

MEMORANDUM

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: August 20-21, 2026

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.4e.(1), 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-174, rescinding Resolution C-22582, because the timeframe for filing lawsuits passed while additional complexities to acquire were discovered during negotiations?

RECOMMENDATION:

The California Department of Transportation (Department) recommends that the Commission adopt Resolution CR-174. In accordance with Department requirements, the Owner has been advised that the Department is requesting the rescission of Resolution C-22582 as summarized below.

BACKGROUND:

Resolution of Necessity C-22582, adopted by the Commission on October 16, 2025, authorized condemnation of an Outdoor Advertising (ODA) sign for the Marysville Railroad Bridge Rehabilitation project. The sign requires relocation to accommodate the Marysville Underpass (UP).

After adoption, a mutually agreeable replacement site was not identified by the Lessee and Owner. As a result, additional time beyond the six-month period required to file an eminent domain action is needed for the parties to reach an agreement.

Rescission of the Resolution is therefore necessary. This will give the Owner and Lessee time to develop a feasible relocation plan and will protect the Department from potential inverse condemnation claims or related damages.

CR-174-OWNER: UNION PACIFIC RAILROAD (LESSEE: OUTFRONT Media LLC)
03-Yub-70-PM 15.0 - Parcel 37862-A - EA 0H1609.

Right of Way Certification Date: 12/02/25; Ready to List Date: 12/03/25. Conventional highway - Roadway rehabilitation. Authorizes condemnation for removal of one ODA sign. Located in the city of Marysville near Postmile 15.0 next to the railroad tracks.
Assessor's Parcel Number 009-081-002.

The public interest and necessity require the proposed project.

In the city of Marysville, State Route (SR) 70 from south of 14th Street to north of 24th Street has two Union Pacific Railroad (UPRR) overpasses which have deficient vertical clearances. The Marysville UP and the Binney Junction UP bridges have been struck multiple times by vehicles, significantly impacting traffic and railroad operations. Large volumes of freight and goods movement occur along SR 70, resulting in deteriorating pavement conditions and requiring exhaustive maintenance. In addition, there are inadequate pedestrian and bicycle facilities to facilitate mobility options for the students at the local high school which is within the project limits.

The project proposes to widen SR 70 to current standards and reconstruct the Marysville and Binney Junction underpasses to the required vertical clearances, ensuring safe and efficient travel of various modes of transportation.

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

An Environmental Impact Report and Environmental Assessment were prepared, in compliance with the California Environmental Quality Act and the National Environmental Policy Act, analyzing the potential environmental impacts of the project and required mitigations. The document was approved in February of 2025.

The Project Development Team (PDT) developed and analyzed two alternatives with considerations for environmental implications, constructibility challenges, impacts to the traveling public, and overall safety, mobility, and connectivity of various modes of travel.

Alternative 1 evaluated widening SR 70 to the east, constructing the new Marysville UP and associated tracks to the north of the existing structure, and constructing the new Binney Junction UP and associated tracks to the south of the existing structures. Alternative 2 evaluated widening SR 70 to the east and constructing both underpasses and associated tracks south of the existing structures. The no build alternative was not a viable option since existing conditions do not satisfy the project's purpose and need to improve safety, mobility, and connectivity.

After extensive analysis of the alternatives, the PDT concluded that a hybrid of Alternative 1 and Alternative 2 best met the project goals, provided the greatest benefit, and least impact to property owners, residents, and the community. This hybrid alternative avoided the acquisition of numerous commercial and residential properties including a Veterans' Care Center and a historic residence eligible for listing in the National and California

"Improving lives and communities through transportation."

Register of Historic Places.

The rejected alternative would have also landlocked multiple properties, requiring additional acquisition of private lands to construct public roads to perpetuate access

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

The property rights consist of an ODA sign that is located on property owned by UPRR. The ODA sign is located along the east side of SR 70, just south of the Marysville UP. The underpass needs to be relocated to accommodate the project and to ensure that proper vertical clearance is met at this location. This location frequently experiences freight traffic hitting the structure which results in closure of SR 70 and the rail line.

The relocation of the underpasses is causing the realignment of UPRR Tracks 683, 685, Valley Subdivision, and the Sacramento Subdivision tracks. The ODA sign is on property that will be needed to accomplish this work. Additional work at this location includes construction of retaining walls to support the track realignment. The ODA sign will need to be relocated to accommodate the work within the temporary construction easement area of UPRR'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 3 Right of Way management on June 4, 2025. The First Written Offer was sent via certified mail on July 1, 2025. The Owner's attorney has requested that the acquisition be handled through the eminent domain process due to a significant difference in opinion pertaining to value. The Agent continues to work with the Owner towards a settlement.

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

Resolution of Necessity (RON) C-22582, adopted October 16, 2025, needs to be rescinded since an eminent domain lawsuit was not filed within the six-month period following its adoption. This step is essential to protect the Department from any potential inverse condemnation claims or related liabilities, and to ensure that all parties involved have the necessary time to negotiate a feasible relocation plan.

Attachments

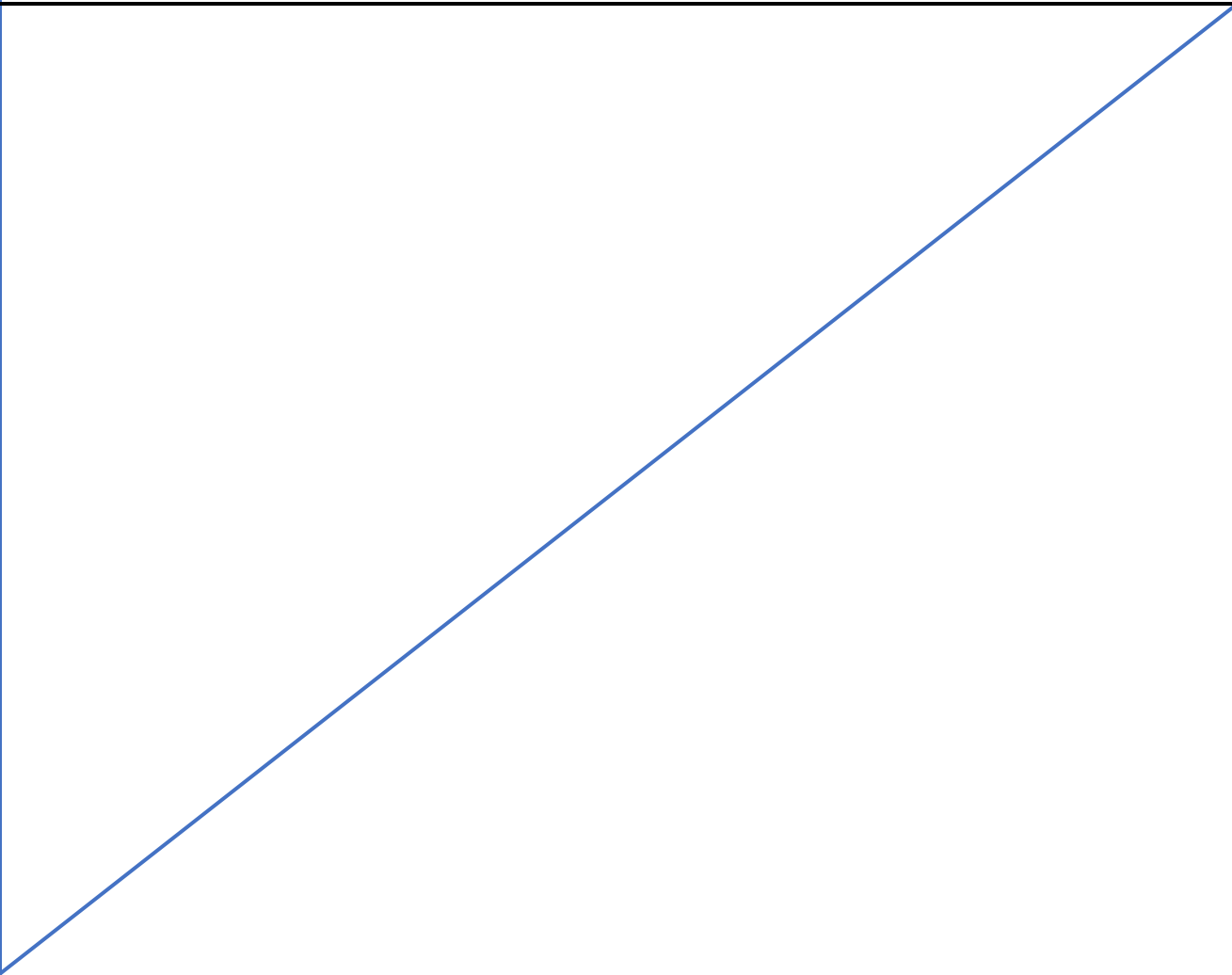
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**TRANSPORTATION COMMISSION
RESOLUTION NO.**

CR-174

CALIFORNIA TRANSPORTATION COMMISSION
RESOLUTION RESCINDING RESOLUTION OF NECESSITY NO. C-22582
ADOPTED October 16, 2025, PROJECT 03-Yub-70 PM 15.0

RESOLVED, that the action of the California Transportation Commission taken on
October 16, 2025, in adopting Resolution of Necessity No. C-22582 as to parcel 37862-A
therein, which resolution authorized condemnation of removal of one ODA sign, located in
the County of Yuba, 03-Yub-70, is hereby rescinded.



APPROVED AS TO FORM AND PROCEDURE	APPROVAL RECOMMENDED
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Attorney, Department of Transportation	DIVISION OF RIGHT OF WAY
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PARCEL 37862-A: For the purpose of extinguishing all outdoor advertising sign easements, leases, and license agreements, together with extinguishing access rights to said advertising signs, over the land described herein as that real property situated in the City of Marysville, County of Yuba, State of California, being a portion of the lands described in that certain deed recorded November 9, 1893, in Book 42 of Deeds, at Page 249, Yuba County Records, being a portion of Lots 2, 3 and 4, in Block 17, Range B, as shown on the Official Map of the City of Marysville, approved on March 22, 1856, filed in Book 22 of Maps, at Page 38, Yuba County Records, said portions being all those parts of said lots lying westerly of the following described line:

COMMENCING at a brass cap set in concrete in a monument well marking the point of intersection of the centerlines of 14th Street, 80 feet wide, and C Street, 80 feet wide, as shown on that certain Record of Survey filed in Book 35 of Maps, at Page 3, Yuba County Records; THENCE along said centerline of 14th Street, North 83°40'09" East 426.65 feet to a brass cap set in concrete in a monument well marking the point of intersection of the centerlines of said 14th Street and B Street (State Route 70), 80 feet wide, as shown on said Record of Survey; THENCE leaving last said point of intersection, South 12°03'01" East 408.97 feet to a point on the easterly right of way line of said B Street (State Route 70), said point being the POINT OF BEGINNING;

THENCE (1) from said point of beginning leaving said easterly right of way line North 83°33'43" East 1.27 feet;

THENCE (2) North 4°03'55" West 273.08 feet;

THENCE (3) North 5°58'28" West 87.33 feet;

THENCE (4) North 39°01'32" East 9.40 feet to a point on the southerly right of way line of 14th Street, 80 feet wide, as shown on the Official Map of the City of Marysville, approved on March 22, 1856, filed in Book 22 of Maps, at Page 38, Yuba County Records;

THENCE (5) along said southerly right of way line North 83°48'14" East 27.73 feet to a point thereon;

THENCE (6) leaving said southerly right of way line North 5°58'28" West 79.99 feet to a point on the northerly right of way line of said 14th Street;

THENCE (7) along said northerly right of way line South 83°48'14" West 20.60 feet to a point thereon;

THENCE (8) leaving said northerly right of way line North 5°58'28" West 7.46 feet;

THENCE (9) North 5°58'28" West 310.16 feet;

THENCE (10) North 39°00'25" East 16.08 feet to a point on the southerly right of way line of 15th Street, 80 feet wide, as shown on said Official Map of the City of Marysville;

THENCE (11) along last said southerly right of way line North 83°48'34" East 14.51 feet to a point thereon;

THENCE (12) leaving last said southerly right of way line North 5°58'28" West 79.99 feet to a point on the northerly right of way line of said 15th Street;

THENCE (13) along last said northerly right of way line South 83°48'34" West 14.37 feet to a point thereon;

THENCE (14) leaving last said northerly right of way line North 50°58'28" West 16.26 feet;

THENCE (15) North 5°58'28" West 47.96 feet;

THENCE (16) North 7°53'01" West 90.05 feet;

THENCE (17) North 5°58'28" West 175.39 feet;

THENCE (18) North 39°01'32" East 5.48 feet;

THENCE (19) North 5°58'28" West 9.08 feet;

THENCE (20) North 84°01'32" East 17.62 feet;

THENCE (21) North 5°58'28" West 125.21 feet to a point on the northerly line of Parcel 1 as said parcel is described in that certain Grant Deed recorded August 14, 2012, in Document No. 2012R-010177, Official Records, Yuba County Records;

THENCE (22) along last said northerly line South 83°34'18" West 21.50 feet to a point thereon;

THENCE (23) leaving last said northerly line North 5°58'28" West 270.62 feet to a point on the southerly right of way line of 17th Street, 80 feet wide, as shown on said Official Map of the City of Marysville;

THENCE (24) along last said southerly right of way line North 83°48'40" East 57.84 feet to a point thereon;

THENCE (25) leaving last said southerly right of way line North 6°21'28" West 403.09 feet;

THENCE (26) North 51°12'30" West 9.89 feet;

THENCE (27) South 83°56'29" West 31.30 feet;

THENCE (28) North 5°58'28" West 80.99 feet;

THENCE (29) North 51°19'14" West 11.63 feet;

THENCE (30) North 6°07'00" West 108.15 feet to the beginning of a non-tangent curve to the left, said curve having a radius of 3,259.61 feet, to which point a radial line bears North 83°22'30" East;

THENCE (31) northerly along said curve through a central angle of 1°10'12" an arc distance of 66.56 feet;

THENCE (32) continuing northerly along last said curve through a central angle of 0°26'38" an arc distance of 25.25 feet;

THENCE (33) continuing northerly along last said curve through a central angle of 0°15'21" an arc distance of 14.56 feet;

THENCE (34) North 81°30'20" East 13.17 feet to the beginning of a non-tangent curve to the left, said curve having a radius of 3,274.62 feet, to which point a radial line bears North 80°51'42" East;

THENCE (35) northerly along said curve through a central angle of 14°57'11" an arc distance of 854.62 feet;

THENCE (36) North 36°49'12" East 53.95 feet;

THENCE (37) North 36°49'12" East 63.24 feet to the beginning of a non-tangent curve to the left, said curve having a radius of 233.62 feet, to which point a radial line bears South 52°59'03" East;

THENCE (38) northeasterly along said curve through a central angle of 26°36'37" an arc distance of 108.50 feet;

THENCE (39) North 78°35'27" West 102.82 feet;

THENCE (40) South 26°15'43" West 3.06 feet;

THENCE (41) South 29°07'17" West 44.89 feet;

THENCE (42) South 55°47'46" West 59.22 feet;

THENCE (43) North 37°28'37" West 13.46 feet;

THENCE (44) North 34°31'20" West 56.79 feet to a point on the southeasterly right of way line of Southern Pacific Railroad;

THENCE (45) along said southeasterly right of way line South 35°29'51" West 29.33 feet to a point thereon;

THENCE (46) leaving said southeasterly right of way line North 25°15'19" West 19.19 feet to a point on the easterly right of way line of State Route 70 as described in that certain Grant Deed recorded March 30, 1955 in Book 205 of Official Records, at Page 84, Yuba County

Records, said point being the POINT OF TERMINUS, from whence a brass cap set in concrete in a monument well, in lieu of a monument tagged "R.E. 1250", marking the intersection of the centerlines of 18th Street, 80 feet wide, and Ramirez Street, 80 feet wide, as shown on that certain plat entitled "College View Park" filed in Book 3 of Maps, at Page 43, Yuba County Records, bears South $54^{\circ}06'15''$ East 1,949.29 feet.

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. Distances are in feet unless otherwise noted. Divide distances by 0.999917 to obtain ground level distances.

OCT 16 2025

California
Transportation Commission

TRANSPORTATION COMMISSION
RESOLUTION NO.
C-22582

CALIFORNIA TRANSPORTATION COMMISSION
RESOLUTION OF NECESSITY
TO ACQUIRE CERTAIN REAL PROPERTY
OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN
HIGHWAY 03-Yub-70-PM 15.0 PARCEL 37862-A
OWNER: UNION PACIFIC RAILROAD
LESSEE: OUTFRONT Media LLC

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

The hereinafter described real property is necessary for State Highway purposes
and is to be acquired by eminent domain pursuant to Streets and Highways Code Section
102;

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

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

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

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

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

APPROVED AS TO FORM AND PROCEDURE

Paul R. Brown

Attorney, Department of Transportation

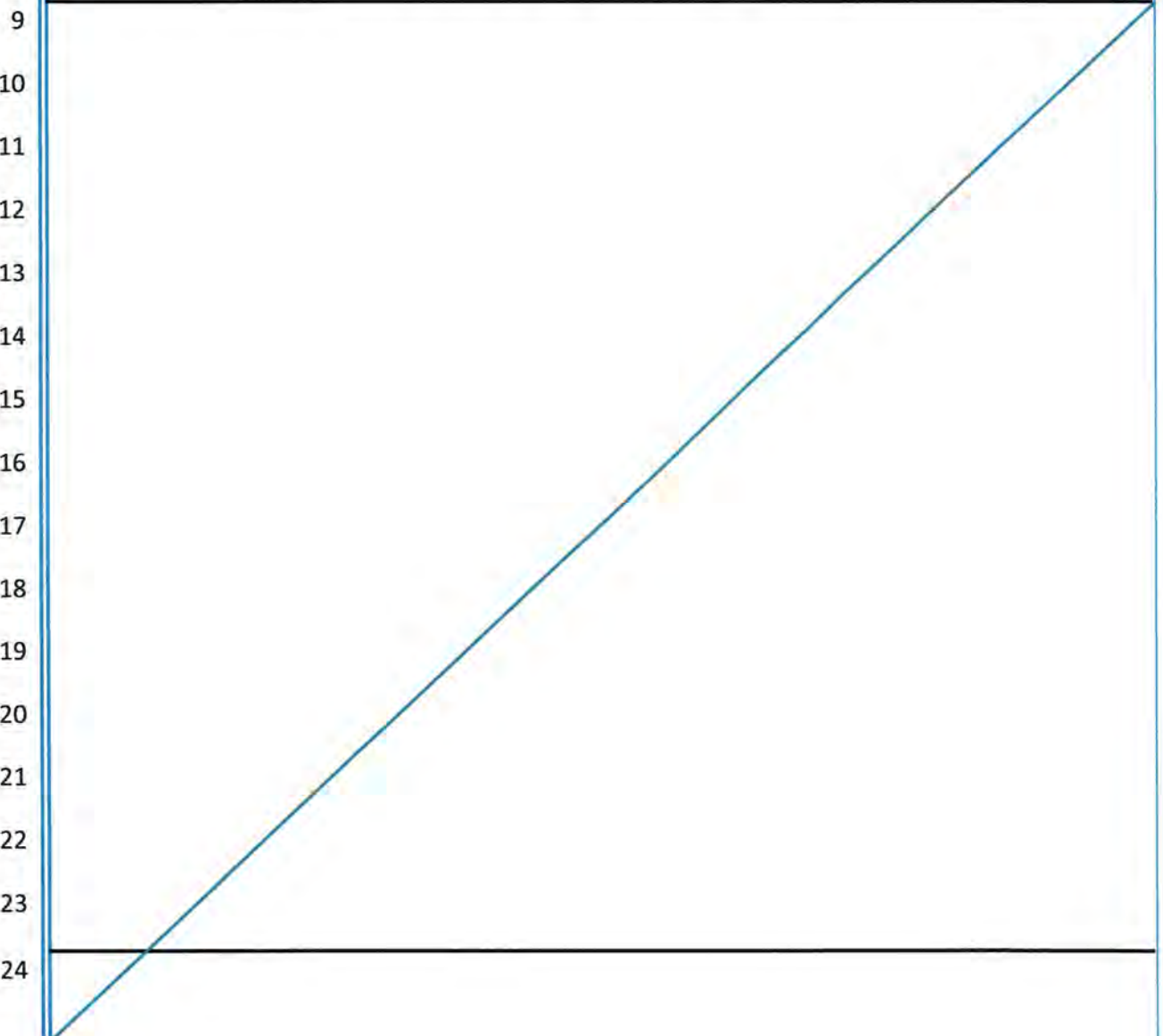
APPROVAL RECOMMENDED

Emma Pham

DIVISION OF RIGHT OF WAY

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

6 The real property or interests in real property, which the Department of
7 Transportation is by this resolution authorized to acquire, is situated in the County of Yuba,
8 State of California, Highway 03-Yub-70 and described as follows:



PARCEL 37862-A: For the purpose of extinguishing all outdoor advertising sign easements, leases, and license agreements, together with extinguishing access rights to said advertising signs, over the land described herein as that real property situated in the City of Marysville, County of Yuba, State of California, being a portion of the lands described in that certain deed recorded November 9, 1893, in Book 42 of Deeds, at Page 249, Yuba County Records, being a portion of Lots 2, 3 and 4, in Block 17, Range B, as shown on the Official Map of the City of Marysville, approved on March 22, 1856, filed in Book 22 of Maps, at Page 38, Yuba County Records, said portions being all those parts of said lots lying westerly of the following described line:

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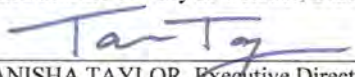
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THIS IS TO CERTIFY that the foregoing resolution was duly passed by the California Transportation Commission at its meeting regularly called and held on the 16th day of October, 2025, in Merced and that the foregoing is a full and correct copy of the original resolution.
Dated this the 16th day of October, 2025.



TANISHA TAYLOR, Executive Director
CALIFORNIA TRANSPORTATION COMMISSION