

MEMORANDUM

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: October 15-16, 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 CR-176 to rescind Resolution C-22639 because the First Written Offer (FWO) was not provided to all vested owners due to incorrect vesting in the Title Company's Litigation Guarantee?

RECOMMENDATION:

The California Department of Transportation (Department) recommends the Commission adopt Resolution CR-176. In accordance with Department requirements, the Owner has been advised that the Department is requesting the rescission of Resolution C-22639 as summarized below.

BACKGROUND:

Resolution of Necessity C-22639 was adopted by the Commission on March 20, 2026, authorizing condemnation of land in fee for the construction of a roundabout in Sonoma County. At the time of adoption, the Department relied on a Litigation Guarantee from its title company, which identified the ownership of record. A FWO was made to the owner identified in that guarantee, and no additional ownership interest was disclosed by the recipient.

Following adoption, the Department's contract with the original title company expired. A new contract was secured with a different title company, and a new Litigation Guarantee was obtained in preparation for filing suit. The new guarantee identified additional owners of record not reflected in the original. The owner disputed the accuracy of the new guarantee but provided no documentation to substantiate that claim.

Because the original offer did not include all current owners of record, the Department cannot proceed with condemnation under Resolution C-22639. Government Code Section 7267.2 requires that a FWO be made to all owners of record before the Department may acquire property by eminent domain. Rescission is necessary to allow the Department to comply with that requirement. The Department will prepare a revised offer to all identified owners and return to the Commission for a new Resolution if negotiations are not successful.

CR-176 - Ernest J. Altenreuther II Successor Trustee of the Thomas P. Altenreuther 2018 Revocable Trust Under Instrument Dated June 6, 2018 Separate Property

04-Son-116-PM 39.3 - Parcel 65013-1 - EA 2Q7709. RWC Date: 01/08/27;

RTL Date: 01/15/27. Conventional highway - install roundabout. Authorizes condemnation of land in fee for a State highway. Located in the city of Petaluma at 5080 Lakeville Highway. APN 068-030-002-000.

The public interest and necessity require the proposed project.

The Department developed a Project Report dated May 15, 2023, a safety improvement project on State Route (SR) 116 at the intersection of Stage Gulch Road and Lakeville Road. The Department proposes to construct a 180-foot inscribed circle diameter roundabout centered 15 feet southeast of the existing intersection, away from the creek. The roundabout will have a continuous northbound right-turn bypass lane at the south leg of the intersection. The roundabout will include 10-foot wide shared-use paths and curb ramps adjacent to the roundabout. New drainage systems in the vicinity of the roundabout will be constructed. The purpose of the project is to improve safety on SR 116 where it intersects Lakeville Highway (at Stage Gulch Road).

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 Department approved an Initial Study with Negative Declaration under California Environmental Quality Act (CEQA) and a Categorical Exclusion under National Environmental Policy Act (NEPA) on May 11, 2023.

A review of crash data identified 30 reported collisions between 2011 and 2021, including injury crashes, indicating a demonstrated pattern of operational and safety deficiencies at the existing intersection. The proposed single lane roundabout with a continuous northbound right-turn bypass lane is specifically designed to reduce high angle conflict points, lowers vehicle speeds, and improve overall intersection performance, thereby enhancing safety and operational efficiency for the traveling public while minimizing impacts to adjacent properties. The inclusion of shared-use paths and curb ramps enhances accessibility and supports Complete Streets objectives. The project complies with current highway design standards and environmental regulations, as evidenced by approvals under CEQA and NEPA.

To minimize the impact of the project scope on private properties and the environment, the roundabout location was designed to be 15 feet southeast of the existing intersection and away from the creek. By designing the roundabout at this location, it avoids the need to widen the Stage Gulch Creek Bridge, thus preserving the natural environment and further reducing construction costs and complications. Right of way acquisitions are limited to essential parcels, and the Department has engaged in public outreach and design adjustments to mitigate access concerns for affected businesses and property owners. Collectively, these measures ensure that the project delivers significant safety and operational benefits while minimizing adverse effects on private property.

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

The Owner's property is in the city of Petaluma at 5080 Lakeville Highway. The subject property measures 12,197 square feet (sf) according to the Department's appraisal maps. The project requires 2,711 sf in fee.

Acquisition of the fee parcel is necessary to facilitate construction of the roundabout and to ensure adequate clearance between the side slope catchpoints and the State right of way.

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

A staff appraisal was approved on April 30, 2025, and a FWO was sent via email and certified mail on June 2, 2025.

On June 12, 2025, the Acquisition Agent and design team met with the Owner and his attorney at the subject site to discuss the proposed project. During this meeting, the Owner requested a follow-up virtual meeting to discuss concerns related to delivery truck access upon project completion. Following the meeting, the Agent made multiple attempts to schedule the requested virtual meeting with the Owner and his attorney, all of which were unsuccessful.

On October 31, 2025, the Agent contacted the Owner's attorney, who then requested a few additional weeks to review the documents. On February 4, 2026, the Agent contacted the Owner's attorney and requested her availability to schedule a meeting. The Agent has not received a response.

RON C-22639, adopted March 20, 2026, needs to be rescinded due to the litigation guarantee provided by the old title company being incorrect. A new litigation guarantee received from a new title company identified additional owners of record. As a result, a new offer must be made to all owners identified in the new title information.

Attachments

MAR 20 2026

**TRANSPORTATION COMMISSION
RESOLUTION NO.****C-22639**California
Transportation Commission

CALIFORNIA TRANSPORTATION COMMISSION
RESOLUTION OF NECESSITY
TO ACQUIRE CERTAIN REAL PROPERTY
OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN
HIGHWAY 04-Son-116-PM 39.3 PARCEL 65013-1
OWNER: Ernest J. Altenreuther II Successor Trustee of the Thomas P. Altenreuther 2018
Revocable Trust Under Instrument Dated June 6, 2018 Separate Property

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;

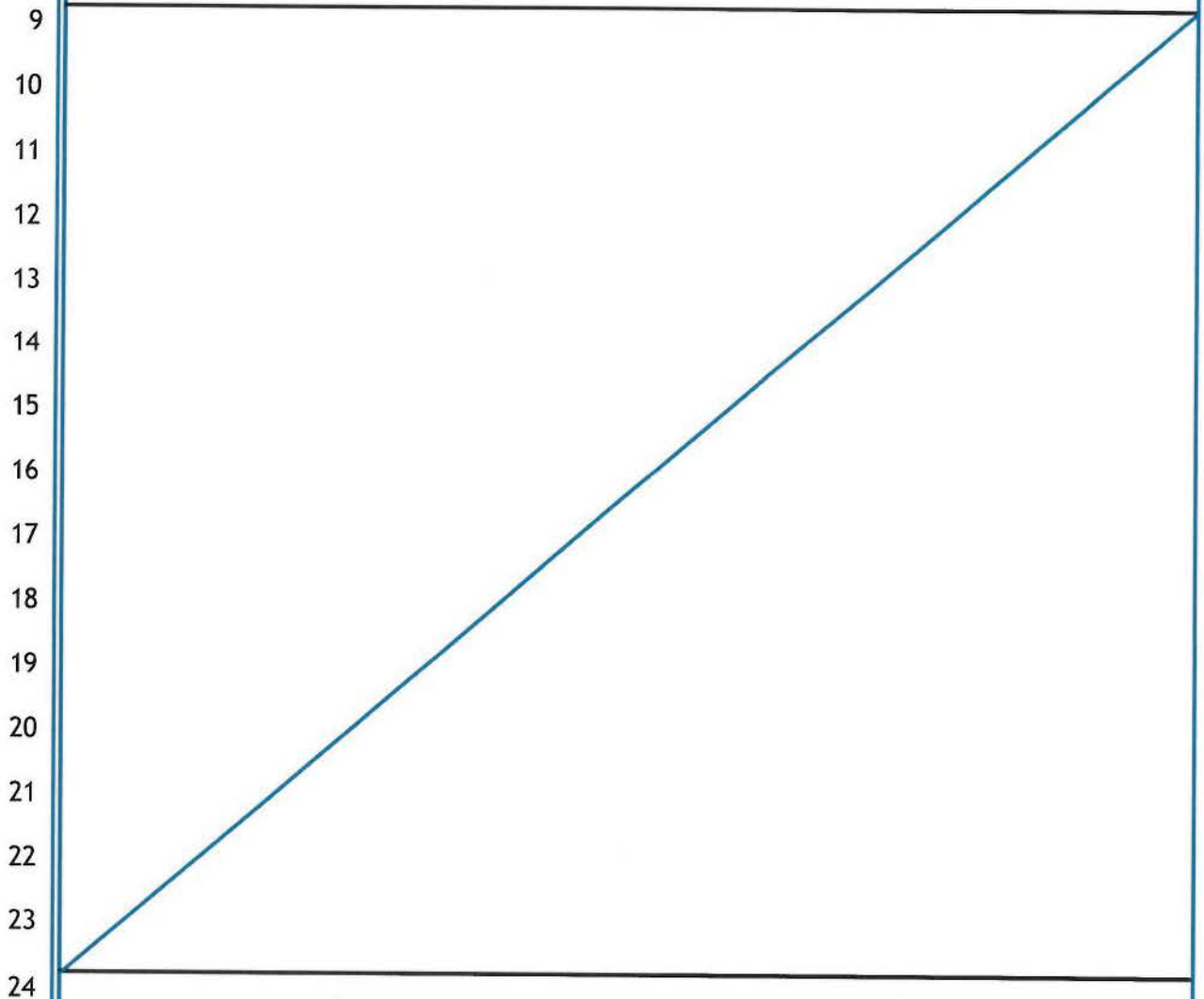
The offer required by Section 7267.2 of the Government Code has been made to the
owner or owners of record; and be it further

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

APPROVED AS TO FORM AND PROCEDURE**APPROVAL RECOMMENDED***Paul R. Brown***Attorney, Department of Transportation***Shabir Singh***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 Sonoma, State of California, Highway 04-Son-116 and described as follows:



PARCEL 65013-1

For State highway purposes, all that certain real property described as follows:

A portion of land as described in the Grant Deed, in "EXHIBIT A" in that document recorded on November 30, 2018, with document number 2018-0081957, Official Records of Sonoma County, more particularly described as follows:

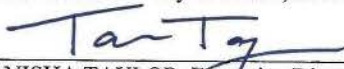
Commencing at most easterly corner of Parcel 1 as shown on the Parcel Map No. 3733 in Book 203 at page 20, at the found $\frac{3}{4}$ inch Iron pipe, tag LS 2757 and the found $\frac{3}{4}$ inch Iron pipe, tag LS 2757 having a measured distance of 282.09 and a record distance of 282.02 along the easterly line of Parcel 1 and Caltrans westerly R/W line of Highway 116 (Lakeville Highway), thence from said most easterly found $\frac{3}{4}$ inch Iron pipe, tag LS 2757, South $53^{\circ}04'29''$ East 1001.92 feet to the most northerly corner of the Parcel of land as described in the Grant Deed recorded on November 30, 2018, with document number 2018-081957, Official Records of Sonoma County, thence South $53^{\circ}04'29''$ East 3.41 feet to the beginning of a tangent curve, thence southeasterly along a curve to the right having a radial bearing of North $36^{\circ}55'31''$ East, having a radius of 970.00 feet, through a central angle of $2^{\circ}12'35''$, an arc length of 37.41 feet to the most easterly corner of the said Parcel and being also the POINT OF BEGINNING thence continuing southeasterly along the prolongation of said curve to the right, following four (4) courses:

- (1) having a radius of 970.00 feet, through a central angle of $4^{\circ}58'38''$, an arc length of 84.26 feet; thence leaving said Caltrans westerly R/W line of Highway 116 (Lakeville Highway)
- (2) South $40^{\circ}34'22''$ West 67.24 feet; thence
- (3) North $6^{\circ}14'16''$ West 45.78 feet; thence
- (4) North $13^{\circ}03'12''$ West 63.15 feet, to the POINT OF BEGINNING.

Together with the underlying fee interest in and to the adjoining public way.

The bearings and distances used in the above description are on the California Coordinate System of 1983 (Epoch 2017.5), Zone 2. Multiply the above distances by 1.000027584 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 20th day of March, 2026, in Malibu and that the foregoing is a full and correct copy of the original resolution.
Dated this the 20th day of March, 2026.


TANISHA TAYLOR, Executive Director
CALIFORNIA TRANSPORTATION COMMISSION

**TRANSPORTATION COMMISSION
RESOLUTION NO.**

CR-176

CALIFORNIA TRANSPORTATION COMMISSION
RESOLUTION RESCINDING RESOLUTION OF NECESSITY NO. C-22639
ADOPTED March 20, 2026, PROJECT 04-Son-116

RESOLVED, that the action of the California Transportation Commission taken on
March 20, 2026, in adopting Resolution of Necessity No. C-22639 as to parcel 65013-1
therein, which resolution authorized condemnation of land in fee for a State Highway,
located in the County of Sonoma, 04-Son-116, is hereby rescinded.

APPROVED AS TO FORM AND PROCEDURE

APPROVAL RECOMMENDED

Attorney, Department of Transportation

DIVISION OF RIGHT OF WAY