

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: November 6-7, 2002

Reference No.: 2.4a.(3)  
Action Item

From: ROBERT L. GARCIA  
Chief Financial Officer

Prepared by: Brice D. Paris  
Division Chief  
Right of Way

Ref: APPEARANCE

## RECOMMENDATION:

The Department of Transportation recommends the California Transportation Commission adopt Resolution of Necessary C-18652, which is the subject of these Appearance. The summary below identifies the location of and designates the nature of the property rights covered by the Resolution of Necessity. In accordance with statutory requirements, the owners have been advised that the Department of Transportation is requesting a resolution at this time. Adoption of Resolution of Necessity C-18652 will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules. See Concurrent item 2.4a.(4).

### C-18652 - Allen Estate Company

10-Ama-49-KP R11.300- Parcel 15026 - EA: 049939 - Certification Date: 12/01/02 - RTL Date: 12/01/02 (Expressway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located near the city of Sutter Creek near Sutter-Ione Road.

Attachment

10-AMA-49-PM7.750/9.650  
R/W Parcel No. 15026  
Grantor: Allen Estate Company, et al.,

### **SUMMARY OF ISSUES**

#### **1. Current alignment is different from the previous alignment described in 1993.**

During the environmental process, nine different alignments were studied with these being documented in the Environmental Impact Report and the Final Project Report. The alternatives and the studies were made available at a public meeting held in January 2001. Other alternatives had been considered and eliminated prior to environmental studies. Some considerations, but not all, in selecting the current alignment were:

- a. Community desires – determined through public meetings and consultations with the Amador County Transportation Commission, City of Sutter Creek, City of Amador City, and the Amador County Board of Supervisors
- b. Constructability
- c. Cost effectiveness
- d. Traffic circulation
- e. Minimize environmental impacts
- f. Expansion of the bypass to include Amador City

There was minimal discussion on parcel 15026. The Allen family members in attendance were unaware that the property rights on this parcel had not been conveyed to other family members. The necessity for this parcel was not an issue. This parcel is being included due to common ownership interest to the other four Allen parcels of which necessity is being contested.

## **Resolution of Necessity Appearance Fact Sheet**

**PROJECT DATA** 10-Ama-49-KP R11.3/R17.7 (PM R7.0/R11.0)  
EA 049931

**Location:** In Amador County near the cities of Sutter Creek and Amador City.

**Limits:** From the junction with Route 104 (Ridge Road) to 0.3 kilometers (0.2) south of Rancheria Creek Bridge.

**Funding Source:** 2002/2003 STIP

**Number of Lanes:** Existing Conventional highway: 2 lanes  
Proposed Expressway highway: 2 lanes (right of way for ultimate 4-lane facility)

**Proposed Major Features:** Expressway on new alignment with existing highway to be relinquished to local agencies.  
Reconstruct Route 49/Valley View/Old Highway 49 intersection.  
Construction of two bridge structures.

**Traffic:** Existing 1999 ADT – 15,000  
Proposed 2025 ADT – 26,000

### **PARCEL DATA**

**Property Owner:** Allen Estate Company, et al.,  
Attorney: Mr. John B. Allen, Jr. (209 223-5705)

**Parcel Location:** In Amador County near the city of Sutter Creek near Sutter-Ione Road.

**Present Use:** vacant

**Area of Property:** 3.39 Acres

**Area Required:** 1.27 Acres in fee

10-AMA-49-PM7.750/9.650  
R/W Parcel No.15026  
Grantor: Allen Estate Company, et al.,

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

The Resolution of Necessity Review Panel met September 12, 2002 in Stockton. The Panel members consisted of Deborah Gebers, Headquarters Right of Way (Chair), Richard B. Williams, Headquarters Legal Division and Linda Fong, Headquarters Design Division. The property owners present at the meeting included Mr. John B. Allen, Jr., Esq., as an individual and as a representative of the Allen family; John B. Allen, Sr.; Robert Allen and Vera M. Allan.

This report summarizes the findings of the Review Panel with regard to the four criteria required for a Resolution of Necessity and makes recommendation to the Chief Engineer.

### **NEED FOR THE PROJECT**

#### **Problem Deficiencies and Justification**

The core purpose of this project is to alleviate congestion in the City of Sutter Creek and the City of Amador City by providing an alternate route for the safe movement of people, goods, and services. By decreasing congestion, which has potential adverse effects on the economic viability of business districts, the project can preserve the historic communities of Sutter Creek and Amador City.

The Amador 49 Bypass is needed because the existing uncontrolled access facility is congested and does not meet current standards for sight distance, curvature, or roadbed width. Constructing a new roadway meeting current safety and design standards would improve traffic and pedestrian safety and address current and expected future travel demand.

The following objectives were developed by the Project Development Team to help address the transportation problems identified in the historic communities of Sutter Creek and Amador City. The objectives include:

- Correcting roadway deficiencies
- Improve traffic and pedestrian safety
- Decrease congestion
- Preserve the historic corridor
- Encourage tourism

## **Regional and System Planning**

The long-range concept for this segment of Route 49 is a four-lane access controlled highway on new alignment bypassing the communities of Sutter Creek, Amador City and Drytown. The concept Level of Service is C. This proposed project is consistent with the Route Concept. A two-lane expressway and truck-climbing lane will provide the concept level of service for the 20-year design period. This project remains Amador County's Number 1 priority project and is included in their 1998 RTIP and proposed 2002 RTIP. This proposed project was developed in cooperation with the Amador County Transportation Commission, affected local jurisdictions and the public.

In 1997, the counties of Amador, Calaveras and Alpine decided to "pool" their STIP allocations for programming purposes. In 1998, a Memorandum of Understanding (MOU) was executed between Amador, Calaveras and Alpine Counties. The MOU outlined county project priorities: the Amador Bypass for Amador County, Angels Camp Bypass for Calaveras County and two passing lanes on Route 4 and Route 88 for Alpine County. The Counties agreed to "pool" their future allocation until all remaining projects were programmed.

## **Traffic**

Currently, the Average Daily Traffic (ADT) on State Route 49 along the proposed project limits varies from 12,500 vehicles south of the City of Sutter Creek (peak hour 600 vehicles) to 7,000 vehicles north of the City of Amador City (peak hour 500 vehicles). Approximately 8.0% of that volume is truck traffic (6.5% estimated during peak hour). The average speed through the City of Sutter Creek is approximately 48 km/h (30 mph) and the existing Level of Service varies from D to E.

The ADT for the year 2025 is projected to be 25,500 vehicles south of the City of Sutter Creek (peak hour 1120 vehicles) and 16,000 vehicles north of the City of Amador City (peak hour 910 vehicles). The projected Level of Service will deteriorate to F in the year 2007 if no improvements are made. As mentioned earlier, the proximity of many historical structures to the roadway within the business districts of Sutter Creek and Amador City preclude the widening of existing Route 49 to provide additional traffic capacity. Meanwhile, traffic volumes (including truck traffic) have increased adding to the further deterioration of the traffic Level of Service. The proposed bypass project would provide an acceptable Level of Service for the 20-year design period.

## **PROJECT DESIGN**

It is proposed to construct a controlled access expressway primarily on new alignment from the junction of Route 104 (Ridge Road) to 0.3 km (0.2 mi.) south of Rancheria Creek. This new roadway will be 6.4 km (4.0 mi.) in length and will vary in width from two to five lanes. It will bypass the historic communities of Sutter Creek and Amador City.

A five-lane section is proposed from Route 104 (Ridge Road) northward to the new Valley View Drive/old Route 49/new Route 49 intersection, a distance of 0.54 km (0.33 mi.). The new Valley View Drive/old Route 49/new Route 49 intersection will be signalized as part of this project. This five-lane section will require widening of the existing four-lane section between Ridge Road and the existing Valley View Drive/Route 49 intersection and the addition of standard shoulders. Widening in this location will be primarily to the west side of the road as there are several commercial accesses on the east side of the roadway. Those accesses will remain (with one exception) and this is the only section of the new Bypass that will not be fully access controlled.

To maximize safety, the only access that will be altered is the access from the east side of Route 49 into the Sutter Terrace Mobile Home Park. The access will be rerouted and reconnected to nearby Bryson Drive, which will connect to old Route 49.

From the Valley View Drive/old Route 49/new Route 49 intersection, the proposed alignment heads northwesterly until it reaches Sutter Creek, which it will cross with a bridge. The Sutter Creek Bridge will be 185 meters (607 ft.) in length and will also span over the nearby sewage treatment plant. From there the proposed alignment heads northwesterly until it reaches Sutter-Ione Road. Sutter-Ione Road will be realigned and connected to the new bypass with an at-grade four-legged intersection. This intersection will not be signalized as part of this project, but eventually may be signalized when signal warrants are met. Initially, stop signs will be placed on Sutter-Ione Road.

The section between the new Valley View Drive/old Route 49/new Route 49 intersection and the new Route 49/Sutter-Ione Road intersection will be constructed as a two-lane roadway with standard 3.6 meter lane widths and 2.4 meter shoulder widths. However, it is considered to be only the northbound half of an ultimate four-lane divided expressway. Right of way for the ultimate 4-lane divided expressway will be purchased on the west (southbound) side of the bypass to accommodate future widening.

From the new Route 49/Sutter-Ione Road intersection the proposed alignment parallels Tonzi Road for approximately 1.5 km (0.93 mi.) and then heads northwesterly. Tonzi Road will be reconnected with the bypass at an unsignalized intersection on the west side of the road approximately 1.55 km (0.96 mi.) north of the new Route 49/Sutter-Ione Road intersection. The east connection of Tonzi Road will function primarily as a joint-use private driveway.

From the Tonzi Road connection, the proposed roadway will turn northeasterly until it reaches Amador Creek, which it will cross with a bridge. The Amador Creek Bridge will be 189 meters (620 ft.) in length.

Between the west Tonzi Road connection and the Amador Creek Bridge, the proposed roadway will have a sustained grade of 7.0%. A design exception was approved on August 15, 2000. A southbound truck climbing lane from approximately 400 meters south of the west Tonzi Road connection to immediately south of the Amador Creek

Bridge, a length of approximately 1.9 km (1.2 mi.) is proposed to mitigate for the sustained uphill grade.

North of the Amador Creek Bridge, the new alignment will reconnect to existing Route 49 at a point approximately 0.2 km south of the Rancheria Creek Bridge (Br. No. 26-17, KP 19.54, PM 12.144). Old Route 49 will be connected to the bypass via an at-grade T-intersection to the right.

Existing Route 49 from the new Valley View Drive intersection to the old Route 49/new Route 49 connection north of Amador City will be relinquished to the City of Sutter Creek, the City of Amador City and Amador County as appropriate.

### **NEED FOR SUBJECT PROPERTY**

The parcel is located along the alignment of the proposed bypass. The bypass generally splits the subject parcels leaving remainders on both the west and east sides of the expressway right of way. The property is required for construction of the Route 49 expressway, the new Route 49/Sutter Ione Road intersection and relocation of public sewer facilities. The parcel cannot be avoided.

### **Parcel Description**

The following parcel is required from the Allen family members. This parcel is located near the city of Sutter Creek and near Sutter-Ione Road.

Parcel 15025: vacant land comprising 1.27 Acres and is zoned AG-40.

### **STATUTORY OFFER TO PURCHASE**

The Department has appraised the subject property and offered the full amount of the appraisal to the owners of record.

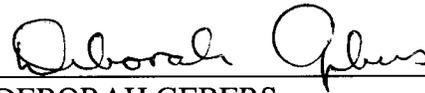
### **PANEL RECOMMENDATION**

The Panel Concludes that the District's design 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 to be condemned is 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 a Resolution of Necessity to the California Transportation Commission.



DEBORAH GEBBERS  
Panel Chair

I concur with the Panel's recommendation:



BRENT FELKER  
Chief Engineer

PERSONS ATTENDING SECOND LEVEL REVIEW PANEL  
HEARING ON MARCH 25, 2002

Deborah Gebers, Right of Way, Panel Chair  
Richard B. Williams, Attorney, Panel Member  
Linda Fong, Design, Panel Member

John B. Allen, Sr, Property Owner  
John B. Allen, Jr. (Esq.) Property Owner  
Robert Allen, Allen Ranch  
Vera M Allen, Allen Ranch

Mark Leja, District 10 Director  
Sharon Parsons, District 10, Senior Right of Way  
Pat Teczon, District 10, Design STKN  
Mike Lahodny, District 10, Supervisor Right of Way  
Rob Effinger, District 10, Project Management  
Lou Douada, District 10, Design  
Ken Cozad, Headquarters, Design  
Vern Rhinehart, Headquarters, Supervisor Right of Way

## CHRONOLOGY OF CONTACTS WITH THE PROPERTY OWNERS:

6-21-02– Sharon Parsons spoke to Mr. John Allen on the telephone

6-25-02 – John Allen, Jr. telephoned Linda Kibler.

7-3-02 – Linda Kibler and Sharon Parsons, met with John B. Allen, Jr; John Allen, Sr. and George Allen.

7-8-02 – Linda Kibler called Mr. and Mrs. Bowers

7-10-02 – Linda Kibler met with the Bowers and the Munns.

8-10-02 – Sharon Parsons called John Bowers, Jr. Linda Kibler called and spoke to Mr. Bowers.

8-13-02 - Linda Kibler and Sharon Parsons met with John B. Allen, Jr., John Allen, Sr. and George Allen. Linda Kibler met with Mr. and Mrs. Bowers

8-19-02 – Betty Ann Dal Porto mailed Notice of Intent letters to all owners of record, for the October 2-3, 2002 CTC meeting.

9-3-02 – Deborah Gebers spoke with Mr. John Allen, Jr. on the telephone.

9-4-02 – Linda Kibler mailed letters to all owners of record.

9-5-02 – Linda Kibler received a voice mail message from Mr. Munn requesting that she FAX a copy of the letter to his son who may want to attend the Level One on their behalf.

9-6-02 – Deborah Gebers mailed acknowledgement of receipt of letter.

9-10-02 – First Level hearing occurred, in attendance from district 10 was Linda Kibler; Mike Lahodny; Sharon Parsons; Ken Cozak; Mark Leja; Pat Teczon; Rob Effinger; and Lou Douada. In attendance from the Allen family was John Allen, Sr.; John Allen, Jr.; Vera M Allen; and

9-12-02 – Second Level hearing occurred. Caltrans attendance included Panel Memebers Linda Fong; Deborah Gebers and Richard Williams. Other attendees from Caltrans included Vern Rhinehart; Ken Cozad; Mark Leja; Pat Teczon; Mike Lahodny; Sharon Parsons; Rob Effinger; and Lou Douada. From the Allen family in attendance was John B. Allen, Sr; John B. Allen, Jr.; Robert Allen; and Vera M. Allen.

9-16-02 – Deborah Gebers mailed a letter to Mr. John Allen.

9-24-02 – Deborah Gebers mailed a letter to Mr John Allen.

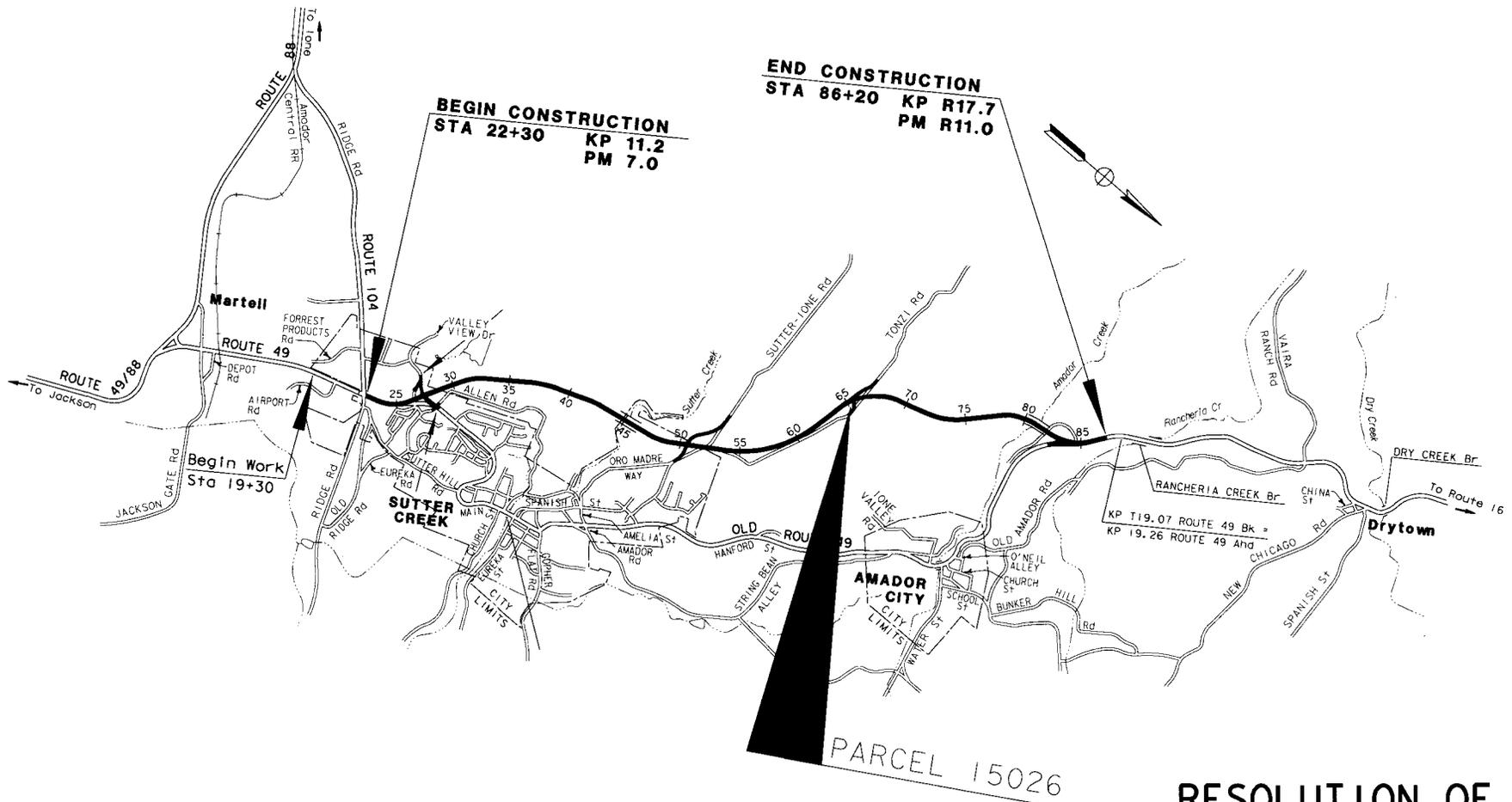
10-15-02 – Sharon Parsons, Mike Lahodny and Pat Teczon met with John Allen Sr., John Allen Jr., and Robert Allen.

10-16-02 – Sharon Parsons spoke with Mr. John Allen on the telephone.

EXHIBIT B



NOT TO SCALE



RESOLUTION OF  
NECESSITY MAP  
10-AMA-49 K.P. R11.300



