald Tollison, Chief Senior Design Project Engineer, District 3
Gurtej Bhattal, Design Project Engineer, District 3
Rita Sohal, Associate Right of Way Agent, District 3
Rachel Corona and Mark Carroll, Property Owners

EXHIBIT B

1 **TRANSPORTATION COMMISSION**
2 **RESOLUTION NO.**

3 **C-21756**

4 CALIFORNIA TRANSPORTATION COMMISSION
5 RESOLUTION OF NECESSITY
6 TO ACQUIRE CERTAIN REAL PROPERTY
7 OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN
8 HIGHWAY 03-Nev-174-PM 4.08 PARCEL 36722-1, 2, 3

9 OWNERS: Rachel Corona, a single woman, as to an undivided 50% interest and Mark E.
10 Carroll as Trustee of the Mark E. Carroll Revocable Living Trust Dated May 24, 2006, as to
11 an undivided 50% interest

12 Resolved by the California Transportation Commission after notice (and hearing)
13 pursuant to Code of Civil Procedure Section 1245.235 that it finds and determines and
14 hereby declares that:

15 The hereinafter described real property is necessary for State Highway purposes
16 and is to be acquired by eminent domain pursuant to Streets and Highways Code Section
17 102; and Code of Civil Procedure Section 1240.320 in that a portion of the property is being
18 acquired for conveyance to Pacific Gas and Electric Company (PG&E) and AT&T for utility
19 purposes; and Code of Civil Procedure Section 1240.510 in that the property being
20 acquired is for a compatible use; and Code of Civil Procedure Section 1240.610 in that the
21 property is required for a more necessary public use;

22 The public interest and necessity require the proposed public project, namely a State
23 highway;

24 The proposed project is planned and located in the manner that will be most
25 compatible with the greatest public good and the least private injury;

The property sought to be acquired and described by this resolution is necessary for
the public project;

The offer required by Section 7267.2 of the Government Code has been made to the

APPROVED AS TO FORM AND PROCEDURE

APPROVAL RECOMMENDED

Attorney, Department of Transportation

DIVISION OF RIGHT OF WAY

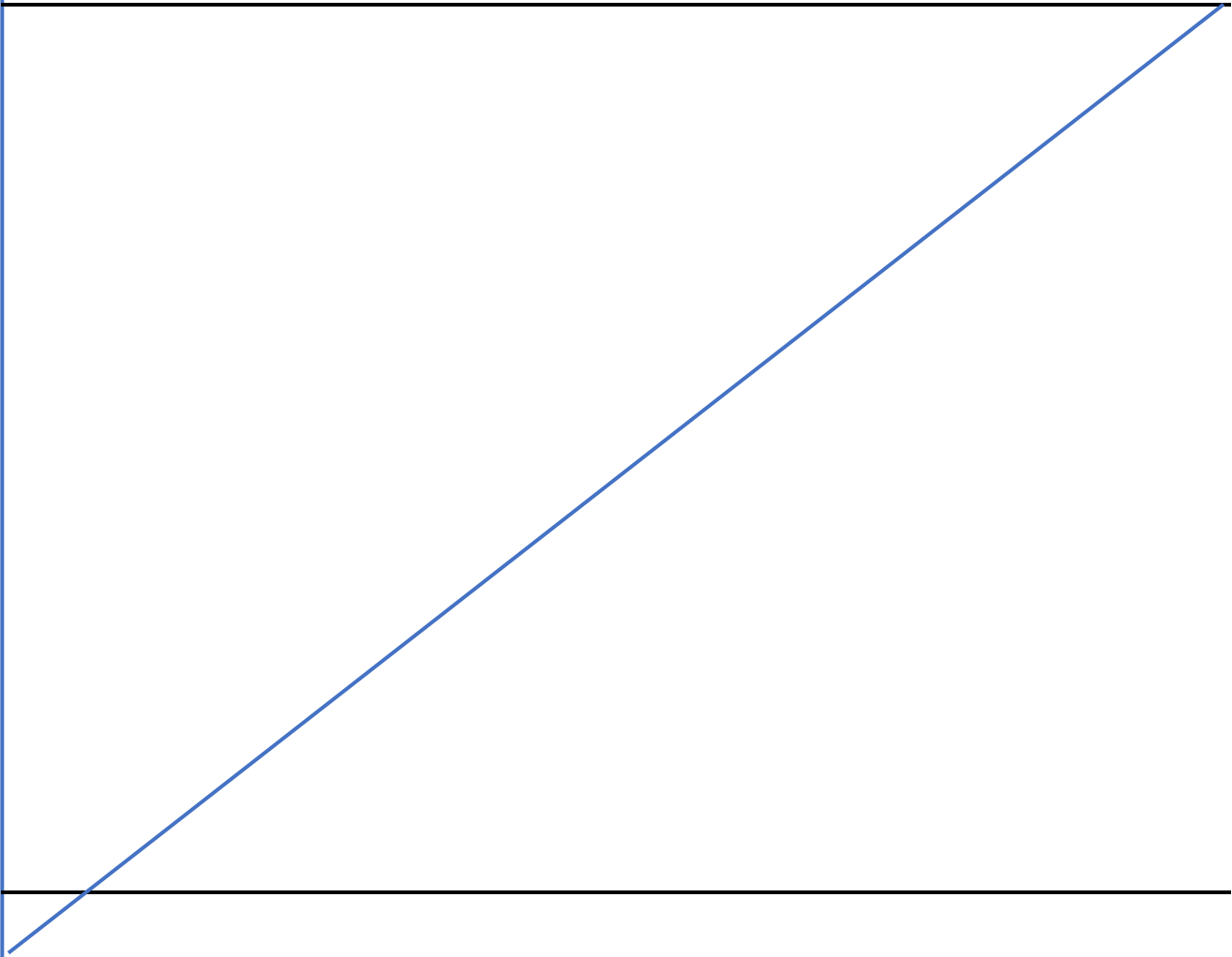
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owner or owners of record; and be it further

RESOLVED by this Commission that the Department of Transportation be and said Department is hereby authorized and empowered;

To acquire, in the name of the People of the State of California, in fee simple absolute, unless a lesser estate is hereinafter expressly described, the said hereinafter described real property, or interests in real property, by condemnation proceeding or proceedings in accordance with the provisions of the Streets and Highways Code, Code of Civil Procedure and of the Constitution of California relating to eminent domain;

The real property or interests in real property, which the Department of Transportation is by this resolution authorized to acquire, is situated in the County of Nevada, State of California, Highway 03-Nev-174 and described as follows:



036722-1:

Being a portion of Lot 5, as shown on the plat entitled "Subdivision of the White Ranch" filed July 20, 1914 in the Nevada County Recorder's Office, in Book 1 of Maps, at Page 28, as lands conveyed by Grant Deed recorded March 15, 2017, in Document No. 20170005910 Official Records of Nevada County to Rachel Corona and Mark E. Carroll, as Trustee of the Mark E. Carroll Revocable Living Trust dated May 24, 2006, lying southwesterly of the following described line:

Beginning at a point on the southerly line of said Lot 5, said point bears N 4°32'04" E 181.73 feet from a found iron pipe tagged L.S.3215 near the southeast corner of Parcel 2 as shown on Parcel Map PM 98-06, recorded July 31, 1998 in the Nevada County Recorder's Office in Book 18 of Parcel Maps, at Page 375;

- (1) Thence leaving said southerly line N 16° 59' 56" W 45.95 feet;
- (2) Thence N 15° 37' 33" W 76.47 feet;
- (3) Thence N 15° 06' 40" W 69.43 feet;
- (4) Thence N 16° 17' 10" W 54.11 feet;
- (5) Thence N 15° 37' 33" W 25.48 feet to a point on the northerly line of said lands of Corona and Carroll, said point bears S 82° 11' 52 " W 779.00 feet from a found 1/2" steel rod at an angle point in said northerly line and being the easterly terminus of that certain course in said Grant Deed: "thence North 82° 44' 50" East 830.09 feet along the centerline of a private road and beyond to a 1/2" steel rod" and being the end of this described line.

Bearings and distances are based on the California Coordinate System of 1983, Zone 2 (epoch 2004.69). Divide distances by 0.99979 to obtain ground level distances.

PARCEL 036722-2:

A temporary easement for construction purposes over that portion of Lot 4, as shown on the plat entitled "Subdivision of the White Ranch" filed July 20, 1914 in the Nevada County Recorder's Office, in Book 1 of Maps, at Page 28, as lands conveyed by Grant Deed recorded March 15, 2017, in Document No. 20170005910 Official Records of Nevada County to Rachel Corona and Mark E. Carroll, as Trustee of the Mark E. Carroll Revocable Living Trust dated May 24, 2006, being more particularly described as follows:

Beginning at a point on the southerly line of said Lot 4, said point bears N 4°32'04" E 181.73 feet from a found iron pipe tagged L.S.3215 near the southeast corner of Parcel 2 as shown on Parcel Map PM 98-06, recorded July 31, 1998 in the Nevada County Recorder's Office in Book 18 of Parcel Maps, at Page 375;

036722-2 CONTINUED:

- (1) Thence leaving said southerly line N 16° 59' 56" W 45.95 feet;
- (2) Thence N 15° 37' 33" W 76.47 feet;
- (3) Thence N 15° 06' 40" W 69.43 feet;
- (4) Thence N 16° 17' 10" W 54.11 feet;
- (5) Thence N 15° 37' 33" W 25.48 to a point on the northerly line of said lands of Corona and Carroll, said point bears S 82° 11' 52 " W 779.00 feet from a found 1/2" steel rod at an angle point in said northerly line and being the easterly terminus of that certain course in said Grant Deed, "thence North 82° 44' 50 East 830.09 feet along the centerline of a private road and beyond to a 1/2" steel rod";
- (6) Thence along said northerly line N 82° 11' 52" E 51.19 feet to a point thereon;
- (7) Thence S 09° 40' 21" E 18.54 feet;
- (8) Thence S 73° 53' 10" W 27.82 feet to the point of curvature of a non-tangent curve to the left having a radius of 10.00 feet to which point a radial line bears N 10° 44' 28" W;
- (9) Thence along said curve through a central angle of 95°32'42", an arc distance of 16.68 feet;
- (10) Thence S 16° 17' 10" E 43.76 feet;
- (11) Thence S 15° 06' 45" E 69.54 feet;
- (12) Thence S 15° 37' 33" E 76.47 feet;
- (13) Thence S 17° 00' 25" E 25.57 feet to the point of curvature of a non-tangent curve to the left having a radius of 15.00 feet to which point a radial line bears S 72° 59' 58" W;
- (14) Thence along said curve through a central angle of 61°24'31", an arc distance of 16.08 feet;
- (15) Thence S 78° 24' 33" E 26.98 feet;
- (16) Thence S 00° 29' 46" E 6.30 feet to a point on the southerly line of said Lot 4;
- (17) Thence along said southerly line S 89° 47' 33" W 41.49 feet to the Point of **Beginning**.

036722-2 CONTINUED:

The rights to the above-described temporary easement shall cease and terminate no later than November 1, 2021. Said rights may also be terminated prior to the stated date by the STATE upon notice to the OWNER.

Bearings and distances are based on the California Coordinate System of 1983, Zone 2 (epoch 2004.69). Divide distances by 0.99979 to obtain ground level distances.

036722-3:

An easement for utility purposes for the right from time to time to construct, reconstruct, install, inspect, maintain, replace, remove, and use facilities of the type hereinafter specified, together with a right of way therefore, within a strip or parcel of land or along a route as hereinafter set forth, and also ingress thereto and egress therefrom, over and across that portion of Lot 4, as shown on the plat entitled "Subdivision of the White Ranch" filed July 20, 1914 in the Nevada County Recorder's Office, in Book 1 of Maps, at Page 28, as lands conveyed by Grant Deed recorded March 15, 2017, in Document No. 20170005910 Official Records of Nevada County to Rachel Corona and Mark E. Carroll, as Trustee of the Mark E. Carroll Revocable Living Trust dated May 24, 2006, being more particularly described as follows:

Beginning at a point on the southerly line of said Lot 4, said point bears N 4°32'04" E 181.73 feet from a found iron pipe tagged L.S.3215 near the southeast corner of Parcel 2 as shown on Parcel Map PM 98-06, recorded July 31, 1998 in the Nevada County Recorder's Office in Book 18 of Parcel Maps, at Page 375;

- (1) Thence leaving said southerly line N 16° 59' 56" W 45.95 feet;
- (2) Thence N 15° 37' 33" W 76.47 feet;
- (3) Thence N 15° 06' 40" W 69.43 feet;
- (4) Thence N 16° 17' 10" W 54.11 feet;
- (5) Thence N 15° 37' 33" W 25.48 to a point on the northerly line of said lands of Corona and Carroll, said point bears S 82° 11' 52 " W 779.00 feet from a found 1/2" steel rod at an angle point in said northerly line and being the easterly terminus of that certain course in said Grant Deed, "thence North 82° 44' 50 East 830.09 feet along the centerline of a private road and beyond to a 1/2" steel rod";
- (6) Thence along said northerly line N 82° 11' 52" E 27.53 feet to a point thereon;
- (7) Thence leaving said northerly line S 09° 38' 21" E 21.80 feet;
- (8) Thence S 13° 20' 04" E 125.09 feet;

036722-3 CONTINUED:

(9) Thence S 15° 37' 33" E 74.83 feet;

(10) Thence S 16° 59' 56" E 51.71 feet to a point on the southerly line of said Lot 4;

(11) Thence along said southerly line S 89° 42' 02" W 20.88 feet to a point thereon, being the **Point of Beginning**.

Bearings and distances are based on the California Coordinate System of 1983, Zone 2 (epoch 2004.69). Divide distances by 0.99979 to obtain ground level distances.

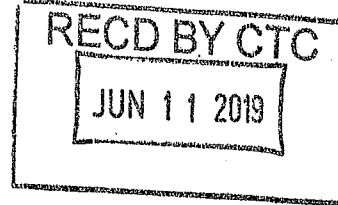
ATTACHMENT C

6/11/19 - Sent to Caltrans
Right-of-Way
cc: Chris Trauna

June 7, 2019

Executive Director
California Transportation Commission
P.O. Box 942873
Mail Station 52
Sacramento, CA 94273-0001

Re: Caltrans Highway 174 Realignment Project
Notice of Intent to Adopt Resolution of Necessity
Project #0314000152, parcel 36722-1, 2 & 3



Dear Executive Director,

We received the Notice of Intent to Adopt Resolution of Necessity dated May 20, 2019 for Project #0314000152, parcel 36722-1, 2 & 3. We are requesting an appearance before the Commission regarding this project based upon the following:

The project does not meet the following requirement to adopt the resolution of necessity.

The project is planned in a manner that will be most compatible with the greatest public good and the least private injury.

We are providing some examples below to show how the Hwy 174 Realignment Project is not currently designed in manner that is most compatible with the least private injury and the greatest public good. See the attached Property Map for reference.

VISUAL / VEHICLE GLARE – The number of trees being removed will eliminate the existing vehicle light screening our property currently benefits from. Our home sits back and is elevated from the road. There is an elevated curved portion of the road to the south of our property. At night we can see flickering vehicle headlights from our home. The vehicle lights are currently screened by trees located on southern properties adjacent to the road. Removal of these trees will no longer screen the vehicle headlights to our home. In addition, the current realignment of the HWY pushes the road 20+ feet onto our property and our neighboring property to the north which will increase vehicle glare on our home. The project as designed does not implement the avoidance and minimization measures to mitigate visual impacts or vehicle glare. See the attached Visual / Vehicle Glare – Exhibit A for reference.

The project Initial Study CEQA Considerations for the Environmental Consequences section states:

“With the implementation of the below avoidance and minimization measures, less than significant impacts from Visual/Aesthetics pursuant to CEQA are anticipated.”

Avoidance and Minimization Measures

- ***During the design stage of the project, modify the alignment where possible to avoid taking out vegetation screen from homes that are in close proximity to route 174***
- ***Protect as many trees and as much screen vegetation as possible***

We propose the following:

- Reduce the currently planned 8' shoulder to 4' which will reduce the number of trees and screen vegetation removed not just in our area but the entire project. This will greatly reduce the aesthetic impact of this project to our community. The initial study minimization measures above support this modification.
- Keep the existing reverse curve to the south of our property which will reduce the encroachment of the road on to our property and in turn, help further mitigate visual glare to our home. The initial study minimization measures above support this design modification.
- Where trees and vegetation are removed, Caltrans should replant trees and vegetation to re-establish the natural screening that is removed.

It is also important to note, the Initial Study does not address trees and screening material that will be removed due the relocation of existing PGE/AT&T utility poles beyond the Caltrans right of way boundaries.

Here is additional text from the Initial Study regarding Light and Glare for your reference:

Chapter 2 Affected Environment, Environmental Consequences, & Mitigation Measures

Environmental Consequences:

The project area does not have any scenic vistas. Based on the proposed scope, the project is also not expected to result in light or glare which could adversely affect day or nighttime views.

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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c) Substantially degrade the existing visual character or quality of the site and its surroundings?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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"No Impact" and "Less than Significant Impact" are based on the project scope, field reviews, and the Visual Impact Assessment (VIA).

DRAINAGE – The project will impact our property drainage. The project studies and design do not take into account the impact of drainage on our property or any off-site drainage for any other property. We have a creek called Butterfly Creek which runs through our property and various properties adjacent to HWY 174. The creek runs unbanked through the front pasture of our neighbor to the north of us and reduces down to a culvert under our driveway and dumps into the banked creek in our front pasture. See the attached Drainage - Exhibit B1 for reference. I've also attached a photo which shows how her front pasture fills with water. This photo was taken in March of last year and is attached as Drainage - Exhibit B2.

The project as designed is removing existing culverts up stream from us and replacing them with dual culverts and replacing the existing dirt v-ditches along HWY 174 with a paved surface drainage system. In addition, the current HWY will be realigned onto our front pasture by more than 20' and a portion of our neighbors front pasture by more than 30'. This realignment will require import of fill material onto both of our properties.

At a minimum the increased fill to our neighbors front pasture to the north of us will require us to increase the size of our private culverts to keep the water from flooding our driveway. See the attached Street Section - Exhibit B3

We propose the following:

- Reduce the currently planned 8' shoulders to 4' and keep the existing reverse curve to the south of us which will reduce the amount of road section and fill on our property and our neighbors property to the north.
- Increase the private culverts on our property to avoid potential flooding on our property in heavy rain events.

It is important to note the following:

- Caltrans has verbally offered to pay for the upsizing of our culverts based upon our "perceived issue" but has stated they will not pay for any environmental permitting costs. Declining to pay for permitting costs is unacceptable.
- In my conversations with California Department of Fish and Wildlife they will require our culvert replacements in the creek to be sized to meet a 100 year flood event.

Here is what the Initial Study says about Drainage for your reference:

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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NOISE – The road will be shifted onto our property approximately 20'+. Moving the road closer will increase the amount of traffic noise at our home. The Initial Study did not include a noise study.

We propose the following:

- Reduce the currently planned 8' shoulders to 4' and keep the existing reverse curve to the south of us which will reduce the amount of road section on our property.

It is important to note: It doesn't seem reasonable that the Initial Study does not include a noise study. With the amount of trees being removed and the road alignment onto properties, a reasonable person would expect noise impact. When we brought up our noise concern to the Caltrans right of way agent, he simply responded by saying there is no impact.

Here is what the Initial Study says about Noise for your reference:

Chapter 2 Affected Environment, Environmental Consequences, & Mitigation Measures

After construction, the proposed project will not result in air quality or noise impacts; however, temporary impacts for these issues are discussed in the Construction Impacts section.

We understand the environmental documents have been approved by Caltrans and we also understand the project will continue to move forward. What is frustrating about this process is that we are left to negotiate these matters with Caltrans during the right of way acquisition process because they were not studied and mitigated for in the Initial Study or in the project design. When we have brought up these concerns with Caltrans, their position is to tell us there isn't a problem without providing any substantiated documentation to support their position.

It has been like pulling teeth to get information from Caltrans. I had been asking for project plans since November of 2018 and in February 2019 they finally told me we needed to use the formal records request process to obtain project construction plans. Their excuse was there may be personal information on the project construction drawings that may need to be redacted, which was not true. This should not be the case, they are taking our property. Their project studies should be thorough. They should be completely transparent and provide us with the project plans as part of their offering package in addition to providing substantiated supporting documentation to alleviate our concerns:

This is the Caltrans Vision Statement:

A performance-driven, transparent and accountable organization that values its people, resources and partners, and meets new challenges through leadership, innovation and teamwork

We could use some transparency, innovation, and willingness to meet new challenges on this project. Let's think outside the box. We want to keep our community beautiful, hopefully you can help.

Sincerely,



Rachel Corona



Mark Carroll



Carroll/
Corona
Property

← NORTH

PROPERTY MAP - PARCEL 36722-1,2 & 3
PROJECT 0314000152

Note - these people
are going to be
impacted significantly

trees will
be
removed

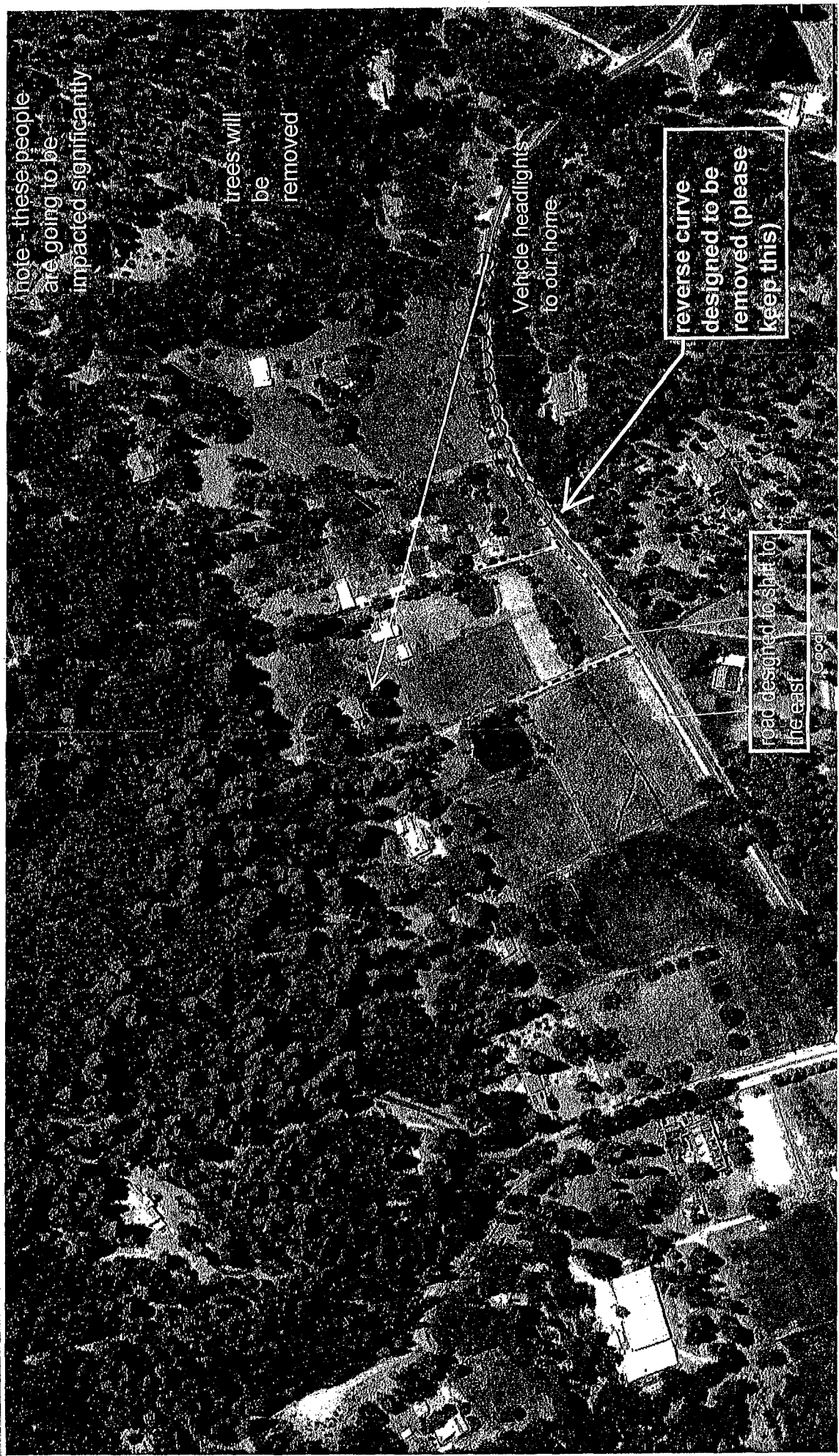
Vehicle headlights
to our home

reverse curve
designed to be
removed (please
keep this)

road designed to shut to
the east

NORTH
↓

VISUAL / VEHICLE GLARE - EXHIBIT A





Un-banked Butterfly
Creek, water fills
pasture in heavy rain
events - see photo
attached

Existing private culverts

reverse curve
(please keep
this)

banked
Butterfly
Creek

← NORTH

DRAINAGE - EXHIBIT B1

DRAINAGE – EXHIBIT B2



This is a photo of our neighbor's front pasture to the north that fills with water in heavy rain events. This photo was taken in March of 2018. Caltrans plans currently show fill of over 35 feet of the front of this pasture area with the new road alignment and new access road for the property owner to access the front portion of her pasture.

Water backs up in her pasture and goes into a culvert under our shared driveway. Our concern is that by filling a portion of the front pasture it will make the water flood over our drive. Caltrans says the impact to this area is "negligible" but they have not done a drainage study for this off-site area. We have no supporting calculations, just what they say.

ATTACHMENT C

DEPARTMENT OF TRANSPORTATION

DIVISION OF RIGHT OF WAY AND LAND SURVEYS

P.O. BOX 942873, MS-37

SACRAMENTO, CA 94273-0001

PHONE (916) 653-0137

FAX (916) 654-6378

TTY 711

www.dot.ca.gov

*Making Conservation
a California Way of Life.*

CERTIFIED MAIL

June 14, 2019

Rachel Corona
Mark Carroll
16130 Colfax Hwy
Grass Valley, CA 95945

HIGHWAY R/W MATTER
Appearance
3-Nev-174-PM 4.08
E.A.: 4F3709
Project No.: 0314000152
Parcel No.: 36722-1, 2, 3
Grantors: Rachel Corona and
Mark E. Carroll

Dear Rachel Corona and Mark E. Carroll:

Susan Bransen, Executive Director of the California Transportation Commission (Commission), has asked that I acknowledge receipt of your letter of June 7, 2019, in which you contest adoption of a Resolution of Necessity (Resolution) on the property located in Nevada County at 16130 Colfax Hwy, Grass Valley.

In order to completely evaluate the issues you have raised, it is necessary that the Resolution affecting the property be rescheduled and not submitted to the Commission at its June 26-27, 2019 meeting.

The Department of Transportation (Department) will follow an evaluation process, conducted with your participation, to assure that all issues are identified, and if possible, resolved. A District Condemnation Evaluation Meeting will be scheduled with you, and will include managers from the District Right of Way (R/W) and Design offices. If issues remain unresolved, a subsequent Condemnation Panel Review Meeting will be scheduled with representatives of the Department's Headquarters Design and R/W offices, as well as a Legal representative. Should issues continue to remain unresolved, your appearance before the Commission will be scheduled.

The Department's District R/W Office will handle the arrangements for the above-referenced meetings. You will be contacted with time and location confirmation.

Rachel Corona and Mark E. Carroll
June 14, 2019
Page 2

Sincerely,

THOMAS O'NEIL
Senior Right of Way Agent

c: Susan Bransen, Executive Director, California Transportation Commission (CTC)
Christopher Traina, Chief Engineer, CTC
Jennifer S. Lowden, Division Chief, Right of Way and Land Surveys
Janice Benton, Chief, Division of Design
Bruce De Terra, Chief, Division of Transportation Programming
Tina Lucas, Acting Office Chief, Division of Design
Michael Whiteside, Assistant Chief Engineer
Greg Wong, Chief, Office of CTC Liaison
John Ballantyne, Chief, North Region Right of Way
Karl L. Dreher, Chief, North Region Project Development
Renè Fletcher, Assistant Division Chief, Right of Way and Land Surveys
Jeffrey A. Purdie, Chief, Office of Right of Way Project Delivery
Karen Basra, Senior Right of Way Agent, District 3 Right of Way
Rita Sohal, Right of Way Agent, District 3 Right of Way

EXHIBIT D

DEPARTMENT OF TRANSPORTATION

DIVISION OF RIGHT OF WAY AND LAND SURVEYS
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Making Conservation
a California Way of Life.

CERTIFIED MAIL

July 17, 2019

Rachel Corona
Mark E. Carroll
16130 Colfax Hwy
Grass Valley, CA 95945

HIGHWAY R/W MATTER
Appearance
3-NeV-174-PM 4.08
E.A.: 4F3709
Project No.: 0314000152
Parcel No.: 36722-1, 2, 3
Grantors: Rachel Corona and
Mark E. Carroll

Dear Rachel Corona and Mark E. Carroll:

Susan Bransen, Executive Director of the California Transportation Commission (Commission), has asked I acknowledge receipt of your letter of July 3, 2019, in which you request to have the Resolution of Necessity (Resolution) hearing rescheduled to the October 9-10, 2019 Commission meeting.

As stated in your letter, you requested to reschedule your Resolution hearing to a later date due to the fact you were unable to access the Commission website to gather information to prepare for the August 14-15, 2019 meeting. It is true the Commission's website was undergoing upgrades to comply with mandated Americans with Disabilities Act (ADA) requirements, and as such information was not available. However, it is our understanding the Department of Transportation (Department) District Right of Way office (District 3 Marysville), was able to get and provide you with the information and documents (Commission meeting webcast archives, plans and other) you were requesting.

Therefore, as conveyed to you during the Condemnation Panel Review Meeting held on July 11, 2019, the Department will be proceeding to the August 14-15, 2019 Commission meeting in San Jose, to adopt the Resolution of Necessity affecting your property located at 16130 State Highway 174, Grass Valley, CA 95945 (the property).

Rachel Corona and Mark E. Carroll
July 17, 2019
Page 2

Sincerely,



JEFFREY A. PURDIE
Supervising Right of Way Agent

- c: Susan Bransen, Executive Director, California Transportation Commission (CTC)
- Christopher Traina, Chief Engineer, CTC
- Jennifer S. Lowden, Division Chief, Right of Way and Land Surveys
- Janice Benton, Chief, Division of Design
- Bruce De Terra, Chief, Division of Transportation Programming
- Tina Lucas, Acting Office Chief, Division of Design
- Michael Whiteside, Assistant Chief Engineer
- Greg Wong, Chief, Office of CTC Liaison
- John Ballantyne, Chief, North Region Right of Way
- Karl L. Dreher, Chief, North Region Project Development
- Renè Fletcher, Assistant Division Chief, Right of Way and Land Surveys
- Jeffrey A. Purdie, Chief, Office of Right of Way Project Delivery
- Karen Basra, Senior Right of Way Agent, District 3 Right of Way
- Rita Sohal, Associate Right of Way Agent, District 3 Right of Way