

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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