

## **MEMORANDUM**

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

**CTC Meeting:** October 16-17, 2025

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

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

**Prepared By:** René Fletcher, Chief  
Division of Right of Way and Land Surveys

**Subject:** **RESCINDING RESOLUTION OF NECESSITY**

### **ISSUE:**

Should the California Transportation Commission (Commission) adopt Resolution of Necessity (Resolution) CR-172, rescinding Resolution C-22484, because condemnation lawsuits were filed under the authority of the Adopted Resolution but were dismissed due to the loss of funding?

### **RECOMMENDATION:**

The California Department of Transportation (Department) recommends that the Commission adopt Resolution CR-172. In accordance with Department requirements, the Owner has been advised that the Department is requesting the rescission of Resolution C-22484 as summarized below.

### **BACKGROUND:**

Resolution of Necessity C-22484 was adopted by the Commission on December 6, 2024, for the State Route (SR) 162 rehabilitation project. The Resolution authorized condemnation of an easement for drainage purposes, located at SR 162 and Airport Road in the City of Willows. The parcel acquisition changed after the Resolution was adopted because project funding was lost. The project did not move forward as originally planned due to delays receiving Railroad approvals and acquiring an airport parcel which requires working with the Federal Aviation Administration. The project is being reprogrammed into the 2027-28 Fiscal Year. This parcel will be required for the future project as it is essential to the drainage plan. Based on the above, it is requested this Resolution be rescinded because the Department filed a condemnation lawsuit under the authority of the adopted Resolution; however, due to the loss of funding, the Department dropped the condemnation suit.

CR-172 - DIAMOND K, LLC

03-Gle-162- Post Mile (PM) 65.27-Parcel 38734-1- EA 0J5109

Right of Way Certification Date: 07/03/27; Ready to List Date: 07/16/27; Conventional highway – Rehabilitate pavement and drainage systems, upgrade curb ramps to Americans with Disabilities Act (ADA) standards, update traffic signal preemption at railroad crossings and upgrade signs and Transportation Management System (TMS) elements. Authorizes condemnation of an Easement for drainage purposes. Located at State Highway 162 and Airport Road in the city of Willows. Assessor’s Parcel Number 017-210-038.

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

State Route (SR) 162 serves as a main street through the City of Willows. SR 162 spans 78 miles across Glenn and Butte counties, connecting west to east between Interstate 5 and SR 45, 70, and 99.

The Pavement Condition Summary Report revealed Alligator B Cracking is expected to increase from 3.61 percent to 14.02 percent and the International Roughness Index will increase from 172 to 188 by 2025. Fifty-three curb ramps have been found to be non-compliant with ADA standards. The intersection of SR 162 and Airport Road has a history of flooding during heavy rain events causing erosion on both sides of SR 162. The roadway has been closed to traffic due to flooding and access suspended to the businesses in this area. Additionally, several roadside signs and three traffic monitoring stations have been identified as requiring replacement.

The project proposes to improve existing pavement condition and prevent further deterioration of SR 162, upgrade drainage systems to reduce the risk of flooding at PM 65.4, provide standard ADA curb ramps, and replace aging sign panels and TMS elements within the project limits.

**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 Initial Environmental Study determined that this project would have no significant impacts on the environment. Environmental permits are not required. A California Environmental Quality Act Categorically Exempt and a National Environmental Policy Act Categorically Exempt document were approved on December 22, 2023.

Two alternatives were studied including the build and no build alternative. The build alternative includes cold plane and overlay Hot Mix Asphalt on SR 162 within the project limits, construction of ADA compliant curb ramps, replacement of the signals at three intersections and construction of a drainage system. The Project Delivery Team analyzed the alternatives to minimize impact to the environment, reduce constructability issues and provide the safest facility to the greatest reasonable extent. It was determined that the no-build alternative would not meet the project purpose and need and would not meet ADA requirements for curb ramps. Flooding issues would persist, and the roadway would continue to deteriorate which would negatively impact the city of Willows.

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

The owner's parcel is located on the northwest corner of SR 162 and Airport Road. The parcel is unimproved with no existing curb ramps, sidewalks or drainage improvements. This intersection and segment of roadway floods.

The total area of the subject property is approximately 47.94 acres or 2,088,266 square feet. Parcel 38734-1 is a 2,587 square feet drainage easement that is needed to provide an area to construct and maintain a drainage inlet which is a key element of the new drainage system designed to reduce flooding at this location. The drainage system cannot be constructed and maintained without acquiring the drainage 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 3 Right of Way management on July 16, 2024. The First Written Offer (FWO) of just compensation was sent via certified and first-class mail to the address of the Owner of record. On July 18, 2024, Agent received confirmation of FWO delivery to the Owner's residential address. District staff mailed a Notice of Intent via certified and first-class mail to Owner on October 31, 2024. On December 6, 2024, RON C-22484 was adopted. District staff were informed on July 10, 2025 of the loss of funding for this project, resulting in the need to rescind the offer to Owner and RON C-22484.

Attachments

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**TRANSPORTATION COMMISSION  
RESOLUTION NO.**

**CR-172**

CALIFORNIA TRANSPORTATION COMMISSION  
RESOLUTION RESCINDING RESOLUTION OF NECESSITY NO. C-22484  
ADOPTED December 06, 2024, PROJECT 03-Gle-162

RESOLVED, that the action of the California Transportation Commission taken on December 06, 2024, in adopting Resolution of Necessity No. C-22484 as to parcel 38734-1 therein, which resolution authorized condemnation of a permanent easement for drainage, located in the County of Glenn, 03-Gle-162, is hereby rescinded.

**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**

**PARCEL 38734-1**

For Drainage Purposes being a portion of all that certain property situate in the unincorporated area of Glenn County, State of California, as described in Grant Deed recorded March 7, 2017, as Document Number 2017-0871, Official Records of Glenn County, State of California, described as follows:

**COMMENCING** at a point marked by a 2 1/2 Inch Brass Cap Monument, as shown on that certain Parcel Map filed March 12, 1993 in Book 11 of Parcel Maps at Page 23 of said County, said point accepted as marking the easterly terminus of that certain course noted "L3" being "N75°29'45"E 170.27'", said point bears North 25°48'05" West, 285.14 feet from a 3/4 Inch Iron Pipe marking the north east corner of Parcel One tagged "L.S. 3653", as shown on that certain Parcel Map filed September 16, 1975 in Book 4 of Parcel Maps at Page 55 of said County; Thence along the northerly right of way line of State Highway 162 South 75°29'57" West, 170.27 feet to a point on the northerly right of way line of State Highway 162; Thence leaving said right of way line South 89°13'00" West, 557.35 feet to a point on the northerly right of way line of State Highway 162 and the **POINT OF BEGINNING**;

- 1) THENCE along said right of way line South 84°57'45" West, 52.97 feet;
- 2) THENCE South 85°58'23" West, 58.26 feet;
- 3) THENCE South 86°07'03" West, 5.86 feet;
- 4) THENCE leaving said right of way line North 0°00'13" West, 26.51 feet;
- 5) THENCE South 89°48'54" East, 118.79 feet to a point on the northwesterly right of way line of State Highway 162 and N Airport rd;
- 6) THENCE along said right of way line South 6°54'03" West, 17.11 feet to the point of beginning;

The bearings and distances used in the above description are based on ties to the California Coordinate System of 1983, (2017.50) Zone 2. Distances and stationing are grid distances. Divide distances by 0.9999421 to obtain ground level distances. All distances are in feet unless otherwise noted.

**TRANSPORTATION COMMISSION  
RESOLUTION NO.**

**C-22484**

**CALIFORNIA TRANSPORTATION COMMISSION  
RESOLUTION OF NECESSITY  
TO ACQUIRE CERTAIN REAL PROPERTY  
OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN  
HIGHWAY 03-Gle-162-PM 65.27 PARCEL 38734-1  
OWNER: DIAMOND K, LLC**

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**



**Attorney, Department of Transportation**

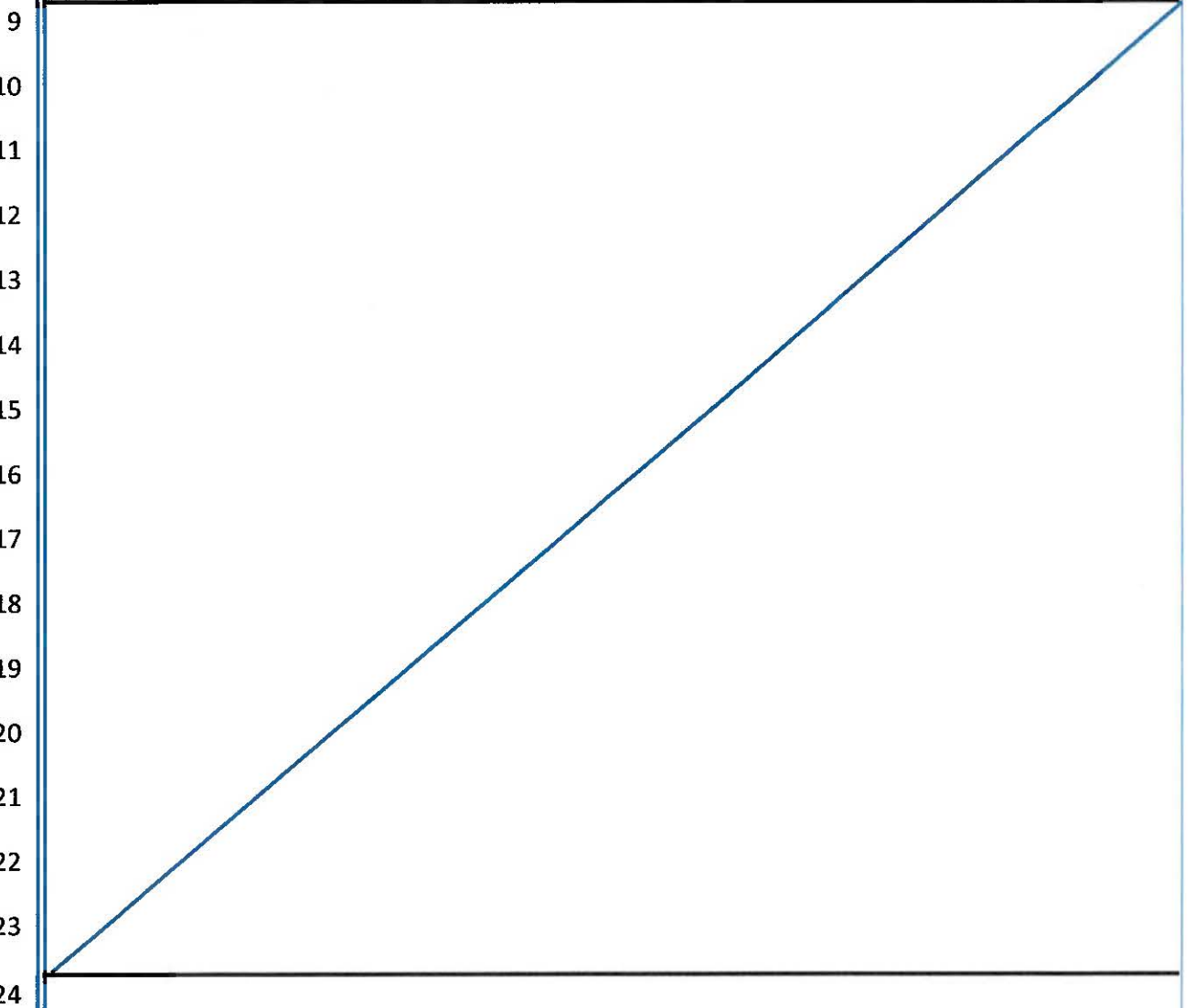
**APPROVAL RECOMMENDED**

**Emma Pham**

**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 Glenn,  
8 State of California, Highway 03-Gle-162 and described as follows:



PARCEL 38734-1

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THIS IS TO CERTIFY that the foregoing resolution was duly passed by the California Transportation Commission at its meeting regularly called and held on the 6<sup>th</sup> day of December, 2024, in Riverside and that the foregoing is a full and correct copy of the original resolution.  
Dated this the 6<sup>th</sup> day of December, 2024.

  
TANISHA TAYLOR, Executive Director  
CALIFORNIA TRANSPORTATION COMMISSION