

MEMORANDUM

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: December 4-5, 2025

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.4a.(1), Action Item

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

Subject: **RESOLUTIONS OF NECESSITY - APPEARANCE**

ISSUE:

Should the California Transportation Commission (Commission) adopt Resolutions of Necessity (Resolutions) C-22592, C-22593, C-22594, and C-22595, for those parcels, 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 Resolutions and have requested an appearance before the Commission. The primary concern and objection expressed by the property Owners and through their attorney are that the public interest and necessity do not require the proposed project, the proposed project is not planned and located in the manner that will be most compatible with the greatest public good and the least private injury, and the property sought to be acquired is not necessary for the project. The property Owners' objections and the Department's responses are contained in the Parcel Panel Report (Attachments B).

RECOMMENDATION:

The Department recommends that the Commission adopt Resolutions C-22592, C-22593, C-22594, and C-22595 summarized on the following pages. The Resolutions are for a transportation project on State Route 1 (SR 1) in District 1, in Mendocino 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 these Resolutions 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 Resolutions at the Commission's December 4-5, 2025 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 Owners and the Department 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 December 4-5, 2025 Commission meeting. Legal possession will allow the construction activities on these parcels 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 properties.

C-22592 - THE BOWER LIMITED PARTNERSHIP, A NEVADA LIMITED PARTNERSHIP

01-Men-01-Postmile (PM) 0.77 - Parcel 13487-1, 2, 3 - EA 0C7209.

Right of Way Certification (RWC) Date: 02/01/2026; Ready to List (RTL) Date: 02/13/2026.

Conventional highway - the proposed project includes building pedestrian sidewalks, Class II bicycle lanes, and a two-way left-turn lane. Authorizes condemnation of land in fee for a state highway, a Temporary Construction Easement (TCE) for highway construction, and a permanent easement for drainage, and underlying fee (UF). Located in the town of Gualala at Center Street and Ocean Drive, Gualala. Assessor Parcel Numbers (APNs): 145-261-05, 13.

C-22593 – THE BOWER LIMITED PARTNERSHIP, A NEVADA LIMITED PARTNERSHIP

01-Men-01-PM 0.83 - Parcel 13488-1, 2 - EA 0C7209.

RWC Date: 02/01/2026; RTL Date: 02/13/2026. Conventional highway - the proposed project includes building pedestrian sidewalks, Class II bicycle lanes, and a two-way left-turn lane.

Authorizes condemnation of land for two TCEs for highway construction. Located in the town of Gualala at Center Street and Ocean Drive, Gualala. APN: 145-200-71.

C-22594 – THE BOWER LIMITED PARTNERSHIP, A NEVADA LIMITED PARTNERSHIP

01-Men-01-PM 0.93 - Parcel 13489-1, 2 - EA 0N1809.

RWC Date: 02/01/2026; RTL Date: 02/13/2026. Conventional highway - the proposed project includes building pedestrian sidewalks, Class II bicycle lanes, and a two-way left-turn lane. Authorizes condemnation of land in fee for a state highway, a TCE for highway construction, a permanent easement for drainage and UF. Located in the town of Gualala at Center Street and Ocean Drive, Gualala.

APNs: 145-200-06 & 145-200-07.

C-22595 – THE BOWER LIMITED PARTNERSHIP, A NEVADA LIMITED PARTNERSHIP

01-Men-01-PM 0.93 - Parcel 13490-1 - EA 0N1809.

RWC Date: 02/01/2026; RTL Date: 02/13/2026. Conventional highway - the proposed project includes building pedestrian sidewalks, Class II bicycle lanes, and a two-way left-turn lane. Authorizes condemnation of a TCE for highway construction. Located in the town of Gualala at Center Street and Ocean Drive, Gualala. APNs 145-261-11 & 145-192-01.

Attachments and Exhibits:

Attachment A – Project Information Exhibit A – Project Maps

Attachment B – Parcel Panel Report for Resolution C-22592

Exhibit B1 – Subject Parcel Maps

Exhibit B2 – Resolution of Necessity C-22592

Attachment C- Parcel Panel Report for Resolution C-22593

Exhibit C1 – Parcel Maps

Exhibit C2- Resolution of Necessity C-22593

Attachment D - Parcel Panel Report for Resolution C-22594

Exhibit D1 – Parcel Maps

Exhibit D2 - Resolution of Necessity C-22594

Attachment E - Parcel Panel Report for Resolution C-22595

Exhibit E1– Parcel Maps

Exhibit E2 - Resolution of Necessity C-22595

Attachment F – Request to appear from owner letter dated January 8, 2025

Attachment A

PROJECT INFORMATION

PROJECT DATA

01-Men-1-PM 0.6/1.0
Project No. 0113000032 (EA 0C7209)
0123000158 (EA 0N1809)

Location: State Route 1 (SR 1) in Mendocino County at Gualala from Center Street to Ocean Drive

Limits: In Mendocino County at the community of Gualala from PM 0.6 to PM 1.0

Cost: Construction cost estimate: \$6,900,000 (Capital)
Right of way cost estimate: \$860,000 (Capital)

Funding Source: The project is funded through the Regional Transportation Improvement Program, Active Transportation Program (ATP), and Infrastructure, Investment and Jobs Act (IIJA).

Number of Lanes: Existing: Two-Lane Conventional Highway with varying lane widths between 11 feet and 12 feet and shoulder widths between 2 feet and 18 feet.

Proposed: Two-Lane Conventional highway with 11-foot lane widths, 12-foot-two-way left turn lane and 5-foot Class II bicycle lanes in each direction of travel.

Proposed Major Features:

- 12-foot two-way left turn lane.
- 11-foot through lanes in each direction of travel.
- 5-foot Class II bicycle lanes in each direction of travel.
- 6-foot sidewalks on northbound (NB) direction and 5-foot sidewalks south bound direction.
- Six landscaping median mountable hardscape islands with three pedestrian refuges at crosswalk locations including traffic channelization.
- Five crosswalks along mainline with activated flashing beacons.
- Left turn pocket to Ocean Drive.
- A new radar feedback sign facing southbound (SB) traffic at PM 0.94. The existing radar feedback sign facing NB traffic at PM 0.3 will be relocated north of Old Stage Road at PM 0.61.

- New drainage systems.
- Relocate utilities as needed.

Traffic:

N/A

NEED FOR THE PROJECT

SR 1 through downtown Gualala currently does not have defined pathways for pedestrian or bicycle travel. The scenic and recreational characteristics at Gualala attract numerous pedestrians and bicyclists to the area. Driveways are not clearly defined and informal on-street parking in the shoulder is continuous, resulting in congested, unsafe situations. Parked vehicles reduce sight distance at driveways, forcing pedestrians and bicycles into traffic lanes when vehicles are parked in the shoulder. This project would provide pedestrians with defined crosswalks and refuge islands to increase pedestrian safety. Bicycle lanes would be provided on both north and SB lanes of traffic to increase bicyclist safety.

The purpose of the project is to improve traffic flow and create safe, comfortable facilities for pedestrian and bicycle travel through downtown Gualala. The project is also intended to improve Gualala's visual character by incorporating hardscape features into the project.

The project is needed to reduce conflicts between motorized and non-motorized users of the facilities, which are worsened by on-street parking and minimal access control. The shoulder areas, while unmarked, are routinely used for parallel parking throughout the downtown area. Bicyclist and pedestrian pathways are not well defined.

The following is the remaining Project schedule:

Right of Way Certification:	02/01/2026
Ready to List:	02/13/2026
Award:	07/15/2026
Approved Construction Contract:	08/01/2026

PROJECT PLANNING AND LOCATION

Project Report (PR): Approved 11/20/2023
Supplemental Project Report (SPR): Approved 06/03/2024

SR 1 serves the Mendocino coast from Hardy Creek to the county line at the Gualala River and is designated as part of the Pacific Coast Bike Route (PCBR). The project location, the community of Gualala, is vital to the smooth north/south flow of traffic on SR 1.

The subject parcels are needed for construction in the manner proposed to reduce conflicts between motorized and non-motorized users of the facilities, which are worsened by on-street parking and minimal access control. The shoulder areas, while unmarked, are routinely used for parallel parking throughout the downtown area. Bicyclist and pedestrian pathways are not well defined. Currently, the existing roadway has varying lane widths between 11 feet and 12 feet and shoulder widths between 2 feet and 18 feet. Shoulder areas are used for parallel parking. There are short, disconnected segments of sidewalks. There is currently only one pedestrian crosswalk in Gualala.

Five alternatives were evaluated for this project including the build and no-build alternatives. The Draft Environmental Document (ED) was circulated to the public in 2019, and an Open House was held on July 25, 2019. The public sentiment was neutral for alternatives 1 and 2 with the majority of the concerns being the removal of the on-street parking. As a result of this, alternatives 1 and 2 were rejected. Based on the public comments; alternatives 3 and 4 were developed to accommodate on-street parking. A virtual public meeting was held to present alternatives 3 and 4 to the public on January 14, 2021. However, in 2022, the State Coastal Commission indicated that they would not be able to support an amendment to the Local Coastal Plan to allow on street parking unless there was a safety issue that could be identified; therefore, alternatives 3 and 4 have been rejected.

The project was re-evaluated to be consistent with the Gualala Town Plan. Alternative 5 was developed to include 6-foot sidewalks with landscaping buffer and 5-foot bike lanes in each direction of travel, a center turn lane with landscaped island, new crosswalks, and a left-turn pocket to Ocean Drive for SB traffic. The Department partnered with Gualala Municipal Council to host a special meeting for the public. It was conducted on May 18, 2023 at the Gualala Art Center to present alternative 5. The Open House generated positive sentiment from community members favoring alternative 5 to move the project forward. Additionally, 1,702 members from Save Gualala were happy to endorse the latest project plan.

It was determined that the no-build alternative would not meet the purpose and need of the project, and would not meet the Department's Director's Policy, ADA requirements, or the community's multi-modal transportation needs.

To minimize the impact of the project scope on private parcels, the project was designed with the least necessary acquisition areas to build the proposed improvements. Providing pedestrians with defined crosswalks and refuge islands increase pedestrian safety. Bicycle lanes provide both north and south bound lanes of traffic to increase bicyclist safety. Acquisitions have been minimized to ensure the least private injury without sacrificing the safety goals of the project.

Exhibit A

Project Vicinity

Fort Bragg

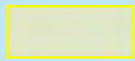
Gualala

Project Vicinity

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
01	Men	01	0.6/1.0		

LOCATION MAP

Project Location



Project Location



ROUTE 1 (SR1)

Project Location

Old Stage Rd

Ocean Dr

Attachment B

PARCEL PANEL REPORT

Property Owner: THE BOWER LIMITED PARTNERSHIP,
A NEVADA LIMITED PARTNERSHIP

Parcel Location: 39250 S. Highway 1 in Gualala, CA 95445
APNs: 145-261-05, 13.

Present Use: Supermarket

Zoning: Gualala Village Mixed Use (GVMU)

Area of Property: 113,256 square feet (SF)

Area Required: Parcel 13487-1: 310 SF – Fee, 7,768 SF - UF
Parcel 13487-2: 1,182 SF – Drainage Easement
Parcel 13487-3: 2,421 SF - TCE

PARCEL DESCRIPTION

The property's site address assigned to the parcel is 39250 S. Highway 1 in Gualala. The subject's larger parcel's lot size is approximately 113,256 SF. No sidewalks currently exist on the parcel. The installation of the Americans with Disabilities Act (ADA) compliant sidewalk and driveway conforms at this location requires the acquisition of additional right of way.

NEED FOR THE SUBJECT PROPERTY

Parcel 13487-1 is 310 SF in Fee and is required for this project. The Fee area is required for the State to own and maintain its facilities. The State's Contractor will construct a 6-foot-wide sidewalk and driveway that conforms on this property. The project improvements at this location cannot be constructed and maintained without acquiring the proposed property.

Parcel 13487-2 is a Drainage Easement with an area of 1,182 SF and is required for the construction of the outfall of the storm drain system. This area is vital to complete the town's drainage system to prevent flooding. The project improvements at this location cannot be constructed and maintained without acquiring the proposed property.

Parcel 13487-3 is a TCE. The TCE area is 2,421 SF and is required to provide space for the State's Contractor to construct 6-foot-wide sidewalk and driveway conforms. The project improvements at this location cannot be constructed and maintained without acquiring the proposed property.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Condemnation Review Panel (Panel) took place on August 12, 2025, as a hybrid meeting (in-person and virtual). The in-person component of the meeting was held at the Bower's Office located at 38958 Cypress Way in Gualala, California. The Panel members included: Jennifer Wisniewski, Panel Chair, Department of Transportation (Department) Headquarters (HQ's) Division of Right of Way and Land Surveys; Tina Lucas, Department HQ's Division of Design; Rizwan Tanvir, Department's Assistant Chief Engineer; Emma Pham, Secretary to the Panel, Department HQ's Division of Right of Way and Land Surveys; John Ballantyne, Chief, North Region Right of Way; Ron Tollison, Chief, North Region Project Development; Richard Mullen, District 3 Deputy District Director of Division of Design; Lucille Y. Baca, Assistant Chief Counsel of Bay Area Legal Division; Michael Collins, North Region Design; John Bower, Property Owner; Julie Bower, Property Owner; Stephen F. Johnson, Mannon, King, Johnson & WIPF, LLP; and Kim Kellett, the Surf Market Manager.

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.

SR 1 through downtown Gualala currently does not have defined pathways for pedestrian or bicycle travel. The scenic and recreational characteristics of Gualala attract numerous pedestrians and bicyclists to the area. Driveways are not clearly defined and informal on-street parking on the shoulder is continuous, resulting in congested, unsafe situations. Parked vehicles reduce sight distance at driveways. Pedestrians and bicycles are forced into the lanes when vehicles are parked on the shoulder. This project would provide pedestrians with defined crosswalks with refuge islands to increase pedestrian safety. Bicycle lanes would be provided on both north and SB lanes of traffic to increase bicyclist safety.

The purpose of the project is to improve traffic flow and create safe, comfortable facilities for pedestrian and bicycle travel through downtown Gualala. The project is also intended to improve Gualala's visual character by incorporating landscape and hardscape features into the project.

The project is needed to reduce conflicts between motorized and non-motorized users of the facilities, which are worsened by on-street parking and minimal access control. The shoulder areas, while unmarked, are routinely used for parallel parking throughout the downtown area. Bicyclist and pedestrian pathways are not well defined.

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) in compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), prepared an Initial Study Negative Declaration (ISND), analyzing the potential environmental impacts of the project. The document was approved on November 20, 2023.

Five alternatives were evaluated for this project including the build and no-build alternatives.

The Draft ED was circulated to the public in 2019, and an Open House was held on July 25, 2019. The public sentiment was neutral for alternatives 1 and 2 with majority of the concerns being the removal of the on-street parking. As a result of this, alternatives 1 and 2 were rejected. Based on the public comments; alternatives 3 and 4 were developed to accommodate on-street parking. A virtual public meeting was held to present alternative 4 options to the public on January 14, 2021. However, in 2022, State Coastal Commission indicated that they would not be able to support an amendment to the Local Coastal Plan to allow on-street parking unless there was a safety issue that could be identified; Therefore, alternatives 3 and 4 have been rejected.

The project was re-evaluated to be consistent with Gualala Town Plan. Alternative 5 was developed to include 6-foot sidewalks with landscaping buffer and 5-foot bike lanes in each direction of travel, a center turn lane with landscaped island, new cross walks, and a left-turn pocket to Ocean Drive for SB traffic. The Department partnered with Gualala Municipal Council to host a special meeting for the public. It was conducted on May 18, 2023, at the Gualala Art Center to present alternative 5. The Open House generated positive sentiment from community members favoring alternative 5 to move the project forward. Additionally, 1,702 members from Save Gualala were happy to endorse the latest project plan.

It was determined that the no-build alternative would not meet the purpose and need of the project, and would not meet The Department's Director's Policy, ADA requirements, or the community multi-modal transportation needs.

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

The property's site address assigned to the parcel is 39250 S. Hwy 1 in Gualala. The subject's larger parcel's lot size is approximately 5.21 acres. No sidewalks currently exist on the parcel. The installation of the ADA compliant sidewalk and driveway conforms at this location requires the acquisition of additional right of way.

Parcel 13487-1 is 310 SF of fee and 7,768 SF of UF required for this project. State's Contractor will construct a 6-foot-wide sidewalk and driveway that conforms on this property. The project improvements at this location cannot be constructed and maintained without acquiring the proposed property.

Parcel 13487-2 is a Drainage Easement with an area of 1,162 SF and is required for the construction of the outfall of the storm drain system. This area is vital to complete the town's drainage system to prevent flooding. The project improvements at this location cannot be constructed and maintained without acquiring the proposed property.

Parcel 13487-3 is a TCE. The TCE area is 3,304 SF and is required to provide space for the State's Contractor to construct 6-foot-wide sidewalk and driveway conforms. The project improvements at this location cannot be constructed and maintained without acquiring the proposed property.

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

An initial staff appraisal that established just compensation was approved by District 1 Right of Way management on August 15, 2024. On September 4, 2024, the First Written Offer (FWO) of just compensation was sent by certified mail to the property owner and confirmed as received on September 10, 2024.

A revised staff appraisal was completed on April 8, 2025. Changes were based on meeting with Department representatives and the Owner. Revised FWO documents based on those changes were sent to the Owner on May 1, 2025.

A second meeting took place on August 12, 2025 with the Owner and Department representatives.

Negotiations are ongoing and efforts to secure an equitable settlement will continue. However, the parties are currently at an impasse.

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

The following is a description of the primary concerns and/or objections expressed by the Owners' attorney, followed by the Department's response:

Owners' Concern #1:

The most concerning for the Owners is the "on-street" parking, the Surf Market cannot survive without parking, thus, it will be a loss of business revenue to the Owners. Travel trailers and trucks will not be able to stop and shop at the Surf Market due to limited parking once the "on-street" parking is being removed by the proposed project. It affects their business and how the rental income is based on the tenants' productions, and it is going to impact the Owners long term.

District's Response: The removal of informal on-street parking is a compensation issue and outside the scope of the Resolution of Necessity.

Owners' Concern #2:

Drainage Ditch: the proposed design of the replacement drainage system is for removal of the concrete lining and installation of large rock material lining. This will result in the accumulation of fine debris that will act as a growth medium (soil) for plants particularly invasive blackberry canes. The Owners are concerned about growth of vegetation up against Surf Market from a fire standpoint. Routine removal of the fine debris by the Department will be costly.

District's Response: The existing concrete ditch is to be protected in place (Plan Set DP-3). The rock slope protection is designed to slow water and prevent erosion at the drainage outlet. While some sediment may settle between the rocks, maintenance will periodically address any vegetation that might grow by weed whacking the area. With continued upkeep, the risk of invasive plants or fire is very low.

Owners' Concern #3:

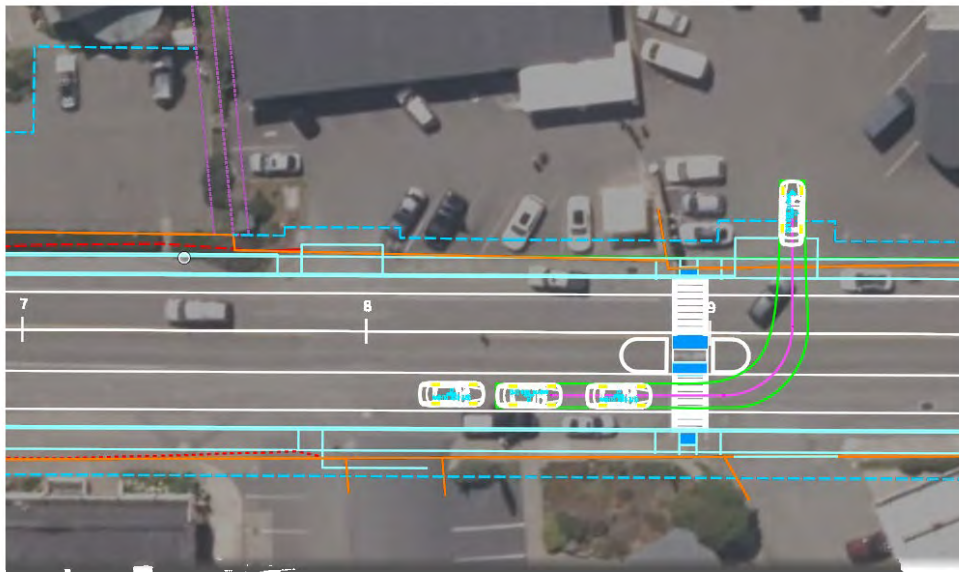
The existing crosswalk has been in use for decades and it is conveniently located for Surf Market shoppers, as it is directly outside the Surf Market entrance. Moving the crosswalk to the south is hugely disadvantageous for Surf Market shoppers because it is far from the market entrance. It was unclear if the existing crosswalk will remain be removed according to the map. The Owners are concerned with the new proposed crosswalk, it will create a significant safety hazard for the shoppers at Surf Market.

District's Response: The proposed crosswalk at Station (Sta.) 107+40 has been carefully designed and strategically located to serve critical pedestrian access points. On the east side, it provides a direct connection to the largest parking lot in the town, while on the west side, it links to the stairway leading to the Hotel Breakers and the Surf Market parking areas.

Its placement reflects a thorough evaluation of site constraints and operational needs, including the presence of multiple driveways on both sides of the corridor and the turning movements of WB-40 delivery trucks, as analyzed using MicroStation AutoTURN. These considerations ensure

the crosswalk enhances pedestrian connectivity without compromising vehicular circulation or safety.

Due to the needed Two-Way-Left-Turn-Lane (TWLTL), crosswalks require raised pedestrian refuge islands. Pedestrian refuge islands provide pedestrians a refuge in the middle of the road, but they also cause drivers to be more attentive and slow down to prevent any pedestrian vehicle collisions. Preserving the existing crosswalk at Sta. 108+95 will cause NB traffic turning left into the Surf Market to be unable to utilize the TWLTL because of the raised pedestrian refuge islands which will cause long queues. Also, the crosswalk exit on the West side would lead to a vertical drop on the back of sidewalk.



Owners' Concern #4:

The proposed temporary construction easement on the Surf Market parcel is going to be coming into the area that currently has a BBQ station, that will be gone for an entire season. Surf Market pulls in a huge amount of income from the BBQ station alone.

District's Response: The proposed TCE will impact about 75 SF of the current BBQ area. Since the BBQ station currently occupies two valuable parking spaces, to minimize impacts, one option would be to relocate the BBQ station to another pair of parking spaces during construction. This would allow the BBQ station to remain open, continue generating income, and could even provide an opportunity to capture additional sales from the construction crews working on site.



Owner’s Concern #5:

The Owners proposed for the Department to purchase the “private parking’ on the back of the Surf Market and Market Center to mitigate the loss of “on-site” parking.

District’s Response: District Right of Way provided an estimate of construction cost to pave the private parking lot at roughly \$525,000.

Owners’ Concern #6:

The Owners suggested to leave the existing crosswalk as is and to add additional crosswalk north of the existing crosswalks, if possible.

District’s Response: Please see response from Concern #3. There are additional crosswalks further north at Sta. 113+35 and at two crosswalks at Ocean Drive.

Owners’ Concern #7:

The Attorney was concerned that taking of the “on-site” parking spaces will limit the ability to retain the use of the Surf Market for a supermarket, which is going to reduce the property values significantly and reduce the net rental income significantly, and so it would result potentially in a larger issue.

District’s Response: The concern of “taking” informal on-street parking is a compensation issue and outside the scope of the Resolution of Necessity. Smart Growth America has evaluated numerous streetscape projects and has shown that streetscape projects lead to a boost in retail sales, local investments, and higher property values.

DEPARTMENT CONTACTS

The following is a summary of contacts made with the property Owner:

Type of Contact	Number of Contacts
Mailing of information	2
Emails	4
Telephone	5
In Person Meetings	2
Virtual Meetings	0

STATUTORY OFFER TO PURCHASE


The Department has appraised the subject property and offered the full amount of the appraisal to the Owner of record as required by Government Code Section 7267.2. The Owner has been notified that 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:

- The public interest and necessity require the proposed project.
- 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 property rights to be condemned are necessary for the proposed project.
- An offer to purchase in compliance 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
Chief, Office of Project Delivery
HQ Division of Right of Way and Land Surveys
Panel Chair

I concur with the Panel's recommendation:



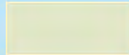




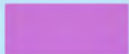
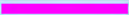


DONNA BERRY
Chief Engineer

**PERSONS ATTENDING CONDEMNATION PANEL REVIEW
MEETING ON JULY 25, 2025**

Jennifer Wisniewski, HQ's Division of Right of Way and Land Surveys, Panel Chair
Paul Brown, Sacramento Legal Division, Panel Member
Tina Lucas, HQ's Division of Design, Panel Member
Emma Pham, HQ's Division of Right of Way and Land Surveys, Panel Secretary
Rizwan Tanvir, Department's Assistant Chief Engineer
John Ballantyne, Chief, North Region Right of Way
Ron Tollison, Division Chief, North Region Project Development
Richard Mullen, District 1, Principal Transportation Engineer
Michael Collins, District 3, Design
Lucille Y, Baca, Assistant Chief Counsel Bay Area Legal Division

Exhibit B1

Bower Parcel 13487 Acquisitions

-  Project Location
-  Bower Parcel 13487
-  Existing Property Line of Parcel 13487
-  F – Fee Acquisition
-  Proposed Right of Way Line
-  DE – Drainage Easement
-  DE Limit
-  TCE – Temporary Construction Easement
-  TCE Limit

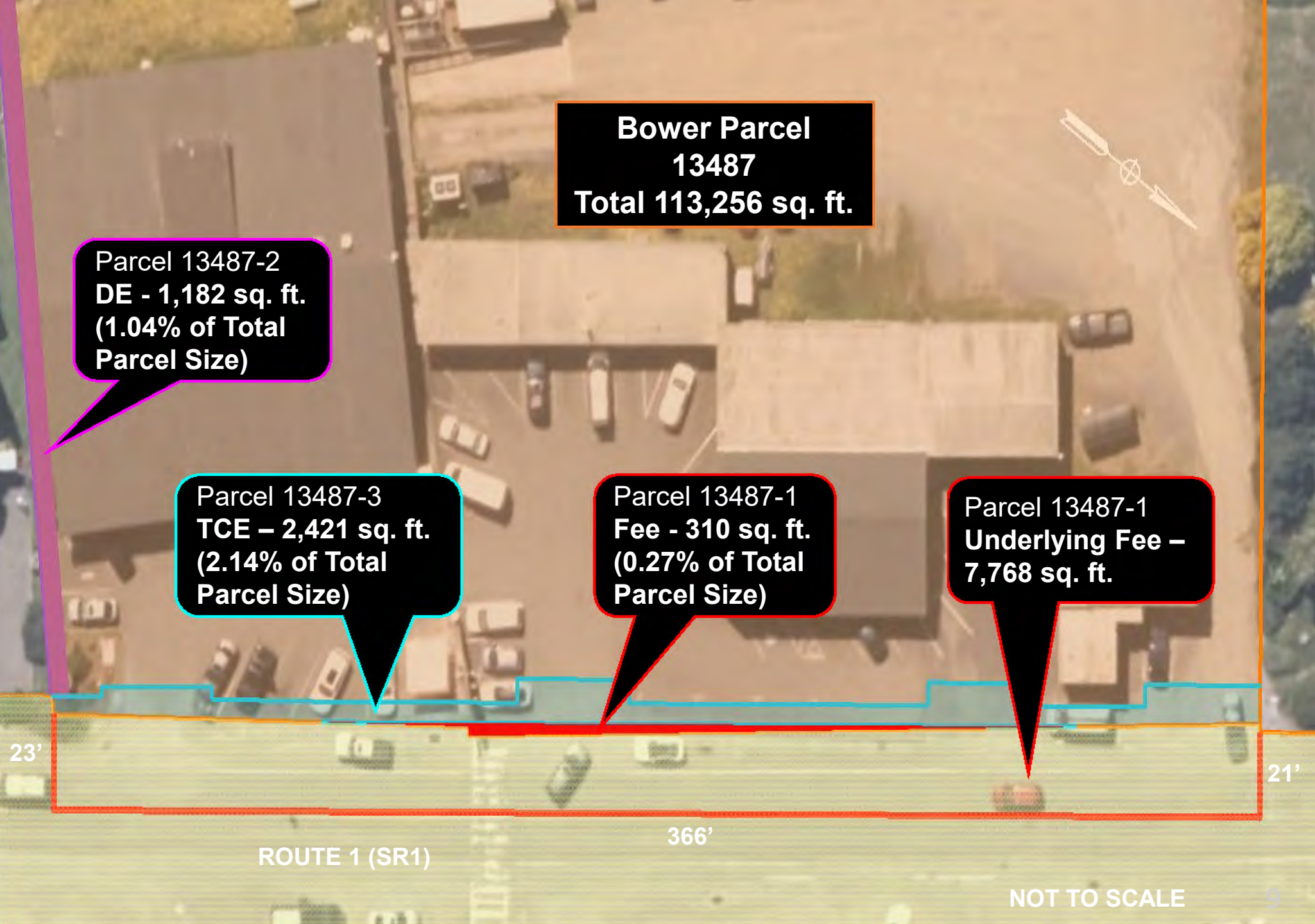
Bower Parcel 13487
Total 113,256 sq. ft.

Parcel 13487-2
DE - 1,182 sq. ft.
(1.04% of Total Parcel Size)

Parcel 13487-3
TCE – 2,421 sq. ft.
(2.14% of Total Parcel Size)

Parcel 13487-1
Fee - 310 sq. ft.
(0.27% of Total Parcel Size)

Parcel 13487-1
Underlying Fee – 7,768 sq. ft.



ROUTE 1 (SR1)

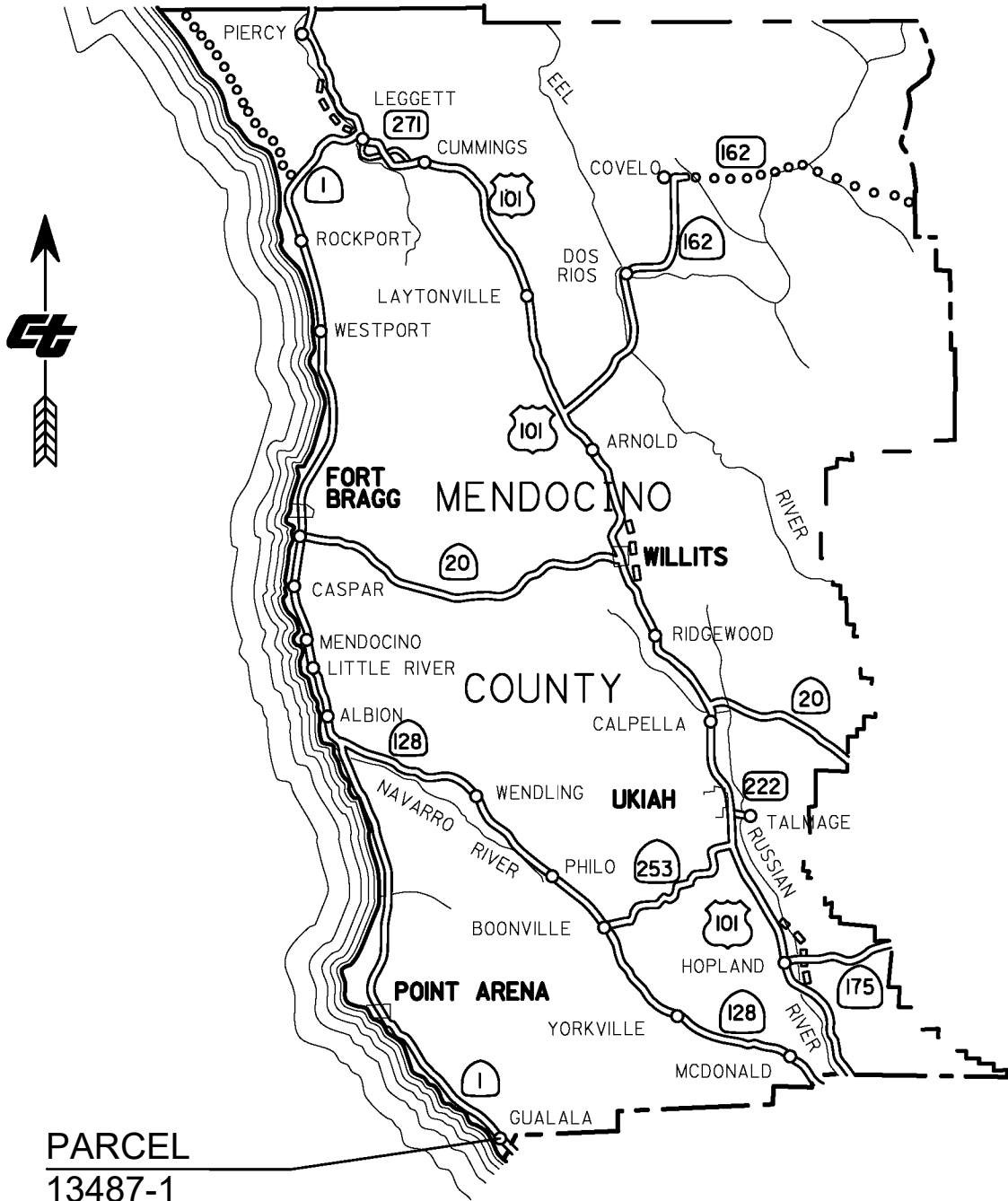
366'

23'

21'

NOT TO SCALE

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.



PARCEL
13487-1
13487-2
13487-3

NOT TO SCALE

STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
RESOLUTION OF NECESSITY**


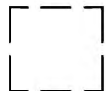


EXHIBIT A

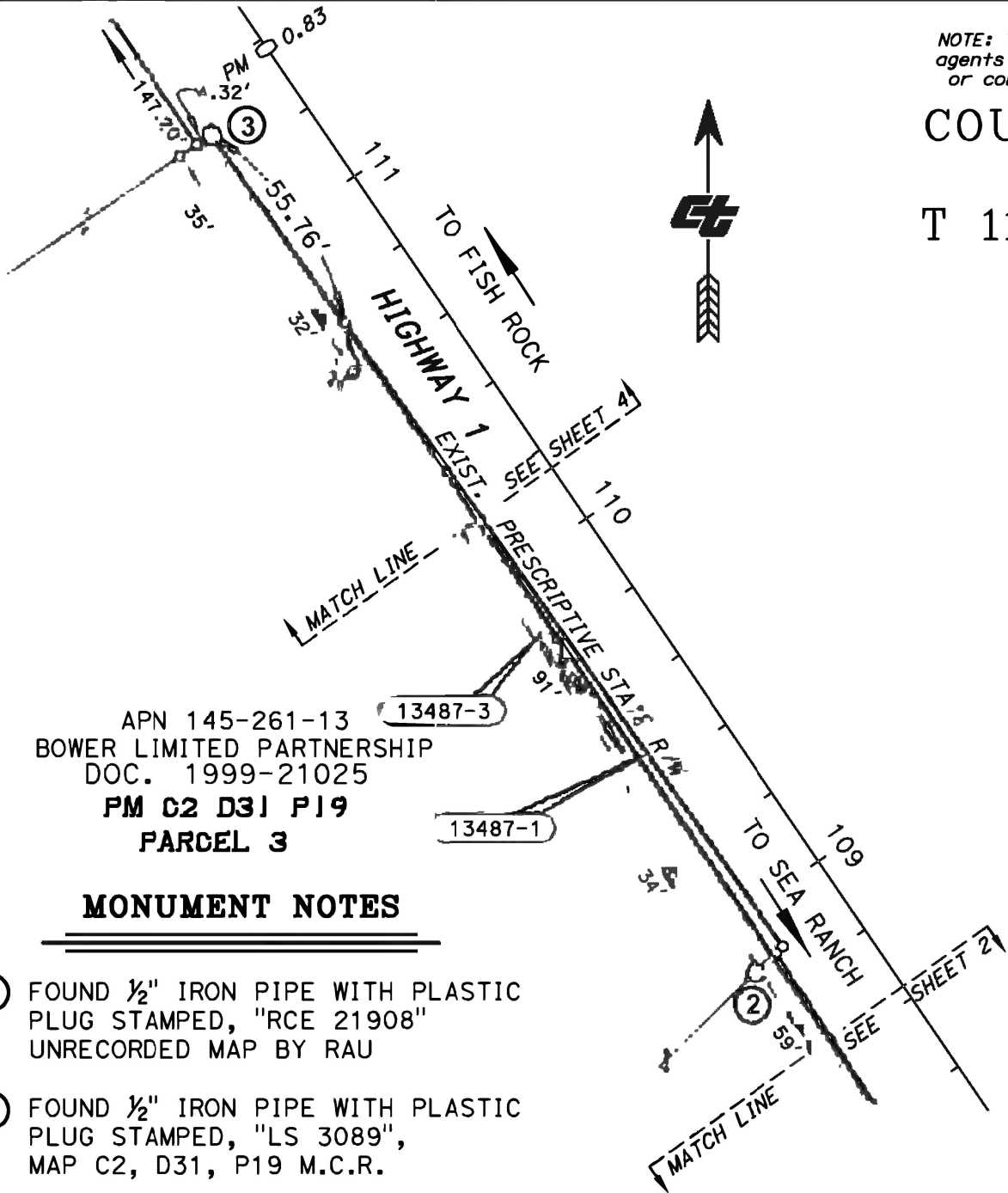
DISTRICT	COUNTY	ROUTE	EA	SHEET NO.	TOTAL SHEETS
1	MEN	01	01-0C720	1	4

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.

COUNTY OF MENDOCINO
SECTION 27,
T 11 N, R 15 W, M.D.B.M.
GUALALA

LEGEND

-  = FEE
-  = REQUIRED TEMPORARY CONSTRUCTION EASEMENT
-  = CALCULATED POINT, NOTHING SET
-  = FOUND MONUMENT AS NOTED IN MONUMENT NOTES



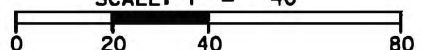
APN 145-261-13
BOWER LIMITED PARTNERSHIP
DOC. 1999-21025
PM C2 D31 P19
PARCEL 3

MONUMENT NOTES

- ② FOUND 1/2" IRON PIPE WITH PLASTIC PLUG STAMPED, "RCE 21908" UNRECORDED MAP BY RAU
- ③ FOUND 1/2" IRON PIPE WITH PLASTIC PLUG STAMPED, "LS 3089", MAP C2, D31, P19 M.C.R.

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

SCALE: 1" = 40'



EA	DRAFTED BY	DATE	DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
01-4CT23	J. SHORT	10/27/2025	1	MEN	1	0.83	3	4

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.

COUNTY OF MENDOCINO
SECTION 27,
T 11 N, R 15 W, M.D.B.M.
GUALALA



LEGEND



= FEE



= REQUIRED TEMPORARY
CONSTRUCTION EASEMENT



= CALCULATED POINT,
NOTHING SET



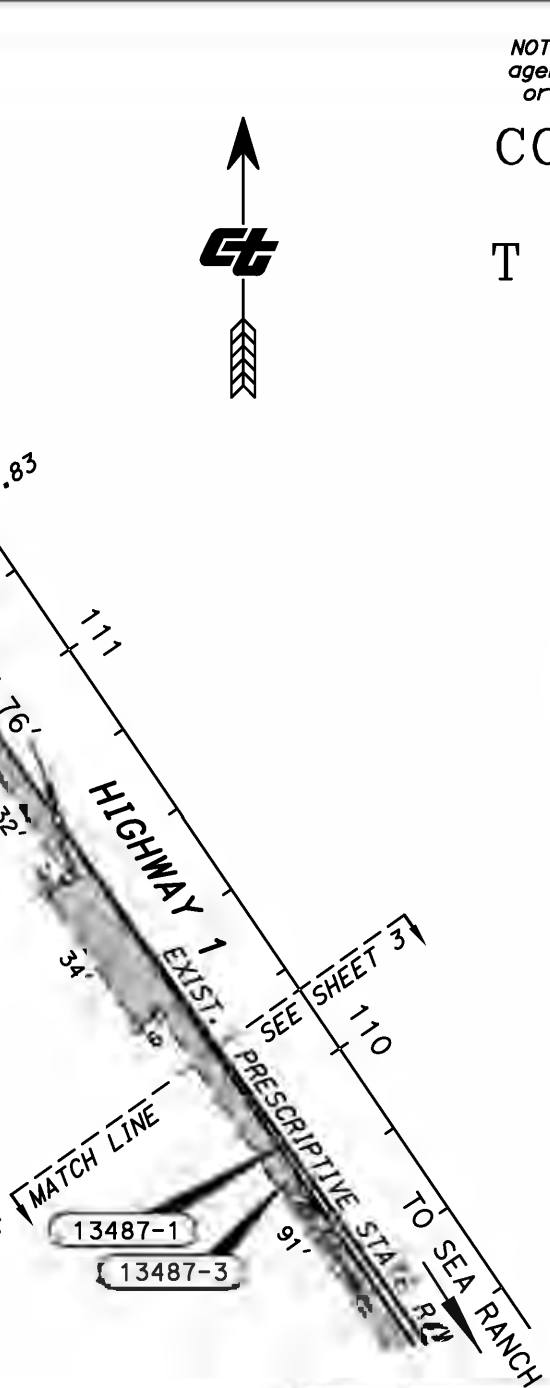
= FOUND MONUMENT AS NOTED
IN MONUMENT NOTES

APN 145-261-12
GUALALA PROPERTIES LLC
DOC. 2015-08419
PM C2 D31 P19
PARCEL 2

APN 145-261-13
BOWER LIMITED PARTNERSHIP
DOC. 1999-21025
PM C2 D31 P19
PARCEL 3

MONUMENT NOTES

- ③ FOUND 1/2" IRON PIPE WITH PLASTIC PLUG STAMPED, "LS 3089" MAP C2, D31, P19 M.C.R.
- ④ FOUND 1" UNMARKED SQUARE BAR MAP C2, D31, P19, M.C.R.



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

SCALE: 1" = 40'

EA	DRAFTED BY	DATE	DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
01-MCTE2	J. SHORT	10/27/2025	1	MEN	1	0.83	4	4

Exhibit B2

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

3 **C-22592**

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 01-Men-01-PM 0.77 PARCEL 13487-1, 2, 3
9 OWNER: THE BOWER LIMITED PARTNERSHIP, A NEVADA LIMITED 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
16 for 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

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

APPROVED AS TO FORM AND PROCEDURE

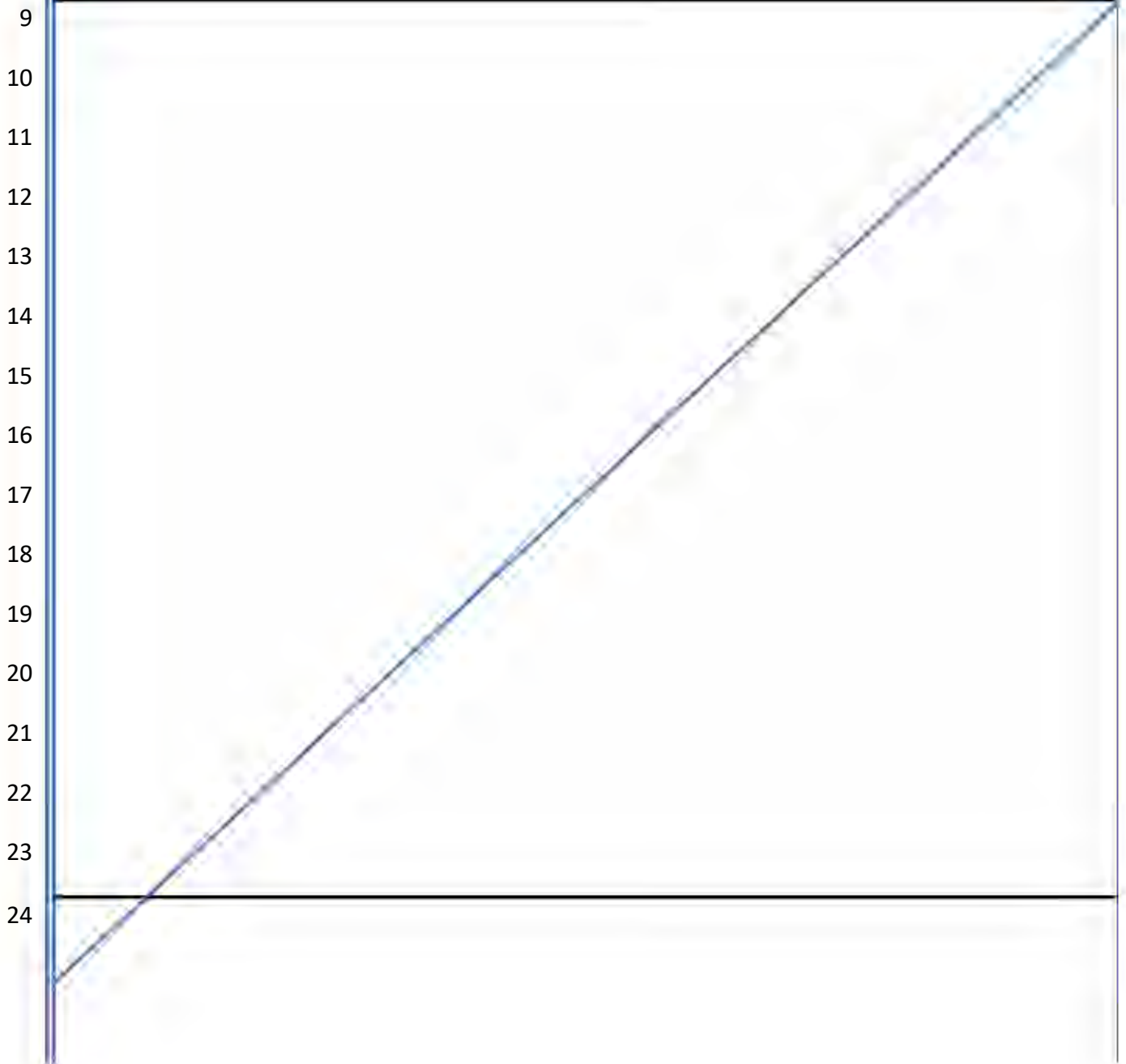
APPROVAL RECOMMENDED

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
8 Mendocino, State of California, Highway 01-Men-01 and described as follows:



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Parcel 13487-1 Fee:

For State Highway purposes, that portion of the real property conveyed by the document recorded November 03, 1999 as Document No. 1999-21025 of Official Records, Mendocino County Records (M.C.R.), within Section 27, Township 11 North, Range 15 West, Mount Diablo Base and Meridian (M.D.B.M.), described as follows:

That portion of said real property identified as "A.P. No: 145-261-05" and "A.P. No: 145-261-13" on page 3 of said document which lies northeasterly of the following described line:

BEGINNING at a found 1/2 inch iron pipe with plastic plug stamped "LS 3089"; shown as being set on the westerly line of State Highway 1 and marking the northeasterly terminus of the course that reads "(N 50° 48' 00" E) 161.86 Feet" on that Record of Survey filed in Map Case 2, Drawer 36, Page 78 M.C.R.;

- 1) Thence, N. 49° 56' 39" E., 4.50 feet;
- 2) Thence, N. 33° 07' 22" W., 81.26 feet;
- 3) Thence, N. 34° 13' 23" W., 229.04 feet;
- 4) Thence, N. 35° 12' 15" W., 55.76 feet to a found 1/2 inch iron pipe with plastic plug stamped "LS 3089" shown as marking the most easterly corner of Parcel 2 on that parcel map filed in Map Case 2, Drawer 31, Page 19 M.C.R.;
- 5) Thence, S 55° 42' 37" W., 4.32 feet;
- 6) Thence, N. 34° 04' 25" W., 147.20 feet to a found 1 inch unmarked square bar shown as marking the northerly line of Parcel 2 on the Parcel Map filed in Map Case 2, Drawer 31, Page 19, M.C.R.

Portion of APN 145-261-05, 145-261-13

Parcel 13487-2 Drainage Easement:

For State Highway purposes, an easement for drainage purposes in and to that portion of the real property conveyed by the document recorded November 03, 1999, as Document No. 1999-21025 of Official Records, Mendocino County Records (M.C.R.), within Section 27, Township 11 North, Range 15 West, Mount Diablo Base and Meridian (M.D.B.M.), in the County of Mendocino, described as follows:

A strip of land 10 feet wide lying 5.5 feet southeasterly and 4.5 feet northwesterly of the following described line:

COMMENCING at a found 1/2 inch iron pipe with plastic plug stamped "LS 3089"; shown as being set on the westerly line of State Highway 1 and marking the northeasterly terminus of the course that reads "(N 50° 48' 00" E) 161.86 Feet" on that Record of Survey filed in Map Case 2, Drawer 36, Page 78, M.C.R., Thence, N. 49° 56' 39" E., 4.50 feet to the POINT OF BEGINNING;

- 1) Thence, S. 49° 56' 39" W., 262.5 feet to the mean high-water line of the Gualala River. The sidelines of said strip are to be shortened or lengthened so as to terminate on the Mean High Water Line of the Gualala River on the southwest, and on the westerly line of State Highway 1 Right of Way on the northeast.

Portion of APN 145-261-05

Parcel 13487-3 Temporary Construction Easement:

For State highway purposes, a temporary easement for construction purposes over, upon, and across that portion of the real property conveyed by the document recorded November 03, 1999 as Document No. 1999-21025 of Official Records, Mendocino County Records (M.C.R.), within Section 27, Township 11 North, Range 15 West, Mount Diablo Base and Meridian (M.D.B.M.), described as follows:

That portion of said real property identified as "A.P. No: 145-261-05" and "A.P. No: 145-261-13" on page 3 of said document which lies northeasterly of the following described line:

BEGINNING at a found 1/2 inch iron pipe with plastic plug stamped "LS 3089"; shown as being set on the westerly line of State Highway 1 and marking the northeasterly terminus of the course that reads "(N 50° 48' 00" E) 161.86 Feet" on that Record of Survey filed in Map Case 2, Drawer 36, Page 78 M.C.R.;

- 1) Thence, N. 33° 29' 52" W., 15 feet;
- 2) Thence, S. 55° 46' 37" W., 2 feet;

- 3) Thence, N. 34° 13' 23" W., 34 feet;
- 4) Thence, N. 55° 46' 37" E., 3 feet;
- 5) Thence, N. 33° 29' 52" W., 33 feet;
- 6) Thence, N. 34° 13' 23" W., 59 feet;
- 7) Thence, S. 56° 17' 39" W., 6 feet;
- 8) Thence, N. 34° 04' 47" W., 34 feet;
- 9) Thence, N. 56° 17' 39" E., 6 feet;
- 10) Thence, N. 34° 13' 23" W., 91 feet;
- 11) Thence, S. 55° 46' 37" W., 6 feet;
- 12) Thence, N. 34° 00' 09" W., 34 feet;
- 13) Thence, N. 55° 46' 37" E., 5 feet;
- 14) Thence, N. 34° 13' 23" W., 32 feet;
- 15) Thence, S. 55° 50' 46" W., 5 feet;
- 16) Thence, N. 34° 04' 25" W., 35 feet, to the northerly line of Parcel 3 as shown on that Record of Survey filed in Map Case 2, Drawer 31, Page 19 M.C.R.

Excepting therefrom Parcel 13487-1 and 13487-2 above.

Portion of APN 145-261-05, 145-261-13

Rights to the above described temporary easement shall cease and terminate on December 1, 2028. The rights may also be terminated prior to the above date by State of California, Department of Transportation (STATE) upon notice to OWNER.

The bearings and distances used in the above descriptions are on the California Coordinate System of 1983(CCS83), Epoch 2004.69, Zone 2, as determined by ties to the California High Precision Geodetic Network. To obtain ground level distances, divide distances given by 0.9999322.

The aforementioned monuments have established grid coordinates of:

Found 1/2 inch iron pipe, stamped "LS 3089", Set per RS C2 D36 Page 78:	Northing: 2,044,752.98 feet Easting: 6,125,683.32 feet
Found 1/2 inch iron pipe, stamped "LS 3089", Set per PM C2 D31 Page 19:	Northing: 2,045,058.87 feet Easting: 6,125,481.40 feet
Found 1 inch unmarked Square Bar as shown On PM C2 D31 Page 19:	Northing: 2,045,178.36 feet Easting: 6,125,395.36 feet

EA: 01-0C720

Attachment C

PARCEL PANEL REPORT

Property Owner: THE BOWER LIMITED PARTNERSHIP,
A NEVADA LIMITED PARTNERSHIP

Parcel Location: 37251 Church Street in Gualala, CA 95445
APN: 145-200-71

Present Use: Buildings and Parking Lots

Zoning: GVMU and Gualala Planned Development

Area of Property: 1,712,779 SF

Area Required: Parcel 13488-1: 939 SF TCE
Parcel 13488-2: 135 SF TCE

PARCEL DESCRIPTION

The Owners' parcel is located along the east side of SR 1 in downtown Gualala, north of Church Street. The installation of the ADA compliant curb ramps, ADA compliant sidewalks, and driveway conforms at this location require the acquisition of additional right of way.

NEED FOR THE SUBJECT PROPERTY

The total area of the subject property is 1,712,779 SF. Parcel 13488-1 is a 939 SF TCE needed to provide space for the State's contractor to construct an ADA compliant curb ramp connected to a crosswalk on Church Street and remove and construct a 5footwide sidewalk.

Parcel 13488-2 is a 135 SF TCE needed to provide space for the State's contractor to construct a driveway conform. The project improvements at this location cannot be constructed and maintained without acquiring the proposed property.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Condemnation Review Panel (Panel) took place on August 12, 2025, as a hybrid meeting (in-person and virtual). The in-person component of the meeting was held at the Bower's Office located at 38958 Cypress Way in Gualala California. The Panel members included: Jennifer Wisniewski, Panel Chair, Department of Transportation (Department) Headquarters (HQ's) Division of Right of Way and Land Surveys; Tina Lucas, Department HQ's Division of Design; Rizwan Tanvir, Department's Assistant Chief Engineer; Emma Pham, Secretary to the Panel, Department HQ's Division of Right of Way and Land Surveys; John Ballantyne, Chief, North Region Right of Way; Ron Tollison, Chief, North Region Project Development; Richard Mullen, District 3 Deputy District Director of Division of Design; Lucille Y. Baca, Assistant Chief Counsel of Bay Area Legal Division; Michael Collins, North Region Design; John Bower, Property Owner; Julie Bower, Property Owner; Stephen F. Johnson, Mannon, King, Johnson & WIPF, LLP; and Kim Kellett, the Surf Market Manager.

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.

SR 1 through downtown Gualala currently does not have defined pathways for pedestrian or bicycle travel. The scenic and recreational characteristics of Gualala attract numerous pedestrians and bicyclists to the area. Driveways are not clearly defined and informal on-street parking on the shoulder is continuous, resulting in congested, unsafe situations. Parked vehicles reduce sight distance at driveways. Pedestrians and bicycles are forced into the lanes when vehicles are parked on the shoulder. This project would provide pedestrians with defined crosswalks with refuge islands to increase pedestrian safety. Bicycle lanes would be provided on both north and SB lanes of traffic to increase bicyclist safety.

The purpose of the project is to improve traffic flow and create safe, comfortable facilities for pedestrian and bicycle travel through downtown Gualala. The project is also intended to improve Gualala's visual character by incorporating landscape and hardscape features into the project.

The project is needed to reduce conflicts between motorized and non-motorized users of the facilities, which are worsened by on-street parking and minimal access control. The shoulder areas, while unmarked, are routinely used for parallel parking throughout the downtown area. Bicyclist and pedestrian pathways are not well defined.

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 PDT, in compliance with the CEQA and the NEPA, prepared an ISND, analyzing the potential environmental impacts of the project. The document was approved on November 20, 2023.

Five alternatives were evaluated for this project including the build and no-build alternatives.

The Draft ED was circulated to the public in 2019, and an Open House was held on July 25, 2019. The public sentiment was neutral for alternatives 1 and 2 with majority of the concerns being the removal of the on-street parking. As a result of this, alternatives 1 and 2 were rejected. Based on the public comments; alternatives 3 and 4 were developed to accommodate on-street parking. A virtual public meeting was held to present alternative 4 options to the public on January 14, 2021. However, in 2022, State Coastal Commission indicated that they would not be able to support an amendment to the Local Coastal Plan to allow on street parking unless there was a safety issue that could be identified; Therefore, alternatives 3 and 4 have been rejected.

The project was re-evaluated to be consistent with Gualala Town Plan. Alternative 5 was developed to include 6-foot sidewalks with landscaping buffer and 5-foot bike lanes in each direction of travel, a center turn lane with landscaped island, new cross walks, and a left-turn pocket to Ocean Drive for SB traffic. The Department partnered with Gualala Municipal Council to host a special meeting for the public. It was conducted on May 18, 2023, at the Gualala Art Center to present alternative 5. The Open House generated positive sentiment from community members favoring alternative 5 to move the project forward. Additionally, 1,702 members from Save Gualala were happy to endorse the latest project plan.

It was determined that the no-build alternative would not meet the purpose and need of the project, and would not meet the Department's Director's Policy, ADA requirements, or the community multi-modal transportation needs.

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

The owner's parcel is located along the east side of SR 1 in downtown Gualala, north of Church Street. The installation of the ADA compliant curb ramps, ADA compliant sidewalks, and driveway conforms at this location require the acquisition of additional right of way.

The total area of the subject property is 1,712,779 SF. Parcel 13488-1 is a 939 SF TCE needed to provide space for the State's contractor to construct an ADA compliant curb ramp connected to a crosswalk on Church Street and remove and construct a 5-foot-wide sidewalk.

Parcel 13488-2 is a 135 SF TCE needed to provide space for the State's contractor to construct a driveway conform. The project improvements at this location cannot be constructed and maintained without acquiring the proposed property.

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

An initial staff appraisal that established just compensation was approved by District 1 Right of Way management on August 15, 2024. On September 4, 2024, the FWO of just compensation was sent by certified mail to the Owner and confirmed as received on September 10, 2024.

A revised staff appraisal was completed on April 8, 2025. Changes were based on meeting with Department representatives and the Owner. There were no changes to parcel 13488, but they were combined for the initial appraisal. Revised FWO documents were sent to Owner on May 1, 2025.

A second meeting took place on August 12, 2025 with the Owner and Department representative.

Negotiations are ongoing and efforts to secure an equitable settlement will continue. However, the parties are currently at an impasse.

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

Property Owners did not have any contentions to this Parcel.

DEPARTMENT CONTACTS

The following is a summary of contacts made with the property Owner:

Type of Contact	Number of Contacts
Mailing of information	2
Emails	4
Telephone	5
In Person Meetings	2
Virtual Meetings	0

STATUTORY OFFER TO PURCHASE


The Department has appraised the subject property and offered the full amount of the appraisal to the Owner of record as required by Government Code Section 7267.2. The property Owner has been notified that 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:


- The public interest and necessity require the proposed project.
- 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 property rights to be condemned are necessary for the proposed project.
- An offer to purchase in compliance 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
Chief, Office of Project Delivery
HQ Division of Right of Way and Land Surveys
Panel Chair

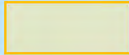
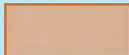



I concur with the Panel's recommendation:

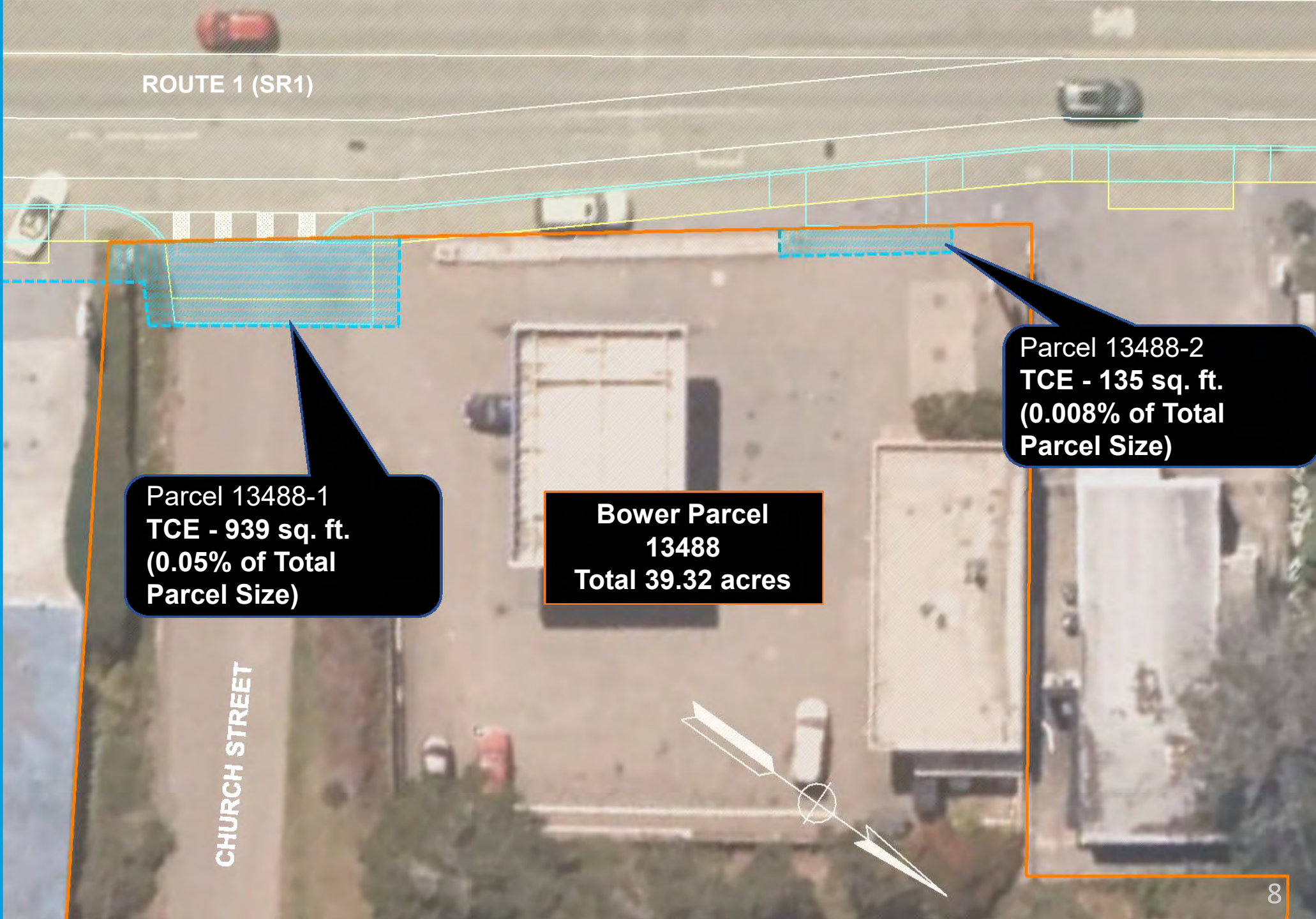


DONNA BERRY
Chief Engineer

Exhibit C1

Bower Parcel 13488 Acquisitions

-  Project Location
-  Bower Parcel 13488
-  TCE - Temporary Construction Easement
-  Existing Property Line
-  Temporary Construction Easement



**Parcel 13488-1
TCE - 939 sq. ft.
(0.05% of Total
Parcel Size)**

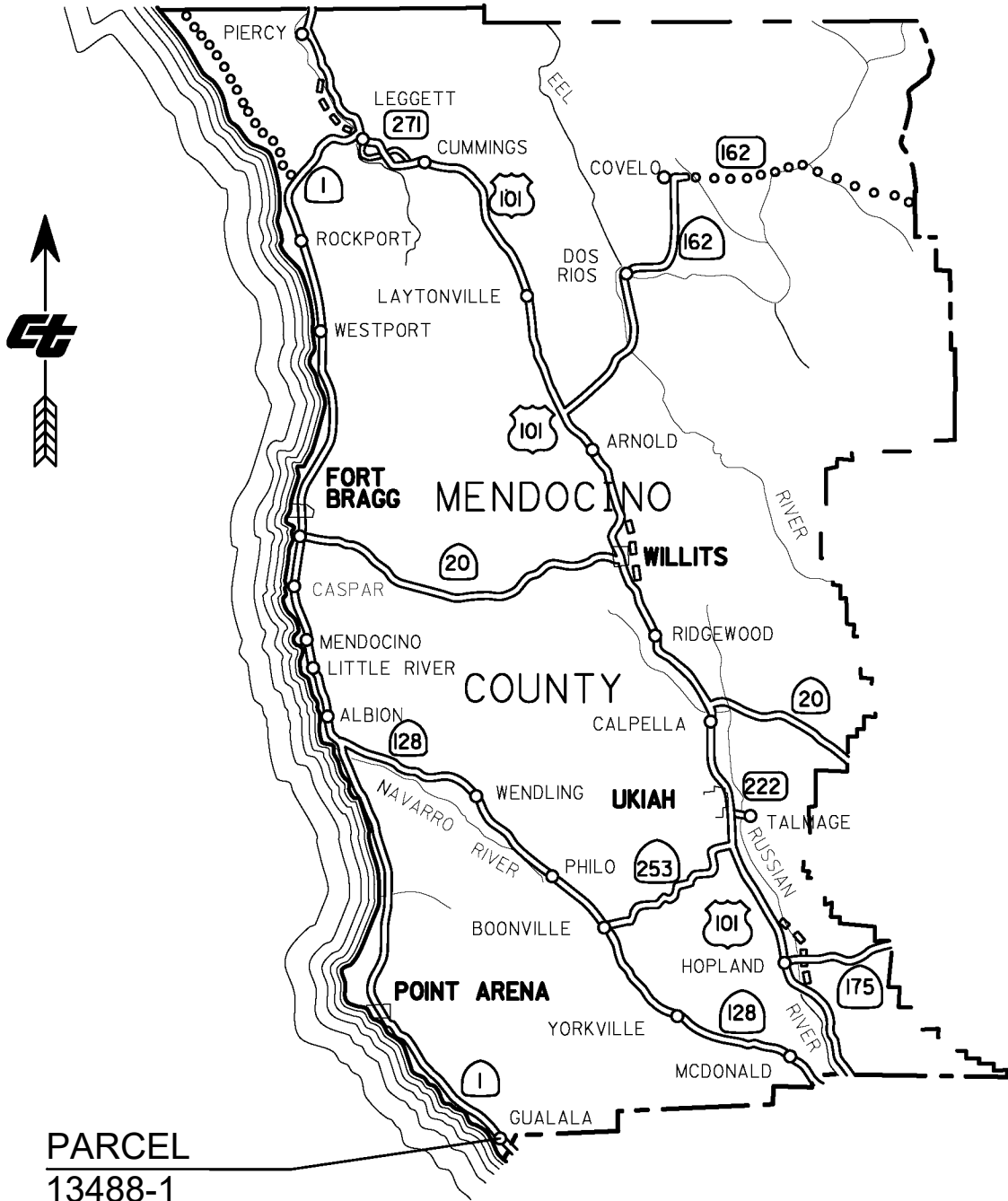
**Bower Parcel
13488
Total 39.32 acres**

**Parcel 13488-2
TCE - 135 sq. ft.
(0.008% of Total
Parcel Size)**

CHURCH STREET

ROUTE 1 (SR1)

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.



PARCEL
13488-1
13488-2

NOT TO SCALE

STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION

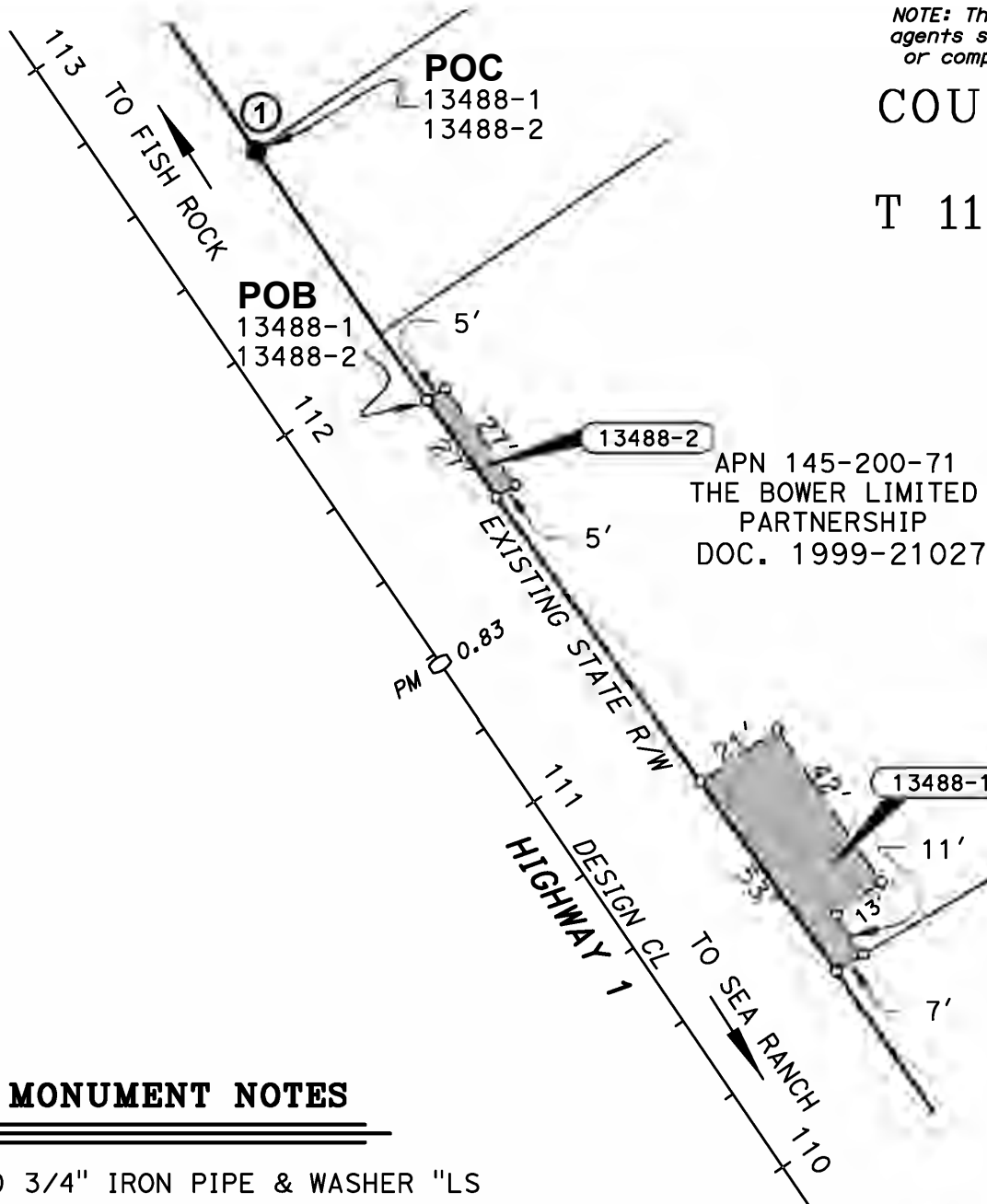
**RIGHT OF WAY
RESOLUTION OF NECESSITY**

EXHIBIT A




DISTRICT	COUNTY	ROUTE	EA	SHEET NO.	TOTAL SHEETS
1	MEN	01	01-0C720	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.

COUNTY OF MENDOCINO
SECTION 27,
T 11 N, R 15 W, M.D.B.M.
GUALALA



LEGEND

-  = REQUIRED TEMPORARY CONSTRUCTION EASEMENT
-  = ANGLE POINT, NOTHING SET
-  = FOUND MONUMENT AS NOTED IN MONUMENT NOTES
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- R/W = RIGHT OF WAY

MONUMENT NOTES

- ① FOUND 3/4" IRON PIPE & WASHER "LS 1940" MD 66, P43 M.C.R.

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

SCALE: 1" = 40'



EA	DRAFTED BY	DATE	DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
11-1122	J. SHORT	10/27/2025	1	MEN	1	0.83	2	2

Exhibit C2

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

3 **C-22593**

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 01-Men-01-PM 0.83 PARCEL 13488-1, 2
9 OWNER: THE BOWER LIMITED PARTNERSHIP, A NEVADA LIMITED 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
16 for 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

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

APPROVED AS TO FORM AND PROCEDURE

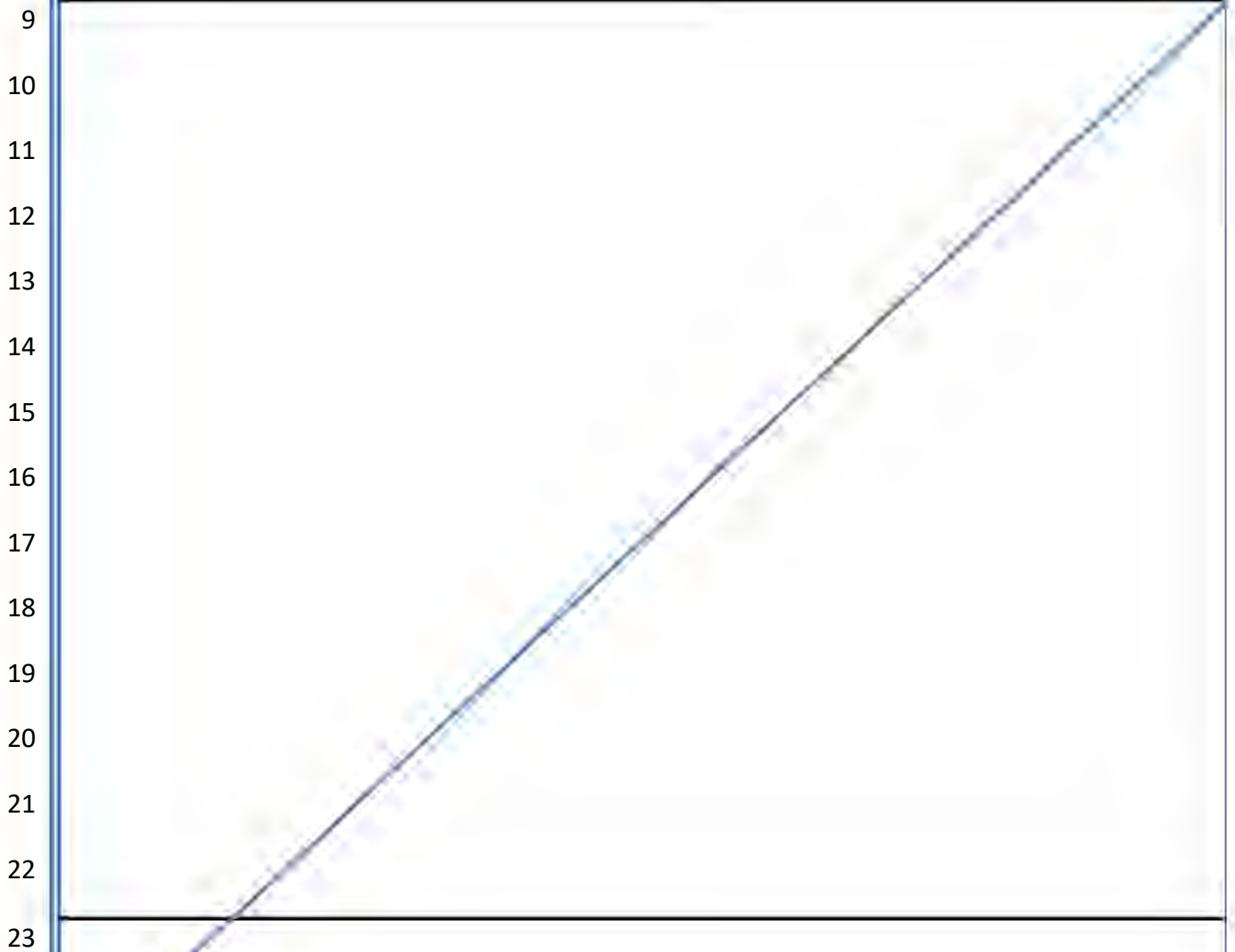
APPROVAL RECOMMENDED

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
8 Mendocino, State of California, Highway 01-Men-01 and described as follows:



Parcel 13488-1, 13488-2 Temporary Construction Easement:

For State highway purposes, a temporary easement for construction purposes over, upon, and across that portion of the real property described in the Judgement and Decree Quieting Title in Ida Bower recorded April 6, 1973 in Book 921 of Official Records, Page 245 Mendocino County Records (M.C.R) being a portion of the real property conveyed by that document recorded November 03, 1999, as Document No. 1999-21027 of Official Records, M.C.R., within Section 27, Township 11 North, Range 15 West, Mount Diablo Base and Meridian (M.D.B.M.), lying southwesterly of the following described line:

COMMENCING at a found 3/4 inch iron pipe with washer stamped "LS 1940" as shown as being found and referenced in Book 340, Page 570 of Official Records M.C.R. on that Record of Survey filed in Maps, Drawer 66, Page 43 M.C.R., Thence S. 34° 02' 03" E., 50.01 feet along the northeasterly line of State Highway 1, Thence continuing along said northeasterly line, S. 35° 38' 40" E., 18.37 feet to the Point of Beginning;

- 1) Thence leaving said northeasterly line, N. 55° 47' 00" E., 5 feet;
- 2) Thence, S. 35° 38' 40" E., 27 feet;
- 3) Thence, S. 55° 47' 03" W., 5 feet to the said northeasterly line of State Highway 1;
- 4) Thence, along said northeasterly line S. 35° 38' 40" E., 79 feet;
- 5) Thence, leaving the said northeasterly line, N. 55° 46' 37" E., 21 feet;
- 6) Thence, S. 34° 13' 23" E., 42 feet;
- 7) Thence, S. 54° 21' 20" W., 13 feet;
- 8) Thence, S. 34° 13' 23" E., 11 feet;
- 9) Thence, S. 59° 15' 38" W., 7 feet to the said northeasterly line of State Highway 1;

Portion of APN 145-200-71

Continued on Page 2

Rights to the above described temporary easement shall cease and terminate on December 1, 2028. The rights may also be terminated prior to the above date by State of California, Department of Transportation (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. Divide distances by 0.9999322 to obtain ground distances.

The aforementioned monument has established grid coordinates of:

Found 3/4 inch iron pipe, stamped "LS 1940",
found per Maps Drawer 66, Page 43:

Northing: 2,045,195.75 feet
Easting: 6,125,452.97 feet

Attachment D

PARCEL PANEL REPORT

Property Owner: THE BOWER LIMITED PARTNERSHIP,
A NEVADA LIMITED PARTNERSHIP

Parcel Location: East side of SR 1 in downtown Gualala, south of Ocean Drive
APNs: 145-200-06 and 145, 200-07

Present Use: Business Center

Zoning: GVMU

Area of Property: 1,712,779 SF

Area Required: Parcel 13489-1: 1,332 SF – Fee, 7,230 SF - UF
Parcel 13489-2: 972 SF - TCE

PARCEL DESCRIPTION

The Owners’ parcel is located along the east side of SR 1 in downtown Gualala, south of Ocean Drive. No sidewalks currently exist on the parcel. The construction of ADA compliant sidewalk, driveway conform, drainage culvert installation, and earthwork operations at this location requires the acquisition of additional right of way.

NEED FOR THE SUBJECT PROPERTY

The total area of the subject parcel is 39,640 SF. Parcel 13489-1 is 1,332 SF of Fee and 7,230 SF of UF required for the State to own and maintain its facilities. The State’s contractor will construct a 6-foot-wide sidewalk, install drainage culverts, and perform earthwork operations.

Parcel 13489-2 is a 972 SF TCE needed to provide space for the State’s contractor to construct a 6-foot-wide sidewalk and driveway conforms. The project improvements at this location cannot be constructed and maintained without acquiring the proposed property.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Condemnation Review Panel (Panel) took place on August 12, 2025, as a hybrid meeting (in-person and virtual). The in-person component of the meeting was held at the Bower's Office located at 38958 Cypress Way in Gualala, California. The Panel members included: Jennifer Wisniewski, Panel Chair, Department of Transportation (Department) Headquarters (HQ's) Division of Right of Way and Land Surveys; Tina Lucas, Department HQ's Division of Design; Rizwan Tanvir, Department's Assistant Chief Engineer; Emma Pham, Secretary to the Panel, Department HQ's Division of Right of Way and Land Surveys; John Ballantyne, Chief, North Region Right of Way; Ron Tollison, Chief, North Region Project Development; Richard Mullen, District 3 Deputy District Director of Division of Design; Lucille Y. Baca, Assistant Chief Counsel of Bay Area Legal Division; Michael Collins, North Region Design; John Bower, Property Owner; Julie Bower, Property Owner; Stephen F. Johnson, Mannon, King, Johnson & WIPF, LLP; and Kim Kellett, the Surf Market Manager.

This report summarizes the findings of the Panel with regard 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.

SR 1 through downtown Gualala currently does not have defined pathways for pedestrian or bicycle travel. The scenic and recreational characteristics of Gualala attract numerous pedestrians and bicyclists to the area. Driveways are not clearly defined and informal on-street parking on the shoulder is continuous, resulting in congested, unsafe situations. Parked vehicles reduce sight distance at driveways. Pedestrians and bicycles are forced into the lanes when vehicles are parked on the shoulder. This project would provide pedestrians with defined crosswalks with refuge islands to increase pedestrian safety. Bicycle lanes would be provided on both north and SB lanes of traffic to increase bicyclist safety.

The purpose of the project is to improve traffic flow and create safe, comfortable facilities for pedestrian and bicycle travel through downtown Gualala. The project is also intended to improve Gualala's visual character by incorporating landscape and hardscape features into the project.

The project is needed to reduce conflicts between motorized and non-motorized users of the facilities, which are worsened by on-street parking and minimal access control. The shoulder areas, while unmarked, are routinely used for parallel parking throughout the downtown area. Bicyclist and pedestrian pathways are not well defined.

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 PDT, in compliance with the CEQA and the NEPA, prepared an ISND, analyzing the potential environmental impacts of the project. The document was approved on November 20, 2023.

Five alternatives were evaluated for this project including the build and no-build alternatives.

The Draft ED was circulated to the public in 2019, and an Open House was held on July 25, 2019. The public sentiment was neutral for alternatives 1 and 2 with majority of the concerns being the removal of the on-street parking. As a result of this, alternatives 1 and 2 were rejected. Based on the public comments; alternatives 3 and 4 were developed to accommodate on-street parking. A virtual public meeting was held to present alternative 4 options to the public on January 14, 2021. However, in 2022, State Coastal Commission indicated that they would not be able to support an amendment to the Local Coastal Plan to allow onstreet parking unless there was a safety issue that could be identified; Therefore, alternatives 3 and 4 have been rejected.

The project was re-evaluated to be consistent with Gualala Town Plan. Alternative 5 was developed to include 6-foot sidewalks with landscaping buffer and 5-foot bike lanes in each direction of travel, a center turn lane with landscaped island, new cross walks, and a left-turn pocket to Ocean Drive for SB traffic. The Department partnered with Gualala Municipal Council to host a special meeting for the public. It was conducted on May 18, 2023, at the Gualala Art Center to present alternative 5. The Open House generated positive sentiment from community members favoring alternative 5 to move the project forward. Additionally, 1,702 members from Save Gualala were happy to endorse the latest project plan.

It was determined that the no-build alternative would not meet the purpose and need of the project, and would not meet the Department's Director's Policy, ADA requirements, or the community multi-modal transportation needs.

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

The Owners' parcel is located along the east side of SR 1 in downtown Gualala, south of Ocean Drive. No sidewalks currently exist on the parcel. The construction of ADA compliant sidewalk, driveway conform, drainage culvert installation, and earthwork operations at this location requires the acquisition of additional right of way.

The total area of the subject parcel is 39,640 SF. Parcel 13489-1 is 1,332 SF of Fee and 7,230 SF of UF required for the State to own and maintain its facilities. The State's contractor will construct a 6-foot-wide sidewalk, install drainage culverts, and perform earthwork operations.

Parcel 13489-2 is a 972 SF TCE needed to provide space for the State's contractor to construct a 6-foot-wide sidewalk and driveway conforms. The project improvements at this location cannot be constructed and maintained without acquiring the proposed property.

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

An initial staff appraisal that established just compensation was approved by District 1 Right of Way management on August 15, 2024. On September 4, 2024, the FWO of just compensation was sent certified mail to the property owner and confirmed as received on September 10, 2024.

A revised staff appraisal was completed on March 20, 2025, reducing the TCE area. Changes were based on meeting with Department representatives and the Owner. Revised FWO documents based on those changes were sent to the Owner on May 1, 2025.

A second meeting took place on August 12, 2025 with the Owner and Department representatives.

Negotiations are ongoing and efforts to secure an equitable settlement will continue. However, the parties are currently at an impasse.

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

Property Owners did not have any contentions to this Parcel.

DEPARTMENT CONTACTS

The following is a summary of contacts made with the property Owner:

Type of Contact	Number of Contacts
Mailing of information	2
Emails	4
Telephone	5
In Person Meetings	2
Virtual Meetings	0

STATUTORY OFFER TO PURCHASE


The Department has appraised the subject property and offered the full amount of the appraisal to the Owner of record as required by Government Code Section 7267.2. The Owner has been notified that 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:

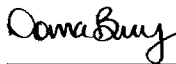
- The public interest and necessity require the proposed project.
- The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.
- The property rights to be condemned are necessary for the proposed project.
- An offer to purchase in compliance 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
Chief, Office of Project Delivery
HQ Division of Right of Way and Land Surveys
Panel Chair


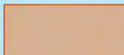
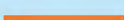




I concur with the Panel's recommendation:

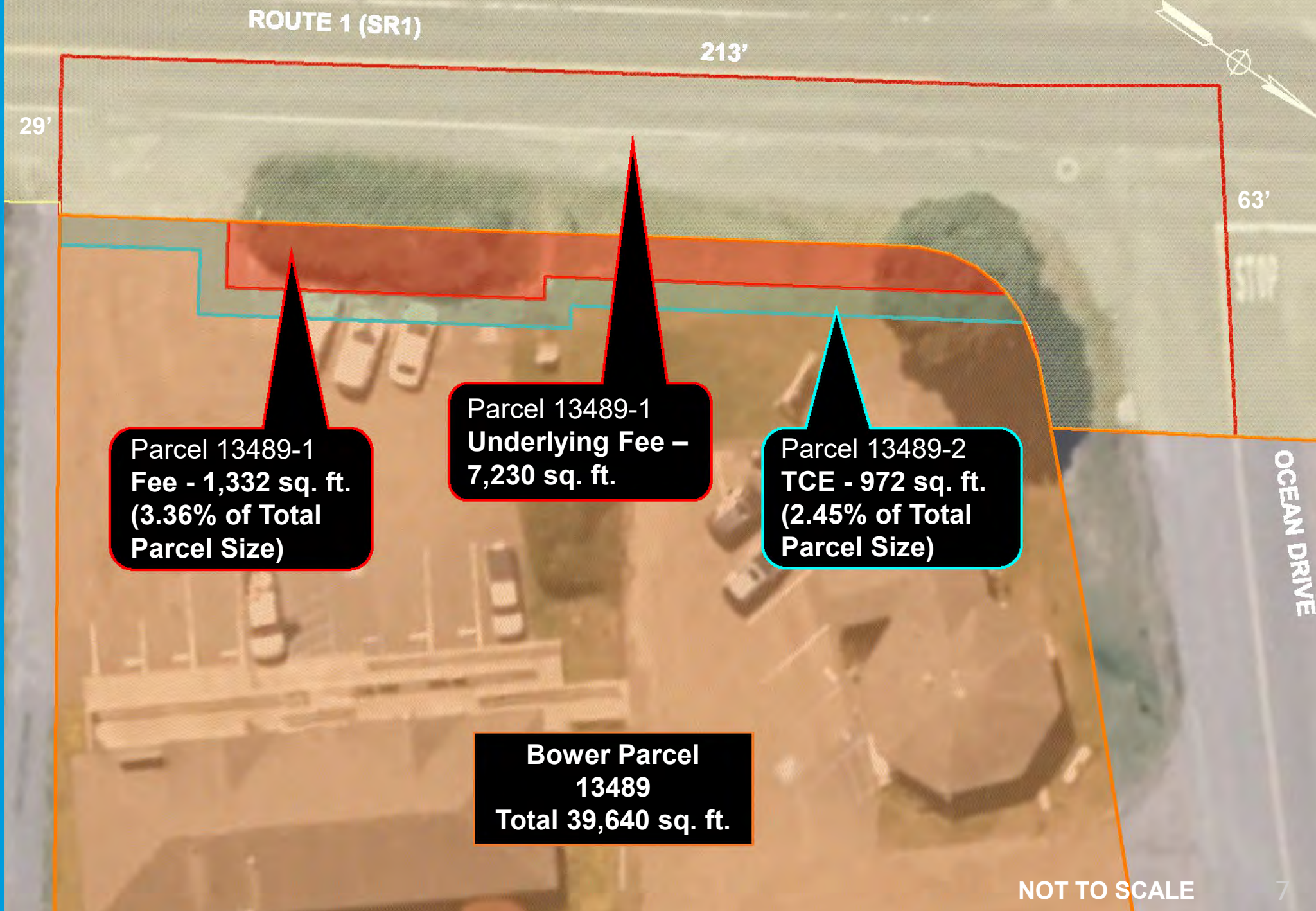


DONNA BERRY
Chief Engineer

Exhibit D1

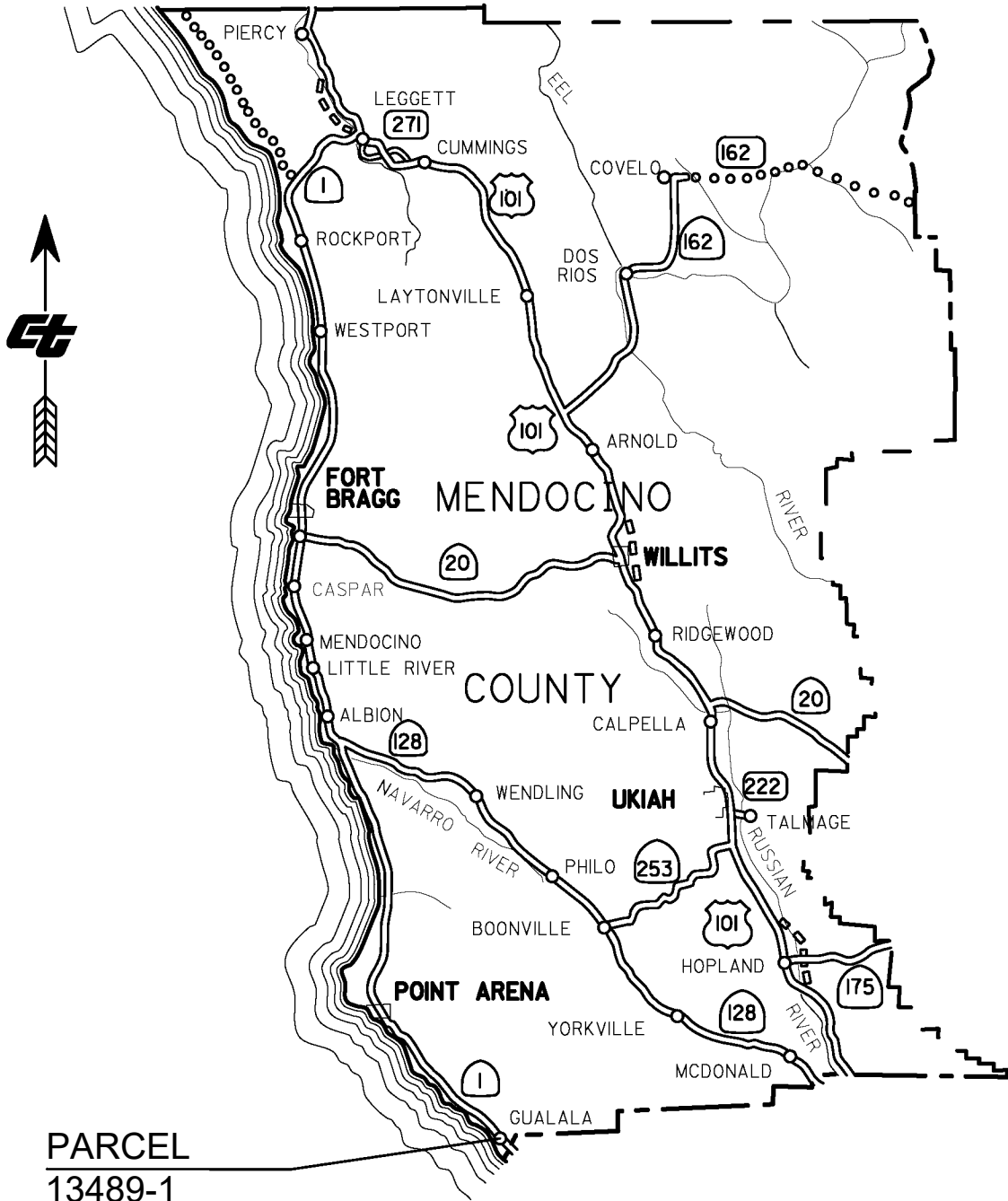
Bower Parcel 13489 Acquisitions

-  Project Location
-  Bower Parcel 13489
-  Existing Property Line of Parcel 13489
-  F – Fee Acquisition
-  Proposed Right of Way Line
-  TCE – Temporary Construction Easement
-  TCE Limit



NOT TO SCALE

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.



PARCEL
13489-1
13489-2

NOT TO SCALE

STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION

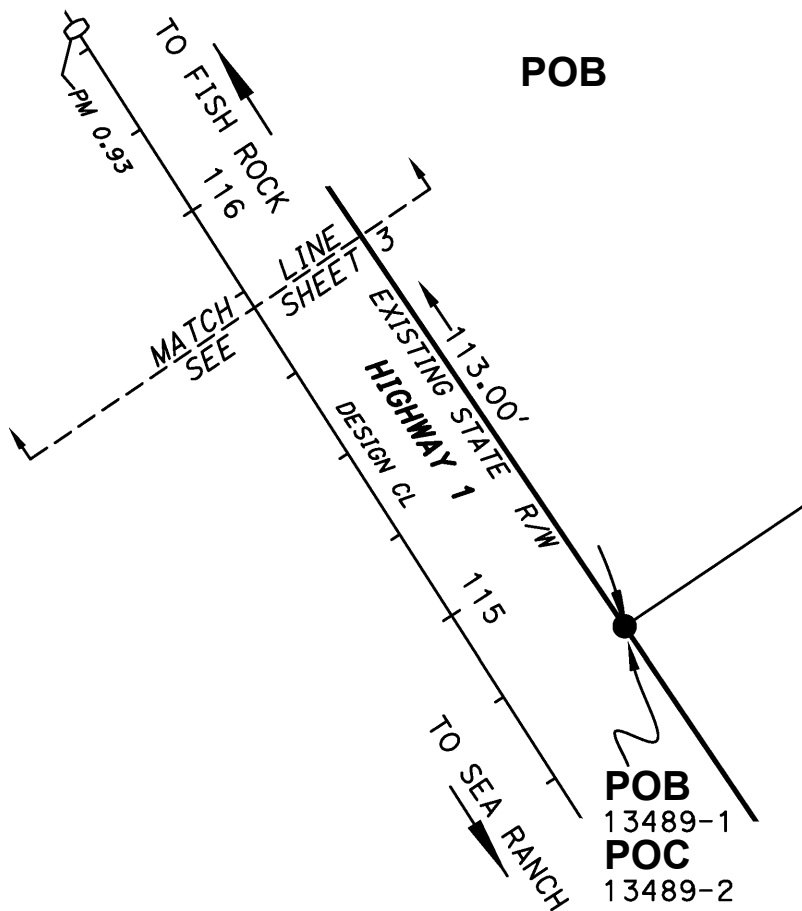
**RIGHT OF WAY
RESOLUTION OF NECESSITY**

EXHIBIT A

DISTRICT	COUNTY	ROUTE	EA	SHEET NO.	TOTAL SHEETS
1	MEN	01	01-0N180	1	3

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.

COUNTY OF MENDOCINO
SECTION 27,
T 11 N, R 15 W, M.D.B.M.
GUALALA



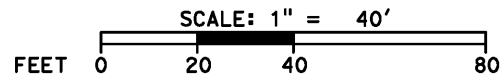
POB

POB
13489-1
POC
13489-2

LEGEND

- = FOUND 3/4" REBAR WITH WASHER STAMPED, "LS 6420" MAPS, D66, P43 M.C.R.
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- R/W = RIGHT OF WAY

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





EA	DRAFTED BY	DATE	DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
01-0N180	J. SHORT	10/27/2025	1	MEN	1	0.93	2	3

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.

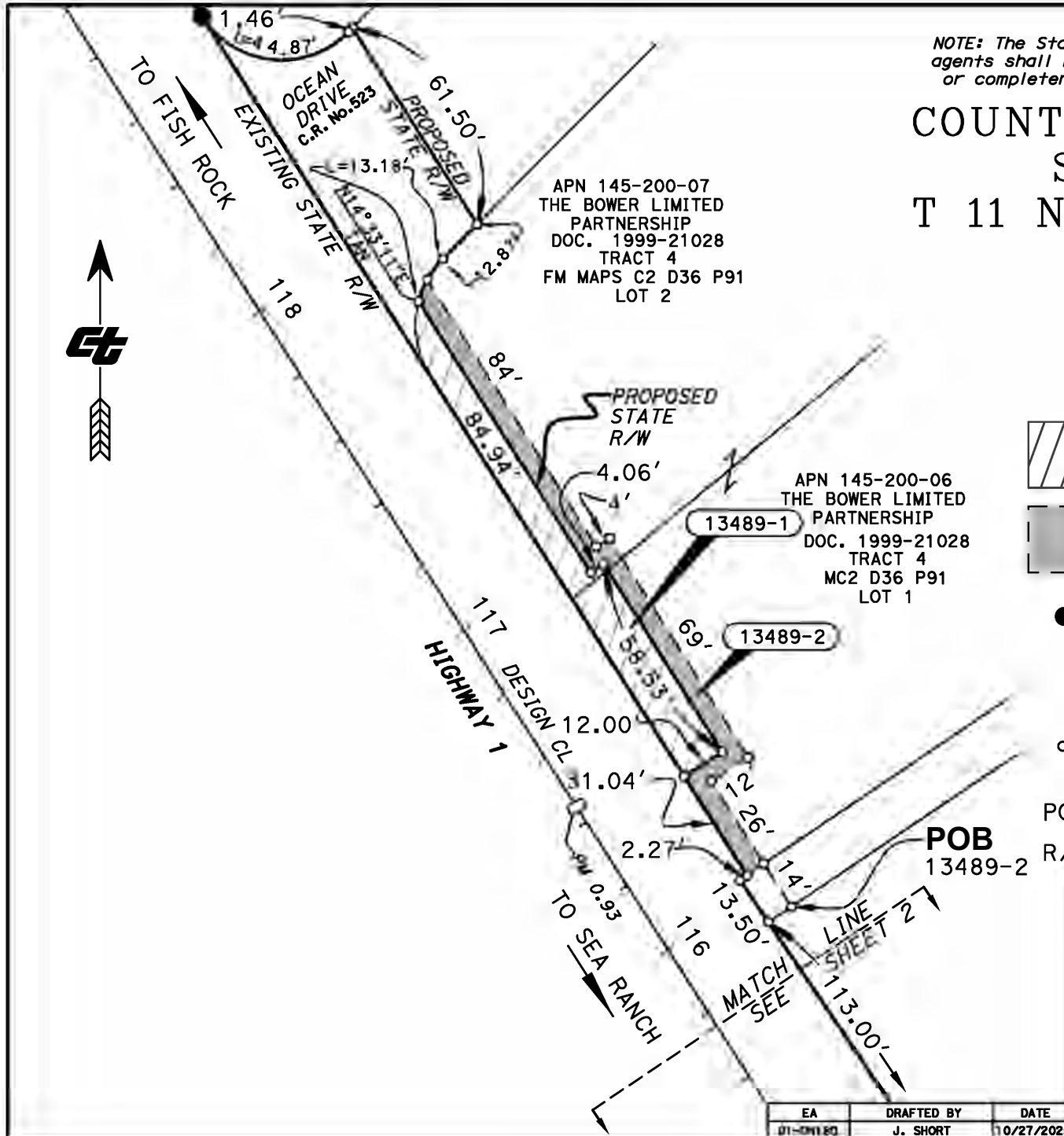
COUNTY OF MENDOCINO
SECTION 27,
T 11 N, R 15 W, M.D.B.M.
GUALALA

LEGEND

-  = FEE
-  = REQUIRED TEMPORARY CONSTRUCTION EASEMENT
- = FOUND 1/2" IRON PIPE WITH PLASTIC PLUG STAMPED "LS 4873" MC2, D60, P54, M.C.R.
- = CALCULATED POINT, NOTHING SET
- POB = POINT OF BEGINNING
- R/W = RIGHT OF WAY

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

SCALE: 1" = 40'



EA	DRAFTED BY	DATE	DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
01-01180	J. SHORT	10/27/2025	1	MEN	1	0.93	3	3

Bower Parcel 13490 Acquisitions

-  Project Location
-  Bower Parcel 13490
-  TCE – Temporary Construction Easement
-  Existing Property Line
-  Temporary Construction Easement

Parcel 13490-1
TCE – 1,309 sq. ft.
(1.46% of Total
Parcel Size)

To

ROUTE 1 (SR1)

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

3 **C-22594**

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 01-Men-01-PM 0.93 PARCEL 13489-1, 2
9 OWNER: THE BOWER LIMITED PARTNERSHIP, A NEVADA LIMITED 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
16 for a compatible use; The public interest and necessity require the proposed public project,
17 namely a State 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;

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

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

APPROVED AS TO FORM AND PROCEDURE

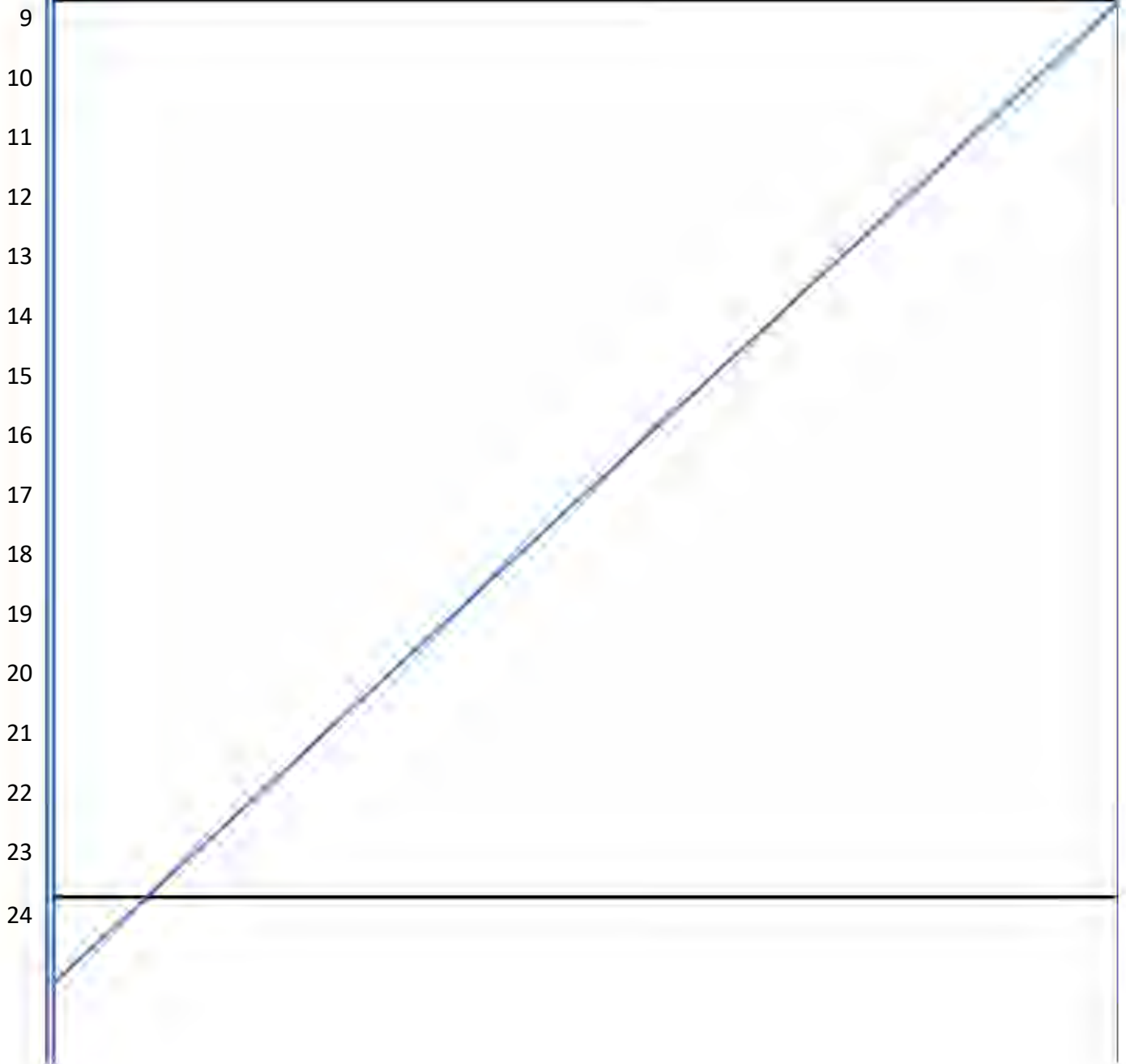
APPROVAL RECOMMENDED

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
8 Mendocino, State of California, Highway 01-Men-01 and described as follows:



24

Parcel 13489-1 Fee:

For State Highway purposes, that portion of the real property conveyed as "Tract Four" in that document recorded November 03, 1999, as Document No. 1999-21028 of Official Records, Mendocino County Records (M.C.R.), within Section 27, Township 11 North, Range 15 West, Mount Diablo Base and Meridian (M.D.B.M.), lying southwesterly of the following described line:

BEGINNING at a found 3/4 inch rebar with washer stamped "LS 6420"; shown as being set on the easterly line of State Highway 1 on that Record of Survey filed in Maps, Drawer 66, Page 43 M.C.R.;

- 1) Thence, N. 34° 01' 58" W., 113.00 feet;
- 2) Thence, N. 34° 14' 33" W., 13.50 feet;
- 3) Thence, N. 55° 55' 27" E., 2.27 feet;
- 4) Thence, N. 32° 25' 06" W., 31.04 feet;
- 5) Thence, N. 57° 34' 54" E., 12.00 feet;
- 6) Thence, N. 32° 25' 06" W., 58.53 feet;
- 7) Thence, S. 57° 34' 54" W., 4.06 feet;
- 8) Thence, N. 32° 25' 06" W., 84.94 feet to the northerly line of said Tract Four;
- 9) Thence, from a tangent that bears N. 14° 33' 11" E., northerly along a curve to the right having a radius of 25.00 feet, through a central angle of 30° 12' 16", a distance of 13.18 feet along said northerly line;
- 10) Thence, along said northerly line, N. 44° 45' 27" E., 12.87 feet;
- 11) Thence, leaving said northerly line, N. 32° 25' 07" W., 61.50 feet;
- 12) Thence, S. 44° 41' 50" W., 1.46 feet;

- 13) Thence, southwesterly, westerly, and northwesterly along a curve to the right having a radius of 25.00 feet, through a central angle of $102^{\circ} 49' 27''$, a distance of 44.87 feet to a found 1/2 inch iron pipe with plastic plug stamped "LS 4873"; shown as being found on the easterly line of State Highway 1 on that Record of Survey filed in Map Case 2, Drawer 60, Page 54, M.C.R.

Portion of APN 145-200-06, 145-200-07

Parcel 13489-2 Temporary Construction Easement:

For State highway purposes, a temporary easement for construction purposes over, upon, and across that portion of the real property conveyed as "Tract Four" in that document recorded November 03, 1999, as Document No. 1999-21028 of Official Records, Mendocino County Records (M.C.R.), within Section 27, Township 11 North, Range 15 West, Mount Diablo Base and Meridian (M.D.B.M.), lying southwesterly of the following described line:

COMMENCING at a found 3/4 inch rebar with washer stamped, "LS 6420"; shown as being set on the easterly line of State Highway 1 on that Record of Survey filed in Maps, Drawer 66, Page 43 M.C.R.; Thence, N. $30^{\circ} 19' 49''$ W., 113.24 feet to the Point of Beginning;

- 1) Thence, N. $32^{\circ} 36' 25''$ W., 14 feet;
- 2) Thence, N. $32^{\circ} 37' 31''$ W., 26 feet;
- 2) Thence, N. $57^{\circ} 34' 54''$ E., 12 feet;
- 3) Thence, N. $32^{\circ} 25' 06''$ W., 69 feet;
- 4) Thence, S. $57^{\circ} 34' 54''$ W., 4 feet;
- 5) Thence, N. $32^{\circ} 25' 06''$ W., 84 feet to the northerly line of said Tract Four.

Continued on Page 3

Attachment E

PARCEL PANEL REPORT

Property Owner: THE BOWER LIMITED PARTNERSHIP,
A NEVADA LIMITED PARTNERSHIP

Parcel Location: West side of SR 1 in downtown Gualala, south of Ocean Drive
APNs': 145-261-11 and 145-192-01.

Present Use: Business Center

Zoning: GVMU

Area of Property: 101,930 SF

Area Required: Parcel 13490-1: 1,309 SF TCE

PARCEL DESCRIPTION

The Owner's parcel is located along the west side of SR 1 in downtown Gualala, south of Ocean Drive. No sidewalks currently exist on the parcel. The installation of the ADA compliant sidewalk, driveway conforms, and new landscape at this location requires the acquisition of additional right of way.

NEED FOR THE SUBJECT PROPERTY

The total area of the subject parcel is 101,930 SF. Parcel 13490-1 is a 1,309 SF TCE needed to provide space for the State's contractor to construct a 6-foot-wide sidewalk, driveway conforms, and new landscaping. The project improvements at this location cannot be constructed and maintained without acquiring the proposed property.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

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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.

SR 1 through downtown Gualala currently does not have defined pathways for pedestrian or bicycle travel. The scenic and recreational characteristics of Gualala attract numerous pedestrians and bicyclists to the area. Driveways are not clearly defined and informal on-street parking on the shoulder is continuous, resulting in congested, unsafe situations. Parked vehicles reduce sight distance at driveways. Pedestrians and bicycles are forced into the lanes when vehicles are parked on the shoulder. This project would provide pedestrians with defined crosswalks with refuge islands to increase pedestrian safety. Bicycle lanes would be provided on both north and SB lanes of traffic to increase bicyclist safety.

The purpose of the project is to improve traffic flow and create safe, comfortable facilities for pedestrian and bicycle travel through downtown Gualala. The project is also intended to improve Gualala's visual character by incorporating landscape and hardscape features into the project.

The project is needed to reduce conflicts between motorized and non-motorized users of the facilities, which are worsened by on-street parking and minimal access control. The shoulder areas, while unmarked, are routinely used for parallel parking throughout the downtown area. Bicyclist and pedestrian pathways are not well defined.

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 PDT, in compliance with the CEQA and the NEPA, prepared an ISND, analyzing the potential environmental impacts of the project. The document was approved on November 20, 2023.

Five alternatives were evaluated for this project including the build and no-build alternatives.

The Draft ED was circulated to the public in 2019, and an Open House was held on July 25, 2019. The public sentiment was neutral for alternatives 1 and 2 with majority of the concerns being the removal of the on-street parking. As a result of this, alternatives 1 and 2 were rejected. Based on the public comments; alternatives 3 and 4 were developed to accommodate on-street parking. A virtual public meeting was held to present alternative 4 options to the public on January 14, 2021. However, in 2022, State Coastal Commission indicated that they would not be able to support an amendment to the Local Coastal Plan to allow on street parking unless there was a safety issue that could be identified; Therefore, alternatives 3 and 4 have been rejected.

The project was re-evaluated to be consistent with Gualala Town Plan. Alternative 5 was developed to include 6-foot sidewalks with landscaping buffer and 5-foot bike lanes in each direction of travel, a center turn lane with landscaped island, new cross walks, and a left-turn pocket to Ocean Drive for SB traffic. The Department partnered with Gualala Municipal Council to host a special meeting for the public. It was conducted on May 18, 2023, at the Gualala Art Center to present alternative 5. The Open House generated positive sentiment from community members favoring alternative 5 to move the project forward. Additionally, 1,702 members from Save Gualala were happy to endorse the latest project plan.

It was determined that the no-build alternative would not meet the purpose and need of the project, and would not meet the Department's Director's Policy, ADA requirements, or the community multi-modal transportation needs.

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

The Owners' parcel is located along the west side of SR 1 in downtown Gualala, south of Ocean Drive. No sidewalks currently exist on the parcel. The installation of the ADA compliant sidewalk, driveway conforms, and new landscape at this location requires the acquisition of additional right of way.

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

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A second meeting took place on August 12, 2025 with the Owner and Department representatives.

Negotiations are ongoing and efforts to secure an equitable settlement will continue. However, the parties are currently at an impasse.

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

Property Owners did not have any contentions to this Parcel.

DEPARTMENT CONTACTS

The following is a summary of contacts made with the property Owner:

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STATUTORY OFFER TO PURCHASE

The Department has appraised the subject property and offered the full amount of the appraisal to the Owner of record as required by Government Code Section 7267.2. The property Owner has been notified that 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:


- The public interest and necessity require the proposed project.
- 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 property rights to be condemned are necessary for the proposed project.
- An offer to purchase in compliance 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
Chief, Office of Project Delivery
HQ Division of Right of Way and Land Surveys
Panel Chair

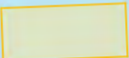




I concur with the Panel's recommendation:

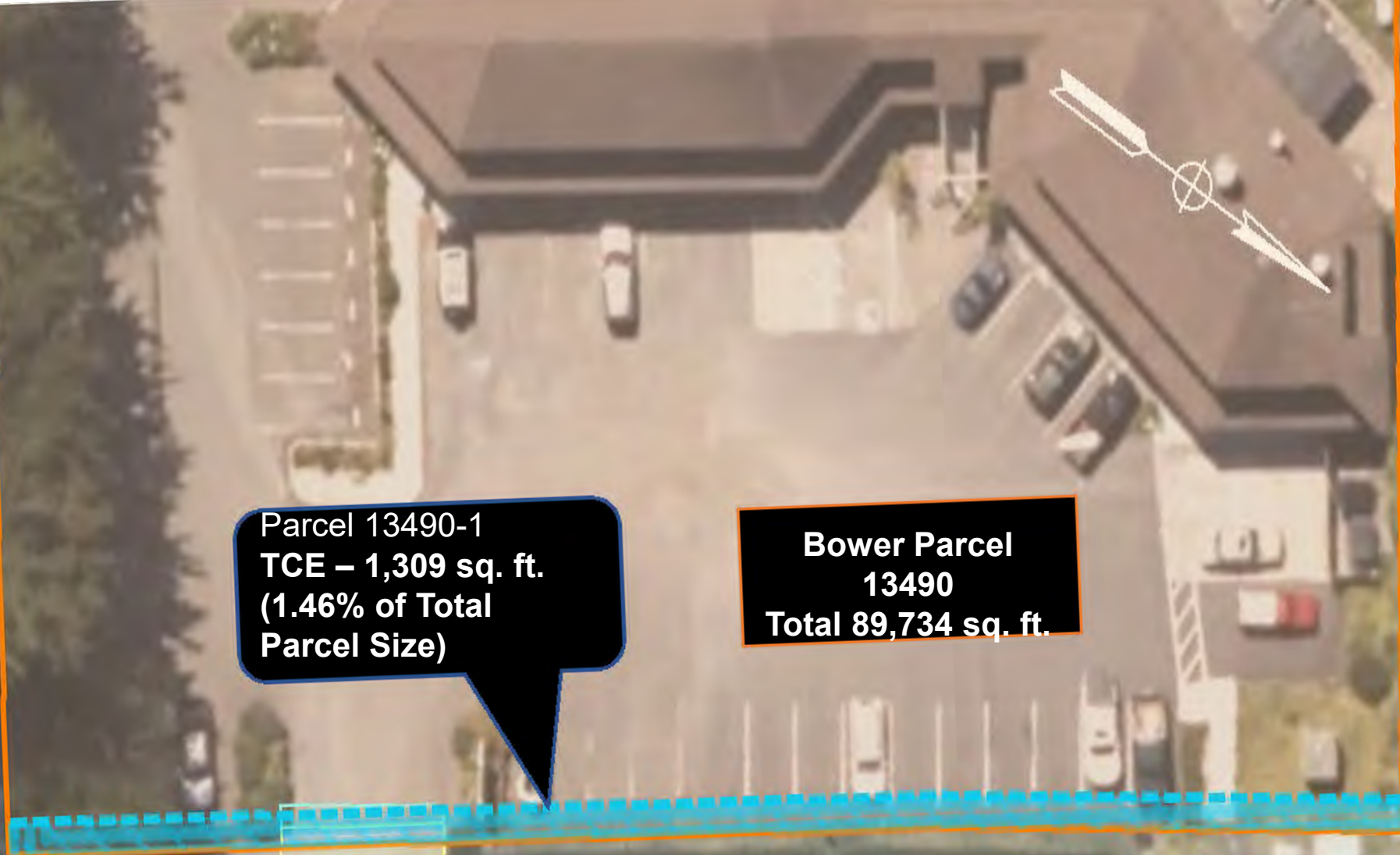


DONNA BERRY
Chief Engineer

Exhibit E1

Bower Parcel 13490 Acquisitions

-  Project Location
-  Bower Parcel 13490
-  TCE – Temporary Construction Easement
-  Existing Property Line
-  Temporary Construction Easement

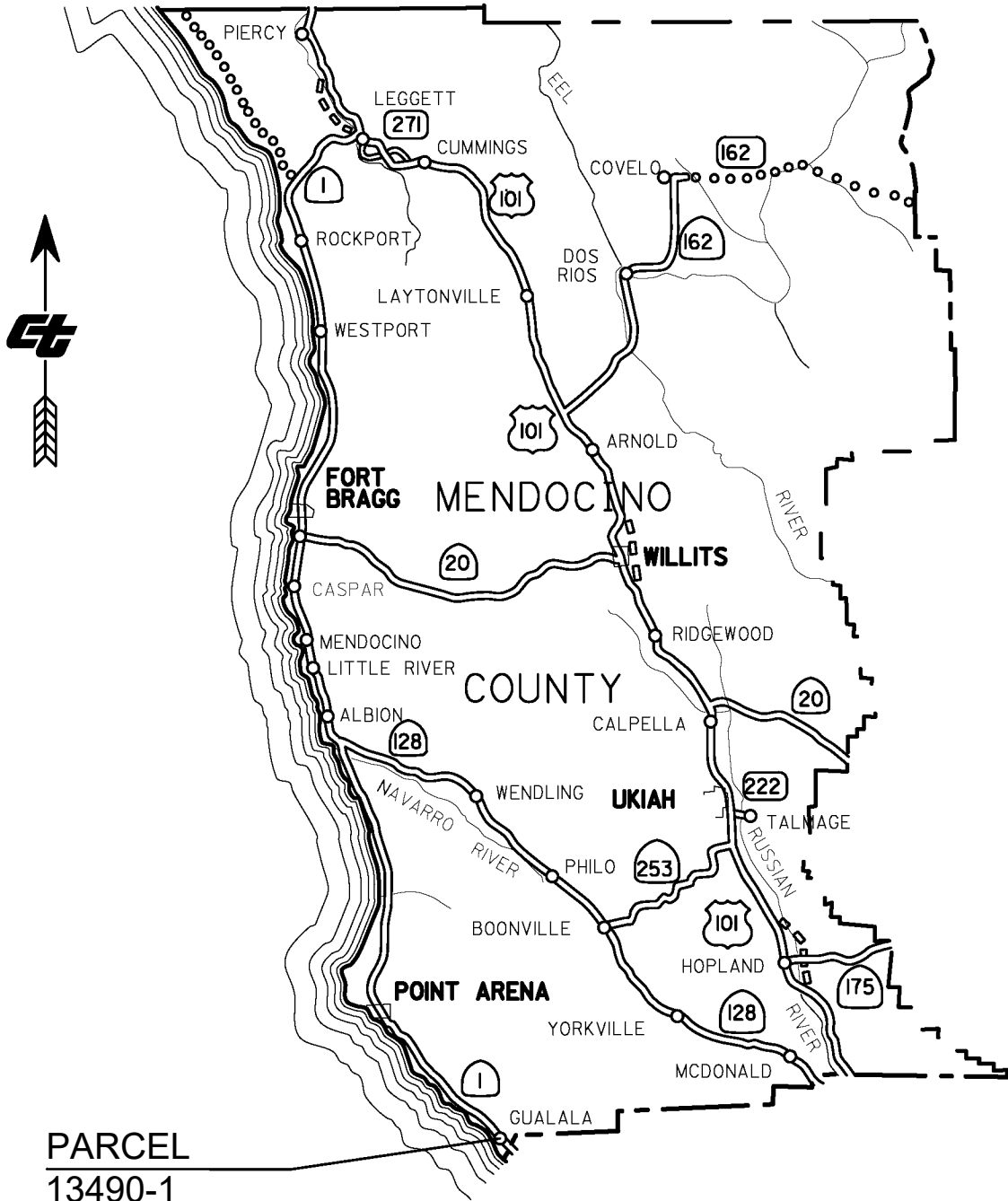


Parcel 13490-1
TCE – 1,309 sq. ft.
(1.46% of Total Parcel Size)

Bower Parcel 13490
Total 89,734 sq. ft.

ROUTE 1 (SR1)

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.



PARCEL
13490-1

NOT TO SCALE

STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
RESOLUTION OF NECESSITY**




EXHIBIT A

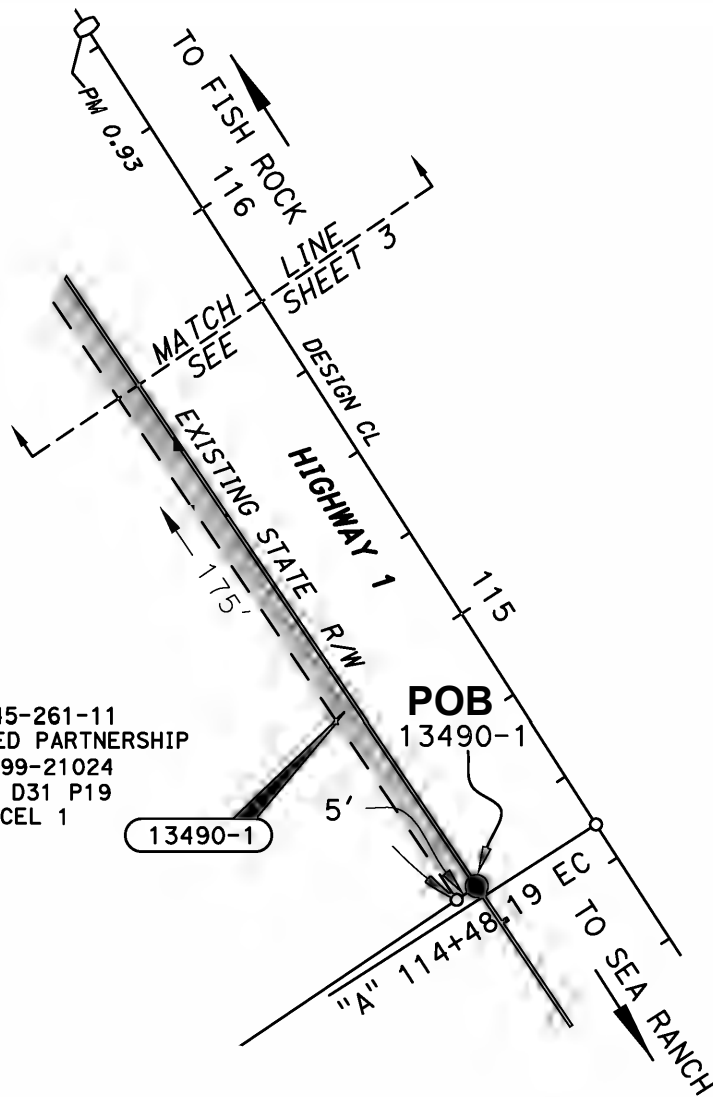
DISTRICT	COUNTY	ROUTE	EA	SHEET NO.	TOTAL SHEETS
1	MEN	01	01-0N180	1	3

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COUNTY OF MENDOCINO
SECTION 27,
T 11 N, R 15 W, M.D.B.M
GUALALA

LEGEND

-  = REQUIRED TEMPORARY CONSTRUCTION EASEMENT
-  = FOUND 1" IRON PIPE WITH PLASTIC PLUG STAMPED, "LS 3089" MC2, D31, P19 M.C.R
-  = CALCULATED POINT, NOTHING SET
- POB = POINT OF BEGINNING
- R/W = RIGHT OF WAY



APN 145-261-11
BOWER LIMITED PARTNERSHIP
DOC. 1999-21024
PM MC2 D31 P19
PARCEL 1

13490-1

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

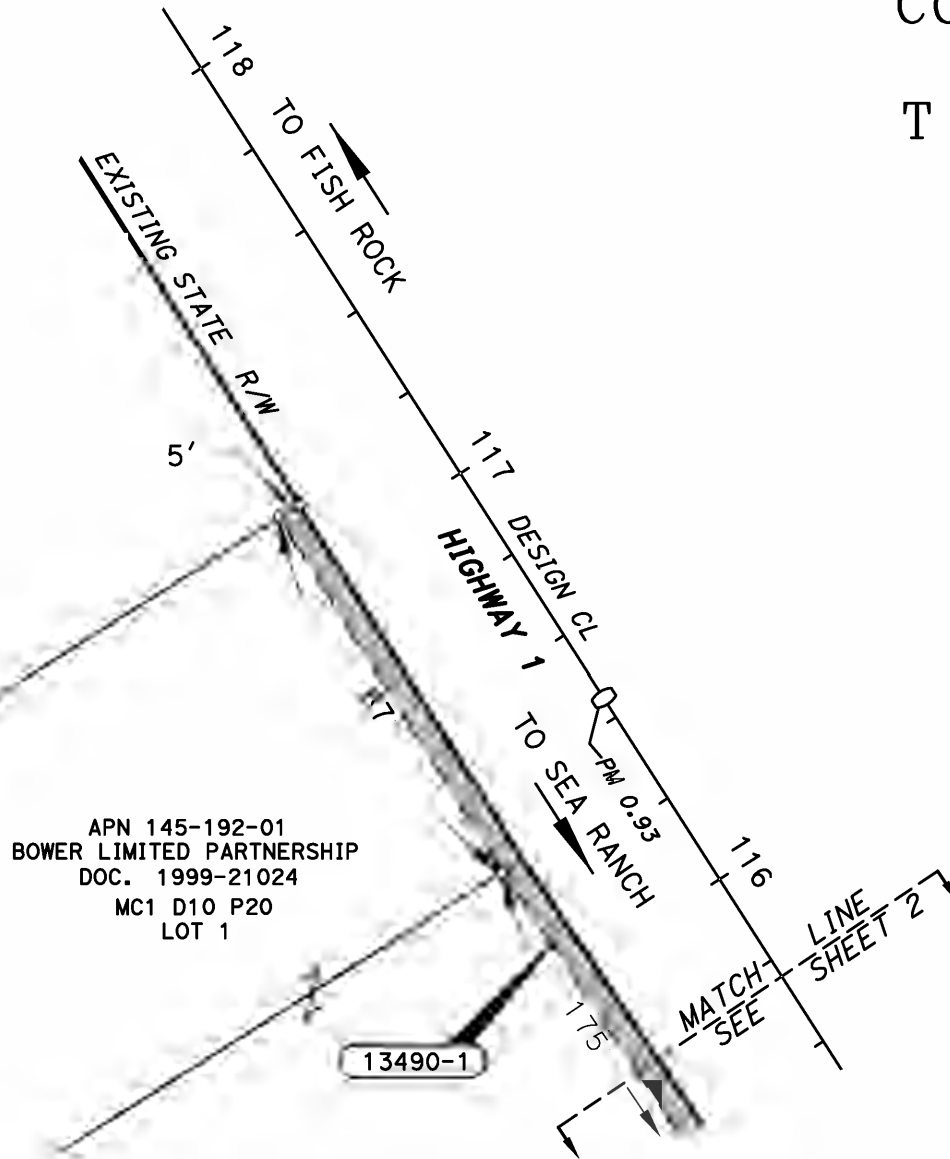
SCALE: 1" = 40'





EA	DRAFTED BY	DATE	DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
1	J. SHORT	10/24/2025	1	MEN	1	0.93	2	3

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.

COUNTY OF MENDOCINO
SECTION 27,
T 11 N, R 15 W, M.D.B.M
GUALALA



LEGEND

-  = REQUIRED TEMPORARY CONSTRUCTION EASEMENT
-  = CALCULATED POINT, NOTHING SET
- POB = POINT OF BEGINNING
- R/W = RIGHT OF WAY

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

SCALE: 1" = 40'



EA	DRAFTED BY	DATE	DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
13490-1	J. SHORT	10/24/2025	1	MEN	1	0.93	3	3

Exhibit E2

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

3 **C-22595**

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 01-Men-01-PM 0.93 PARCEL 13490-1
9 OWNER: THE BOWER LIMITED PARTNERSHIP, A NEVADA LIMITED 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
16 for a compatible use; The public interest and necessity require the proposed public project,
17 namely a State 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;

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

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

APPROVED AS TO FORM AND PROCEDURE

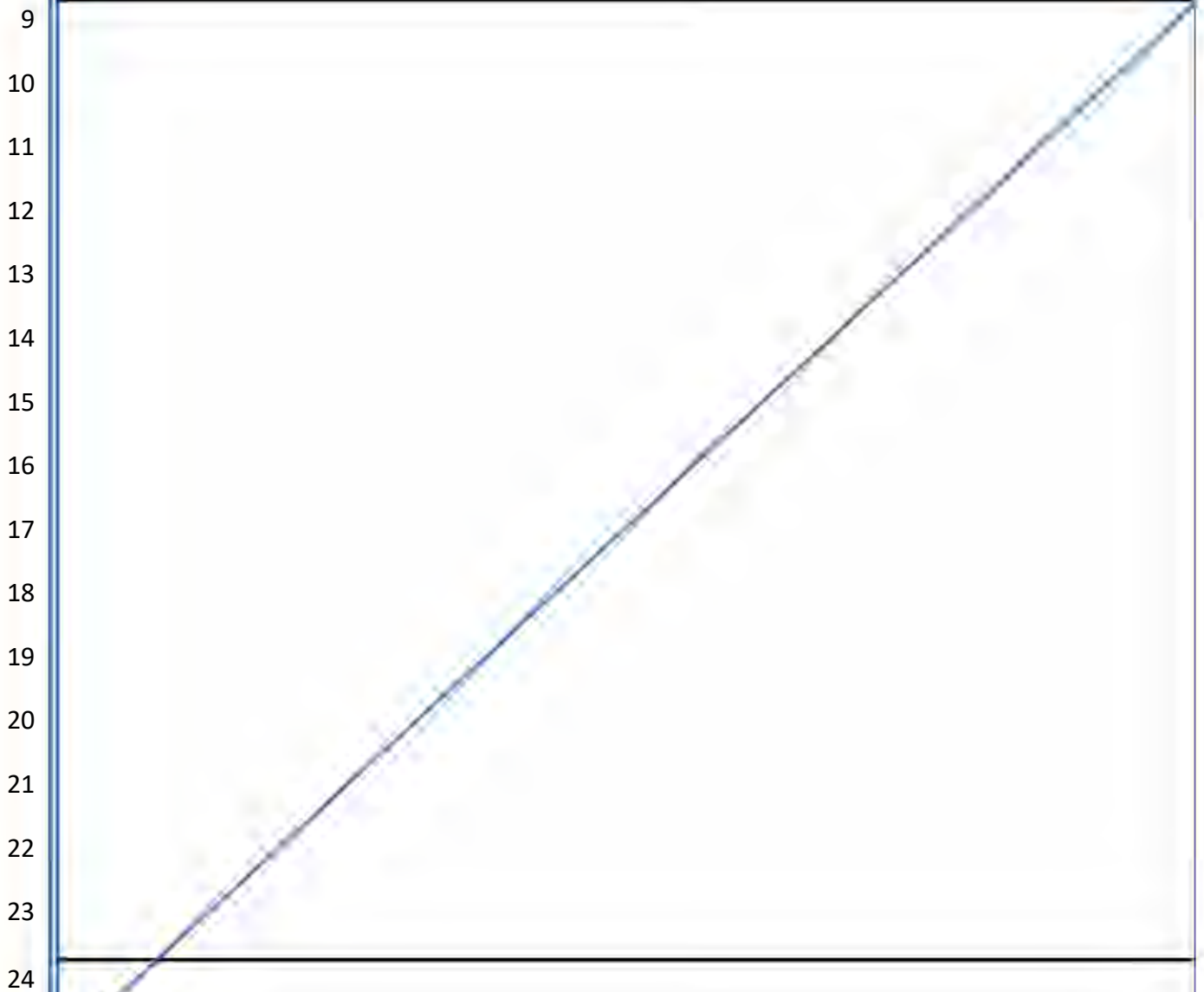
APPROVAL RECOMMENDED

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
8 Mendocino, State of California, Highway 01-Men-01 and described as follows:



Parcel 13490-1 Temporary Construction Easement:

For State highway purposes, a temporary easement for construction purposes over, upon, and across that portion of the real property conveyed by the document recorded November 03, 1999, as Document No. 1999-21024 of Official Records, Mendocino County Records (M.C.R.), within Section 27, Township 11 North, Range 15 West, Mount Diablo Base and Meridian (M.D.B.M.) which lies northeasterly of the following described line:

BEGINNING at a found 1 inch iron pipe with plastic plug stamped "LS 3089"; shown as being found on the westerly line of State Highway 1 on that Record of Survey filed in Map Case 2, Drawer 31, Page 19, M.C.R.;

- 1) Thence, leaving said westerly line S. 55° 57' 10" W., 5 feet along the southeasterly line of the lands of Bower Limited Partnership described in the aforementioned deed;
- 2) Thence, leaving said southeasterly line, N. 34° 04' 00" W., 175 feet;
- 3) Thence, N. 32° 19' 04" W., 87 feet to the northwesterly line of the lands of Bower Limited Partnership described in the aforementioned deed;
- 4) Thence, along the said northwesterly line N. 57° 40' 53" E., 5 feet to the said westerly line of State Highway 1;

Portion of APN 145-192-01, 145-261-11

Attachment F

MANNON, KING, JOHNSON & WIPF, LLP
ATTORNEYS AT LAW

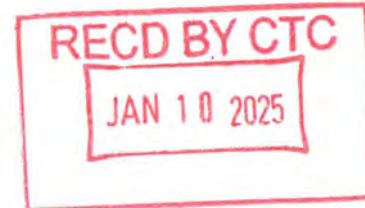
CHARLES B. MANNON RET.
JAMES F. KING
STEPHEN F. JOHNSON
MICHAELYN P. WIPF
ALLISON M. MACHI

SAVINGS BANK BUILDING, SUITE 304
200 NORTH SCHOOL STREET
P.O. BOX 419
UKIAH, CALIFORNIA 95482

TELEPHONE: 707-468-9151
FACSIMILE: 707-468-0284
steve@mkjilex.com

January 8, 2025

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



Re: Notice Of Intent To Adopt Resolution of Necessity For Widening of Highway 1 in
Gualala, California
EA 0A1809
Project #012300158
Parcel 13489-1,2; 13490-1
Bower Limited Partnership, A Nevada Limited Partnership

EA 0C7209
Project #0113000032
Parcel 13487-1, 2, 3; 13488-1,2
Bower Limited Partnership, A Nevada Limited Partnership

*Forwarded to
Right of Way
1/10/25

Copied to
Tim Sobelmann*

Dear Executive Director:

I am writing to you in response to four letters dated December 26, 2024, that Tadj A. Ratajczak, Assistant Chief of North Region Right of Way Eureka/Redding, sent to my client, Bower Limited Partnership, informing it that the California Transportation Commission (Commission) intends to condemn a portion of its properties pursuant to the Code of Civil Procedure Section 1240.030.

Bower Limited Partnership (Bower) wishes to appear before the Commission to object to the proposed resolution of necessity and to raise questions concerning the project and the conditions referenced in Code of Civil Procedure Section 1240.030. We respectfully request that this objection become part of the record, and that my client be provided with an opportunity address the Commission at the hearing.

The project as it relates to the “Bower Parcels,” fails to describe or specify why the taking of so much of the Bower Parcels is necessary for the widening of Highway 1 in Gualala, California (the Project).

Bower, its agents, and myself, have been communicating with Kevin Waxman and Colleen Shanahan regarding various issues involving the Project. The discussions have been informative, however there are still certain aspects of the Project that remain unclear and unaddressed. The failure to reference specific details regarding the Project prevents Bower from properly evaluating whether the condemnation of the Bower Parcels is necessary for the construction and maintenance of the Project.

The State of California does not presently own the shoulder of the road which is used for on-street parking by Bower and its customers. Caltrans has failed to adequately evaluate the consequences of taking such on-street parking, and it has failed to adequately mitigate the consequences of the taking, as they relate to Bower, other individual property owners, and the community of Gualala. Caltrans’s taking of so much of the existing on-street parking for this Project will have serious economic consequences that will have an absolutely devastating effect on Bower and the small local business community, and these consequences need to be properly evaluated and mitigated in the Project.

The Project is unclear as it relates to the necessity of taking the Bower Parcels as required by Code of Civil Procedure § 1240.030, as referenced in Code of Civil Procedure § 1250.310(d)(2). The Project documentation fails to state with specificity the nature of the Project, and it otherwise fails to specify the use to be made by Caltrans on the Bower Parcels. The failure to reference specific details prevents Bower and the Commission from evaluating whether the condemnation of all, or a portion, of the Bower Parcels is necessary.

Caltrans has failed to establish that “public interest and necessity require the project,” as required by Code of Civil Procedure § 1240.030(a). The documentation fails to state with specificity the nature of the Project, and it otherwise fails to specify the use to be made by Caltrans on the Bower Parcels. The failure to reference specific details prevents Bower and the Commission from evaluating whether the condemnation of the Bower Parcels is in the public interest, and whether necessity requires the taking of so much of the Bower Parcels, specifically including, but not limited to, the taking of so many on-street parking spaces, for the Project.

The Project documentation fails to establish that “the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury,” as required by Code of Civil Procedure § 1240.030(b). The documentation fails to

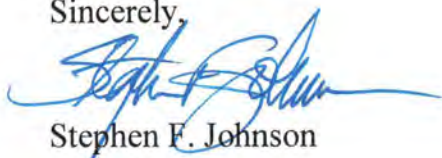
state with any specificity the nature of the Project, and it otherwise fails to specify the use to be made by Caltrans on the Bower Parcels. The failure to reference specific details prevents Bower and the Commission from evaluating whether the condemnation of the Bower Parcels is planned or located in the manner that will be most compatible with the greatest good and the least private injury.

Additionally, the taking of so much of the existing on-street parking will have serious economic consequences that will have an absolutely devastating effect on Bower and the small local business community, and the 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 consequences of taking so much of the Bower Parcels, specifically including, but not limited to, the taking of so many on-street parking spaces, needs to be properly evaluated and mitigated in the Project.

The Project documentation fails to establish that “property sought to be acquired is necessary for the project,” as required by Code of Civil Procedure § 1240.030(c). The Project documentation fails to state with specificity the nature of the Project, and it otherwise fails to specify the use to be made by the Caltrans on the Bower Parcels. The failure to reference specific details prevents Bower and the Commission from evaluating whether the condemnation of the Bower Parcels, or only a portion of the Bower Parcels, is necessary for the Project. The taking of so much of the Bower Parcels, specifically including, but not limited to, the taking of so many on-street parking spaces, is not necessary for the Project.

Thank you for your assistance with the matter, and we look forward to addressing the Commission at the hearing.

Sincerely,



Stephen F. Johnson

cc: Client
Kevin Waxman, Caltrans Right of Way Agent (Via Email)
Colleen Shanahan, Caltrans Associate Right of Way Agent (Via Email)