

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: June 10-11, 2009

Reference No.: 2.4a.(2)
Action Item

From: CINDY McKIM
Chief Financial Officer

Prepared by: Timothy L. Craggs
Acting Chief
Division of Right of Way and
Land Surveys

Subject: **RESOLUTION OF NECESSITY - APPEARANCE**

RECOMMENDATION:

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolution of Necessity (Resolution) C-20126 and C-20127 summarized on the following page.

ISSUE:

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 and located in a manner that will be most compatible with the greatest public good and the least private injury.
3. This property is necessary for the proposed project.
4. An offer to acquire the property in compliance with Government Code Section 7267.2 has been made to the owner of record.

In this case, the property owners are contesting the Resolution and have requested an appearance before the Commission. The property owners believe that the project as proposed is not compatible with the greatest public good and the least private injury, and that the project should be designed to include an eastbound loop on ramp. The owner's objections and the Department's responses are contained in Attachment B.

BACKGROUND:

Discussions have taken place with the owners, who have 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 the Resolution will not interrupt the Department's efforts to secure an equitable settlement. In accordance with statutory requirements, the owners' have been advised that the Department is requesting the Resolution at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-20126 - Vernalis Partners, LTD., a California Limited Partnership

10-SJ-132-PM 2.2 - Parcel 15901-1, 2, 3 - EA 2A7809.

Right of Way Certification (RWC) Date: 12/01/08; Ready To List (RTL) Date: 12/15/08.

Conventional highway - highway widening and new interchange. Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, an easement for communication lines to be conveyed to AT&T, and underlying fee. Located near the town of Tracy at 34497 South Bird Road. APN 253-290-03.

C-20127 - Jeffrey L. Brown, Trustee, etc., et al.

10-SJ-132-PM 2.2 - Parcel 15902-1, 2, 3 - EA 2A7809.

RWC Date: 12/01/08; RTL Date: 12/15/08. Conventional highway - highway widening and new interchange. Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, an easement for communication lines to be conveyed to AT&T, and underlying fee. Located near the town of Tracy at 4271 West Vernalis Road. APN 255-060-14

Attachments:

Attachment A – Project Information

Exhibits A1 through A2 – Project Maps

Attachment B – Joint Panel Report

Exhibits B1 through B2 – Photos

Attachment C – Parcel Panel Report

Exhibits C1 through C7 – Parcel Maps and Photos

Attachment D – Parcel Panel Report

Exhibits D1 through D7 – Parcel Maps and Photos

PROJECT INFORMATION

PROJECT DATA	10-SJ-132-PM 1.2/3.0 Expenditure Authorization (EA) 2A7809
<u>Location:</u>	State Route (SR) 132, in San Joaquin County about 12 miles west of Modesto
<u>Limits:</u>	From 0.1 mile west of Service Road Overcrossing to Delta Mendota Canal Bridge
<u>Cost:</u>	Programmed construction cost: \$16,956,000 Current right of way cost estimate: \$2,089,000
<u>Funding Source:</u>	Local Community Facilities District 229-02 (Vernalis Interchange)
<u>Number of Lanes:</u>	Existing: Two-lanes west of Bird Road Four-lanes east of Bird Road Proposed: Three-lanes west of Bird Road Four-lanes east of Bird Road
<u>Proposed Major Features:</u>	Interchange: Bird Road Other: Realign Vernalis Road frontage
<u>Traffic:</u>	Existing (year 2007): 23,000 Average Annual Daily Traffic (AADT) Proposed (year 2027): 46,300 AADT

NEED FOR PROJECT

The proposed project is needed to improve traffic operational deficiencies associated with the existing Bird Road intersection with State Route (SR) 132. Bird Road at SR 132 is currently an at-grade intersection, with two-way stop control on the Bird Road approaches. The proposed interchange will improve safety by eliminating cross traffic conflicts between through-traffic on SR 132 and traffic turning left or right to and from SR 132 and Bird Road.

SR 132 serves as an east-west commuter route between Central Valley communities and the Bay Area. SR 132 through the intersection with Bird Road experiences heavy traffic flow during the AM peak period (westbound) and the reverse (eastbound) traffic flow occurring during the PM peak period. Peak hour traffic counts collected in May 2004 showed 1,771 vehicles traveling through the intersection on westbound SR 132 during the AM peak hour and 1,716 vehicles traveling through the intersection on eastbound SR 132 during the PM peak hour.

Because of significant aggregate resources located south of SR 132 in the Bird Road vicinity, aggregate truck traffic uses Bird Road to gain access to SR 132 and the State Highway System. Approximately 1,000 existing daily aggregate truck trips currently access SR 132 at this location,

with approximately 100 trucks turning to/from SR 132 and Bird Road during the AM peak hour and approximately 20 during the PM peak hour. With continued development of the available aggregate resources, it is estimated that up to 7,300 daily aggregate truck trips will access the state highway at this location by the year 2027.

When the traffic operations report was prepared, it was anticipated that the project would be constructed by the year 2007, therefore the 20-year design year was set at 2027. Given that project construction is probably going to occur in the year 2010, the 20-year design year would now be 2030. Traffic forecasts for year 2030 are essentially the same as the year 2027 traffic forecasts. The interchange ramps and intersections, as currently designed, will operate at the same levels of service at year 2030, as those projected for year 2027. The mainline operations will reach an unacceptable level of service ten years after the project is constructed, although this would occur with or without the project. Future projects will need to upgrade the mainline to a six-lane facility in order to meet the concept level of service set by State and local planning.

Seven accidents were reported over the three-year period between January 1, 2000 and December 31, 2003, at or adjacent to the SR 132/Bird Road intersection. Three of the reported accidents involved either a broadside accident (two accidents) or a sideswipe accident (one accident), each involving collisions between through-traffic on eastbound SR 132 and vehicles turning left into or out of Bird Road south of the highway. Three of the reported accidents involved rear-end collisions with traffic traveling on SR 132.

The purpose of this proposed project is to improve traffic operations on SR 132 through construction of a grade-separated overcrossing and interchange connections. This will eliminate existing vehicle conflicts resulting from the at-grade intersection. This project will also improve the road to support projected increases in aggregate truck traffic through the year 2027.

PROJECT PLANNING AND LOCATION

Three alternatives were evaluated at the project report stage, and five additional alternatives were evaluated at the project study report stage. The alternatives that were not selected were rejected or excluded from further study due to unacceptable traffic operations and increased environmental impacts.

There were three SR 132/Bird Road interchange alternatives developed and evaluated in detail under year 2027 traffic conditions:

- Alternative 1 proposed a “diamond” interchange concept.
- Alternative 2 proposed a modified “par-cloe” interchange concept with no direct connecting westbound SR 132 off ramp to Bird Road and no Bird Road direct connecting on ramp to eastbound SR 132.
- Alternative 3, the selected project alternative, proposes to construct an interchange at the location of the existing Bird Road and SR 132 intersection. The interchange location on

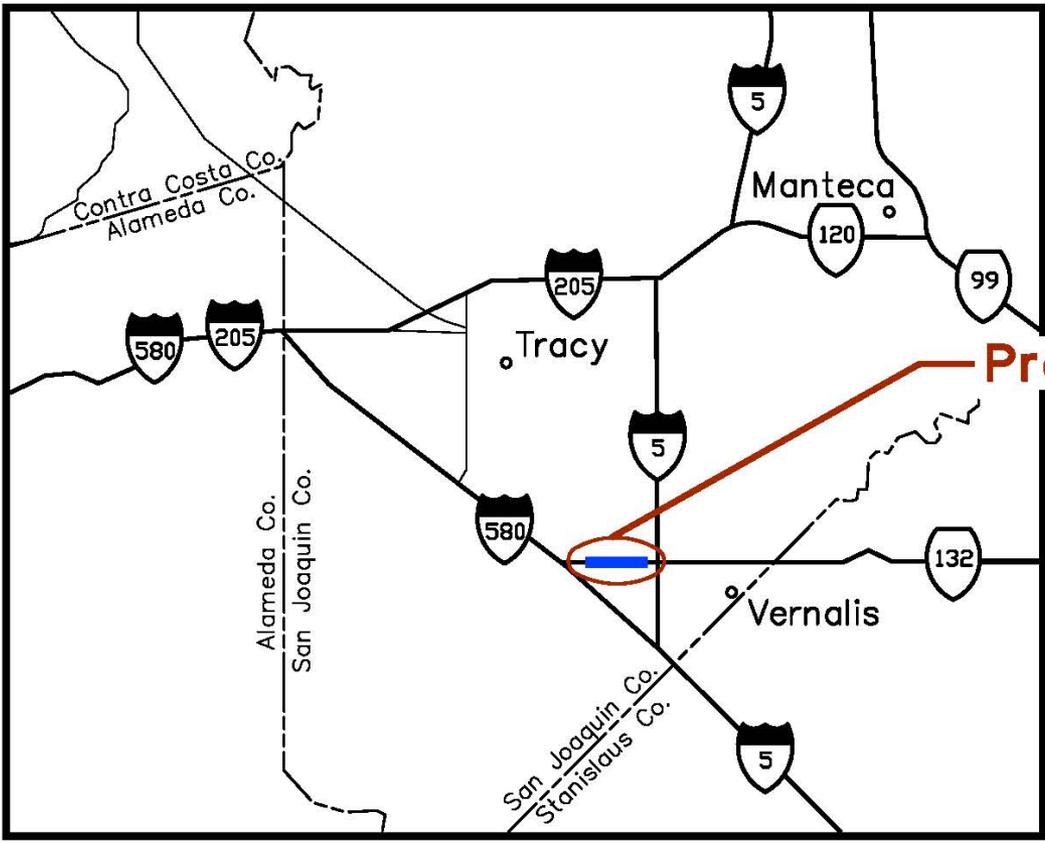
SR 132 is restricted by the relationship to the Interstate 5 and SR 132 interchange to the east, and the Chrisman Road interchange and California Aqueduct to the west.

In addition, the project also proposes: the construction of eastbound and westbound auxiliary lanes on SR 132 between the proposed Bird Road interchange and the Interstate 5/SR 132 freeway-to-freeway interchange; the upgrade of SR 132 to a full four-lane freeway from approximately one mile west of and through the proposed interchange; the utilization of the existing two-lane expressway between the Bird Road interchange and Interstate 5 as the westbound SR 132 lanes; and, the construction of a new single eastbound SR 132 lane within the same limits.

The environmental document was approved March 2006, and the project report was approved September 2006. Within the project limits, SR 132 is part of the Freeway/Expressway system with a freeway agreement adopted by the Department and San Joaquin County on March 22, 1961. As indicated in the freeway agreement, a future interchange was planned for at the SR 132/Bird Road intersection. This project is consistent with state, regional and local planning.

The construction of an interchange on SR 132 at Bird Road is identified as a Tier One project in the 2004 San Joaquin Council of Governments' Regional Transportation Plan: Vision 2030 (2004 RTP). The 2004 RTP identified the interchange as a year 2010 project. Though the project is identified in the 2004 RTP, there was no funding identified for this project in the 2004 State Transportation Improvement Program. The project is a 100 percent special funded project, with project funding for construction of the improvements and right of way acquisition coming from local funding sources.

Location Map



Project Location

Project Map

Vernalis Partners Property

Jeffrey L. Brown Property

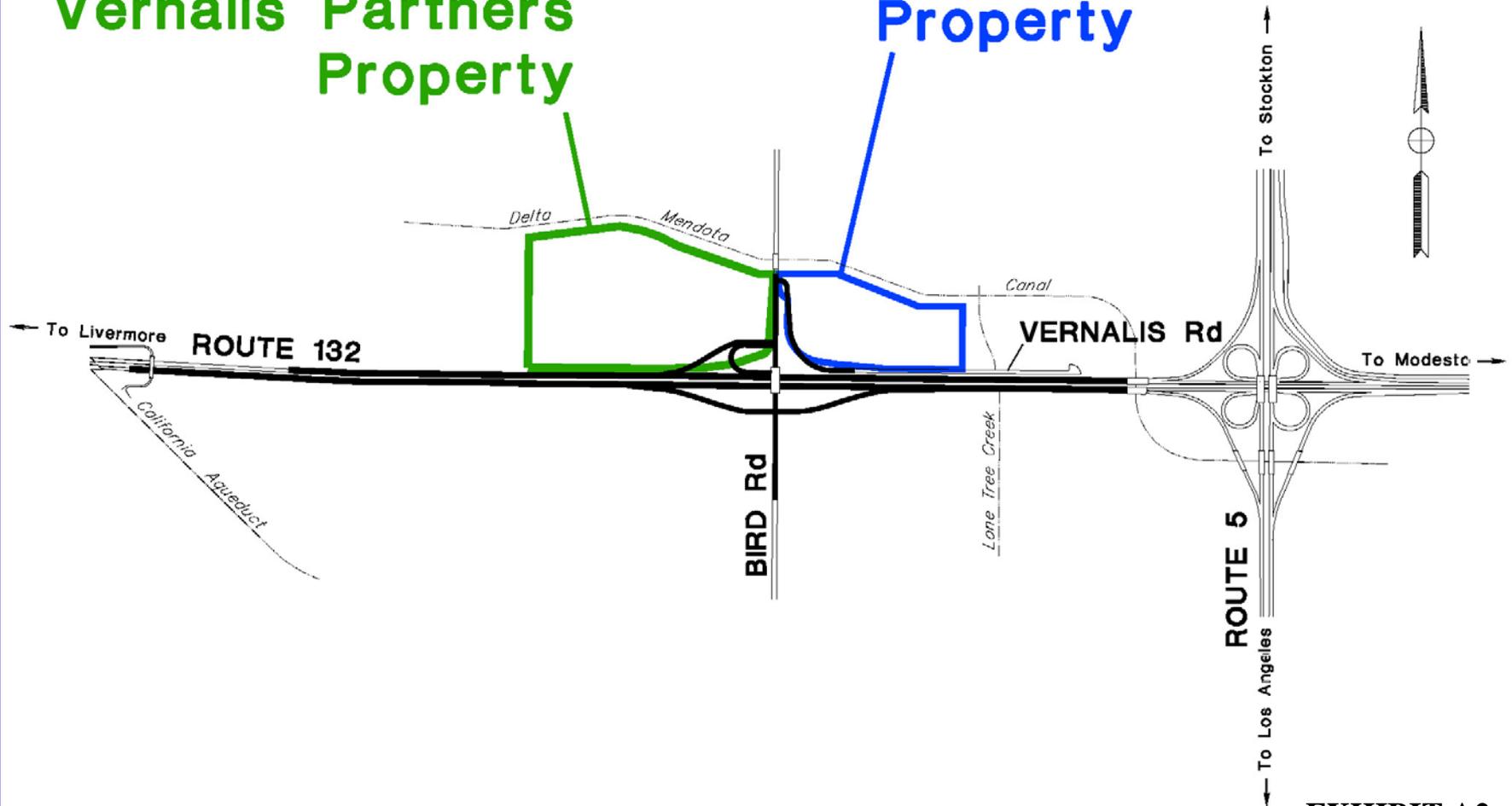


EXHIBIT A2

JOINT ISSUES AND CONCERNS

JOINT CONDEMNATION PANEL REVIEW

On March 10, 2009, the property owners of Vernalis Partners, LTD., and Jeffery L. Brown and Jacqueline M. Brown Trust met with the Condemnation Review Panel and the Department. The property owners jointly expressed their support for the project.

The following is a description of the issues and concerns jointly expressed by the property owners of both parcels and the Department's response:

Owner:

We are concerned that the Project, as proposed, will benefit only private parties in the area, and not the general public.

Department:

Although the project is being funded locally by Community Facilities District 2009-02 (Vernalis Interchange), a special tax assessment district comprised of the owners of the aggregate producing parcels and potential aggregate producing parcels located within the project area, the project is not designed to accommodate only those individual parcels. The project has been sized, as required by the California Department of Transportation (Department), to accommodate not only the traffic demands required by the gravel quarries in the area, but the needs of all properties in the area that would potentially use the interchange, including properties to the north, as well as providing for increased traffic demands that will occur along mainline SR 132. This is not considered a private project. This is a locally funded project sponsored by the County of San Joaquin and is no different than any other Department project that is funded with developer contributions to mitigate for development within the area.

Owner:

We question whether the project, as proposed, is compatible with the greatest public good and the least private injury.

Department:

The project need and purpose is to improve traffic operations and public safety, as well as provide for improved truck access to SR 132 for existing and future truck traffic. The proposed grade-separated interchange and mainline improvements will benefit the general public with improved traffic operations and increased safety at this intersection. The interchange has been located and designed in a manner that provides for the greatest public good and the least private injury. The proposed interchange has been located where portions of right of way were acquired in the past, in anticipation of a grade-separated interchange, thus minimizing impacts and private injury to surrounding parcels. The interchange has been designed to Department standards with the least impact to all the property involved, while meeting the projects need and purpose.

Owner:

We believe the project could proceed on an alternative alignment, which would eliminate the need for the parcels.

Department:

As required by the Department, planning level documents (including a Project Study Report [PSR], Project Report [PR], and an environmental document) were prepared and approved for this project. The PSR and PR documents considered other alignments and interchange configurations. Extensive engineering and environmental evaluation, as well as public involvement, have resulted in the selection of the preferred alternative.

Owner:

There is a Mineral Resource Zone (MRZ)-2 mineral land classifications located north of SR 132. This is a California Division of Mines and Geology classification for areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists. Did the traffic study prepared for this project incorporate any MRZ-2 zoning for parcels north of SR 132? It is a fundamental flaw in the traffic projections to not anticipate aggregate mining north of SR 132 in the foreseeable future. The San Joaquin County General Plan should include aggregate mining land uses for the parcels located north of SR 132 and account for potential generation of aggregate mining truck traffic not currently accounted for in the County traffic model that was used in the design of the interchange. We believe it is reasonable to assume aggregate mining will occur north of SR 132 within the next 20 years and therefore the interchange should be designed accordingly.

Department:

The traffic projections are based on year 2027 and incorporate the County's General Plan land uses. The County's General Plan assumes that those lands with mineral classifications, located to the north of SR 132, will remain agricultural for the next 20 years and foreseeable future. Therefore, aggregate mining truck traffic is not accounted for in the 20-year traffic projections.

Owner:

The project should be designed to include an eastbound loop on ramp in the southwest quadrant of the interchange to accommodate future aggregate mining truck traffic generated north of SR 132. There could be potential stacking problem in the future, at the left turn lanes located on the structure, if aggregate trucks accessed the interchange from north of SR 132.

Department:

An alternative in the PSR was considered that provided an eastbound loop on ramp, but the 20-year traffic forecasts found that an eastbound loop on ramp was not necessary so this alternative was not selected as the preferred alternative. It is not known if there would be a stacking problem at the left-turn lanes in the future (beyond the mandated 20-year planning horizon), since the traffic model did not account for aggregate mining land uses north of SR 132. If the design was modified to include the loop on ramp in the southwest quadrant, as suggested, the modification would result in increased right of way and construction costs and unduly encumber

additional property to the south of SR 132, which is not needed for the project's 20-year design horizon.

Owner:

The Department's policy to design projects to meet a 20-year design life is short-sighted, with regard to future aggregate mining north of SR 132.

Department:

The project is based on a 20-year design life, a practicable selection based on design practices and guidelines of the American Association of State Highway and Transportation Officials (AASHTO) and the Department.

Owner:

The environmental Initial Study/Mitigated Negative Declaration (IS/MND) is not valid since it was approved over two years ago and does not address the new air quality requirements such as greenhouse gas studies.

Department:

The Department investigated the property owner's concern and determined that there were no new significant changes to the project and determined that the environmental document is valid and does not need to be updated. The approved March 2006 California Environmental Quality Act (CEQA) environmental document was approved by the Department in March 2006. The property owner requested a copy of the IS/MND, which was forwarded by the District.

Owner:

Potential interruption with the irrigation season could occur due to irrigation line relocation work.

Department:

The plans and specifications for the project include clauses that require the irrigation line relocation to occur during a certain period of time, and that the property owners must be contacted prior to relocation of said lines. The contract specifications also limit the maximum amount of time that the irrigation line can be out of service.

Owner:

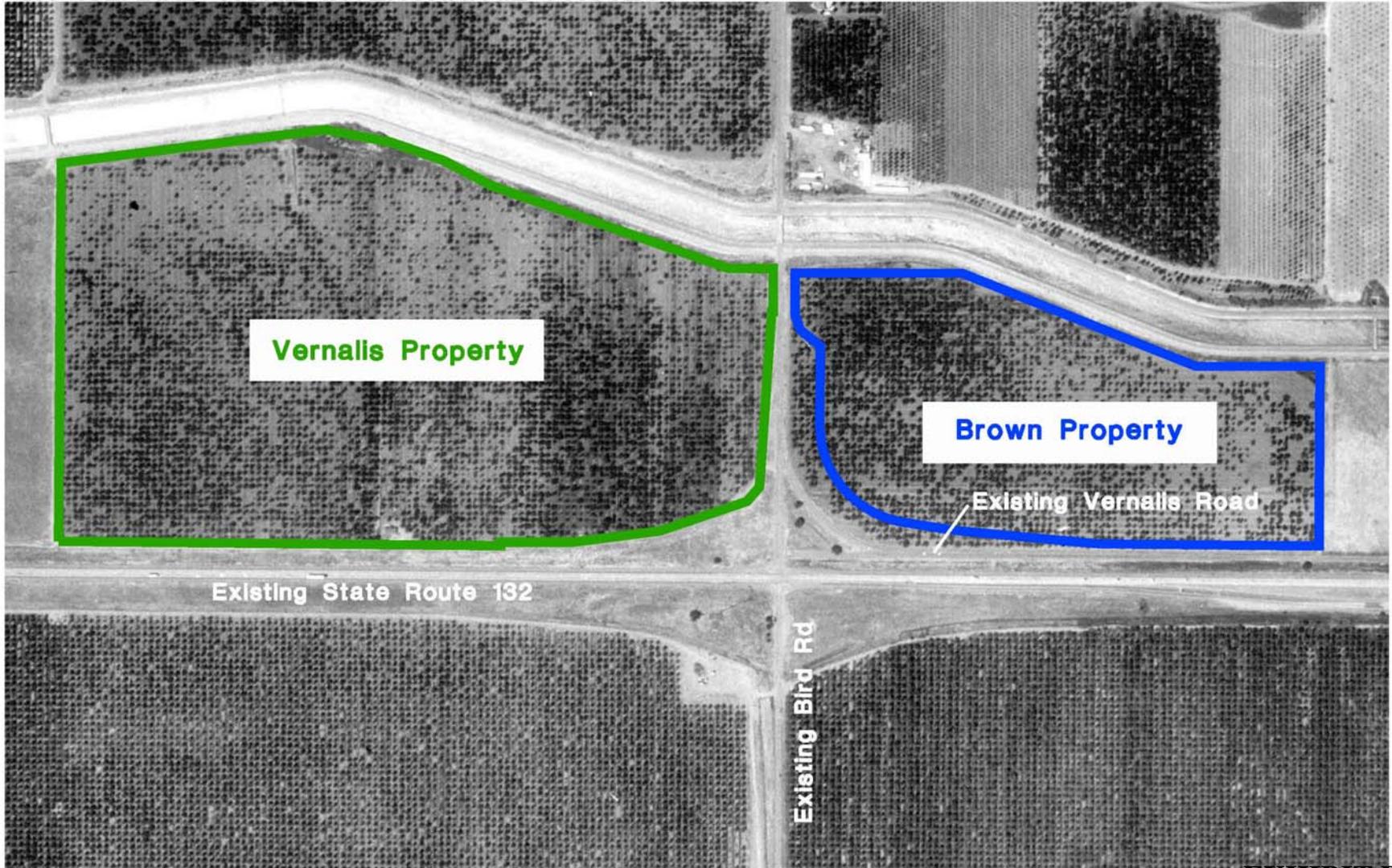
We are concerned that we will be asked to approve a project that may try to include our properties within an assessment district that will impose fees to help pay for the project. Until the financial plan is complete the project should not begin.

Department:

The Draft Financial Plan was mailed to the property owners on May 1, 2009. The Final Draft Financial Plan was e-mailed to said owners on May 11, 2009, prior to the May 12, 2009 County board meeting. The purpose of the board meeting is to approve the Resolution of Intent to form the Community Facilities District (CFD), Rate and Method of Apportionment, and CFD Boundary Map. At the board meeting, the public hearing date was scheduled for May 12, 2009, and the hearing and formation of the CFD is scheduled for June 16, 2009.

Existing Facility

SR 132/BIRD ROAD INTERCHANGE PROJECT



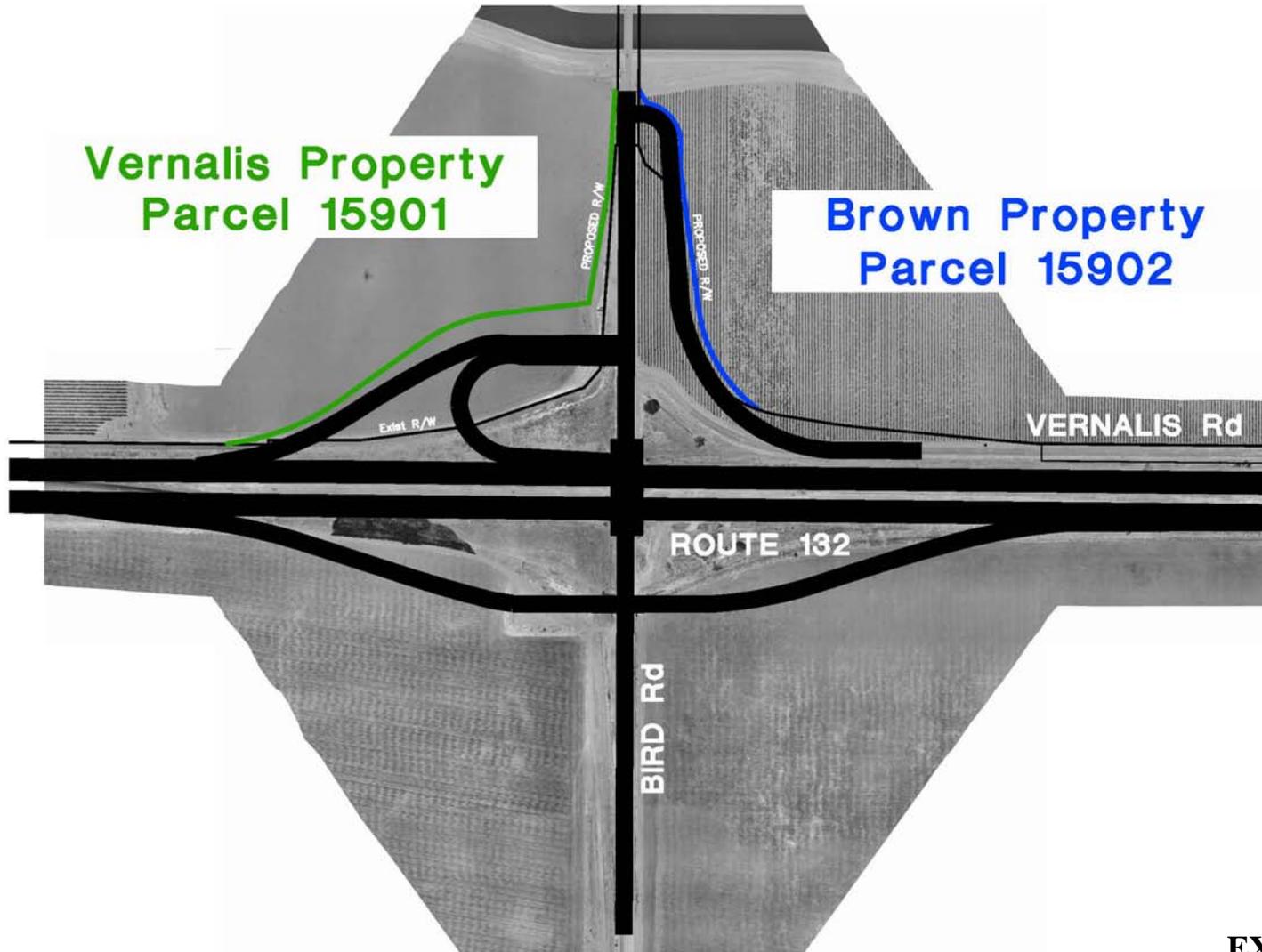
Proposed Facility

ROUTE 132/BIRD ROAD INTERCHANGE PROJECT



Vernalis Property
Parcel 15901

Brown Property
Parcel 15902



PARCEL PANEL REPORT

PARCEL DATA

Property Owner: Vernalis Partners, LTD.

Parcel Location: At the northwest corner of State Route (SR) 132 and Bird Road
34497 Bird Road, Tracy
Assessor's Parcel Number 253-290-03

Present Use: Agricultural
Zoned Agriculture (AG-40)

Area of Property: 78.873 acres

Area Required: Parcel 15901-1 - 4.918 acres in Fee
0.112 acre in Underlying Fee
Parcel 15901-2 - 0.168 acre in Easement
Parcel 15901-3 - 0.829 acre in Temporary Construction Easement

PARCEL DESCRIPTION

The subject parcel is located at the northwest corner of State Route (SR) 132 and Bird Road, in the city of Tracy, in the county of San Joaquin (County), and is identified as Assessor's Parcel Number 253-290-03. The parcel has a total of 78.873 acres designated for agricultural use. The western portion of the parcel is an existing vineyard, and the eastern portion of the parcel is open farm land. The parcel is largely rectangular in shape. The parcel fronts along SR 132 on the south side and Bird Road along the east side. The north side of the parcel fronts the Delta Mendota Canal. Access is from Bird Road. The topography is essentially level, at grade with both SR 132 and Bird Road.

The required area for the interchange includes 4.918 acres in fee from the southeast corner of the 78.873 total parcel acreage and 0.112 acre of underlying fee. The project also requires 0.168 acre for a communication easement and 0.829 acre for a temporary construction easement from the southeast corner of the parcel. The full amount of the approved appraisal was offered to Vernalis Partners on April 29, 2008.

NEED FOR SUBJECT PROPERTY

The project incorporates a typical interchange design consisting of an overcrossing at Bird Road with direct on and off ramps from SR 132. Main-line improvements include the addition of auxiliary lanes between Bird Road and the Interstate 5 interchange, for both eastbound and westbound SR 132 traffic. Just west of the interchange, the project also provides a new eastbound SR 132 travel lane and converts the existing undivided travel lanes into two westbound lanes. Right of way acquisitions identified for the project will provide the area

required for the new interchange to conform to geometric standards, as specified in the Highway Design Manual, for elements that include: lane widths, shoulder widths, turn pockets, clear recovery zones, embankment (fill) slopes and drainage facilities. The project will also require a replacement easement for an existing AT&T communications easement that will be impacted by the project.

The project was presented at a public meeting held on January 18, 2006. At the meeting, there were no negative concerns or comments regarding the need of the project or the properties in question.

The westbound on and off ramps, which require the right of way acquisition from this parcel, will provide the traffic operations required for the project. The ramps are also required in order to eliminate the at-grade traffic movements. The placement of the westbound loop off ramp in the property owner's quadrant is required to accommodate the necessary weave length required for the auxiliary lane located between the Interstate 5 interchange and Bird Road interchange. The interchange design reduced parcel impacts as much as possible, while still meeting the required design standards of the State and County, by incorporating design minimums. In order to limit impacts to the owner's parcel, ramp radii were reduced to the minimum allowed by the Highway Design Manual, and right of way offsets from project cut and fill slopes were reduced to an acceptable minimum.

Impacts to the parcel can not be avoided. The project would not meet its intended purpose if the overcrossing and the on and off ramps in the northwest quadrant were not constructed.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Condemnation Review Panel (Panel) met at the Department's District 10 office on March 10, 2009. The Panel members included Donald Grebe, Panel Chair, Department Headquarters (HQ's) Division of Right of Way and Land Surveys; Alice Ramsey, Department Sacramento Legal Division; Linda Fong, Department HQ's Division of Design; and Deborah Gebers, Department HQ's Division of Right of Way and Land Surveys, Secretary to the Panel. Representing the property owners, Vernalis Partners, LTD, were Mike Brown, Jeff Brown and their legal counsel, Thomas Terpstra.

DEPARTMENT'S CONTACTS

The following contacts have been made with the property owner:

Type of Contact	Number of Contacts
Mailing of information	1
E-Mail of information	1
Telephone contacts	10+
Personal / meeting contacts	5+

STATUTORY OFFER TO PURCHASE

The Department has appraised the subject property and offered the full amount of the appraisal to the owners of record as required by Government Code Section 7267.2.

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 a Resolution of Necessity to the Commission.

DONALD E. GREBE
Chief
Office of Project Delivery
Division of Right of Way and Land Surveys
Panel Chair

I concur with the Panel's recommendation:

RICHARD D. LAND
Chief Engineer

**PERSONS ATTENDING CONDEMNATION PANEL REVIEW MEETING
HEARING ON MARCH 10, 2009**

Donald Grebe, HQ's Division of Right of Way and Land Surveys, Panel Chair
Alice Ramsey, Sacramento Legal Office Attorney, Panel Member
Linda Fong, HQ's Division of Design, Panel Member
Deborah Gebers, HQ's Division of Right of Way and Land Surveys, Panel Secretary

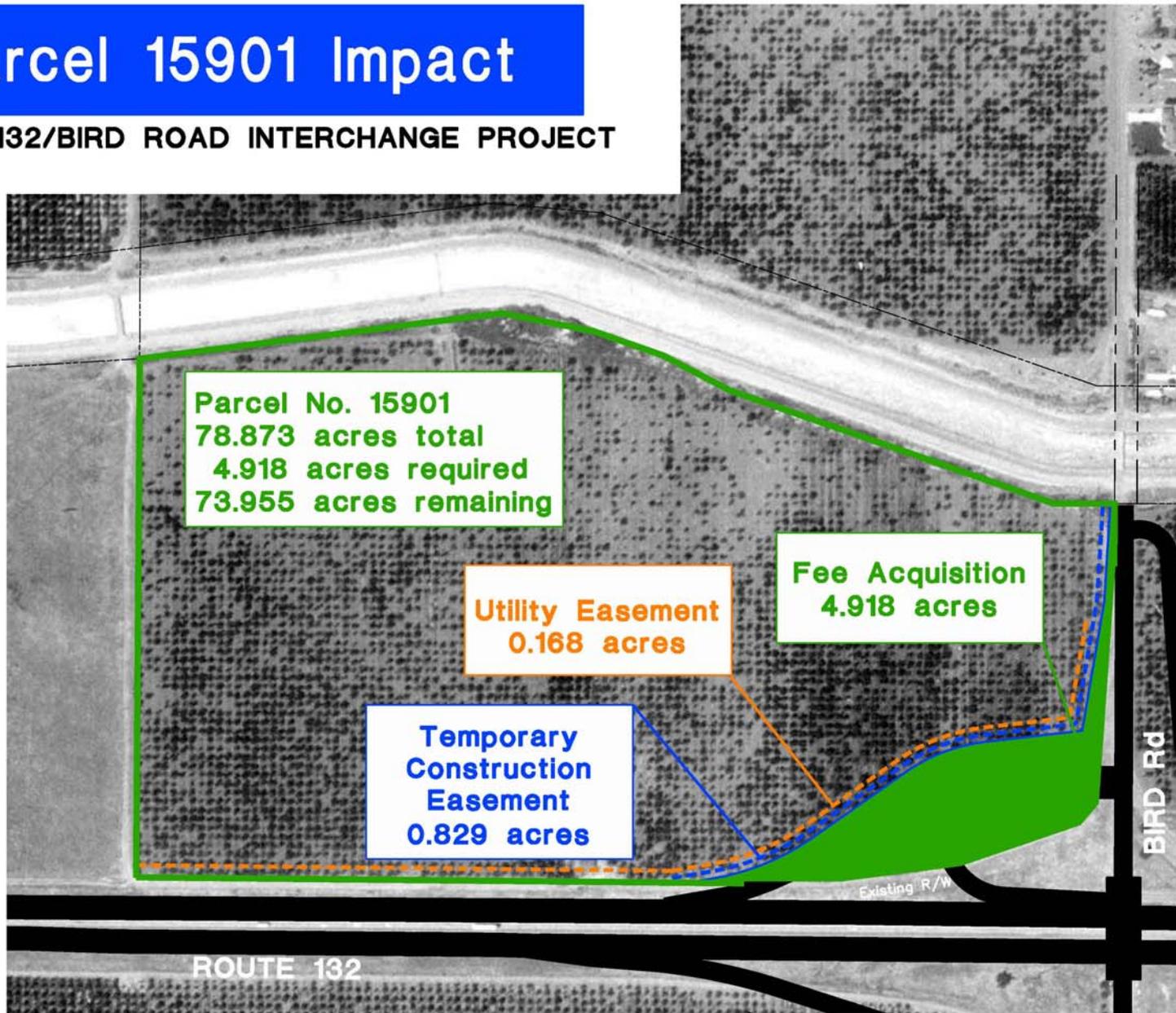
Jeff Brown, Property owner
Mike Brown, Property owner
Tom Terpstra, Legal counsel of the property owner

Tony Tavares, Interim District Director
Terry Ogle, Central Region Design
Dennis T. Agar, District 10 Project Manager
Anton Kismetian, Central Region Design
Iorzua Akuva, Project Manager
Michael Rodrigues, Central Region Right of Way
Sharon Parsons, Central Region Right of Way
Nancy Mazzeo, Central Region Right of Way

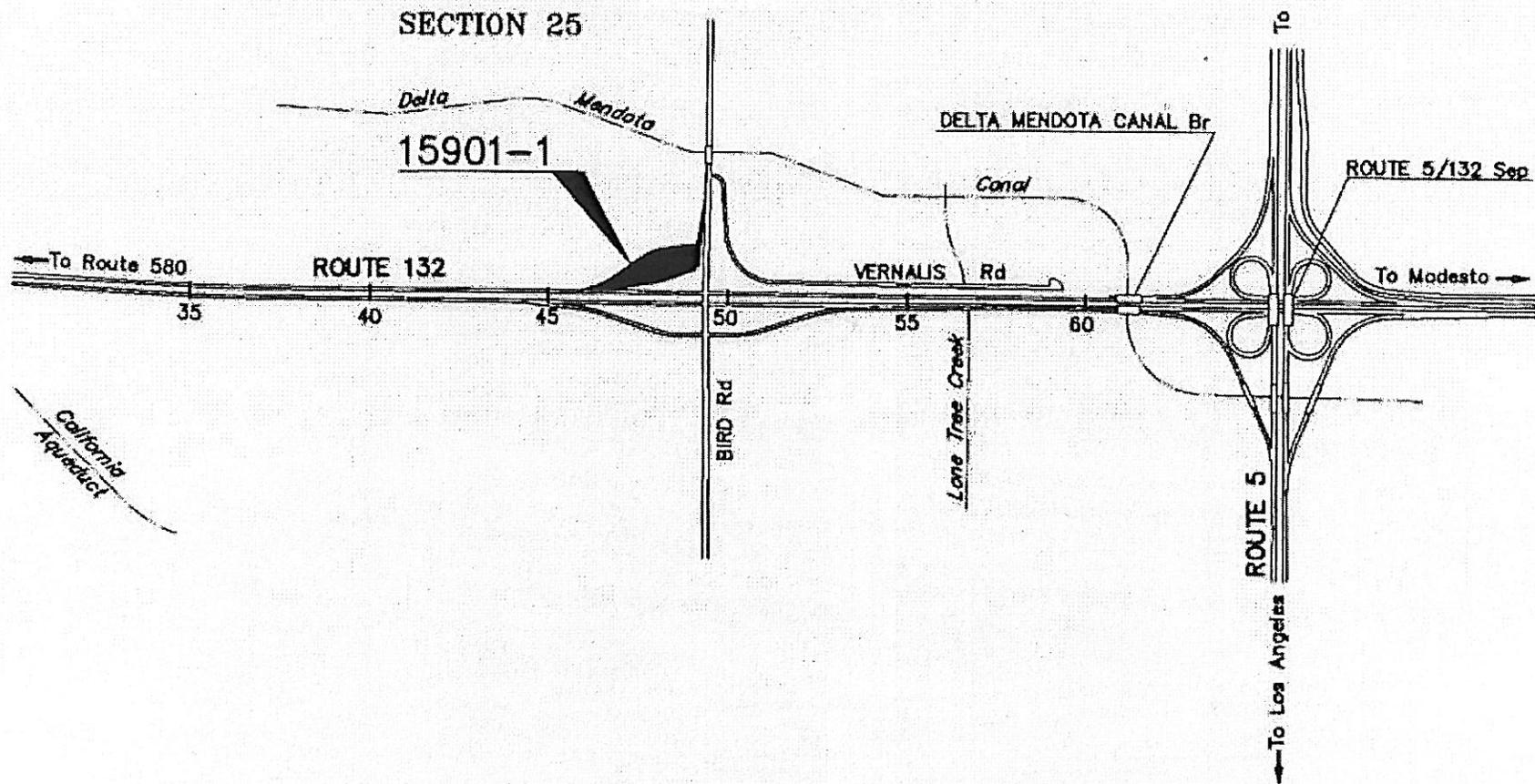
Darren Zeillemaker, Omni-Means
Doug Ries, Omni-Means
Mike Selling, County Public Works
Tom Keeling, County, FDPGK&W

Parcel 15901 Impact

ROUTE 132/BIRD ROAD INTERCHANGE PROJECT



T. 3 S., R. 5 E. M.D.B. & M.
 COUNTY OF SAN JOAQUIN



CONVERSION FACTOR: this survey is in meters.
 Multiply by 3937/1200 to convert to feet.

This survey is based on the California Coordinate System of 1983, Zone 3. Units are in meters and bearings and distances are on grid. Multiply by 1.00007378 to convert to ground distances.

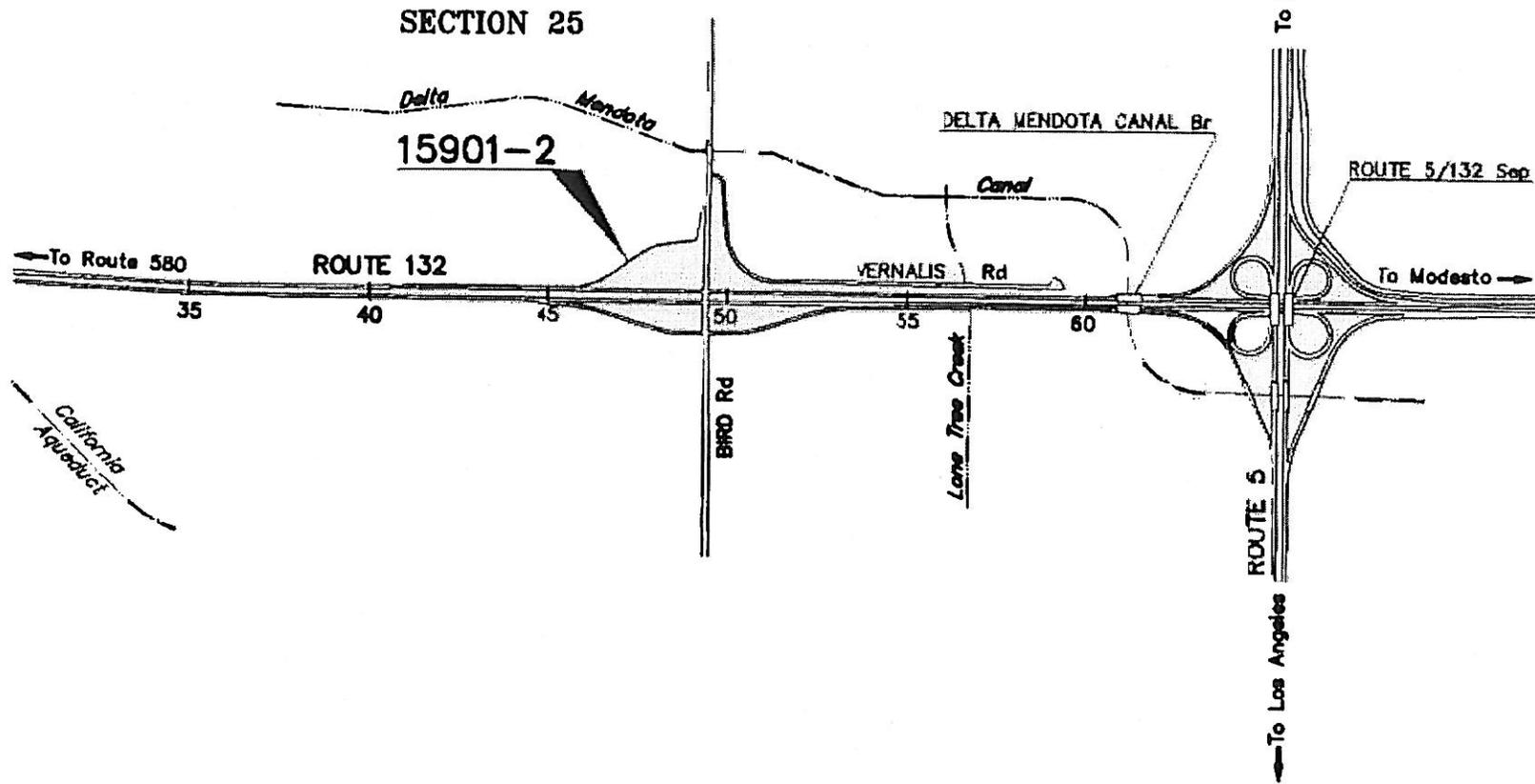
STATE OF CALIFORNIA
 BUSINESS, TRANSPORTATION AND HOUSING AGENCY
 DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
 RESOLUTION OF NECESSITY
 EXHIBIT B**

NO SCALE

DISTRICT	COUNTY	ROUTE	SHEET NO./TOTL	SHEET NO.	TOTAL SHEETS
10	52	132	3.6/2.2	1	2

T. 3 S., R. 5 E. M.D.B. & M.
 COUNTY OF SAN JOAQUIN



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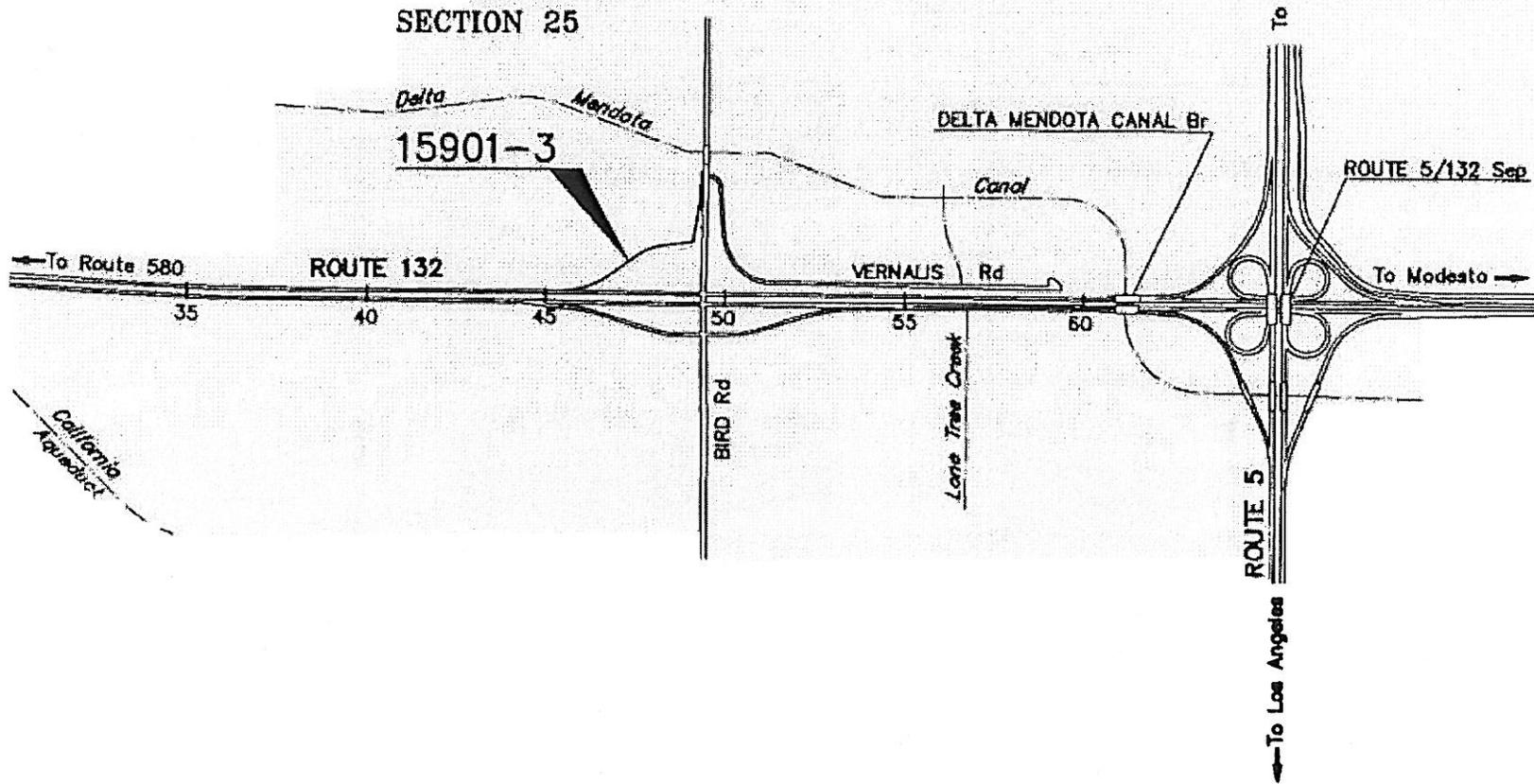
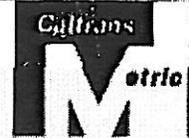
STATE OF CALIFORNIA
 BUSINESS, TRANSPORTATION AND HOUSING AGENCY
 DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
 RESOLUTION OF NECESSITY
 EXHIBIT B**

NO SCALE

DISTRICT	COUNTY	ROUTE	SHEET #P/PM	SHEET NO.	TOTAL SHEETS
10	34	132	3.6/2.2	1	2

T. 3 S., R. 5 E. M.D.B. & M.
 COUNTY OF SAN JOAQUIN



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STATE OF CALIFORNIA
 BUSINESS, TRANSPORTATION AND HOUSING AGENCY
 DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY
 RESOLUTION OF NECESSITY
 EXHIBIT B
 NO SCALE

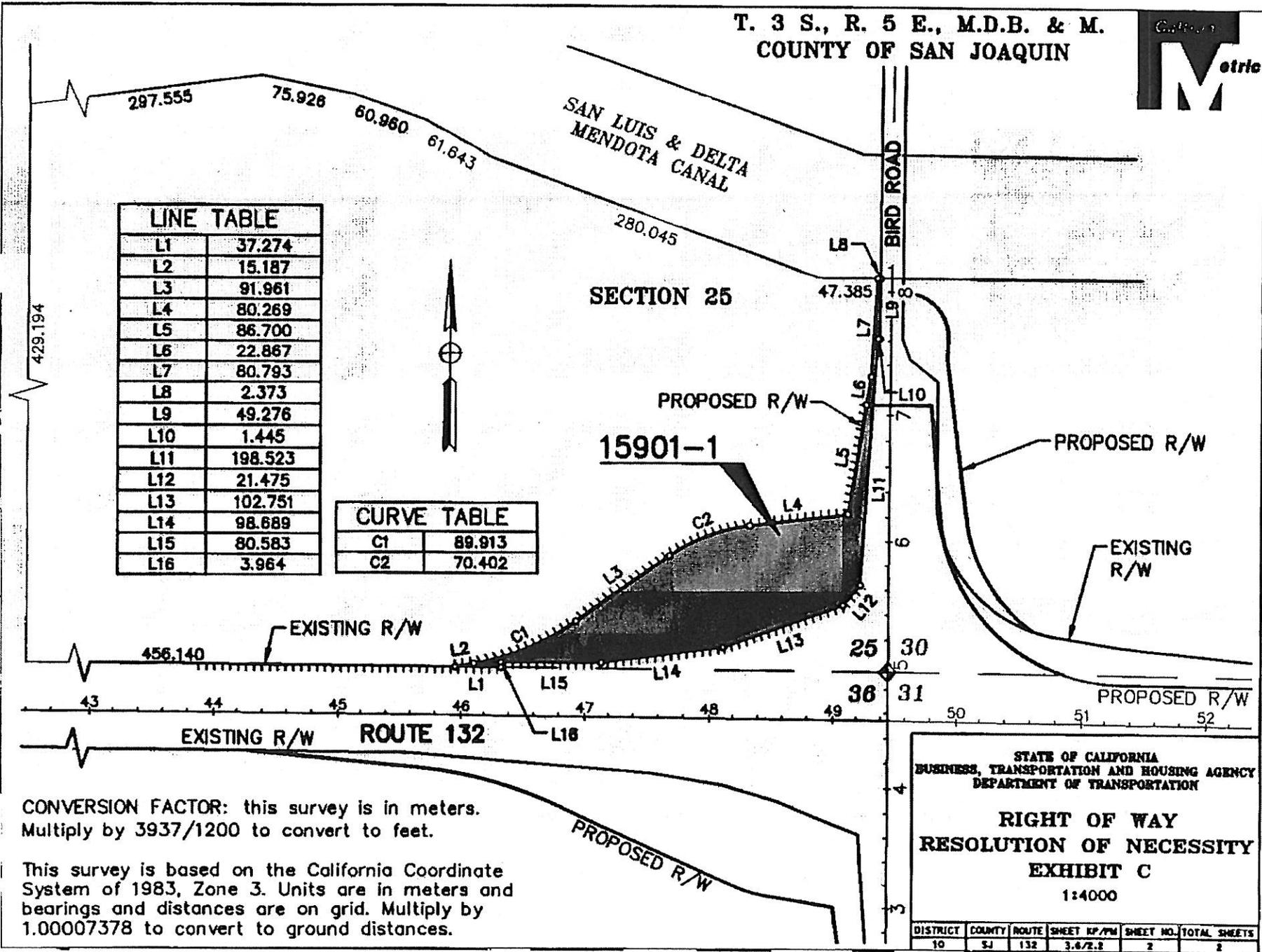
DISTRICT	COUNTY	ROUTE	SHEET	KP/PM	SHEET NO.	TOTAL SHEETS
10	SJ	132	3.6/2.2		1	2

T. 3 S., R. 5 E., M.D.B. & M.
 COUNTY OF SAN JOAQUIN



LINE TABLE	
L1	37.274
L2	15.187
L3	91.961
L4	80.269
L5	86.700
L6	22.867
L7	80.793
L8	2.373
L9	49.276
L10	1.445
L11	198.523
L12	21.475
L13	102.751
L14	98.689
L15	80.583
L16	3.964

CURVE TABLE	
C1	89.913
C2	70.402



CONVERSION FACTOR: this survey is in meters.
 Multiply by 3937/1200 to convert to feet.

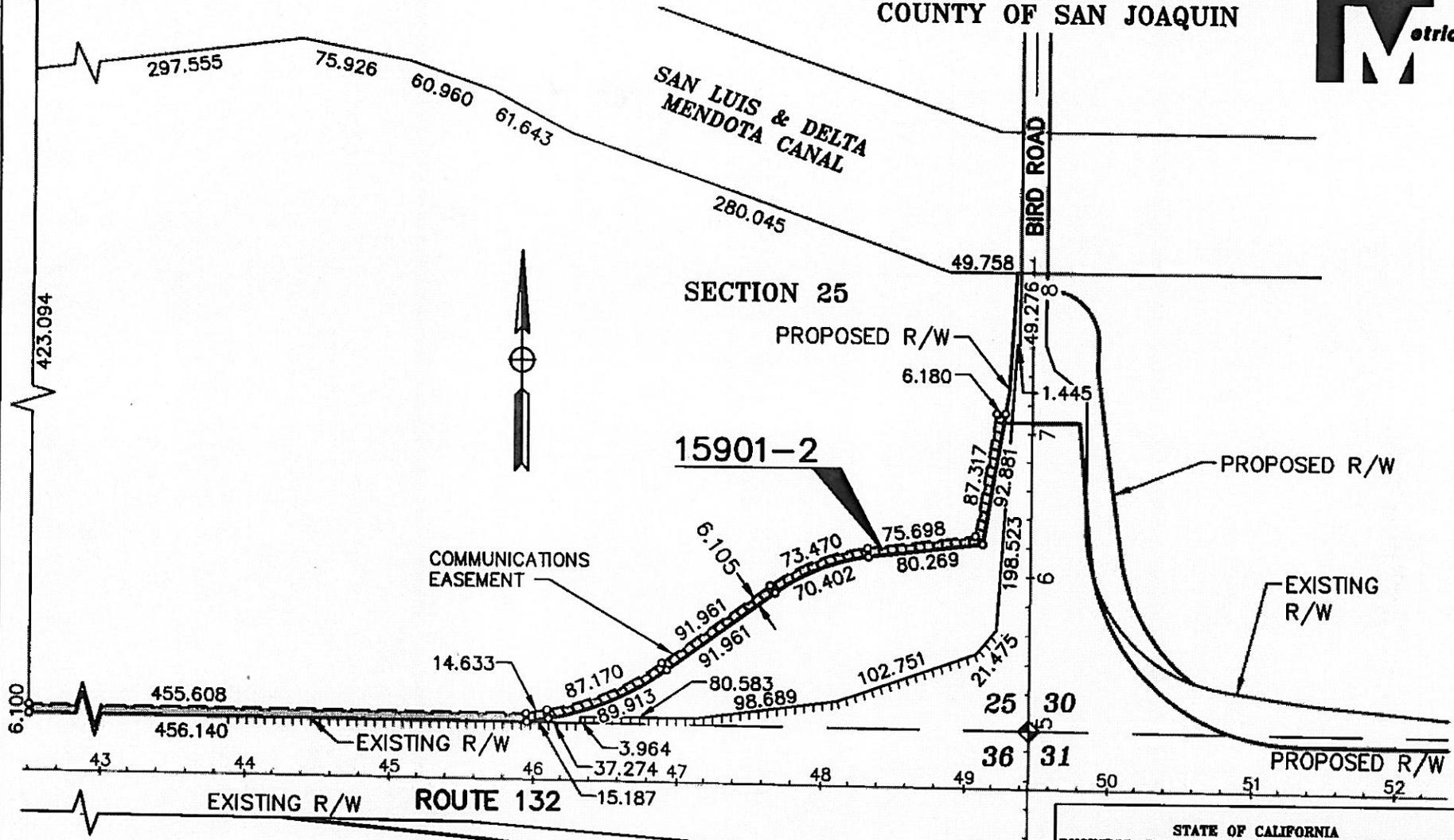
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STATE OF CALIFORNIA
 BUSINESS, TRANSPORTATION AND HOUSING AGENCY
 DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
 RESOLUTION OF NECESSITY
 EXHIBIT C**
 1:4000

DISTRICT	COUNTY	ROUTE	SHEET #P/PM	SHEET NO.	TOTAL SHEETS
10	SJ	132	3.6/2.2	2	2

T. 3 S., R. 5 E., M.D.B. & M.
 COUNTY OF SAN JOAQUIN



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STATE OF CALIFORNIA
 BUSINESS, TRANSPORTATION AND HOUSING AGENCY
 DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
 RESOLUTION OF NECESSITY
 EXHIBIT C**

1:4000

DISTRICT	COUNTY	ROUTE	SHEET KP/PM	SHEET NO.	TOTAL SHEETS
10	SJ	132	3.6/2.2	2	2

PARCEL PANEL REPORT

PARCEL DATA

Property Owner: Jeffrey L. Brown and Jacqueline M. Brown Trust

Parcel Location: Northeast corner of State Route (SR) 132 and Bird Road
4271 Vernalis Road, Tracy in San Joaquin County
Assessor's Parcel Number 255-060-14

Present Use: Irrigated vineyard
Zoned Agriculture (AG-40)

Area of Property: 35.418 acres

Area Required: 15902-1 - 1.354 acres in Fee
0.112 acre Underlying Fee
15902-2 - 0.488 acre Temporary Construction Easement
15902-3 - 0.234 acre Easement

PARCEL DESCRIPTION

The subject parcel is located at the northeast corner of State Route (SR) 132 and Bird Road, Tracy, in the county of San Joaquin (County), and is identified as Assessor's Parcel Number 255-060-14. The parcel has a total of 35.418 acres designated for agricultural use. The parcel is currently used for irrigated vineyard. The parcel is mostly rectangular/irregular in shape. The parcel fronts along Vernalis Road on the south side and Bird Road along the west side. The north side of the parcel fronts the Delta Mendota Canal. Access is from Vernalis Road. The topography is essentially level, at grade with both SR 132 and Bird Road.

The required area for the interchange includes 1.354 acres in fee from the southwest corner of the 35.418 total parcel acreage and 0.112 acre of underlying fee. The project also requires 0.234 acre for a communication easement and 0.488 acre for a temporary construction easement from the southwest corner of the parcel. The full amount of the approved appraisal was offered to Jeff Brown on April 29, 2008

NEED FOR SUBJECT PROPERTY

The project incorporates a typical interchange design consisting of an overcrossing at Bird Road with direct on and off ramps from SR 132. Main-line improvements include the addition of auxiliary lanes between Bird Road and the I-5 interchange, for both eastbound and westbound State Route 132 traffic. Just west of the interchange, the project also provides a new eastbound State Route 132 travel lane and converts the existing undivided travel lanes into two westbound lanes. Right of way acquisitions identified for the project will provide the area required for the new interchange to conform to geometric standards as specified in the Highway Design Manual,

for elements that include: lane widths, shoulder widths, intersection geometrics, clear recovery zones, embankment (fill) slopes and drainage facilities. The project will also require a replacement easement for an existing AT&T communications easement that will be impacted by the project.

The project was presented at a public meeting held on January 18, 2006. At the meeting, there were no negative concerns or comments regarding the need of the project or the properties in question.

The realigned Vernalis Road frontage road requires right of way acquisition from the subject parcel in order to relocate the existing Vernalis Road intersection with Bird Road. In order to limit impacts to the owner's parcel, the realigned Vernalis Road radii were reduced to the minimum allowed by the Highway Design Manual, and right of way offsets from project cut and fill slopes were reduced to an acceptable minimum.

Impacts to the parcel can not be avoided. The project would not meet its intended purpose if the overcrossing and realigned Vernalis Road were not constructed.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Condemnation Review Panel (Panel) met at the Department's District 10 office on March 10, 2009. The Panel members included Donald Grebe, Panel Chair, Department Headquarters (HQ's) Division of Right of Way and Land Surveys; Alice Ramsey, Department Sacramento Legal Division; Linda Fong, Department HQ's Division of Design; and Deborah Gebers, Department HQ's Division of Right of Way and Land Surveys, Secretary to the Panel. Representing the property owners, Jeffrey L. Brown and Jacqueline M. Brown Trust, were Mike Brown, Jeff Brown and their legal counsel, Thomas Terpstra.

DEPARTMENT'S CONTACTS

The following contacts have been made with the property owner:

Type of Contact	Number of Contacts
Mailing of information	1
E-Mail of information	1
Telephone contacts	10+
Personal / meeting contacts	5+

STATUTORY OFFER TO PURCHASE

The Department has appraised the subject property and offered the full amount of the appraisal to the owners of record as required by Government Code Section 7267.2.

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 a Resolution of Necessity to the Commission.

DONALD E. GREBE
Chief
Office of Project Delivery
Division of Right of Way and Land Surveys
Panel Chair

I concur with the Panel's recommendation:

RICHARD D. LAND
Chief Engineer

**PERSONS ATTENDING CONDEMNATION PANEL REVIEW MEETING
HEARING ON MARCH 10, 2009**

Donald Grebe, HQ's Division of Right of Way and Land Surveys, Panel Chair
Alice Ramsey, Sacramento Legal Office Attorney, Panel Member
Linda Fong, HQ's Division of Design, Panel Member
Deborah Gebers, HQ's Division of Right of Way and Land Surveys, Panel Secretary

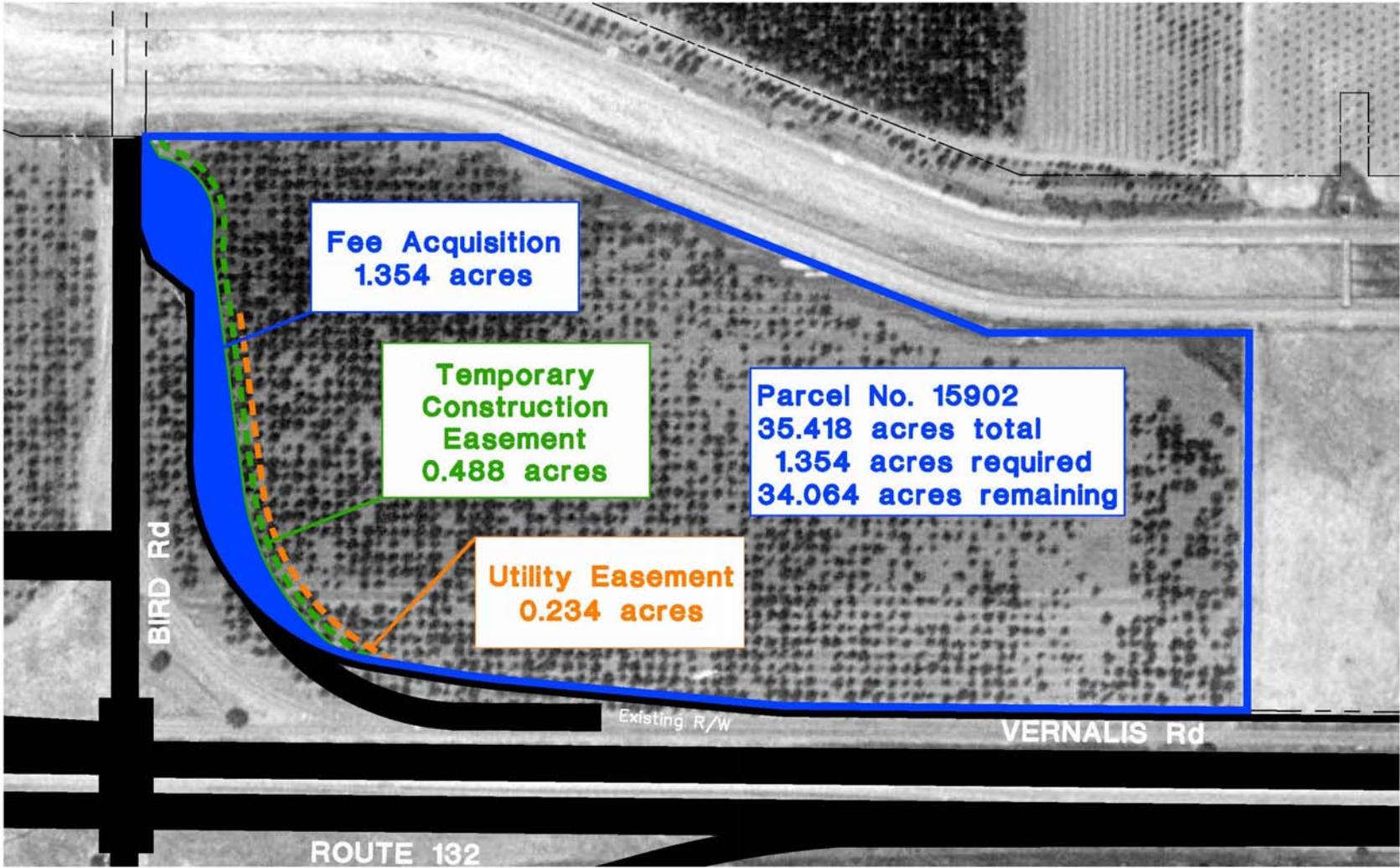
Jeff Brown, Property owner
Mike Brown, Property owner
Tom Terpstra, Legal counsel of the property owner

Tony Tavares, Interim District Director
Terry Ogle, Central Region Design
Dennis T. Agar, District 10 Project Manager
Anton Kismetian, Central Region Design
Iorzua Akuva, Project Manager
Michael Rodrigues, Central Region Right of Way
Sharon Parsons, Central Region Right of Way
Nancy Mazzeo, Central Region Right of Way

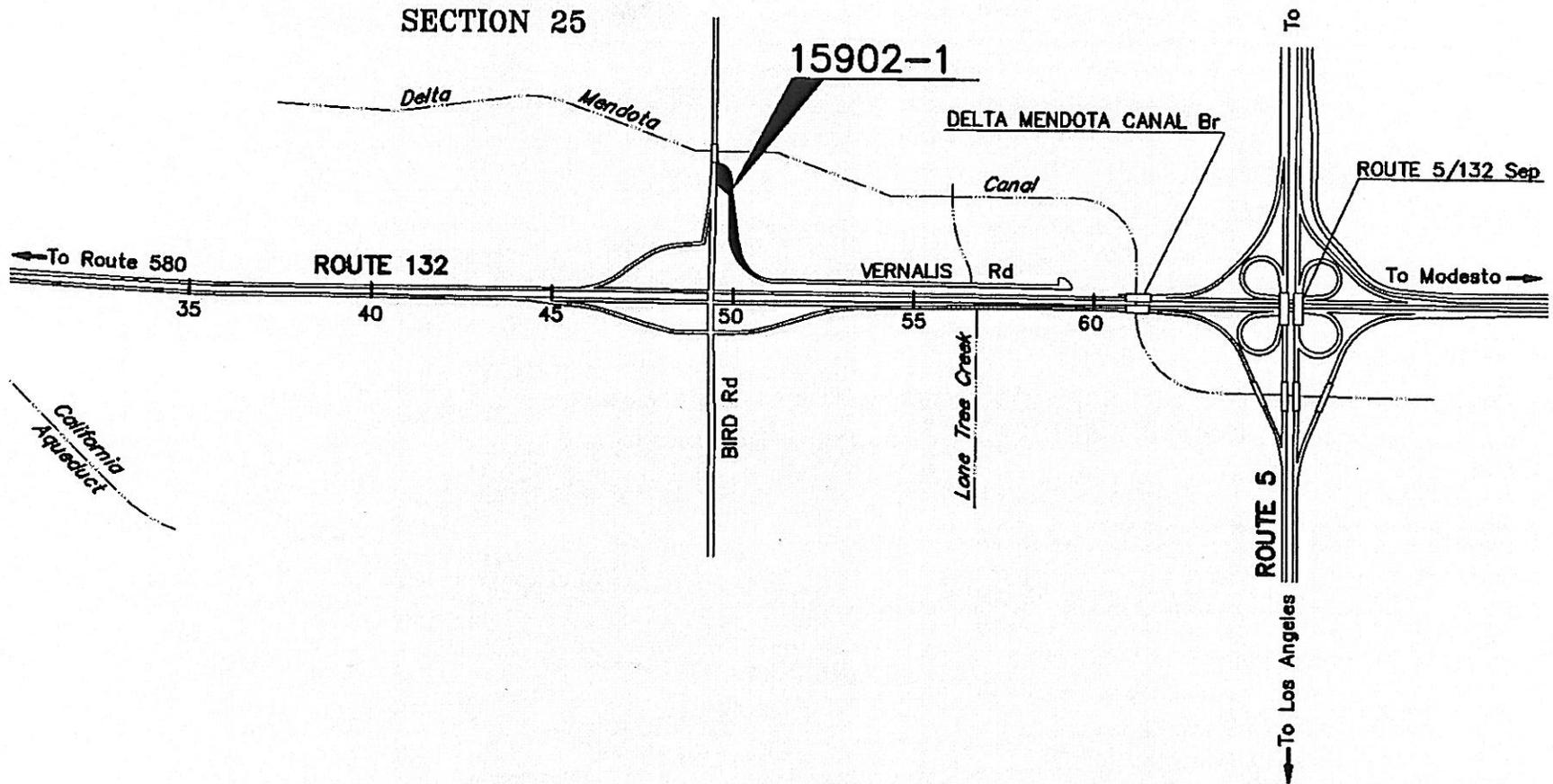
Darren Zeillemaker, Omni-Means
Doug Ries, Omni-Means
Mike Selling, County Public Works
Tom Keeling, County, FDPGK&W

Parcel 15902 Impact

ROUTE 132/BIRD ROAD INTERCHANGE PROJECT



T. 3 S., R. 5 E. M.D.B. & M.
 COUNTY OF SAN JOAQUIN



CONVERSION FACTOR: this survey is in meters.
 Multiply by 3937/1200 to convert to feet.

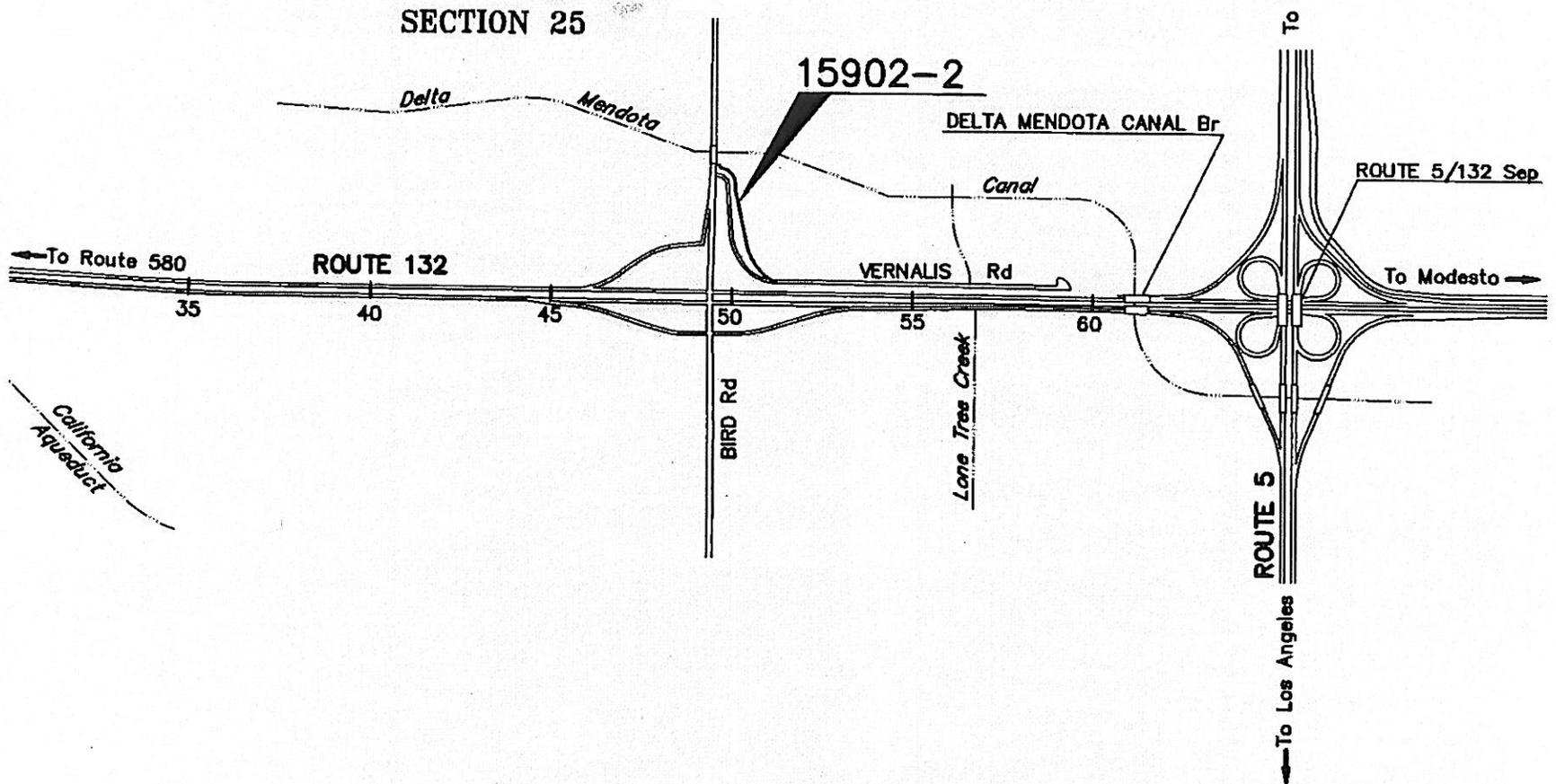
This survey is based on the California Coordinate System of 1983, Zone 3. Units are in meters and bearings and distances are on grid. Multiply by 1.00007378 to convert to ground distances.

STATE OF CALIFORNIA
 BUSINESS, TRANSPORTATION AND HOUSING AGENCY
 DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
 RESOLUTION OF NECESSITY
 EXHIBIT B
 NO SCALE**

DISTRICT	COUNTY	ROUTE	SHEET KP/PM	SHEET NO.	TOTAL SHEETS
10	SJ	132	3.6/2.2	1	2

T. 3 S., R. 5 E. M.D.B. & M.
 COUNTY OF SAN JOAQUIN



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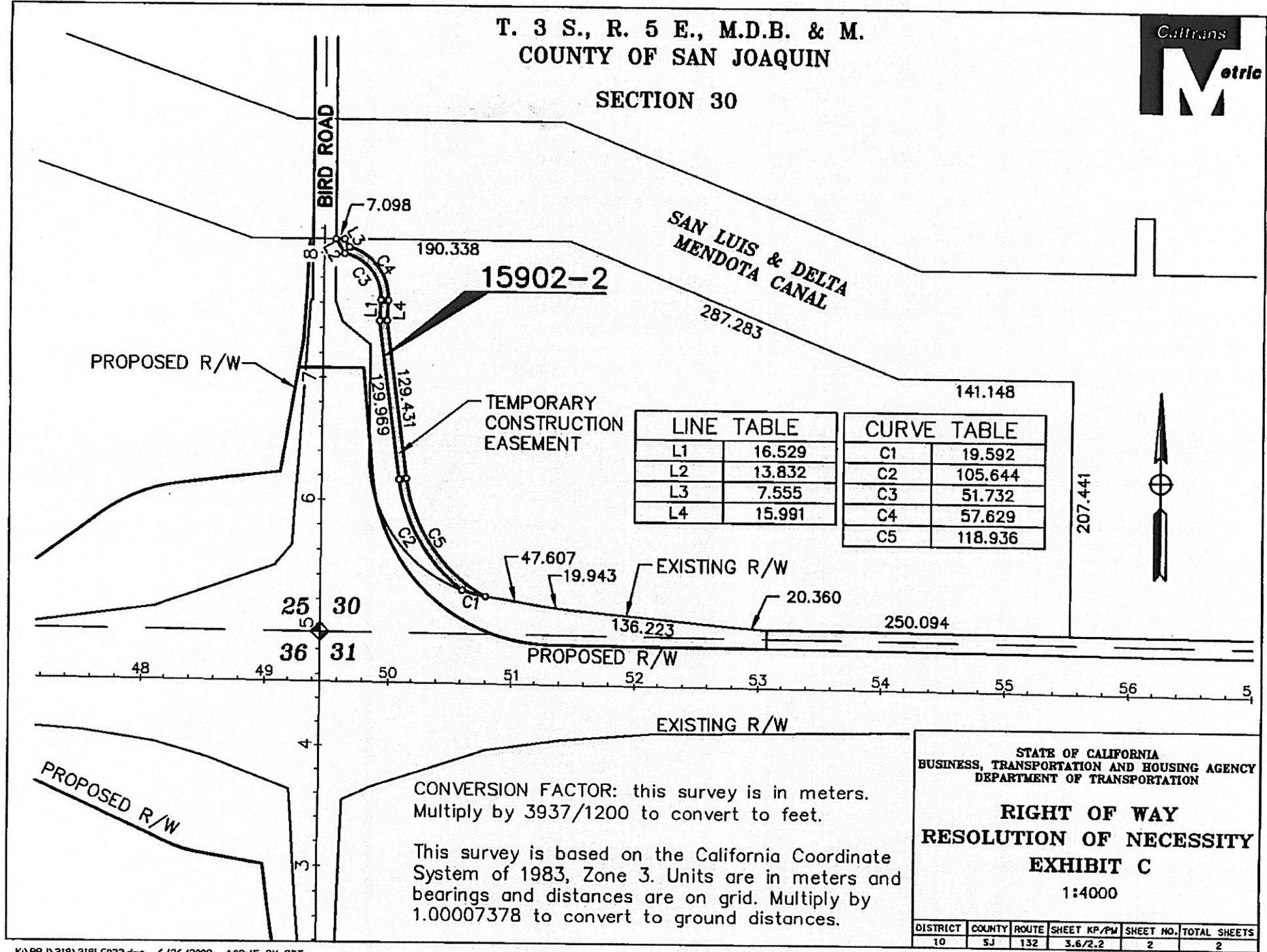
STATE OF CALIFORNIA
 BUSINESS, TRANSPORTATION AND HOUSING AGENCY
 DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
 RESOLUTION OF NECESSITY
 EXHIBIT B
 NO SCALE**

DISTRICT	COUNTY	ROUTE	SHEET KP/PM	SHEET NO.	TOTAL SHEETS
10	SJ	132	3.6/2.2	1	2

T. 3 S., R. 5 E., M.D.B. & M.
 COUNTY OF SAN JOAQUIN

SECTION 30



LINE TABLE	
L1	16.529
L2	13.832
L3	7.555
L4	15.991

CURVE TABLE	
C1	19.592
C2	105.644
C3	51.732
C4	57.629
C5	118.936

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STATE OF CALIFORNIA
 BUSINESS, TRANSPORTATION AND HOUSING AGENCY
 DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
 RESOLUTION OF NECESSITY
 EXHIBIT C**
 1:4000

DISTRICT	COUNTY	ROUTE	SHEET KP/PM	SHEET NO.	TOTAL SHEETS
10	SJ	132	3.6/2.2	2	2

T. 3 S., R. 5 E., M.D.B. & M.
 COUNTY OF SAN JOAQUIN



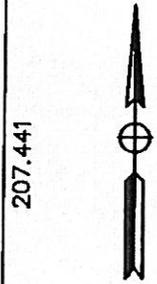
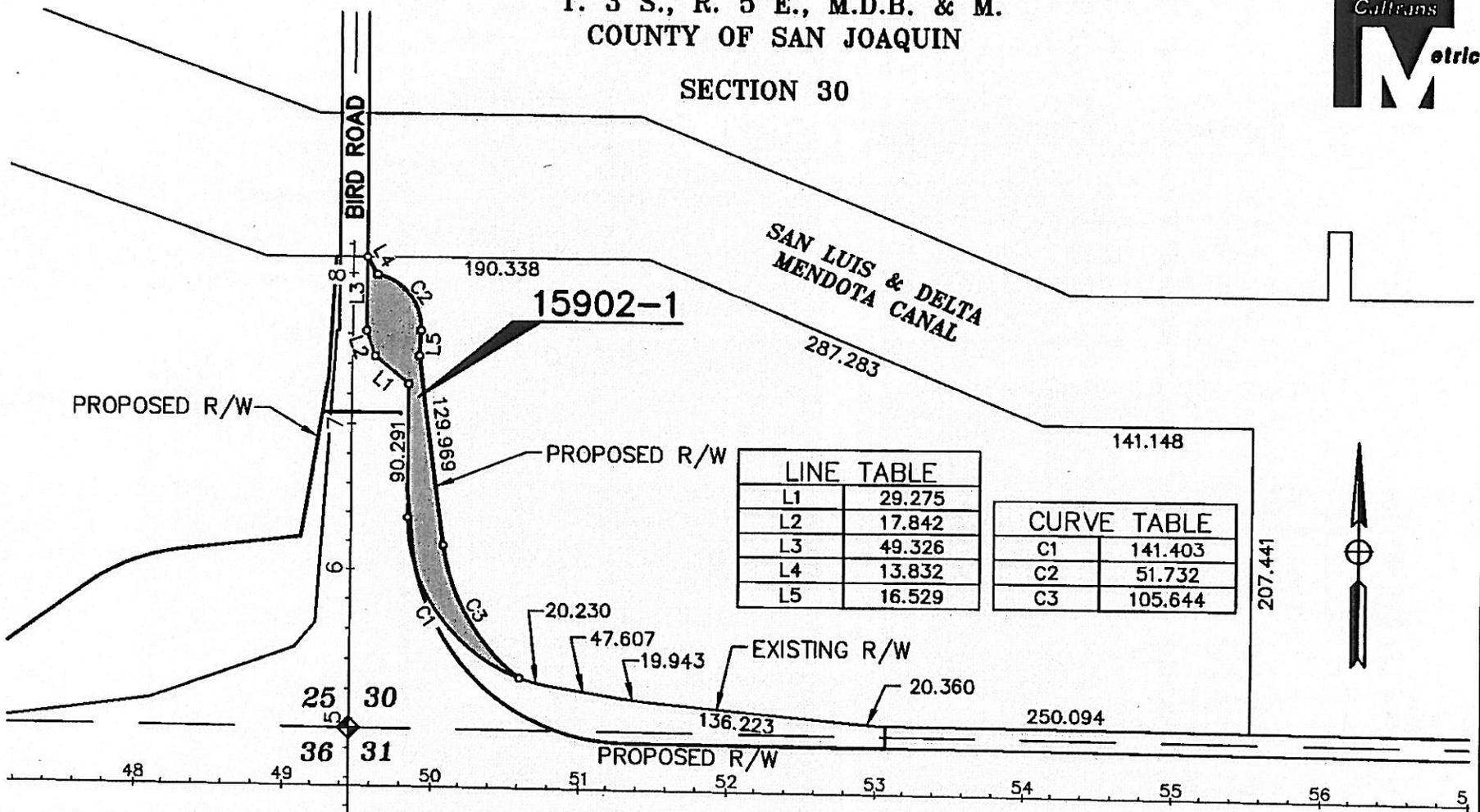
SECTION 30

SAN LUIS & DELTA
 MENDOTA CANAL

15902-1

LINE TABLE	
L1	29.275
L2	17.842
L3	49.326
L4	13.832
L5	16.529

CURVE TABLE	
C1	141.403
C2	51.732
C3	105.644



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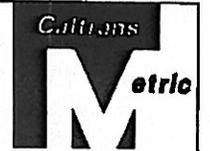
STATE OF CALIFORNIA
 BUSINESS, TRANSPORTATION AND HOUSING AGENCY
 DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
 RESOLUTION OF NECESSITY
 EXHIBIT C**

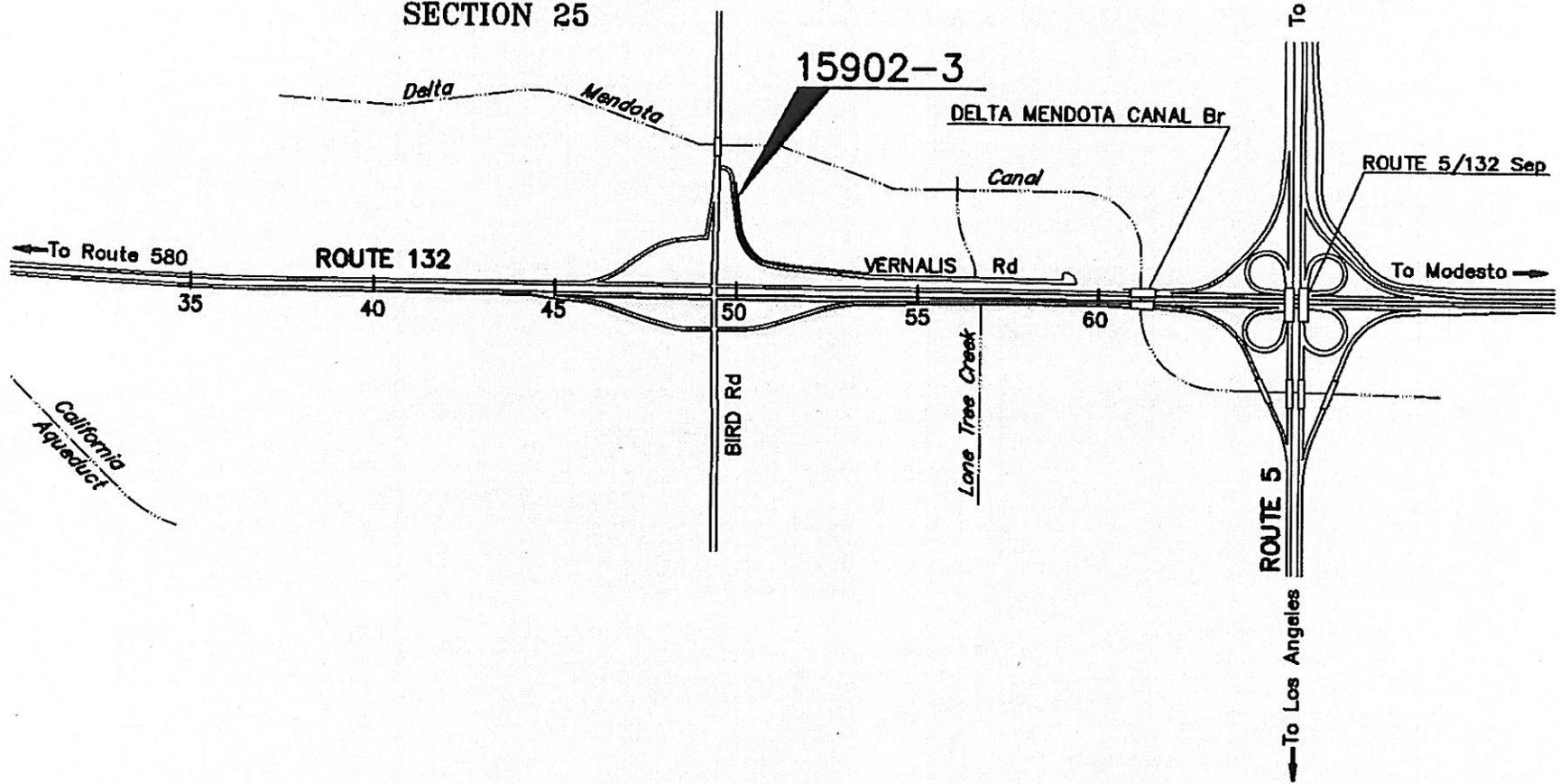
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DISTRICT	COUNTY	ROUTE	SHEET KP/PM	SHEET NO.	TOTAL SHEETS
10	SJ	132	3.6/2.2	2	2

T. 3 S., R. 5 E. M.D.B. & M.
 COUNTY OF SAN JOAQUIN



SECTION 25



CONVERSION FACTOR: this survey is in meters.
 Multiply by 3937/1200 to convert to feet.

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STATE OF CALIFORNIA
 BUSINESS, TRANSPORTATION AND HOUSING AGENCY
 DEPARTMENT OF TRANSPORTATION

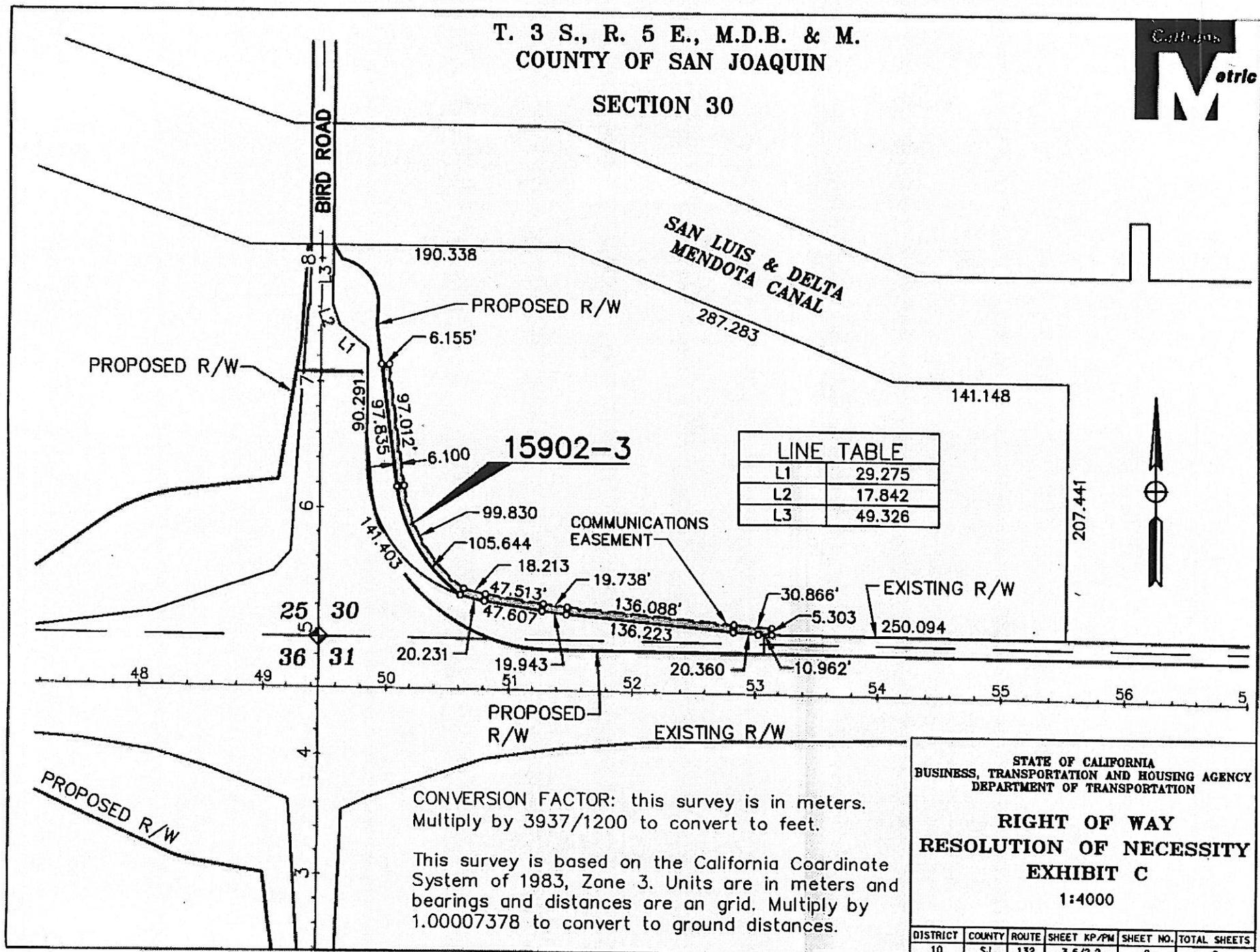
**RIGHT OF WAY
 RESOLUTION OF NECESSITY
 EXHIBIT B**

NO SCALE

DISTRICT	COUNTY	ROUTE	SHEET KP/PM	SHEET NO.	TOTAL SHEETS
10	SJ	132	3.6/2.2	1	2

T. 3 S., R. 5 E., M.D.B. & M.
 COUNTY OF SAN JOAQUIN

SECTION 30



LINE TABLE	
L1	29.275
L2	17.842
L3	49.326

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STATE OF CALIFORNIA
 BUSINESS, TRANSPORTATION AND HOUSING AGENCY
 DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
 RESOLUTION OF NECESSITY
 EXHIBIT C**

1:4000

DISTRICT	COUNTY	ROUTE	SHEET KP/PM	SHEET NO.	TOTAL SHEETS
10	SJ	132	3.6/2.2	2	2