

## **MEMORANDUM**

**To:** CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

**CTC Meeting:** June 24-25, 2020

**From:** STEVEN KECK, Chief Financial Officer

**Reference Number:** 2.4a.(1), Action Item

**Prepared By:** Mark Phelan, Chief (Acting)  
Division of Right of Way and Land Surveys

**Subject:** **RESOLUTION OF NECESSITY – APPEARANCE**

### **ISSUE:**

Should the California Transportation Commission (Commission) adopt Resolution of Necessity (Resolution) C-21917, 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.
4. An offer to acquire the property in accordance with Government Code Section 7267.2 has been made to the owner of record.

In this case, the property owners are contesting the Resolution and have requested an appearance before the Commission. The primary concerns and/or objections expressed by the property owners is that the proposed project is not planned or located in the manner that will be most compatible with the greatest public good and the least private injury. The property owners' objections and the Department's responses are contained in Attachment B.

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

**RECOMMENDATION:**

The Department recommends the Commission adopt Resolution C-21917 summarized on the following page. This Resolution is for a transportation project on State Route (SR) 156 in District 5, in San Benito County.

**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 June 2020 meeting. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

Discussions have been ongoing between the property owner and the Department to address and resolve the issues. Progress has been made, but in order to keep the project schedule, the Department is requesting that this appearance proceed to the June 2020 Commission meeting. Legal possession will allow the construction activities on the parcel to commence, thereby avoiding and/or mitigating considerable right of way delay costs that will accrue if efforts to initiate the condemnation process are not taken immediately to secure legal possession of the subject property.

C-21917 - Timus Taylor Family Limited Partnership, A California Limited Partnership, which acquired title as Timus Taylor Family Limited Partnership

05-SBt-156-PM 3.8-6.0 - Parcel 11138-1, 2, 3, 4, 5 - EA 344909.

Right of Way Certification (RWC) Date: 04/10/2020; Ready To List (RTL) Date: 04/17/2020.

Expressway – widening of SR 156 from two lanes to four lanes. Authorizes condemnation of land in fee for a State Highway, extinguishment of abutter's rights of access, a temporary construction easement for construction purposes, a permanent easement for access and easements for Utility purposes to be conveyed to Pacific Gas and Electric (PG&E). Located in the unincorporated area of the County of San Benito near the city of Hollister.

APNs 018-180-004, 005, 006, 007.

**Attachments:**

Attachment A - Project Information

Exhibit A - Project Maps

Attachment B - Parcel Panel Report

Exhibit B - Parcel Maps

Exhibit C - Resolution of Necessity C-21917

Attachment C - Property owner's letter to the Commission dated February 25, 2019

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

# ATTACHMENT A

**PROJECT INFORMATION**

**PROJECT DATA**

05-SBt 156, PM 3.0/R8.2  
EA: 05-344901

Location: Route 156 in San Benito County in and near city of San Juan Bautista from The Alameda to 0.2 mile east of Fourth Street/Business Route 156 near Hollister

Limits: The Alameda (road) to 0.2 miles east of Fourth Street/Business Route 156.

Cost: Current construction estimate \$ 52,000,000  
Right of way cost estimate: \$ 22,488,000

Funding Source: (STIP, IIP, RIP) and Council of San Benito County Governments Traffic Impact Fees

Number of Lanes: Existing Route 156: 2-lane undivided conventional highway  
Proposed Route 156: 4-lane Expressway with frontage road

Proposed Major Features: 4-lane expressway partly on a new alignment with a median width of 30' to 46', construct a new bridge, replace existing box culvert with a bridge at Mission Vineyard Road, construct retaining wall and sound wall along the RV park and place roundabout at Bixby and Route 156 intersection and convert the existing 2-lane highway to North frontage road.

Traffic: Existing (year 2019): 28,358 ADT  
Future (year 2059): 42,504 ADT

**NEED FOR THE PROJECT**

Existing Route 156 is a 2-lane conventional highway with several private and public access connections from adjacent farmland and residences. The amount of traffic increasing through time due to increased residential development in San Benito County, interregional traffic with substantial amounts of truck and recreational traffic between the

Central Valley and the Monterey Bay area and conflicting with slower-moving agricultural traffic combine to cause reoccurring congestion, traffic delays and traffic safety concerns on this segment of State Route (SR) 156.

To improve congestions and safety in this segment of the highway, the project proposes to build a 4-lane expressway with north frontage road and south access easement.

The following is the remaining Project schedule:

PS&E to DOE	06/25/2019
Right of Way Certification:	4/10/2020
Ready to List	4/17/2020
Award	11/09/2020
Approved Construction Contract	11/24/2020

This project, known as the San Benito Route 156 Improvement Project, is a proposed widening of the SR from two to four lanes in the vicinity of San Juan Bautista, from The Alameda (road) to 0.2 miles east of Fourth Street/Business Route 156. The main purpose of this project is to relieve congestion and improve traffic flow along the Route 156 transportation corridor between San Juan Bautista and Hollister in San Benito County.

State Route 156 is currently a four-lane expressway from SR 101 to The Alameda (“road”), and a two-lane conventional highway the remainder of the way to the eastern project limit. While portions of the facility have been upgraded to handle increased traffic demand, the segment between San Juan Bautista and Hollister remains a two-lane highway facility with significant commuter, truck and farm equipment traffic. Additionally, approximately 90 percent of the cold storage for agricultural products is located west, and Route 156 is the predominant thoroughfare for deliveries of produce.

Within the project limits, Route 156 is an undivided, two-lane conventional highway with 12-foot asphalt concrete lanes and 8-foot shoulders. Traffic studies have indicated that the volume of traffic exceeds the capacity of the existing highway due to increased residential development, interregional traffic and recreation traffic between the Central Valley and the Monterey Bay area, and conflicts with slower-moving agricultural traffic, resulting in reoccurring congestion, traffic delays and traffic safety concerns on this segment of Route 156. The preferred construction alternative plans to have the current two lanes of Route 156 become a frontage road, with the new Route 156 alignment immediately adjacent to the old Route 156 to the south. However, between engineering stations 110 and 195 a portion of the Route 156 corridor will be rerouted approximately 165 feet to the south of the rest of the new Route 156 alignment, in order to go around the Old San Justo school property. Additionally, a roundabout is planned at the intersection of Bixby Road and the new aligned Route 156.

## **PROJECT PLANNING AND LOCATION**

Project Report (PR): PR was approved on 10/10/2008

Supplemental Project Report (SPR): SPRs were signed on 09/29/2011 and 05/20/2016  
Third SPR pending.

### Design Exception:

Advisory design standard exception was signed on 08/06/2007, to minimize the right of take (8 acres of land saved).

A 30' median width proposed within the city limits. (Standard median width = 36')  
A 46' median width outside the city limits. (Standard median width = 62')

Final Environmental was signed 10/10/2008 Impact Report/ Environmental Assessment with Finding of No Significant Impact.

Final Supplemental Environmental Impact Report was signed 08/18/2011. This was to present additional analysis or information in regard to hydrology, noise, California tiger salamander and farmland impacts as ordered by the San Benito County Court.

Former San Justo School: Built 1923. A property eligible to the National Register of Historic places. Moving the former school building was considered but rejected due to adverse effects under Section 106 of the 1966 National Historic Preservation Act and impacts under Section 4(f) of the 1966 Department of Transportation Act.

### Alternatives considered:

The full range of potential route alternatives considered during the alternative's development and analysis process.

About 10 alternatives were considered in the study to meet the purpose of the project with a minimum environmental and R/W impact.

Those alternatives that were not carried forward had greater direct and indirect environmental impacts. Some alternatives pass through the school or impact homes and business (relatively high cost of R/W and utility relocations), some lost public acceptance or not consistent with the Interregional Transportation Strategic plan (for conventional highway alternatives).

- Alternative (Preferred):      Attentive 6 is a current design
- 4-lane expressway, north frontage road and south access easement
  - Alignment shifts south to avoid the school
  - Provides roundabout at Bixby Road and Route 156 intersection

Alternatives (Rejected):      10 alternates were rejected including the No-build alternative.

- Alternative 1 (4-lane expressway with north and south frontage roads)
- Alignment passes through former San Justo school

- Alternative 2 (4-lane expressway with frontage roads)
- Provides north and south frontage roads
  - Alignment shifts south to avoid the school
  - Rejected due to farm land impact
  - Disapproval from public and PDT

- Alternative 2A (4-lane expressway with frontage roads)
- Alignment shifts north to avoid the school
  - Impacts 3-homes and business
  - Rejected due to relatively high R/W cost and utility relocation

- Alternative 3 (4-lane conventional highway)
- Temporary solution for the need of the project
  - Alignment passes through the school and,
  - Not consistent with the Interregional Transportation Strategic plan (the plan is to build expressway in the project limits)

- Alternative 4 (4-lane conventional highway)
- Temporary solution for the need of the project
  - Alignment shifts north to avoid the school
  - Impacts 2-homes and business and
  - Not consistent with the Interregional Transportation Strategic plan

- Alternative 4A (4-lane conventional highway)
- Temporary solution for the need of the project
  - Alignment shifts south to avoid the school

- Not consistent with the Interregional Transportation Strategic plan

Alternative 5 (4-lane expressway with north frontage road and south access easement)

- Alignment shifts north to avoid the school
- Impacts 5-homes and business impacted
- Relatively high right of way and utility relocation cost

Alternative 5A (4-lane expressway with north frontage road and south access easement)

- Same as alternative 5
- However, it provides unsignalized intersection at Lucy Brown Road
- Lucy Brown Road intersection was not current standard for future rural interchange spacing requirements for an expressway

Alternative 6 A ((4-lane expressway with north frontage road and south access easement)

- Same as alternative 6
- However, it provides unsignalized intersection at Lucy Brown Road
- Lucy Brown Road intersection was not current standard for future rural interchange spacing requirements for an expressway



# EXHIBIT A

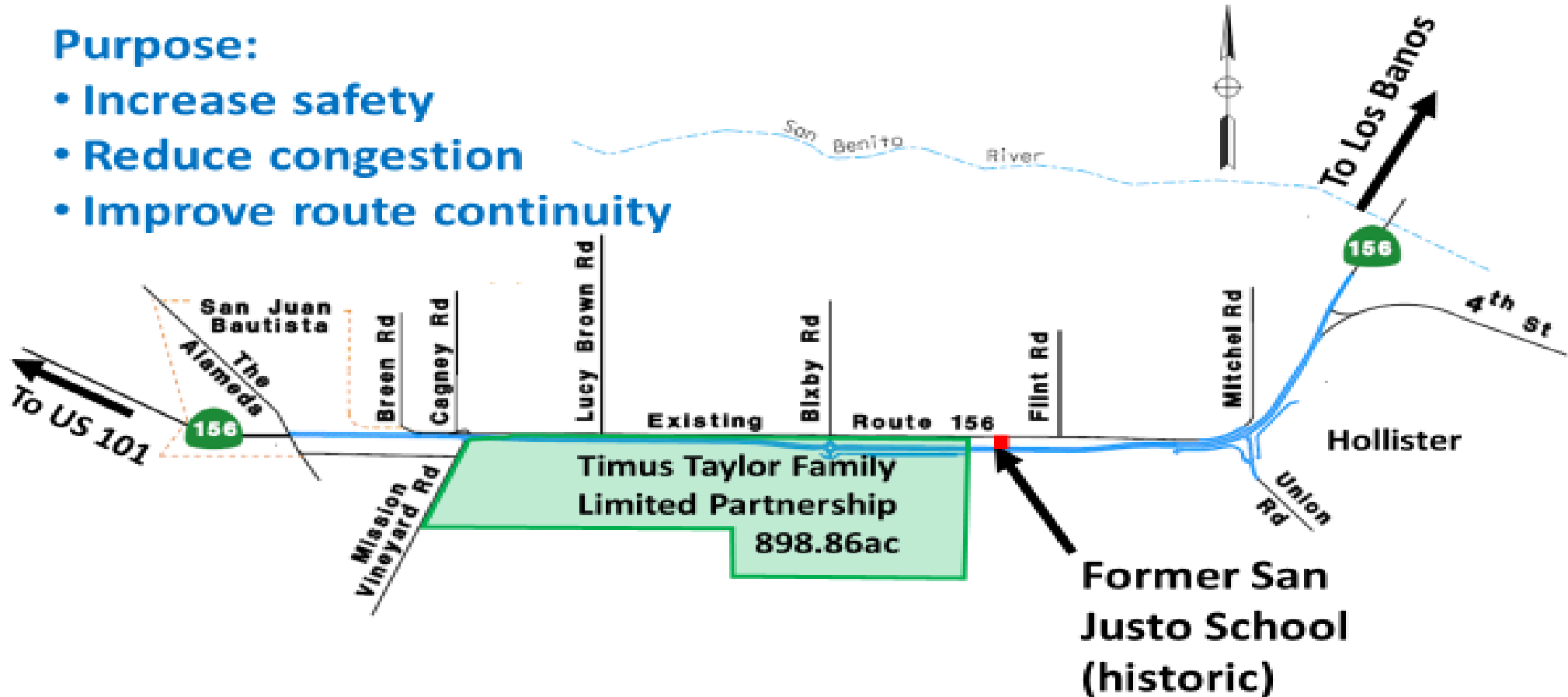
# Project Vicinity Map



# Project Location

## Purpose:

- Increase safety
- Reduce congestion
- Improve route continuity



Not to scale

# ATTACHMENT B

## PARCEL PANEL REPORT

Property Owner: Timus Taylor Family Limited Partnership

Parcel Location: South side of Route 156  
San Juan Bautista, CA 95045  
(stretches about 2.2 miles along new alignment)

Present Use: Farmland

Zoning: Agriculture

Area of Property: 900+/- Acres (APN 018-180-004, 018-180-006 & 018-180-007)

Area Required: Caltrans parcel # 11138-1, 68.93 Acres – Fee  
Caltrans parcel # 11138-2, 4.77 Acres – Access Easement  
Caltrans parcel # 11138-3, 1.80 Acres – PG&E Utility Easement  
Caltrans parcel # 11138-4, 1.01 Acres – TCE  
Caltrans parcel # 11138-5, 0.12 Acre – PG&E Utility Easement

## PARCEL DESCRIPTION

The rights to be acquired in the primary acquisition appraisal consist of the 68.93 acres required in Fee Simple for the planned realignment of Route 156 (sub-parcel 11138-1). Also, Access Denial will be established along the entire new Route 156 alignment, with the exception of an access opening at the intersection of the new Route 156 alignment and Bixby Road where a roundabout will be constructed. As a result of the new Route 156 alignment, 14.76 acres of the remainder property will be split off north of the new alignment, with the other 815.17 acres of the remainder property being south of the new Route 156 alignment. This 14.76 acres of split off remainder property to the north will be further split into a 3.48-acre portion west of the Bixby Road intersection and another 11.28-acre portion east of it. In discussions with the property owners, these split off portions of the property remainder may be uneconomic to them. For that reason, the alternate acquisition appraisal includes the additional acquisition of this 14.76-acre area. Sub-parcel 11138-2 is a 4.77-acre area running in a 60-foot wide strip from the eastern border of the property to the planned Bixby Road/Route 156 intersection. This planned access road will provide an access point to the Dobler Ranch property to the east and the Christopher Ranch and San Juan Oaks Golf Course properties to the south. Sub-parcel 11138-3 is a Permanent Utility Easement measuring 1.8 acres for the relocation of

PG&E gas lines near the northwest corner of the property. Sub-parcel 11138-4 is Temporary Construction Easement of a 32-month duration for PG&E to perform this gas line relocation work. Sub-parcel 11138-5 is a 10-foot wide by 511.84-foot long Permanent Utility Easement measuring 0.12 of an acres for a line of relocated PG&E utility poles along the perimeter of the remainder property, approximately between engineering stations 110 and 115.

The project requires a total of 24 parcels. Both Timus Taylor and Dobler contribute more than 75% of the total right of way requirement for the project. The status of negotiations for the parcels is: 15 parcels have a signed Right of Way Contract and 2 in Resolutions of Necessity, other parcels in negotiation process.

### **NEED FOR SUBJECT PROPERTY**

Fee Simple (68.93 acres), Permanent Assess Easement (4.77 acres), Permanent Utility Easements (1.8 acres and .12 acres) and the Temporary Construction Easement (1.01 acres) for Parcel 11138-1, -2,-3,-4,-5 is required to accommodate the proposed widening of SR 156 from two to four lanes. The acquisition of this parcel cannot be avoided. After discussions with the property owner at the District Condemnation Evaluation Meeting held on April 26<sup>th</sup>, 2019, Design reviewed requirements and was able to reduce the overall required area needed for this parcel.

### **RESOLUTION OF NECESSITY REVIEW PANEL REPORT**

The Condemnation Review Panel (Panel) took place on April 8, 2020 virtually-teleconference due to the COVID-19 Pandemic. The Panel members included Jeffrey Purdie, Panel Chair, Department of Transportation (Department) Headquarters (HQ's) Division of Right of Way and Land Surveys; Derek Vanhoften, Department's Bay Area Legal Division; Tina Lucas, Department HQ's Division of Design; Shalvin Singh, Department HQ's Division of Right of Way and Land Surveys, Secretary to the Panel; and Mike Whiteside, Department HQ's Assistant Chief Engineer. The Property Owner at the meeting was Steve Taylor.

This report summarizes the findings of the Panel with regard to the four criteria required for a Resolution of Necessity and makes a recommendation to the Department's Chief Engineer. The primary concerns and objections expressed by the property owners are that the proposed project is not planned or located in the manner that will be most compatible with the greatest public good and least private injury, nor are the property rights to be acquired necessary for the property.

The following is a description of the specific concerns raised by the property owners and their representatives, followed by the Department's response:

**Owner Contends:**

“The proposed project does not, as currently designed, satisfy all three (3) of the request conditions under CCP Section 1240.030, as follows:

- a) The public interest and necessity require project;
- b) The project is planned or located in the manner that will be most compatible with the greatest public good and least private injury; and
- c) The property sought to be acquired is necessary for the project.

**Department’s Response:**

According to the October 2008 Final Environmental Impact Report/Environmental Assessment with Findings of No Significant Impact, San Benito Route 156 Improvement Project, four alternatives were under consideration, including the No-Build Alternative. Due to public comments received during the two public hearings held on September 25 and 26, 2007, Alternative 6 was modified to provide a safer route for emergency response vehicles. After circulation of the Draft Environmental Impact Report/Environmental Assessment, Caltrans selected Alternative 6, as modified, as the preferred alternative based on engineering and environmental analysis, and community and agency input. While all the build alternatives would meet the purpose and need of the project. Alternative 6 requires minimal relocation of utilities, reduces the amount of farmland converted, and minimizes the disruption of traffic during construction. It also provides a safer route for pedestrians, bicyclists, and school transportation by removing the type of traffic from the expressway, while maintaining the existing northern residential access (driveways) for property owners and eliminating work north of existing State Route 156 at Bixby Road.

**Owner Contends:**

That would align the project parallel to the current highway. (This change, requires removing the school, and initiates schedule change.)

**Department’s Response:**

According to the State Route 156 Improvement Project: Final Environmental Impact Report/Environmental Assessment with Findings of No Significance: impacts to the San Justo School fall under US DOT 23 CFR 774.3, Section 4(f) impacts to a Historic Property. When evaluating the alternatives, the analysis was consistent with these regulations for selection of the avoidance alternative to a Section 4(f) property. Impacts related to farmlands were evaluated under the Williamson Act and the Farmland Protection Policy Act. These regulations governed the evaluation made related to the San Justo School and the impacts and mitigation measures to farmlands within the project corridor.

On June 25, 2013, Superior Court Case No. CU-08-00176 Settlement and Mutual Release Agreement was entered into by and between Petitioner Save San Juan Valley (“SSJV”) and Respondent California Department of Transportation (“Caltrans”) In the Settlement, it was stipulated that “if the Former School is timely relocated by its owner or

parties not including Caltrans, as described below, to another location not in conflict with the Parallel Route, Caltrans will construct the Project on the Parallel Route rather than on the route originally approved for the Project. No later than March 21, 2014, SSJV shall have obtained all necessary permits and approvals for the relocation of the Former School." The Former School shall be relocated no later than July 21, 2014.

**Owner Contends:**

Eliminate the separation of the eastbound and westbound lanes (starting to the west of Bixby road and ending to the east of Flint Road). (This change proposes a no median or minimum median width, which may require mandatory design exception).

**Department's Response:**

The Design team assigned to the project reviewed all alternatives and choose the proposed design as the most beneficial with the least private injury and most public good. In addition, Caltrans shall install a cable barrier in the center median between the two directions of traffic for the portion of the Project that will have a 46-foot median, generally, from Mission Vineyard Road to Union Road. Even though the standard is a 62-foot median, a 2013 Court Settlement with the Save San Juan Valley citizens group specifically states the project will have a 46-foot median. Therefore, this reduced the Right of Way Acquisition Area by 16 feet. Therefore, this reduced the Right of Way Acquisition Area by 16 feet, which in turn is the greatest public good and least private injury.

**DEPARTMENT CONTACTS:**

The following is a summary of the contacts made with the property owner/attorney:

Type of Contact	No of Contacts
Mailing of information	9
Emailing of Information	23
Telephone	18
Personal Call	1

**STATUTORY OFFER TO PURCHASE**

The Department has appraised the subject property and offered the full amount of the appraisal to the owners of record as required by the Government Code Section 7267.2. The Owners have 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 require 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 accordance 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*

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JEFFREY PURDIE  
Chief, Office of Project Delivery  
HQ Division of Right of Way and Land Surveys  
Panel Chair

I concur with the Panel's recommendation:

*Mike Whiteside (for Mike Keever)*

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MICHAEL KEEVER  
Chief Engineer

**PERSONS ATTENDING CONDEMNATION PANEL REVIEW  
MEETING ON APRIL 8, 2020**

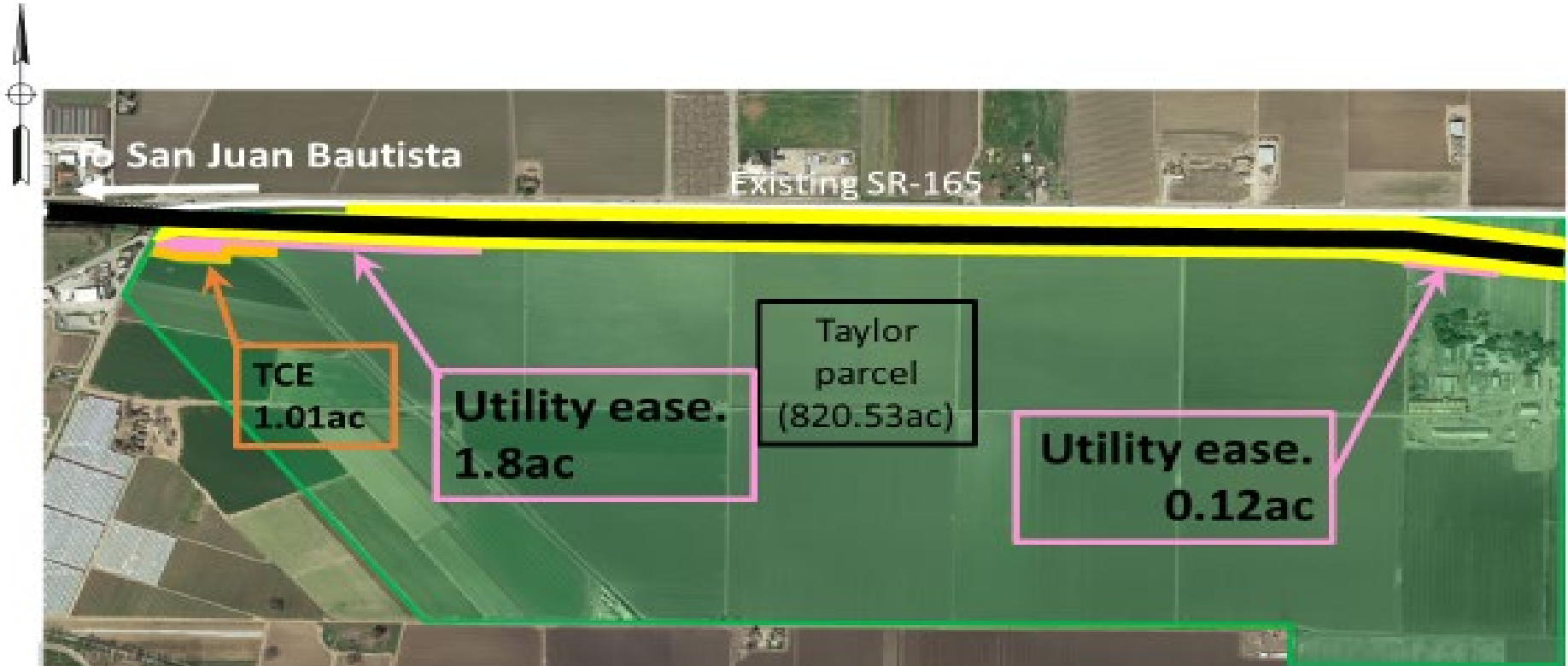
Jeffrey Purdie, HQ's Division of Right of Way and Land Surveys, Panel Chair  
Derek Vanhoften, Assistant Chief Counsel, Bay Area Legal Division, Panel Member  
Tina Lucas, HQ's Division of Design, Panel Member  
Shalvin Singh, HQ's Division of Right of Way and Land Surveys, Panel Secretary  
Michael Whiteside, HQ's Assistant Chief Engineer

Tim Gubbins, District Director, District 5  
Jaime Lupo, Central Region Right of Way Chief  
Marshall Garcia, Office Chief, Office of Right of Way and Land Surveys, District 5  
Patrick Mason, Senior Right of Way Agent, District 5  
Sarah Parrish, Right of Way Agent, District 5  
Richard Helgeson, Office Chief, Office of Design, Central Region  
Kal Daher, Design Manager, Central Region  
Aaron Henkel, Project Manager, Program Project Management, District 5

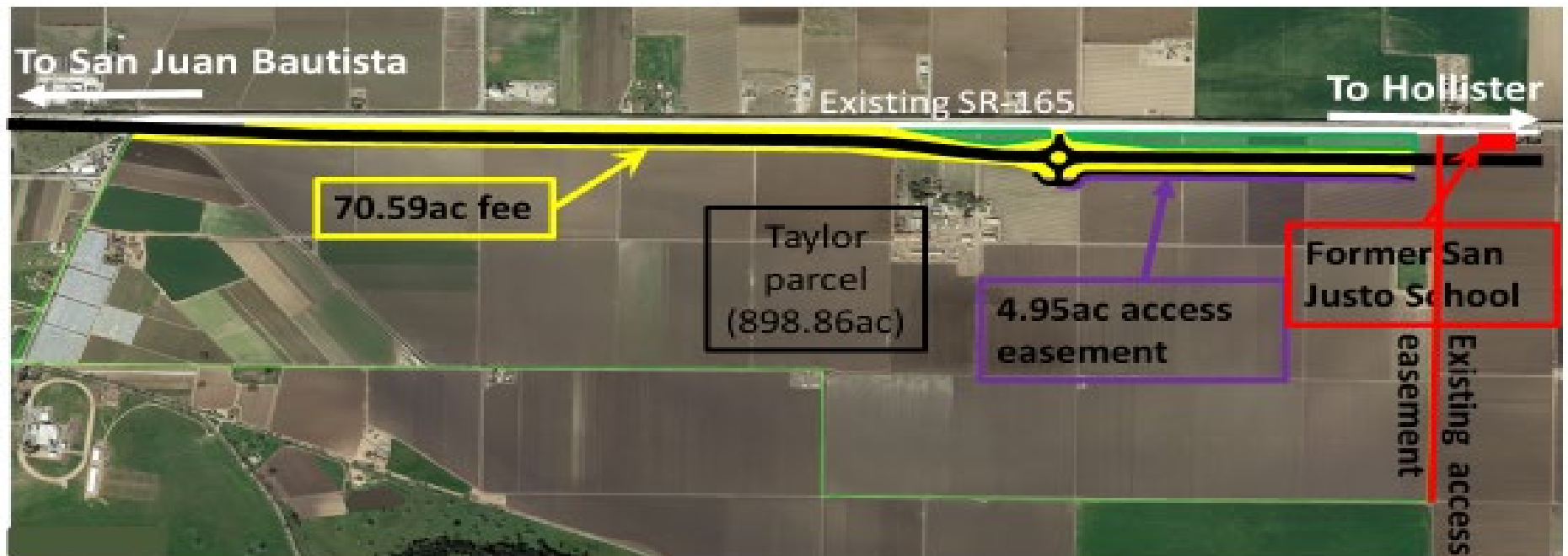
Steve Taylor, Property Owner

# EXHIBIT B

# Project Impact



# Project Impact



# EXHIBIT C

**TRANSPORTATION COMMISSION  
RESOLUTION NO.**

**C-21917**

CALIFORNIA TRANSPORTATION COMMISSION  
RESOLUTION OF NECESSITY  
TO ACQUIRE CERTAIN REAL PROPERTY  
OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN  
HIGHWAY 05-SBt-156-PM 3.8-6.0 PARCEL 11138-1, 2, 3, 4, 5  
OWNER: Timus Taylor Family Limited Partnership, A California Limited Partnership which  
acquired title as Timus Taylor Family Limited Partnership

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

The hereinafter described real property is necessary for State Highway purposes  
and is to be acquired by eminent domain pursuant to Streets and Highways Code Section  
102; and Code of Civil Procedure Section 1240.320 in that a portion of the property is being  
acquired for conveyance to PG&E & Access Easement for Utility purposes purposes; and  
Code of Civil Procedure Section 1240.350 in that the property is necessary to provide  
access or utility service to other property;

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

The proposed project is planned and located in the manner that will be most  
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;

**APPROVED AS TO FORM AND PROCEDURE**

**APPROVAL RECOMMENDED**

**Attorney, Department of Transportation**

**DIVISION OF RIGHT OF WAY**

1           The offer required by Section 7267.2 of the Government Code has been made to the  
2 owner or owners of record; and be it further

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

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

10           The real property or interests in real property, which the Department of  
11 Transportation is by this resolution authorized to acquire, is situated in the County of San  
12 Benito, State of California, Highway 05-SBt-156 and described as follows:

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**Parcel 11138-1** Fee: For freeway purposes, that portion of the land described in the deed to Timus Taylor Family Limited Partnership, recorded as Document Nos. 9212356 on December 16, 1992, in the Office of the Recorder of San Benito County, lying northerly of Courses (1), (2), (3), (4), (5), (6), (7), (8), (8a), (8b), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (18a), (19) and (20), said courses are described below as follows;

Commencing at station 41+54.73 on the Survey Engineer's Center Line of State Highway Route 156 as said center line is shown on the map of the Survey Engineer's Center Line Between Cagney Road and Fourth Street filed in State Highway Map Book 4, pages 23 to 28, inclusive, records of said county;

Thence radial to said center line, South 2°07'51" West, 335.57 feet to the southeasterly boundary of Mission Vineyard Drive as shown on Record of Survey filed in Book 3 of Maps, Page 39 and recorded January 25, 1949;

Thence (1), South 89°59'46" East, 11.76 feet to the point distant 335.13 feet southerly and radial to said center line at engineer's station 41+66.68;

Thence (2), North 29°24'15" East, 179.52 feet to the point distant 175.35 feet southerly and radial to said center line at engineer's station 42+49.56;

Thence (3), North 77°27'58" East, 116.71 feet to the point distant 144.97 feet southerly and radial to said center line at engineer's station 43+63.13;

Thence (4), South 87°18'32" East, 1400.38 feet to the point distant 135.00 feet southerly and radial to said center line at engineer's station 57+61.98;

Thence (5), South 89°55'38" East, 240.63 feet to the point distant 128.16 feet southerly and radial to said center line at engineer's station 60+00.98;

Thence (6), South 88°56'31" East, 500.57 feet to the point distant 130.00 feet southerly and perpendicular to said center line at engineer's station 65+00.00;

Thence (7), South 89°50'45" East, 1100.05 feet to the point distant 120.00 feet southerly and perpendicular to said center line at engineer's station 76+00.00;

Thence (8), South 89°19'30" East, 700.00 feet to the point distant 120.00 feet southerly and perpendicular to said center line at engineer's station 83+00.00;

Thence (8a), South 89°19'30" East, 800.00 feet to the point distant 120.00 feet southerly and perpendicular to said center line at engineer's station 91+00.00;

Thence (8b), South 89°19'30" East, 800.00 feet to the point distant 120.00 feet southerly and perpendicular to said center line at engineer's station 99+00.00;

Thence (9), South 88°38'15" East, 500.04 feet to the point distant 126.00 feet southerly and perpendicular to said center line at engineer's station 104+00.00;

Thence (10), South 89°13'09" East, 394.98 feet to the point distant 121.88 feet southerly and radial to said center line at engineer's station 108+00.00;

Thence (11), South 85°22'54" East, 195.90 feet to the point distant 124.14 feet southerly and radial to said center line at engineer's station 110+00.00;

Thence (12), South 81°52'22" East, 896.30 feet to the point distant 133.10 feet southerly and radial to said center line at engineer's station 119+00.00;

Thence (13), South 85°04'24" East, 511.23 feet to the point distant 139.16 feet southerly and radial to said center line at engineer's station 124+00.00;

Thence (14), South 76°14'04" East, 277.50 feet to the point distant 200.72 feet southerly and perpendicular to said center line at engineer's station 126+67.38;

Thence (15), South 89°59'48" East, 45.00 feet to the point distant 200.20 feet southerly and perpendicular to said center line at engineer's station 127+12.38

Thence (16), North 75°23'29" East, 256.69 feet to the point distant 132.58 feet southerly and perpendicular to said center line at engineer's station 129+60.00;  
Thence (17), South 89°50'00" East, 440.02 feet to the point distant 128.75 feet southerly and perpendicular to said center line at engineer's station 134+00.00;  
Thence (18), South 89°11'17" East, 750.00 feet to the point distant 130.67 feet southerly and perpendicular to said center line at engineer's station 141+50.00;  
Thence (18a), South 89°18'59" East, 500.00 feet to the point distant 130.83 feet southerly and perpendicular to said center line at engineer's station 146+50.00;  
Thence (19), South 89°21'03" East, 1000.00 feet to the point distant 130.55 feet southerly and perpendicular to said center line at engineer's station 156+50.00;  
Thence (20), South 89°39'10" East, 1000.02 feet to the point distant 125.00 feet southerly and perpendicular to said center line at engineer's station 166+50.00

**EXCEPTING THEREFROM** Parcel A, described as follows;

**Parcel A**

Commencing at station 110+23.27 on the said Survey Engineer's Center Line;  
Thence radial to said center line, North 5°08'04" East, 153.33 feet to the southerly boundary of the "*Hollister and San Juan Public road or Long Lane*" as described in said deed, now also known as State Route 156 and to the **point of beginning**;  
Thence (A), South 79°45'11" East, 585.79 feet to the point distant 124.84 feet northerly and perpendicular to said center line at engineer's station 116+00.00;  
Thence (B), South 81°28'26" East, 198.04 feet to the point distant 124.00 feet northerly and radial to said center line at engineer's station 118+00.00;  
Thence (C), South 85°11'50" East, 391.51 feet to the point distant 130.00 feet northerly and radial to said center line at engineer's station 122+00.00;  
Thence (D), North 82°03'12" East, 412.38 feet to the point distant 200.37 feet northerly and perpendicular to said center line at engineer's station 126+14.93;  
Thence (E), North 17°04'40" East, 25.18 feet;  
Thence (F), North 11°05'44" West, 27.95 feet;  
Thence (G), North 75°35'43" West, 164.92 feet to the southerly boundary of the "*Hollister and San Juan Public road or Long Lane*" as described in said deed, now also known as State Route 156;  
Thence (H), along said southerly boundary, North 89°19'06" West, 1415.05 feet to the **point of beginning**.

**ALSO EXCEPTING THEREFROM** Parcel B, described as follows;

**Parcel B**

Commencing at station 127+44.47 on the said Survey Engineer's Center Line;  
Thence perpendicular to said center line, North 0°39'55" East, 250.82 feet to the **point of beginning**;  
Thence (I), South 37°31'05" East, 49.39 feet to the point distant 212.00 feet northerly and perpendicular to said center line at engineer's station 127+75.00;  
Thence (J), South 77°10'05" East, 127.87 feet to the point distant 185.05 feet northerly and perpendicular to said center line at engineer's station 129+00.00;  
Thence (K), South 82°56'16" East, 556.92 feet to the point distant 123.00 feet northerly and perpendicular to said center line at engineer's station 134+53.45;

Thence (L), South 89°19'50" East, 2414.39 feet more or less to the easterly line of the land described in said deed to Timus Taylor Family Limited Partnership;  
Thence (M), northerly along said easterly line, North 0°41'32" East, 166.82 feet more or less to the northeast corner of the land described in said deed;  
Thence (N), westerly along the northerly line of the land described in said deed, 3060.54 feet;  
Thence (O), South 58°06'50" West, 74.59 feet to the point **of beginning**.

**Lands abutting the freeway shall have no right or easement of access thereto except over and across course (15) described above as; "Thence (15), South 89°59'48" East, 45.00".**

The bearings and distances used in this description are on the California Coordinate System 1983 (1991.35), Zone 4. Divide distances by 1.0000580 to convert to ground distances.

**Parcel 11138-2** Access and Utility Easement: A non-exclusive easement for road, utility, and access purposes upon, over, across and under that portion of the land described in the deed to Timus Taylor Family Limited Partnership, recorded as Document No. 9212356 on December 16, 1992, in the Office of the Recorder of San Benito County, described as follows:

Commencing at station 126+67.38 on the Survey Engineer's Center Line of State Highway Route 156 as said center line is shown on the map of the Survey Engineer's Center Line Between Cagney Road and Fourth Street filed in State Highway Map Book 4, pages 23 to 28, inclusive, records of said county; Thence, perpendicular to said center line, South 0°39'55" West, 200.72 feet to the **Point of Beginning**;

Thence (15), South 89°59'48" East, 45.00 feet to the point 200.20 feet southerly and perpendicular to said center line at engineer's station 127+12.38;

Thence (16), North 75°23'29" East, 256.69 feet to the point 132.58 feet southerly and perpendicular to said center line at engineer's station 129+60.00;

Thence (17), South 89°50'00" East, 440.02 feet to the point 128.75 feet southerly and perpendicular to said center line at engineer's station 134+00.00;

Thence (18), South 89°11'17" East, 750.00 feet to the point 130.93 feet southerly and perpendicular to said center line at engineer's station 141+50.00;

Thence (18a), South 89°18'59" East, 500.00 feet to the point 130.83 feet southerly and perpendicular to said center line at engineer's station 146+50.00;

Thence (19), South 89°21'03" East, 1000.00 feet to the point 130.55 feet southerly and perpendicular to said center line at engineer's station 156+50.00;

Thence, South 89°39'10" East, 217.74 feet to the easterly boundary of the land described in said deed;

Thence, along said easterly boundary, South 0°41'23" West, 132.52 feet;

Thence, North 89°20'05" West, 1.51 feet to the point distant 261.86 feet southerly and perpendicular to said center line at engineer's station 158+66.17;

Thence, North 29°20'26" West, 83.91 feet to the point distant 189.20 feet southerly and perpendicular to said center line at engineer's station 158+24.21;

Thence, North 89°24'51" West, 1174.23 feet to the point distant 190.83 feet southerly and perpendicular to said center line at engineer's station 146+49.98;

Thence, North 89°18'59" West, 500.14 feet to the point distant 190.67 feet southerly and perpendicular to said center line at engineer's station 141+49.84;

Thence, North 89°11'18" West, 749.84 feet to the point distant 188.75 feet southerly and perpendicular to said center line at engineer's station 134+00.00;  
Thence, North 89°50'00" West, 440.02 feet to the point distant 192.58 feet southerly and perpendicular to said center line at engineer's station 129+60.00;  
Thence, South 64°36'40" West, 95.28 feet to the point distant 234.43 feet southerly and perpendicular to said center line at engineer's station 128+74.40;  
Thence, South 37°05'40" West, 116.72 feet to the point distant 328.34 feet southerly and perpendicular to said center line at engineer's station 128+05.08;  
Thence, North 90°00'00" West, 136.22 feet to the point distant 329.92 feet southerly and perpendicular to said center line at engineer's station 126+68.88;  
Thence, North 0°00'00" East, 129.21 feet to the **Point of Beginning**.

The bearings and distances used in this description are on the California Coordinate System 1983(1991.35), Zone 4. Divide distances by 1.0000580 to convert to ground distances.

**Parcel 11138-3** Utility Easement: an easement for utility purposes for the benefit of **Pacific Gas and Electric Company**, upon, over, across and under that portion of the land described in the deed to Timus Taylor Family Limited Partnership, recorded as Document No. 9212356 on December 16, 1992, in the Office of the Recorder of San Benito County, described as follows:

Commencing at station 41+54.73 on the Survey Engineer's Center Line of State Highway Route 156 as said center line is shown on the map of the Survey Engineer's Center Line Between Cagney Road and Fourth Street filed in State Highway Map Book 4, pages 23 to 28, inclusive, records of said county; Thence, radial to said center line, South 2°07'51" West, 335.57 feet to the southeasterly boundary of Mission Vineyard Drive as shown on Record of Survey filed in Book 3 of Maps, Page 39 and recorded January 25, 1949;

Thence (1), South 89°59'46" East, 11.76 feet to the point distant 335.13 feet southerly and radial to said center line at engineer's station 41+66.68;

Thence (2), North 29°24'15" East, 179.52 feet to the point distant 175.35 feet southerly and radial to said center line at engineer's station 42+49.56, being the **Point of Beginning**;

Thence (3), North 77°27'58" East, 116.71 feet to the point distant 144.97 feet southerly and radial to said center line at engineer's station 43+63.13;

Thence (4), South 87°18'32" East, 1400.38 feet to the point distant 135.00 feet southerly and radial to said center line at engineer's station 57+61.98;

Thence (5), South 89°55'38" East, 240.63 feet to the point distant 128.16 feet southerly and radial to said center line at engineer's station 60+00.98;

Thence, South 0°00'10" East, 36.00 feet;

Thence, North 89°55'38" West, 241.50 feet;

Thence, North 87°18'32" West, 1153.63 feet;

Thence, South 15°07'48" West, 53.25 feet;

Thence, North 87°18'33" West, 216.77 feet;

Thence, North 76°02'46" West, 149.03 feet, to a point on said course (2);

Thence, along said course (2), North 29°24'15" East, 31.62 feet to the **Point of Beginning**.

The bearings and distances used in this description are on the California Coordinate System 1983 (1991.35), Zone 4, Divide distances by 1.0000580 to convert to ground distances.

**Parcel 11138-4** Temporary Construction Easement; A temporary easement for construction purposes upon over and across a portion of the land described in the deed to Timus Taylor Family Limited Partnership, recorded as Document No. 9212356 on December 16, 1992, in the Office of the Recorder of San Benito County, described as follows:

Commencing at station 41+54.73 on the Survey Engineer's Center Line of State Highway Route 156 as said center line is shown on the map of the Survey Engineer's Center Line Between Cagney Road and Fourth Street filed in State Highway Map Book 4, pages 23 to 28, inclusive, records of said county; Thence, radial to said center line, South 2°07'51" West, 335.57 feet to the southeasterly boundary of Mission Vineyard Drive as shown on Record of Survey filed in Book 3 of Maps, Page 39 and recorded January 25, 1949;

Thence, (1) South 89°59'46" East, 11.76 feet to the point distant 335.13 feet southerly and radial to said center line at engineer's station 41+66.68;

Thence, (2) North 29°24'15" East, 179.52 feet to the point distant 175.35 feet southerly and radial to said center line at engineer's station 42+49.56;

Thence, (3) North 77°27'58" East, 116.71 feet to the point distant 144.97 feet southerly and radial to said center line at engineer's station 43+63.13;

Thence, (4) South 87°18'32" East, 1400.38 feet to the point distant 135.00 feet southerly and radial to said center line at engineer's station 57+61.98;

Thence, (5) South 89°55'38" East, 240.63 feet to the point distant 128.16 feet southerly and radial to said center line at engineer's station 60+00.98;

Thence, South 0°00'10" East, 36.00 feet;

Thence, North 89°55'38" West, 241.50 feet;

Thence, North 87°18'32" West, 856.04 feet to the **Point of Beginning**;

Thence, North 87°18'32" West, 297.59 feet;

Thence, South 15°07'48" West, 53.25 feet;

Thence, North 87°18'33" West, 216.77 feet;

Thence, North 76°02'46" West, 149.03 feet, to a point on said course (2);

Thence, along said course (2), South 29°24'15" West, 62.25 feet;

Thence, South 76°02'46" East, 171.53 feet;

Thence, South 87°18'33" East, 270.89 feet;

Thence, North 15°07'48" East, 53.25 feet;

Thence, South 87°18'32" East, 252.20 feet;

Thence, North 00°00'00" West, 60.07 feet to the **Point of Beginning**.

Rights to the above described temporary easement shall cease and terminate on August 11, 2022. The rights may also be terminated prior to the above date by STATE upon notice to OWNER.

The bearings and distances used in this description are on the California Coordinate System 1983 (1991.35), Zone 4, Divide distances by 1.0000580 to convert to ground distances.

**Parcel 11138-5** Utility Easement: an easement for utility purposes for the benefit of **Pacific Gas and Electric Company**, upon, over, across and under that portion of the land described in the deed to Timus Taylor Family Limited Partnership, recorded as Document No. 9212356 on December 16, 1992, in the Office of the Recorder of San Benito County, described as follows:

Commencing at station 110+06.98 on the Survey Engineer's Center Line of State Highway Route 156 as said center line is shown on the map of the Survey Engineer's Center Line Between Cagney Road and Fourth Street filed in State Highway Map Book 4, pages 23 to 28, inclusive, records of said county;

Thence, radial to said center line, South 4°58'44" West, 144.55 feet to the **Point of Beginning**;

Thence, South 81°52'22" East, 522.11 feet to the point distant 152.22 feet southerly and perpendicular to said center line at engineer's station 115+38.17;

Thence, North 0°12'55" East, 10.10 feet;

Thence, North 81°52'22" West, 522.11 feet;

Thence, South 0°12'55" West, 10.10 feet to the **Point of Beginning**.

The bearings and distances used in this description are on the California Coordinate System 1983 (1991.35), Zone 4. Divide distances by 1.0000580 to convert to ground distances.

## Memorandum

District	County	Route	Postmile	Project ID
5	SBT	156	3.8 to 6.0	0500000505

**To:** CENTRAL REGION RESOLUTION OF NECESSITY

**From:** JOSEPH BLOOM  
RW Engineering, District 5

**Subject:** RESOLUTION OF NECESSITY TRANSMITTAL

The following information has been provided, as requested by District Right of Way, for use in the preparation of a Resolution of Necessity (RON) and other documents necessary for Condemnation, including:

- RON Mapping (**3 pages**)
  - Index Map (Exhibit A) – 1 page– shows parcel in relation to the overall project
  - Detail Maps (Exhibit B) – 2 pages– shows parcel in detail
- RON Legal Description for parcel(s): (**6 pages**)
  - **PARCEL 11138-1, -2, -3, -4, -5**

The electronic files for the above listed information have been transmitted by Email and ROWMIS.

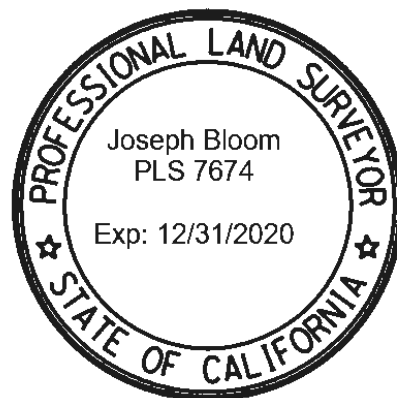
The attached real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors' Act.

Signature



Professional Land Surveyor

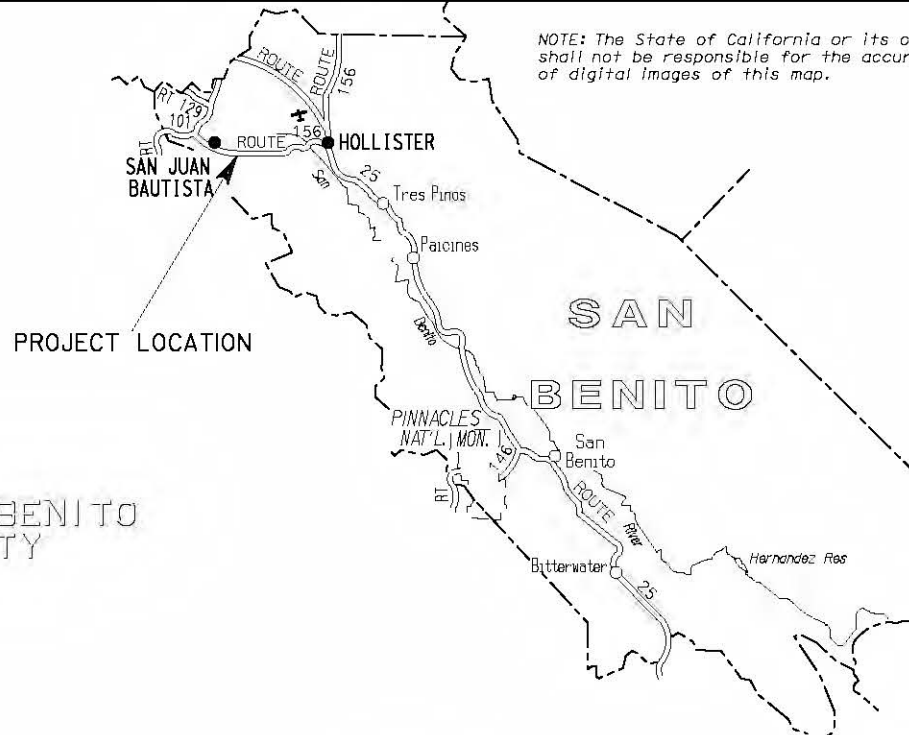
Date March 23, 2020



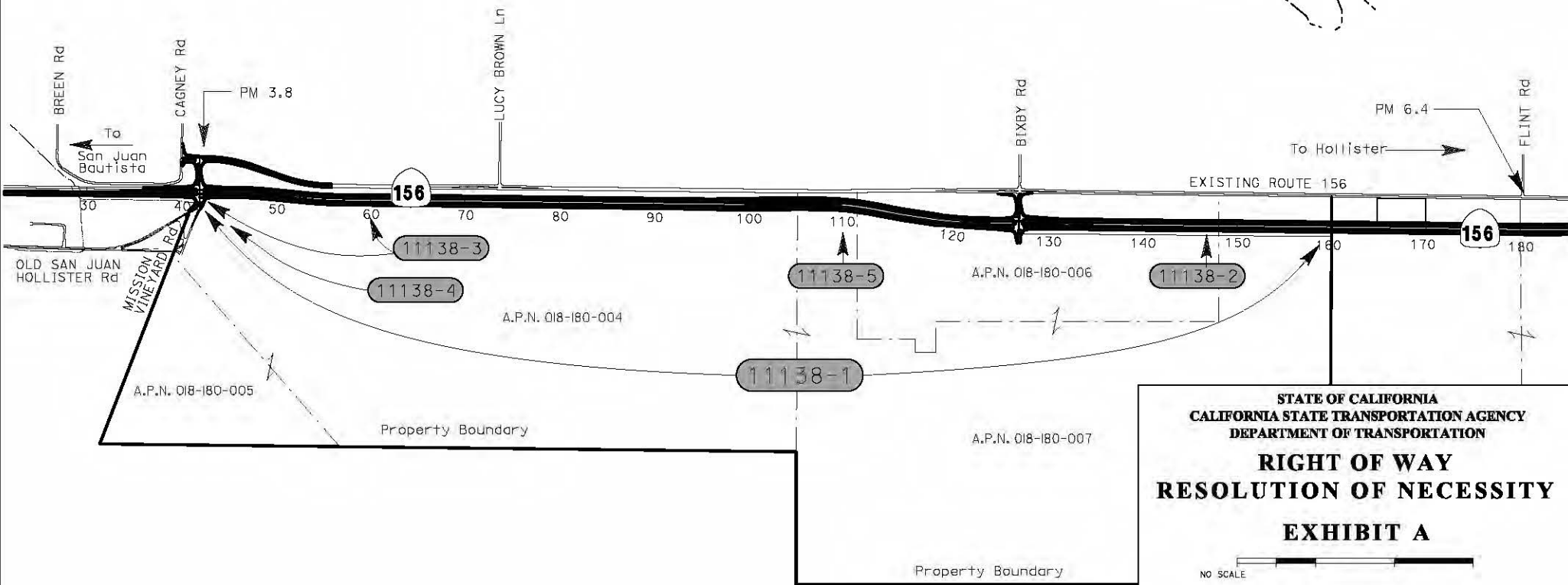


NO SCALE

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.



SAN BENITO COUNTY



**STATE OF CALIFORNIA  
CALIFORNIA STATE TRANSPORTATION AGENCY  
DEPARTMENT OF TRANSPORTATION**

**RIGHT OF WAY  
RESOLUTION OF NECESSITY**

**EXHIBIT A**

NO SCALE

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
5	SBT	156	3.8 to 6.0	1	1



NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.

RANCHO SAN JUSTO

SAN BENITO COUNTY



MAPS 10  
B. 8  
LOT 8

SHERWOOD SUBDIVISION

MAPS 15

LUCY BROWN LANE

"R"  
R=20500.00'  
Δ=2°43'17"  
L=973.66'

BC 52+75.12

EC 62+48.78

EXISTING STATE R/W

EXISTING STATE R/W

PROPOSED ACCESS CONTROL

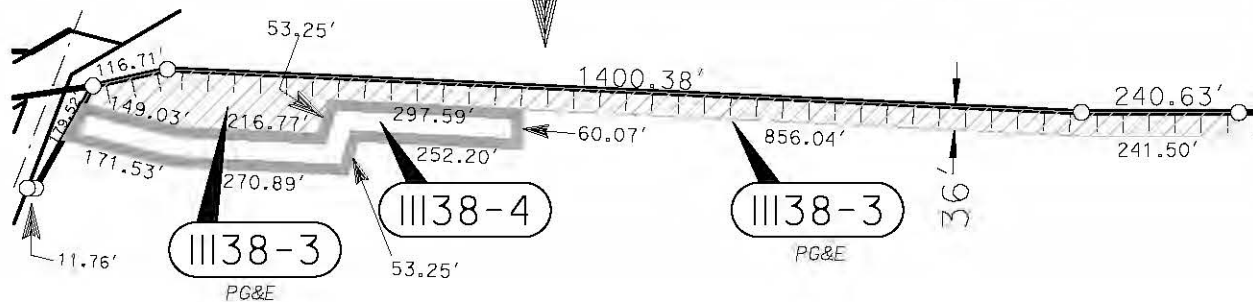
156

A.P.N. 018-180-004

20' WIDE EASEMENT TO SAN BENITO WATER DISTRICT PER DOC #9800931

PROPOSED ACCESS CONTROL

DETAIL



STATE OF CALIFORNIA  
CALIFORNIA STATE TRANSPORTATION AGENCY  
DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY  
RESOLUTION OF NECESSITY**

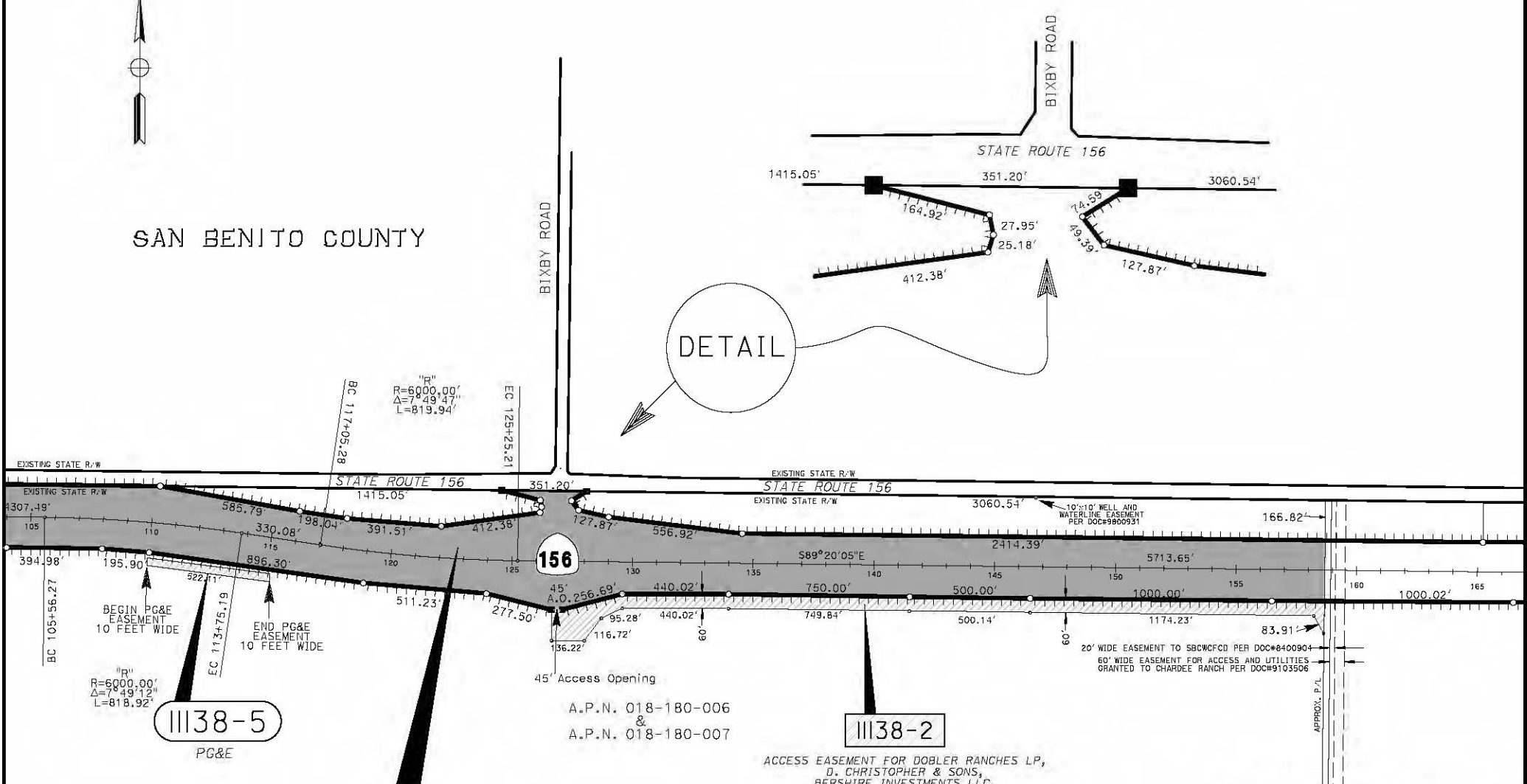
**EXHIBIT B**

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
5	SBT	156	4.4	1	2

# RANCHO SAN JUSTO

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.

SAN BENITO COUNTY



DETAIL

11138-5  
PG&E

11138-1

11138-2

A.P.N. 018-180-006  
&  
A.P.N. 018-180-007

ACCESS EASEMENT FOR DOBLER RANCHES LP,  
D. CHRISTOPHER & SONS,  
BERSHIRE INVESTMENTS LLC,  
AND SAN JUAN OAKS LLC

**STATE OF CALIFORNIA**  
**CALIFORNIA STATE TRANSPORTATION AGENCY**  
**DEPARTMENT OF TRANSPORTATION**

**RIGHT OF WAY**  
**RESOLUTION OF NECESSITY**  
**EXHIBIT B**

APPROX. P.L.

PROPOSED ACCESS CONTROL

0 100 200 300 400 500 600 700 800 900 1000  
FEET

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
5	SBT	156	5.4	2	2

# ATTACHMENT C

**BASS BERRY & SIMS<sup>PLC</sup>**

T. Stephen C. Taylor  
staylor@bassberry.com  
(615) 742-7758

February 25, 2019

**VIA CERTIFIED MAIL, FEDEX AND EMAIL**

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

Patrick Mason  
Senior Right of Way Agent  
California Department of Transportation  
3232 S. Higuera #200  
San Luis Obispo, CA 93401-2015  
[Patrick.Mason@dot.ca.gov](mailto:Patrick.Mason@dot.ca.gov)

**Re: Timus Taylor Family Limited Partnership, A California Limited Partnership, et al  
Notice of Intent to Adopt Resolution of Necessity to Acquire Certain Real Property  
or Interest in Real Property by Eminent Domain  
05-SBT-156-PM 3.8/6.0  
EA 344909  
Project #0500000505  
Parcel 11138-1, 2, 3, 4, 5**

Dear Ms. Bransen and Mr. Mason:

This will confirm receipt of the captioned Notice of Intent (the "Notice of Intent") to Adopt Resolution of Necessity to Acquire Certain Real Property or Interest in Real Property by Eminent Domain (the "Resolution") dated February 11, 2019 by the Timus Taylor Family Limited Partnership (the "Partnership") on February 18, 2019. Pursuant to the Notice of Intent and the California Code of Civil Procedure ("CCP"), this will serve as the written request of the Partnership to appear before the California Transportation Commission (the "Commission") at its meeting to be held on March 13 and 14, 2019 in Los Angeles, California. In the event that the Partnership's representatives are unable to attend the meeting given the short written notice of the captioned matter provided by the Commission, this will further serve as the submission of the Partnership's written objections to the acquisition of the Partnership's real property or interest in real property by eminent domain and to respectfully request that these written objections be made part of the official record of the meeting and be given due consideration by the Commission.

The Partnership has owned its prime, agriculturally productive property in San Benito County since the 1970s. As the Partnership's property is contiguous to San Benito Route 156, the highway is used on a daily basis in conducting farming operations. The Partnership has been aware of the California Department of Transportation ("CalTrans") San Benito Route 156 Improvement Project (the "Project") for over a decade and is supportive of the Project's objectives to relieve congestion and improve safety by widening San Benito Route 156 from a 2-lane highway to a 4-lane

150 Third Avenue South, Suite 2800  
Nashville, TN 37201

bassberry.com

Susan Bransen  
Patrick Mason  
February 25, 2019  
Page 2

facility. Over the years, the Partnership has attended CalTrans meetings, discussed technical issues and concerns about the Project with CalTrans officials on numerous occasions, and submitted a written statement to the Commission. We very much appreciate the good working relationship we have developed with the CalTrans officials involved with the Project and look forward to continuing to work in good faith with them in this matter. Accordingly, the Partnership does not, as a general matter, believe that the Notice of Intent is merited or consistent with our active and ongoing discussions with CalTrans regarding the Project.

More specifically, the Partnership strongly believes that the Resolution should not be adopted by the Commission because the proposed Project clearly does not, as currently designed, satisfy all three (3) of the requisite conditions under CCP Section 1240.030, as follows:

- (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; and
- (c) The property sought to be acquired is necessary for the project.

As noted above, the Partnership agrees that the Project is generally in the public interest. For the reasons set forth below, however, the Project as currently designed is not "planned or located in the manner that will be most compatible with the greatest public good and the least private injury" (emphasis supplied), and therefore does not satisfy CCP Section 1240.030(b). In addition, a certain portion of the Partnership's property sought to be acquired is not necessary for the Project, and therefore does not satisfy CCP Section 1240.030(c).

The Project as currently designed principally requires acquisition of property currently owned by two landowners: (1) the Partnership and (2) Dobler Ranches, L.P. ("Dobler"). The ranches owned by the Partnership and Dobler are adjacent to one another and run along the southern border of the entire section of Route 156 impacted by the Project, such that under the current Project design, the two ranches would collectively lose the use of approximately 109 total acres of unique, prime farmland. The unique, prime farmland at issue is subject to both the California Land Conservation Act of 1965 ("Williamson Act") and the federal Farmland Protection Policy Act ("FPPA"). As the Commission is aware, the Williamson Act's stated purpose is to preserve agricultural lands in California by discouraging unnecessary conversion, and the FPPA was enacted by Congress to minimize the impact of federal programs on unnecessary and irreversible conversion of prime and unique farmland to nonagricultural uses.

The Partnership and Dobler have jointly proposed a modest design change that would align the Project parallel to the current highway and eliminate the separation of the eastbound and westbound lanes (starting to the west of Bixby Road and ending to the east of Flint Road). According to CalTrans officials, this would preserve slightly more than 26 acres of unique, prime farmland collectively owned by the Partnership and Dobler that could thereby continue to be used for agricultural use. This modest design change would specifically reduce the amount of the Partnership's acreage necessary for the Project from roughly 70.59 acres to 56.18 acres, a very significant reduction of more than 20 percent.

Both the Partnership and Dobler are aware that this proposed design change would require a balancing of the statutory purposes of the Williamson Act, the FPPA and the ranches' respective property rights with those of another property owner, Theodore T. Thoeny. We understand issues

Susan Bransen  
Patrick Mason  
February 25, 2019  
Page 3

associated with Mr. Thoeny's property were the basis for the section of the current Project design that the Partnership and Dobler are proposing to be changed. Representatives of the Partnership and Dobler met with several years ago Mr. Thoeny and proposed a plan to move his building and swap his property for an improved lot in San Benito County. Mr. Thoeny, who is in his mid-80s, replied that he did not have any reason to move because the Project "had been talked about for years" and was "never going to happen." As the Commission and CalTrans both understand and agree, the Project is now very close to entering the construction phase, and the Partnership believes Mr. Thoeny also understands this fact and may now be prepared to move. The Partnership and Dobler stand ready to work with CalTrans to assist as reasonably requested in negotiating an agreement with Mr. Thoeny to relocate so as to facilitate the necessary Project design changes we are proposing.

The Partnership believes that by making limited modifications to the current design, the Project can satisfy CCP Section 1240.030(b). These modifications will, in turn, limit the Partnership's property to only the acreage necessary for the Project, such that it will satisfy CCP Section 1240.030(c). The proposed changes will result not only in the Project complying with the CCP, but more importantly, in our view, with the Williamson Act and the FPPA. We also firmly believe that Mr. Thoeny will find his remaining retirement years much more enjoyable and relaxing if he lives in a location removed from the construction and completion of the Project.

Finally, the Partnership wishes to underscore to the Commission that we believe a Notice in Intent is not necessary given our active, good faith discussions with CalTrans and our expectation that a mutually acceptable purchase agreement can be quickly negotiated in this matter following the proposed limited changes to the Project's current design.

In summary, we respectfully request that the Commission (1) not adopt the Resolution as it does not satisfy all of the requisite conditions under CCP Section 1240.030, (2) approve a period of 120 to 180 days for CalTrans officials, with assistance of the Partnership and Dobler as requested, to negotiate with Mr. Thoeny on his relocation, and (3) make the requested change in the current Project design in order to preserve approximately 26 acres of unique, prime farmland collectively owned by the Partnership and Dobler, thereby ensuring compliance with applicable California and federal laws and regulations.

Thank you for your consideration and assistance in this matter.

Sincerely,

**Timus Taylor Family Limited Partnership**

By:   
T. Stephen C. Taylor, General Partner

TSCT/jv  
cc: Steven Dobler, Dobler Ranches, L.P. (via email)  
Sarah Parish, CalTrans (via email)  
26188478.1



Shipment Receipt

Address Information

Ship to:

Patrick Mason  
California Department of  
Transporta  
Senior Right of Way Agent  
3232 S. Higuera #200  
SAN LUIS OBISPO, CA  
934012015  
US  
9999999999

Ship from:

Steve Taylor  
Bass Berry & Sims, PLC  
150 Third Avenue South  
Suite 2800  
Nashville, TN  
37201  
US  
6157427758

Shipment Information:

Tracking no.: 774556991393

Ship date: 02/25/2019

Estimated shipping charges: 38.57 USD

Package Information

Pricing option: FedEx Standard Rate

Service type: Priority Overnight

Package type: FedEx Envelope

Number of packages: 1

Total weight: 0.50 LBS

Declared Value: 0.00 USD

Special Services:

Pickup/Drop-off: Use an already scheduled pickup at my location

Billing Information:

Bill transportation to: BNA-933

Your reference: 201160-100

P.O. no.:

Invoice no.:

Department no.:

Thank you for shipping online with FedEx ShipManager at fedex.com.

Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; Consult the applicable FedEx Service Guide for details.

The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.

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Extra Services & Fees (check box, add fees as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage

\$ Total P Executive Director

\$ Sent To California Transportation Commission

Street P.O. Box 942873

City, St Mail Station 52

Sacramento, CA 94273-0001

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7017 0530 0000 6657 7990

