

## MEMORANDUM

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: June 26-27, 2025

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.4b., Action Item

Prepared By: René Fletcher, Chief (Acting)  
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 that the Commission adopt Resolutions C-22556 through C-22558 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.

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-22556 - WILLIAM A. DRIVER, TRUSTEE OF THE WILLIAM A. DRIVER REVOCABLE TRUST, DATED OCTOBER 5, 2006

03-Sut-113-Post Mile (PM) 0.6 - Parcel 38903-1, 2 - EA 2J9809.

Right of Way Certification (RWC) Date: 12/15/25; Ready to List (RTL) Date: 01/10/26.

Conventional highway – curve realignment near Knights Landing, from north of Yolo County line to south of Leiser Road. Authorizes condemnation of land in fee for a State highway, and a Temporary Construction Easement (TCE) needed to provide space for the State’s contractor to construct the improvements. Located in Sutter County at 21536 State Highway 113.

Assessor’s Parcel Numbers (APN’s) 034-030-001, 034-030-014 & 034-050-001.

**The public interest and necessity require the proposed project.**

State Route (SR) 113 is a north-south route that extends 38.3 miles from Interstate 80 (I-80), near the City of Davis, to the SR 99/SR 113 junction, 10 miles south of Yuba City. This stretch of SR 113 is outside of the urbanized areas of Davis and Woodland but provides access from the rural communities of Knights Landing and Robbins to I-80 and SR 99, serving a combination of commuter and, primarily, agricultural traffic.

This project was initiated by Traffic Safety due to the high number of collisions along the horizontal roadway curve near the mobile home park in the project limits. In May of 2019, a traffic investigation was conducted after an errant vehicle travelling northbound departed the lane and shoulder, colliding with an occupied residence in the mobile home park. This collision resulted in three fatalities. In 2021, guardrail was constructed along the northbound shoulder as a safety measure to protect the more vulnerable homes within the mobile home park at PM 0.7.

The primary purpose of this project is to improve safety by flattening the curve radius and realigning the horizontal curve away from the mobile home park. Flattening curves is a Federal Highway Administration Proven Safety Countermeasure.

**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 Department completed an Initial Study (IS) for the California Environmental Quality Act (CEQA) and a Categorical Exclusion (CE) for the National Environmental Policy Act (NEPA) on March 13, 2024. The documentation level has been selected based upon Environmental Study Request level studies.

Two alternatives were evaluated including the build and no-build alternative. The Project Development Team analyzed the alternatives to minimize the impact to the environment, reduce constructability issues, and improve safety to the greatest reasonable extent.

The build alternative, the chosen alternative, proposes to flatten the curve radius and realign the horizontal curve away from the mobile home park. Private injury has been minimized by acquiring the smallest footprint needed for construction requirements.

It was determined that the no-build alternative would not meet the purpose and need of the project. If the existing condition remains unaddressed, it is likely to lead to future collisions and pose a risk of injury to individuals.

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

The owner's parcels are located along the west side of SR 113, approximately 0.7 miles north of the town of Knights Landing. The realignment of the roadway requires the acquisition of additional right of way. The total area of the subject parcel is 223.87 acres, or 9,751,777 square feet. Parcel 38903-1 is 104,413 square feet of fee. Parcel 38903-2 is 113,016 square feet for a TCE.

The fee area of the parcel is necessary for the roadway realignment and the TCE will provide sufficient working room for the improvements. The project improvements at this location cannot be constructed without acquiring the property.

**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 3 Right of Way management on January 3, 2025. On February 7, 2025, the property owner was provided the First Written Offer (FWO) of just compensation. The Owner expressed dissatisfaction with the amount of just compensation and has declined to obtain an independent appraisal.

Negotiations are ongoing and efforts to secure an equitable settlement will continue. Condemnation has been initiated to maintain the orderly sequence of events required to meet construction schedules.

C-22557 - SB Redlands Owner, LLC, a Delaware limited liability company  
08-SBd-38-PM 1.46 - Parcel 25920-1, 2, 3 - EA 1K8609.

RWC Date: 11/03/25; RTL Date: 12/04/25. Conventional highway - pavement rehabilitation, upgrading Traffic Management System (TMS) items, upgrading curb ramps and sign panels, installing fiber optic cable, and constructing pedestrian and bicycle infrastructure. Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, and underlying fee. Located in the city of Redlands at the Southeast corner of East Lugonia Avenue and North University Street. APNs 1212-381-01 through 32.

**The public interest and necessity require the proposed project.**

The project is located on SR 38, in San Bernardino County, in the City of Redlands, from Occidental Drive, PM 1.3, to Crafton Avenue, PM 4.1. The project scope includes repairing distressed pavement areas with digouts, upgrading TMS elements, bicycle and pedestrian improvements, upgrading curb ramps for compliance with the Americans with Disabilities Act (ADA), adding concrete bus pads, minor widening, and upgrading sign panels.

The project area has deficiencies in the pavement condition and the pavement within the project limits is exhibiting distress resulting in poor ride quality. If left uncorrected, the pavement will deteriorate and will need a major roadway rehabilitation. Existing curb ramps need upgrading to meet ADA standards. In addition, TMS elements, such as some traffic signals, cabinets, loop detectors, pedestrian heads, and curb ramps within the project limits, will need to be upgraded to meet current standards.

SR 38 from PM 1.3 to 4.1 has been identified by the Department to require pavement preservation to avoid major roadway rehabilitation. The project proposes to cold plane and overlay existing pavement, upgrade curb ramps to ADA standards, upgrade sign panels and TMS elements. The project will extend the service life of existing pavement, maximize mobility and accessibility for all people and goods in the region, maximize the productivity of our transportation system, and improve the ride quality along this segment of SR 38.

**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) pursuant to CEQA and a CE pursuant to NEPA were completed and approved on January 26, 2024. An Initial Site Assessment for hazardous waste was also completed. Other studies included impacts to air quality, biological and cultural resources, noise, and stormwater.

The build alternative will cold plane and overlay existing pavement at various locations. In addition, curb ramps will also be upgraded to the current standard. New sidewalk, accessible paths, and bus pads will be constructed. Existing sidewalks will be repaired or reconstructed and driveways will be modified. In addition, the proposed improvements include (but are not limited to) upgrading TMS elements, incorporating Class II bicycle route treatments, installing new bike signs, replacing Accessible Pedestrian Signals, incorporating visibility treatment for crosswalks, upgrading sign panels, and minor widening.

To minimize the impact of the project scope on private properties, the project was designed with the least necessary acquisition areas to build the proposed improvements. Non-standard design measures included non-standard lane widths by keeping existing widths or reducing widths to 11 feet at various locations within the route. These measures significantly reduced the private property necessary for the project.

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

The subject property is located in the city of Redlands at the Southeast corner of East Lugonia Avenue and North University Street, adjacent to SR 38. The property consists of 7.789 acres and is improved with an apartment complex. This project requires 101 square feet of fee from the Owner's property adjacent to the State right of way which is necessary for the construction of a curb ramp to meet current ADA standards. Underlying fee consisting of 34,308 square feet within the adjacent SR 38 is also required to perfect the State's ownership of the highway, along with a TCE measuring 137 square feet which is necessary to allow the contractor a sufficient work area to upgrade the curb ramp located within the project limits to ADA standards. The proposed project improvements cannot be constructed without acquiring a portion of the Owner's property.

**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 8 Right of Way management on June 3, 2024. On July 12, 2024, the FWO of just compensation was sent via certified mail to the Owner and was acknowledged as received. Negotiations are ongoing, but the Department and the Owner are currently at an impasse due to compensatory issues.

Condemnation has been initiated to maintain the orderly sequence of events required to meet construction schedules.

C-22558 - Pacific/Costanzo-Lewis, a California general partnership  
08-SBd-247-PM 77.48 - Parcel 26038-1 - EA 1L0909.

RWC Date: 02/17/26; RTL Date: 03/11/26. Conventional highway - pavement rehabilitation, replace sign panels, add bike lanes and upgrade facilities to ADA standards. Authorizes condemnation of land in fee for a State highway. Located in the city of Barstow at 1380 Barstow Road. APN 0183-201-02.

**The public interest and necessity require the proposed project.**

The project is located on SR 247, in San Bernardino County, in the City of Barstow, from Stoddard Wells Road (PM 73.2) to Route 15 (PM 78.1). The proposed scope of work includes constructing sidewalks at sidewalk gaps, localized dig-outs, restriping all lanes, replacing sign panels, upgrading traffic signals at Armory Road and Rimrock Road intersections, and five to six-foot shoulder widening to accommodate buffered Class II bike lanes. The bike lanes are proposed in both directions of SR 247, from Veterans Parkway to Armory Road. Other assets include constructing three bus pads, rumble strips, and upgrading the Metal Beam Guardrail (MBGR) to a Midwest Guardrail System (MGS) at the SR 247/I-15 separation near the NB I-15 on-ramp loop entrance. A flashing beacon warning curve sign will also be installed at PM 74.5 and shoulder backing will be placed, as needed, at the drop offs.

The existing pavement is exhibiting signs of distress and deterioration at various locations along SR 247. As indicated in the Pavement Management System (PaveM), there are areas of alligator B cracking, rutting and surface roughness requiring pavement rehabilitation to extend pavement life and improve ride quality.

Existing sidewalks and curb ramps at several intersections do not meet the latest ADA standards. Reconstruction of these curb ramps is necessary to make the following features standard: Curb ramp dimensions, slopes, detectable warning surfaces and pedestrian push buttons. Several locations within the project limits lack complete streets elements as well. To encourage other modes of transportation, it is proposed to construct new sidewalks and bus pads. Bike routes will be provided through the installation of Buffered Class II bike lanes in both directions from Veterans Parkway to Armory Road. This will help bicyclists reach their destination and encourage the use of active 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.**

A CE/CE pursuant to CEQA and NEPA was completed and approved on February 14, 2024. An Initial Site Assessment for hazardous waste was also completed. Other studies included impacts to air quality, hazardous waste, biological and cultural resources, noise, visual impacts, and stormwater.

The build alternative will cold plane and overlay existing pavement at various locations. In addition, the proposed improvements include (but are not limited to) replacing sign panels, upgrading traffic signals at Armory Road/Rimrock Road intersection, reconstructing existing curb ramps to comply with current ADA standards, constructing new curb ramps at identified locations, upgrading existing curb and gutter, installing sidewalk to current ADA standards, upgrading MBGR to MGS and installing buffered Class II bike lanes.

*"Improving lives and communities through transportation."*

Considerations of non-standard features were made to minimize impacts to the subject property; however a standard curb ramp design was required at this location to ensure safe and accessible pedestrian access.

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

The subject property is located in the city of Barstow at 1380 Barstow Road, adjacent to SR 247. The property consists of 2.12 acres or 92,347 square feet, and is improved with a Rite-Aid store. This project requires 429 square feet of fee from the Owner's property adjacent to the State right of way which is necessary to install an ADA curb ramp. The proposed project improvements cannot be constructed without acquiring a portion of the Owner's property.

**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 8 Right of Way management on September 23, 2024. On October 16, 2024, the FWO of just compensation was sent via certified mail to the Owner at the address of record and was confirmed as received on October 22, 2024. The offer was also emailed to the Owner per their request on October 18, 2024, and was received the same day. Negotiations ensued for the next few months, however the Owner repeatedly indicated that they needed more time to review the offer. The District Right of Way office repeatedly reached out to the Owner between December 2024 to March 2025, leaving phone messages in an attempt to negotiate, however the Owner has been non-responsive. Efforts to contact the Owner will continue, however the parties are currently at an impasse due to Owner's refusal to communicate.

Condemnation has been initiated to maintain the orderly sequence of events required to meet construction schedules.

Attachments

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

3 **C-22556**

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-Sut-113-PM 0.6 PARCEL 38903-1, 2  
9 OWNER: WILLIAM A. DRIVER, TRUSTEE OF THE WILLIAM A. DRIVER  
10 REVOCABLE TRUST, DATED OCTOBER 5, 2006

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

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

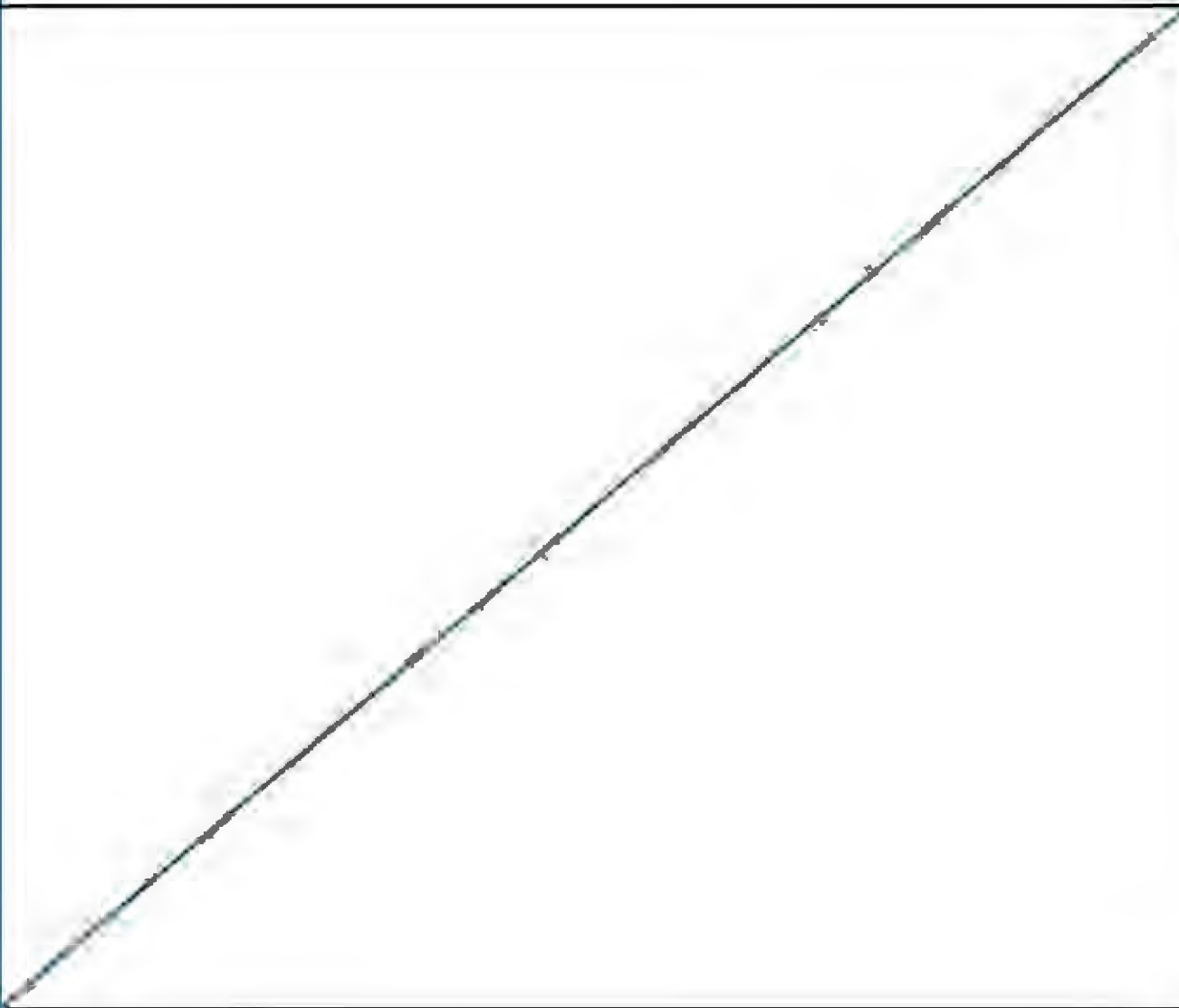
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**Attorney, Department of Transportation**

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**DIVISION OF RIGHT OF WAY**

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

The real property or interests in real property, which the Department of Transportation is by this resolution authorized to acquire, is situated in the County of Sutter, State of California, Highway 03-Sut-113 and described as follows:



**Parcel 38903-1**

A portion of that real property described in that Grant Deed recorded September 6, 2022, in Document Number 2022-0012161, Official Records of Sutter County, being a portion of Section 11, Township 11 North, Range 2 East, Mount Diablo Base and Meridian, County of Sutter, State of California, lying easterly of the following described line:

COMMENCING at a point on the existing centerline of California State Route 113, said point marking the Southerly terminus of the course described as "N 41° 16' E 1532.14'" as shown on California Department of Transportation Record Map 004323R, on file at the Caltrans District 3 Office,

THENCE (1) leaving said centerline North 38° 07' 34" East, 774.37 feet, to a point on the existing Westerly Right of Way line of California State Route 113, being the point of beginning, said point bears North 84° 21' 35" West, 4981.20 feet from a brass disk set in concrete in a monument well, said brass disk stamped "T11N, R2E 1/4 S12/S13 2019 SCPW", set per Sutter County Corner Record 2020-06.

THENCE (2) Leaving said Westerly Right of Way line North 48° 54' 47" West, 14.33 feet;

THENCE (3) North 41° 25' 33" East, 598.92 feet;

THENCE (4) along a tangent curve to the left, having a radius of 2000.00 feet, a length of 1868.30 feet, an internal angle of 53° 31' 22", and a chord of North 14° 39' 52" East, 1801.10 feet;

THENCE (5) North 12° 05' 49" West, 1039.08 feet,

THENCE (6) North 77° 29' 12" East, 18.83 feet, to a point on said Westerly Right of Way line, said point bears South 9° 44' 06" East, 1603.55 feet from a 3/4" iron pipe set in concrete, as shown on the Record of Survey filed in Book 18 of Record of Surveys, at page 180, Sutter County Official Records, said 3/4" iron pipe bears North 40° 55' 05" West, 7001.99 feet from the abovementioned brass disk set in concrete in a monument well.

The bearings and distances used in this description are on the California Coordinate System of 1983, Epoch 2017.50, Zone 2. Divide distances by 0.999926 to obtain ground distances.

**Parcel 38903-2**

An easement for temporary construction purposes being a portion of that real property described in that Grant Deed recorded September 6, 2022, in Document Number 2022-0012161, Official Records of Sutter County, being a portion of Section 11, Township 11 North, Range 2 East, Mount Diablo Base and Meridian, County of Sutter, State of California, lying easterly of the following described line:

COMMENCING at a point on the existing centerline of California State Route 113, said point marking the Southerly terminus of the course described as "N 41° 16' E 1532.14'" as shown on California Department of Transportation Record Map 004323R, on file at the Caltrans District 3 Office,

THENCE (1) leaving said centerline North 38° 53' 12" East, 1586.59 feet, to the point of beginning, said point bears North 75° 53' 45" West, 4577.12 feet from a brass disk set in concrete in a monument well, said brass disk stamped "T11N, R2E 1/4 S12/S13 2019 SCPW", set per Sutter County Corner Record 2020-06.

THENCE (2) along a non-tangent curve to the left, having a radius of 1867.31 feet, a length of 280.19 feet, an internal angle of 8° 35' 50", and a chord of North 27° 48' 51" East, 279.93 feet;

THENCE (3) North 64° 14' 38" West, 36.08 feet;

THENCE (4) along a non-tangent curve to the left, having a radius of 1867.31 feet, a length of 1325.78 feet, an internal angle of 40° 40' 47", and a chord of North 7° 57' 30" East, 1298.11 feet;

THENCE (5) North 12° 30' 56" West, 823.88 feet,

THENCE (6) North 77° 29' 12" East, 46.90 feet;

THENCE (7) North 12° 30' 48" West, 230.89 feet;

THENCE (8) North 77° 29' 12" East, 10.92 feet;

THENCE (9) South 12° 05' 49" East, 1039.08 feet;

THENCE (10) along a tangent curve to the right, having a radius of 2000.00 feet, a length of 1654.78 feet, an internal angle of 47° 24' 21", and a chord of South 11° 36' 22" West, 1607.98 feet to the point of beginning.

The bearings and distances used in this description are on the California Coordinate System of 1983, Epoch 2017.50, Zone 2. Divide distances by 0.999926 to obtain ground distances.

The rights to the above-described temporary easement shall cease and terminate no later than May 1, 2028. Said rights may also be terminated prior to stated date by the STATE upon notice to OWNER.

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

3 **C-22557**

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 08-SBd-38-PM 1.46 PARCEL 25920-1, 2, 3  
9 OWNER: SB Redlands Owner, LLC, a Delaware limited liability company

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**

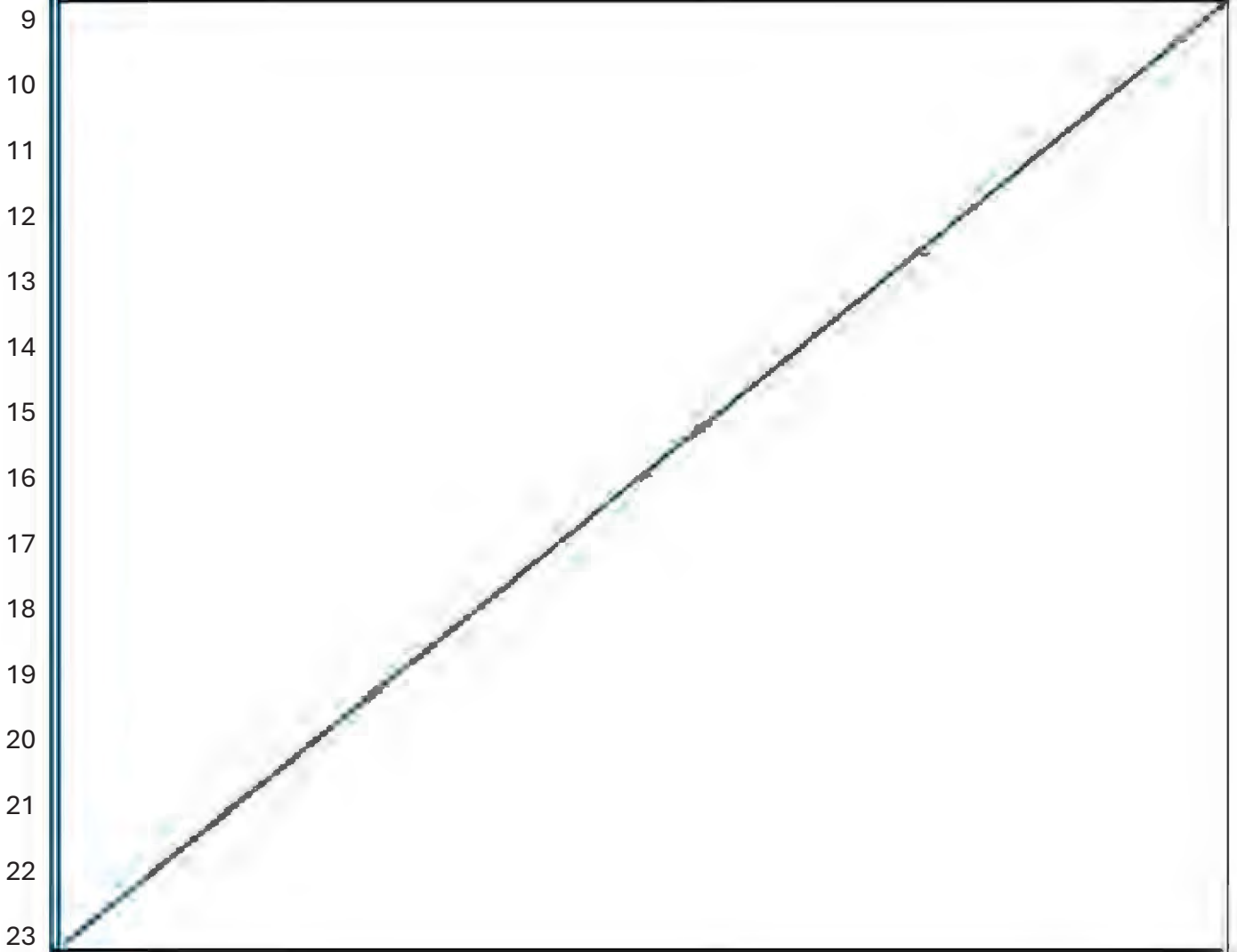
**APPROVAL RECOMMENDED**

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**Attorney, Department of Transportation**

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**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 San  
8 Bernardino, State of California, Highway 08-SBd-38 and described as follows:



## Legal Description

### PARCEL: 25920-1

For state highway purposes, that portion of Common Lot 32 as shown on AMENDING MAP TRACT NO. 10356 in the City of Redlands, County of San Bernardino, State of California, as shown on a map filed in Book 164, Pages 6 through 8 of Maps, in the Office of the County Recorder of said County, lying northerly, northwesterly, and westerly of the following described line:

**COMMENCING** at the intersection of the centerline of Lugonia Avenue (State Route 38) and the northerly prolongation of the westerly line of Lot 54 of University Tract as shown on map filed in Book 17, Page 36 of Maps, in the office of the County Recorder of said County and also as shown on said AMENDING MAP TRACT NO. 10356; thence along said northerly prolongation and the westerly line of said Lot 54 South  $00^{\circ}05'35''$  East 72.32 feet; thence North  $89^{\circ}54'25''$  East 52.00 feet to the westerly line of said Common Lot 32, being the **POINT OF BEGINNING**; thence North  $89^{\circ}54'25''$  East 3.00 feet to the beginning of a non-tangent curve, concave southeasterly, having a radius of 20.00 feet, to which a radial line bears South  $89^{\circ}54'25''$  West; thence northeasterly along said curve through a central angle of  $89^{\circ}29'02''$  an arc distance of 31.23 feet; thence North  $00^{\circ}36'33''$  West 3.00 feet to northerly line of said Common 32, being the **POINT OF TERMINATION** of this line.

### PARCEL: 25920-2

**TOGETHER WITH** underlying fee interest, if any, contiguous to said Common Lot 32, in and to the adjoining Lugonia Avenue (State Route 38) and University Street, lying within the following described land:

**BEGINNING** at the intersection of the centerline of Lugonia Avenue (State Route 38) and the northerly prolongation of the westerly line of said Lot 54 as shown

on said AMENDING MAP TRACT NO. 10356; thence along said northerly prolongation and the westerly line of said Lot 54 South 00°05'35" East 72.32 feet; thence North 89°54'25" East 52.00 feet to the westerly line of said Common Lot 32, also being the beginning of a non-tangent curve, concave southeasterly, having a radius of 23.00 feet, to which a radial bears South 89°54'25" West; thence northeasterly along said curve through a central angle of 89°29'02" an arc distance of 35.92 feet to the northerly line of said Common Lot 32; thence along said northerly line North 89°23'27" East 585.72 feet to the northeasterly corner of said Common Lot 32; thence along the northerly prolongation of the easterly line of said Common Lot 32 North 00°02'59" East 50.00 feet to said centerline of Lugonia Avenue (State Route 38); thence along said centerline South 89°23'27" West 660.55 feet to the **POINT OF BEGINNING**.

**PARCEL: 25920-3**

A temporary easement for construction purposes incidents thereto, in and to that portion of Common Lot 32 as shown on AMENDING MAP TRACT NO. 10356 in the City of Redlands, County of San Bernardino, State of California, as shown on a map filed in Book 164, Pages 6 through 8 of Maps, in the Office of the County Recorder of said County, described as follows:

**COMMENCING** at the intersection of the centerline of Lugonia Avenue (State Route 38) and the northerly prolongation of the westerly line of Lot 54 of University Tract as shown on map filed in Book 17, Page 36 of Maps, in the office of the County Recorder of said County and also as shown on said AMENDING MAP TRACT NO. 10356; thence along said northerly prolongation and the westerly line of said Lot 54 South 00°05'35" East 72.32 feet; thence North 89°54'25" East 52.00 feet to the westerly line of said Common Lot 32; thence North 89°54'25" East 3.00 feet to the beginning of a non-tangent curve, concave southeasterly, having a radius of 20.00 feet, to which a radial line bears South 89°54'25" West, being the **POINT OF BEGINNING**; thence northeasterly along said curve through a central angle of

89°29'02" an arc distance of 31.23 feet; thence South 00°36'33" East 5.00 feet to the beginning of a non-tangent curve, concave southeasterly, having a radius of 15.00 feet, to which a radial line bears North 0°36'33" West; thence southwesterly along said curve through a central angle of 89°29'02" an arc distance of 23.42 feet; thence South 89°54'25" West 5.00 feet to the **POINT OF BEGINNING**.

Rights to the above-described temporary easement shall cease and terminate on February 3, 2028. 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 on the California Coordinate System of 1983, Zone 5 (EPOCH 2017.50). Divide the distances used in the above description by 0.99991676 to obtain ground level distances.

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

3 **C-22558**

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 08-SBd-247-PM 77.48 PARCEL 26038-1  
9 OWNER: Pacific/Costanzo-Lewis, a California general partnership

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**

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**Attorney, Department of Transportation**

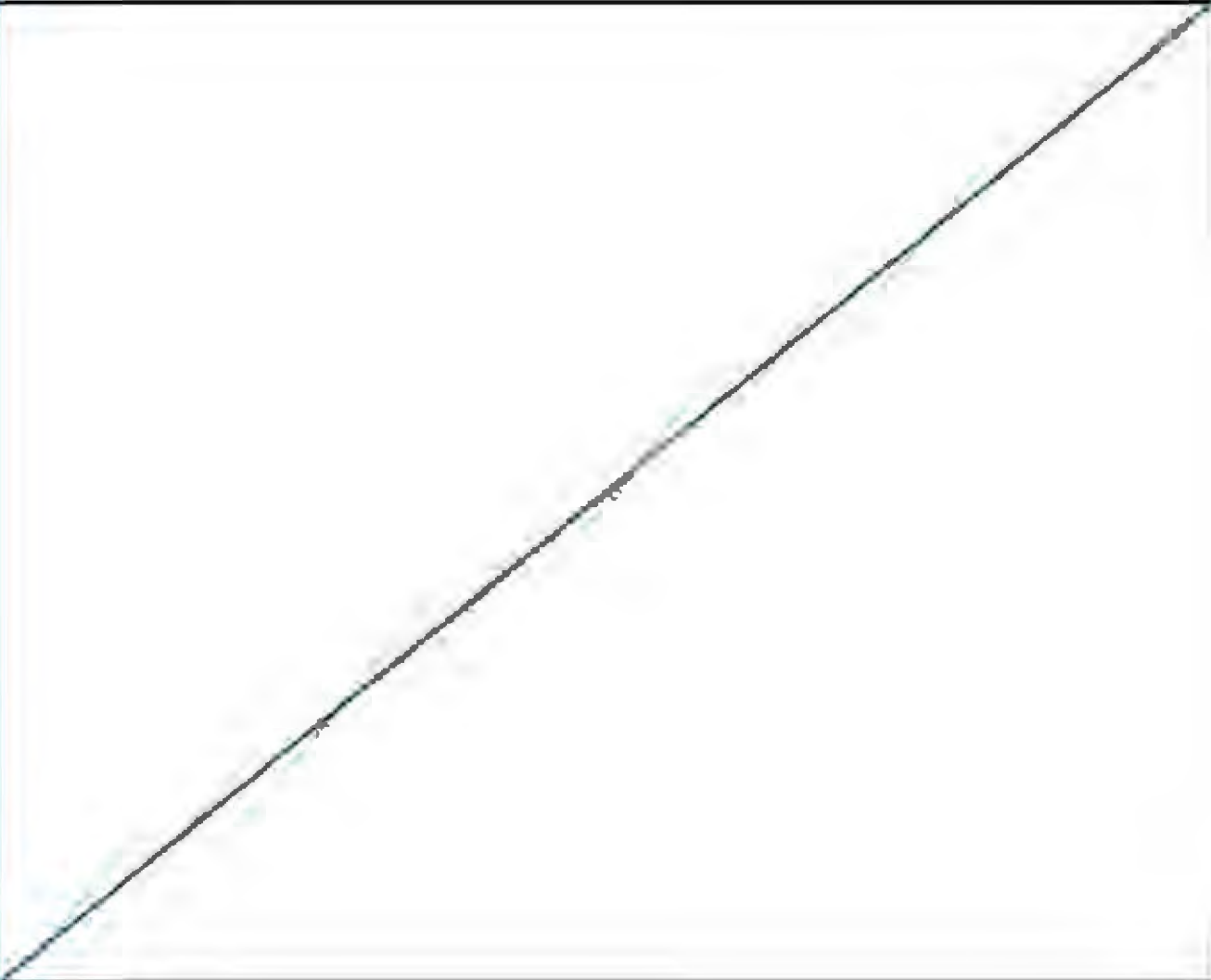
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**DIVISION OF RIGHT OF WAY**

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

The real property or interests in real property, which the Department of Transportation is by this resolution authorized to acquire, is situated in the County of San Bernardino, State of California, Highway 08-SBd-247 and described as follows:



## Exhibit "A"

### Parcel 26038-1:

For State highway purposes in the City of Barstow, County of San Bernardino, State of California, being a portion of Government Lot 257, in the Southeast Quarter of Section 7, Township 9 North, Range 1 West, San Bernardino Meridian, according to the Official Plat approved November 28, 1952, as described in Grant Deed recorded on August 15, 2006, as Document No. 2006-0554971 of Official Records, in the Office of the County Recorder of said County, lying southeasterly of the following described line:

**COMMENCING** at the centerline intersection of Barstow Road (State Route 247) and Rimrock Road as shown on Tract Map No. 10916 filed in Book 157 Pages 49 through 50 of Map Book of said County; thence along the centerline of said Barstow Road (State Route 247) North 00°34'16" West 68.10 feet; thence leaving said centerline, South 89°25'44" West 50.00 feet to a point on the westerly right of way line of said Barstow Road (State Route 247), said point being the **POINT OF BEGINNING**; thence leaving said westerly line South 41°59'20" West 23.26 feet to a point on the northerly right of way line of Rimrock Road and said point also being the northerly line of Parcel 2 as described in Right of Way Deed recorded on May 26, 1987, as Document No. 87-175136 of Official Records, in the Office of the County Recorder of said County, said point being the **POINT OF TERMINATION**.

The bearings and distances used in the above description are on the California Coordinate System of 1983, Zone 5 (Epoch 2007.00). Divide the distances used in the above description by 0.99980260 to obtain ground level distances.