Property Acquisitions & Resolution of Necessity

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Presentation Overview and Purpose

- Describe the Resolution of Necessity (RON) process
- What CTC must consider in order to approve a RON
- What happens before a RON is requested
- The 4 Findings and how they are met through studies throughout the project life-cycle
- Community engagement and input
- Property Owner engagement and negotiations
What is a Resolution of Necessity (RON)?

- A formal document adopted by the CTC that authorizes Caltrans to proceed with property acquisition when an agreement cannot otherwise be negotiated.

- A Notice of Intent letter is provided to Property Owner at least 30 days prior to scheduled CTC meeting. It describes: the 4 Findings, the process, and advises Property Owner of rights and responsibilities.
Types of Resolutions of Necessity (RON)

1. UNCONTESTED
   - Owner only contests the amount of compensation and does not contest the 4 Findings

2. CONTESTED BY PHYSICAL APPEARANCE
   - Owner requests to appear before Commission for reasons other than compensation

3. CONTESTED BY WRITTEN APPEARANCE (Letter)
   - Owner does NOT intend to appear before Commission but does contest for reasons other than compensation
Public Interest Finding #1

The public interest and necessity require the proposed project

- During project development, an environmental review process takes place, and an Environmental Document is prepared. In addition, a Project Report is prepared which documents and validates the purpose and need for each project

- Public engagement throughout the process:
  - Public workshops open to all
  - Hearings - In the event a project is challenged
  - Public comment periods
Public Interest Finding #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

- The Environmental Analysis component of a project includes studies that involve societal considerations to those impacted by a project. The intent of the studies is to avoid or keep to a minimum impacts to people, animals, plant life and topography.

- Caltrans civil engineers make effort to develop design alternatives that minimize impacts to communities, including minimizing physical displacements.
Public Interest Finding #3

The property described in the Resolution is necessary for the proposed project

Prior to making an offer to a Property Owner, the licensed civil engineer must evaluate the design & property requirements to certify in writing that the project cannot be constructed without the parcel. This is a Certificate of Sufficiency

Appraisal reports are not approved without a signed Certificate of Sufficiency
Public Interest Finding #4

An offer to purchase the property, as required by Section 7267.2 of the Government Code, has been made to owners of record.

- Approved Fair Market Appraisal
- Property owners are invited to meet and walk the site with the appraiser during the appraisal inspection.
- Property owners and tenants are advised of their rights under Title VI.
- Residential property owners are provided with a copy of the appraisal and are offered a reimbursement up to $5,000.00 for their own independent appraisal report.
Negotiations

- Less than 1% of all acquisitions (2018 to June 30, 2021) have resulted in property owners contesting the RON
- Interactive engagement occurs with Property Owners throughout negotiation
- Discuss reducing or modifying acquisition areas, when feasible as assessed by Design
- Survey property owners for special considerations (ADA, *in early 2000’s* upside-down mortgages)
Physical Appearance

*Three Level Review Process*

1. District Evaluation Meeting
   - District Director formally meets with Property Owner to look for opportunities for mutual resolution

2. HQ and Design Review Meeting

3. Executive and CTC Staff Review
   - CTC staff & Caltrans executive team reviews information & presentation
Written Appearance

- Owner does not intend to appear before Commission but does contest reasons other than compensation

- No Formal Appearance Presentations

- In lieu of in-person meetings
  - Fact Sheet
  - Panel Report
Questions?

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