

## **MEMORANDUM**

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

**CTC Meeting:** January 25-26, 2023

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

**Reference Number:** 2.4a., Action Item

**Prepared By:** Kimberly Ellis Erickson, Chief  
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-22220, 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 objections expressed by the property owner are 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 a Parcel Panel Report (Attachment B).

*"Provide a safe and reliable transportation network that serves all people and respects the environment."*

**RECOMMENDATION:**

The Department recommends the Commission adopt Resolution C-22220 (Exhibit D). This Resolution is for a transportation project on State Route (SR) 154, in Santa Barbara 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 January 2023 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 Department management and staff 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 January 2023 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-22220 - Luigi Console, a single man

05-SB-154-PM 6.0 - Parcel 12252-1 - EA 1H3109.

Right of Way Certification Date: 05/30/23; Ready to List Date: 06/20/23; Project Report Date: 08/18/20; Environmental Document Date: 12/16/19 Certificate of Sufficiency Signed: 10/04/21; Initiation of Negotiations (ION) Date: 02/02/21.

Expressway - construction of roundabout. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near the unincorporated area of Santa Ynez at 3650 Baseline Avenue in Santa Barbara County. Assessor's Parcel Number (APN): 141-121-040.

Attachments and Exhibits:

Attachment A - Project Information

Exhibit A - Project Maps

Attachment B - Parcel Panel Report

Exhibit B - Parcel Maps

Exhibit C - Request to appear from owner letter dated June 14, 2022

Exhibit D - Resolution of Necessity C-22220

*"Provide a safe and reliable transportation network that serves all people and respects the environment."*

## ATTACHMENT A

## PROJECT INFORMATION

### PROJECT DATA

05-SB-154 PM R5.8-R6.1  
Project No. 05-1600-0060 (EA 1H3102)

Location: State Route (SR) 154 at postmile R5.8-R6.1 in Santa Barbara County near Los Olivos, from 0.2 miles west of Edison Street/Baseline Avenue to 0.2 miles east of Edison Street/Baseline Avenue.

Limits: PM R5.8-R6.1

Cost: R/W Cost: \$188,000; Construction Cost: \$9,443,000

Funding Source: This project is programmed as part of the State Highway Operations and Protection Program (SHOPP)

Number of Lanes: Existing: 2-lane expressway  
Proposed: 2-lane expressway with roundabout.

Proposed Major Features: This project proposes to build a single lane roundabout at the intersection of SR 154 and Edison Street and alter the stop configuration at the directly adjacent "Tee" intersection of Baseline Avenue and Edison Street near the intersection of SR 154 with Edison Street near Los Olivos in Santa Barbara County. Additional work includes drainage improvements, aesthetic treatments, and a tree replacement project to follow after the construction of the roundabout.

Traffic: Existing (Year 2015) Average Daily Traffic (ADT): 11,350  
Future (Year 2045) ADT: 12,155

## **NEED FOR THE PROJECT**

This project proposes to improve traffic operations at the intersection of SR 154 and Edison Street/Baseline Avenue, near the town of Los Olivos in Santa Barbara County. The project will build a single lane roundabout at the intersection of SR 154 and Edison Street, and alter the stop configuration at the directly adjacent “Tee” intersection of Baseline Avenue and Edison Street.

The Level of Service (LOS) of the existing configuration of the intersection is projected to degrade to LOS F by 2035. Also, during the 3-year period from January 12, 2012 to December 31, 2014, the project location had 1.25 times the collisions versus statewide averages for similar facilities. During the same time period, fatal and injury collisions were 1.5 times the statewide average. Of the 10 collisions that occurred, all were multi-vehicle collisions and 4 of the 10 collisions involved Injuries. Primary collision factors were listed as 4 speeding, 4 other violations, 1 failure to yield, and 1 unknown. There was 1 wet collision and 0 dark collisions. Type of collisions were 5 broadsides, 4 rear end, and 1 other.

The proposed project will improve traffic flow and operations at the intersection of SR 154/Edison Street, consistent with the District 5 Transportation Concept Report (TCR) for SR 154. Though Safety was not the impetus for this project, the roundabout configuration will introduce inherent safety improvements as compared to conventional 4-way stop intersections. The purpose of the project is to improve traffic operations and safety of the intersection by enhancing travel time reliability, reducing the number of conflict points, and reducing both the severity and frequency of collisions through speed reduction inherent to roundabouts, which is in the public’s interest and necessitates the project as proposed.

The following is the remaining Project schedule:

Right of Way Certification:	05/30/2023
Ready to List:	06/20/2023
Award:	09/25/2023
Approved Construction Contract:	01/23/2024

## **PROJECT PLANNING AND LOCATION**

Project Report (PR): PR was approved on 08/18/2020

SR 154 is listed as an “Officially Designated State Scenic Highway” in the State Scenic Highway Program. It is also listed on the Interregional Road System and the Freeway and Expressway System. SR 154 is classified as a Terminal Access Route on the National Truck Network. While California Legal loads are allowed to travel over the San Marcos Pass along SR 154, United States Highway (US) 101 serves as the major north-south thoroughfare for goods movement in the area.

The purpose of this operational improvement project is to improve traffic flow and operations at the intersection of SR 154/Edison Street, enhance travel time reliability throughout the corridor, and improve safety. The LOS of the existing configuration of the intersection is projected to degrade to LOS F by 2035. This project is needed because the LOS of the existing configuration of the intersection is projected to degrade below acceptable levels and the roundabout will improve safety by reducing conflict points.

Alternatives considered:

There is one “Build” alternative and the “No-Build” alternative for this project.

However, alternatives looked at during the Project Approval and Environmental Document (PA&ED) phase included signaling the intersection, shifting the roundabout, constructing multiple roundabouts, etc. and ultimately the current design proposal was selected for consistency with SR 154 Route Concept and local community plans, operational efficiency, and safety.

The location of the roundabout was carefully designed through an analysis of all the project site constraints. The new roundabout has been designed to provide adequate queueing and conform distance to the Baseline Avenue and Edison Street “Tee” intersection, accommodate roadside drainage, slow entry speeds, and minimize disturbance with 2:1 side slope. The improvements were also situated to avoid the secondary row of trees along the southwest corner of parcel 12252-1, to simulate existing visual and noise breaks, and a tree replacement project will replace trees that need to be removed to construct the roundabout.

Alternatives analyzed and rejected during PA&ED were rejected due to low benefit to cost ratios, greater environmental impact, right of way requirements beyond that required for greatest public good with the least private injury, inconsistency with the SR 154 Route Concept Report, insufficient queue lengths, or operational deficiencies.

No-Build Alternative

This alternative does not meet the need or purpose of the project. The consequences of not doing this project will result in the continuing decrease in traffic operations of this intersection to a LOS F by 2035.

Build Alternative

The preferred alternative proposes to construct a four-leg roundabout at the intersection of SR 154 and Edison Street and to change the one-way stop control at the intersection of Baseline Avenue and Edison Street to two-way stop control. This configuration will improve traffic operations of the SR 154 and Edison Street intersection by increasing the capacity and will also reduce the number of conflict points between vehicles.

## EXHIBIT A

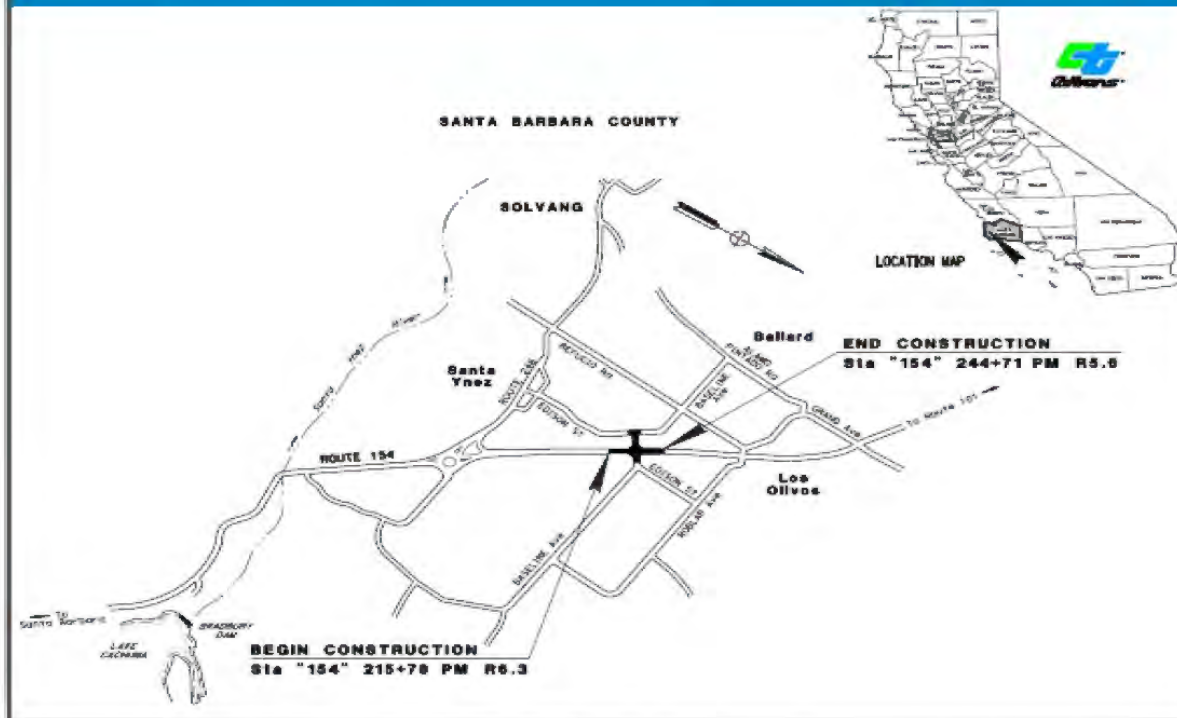
# Project Vicinity



**PROJECT  
VICINITY  
MAP**



# Project Location



## ATTACHMENT B

## PARCEL PANEL REPORT

Property Owner: Luigi Console, an unmarried man

Parcel Location: SR 154 postmile 6.0.  
The address is: 3650 Baseline Avenue

Present Use: Rural Residential

Zoning: Rural Residential

Area of Property: 20.58 acres

Area Required: 0.15 acre in Fee Simple

## PARCEL DESCRIPTION

The subject property is located near SR 154 at post mile R6.0, the property address is 3650 Baseline Avenue, Santa Ynez, CA 93460. The larger subject property is also identified as Santa Barbara APN: 141-121-040. The larger subject property has a lot size of 20.58 acres and is improved with an 800 square foot single-family residence built in 1990. The larger parcel is a mostly flat, rectangular lot presently used as a rural residential homesite with driveway access on Baseline Avenue. The property is surrounded by fence and landscaping. There are roadside ditches along SR 154 that ultimately drain to Alamo Pintado Creek in the Santa Ynez River watershed. This lot is surrounded to the north, south, and east by similar rural residential single-family homesites, and to the west by a church.

Parcel 12252-1, measuring 0.15 of an acre, is located at the vacant southwestern, unimproved corner of the property. The single-family residence on the property will not be impacted by the proposed construction activities within Parcel 12252-1.

Status of other parcels required for the project:

- Total parcels needed= 2
- Number of parcels acquired= 1
- Number of parcels filing suit to get an order for possession= 1
- Number of other owners expected to request an appearance before the Commission= 0

## **NEED FOR SUBJECT PROPERTY**

Parcel 12252-1 is required by the project in Fee Simple for building a roundabout that will be used by the public to transit the intersection of SR 154, Edison Street, and to access the nearby Baseline Avenue. The required acquisition is 6,600 square feet (0.15 acres). The project improvements in this segment cannot be constructed without acquiring the proposed fee property needed. The proposed roundabout location cannot be shifted due to drainage and design constraints.

## RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Condemnation Review Panel (Panel) took place on November 15, 2022, as a hybrid meeting (virtual and in person). The Panel members included Jean-Marie Hunter, Panel Chair, Department of Transportation (Department) Headquarters (HQ's) Division of Right of Way and Land Surveys; Justin Wynne representing the Department's Bay Area Legal Division; Tina Lucas, Amy Fong, and Paul Gennaro, Department HQ's Division of Design; Shalvin Singh, Department HQ's Division of Right of Way and Land Surveys, Secretary to the Panel; and Rizwan Tanvir, Department's Assistant Chief Engineer; Mike Whiteside, Department HQ's Retired Annuitant; Richard Rosales, District 5 Deputy District Director - Single Focal Point; David Fapp, District 5 Deputy District Director of Design; Marshall Garcia, District 5 Deputy District Director of Right of Way; Kyle Birch District 5 Project Engineer; Sherri Martin, District 5 Project Manager; Patrick Mason, District 5 Right of Way Acquisitions Senior; and Luigi Console, Property Owner.

This report summarizes the findings of the Panel with regards to the four criteria required for a Resolution of Necessity and makes a recommendation to the Department's Chief Engineer. The four criteria are as follows:

- The public interest and necessity require the proposed project.

This project proposes to improve traffic operations at the intersection of Edison Street/SR154 consistent with the District 5 Transportation SR 154 Concept Report by constructing a roundabout. The roundabout configuration will enhance travel time reliability throughout the corridor. The existing four-way stop controlled intersection is experiencing delay during the afternoon peak hour with current LOS of C and is anticipated to degrade to level F by 2035. \*

Though Safety was not the impetus for this project, the roundabout configuration will also introduce inherent safety improvements as compared to conventional 4-way stop intersections. The intersection is experiencing higher than average collision rates.

\* LOS C: Good operation. Occasionally drivers may have to wait more than 60 seconds and back-ups may develop behind turning vehicles. Most drivers feel somewhat restricted.

LOS F: Forced flow. Represents jammed conditions. Backups from locations downstream or on the cross street may restrict or prevent movement of vehicles out of intersection approach lanes; therefore, volumes carried are not predictable. Potential for stop and go type traffic flow.

- 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 Mitigated Negative Declaration was approved on December 16, 2019 for this project, which determined that the project would have no effect on agriculture and forest resources, mineral resources, public services, recreation, or tribal cultural resources. Also, that the project would have no significant effect on air quality, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, community and growth, transportation, wildfire or utility service systems. This project was developed with one build alternative and a no-build alternative.

The Transportation Concept Report has a 20-year concept of SR 154 in the project area continuing to operate as a 2-lane expressway. This project is consistent with the route concept by improving operations at the intersection for all modes of travel while maintaining a rural feel.

The roundabout design is consistent with the Department and Federal Highway Administration (FHWA) guidelines that require specific approach alignment and entry geometry. The primary design objective is the lowering of the speed of vehicles entering and traveling through the roundabout combined with a clear sight distance between the approaches. There are also features required with the roundabout that further increase the footprint and cannot be located within the existing right of way, such as multi-use path, grading, drainage, landscaping, etc. The roundabout configuration geometry is severely limited because of the proximity to the T-intersection Baseline Avenue/Edison Street on the opposite side of SR 154. Shifting of the roundabout location to the west would require realigning a portion of Baseline Avenue/Edison Street parallel to SR 154, as these local roads and the highway are too close together and offer no sufficient storage to accommodate a safe queue length. In addition to the need to realign a portion of Baseline Avenue/Edison Street, shifting the location to the west would involve acquiring another parcel on that side of the highway.

- The property rights to be condemned are necessary for the proposed project. The owner's larger property is a 20.58-acre rural-residential homesite located within the project limits at the eastern corner of the intersection of SR 154 and Edison Street. The vacant, westerly portion of the property is required in fee for building a roundabout that will be used by the public to transit the intersection of SR 154, Edison Street and to access the nearby Baseline Avenue. The required acquisition is 6,600 square feet (0.15 acres). The project improvements in this segment cannot be constructed without acquiring the proposed fee right on the property. The proposed roundabout location cannot be shifted due to drainage and design constraints.
- An offer to purchase in accordance with Government Code Section 7267.2 has been made to the owners of record.

District 5 Right of Way staff completed an appraisal, approved on January 8, 2020, and subsequently completed a revision of the appraisal, approved on February 3, 2022. The district has confirmed that the revised appraised value is the Fair Market Value for the property rights being acquired.

On February 2, 2021, the offer was mailed out to the property address where owner lives. About a month later, owner confirmed receipt but indicated had not reviewed the documents. In February 2022, a design change was necessary to accommodate the drainage system; owner declined the offer to meet onsite with (first) agent to discuss the proposed new plans. The design change was completed in February 2022, and the revised offer went out by certified mail on March 4, 2022 and was confirmed received on March 14, 2022. At the end of April 2022, the Department was informed that owner went to the Santa Barbara County Supervisor's Office to express his concern about the impact of the project, mentioning the two main issues (tree removal and of roundabout location). The Department's team subsequently wrote a response to Santa Barbara County Supervisor's office.

Given the inconsistent contact frequency with the owner, the slow pace of negotiations and with the right of way certification date approaching, it is deemed necessary to initiate condemnation proceedings.

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

**Owner Concern # 1:**

How long is the construction?

**Department's Response:**

The construction will be approximately 1 to 1.5 construction seasons which is approximately 300 working days. Beginning January 2024 and ending March 2025

**Owner Concern #2:** Is it possible to build a wall of my liking, instead of replacing the trees?

**Department's Response:**

The 15-foot tall, 375-foot-long wall Mr. Console wants is not within the parameters of the project. The Department will have to obtain permits from agencies and the chances of the permits being granted are very low per District 5 Environmental staff. This is due to restrictions on maintaining a State Scenic Highway in the area and maintaining its rural character, with tree replanting being the standard mitigation measure. Also, since technical studies didn't identify any noise or air quality issues, there would be no environmental reason to propose a wall. The Department is willing to compensate Mr. Console to build a wall, but he doesn't want to build the wall on his own because he doesn't want to maintain the wall. He wants the Department to maintain the wall.

**Owner Concern #3:**

The trees are there to stop pollution and sounds. The replacement trees will take forever to grow.

**Department's Response:**

The Department consulted with an Arborist and offered to have the Arborist evaluate transplanting the existing 15-foot-tall trees, but Mr. Console is not interested in the trees being transplanted, for he does not believe that they can be transplanted successfully, and he refused to have the Arborist visit the property to evaluate this.

**Owner Concern #4:**

The roundabout will cause queuing/traffic and will not improve operational safety.

**Department's Response:**

Based on National Studies by FHWA, roundabouts reduce accidents and fatalities.

**Owner Concern #5:**

There was no public meeting held for this project. There should have been one to which he should have been invited to attend since this project is requiring right of way from his property. He feels that the project has now been designed without his input.



**Department's Response:**

The project was determined to be Categorically Exempt (CE) under the California Environmental Quality Act (CEQA) and Categorically Excluded (CE) under the National Environmental Policy Act (NEPA). This project was determined to not have any significant impacts to the environment based on the Department's CE/CE determination under NEPA/CEQA. Therefore, no public hearing was required based on both the Department's and CEQA policy. This project environmental determination was re-validated in March 2020, once the roundabout alternative was chosen, and the CE/CE determination was again found to be applicable.

The CE for this project outlines the Visual Minimization, Biology Minimization, Noise Minimization, and Hazardous Waste measures that will be taken on this project during construction (see attached).

A public meeting was held by Santa Barbara County Association of Governments on September 11, 2019, in the City of Solvang at the Hotel Corque (400 Alisal Road, Solvang, CA 93463). The Department's staff shared a schematic of the project intersection with proposed improvements and answered a number of questions from the public about the proposed roundabout and the Santa Ynez Valley Traffic Circulation & Safety Study at this meeting. General feedback from the public at this meeting was supportive of the study and proposed roundabout. The project is consistent with the Santa Ynez Community Plan.

**DEPARTMENT CONTACTS:**

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

Type of Contact	Number of Contacts
Mailing of information	4
Emailing of Information	1
Telephone	25
Personal Call	2

**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 those 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:

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 least private injury.
3. The property rights to be condemned are necessary for the proposed project.
4. 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.

*Jean-Marie Hunter*

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JEAN-MARIE HUNTER  
Chief, Office of Project Delivery  
HQ Division of Right of Way and Land Surveys  
Panel Chair

I concur with the Panel's recommendation:

*Donna Berry*

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DONNA BERRY  
Chief Engineer

**PERSONS ATTENDING CONDEMNATION PANEL REVIEW  
MEETING ON NOVEMBER 15, 2022**

Jean-Marie Hunter, HQ's Division of Right of Way and Land Surveys, Panel Chair  
Justin Wynne, 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  
Rizwan Tanvir, HQ's Assistant Chief Engineer  
Mike Whiteside, HQ's Retired Annuitant  
Amy Fong, HQ's Division of Design  
Paul Gennaro, HQ's Division of Design

Richard Rosales, Deputy District Director-Single Focal Point, District 5  
David Fapp, Deputy District Director of Design, District 5  
Marshall Garcia, Deputy District Director of Right of Way, District 5  
Sherri Martin, Project Manager, District 5  
Kyle Birch, Design Manager, District 5  
Patrick Mason, Right of Way Acquisitions Senior, District 5

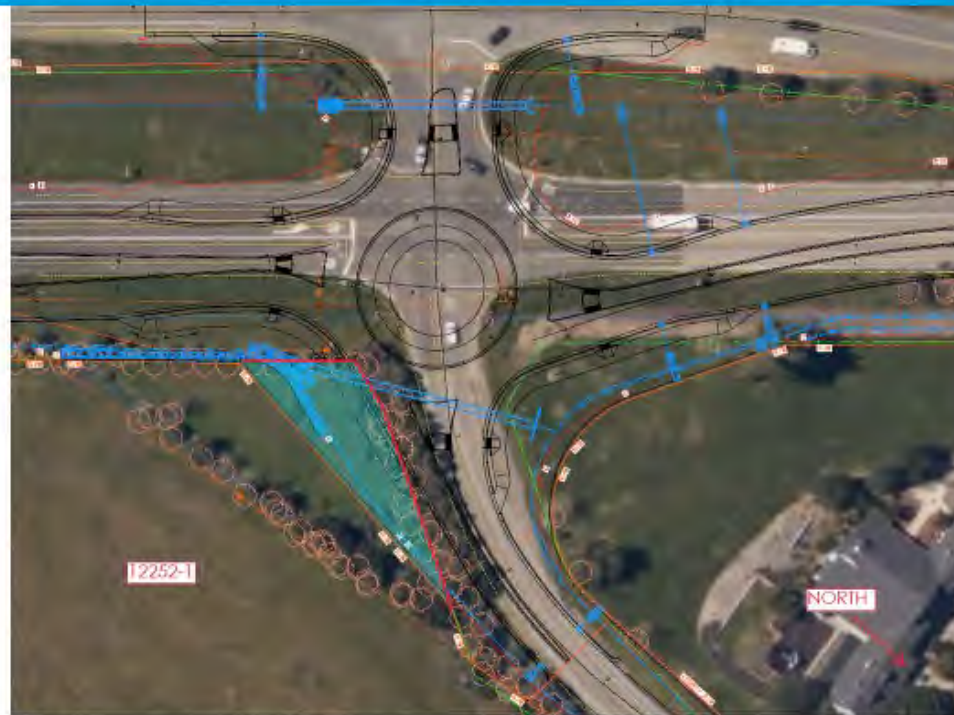
Luigi Console, Property Owner

## EXHIBIT B

# Subject Parcel Acquisition



## Subject Parcel



## EXHIBIT C

June 14, 2022

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



From: Luigi Console  
P.O Box 1771  
Santa Ynez, CA 93460

Dear Sir,

This letter is in response to the revised notice that I received on June 13, 2022(Copy Attached). I request to appear before the commission to raise my questions/objections to the proposed project.

In the event that I can not appear due to a health issue or the specified date/ location of the meeting, I am stating my comments/objections to conditions A, B and C

- (A) : No public hearing
- (B) : Project will impact my health and lifestyle greatly due to heavy exposure to exhaust fumes, heavy metals, brake dust, noise.
- (C) Alternate project solutions have not been considered.

Regards,

  
Luigi Console

# California Department of Transportation



DISTRICT 05 RIGHT OF WAY  
3232 S. Higuera #200 | San Luis Obispo, CA 93401-2035  
8055493498 | Fax (805) 549-3558 TTY 711  
www.dot.ca.gov

May 27, 2022

**CALIFORNIA TRANSPORTATION COMMISSION  
NOTICE OF INTENT TO ADOPT RESOLUTION OF NECESSITY  
TO ACQUIRE CERTAIN REAL PROPERTY  
OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN  
(Code of Civil Procedure, Section 1245.235)**

Luigi Console, a single man  
P.O. Box 1771  
Santa Ynez, CA 93460

05-SB-154-PM R6.0  
EA 1H310  
Project #0516000060  
Parcel 12252-1  
Luigi Console, a single man

Dear Luigi Console, a single man:

The law provides procedures for public agencies to acquire private property for public use. It requires that every agency which intends to condemn property notify the owners of its intention to condemn. California Code of Civil Procedure (CCP) Section 1240.030 provides that the power of eminent domain may be exercised to acquire property for a proposed project if the following three conditions are established:

- (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.
- (C) The property sought to be acquired is necessary for the project.

Also, CCP Section 1245.230 requires that the offer required by section 7267.2 of the Government Code has been made to the owner of record.

You are hereby notified that the California Transportation Commission (Commission) at its meeting to be held on June 29, 2022 and June 30, 2022 in California, and also is available on Webinar, will be asked to decide if the above conditions are met concerning your property and, if so, to adopt a Resolution of Necessity (Resolution). Questions regarding the amount of compensation to be paid or the value of the property to be acquired are not part of this proceeding and the Commission will not consider such in determining whether a Resolution should be adopted.

The Commission's adoption of the Resolution authorizes the California Department of Transportation (Department) to acquire the property by eminent domain. Within six months of the adoption of the Resolution, the Department will prepare and file a complaint in Superior Court commencing the eminent domain proceeding. All issues related to the compensation to be awarded for the acquisition of your property will be



## EXHIBIT D

**TRANSPORTATION COMMISSION  
RESOLUTION NO.**

**C-22220**

**CALIFORNIA TRANSPORTATION COMMISSION  
RESOLUTION OF NECESSITY  
TO ACQUIRE CERTAIN REAL PROPERTY  
OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN  
HIGHWAY 05-SB-154-PM 6.0 PARCEL 12252-1  
OWNER: Luigi Console, a single man**

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;

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;

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**

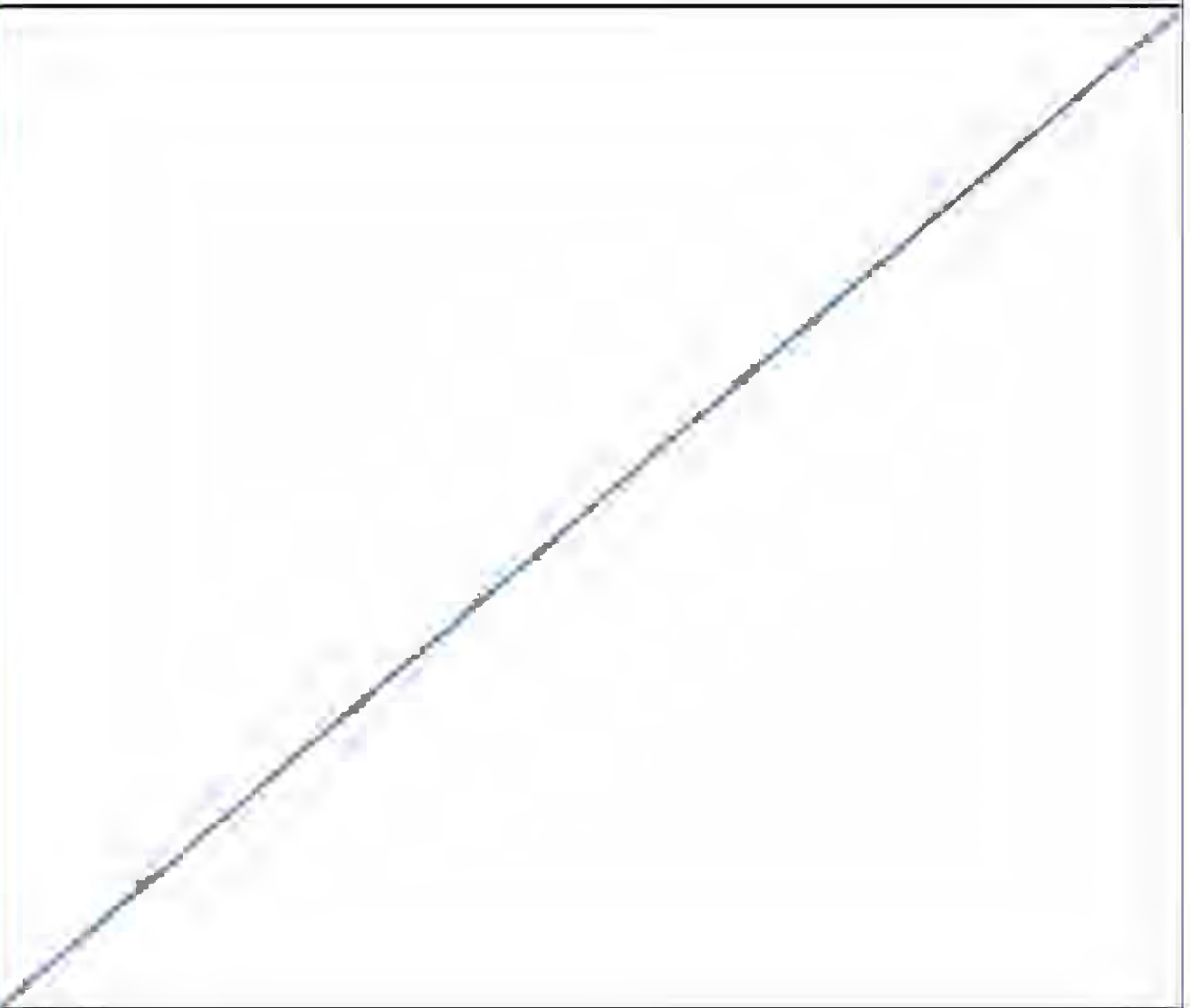
**APPROVAL RECOMMENDED**

**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 Santa  
8 Barbara, State of California, Highway 05-SB-154 and described as follows:



**PARCEL 12252-1 FEE**

For Freeway purposes, that portion of the land described in the deed to Luigi Console, A Single Man recorded as Document No. 88-028337 on May 18, 1988 in the Office of the Recorder of the County of Santa Barbara, more particularly described as follows:

COMMENCING at Engineer's center line Station 229+62.57 "L.O. & Filed C/L" as said center line is shown on the *Relinquishment Map* filed in Santa Barbara County State Highway Map Book 7 at Page 126;

THENCE (1) Leaving said centerline North 56°06'12" East a distance of 104.62 feet to an angle point on the northeasterly right of way of Highway 154, being the POINT OF BEGINNING.

THENCE (2) North 26°04'49" East, 35.10 feet to an angle point in the easterly right of way of Highway 154 being also the southeasterly corner of Parcel 4 as shown on said Relinquishment Map;

THENCE (3) along the easterly boundary of said Parcel 4, North 36°36'35" East, 139.33 feet to point "A", (Said point is identified "A" for future reference)

THENCE (4) leaving said easterly boundary of Parcel 4, a bearing of South 15°21'57" West a distance of 215.62 feet, to the point of intersection with the northeasterly right of way line of Highway 154;

THENCE (5) along the said right of way North 32°40'16" West, 76.67 feet to the POINT OF BEGINNING.

Lands abutting the freeway shall have no right or easement of access thereto, together with the extinguishment of all easements of access in and to the highway over and across courses; (6) & (7) more specifically described as follows;

Commencing at above-described point "A";

THENCE (6) continuing along the easterly boundary of Parcel 4, North 36°36'35" East 39.69 feet to an angle point in the boundary of Parcel 4;

THENCE (7) continuing along the easterly boundary of Parcel 4 North 1°31'24" East 47.42 feet to a point of terminus.

The bearings and distances used in this description are on the California Coordinate System, NAD27 Zone 5. To obtain ground level distances, multiply distances shown by 1.000102

# STATE OF CALIFORNIA

## DEPARTMENT OF TRANSPORTATION

### IN SANTA BARBARA COUNTY

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.



LOCATION MAP



SITE



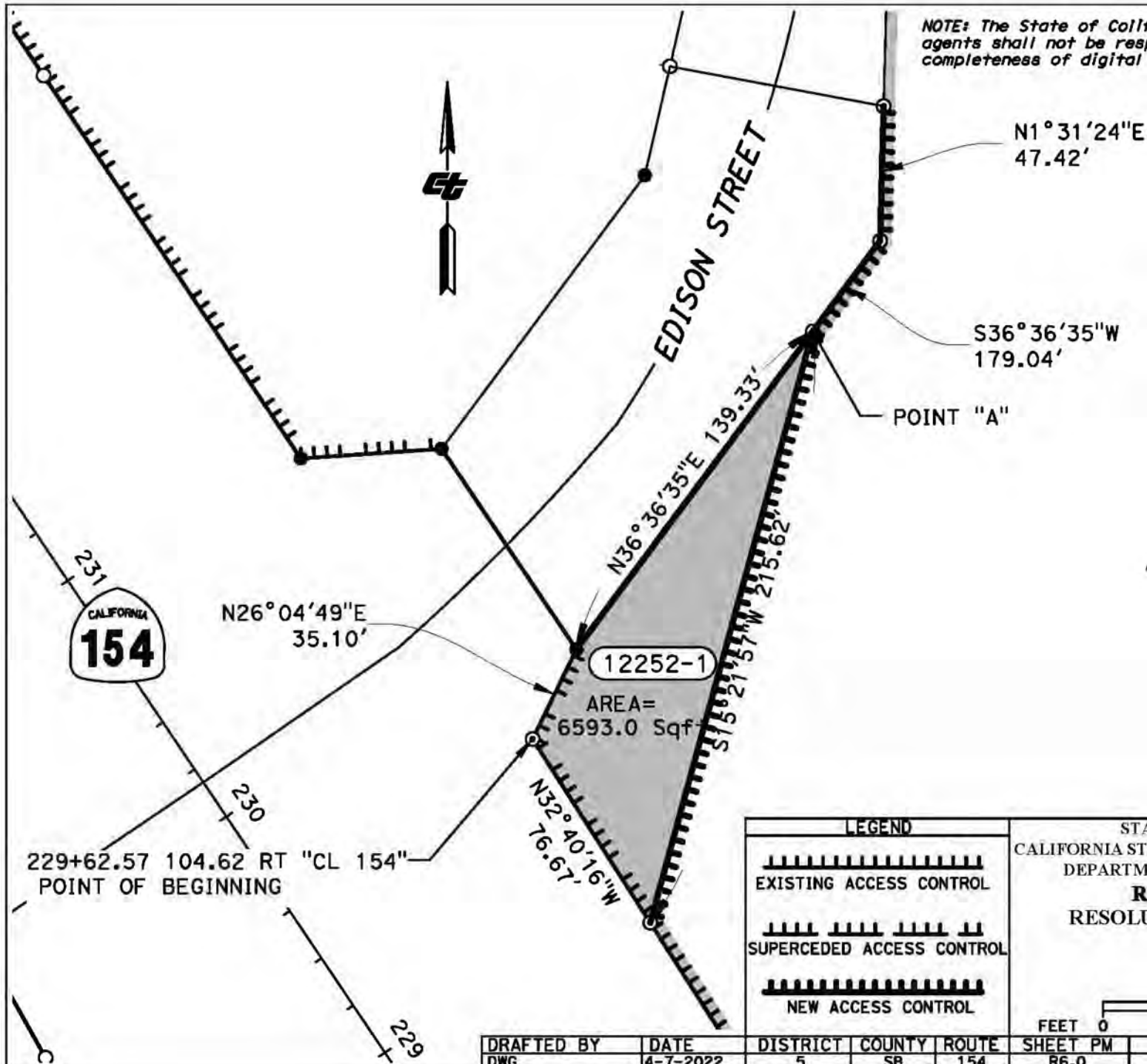
STATE OF CALIFORNIA  
CALIFORNIA STATE TRANSPORTATION AGENCY  
DEPARTMENT OF TRANSPORTATION  
**RIGHT OF WAY**  
RESOLUTION OF NECESSITY  
EXHIBIT A

SCALE: 1" = 2000'

FEET 0 1000 2000 4000

DRAFTED BY	DATE	DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
DWG	4-7-2022	5	SB	154	R6.0	1	2

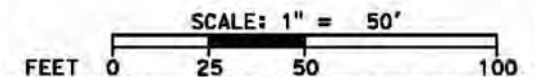
NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.



LUIGI CONSOLE  
APN: 141-121-040

LEGEND	
	EXISTING ACCESS CONTROL
	SUPERCEDED ACCESS CONTROL
	NEW ACCESS CONTROL

STATE OF CALIFORNIA  
CALIFORNIA STATE TRANSPORTATION AGENCY  
DEPARTMENT OF TRANSPORTATION  
**RIGHT OF WAY**  
RESOLUTION OF NECESSITY  
EXHIBIT B



DRAFTED BY	DATE	DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
DWG	4-7-2022	5	SB	154	R6.0	2	2