

MEMORANDUM

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: December 7-8, 2022

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.4b., Action Item

Prepared By: Kimberly Ellis Erickson, Chief
Division of Right of Way and Land Surveys

Subject: **RESOLUTIONS OF NECESSITY**

ISSUE:

Should the California Transportation Commission (Commission) adopt Resolutions of Necessity (Resolutions) for these parcels, whose owners are not contesting the declared findings of the California Department of Transportation (Department) under Section 1245.230 of the Code of Civil Procedure?

RECOMMENDATION:

The Department recommends the Commission adopt Resolutions C-22216 through C-22219 as summarized on the following pages.

BACKGROUND:

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 of California (CCP). Moreover, for each of the proposed Resolutions, the property owners are not contesting the following findings contained in Section 1245.230 of the CCP:

1. The public interest and necessity require the proposed project.
2. The proposed project is planned and located in a 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 purchase the property in compliance with Government Code Section 7267.2 has been made to the owner of record.

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The only remaining issues with the property owners are related to compensation.

Discussions have taken place with the owners, each of whom has been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which the owners may subsequently be entitled. Adoption of the Resolutions will not interrupt the Department's efforts to secure equitable settlements. In accordance with statutory requirements, each owner has been advised that the Department is requesting a Resolution at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-22216 - Auburn Manor Holding Corporation, a California Corporation

03-Yub-70-PM 15.2 - Parcel 37879-1,2 - EA 0H1609.

Right of Way Certification (RWC) Date: 09/07/23; Ready to List (RTL) Date: 10/04/23; Project Report (PR) Date: 12/07/20; Environmental Document (ED) Date: 12/07/20; Certificate of Sufficiency (COS) Signed: 06/21/22; Initiation of Negotiations (ION) Date: 08/01/22.

Conventional highway - roadway rehabilitation and operational improvements including turn pockets and auxiliary lanes. Authorizes condemnation of land in fee for a state highway, and temporary construction easement. Located in the city of Marysville along Ellis Lake Drive. Assessor's Parcel Number (APN)(s): 009-300-005, -006.

The public interest and necessity require the proposed project.

In the City of Marysville, State Route 70 (SR 70) from south of 14th Street to north of 24th Street has two Union Pacific Railroad (UPRR) overpasses which have deficient vertical clearances. The Marysville Underpass and the Binney Junction Underpass bridges have been struck multiple times by vehicles, significantly impacting traffic and railroad operations. Large volumes of freight and goods movement occur along SR 70, resulting in deteriorating pavement conditions and requiring exhaustive maintenance. In addition, there are inadequate pedestrian and bicycle facilities to facilitate mobility options for the students at the local high school which is within the project limits.

The project proposes to widen SR 70 to current standards and reconstruct the Marysville and Binney Junction underpasses to the required vertical clearances, thereby ensuring safe and efficient travel of various modes of transportation.

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 Project Development Team (PDT) prepared an Environmental Impact Report (EIR) / Environmental Assessment (EA) in compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), analyzing the potential environmental impacts of the project and required mitigations. The Finding of No Significant Impact (FONSI) document was approved December 7, 2020.

The PDT developed and analyzed two alternatives with considerations for environmental implications, constructability challenges, impacts to the traveling public, and overall safety, mobility, and connectivity of various modes of travel.

Alternative 1 evaluated widening SR 70 to the east, constructing the new Marysville Underpass and associated tracks to the north of the existing structure, and constructing the new Binney Junction Underpass and associated tracks to the south of the existing structures. Alternative 2 evaluated widening SR 70 to the east and constructing both underpasses and associated tracks south of the existing structures. The "No Build" alternative was not a viable option since existing conditions do not satisfy the project's purpose and need to improve safety, mobility, and connectivity.

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After extensive analysis of the alternatives, the PDT concluded that a hybrid of Alternative 1 and Alternative 2 best met the project goals, provided the greatest benefit, and least impact to property owners, residents, and the community. This hybrid alternative avoided the acquisition of numerous commercial and residential properties including a Veterans' Care Center and a historic residence eligible for listing in the National and California Register of Historic Places. The rejected alternative would have also landlocked multiple properties, requiring additional acquisition of private lands to construct public roads to perpetuate access.

The property rights to be condemned are necessary for the proposed project.

The property is located near the westerly limits of the project, bounded by 18th Street to the south and UPRR to the north.

The proposed fee acquisition of the Parcel 37879-1 is necessary for the realignment of UPRR Track 685 and its associated embankment. The Temporary Construction Easement (TCE), Parcel 37879-2, is necessary for access, minor grading and construction related activities.

An offer to purchase in accordance with Government Code Section 7267.2 has been made to the owners of record.

District 3 Right of Way staff completed an appraisal. The appraisal was approved by District Right of Way management on May 18, 2022. On June 22, 2022, a District Right of Way Agent mailed and emailed the first written offer documents to the owners. The owner supports the highway construction project but is not satisfied with the post-acquisition remainder property for their potential future business purposes. The subject property is a 4.84-acre vacant parcel. The proposed fee acquisition is for 8,182 square feet (0.19 acre) off of the back of the property along the northern border adjacent to the railroad, leaving the owner with a remaining 4.65 acres. Owner requested a full acquisition or a land exchange instead of the offered partial acquisition. After review, a full acquisition or land exchange are not justifiable nor feasible in this circumstance as the proposed acquisition does not damage potential future development of the remaining parcel.

The owner and the agent continue to negotiate to reach an agreement. Condemnation has been initiated to maintain the orderly sequence of events required to meet construction schedules.

C-22217 - Associated Telephone Company, Ltd.

07-LA-1-PM 20.68 - Parcel 81630-1 - EA 325809.

RWC Date: 05/10/23; RTL Date: 06/09/23; PR Date: 06/30/16 (Supplemental PR Dates: 05/26/17, 09/08/17, 02/20/20, 03/11/20); ED Date: 12/31/19 (Re-Validation Date: 03/15/22); COS Signed: 08/31/21; ION Date: 07/26/22. Conventional highway - upgrade pavement and curb ramps with Americans with Disabilities Act (ADA) elements. Authorizes condemnation of a permanent easement for state highway purposes. Located in the city of Hermosa Beach at 102 Pacific Coast Highway. APN 4186-026-806.

The public interest and necessity require the proposed project.

The Capital Preventive Maintenance Project Report noted deficiencies to existing pedestrian ADA curb ramps and recommended improvements to the pedestrian facilities to make them comply with the 2010 ADA Standards for Accessible Design and the Department's DIB 82-06 for pedestrian facilities. The proposed project will improve pedestrian traffic safety, especially for individuals with disabilities.

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

A Categorical Exemption (CE)/Categorical Exclusion (CE) pursuant to CEQA and NEPA was completed and approved in December 2019 and re-validated in March 2022 for this project, and a Hazardous Waste Assessment was also completed in February 2022.

To be most compatible with the greatest public good and least public injury, the project proposes to reconstruct the ADA curb ramps to comply with the current ADA standards, all miscellaneous site improvements within the proposed highway easements will be protected in place, and vehicular traffic to adjacent businesses will not be impacted nor diverted during construction. The project is designed with retaining curbs at the back of many ADA ramp locations and a minimum sidewalk width of 4.2 feet where feasible. Additionally, different curb ramp designs were used based on their locations. All these measures were taken to minimize right of way impacts yet still meet current ADA standards.

The property rights to be condemned are necessary for the proposed project.

The owner's property is located adjacent to the state highway. A portion of the existing ADA curb ramp is located within the owner's property. This project requires a 137 square foot highway easement at this location to reconstruct the existing curb ramp to meet current ADA standards. The reconstruction of the existing curb ramp cannot be constructed without acquiring the proposed highway easement.

An offer to purchase in accordance with Government Code Section 7267.2 has been made to the owners of record.

A staff appraisal that established just compensation was approved by District Right of Way management on June 20, 2022. On July 12, 2022, the FWO of just compensation was presented to the property owner via certified mail to the property owner's mailing address on file with the California Secretary of State. The signed certified mail return receipt was received on July 26, 2022, confirming the delivery of the FWO to the property owner. On

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August 24, 2022, agent sent a follow-up email to the property owner and emailed a copy of the FWO on September 28, 2022, as requested by the property owner. All communications with the property owner have taken place by phone and email, as the property owner is domiciled in the State of Connecticut. Negotiations for an amicable settlement are ongoing, and District Right of Way will continue to follow up with the property owner to secure a settlement by right of way contract. However, to continue the orderly sequence of events that are required to meet construction schedules, a Resolution of Necessity is being sought at the December 2022 Commission meeting.

C-22218 - Saker S. Damji, Trustee of The Sakerkhanu S. Damji Marital Trust established under The Damji Family Living Trust, dated August 3, 2000, an undivided 9.37% interest, and Saker S. Damji, Trustee of The Sadrudin P. Damji Family Trust established under The Damji Family Living Trust, dated August 3, 2000, an undivided 90.63% interest

07-LA-1-PM 32.54 - Parcel 81712-1 - EA 325809.

RWC Date: 05/10/23; RTL Date: 06/09/23; PR Date: 06/30/16 (Supplemental PR Dates: 5/26/17, 09/08/17, 02/20/20, 03/11/20); ED Date: 12/31/19; (Re-Validation Date: 03/15/22)
COS Signed: 08/18/21; ION Date: 06/01/22. Conventional highway - upgrade pavement and curb ramps with ADA elements. Authorizes condemnation of a permanent easement for state highway purposes. Located in the city of Los Angeles at 1609 Lincoln Boulevard.
APN 4241-017-018.

The public interest and necessity require the proposed project.

The Capital Preventive Maintenance Project Report noted deficiencies to existing pedestrian ADA curb ramps and recommended improvements to the pedestrian facilities to make them comply with the 2010 ADA Standards for Accessible Design and the Department's DIB 82-06 for pedestrian facilities. The proposed project will improve pedestrian traffic safety, especially for individuals with disabilities.

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

A CE/CE pursuant to CEQA and NEPA was completed and approved in December 2019 and re-validated in March 2022 for this project, and a Hazardous Waste Assessment was also completed in February 2022.

To be most compatible with the greatest public good and least public injury, the project proposes to reconstruct the ADA curb ramps to comply with the current ADA standards, all miscellaneous site improvements within the proposed highway easements will be protected in place, and vehicular traffic to adjacent businesses will not be impacted nor diverted during construction. The project is designed with retaining curbs at the back of many ADA ramp locations and a minimum sidewalk width of 4.2 feet where feasible. Additionally, different curb ramp designs were used based on their locations. All these measures were taken to minimize right of way impacts yet still meet current ADA standards.

The property rights to be condemned are necessary for the proposed project.

The owner's property is located adjacent to the State highway. A portion of the existing ADA curb ramp is located within the owner's property. This project requires a 94 square foot highway easement at this location to reconstruct the existing curb ramp to meet current ADA standards. The reconstruction of the existing curb ramp cannot be constructed without acquiring the proposed highway easement.

An offer to purchase in accordance with Government Code Section 7267.2 has been made to the owners of record.

A staff appraisal that established just compensation was approved by District Right of Way management on May 22, 2022. On June 1, 2022, the FWO of just compensation was

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presented to the property owner via email per the property owner's request. All communications with the property owner have taken place by phone and email per the property owner's preference due to the COVID-19 pandemic (Pandemic). Negotiations for an amicable settlement are ongoing, and District Right of Way will continue to follow up with the property owner to secure a settlement by right of way contract. However, to continue the orderly sequence of events that are required to meet construction schedules, a Resolution of Necessity is being sought at the December 2022 Commission meeting.

C-22219 - United Water Conservation District

07-Ven-34-PM 6.3/6.8 - Parcel 81216-1, 2 - EA 317809.

RWC Date: 03/01/23; RTL Date: 03/24/23; PR Date: 05/17/18 (Supplemental PR Date: 11/08/19); ED Date: 05/16/18 (Re-Validation Date: 08/10/22); COS Signed: 09/13/21; ION Date: 03/12/22. Conventional highway - construct grade separation. Authorizes condemnation of land in fee for public road purposes to be conveyed to Ventura County and a temporary easement for construction purposes. Located in the unincorporated area of Ventura County at 910 South Rice Avenue. APN 218-0-011-435.

The public interest and necessity require the proposed project.

The current at-grade crossing of Rice Avenue at the Santa Barbara Subdivision of the UPRR is adjacent to the intersection of Rice Avenue and 5th Street/SR 34. From 2010 to 2016, there have been 61 separate accidents combined at this intersection and the at-grade crossing, averaging 12 accidents per year during that 6-year period. Two of the 61 accidents occurred on June 3, 2014, and February 24, 2015; both accidents involved a Metrolink train versus vehicle at the at-grade railroad crossing at Rice Avenue, resulting in a total of three fatalities. The grade separation project will improve public safety by eliminating the conflict between vehicles and trains by elevating Rice Avenue above both the UPRR and SR 34.

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

An EIR pursuant to the CEQA and an EA and FONSI pursuant to NEPA was completed in May 2018. This included studies of biology, cultural resources, farmland, air quality, noise, and archaeological resources. Revalidation of the environmental document was completed in August 2022. Additionally, a Site Investigation Report was completed in July 2021 and a Storm Water Data Report was completed in April 2022. Finally, stage construction plans, and details were developed and included in the project to safely allow traffic to travel through the project site during construction.

Originally the project was to elevate Rice Avenue along its present alignment over both the UPRR and Rice Avenue and 5th Street/SR 34. This alternative included two connector roads located on either side of Rice Avenue southerly of SR 34. The project included the construction of a temporary bypass access road parallel with and 250 feet easterly of Rice Avenue. The total cost estimate for the originally proposed alignment reached \$169,000,000, exceeding the available funding sources of \$79,000,000. Therefore, the PDT evaluated another alignment of Rice Avenue 250 feet easterly of existing Rice Avenue alignment, that was proposed originally for a temporary bypass road to facilitate construction of the originally proposed project alignment eliminating the need to relocate several utility facilities and reducing the right of way impacts for utility relocations and the south westerly connector of 5th Street/SR 34.

Additionally, a Design Standard Decision Document with 10 nonstandard features was prepared and approved in November 2019. Seven out of the 10 nonstandard features were done to reduce right of way impacts, and in many cases protect farmland.

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In November 2019, the Commission approved the alternative to realign Rice Avenue 250 feet easterly of existing Rice Avenue and authorized additional grant funding under the Trade Corridor Enhancement Program.

The property rights to be condemned are necessary for the proposed project.

The owner's property is located along the west side of the proposed realigned Rice Avenue. The project requires 3,000 square feet in fee and 1,436 square feet in temporary construction easement from the owner's property to construct the realigned Rice Avenue. The safety improvements included in this project will not be possible without acquiring the proposed property. The property is necessary for the southbound traveled way, shoulder, and sidewalk along the realigned Rice Avenue and the construction of the retaining wall that supports the realigned Rice Avenue.

An offer to purchase in accordance with Government Code Section 7267.2 has been made to the owners of record.

A staff appraisal that established just compensation was approved by District Right of Way management on February 14, 2022. On March 2, 2022, the FWO of just compensation was presented to the property owner via certified mail at the property owner's main office address and was delivered to the property owner on March 12, 2022. Per the property owner's preference due to the Pandemic, all communications have taken place via phone and email. Negotiations for an amicable settlement are ongoing, and District Right of Way will continue to negotiate an amicable settlement with the property owner. However, to continue the orderly sequence of events that are required to meet construction schedules, a Resolution of Necessity is being sought at the December 2022 Commission meeting.

Attachments

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

3 **C-22216**

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-Yub-70-PM 15.2 PARCEL 37879-1, 2
9 OWNER: Auburn Manor Holding Corporation, a California Corporation

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

13 The hereinafter described real property is necessary for State Highway purposes
14 and is to be acquired by eminent domain pursuant to Streets and Highways Code Section
15 102;

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

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

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

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

APPROVED AS TO FORM AND PROCEDURE

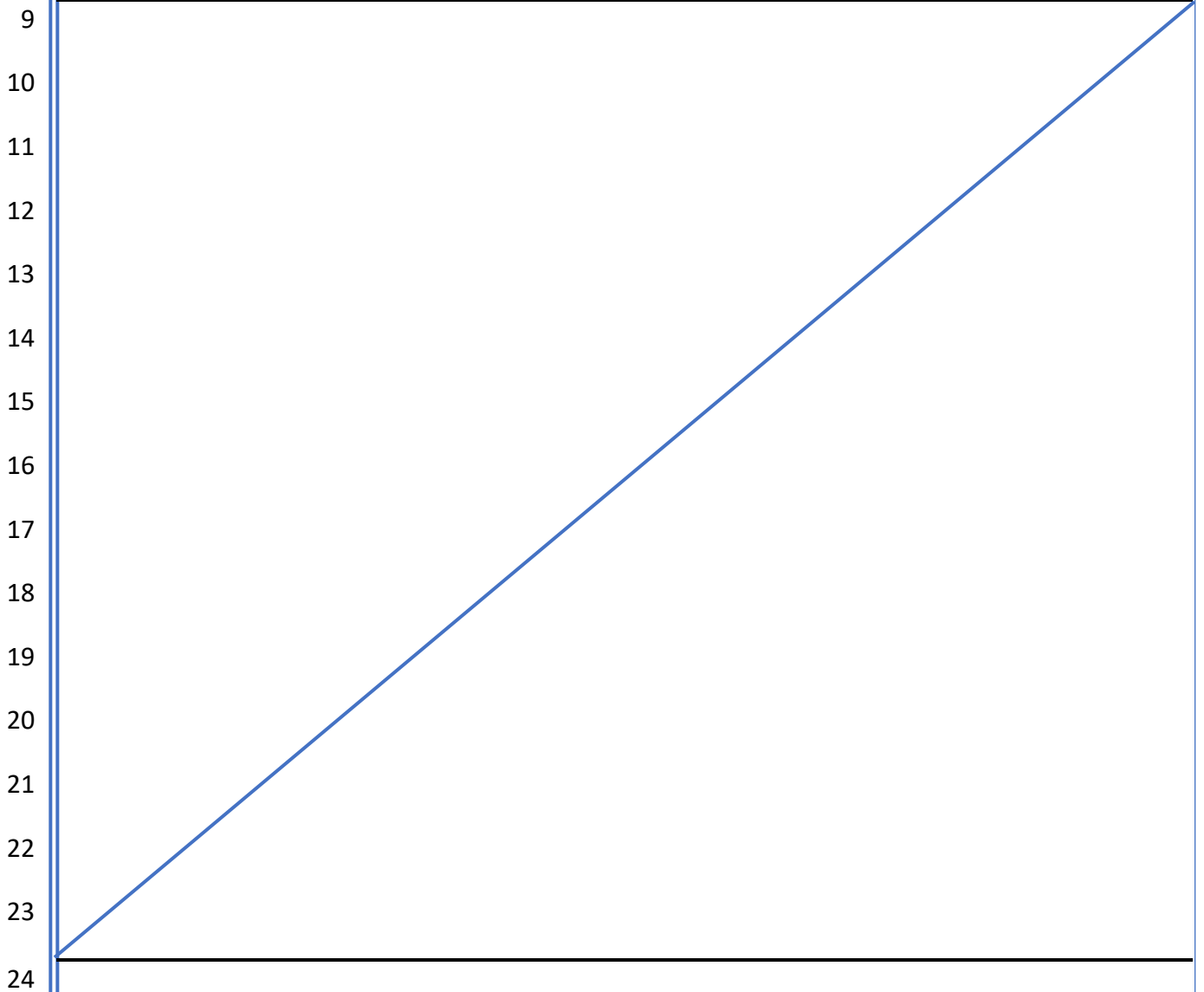
APPROVAL RECOMMENDED

Attorney, Department of Transportation

DIVISION OF RIGHT OF WAY

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

6 The real property or interests in real property, which the Department of
7 Transportation is by this resolution authorized to acquire, is situated in the County of Yuba,
8 State of California, Highway 03-Yub-70 and described as follows:



PARCEL 37879-1: For State highway purposes, all that real property situated in the City of Marysville, County of Yuba, State of California, being a portion of Lots 9 and 10, as said lots are shown on that certain Tract Map No. 82-312, entitled "Thorntree Subdivision", filed in Book 37 of Maps, at Page 36, Yuba County Records, described as follows:

BEGINNING at the northwesterly corner of said Lot 10, also being the westerly terminus of that certain course having a bearing and distance of "North 83°39'52" East 414.44 feet" as said lot and course are shown on said map; THENCE from said point of beginning along said course, also being the northerly line of said Lot 10, North 83°40'13" East 54.15 feet to a point thereon; THENCE leaving said course and northerly line South 39°47'42" West 279.25 feet; THENCE South 68°56'02" West 39.28 feet to a point on the northwesterly line of said Lot 9; THENCE along said northwesterly line North 35°57'33" East 275.14 feet to the point of beginning.

PARCEL 37879-2: A temporary easement for construction purposes and incidents thereto in and to a portion of said Lots 9 and 10, described as follows:

BEGINNING at a point on the northerly line of said Lot 10, being the easterly terminus of that certain course having a bearing and distance of "North 83°40'13" East 54.15 feet" as said course is described herein; THENCE from said point of beginning along said northerly line North 83°40'13" East 184.97 feet to a point thereon; THENCE leaving said northerly line South 57°55'40" West 236.04 feet to a point on the westerly line of said Lot 10; THENCE along said westerly line South 20°49'42" East 246.78 feet to the point of intersection thereof with the northerly right of way line of Ellis Lake Drive, 52.00 feet wide, as shown on said Tract Map No. 82-312, said point being the beginning of a non-tangent curve to the left, having a radius of 275.98 feet, to which point a radial line bears North 20°49'42" West; THENCE leaving said westerly line along said northerly right of way line southwesterly along said curve through a central angle of 16°55'27" an arc distance of 81.52 feet to a point thereon; THENCE leaving said northerly right of way line North 23°07'41" West 220.36 feet; THENCE South 35°57'33" West 259.93 feet; THENCE North 54°02'27" West 72.00 feet to a point on the northwesterly line of said Lot 9; THENCE along said northwesterly line North 35°57'33" East 138.52 feet to the point of intersection thereof with the southeasterly line of the above described Parcel 37879-1, said point being the southwestly terminus of that certain course having a bearing and distance of "South 68°56'02" West 39.28 feet" as said course is described herein; THENCE leaving said northwesterly line along said southeasterly line the following two (2) courses: 1) North 68°56'02" East 39.28 feet; and 2) North 39°47'42" East 279.25 feet to the point of beginning.

The rights to the above described temporary easement shall cease and terminate no later than December 18, 2026. Said rights may also be terminated prior to the above date by STATE upon notice to OWNER.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 2, as determined by ties to the California High Precision Geodetic Network, Epoch 2004.69. Distances are in feet unless otherwise noted. Divide distances by 0.999917 to obtain ground level distances.

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

3 **C-22217**

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 07-LA-1-PM 20.68 PARCEL 81630-1
9 OWNER: Associated Telephone Company, Ltd.

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

13 The hereinafter described real property is necessary for State Highway purposes
14 and is to be acquired by eminent domain pursuant to Streets and Highways Code Section
15 102 and Code of Civil Procedure Section 1240.510 in that the property being acquired is for
16 a compatible use;

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

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

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

23 The offer required by Section 7267.2 of the Government Code has been made to the
24 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;

APPROVED AS TO FORM AND PROCEDURE

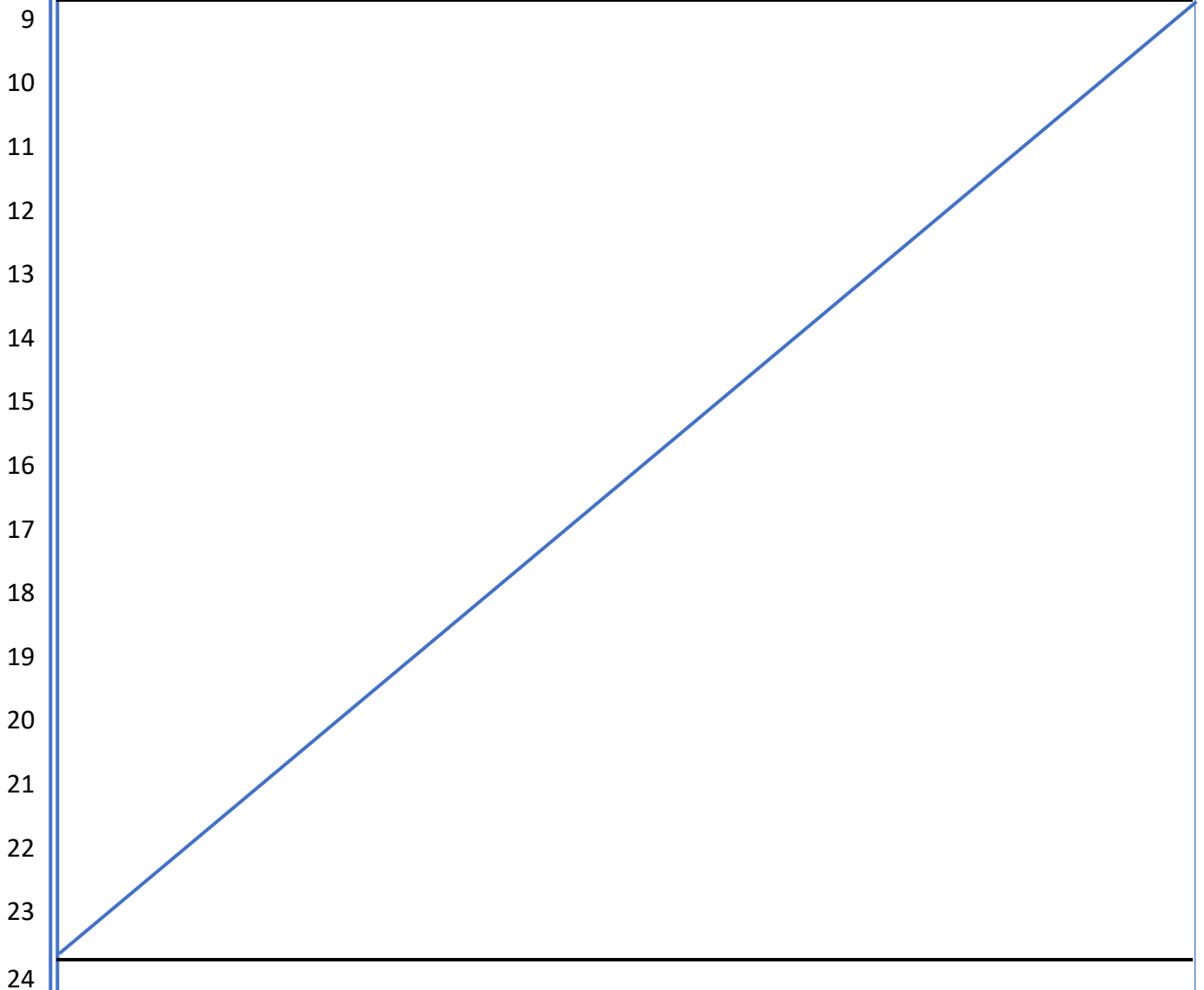
APPROVAL RECOMMENDED

Attorney, Department of Transportation

DIVISION OF RIGHT OF WAY

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

6 The real property or interests in real property, which the Department of
7 Transportation is by this resolution authorized to acquire, is situated in the County of Los
8 Angeles, State of California, Highway 07-LA-1 and described as follows:



RESOLUTION OF NECESSITY DESCRIPTION

Parcel 81630-1

For State Highway purposes, a Highway Easement, in, to, over and across that portion of Lot 51 of Trafton Heights, in the City of Hermosa Beach, County of Los Angeles, State of California as shown on a map recorded in Book 10, Page 169, of Maps in the Office of the County Recorder of said Los Angeles County, lying southeasterly and southwesterly from the following described line:

COMMENCING at the intersection of the centerline of Pacific Coast Highway (formerly Camino Real) with the centerline of First Street (formerly Trafton Avenue) as shown on said map of Trafton Heights, said point being the beginning of a non-tangent curve concave easterly and having a radius of 1,146.30 feet, a radial line to said curve bears South 85°46'18" West; thence along said centerline of Pacific Coast Highway and said curve northerly 22.31 feet through a central angle of 01°06'55"; thence continuing along said centerline tangent from said curve North 03°06'47" West 2.93 feet to the beginning of a tangent curve concave westerly and having a radius of 1,514.70 feet; thence along said curve northerly 34.08 feet through a central angle of 01°17'21"; thence leaving said centerline radial from said curve North 85°35'53" East 40.00 feet to a point on the easterly right-of-way line of said Pacific Coast Highway lying concentric with and 40.00 feet easterly from said centerline, said point being the TRUE POINT OF BEGINNING; thence North 31°29'18" East 0.91 feet; thence South 57°52'39" East 19.54 feet to the northwesterly right-of-way line of said First Street (formerly Trafton Avenue) as shown on said map, said point being the point of terminus.

The bearings and distances in the herein above described lines are based on the California Coordinate System North American Datum (NAD) 1983, Zone 5. Divide grid distance by a combination factor of 1.00004343 to obtain ground distance.

References to the centerlines of Pacific Coast Highway and First Street noted herein refer to centerlines re-established per Caltrans SR 18084.

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

3 **C-22218**

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 07-LA-1-PM 32.54 PARCEL 81712-1

9 OWNER: Saker S. Damji, Trustee of The Sakerkhanu S. Damji Marital Trust established
10 under The Damji Family Living Trust, dated August 3, 2000, an undivided 9.37% interest,
11 and Saker S. Damji, Trustee of The Sadrudin P. Damji Family Trust established under The
12 Damji Family Living Trust, dated August 3, 2000, an undivided 90.63% interest

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

16 The hereinafter described real property is necessary for State Highway purposes
17 and is to be acquired by eminent domain pursuant to Streets and Highways Code Section
18 102;

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

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

23 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
owner or owners of record; and be it further

RESOLVED by this Commission that the Department of Transportation be and said

APPROVED AS TO FORM AND PROCEDURE

APPROVAL RECOMMENDED

Attorney, Department of Transportation

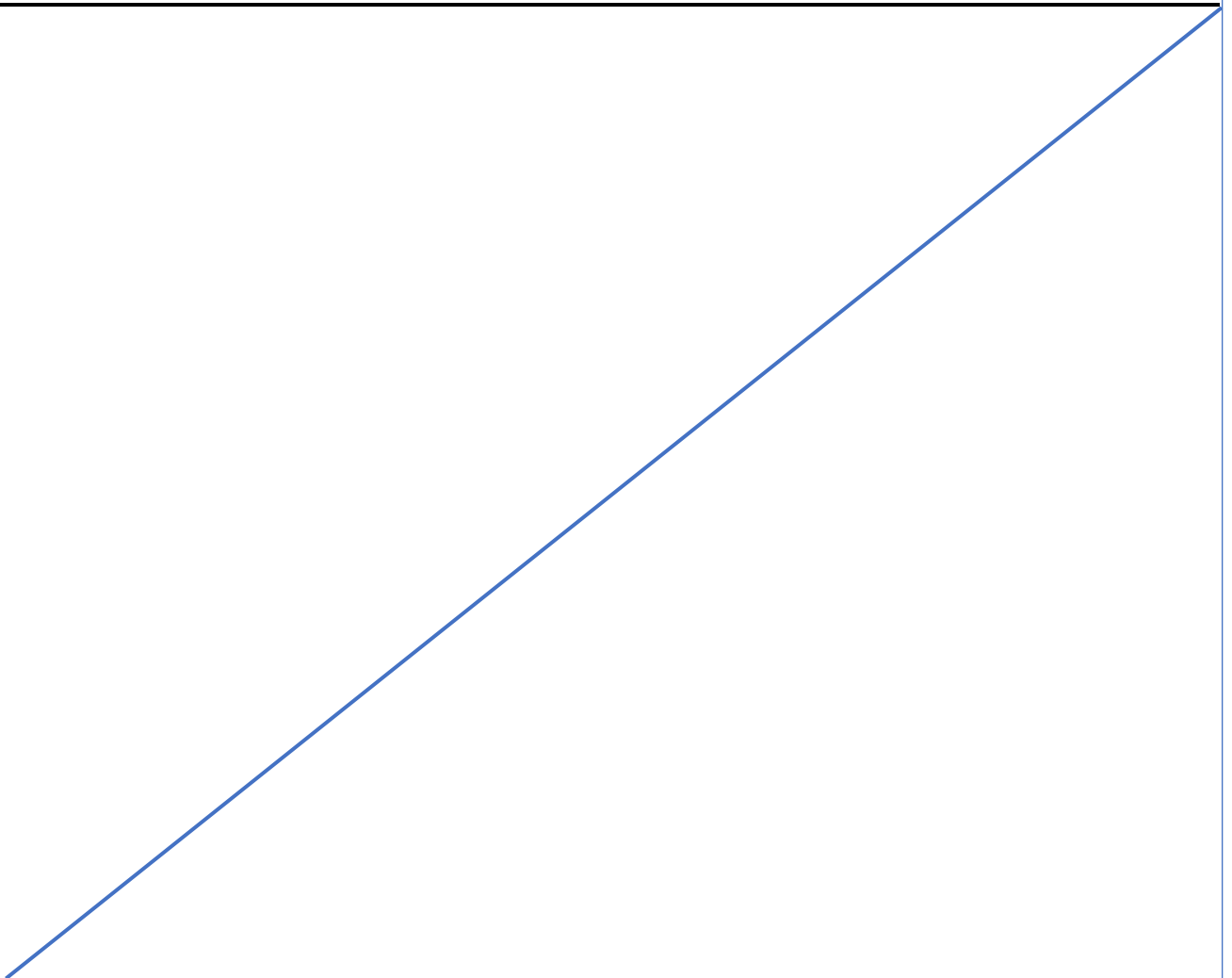
DIVISION OF RIGHT OF WAY

1 Department is hereby authorized and empowered;

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

7 The real property or interests in real property, which the Department of
8 Transportation is by this resolution authorized to acquire, is situated in the County of Los
9 Angeles, State of California, Highway 07-LA-1 and described as follows:

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RESOLUTION OF NECESSITY DESCRIPTION

Parcel 81712-1

For State Highway purposes, a Highway Easement, in, to, over and across that portion of Lot 33 of Map of Venice Vista Tract, in the City of Los Angeles, County of Los Angeles, State of California, as shown on a map recorded in Book 6, Page 122 of Maps in the Office of the County Recorder of said Los Angeles County, lying southeasterly and northeasterly from the following described line:

COMMENCING at the intersection of that certain centerline in the right-of-way of Lincoln Boulevard, 100.00 feet wide, described as "Construction", with the centerline of Rialto Court as shown on Caltrans R/W Map No. P2-384 dated January, 1938; thence along said "Construction" centerline of Lincoln Boulevard North $59^{\circ}40'23''$ West 19.90 feet; thence leaving said centerline at a right angle South $30^{\circ}19'37''$ West 40.00 feet to a point on the southwesterly right-of-way line of said Lincoln Boulevard lying parallel with and 40.00 feet southwesterly from said centerline, said point being the TRUE POINT OF BEGINNING; thence South $29^{\circ}47'07''$ West 9.29 feet; thence South $60^{\circ}12'53''$ East 11.98 feet to the southeasterly right-of-way line of said Rialto Court as described in that certain document recorded May 17, 1939 in Book 16578, Page 248 of Official Records in said Office of the County Recorder of Los Angeles County, said point being the point of terminus.

The bearings and distances in the herein above described lines are based on the California Coordinate System North American Datum (NAD) 1983, Zone 5. Divide grid distance by a combination factor of 1.00001180 to obtain ground distance.

References to the centerlines of Lincoln Boulevard and Rialto Court noted herein refer to centerlines re-established per Caltrans SR 18084.

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

3 **C-22219**

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 07-Ven-34-PM 6.3/6.8 PARCEL 81216-1, 2
9 OWNER: United Water Conservation District

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

13 The hereinafter described real property is necessary for State Highway purposes
14 and is to be acquired by eminent domain pursuant to Streets and Highways Code Section
15 102, Code of Civil Procedure Section 1240.510 in that the property being acquired is for a
16 compatible use, and Code of Civil Procedure Section 1240.610 in that the property is
17 required for a more necessary public use;

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

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

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

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

APPROVED AS TO FORM AND PROCEDURE

APPROVAL RECOMMENDED

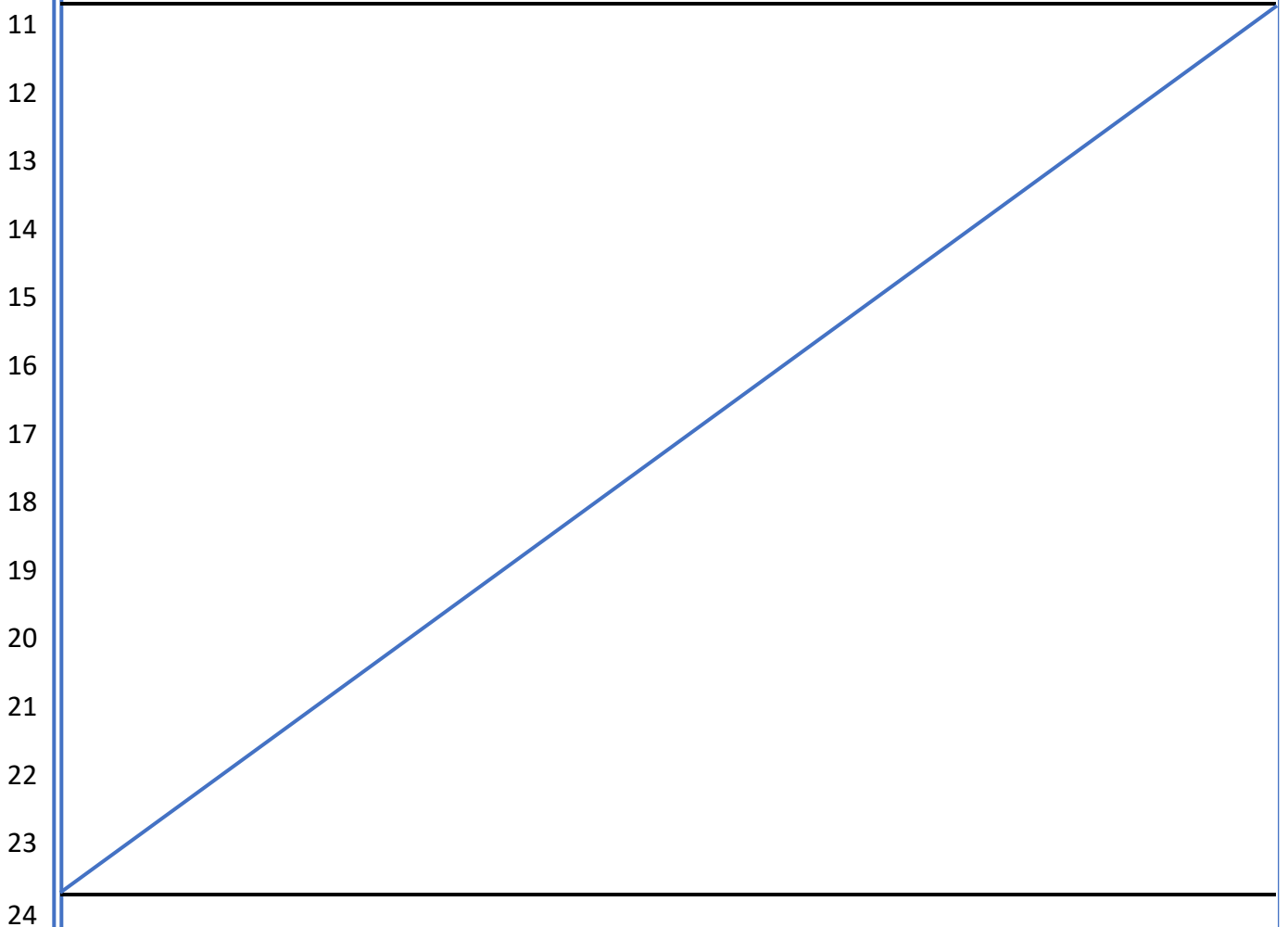
Attorney, Department of Transportation

DIVISION OF RIGHT OF WAY

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

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

8 The real property or interests in real property, which the Department of
9 Transportation is by this resolution authorized to acquire, is situated in the County of
10 Ventura, State of California, Highway 07-Ven-34 and described as follows:



RESOLUTION OF NECESSITY

PARCEL 81216-1:

For State Highway purposes, being that portion of Parcel A, in the unincorporated territory of the County of Ventura, State of California, per the Grant Deed recorded July 21, 1982, as Instrument Number 82-067075, of Official Records, in the Office of the Clerk-Recorder of said County, described as follows:

COMMENCING at the Southwesterly corner of said Parcel A; Thence along the Southerly line of said Parcel A South 88°46'28" East, 95.70 feet to the TRUE POINT OF BEGINNING; Thence leaving said Southerly line of Parcel A, North 06°38'26" East, 80.36 feet to the Northerly line of said Parcel A; Thence along said Northerly line of Parcel A, South 88°46'28" East, 33.71 feet to the Northeasterly corner of said Parcel A; Thence leaving said Northerly line of Parcel A and along the Easterly line of said Parcel A, South 01°13'32" West, 80.00 feet to the Southeasterly corner of said Parcel A; Thence leaving said Easterly line of Parcel A and along said Southerly line of Parcel A, North 88°46'28" West, 41.30 feet to the TRUE POINT OF BEGINNING.

PARCEL 81216-2:

For State Highway purposes, a Temporary Construction Easement, in, to, over and across that portion of Parcel A, in the unincorporated territory of the County of Ventura, State of California, per the Grant Deed recorded July 21, 1982, as Instrument Number 82-067075, of Official Records, in the Office of the Clerk-Recorder of said County, described as follows:

BEGINNING at the Southwesterly corner of said Parcel A; Thence along the Southerly line of said Parcel A, South 88°46'28" East, 95.70 feet; Thence leaving said Southerly line of Parcel A, North 06°38'26" East, 6.03 feet to a line that is parallel with and 6.00 feet Northerly, measured at right angles, of said Southerly line of Parcel A, said point hereinafter referred to as Point 'A'; Thence along said 6.00 foot parallel line North 88°46'28" West, 91.27 feet to a line that is parallel with and 5.00 feet Easterly,

measured at right angles, of the Westerly line of said Parcel A; Thence leaving said 6.00 foot parallel line and along said 5.00 foot Easterly parallel line North 01°13'32" East, 69.00 feet to a line that is parallel with and 5.00 feet Southerly, measured at right angles, of the Northerly line of said Parcel A; Thence leaving said 5.00-foot Easterly parallel line and along said 5.00 foot Southerly parallel line South 88°46'28" East, 97.81 feet to a line that bears North 06°38'26" East from said Point 'A'; Thence leaving said 5.00-foot Southerly parallel line and along last said described line North 06°38'26" East, 5.02 feet to said Northerly line of Parcel A; Thence leaving last said described line and along said Northerly line of Parcel A, North 88°46'28" West, 103.29 feet to the Northwesterly corner of said Parcel A; Thence leaving said Northerly line of Parcel A and along said Westerly line of Parcel A South 01°13'32" West, 80.00 feet to the POINT OF BEGINNING.

The rights to the above-described temporary easement shall cease and terminate July 16, 2027. The rights may also be terminated prior to the above date by State upon notice to OWNER.

The bearings and distances used in the above description are California Coordinate System (CCS83), Zone V, NAD 83 (1991.35 epoch), all distances shown are grid, to obtain ground distances divide by 0.99997147.