

MEMORANDUM

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: June 25-26, 2026

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.4e., Action Item

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

Subject: **RESCINDING RESOLUTION OF NECESSITY**

ISSUE:

Should the California Transportation Commission (Commission) adopt Resolution of Necessity (Resolution) CR-173, rescinding Resolution C-22598, because a condemnation lawsuit was not filed under the authority of the Adopted Resolution due to the loss of funding?

RECOMMENDATION:

The California Department of Transportation (Department) recommends the Commission adopt Resolution CR-173. In accordance with Department requirements, the Owner has been advised that the Department is requesting the rescission of Resolution C-22598 as summarized below.

BACKGROUND:

Resolution of Necessity C-22598 was adopted by the Commission on December 4, 2025, for the pavement and drainage systems rehabilitation project. The Resolution authorized condemnation of an easement for a State Highway and a Temporary Construction Easement (TCE) for a curb ramp and a temporary signal pole construction located at 3640 Lake Tahoe Boulevard in the city of South Lake Tahoe. The parcel acquisition changed after the Resolution was approved because construction funding was not allocated to this project, as part of the Statewide State Highway Operation and Protection Program rebalancing effort. Based on the above, it is requested that this Resolution be rescinded because the Department's condemnation lawsuit was not filed under the authority of the Adopted Resolution, due to the loss of funding.

CR-173-TAHOE BIJOU LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

03-Ed-50-Post Mile 79.30-Parcel 38918-1, 2- EA 0J4809

Right of Way Certification Date: 03/01/27; Ready to List Date: 03/15/27; Conventional highway – rehabilitate pavement and drainage systems, upgrade curb ramps to Americans with Disabilities Act (ADA) standards, and replace Transportation Management System (TMS) elements in South Lake Tahoe, from east of Blue Lake Avenue to the Nevada state line. Authorizes condemnation of an easement for a State highway, and a TCE for curb ramp and temporary signal pole construction. Located at 3640 Lake Tahoe Boulevard in the city of South Lake Tahoe. Assessor’s Parcel Number 027-690-019.

The public interest and necessity require the proposed project.

The existing pavement within the project area from Trout Creek Bridge to Stateline exhibits signs of distress. The pavement conditions range from fair to poor and are expected to further deteriorate in the absence of proper action. Multiple culverts are in fair or poor condition, jeopardizing the stability of the existing roadbed. Existing TMS elements and signs need to be upgraded to current standards. Various curb ramps, sidewalks and driveway aprons need repair or replacement to meet current standards.

This project preserves and extends the pavement service life and extends the life of drainage systems by rehabilitating or replacing culvert systems. This project also improves safety by addressing TMS elements, signs, ADA curb ramps and sidewalks that are not to current standards.

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 environmental document for this South Tahoe Capital Preventative Maintenance project was completed on March 22, 2024. The negative declaration included in this environmental document indicates there will be no significant adverse impact on the environment.

Only one build alternative was considered due to the limited scope of the proposed construction and the narrow space within the existing right of way. To minimize private injury, the project team prioritized designs that utilized existing public right of way, limiting acquisitions to only necessary temporary and permanent easements for sidewalks, driveway aprons and traffic signal poles. The design team recommended strategies to reduce construction impacts, including optimizing construction hours and maintaining pedestrian and vehicular access to properties during construction. These approaches preserved adjacent private properties and minimized disruption while still achieving safety and accessibility goals.

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

The Owner’s parcel is located at the south corner of the intersection of United States Highway 50 and Ski Run Boulevard in South Lake Tahoe. The total area of the subject parcel is 48,351 square feet (sf). Parcel 38918-1 is a 16 sf easement. Parcel 38918-2 is a 853 sf TCE. The acquisition of these sub-parcels will allow the construction of an ADA compliant curb ramp and temporary signal pole with signal lighting and street lighting. The temporary signal pole will replace the existing traffic signal pole during construction and will be

removed upon completion of construction. The project improvements at this location cannot be constructed 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.

A staff appraisal that established just compensation was approved by District 3 Right of Way management on August 6, 2025. On August 21, 2025, the First Written Offer (FWO) of just compensation was sent via certified mail to the Owner and a FWO was also sent by email on August 26, 2025. The email was confirmed as received on August 26, 2025. District staff mailed a Notice of Intent via certified mail and first-class mail to Owner's residential address on October 25, 2025. On December 4, 2025, Resolution C-22598 was adopted. District staff were informed on April 22, 2026 that the Commission will not take action for a Resolution on a project that does not have the construction phases programmed, resulting in the need to rescind the offer to Owner and Resolution C-22598.

Attachments

**TRANSPORTATION COMMISSION
RESOLUTION NO.**

C-22598

California
Transportation Commission

**CALIFORNIA TRANSPORTATION COMMISSION
RESOLUTION OF NECESSITY
TO ACQUIRE CERTAIN REAL PROPERTY
OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN
HIGHWAY 03-Ed-50-PM 79.30 PARCEL 38918-1,2
OWNER: TAHOE BIJOU LLC, A CALIFORNIA LIMITED LIABILITY COMPANY**

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

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

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

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

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

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

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

APPROVED AS TO FORM AND PROCEDURE

APPROVAL RECOMMENDED

Paul R. Brown

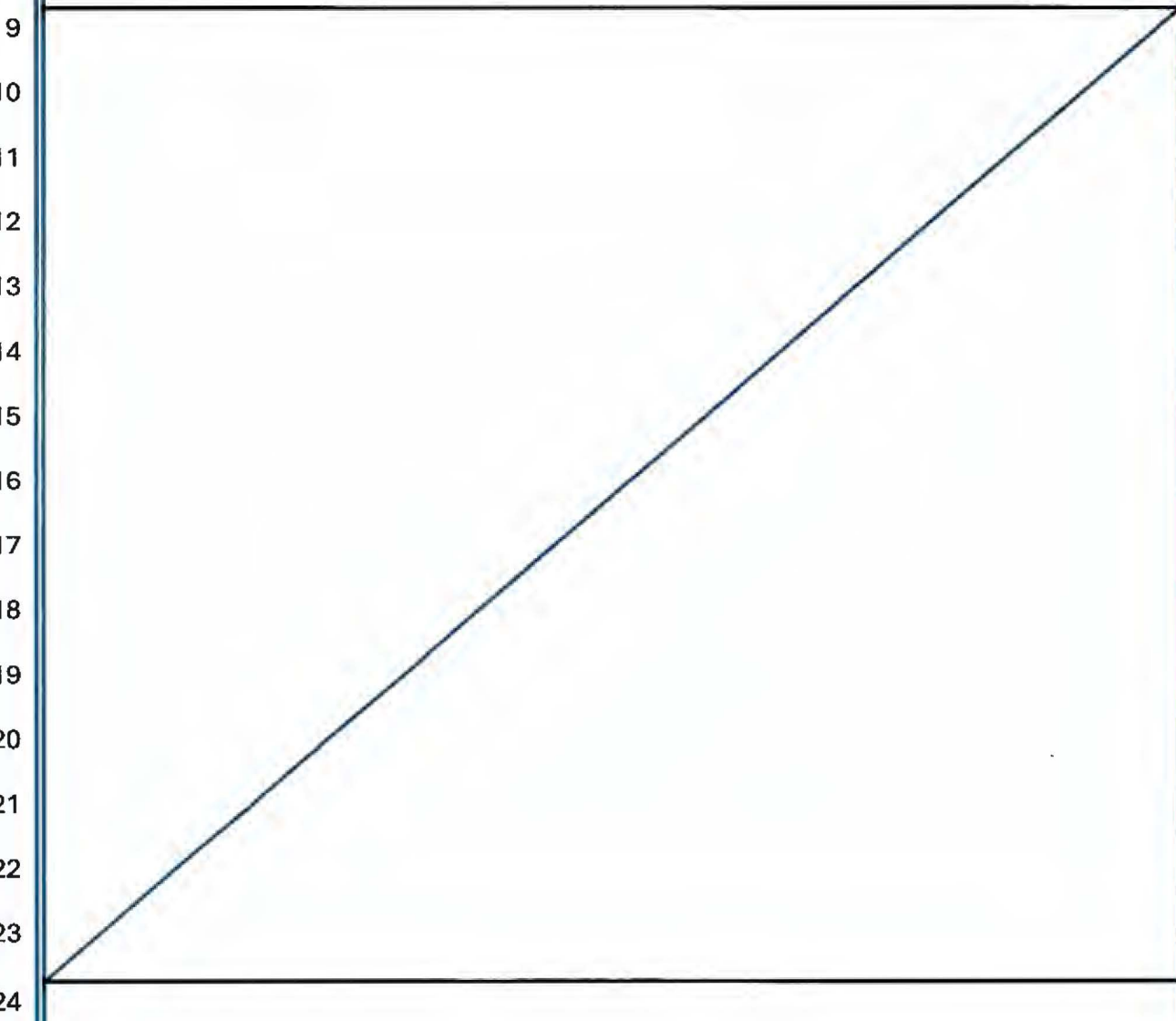
Emma Pham

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 El
8 Dorado, State of California, Highway 03-Ed-50 and described as follows:



PARCEL 38918-1: An easement for State highway purposes in and to that real property situated in the City of South Lake Tahoe, County of El Dorado, State of California, being a portion of Parcel 1 as said parcel is described in that certain Grant Deed recorded on December 4, 2020, in Document No. 2020-0070549, Official Records, El Dorado County Records, said portion being all that part thereof described as follows:

BEGINNING at a point on the southeasterly line of Parcel 035767-3 said point being the southwesterly terminus of that certain course having a bearing and distance of "North 57°21'56" East, 4.05 feet" as said parcel and course are described in that certain Easement Deed recorded on February 17, 2011, in Document No. 2011-0008007-00, Official Records, El Dorado County Records; THENCE from said point of beginning along said southeasterly line North 57°21'54" East 4.05 feet to the point of intersection thereof with the southwesterly right of way line of Ski Run Boulevard as said boulevard is shown on that certain map filed in Book 45 of Parcel Maps, at Page 115, El Dorado County Records; THENCE leaving said southeasterly line along said southwesterly right of way line South 31°04'50" East 4.11 feet to a point thereon; THENCE leaving said southwesterly right of way line South 58°56'10" West 4.05 feet; THENCE North 31°03'50" West 4.00 feet to the point of beginning.

PARCEL 38918-2: A temporary easement for construction purposes and incidents thereto in and to that real property situated in the City of South Lake Tahoe, County of El Dorado, State of California, being a portion of Parcel 1 as said parcel is described in that certain Grant Deed recorded on December 4, 2020, in Document No. 2020-0070549, Official Records, El Dorado County Records, said portion being all that part thereof lying within the lands described as follows:

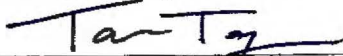
BEGINNING at a point on the southeasterly line of Parcel 035767-3 said point being the northeasterly terminus of that certain course having a bearing and distance of "North 57°21'56" East, 4.05 feet" as said parcel and course are described in that certain Easement Deed recorded on February 17, 2011, in Document No. 2011-0008007-00, Official Records, El Dorado County Records; THENCE from said point of beginning along said southeasterly line South 57°21'54" West 4.05 feet to the southwesterly terminus of said certain course; THENCE leaving said southeasterly line South 31°03'50" East 4.00 feet; THENCE North 58°56'10" East 4.05 feet to a point on the southwesterly right of way line of Ski Run Boulevard as said boulevard is shown on that certain map filed in Book 45 of Parcel Maps, at Page 115, El Dorado County Records; THENCE along said southwesterly right of way line South 31°03'20" East 9.63 feet to a point thereon; THENCE leaving said southwesterly right of way line South 65°18'10" West 18.15 feet; THENCE North 29°19'26" West 5.78 feet to the beginning of a non-tangent curve to the left, said curve having a radius of 13.00 feet, to which point a radial line bears North 44°53'44" East; THENCE westerly along said curve through a central angle of 67°53'28" an arc distance of 15.40 feet; THENCE South 67°00'16" West 2.32 feet; THENCE South 87°12'07" West 13.89 feet; THENCE North 34°18'10" West 16.70 feet to a point on the southeasterly right of way line of State Highway 50; THENCE along said southeasterly right of way line the following three (3) courses: 1) North 58°58'31" East 19.29 feet; 2) North 74°58'03" East 15.59 feet; and 3) South 84°05'30" East 12.33 feet to the point of intersection thereof with said southwesterly right of way

line of said Ski Run Boulevard; THENCE leaving said southeasterly right of way line along said southwesterly right of way line of Ski Run Boulevard South 31°03'20" East 15.61 feet to the point of beginning.

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

The bearings and distances used in the above descriptions are based on the California Coordinate System of 1983(2011), Zone 2, as determined by ties to the California High Precision Geodetic Network, Epoch 2017.50. Distances are in feet unless otherwise noted. Divide distances by 0.999623 to obtain ground level distances.

THIS IS TO CERTIFY that the foregoing resolution was duly passed by the California Transportation Commission at its meeting regularly called and held on the 4th day of December, 2025, in Riverside and that the foregoing is a full and correct copy of the original resolution.
Dated this the 4th day of December, 2025.



TANISHA TAYLOR, Executive Director
CALIFORNIA TRANSPORTATION COMMISSION

**TRANSPORTATION COMMISSION
RESOLUTION NO.**

CR-173

CALIFORNIA TRANSPORTATION COMMISSION
RESOLUTION RESCINDING RESOLUTION OF NECESSITY NO. C-22598
ADOPTED DECEMBER 4, 2025, PROJECT 03-Ed-50-PM 79.30

RESOLVED, that the action of the California Transportation Commission taken on December 4, 2025, in adopting Resolution of Necessity No. C-22598 as to parcel 38918-1, 2 therein, which resolution authorized condemnation of an easement and a temporary construction easement for a State Highway, located in the County of El Dorado, 03-Ed-50, is hereby rescinded.

APPROVED AS TO FORM AND PROCEDURE

APPROVAL RECOMMENDED

Attorney, Department of Transportation

DIVISION OF RIGHT OF WAY

PARCEL 38918-1: An easement for State highway purposes in and to that real property situated in the City of South Lake Tahoe, County of El Dorado, State of California, being a portion of Parcel 1 as said parcel is described in that certain Grant Deed recorded on December 4, 2020, in Document No. 2020-0070549, Official Records, El Dorado County Records, said portion being all that part thereof described as follows:

BEGINNING at a point on the southeasterly line of Parcel 035767-3 said point being the **southwesterly terminus of that certain course having a bearing and distance of "North 57°21'56" East, 4.05 feet" as said parcel and course are described in that certain Easement Deed recorded on February 17, 2011, in Document No. 2011-0008007-00, Official Records, El Dorado County Records; THENCE from said point of beginning along said southeasterly line North 57°21'54" East 4.05 feet to the point of intersection thereof with the southwesterly right of way line of Ski Run Boulevard as said boulevard is shown on that certain map filed in Book 45 of Parcel Maps, at Page 115, El Dorado County Records; THENCE leaving said southeasterly line along said southwesterly right of way line South 31°04'50" East 4.11 feet to a point thereon; THENCE leaving said southwesterly right of way line South 58°56'10" West 4.05 feet; THENCE North 31°03'50" West 4.00 feet to the point of beginning.**

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BEGINNING at a point on the southeasterly line of Parcel 035767-3 said point being the **northeasterly terminus of that certain course having a bearing and distance of "North 57°21'56" East, 4.05 feet" as said parcel and course are described in that certain Easement Deed recorded on February 17, 2011, in Document No. 2011-0008007-00, Official Records, El Dorado County Records; THENCE from said point of beginning along said southeasterly line South 57°21'54" West 4.05 feet to the southwesterly terminus of said certain course; THENCE leaving said southeasterly line South 31°03'50" East 4.00 feet; THENCE North 58°56'10" East 4.05 feet to a point on the southwesterly right of way line of Ski Run Boulevard as said boulevard is shown on that certain map filed in Book 45 of Parcel Maps, at Page 115, El Dorado County Records; THENCE along said southwesterly right of way line South 31°03'20" East 9.63 feet to a point thereon; THENCE leaving said southwesterly right of way line South 65°18'10" West 18.15 feet; THENCE North 29°19'26" West 5.78 feet to the beginning of a non-tangent curve to the left, said curve having a radius of 13.00 feet, to which point a radial line bears North 44°53'44" East; THENCE westerly along said curve through a central angle of 67°53'28" an arc distance of 15.40 feet; THENCE South 67°00'16" West 2.32 feet; THENCE South 87°12'07" West 13.89 feet; THENCE North 34°18'10" West 16.70 feet to a point on the southeasterly right of way line of State Highway 50; THENCE along said southeasterly right of way line the following three (3) courses: 1) North 58°58'31" East 19.29 feet; 2) North 74°58'03" East 15.59 feet; and 3) South 84°05'30" East 12.33 feet to the point of intersection thereof with said southwesterly right of way**

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