

## **MEMORANDUM**

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

**CTC Meeting:** January 29-30, 2026

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

**Reference Number:** 2.4a.(2), Action Item

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

**Subject:** **RESOLUTION OF NECESSITY - APPEARANCE**

### **ISSUE:**

Should the California Transportation Commission (Commission) adopt Resolution of Necessity (Resolution) C-22612, for the parcel whose Owner is 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 Owner is contesting the Resolution and has requested an appearance before the Commission. The primary concerns and objections expressed by the property Owner is that the public interest and necessity do not require the proposed project, the proposed project is not planned or located in the manner that will be most compatible with the greatest public good and the least private injury, the property sought to be acquired is not necessary for the project, and that a valid offer to acquire the property in accordance with Government Code Section 7267.2 has not been made. The property Owner's objections and the Department's responses are contained in the Parcel Panel Report (Attachments B).

**RECOMMENDATION:**

The Department recommends that the Commission adopt Resolution C-22612 summarized on the following pages. This Resolution is for a transportation project on State Route (SR) 74 in District 12, in Orange County.

**BACKGROUND:**

Discussions have taken place with the Owner, who has been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which they may subsequently be entitled. Adoption of this Resolution will not interrupt the Department's efforts to secure an equitable settlement. In accordance with statutory requirements, the Owner has been advised that the Department is requesting the Resolution at the Commission's January 29-30, 2026 meeting. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

Discussions have been ongoing between the property Owner and 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 January 29-30, 2026 Commission meeting. Legal possession will allow the construction activities on the parcel to commence, thereby avoiding and/or mitigating considerable right of way delay costs that will accrue if efforts to initiate the condemnation process are not taken immediately to secure legal possession of the subject property.

**C-22612 - Robert Jon Prun as Trustee of the Robert Jon Prun Separate Property Trust established December 15, 2015**

12-Ora-74-Postmile (PM) 1.5 - Parcel 104312-1 - Expenditure Authorization (EA) 086929.  
Right of Way Certification (RWC) Date: 04/21/26; Ready to List (RTL) Date: 04/30/26.  
Conventional highway - Widen from two lanes to four lanes. Authorizes condemnation of a temporary easement for construction purposes. Located in the city of San Juan Capistrano at 28331 Via Anzar. Assessor's Parcel Number (APN) 664-051-04.

Attachments and Exhibits:

Attachment A - Project Information

Exhibit A - Project Maps

Attachment B - Parcel Panel Report

Exhibit B - Parcel Maps

Exhibit C - Resolution of Necessity C-22612

Attachment C - Property Owner's letters to the Commission dated August 13, 2025

# Attachment A

## PROJECT INFORMATION

### PROJECT DATA

12-Ora-74-PM 1.0/2.1  
Project ID: 1210000051 (EA 086929)

Location: In the city of San Juan Capistrano on Ortega Highway (SR 74)  
1.10 miles, from 0.01 miles west of Calle Entradero to 0.12 miles  
west of San Juan Creek Bridge

Limits: On SR 74 from Calle Entradero (PM 1.0) to Reata Road (PM 2.1)

Cost: Construction cost estimate: \$50,100,000 (Capital)  
Right of way cost estimate: \$10,500,000 (Capital)

Funding Source: State Transportation Improvement Program (STIP), Surface  
Transportation Surface Block Grant (STBG), Community Project  
Funding (CPF), Measure M2 Grant Funds (City of San Juan  
Capistrano), Local Gas Tax Funds (County of Orange) and State  
Highway Operation and Protection Program (SHOPP) Minor  
Funds

Number of Lanes: Existing: SR 74 - Two lane conventional highway  
Proposed: SR 74 - Four lane conventional highway

Proposed Major Features: Signalized intersection at Via Cordova/Hunt Club Drive and SR 74.  
Retaining Walls, Sound Walls, and Class II Bike Lanes

Traffic: Existing (year 2018): 39,880 Annual Average Daily Traffic (AADT)  
Proposed (year 2045): 55,140 AADT

## **NEED FOR THE PROJECT**

The Department developed a Project Report (PR) dated November 30, 2009, and a supplemental PR dated May 8, 2020, for the project which is proposing improvements to a segment of SR 74 (Ortega Highway) in the city of San Juan Capistrano (City) to relieve traffic congestion, improve safety, and support long-term regional mobility. This portion of Ortega Highway currently narrows from four lanes to two, creating a traffic bottleneck that causes delays and affects emergency response and commuter reliability.

To address these issues, the project will widen the highway, upgrade intersections, and improve pedestrian and bicycle access. The reconstruction of infrastructure such as retaining walls, sidewalks, and sound walls is also included to meet current design and safety standards.

These improvements are necessary to ensure the safe and efficient movement of people and vehicles and are consistent with adopted transportation and land use plans. The project benefits the traveling public and the broader community by addressing current deficiencies and preparing for future growth. The project will incorporate Complete Streets features for pedestrians and bicyclists and reduce congestion within the project limits.

## **PROJECT PLANNING AND LOCATION**

A Project Study Report (PSR) was approved in 1997, and initial public engagement began in 2000. Due to public feedback, the Department prepared an Environmental Impact Report (EIR), which assessed no build, and two build alternatives. After a 45-day public review the EIR was approved in 2009 and was addended in 2010. Build alternative 2 includes widening the north side of the highway while replacing the meandering sidewalk, and has been selected as the preferred alternative. Following the California Environmental Quality Act (CEQA) Certification, both the City and the Hunt Club Community Association (Hunt Club) filed a joint lawsuit in Orange County Superior Court challenging the EIR. On July 14, 2011, the City, the Hunt Club, and the Department reached a settlement. The lawsuit shall not prevent or restrain the Department from implementing the project as described in the certified EIR, as long as: (a) the Department's implementation of the project is in all respects consistent with the 2009 certified EIR and the 2010 Addendum; (b) the project implements all of the mitigation measures described in the certified EIR; and (c) the Department complies with and implements the terms, conditions, requirements, and restrictions of the settlement. A public hearing was then held in 2019, during which the public provided comments on noise attenuation, sidewalks, visual impacts, and traffic signal needs. Pursuant to the settlement, an Environmental Assessment (EA) with Finding of No Significant Impact (FONSI) in compliance with National Environmental Policy Act (NEPA) was prepared in May 2020 which was circulated to the public for 45 days prior to being signed, confirming the project would not result in significant environmental impacts.

The proposed project has been carefully planned to serve the greatest public good by addressing long-standing traffic congestion on SR 74, improving roadway safety, reducing

delays, and enhancing multimodal access for pedestrians and cyclists. These improvements directly benefit local residents, regional commuters, emergency services, and the traveling public by creating a more reliable and efficient transportation corridor. To minimize project impacts on surrounding properties, the design retains the existing road alignment where feasible, incorporates retaining walls to reduce grading, while at the same time including features such as sidewalks, bike lanes, and upgraded traffic signals to enhance community connectivity and safety.

By focusing on improvements within the existing corridor and selecting design solutions that reduce property impacts, the project reflects a clear intent to promote the public good while imposing the least possible burden on adjacent landowners.

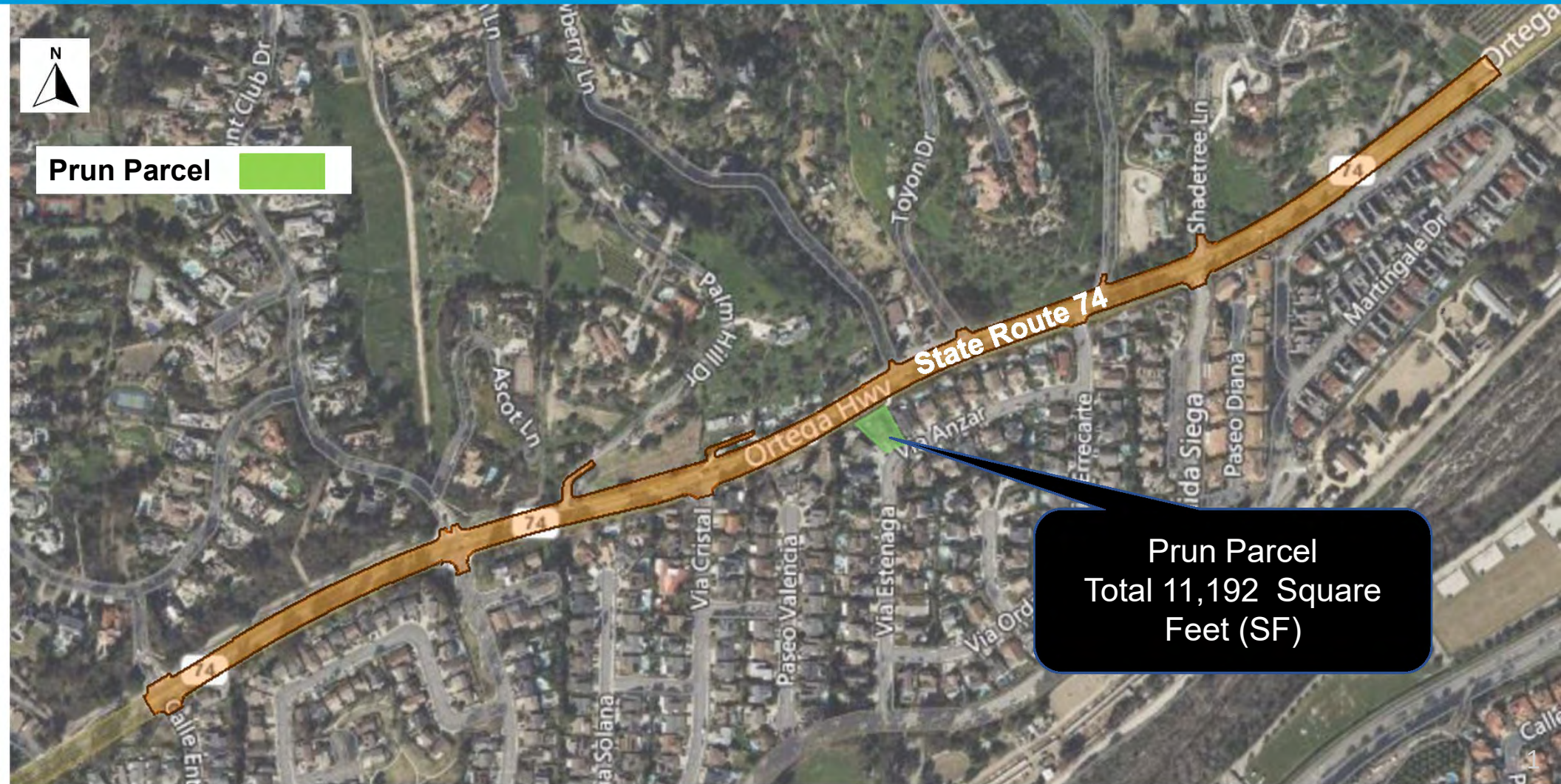
This project is currently programmed in the 2024 STIP with a fiscal year delivery 2025-26. Funding sources include STIP, STBG, CPF, Measure M2 Grant Funds, Local Funds, and SHOPP Minor Funds. The current Right of Way capital cost estimate is \$10,500,000, and the Construction cost is estimated to be \$50,100,000. RWC is scheduled for April 21, 2026, with an RTL Date of April 30, 2026. Advertisement is tentatively set for July 7, 2026.

# Exhibit A

# Project Vicinity



# Project Location



Prun Parcel  
Total 11,192 Square  
Feet (SF)

Prun Parcel



# Attachment B

## **PARCEL PANEL REPORT**

Property Owner: Robert Jon Prun as Trustee of the Robert Jon Prun Separate Trust established December 15, 2015

Parcel Location: 28331 Via Anzar, in the city of San Juan Capistrano  
APN: 664-051-04

Present Use: Single-Family Residential Development

Zoning: Single Family-7000 (RS-7000)

Area of Property: 11,192 square feet (SF)

Area Required: Parcel 104312-1: 751 SF - Temporary Construction Easement (TCE)

## **PARCEL DESCRIPTION**

The subject property is located in the city of San Juan Capistrano at 28331 Via Anzar, adjacent to SR 74. Identified as APN 664-051-04, this rectangularly shaped lot consists of 11,192 SF and is improved with a 2-story single-family residence. The property fronts Via Anzar which provides access to the site. The northwestern portion of the site (the backyard) abuts SR 74 and is improved with miscellaneous site improvements including but not limited to a cinder block wall, landscaping, vegetation, and irrigation. It should be noted that there is a swimming pool located in the backyard adjacent to the southeastern perimeter of the proposed TCE, however the pool will not be impacted by the proposed project.

## **NEED FOR THE SUBJECT PROPERTY**

The project requires 751 SF for a TCE, adjacent to the State right of way, which is necessary to allow the contractor a sufficient work area and access to construct a soundwall. The proposed soundwall along the south side of SR 74 is located within the State right of way and is a critical component of the project, as well as a required condition of the Settlement Agreement between the Department, the Hunt Club, and the City. The TCE will facilitate the removal and reconstruction of the existing soundwall to current design and safety standards, in the same location within the State right of way. The proposed project improvements cannot be constructed without acquiring a portion of the Owner's property.

## **RESOLUTION OF NECESSITY REVIEW PANEL REPORT**

The Condemnation Review Panel (Panel) conducted an online Webex meeting on October 30, 2025. The Panel members included Jean-Marie Hunter, Panel Chair, Department Headquarters (HQ's) Division of Right of Way and Land Surveys; Scott Fridell, Department's San Diego Legal Division; Sunil Gandrathi, Department HQ's Division of Design; and Mark Zgombic, Department HQ's Division of Right of Way and Land Surveys, Secretary to the Panel. Prior to this meeting, one phone call, two emails, and two separate notices- one certified mail and one first class mail- were sent to the Owner. Despite providing advance written notice and multiple attempts to contact the Owner, the Owner did not attend this meeting.

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.**

The Department developed a PR dated November 30, 2009, and a supplemental PR dated May 8, 2020, for the project which proposes improvements to a segment of SR 74 (Ortega Highway) in the City to relieve traffic congestion, improve safety, and support long-term regional mobility. This portion of Ortega Highway currently narrows from four lanes to two, creating a traffic bottleneck that causes delays and affects emergency response and commuter reliability.

To address these issues, the project will widen the highway, upgrade intersections, and improve pedestrian and bicycle access. The reconstruction of infrastructure such as retaining walls, sidewalks, and sound walls is also included to meet current and minimum design and safety standards, where feasible.

These improvements are necessary to ensure the safe and efficient movement of people and vehicles and are consistent with adopted transportation and land use plans. The project benefits the traveling public and the broader community by addressing current deficiencies and preparing for future growth. The project will incorporate Complete Streets features for pedestrians and bicyclists and reduce congestion within the project limits.

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

A PSR was approved in 1997, and initial public engagement began in 2000. Due to public feedback, the Department prepared an EIR, which assessed no build, and two build alternatives. After a 45-day public review the EIR was approved in 2009 and was addended in 2010. Build alternative 2 includes widening the north side of the highway while replacing the meandering sidewalk, and has been selected as the preferred alternative. Following the CEQA Certification, both the City and the Hunt Club filed a joint lawsuit in Orange County Superior Court challenging the EIR. On July 14, 2011, the City, the Hunt Club, and the Department reached a settlement. The lawsuit shall not prevent or restrain the Department from implementing the project as

described in the certified EIR, as long as: (a) the Department's implementation of the project is in all respects consistent with the 2009 certified EIR and the 2010 Addendum; (b) the project implements all of the mitigation measures described in the certified EIR; and (c) the Department complies with and implements the terms, conditions, requirements, and restrictions of the settlement. A public hearing was then held in 2019, which the public provided comments on noise attenuation, sidewalks, visual impacts, and traffic signal needs. Pursuant to the settlement, an EA/FONSI in compliance with NEPA was prepared in May 2020 which was circulated to the public for 45 days prior to being signed, confirming the project would not result in significant environmental impacts.

The proposed project has been carefully planned to serve the greatest public good by addressing long-standing traffic congestion on SR 74, improving roadway safety, reducing delays, and enhancing multimodal access for pedestrians and cyclists. These improvements directly benefit local residents, regional commuters, emergency services, and the traveling public by creating a more reliable and efficient transportation corridor. To minimize project impacts on surrounding properties, the design retains the existing road alignment where feasible, incorporates retaining walls to reduce grading, while at the same time including features such as sidewalks, 5-foot bike lanes where feasible, and upgraded traffic signals to enhance community connectivity and safety.

By focusing on improvements within the existing corridor and selecting design solutions that reduce property impacts, the project reflects a clear intent to promote the public good while imposing the least possible burden on adjacent landowners.

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

The subject property is located in the city of San Juan Capistrano at 28331 Via Anzar, adjacent to SR 74. The property consists of 11,192 square feet and is improved with a 2-story single-family residence. The project requires a 751 square foot, 5-foot wide, TCE adjacent to the State right of way which is necessary to allow the contractor a sufficient work area and access to construct a soundwall. The width of the TCE is the bare minimum required to provide the contractor with sufficient room to perform the work. The proposed soundwall along the south side of SR 74 is located within the State right of way and is a critical component of the project, as well as a required condition of the Settlement Agreement between the Department, the Hunt Club, and the City. The TCE will facilitate the removal and reconstruction of the existing soundwall to current design and safety standards, in the same location within the State right of way. The proposed project improvements cannot be constructed without acquiring a portion of the Owner's property.

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

A staff appraisal that established just compensation was approved by District 12 Right of Way management on December 31, 2024. On January 22, 2025, the First Written Offer of just compensation was personally delivered to the Owner.

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

**Owner Contends:**

The public interest and necessity do not require the project.

**Department's Response:**

The need for the proposed project is to remove an existing bottleneck by closing a gap on a segment of SR 74 Ortega Highway (PM 1.0 to 2.1) by widening from 2 to 4 lanes between sections of the highway that have previously been improved to 4 lanes. The project is also needed to address existing and future transportation demands, and to improve safety along SR 74 by improving the traffic flow.

**Owner Contends:**

The project has not been planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

**Department's Response:**

The proposed project has been carefully planned to serve the greatest public good by addressing long-standing traffic congestion on SR 74, improving roadway safety, reducing delays, and enhancing multimodal access for pedestrians and cyclists. These improvements directly benefit local residents, regional commuters, emergency services, and the traveling public by creating a more reliable and efficient transportation corridor. To minimize project impacts on surrounding properties, the majority of the roadway widening on this project occurs on the north side of SR 74, resulting in fewer private property impacts. The existing road alignment is also retained where feasible, incorporates retaining walls to reduce grading, while at the same time including features such as sidewalks, 5-foot bike lanes where feasible, and upgraded traffic signals to enhance community connectivity and safety.

**Owner Contends:**

The portion of the subject property sought to be acquired is not necessary for the project.

**Department's Response:**

The proposed soundwall along the south side of SR 74 is a critical project component as it will address the community need with their concerns about noise and the TCE is necessary to provide access for construction activities including removal of the existing property wall and construction of the soundwall within the State's right of way. The TCE was designed to the minimum width of 5 feet and will include a temporary chain link fence on the southern limit line to minimize impacts on the subject property during construction. It should also be noted that upon completion of the project, the TCE area will be restored by the highway contractor once construction is completed. The soundwall cannot be constructed without acquiring this TCE.

**Owner Contends:**

This project will cause traffic to be worse as it will add another stop sign that will eventually be a streetlight.

**Department's Response:**

The proposed project will remove the existing bottleneck by widening this segment of SR 74 from 2 to 4 lanes and therefore improve traffic flow. The project will not add any new stop signs within the project limits. However, a new street light and traffic signal will be installed at Hunt Club Drive/Via Cordova and SR 74 to improve intersection safety and traffic flow.

**Owner Contends:**

There is land that can be used on the north side of SR 74 that won't impact a housing community.

**Department's Response:**

The project does not propose any widening on the south side of SR 74 at this location and the only widening occurring is on the north side of SR 74 to limit the impacts on the housing community. Additionally, the land on the north side of SR 74 is not a requirement for the purpose of constructing the soundwall on the south of SR 74. The subject property is on the south side of SR 74 and the only requirement needed is a TCE for the construction of a soundwall.

**Owner Contends:**

The project will cause higher road noise due to more lanes, increased traffic and stops, all of which will increase the decibel level.

**Department's Response:**

A noise study report confirmed a need for soundwalls to alleviate/mitigate noise levels for residents in this area.

**Owner Contends:**

The project will cause more air pollution due to increased traffic and increased braking which will release hazardous particles into the air.

**Department's Response:**

Air quality impacts have been evaluated in accordance with federal and state regulations and determined that the project is not a project of air quality concern, nor will it produce substantial operational air quality impacts. The proposed project will improve traffic flow and therefore reduce traffic emissions.

**Owner Contends:**

The project will change the historical look that has been here for decades.

**Department's Response:**

An Aesthetics Committee, which includes representatives from the City and the community, has been established to provide guidance to preserve the historical look as much as possible. The Committee's input will be incorporated into the design plans for the proposed project.

**Owner Contends:**

An increase in cars will mean an increase in accidents.

**Department's Response:**

The project is designed to improve traffic operations and safety by eliminating the merge points, adding shoulders to help reduce collisions, and enhanced connectivity for cyclists and pedestrians.

**Owner Contends:**

This is an inefficient use of public funds that could be better allocated elsewhere.

**Department's Response:**

The project's funding plan was developed in cooperation with the following local partner agencies: Orange County Transportation Authority (OCTA), City of San Juan Capistrano, and County of Orange Public Works (OCPW). The purpose and need of the project are recognized by both state and local agencies. The project is identified in STIP, OCTA's Regional Capacity Program, and OCPW's 7-Year Capital Improvement Program. The project is efficiently leveraging several fund sources including developer funds and grant funding.

**Owner Contends:**

The project lacks adequate community engagement during the planning stages. This needs greater transparency and participation from community stakeholders to ensure that diverse viewpoints are considered.

**Department's Response:**

A PSR was approved in 1997, and initial public engagement began in 2000. Due to public feedback, the Department prepared an EIR, which assessed no build, and two build alternatives. After a 45-day public review, the EIR was approved in 2009 and was amended in 2010. Build alternative 2, which includes widening the north side of the highway while replacing the meandering sidewalk, was then selected as the preferred alternative.

Following the CEQA Certification, both the City and the Hunt Club filed a joint lawsuit in Orange County Superior Court. On July 14, 2011, the City, the Hunt Club, and the Department reached a settlement. A public hearing was then held in 2019, during which the public provided comments on noise attenuation, sidewalks, visual impacts, and traffic signal needs. An EAFONSI was prepared in May 2020 which was circulated to the public for 45 days prior to being signed, confirming the project would not result in significant environmental impacts.

**Owner Contends:**

The project will decrease my property value along with every resident that this project involves.

**Department's Response:**

The Department is not aware of any evidence or market data that supports a decrease in property values due to the project.

**Owner Contends:**

The project is only so more homes can be developed in Rancho Mission Viejo. Why is the Hunt Club's Homeowners Association involved in the project, yet individual homeowners are not?

**Department's Response:**

The project is not so more homes can be developed in Rancho Mission Viejo. The purpose of the project is to accomplish several objectives, including improving the safety of pedestrians and bicyclists which enhances multimodal travel options for the corridor. It also addresses the need to make the project location consistent with local planning documents and newly constructed roadway and safety improvements on SR 74.

The Hunt Club's involvement is the result of a lawsuit filed by the Hunt Club against the Department in 2009 and a subsequent settlement agreement that was executed in 2011. The Hunt Club, including the community, were afforded an opportunity to provide public input and comments during the environmental phase of the project.

**Owner Contends:**

Fair compensation hasn't been discussed yet the project is in motion.

**Department's Response:**

The Department has complied with Government Code 7267.2 by having a fair market appraisal prepared which determines the just compensation, and has made an offer to the Owner of record to acquire the property in the full amount of that appraisal.

**DEPARTMENT CONTACTS**

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

Type of Contact	Number of Contacts
Mailing of information	6
Emails/Texts	15/3
Telephone	20+
In Person Meetings	2

## **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.

*Ashley Wilson*

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ASHLEY WILSON  
Chief (Acting), Office of Project Delivery  
HQ Division of Right of Way and Land Surveys  
Panel Chair

I concur with the Panel's recommendation:

*Donna Berry*

Donna Berry (Jan 7, 2026 10:02:40 PST)

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DONNA BERRY  
Chief Engineer

**PERSONS ATTENDING CONDEMNATION PANEL REVIEW  
MEETING ON OCTOBER 30, 2025**

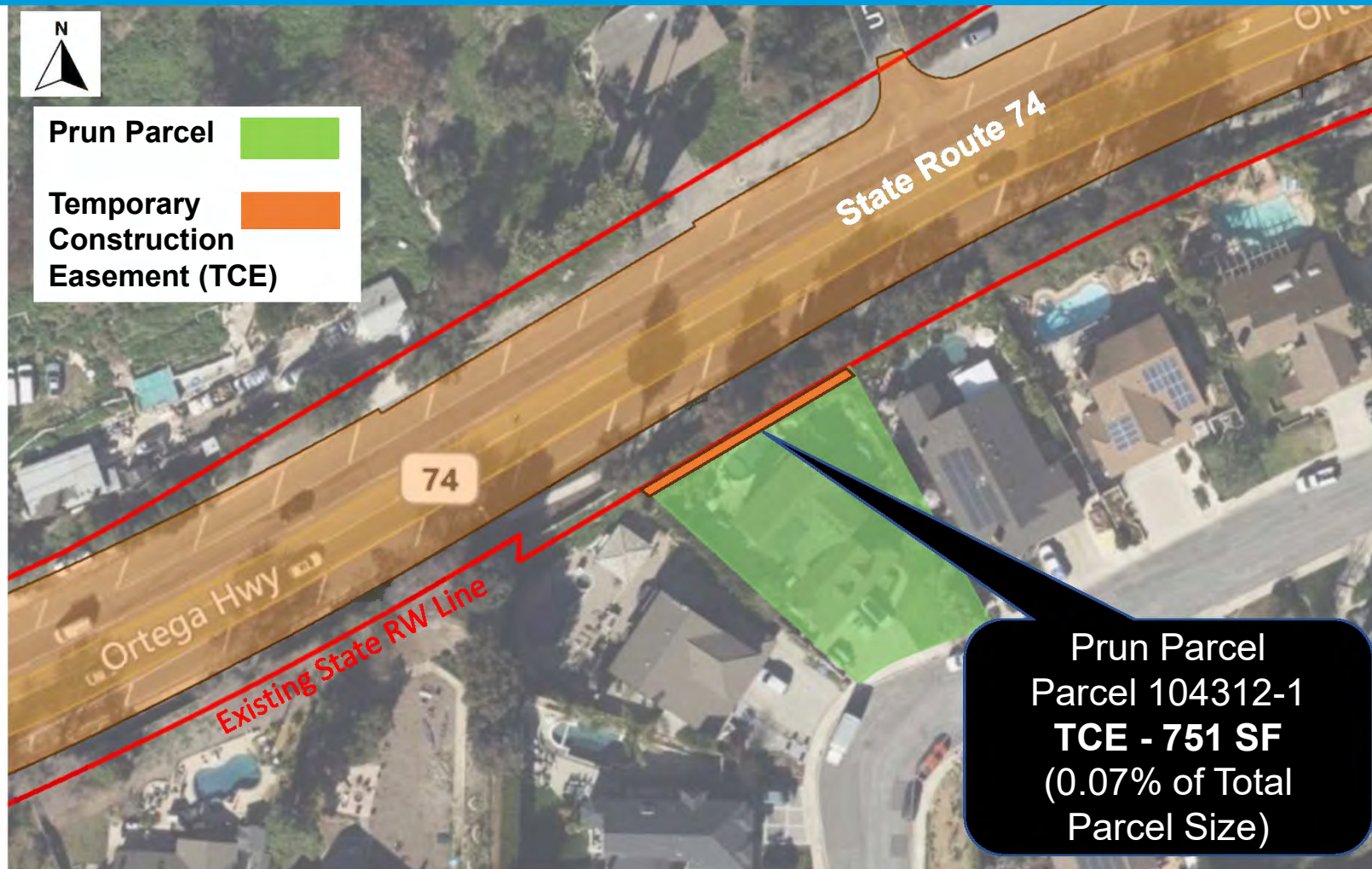
Jean-Marie Humber, HQ's Division of Right of Way and Land Surveys, Panel Chair  
Scott Fridell, San Diego Legal Division, Panel Member  
Sunil Gandrathi, HQ's Division of Design, Panel Member  
Mark Zgombic, HQ's Division of Right of Way and Land Surveys, Panel Secretary

Matthew Cugini, Deputy District Director Project Delivery, District 12  
Lisa Ramsey, Office Chief, District 12 Design  
Joey Lee, Branch Chief, District 12 Design  
Niloufar Chitgar, Project Engineer, District 12 Design  
Quan Trinh, Project Engineer, District 12 Design  
Jennifer Pham, Office Chief, Office of Right of Way and Right of Way Engineering, District 12  
Evangelina Washington, Senior Right of Way Agent, District 12 Right of Way  
Fernando Barrera, Right of Way Agent, District 12 Right of Way

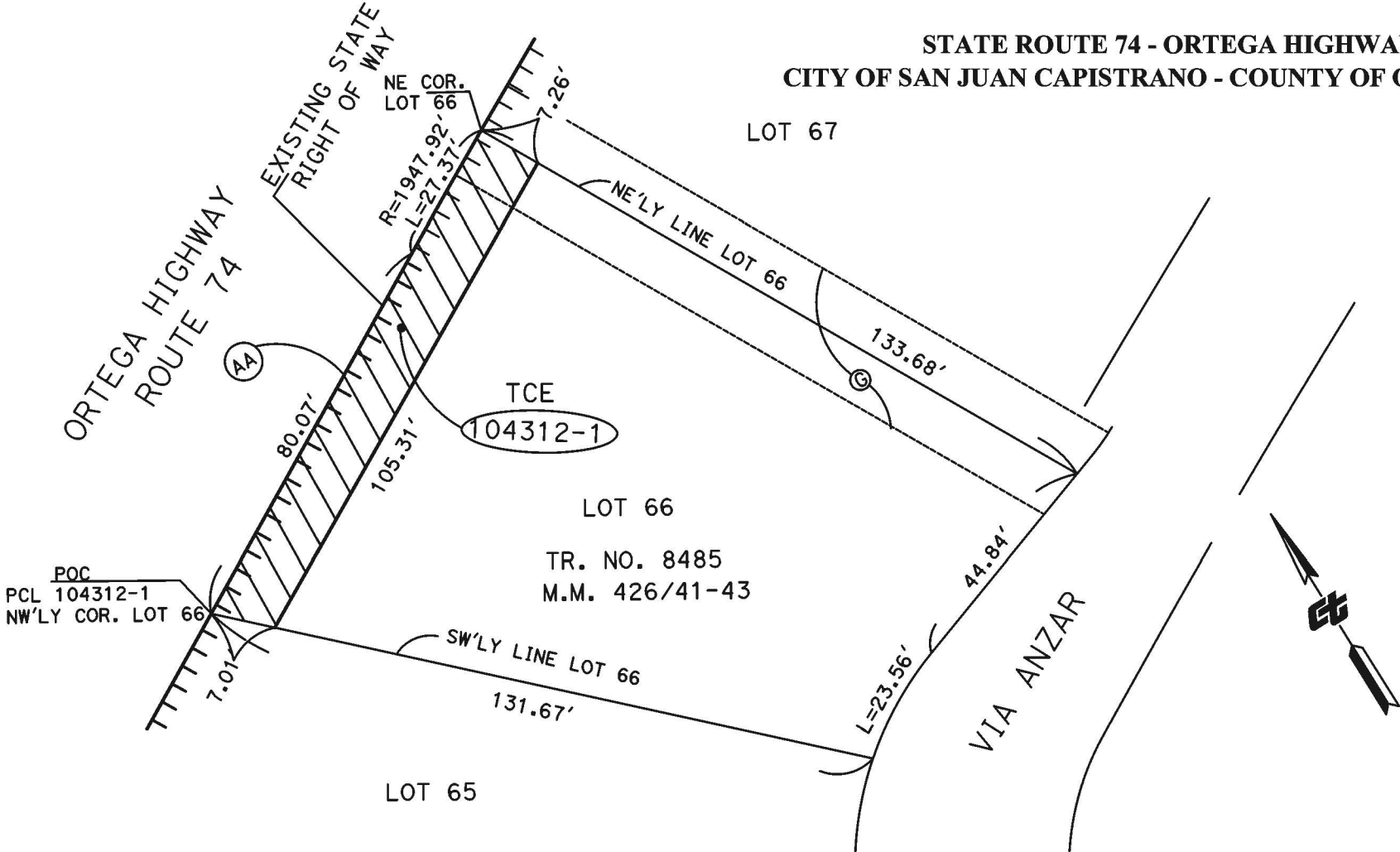
The property Owner did not attend this meeting

# Exhibit B

# Prun Parcel Acquisition



**STATE ROUTE 74 - ORTEGA HIGHWAY  
CITY OF SAN JUAN CAPISTRANO - COUNTY OF ORANGE**



POC  
PCL 104312-1  
NW'LY COR. LOT 66

TCE  
104312-1

LOT 66  
TR. NO. 8485  
M.M. 426/41-43

LOT 65

LOT 67

VIA ANZAR

- EASEMENT NOTES:**
- Ⓒ 20.00' EASEMENT TO THE CITY OF SAN JUAN CAPISTRANO FOR STORM DRAIN PURPOSES PER TR. 8485. IRREVOCABLE OFFER OF DEDICATION TO THE CITY OF SAN JUAN CAPISTRANO.
  - Ⓐ UNDEFINED WIDTH PERPETUAL EASEMENT OVER THE N'LY POR. OF LOTS 65-74 TO THE CITY OF SAN JUAN CAPISTRANO FOR LANDSCAPE MAINT. PURPOSES PER TR. 5126 & DEED REC. 3/21/79 IN BK. 13076/ 1310 O.R.

- LEGEND:**
- TCE TEMPORARY CONSTRUCTION EASEMENT
  - POC POINT FOR COMMENCEMENT
  - TTTTTT ACCESS PROHIBITED

STATE OF CALIFORNIA  
CALIFORNIA STATE TRANSPORTATION AGENCY  
DEPARTMENT OF TRANSPORTATION  
**RIGHT OF WAY  
RESOLUTION OF NECESSITY  
EXHIBIT "B"  
Parcel 104312-1**

NOT TO SCALE

DISTRICT	COUNTY	ROUTE	SHEET	PM/SHEET NO.	TOTAL SHEETS
12	ORA	74	1.5	1	1

# Exhibit C

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

3 **C-22612**

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 12-Ora-74-PM 1.5 PARCEL 104312-1  
9 OWNER: Robert Jon Prun as Trustee of the Robert Jon Prun Separate Property Trust  
10 established December 15, 2015

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

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

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

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

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

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

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

**APPROVED AS TO FORM AND PROCEDURE**

**APPROVAL RECOMMENDED**

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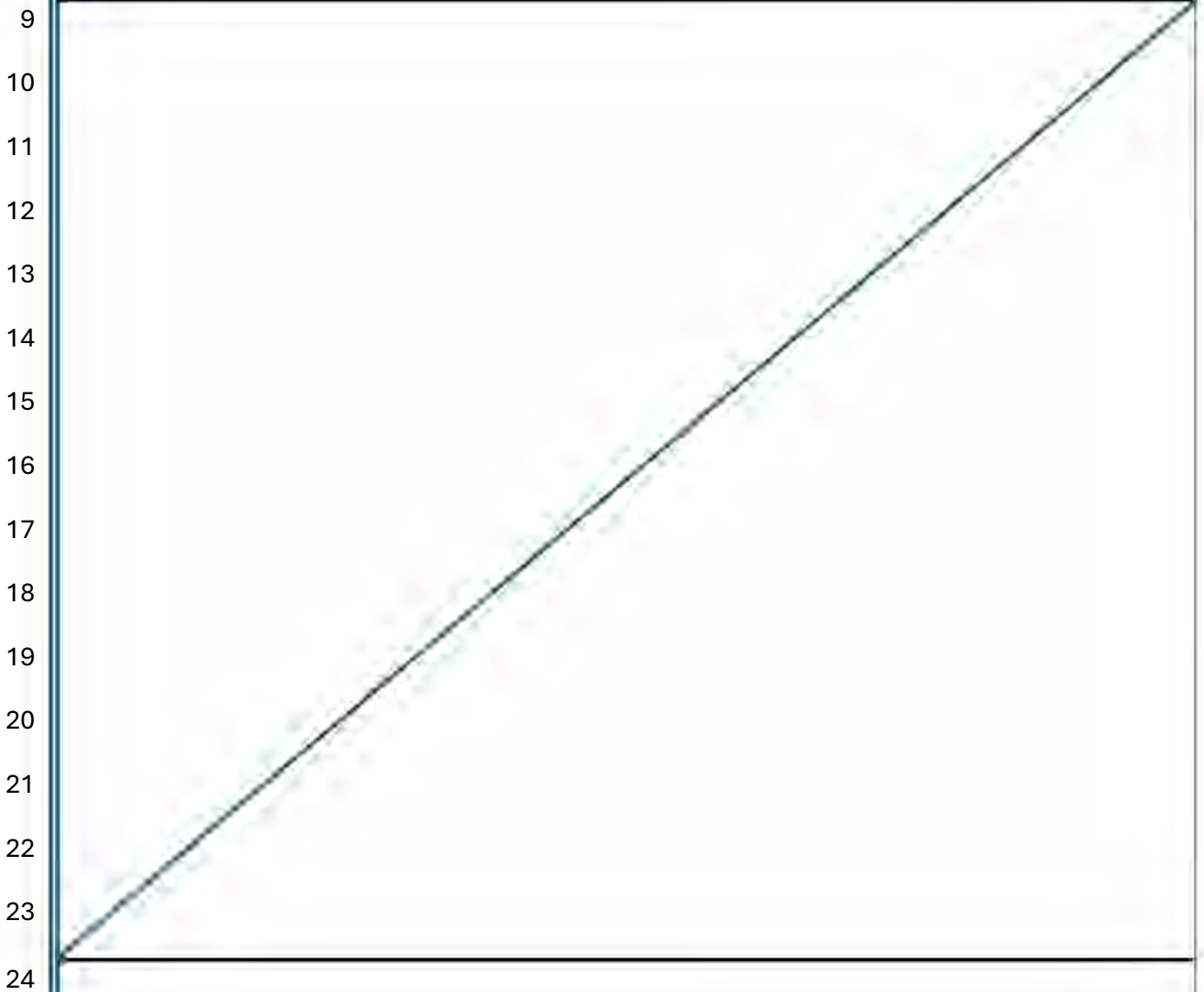
**Attorney, Department of Transportation**

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**DIVISION OF RIGHT OF WAY**

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

6 The real property or interests in real property, which the Department of  
7 Transportation is by this resolution authorized to acquire, is situated in the County of  
8 Orange, State of California, Highway 12-Ora-74 and described as follows:



**Exhibit "A"**  
**Legal Description**

**PARCEL 104312-1:** Temporary Construction easement

An easement for temporary construction purposes in, on, over, and across that portion of Lot 66 of Tract No. 8485, in the City of San Juan Capistrano, County of Orange, State of California as shown on a map recorded in Book 426, Pages 41 through 43, inclusive of Miscellaneous Maps, in the office of the County Recorder of said County described as follows:

**Beginning** at the most northwesterly corner of Lot 66 shown on said map as having a bearing of North 59°14'52" East and a length of 80.00 feet, the bearing of said course being North 59°14'58" East for the purpose of this description, thence along the northwesterly line of said Lot 66, North 59°14'58" East 80.07 feet to the beginning of a curve concave southeasterly and having a radius of 1,947.92 feet; thence northeasterly 27.37 feet along said curve and northwesterly line of said Lot 66 through a central angle of 0°48'18" to the northeast corner of said Lot 66; thence leaving said northwesterly line and along the northeasterly line of said Lot 66, South 29°56'44" East 7.26 feet; thence leaving said northeasterly line, South 59°39'20" West 105.31 feet to the southwesterly line of said Lot 66, thence along the southwesterly line of said Lot 66, North 47°30'47" West 7.01 feet to the **Point of Beginning**.

Rights to the above described temporary easement shall cease and terminate on March 6, 2030. The rights may also be terminated prior to the above date by STATE upon notice to OWNER.

Unless otherwise noted, all bearing and distances are in terms of the California Coordinate System of 1983, Zone 6, based on the North American Datum of 1983 Epoch 1991.35. All distances are grid distances, divide distances by 0.99995716 to obtain ground distances.

# Attachment C

From: robert prun <robppca81@gmail.com>

Sent: Wednesday, August 13, 2025 4:43 PM

To: Barrera, Fernando D@DOT <Fernando.Barrera@dot.ca.gov>

Subject: Request to contest and show up for meeting

I Robert Prun,

Am contesting

- (A) The public interest and necessity require the project
- (B) the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- (C) The property sought to be acquired is necessary for the project.

- This project will cause traffic to be worse as it will add another stop sign that will eventually be a street light.
- There is land that can be used across the street that won't impact a housing community.
- This will cause higher road noise as more lanes, traffic and stops increase the decible level.
- This will cause more hazardous particles in the air from increased braking.
- This will change the historical look that has been here for decades.
- Increase in cars will mean an increase in accidents.
- Many other factors that will cause harm, etc.

Robert Prun

I

Robert Jon Prou as Trustee of the Robert Jon Prou  
Separate Property Trust established December 15, 2015  
28331 Via Arden  
San Juan Capistrano, CA 92675

Object & have concerns & request appearance

A) The public interest & necessity require the project

1. Environmental concerns: as increased traffic will cause pollution which will ultimately harm public interest
2. Economic viability. inefficiency of public funds that could be better allocated elsewhere. This will not help alleviate congestion on Ortega Highway as stop signs & lights will be installed.

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

1. Public consultation: project lacks adequate community engagement during the planning stages. This needs greater transparency & participation from community stakeholders to ensure that diverse viewpoints are considered.
2. Health & safety risks: Pollutants, noise, increased traffic accidents which is a real concern. I
3. Historical Preservation: project will change the look of highway
4. Economic Disruption: This will decrease my property value along with every resident that this project involves.

- c) The property sought to be acquired is necessary for the project.
1. Lack of Necessity: A redesign of the project could make modifying my back yard not needed.
  2. Economic Viability: The project will not be beneficial which raises questions about justification of the project. Lack of evidence to show that the project will provide significant economic benefits that necessitate the acquisition.
  3. Environmental Impact: The amount of construction & gas will cause years of increased green house gas due to cars sitting in construction along with increased gases from sitting at the traffic lights.
  4. Public need vs. Private interest: This whole project is only so more homes can be developed in Rancho Mission Viejo! Why is an HOA involved in the project yet individual home owners are not?
  5. Inadequate Public Consultation: Opportunities for community engagement regarding the necessity of the project & property acquisition.
  6. Potential for Litigation: Fair compensation hasn't been disclosed yet the project is in motion. Where can you buy land in Southern California for \$5,000?! Nowhere!!
  7. Community Impact: This project will decrease my home value. This will have the same impact on all home owners w/in this project. It will solve no traffic congestion issues.