

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 9-10, 2009

Reference No.: 2.4a.(1)  
Action Item

From: NORMA ORTEGA  
Chief Financial Officer (Interim)

Prepared by: Tony Tavares  
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-20215 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 owner is contesting the Resolution and has requested a written appearance before the Commission to challenge the outstanding issues. At the request of the property owner, objections to the Resolution have been submitted in writing in lieu of a personal appearance before the Commission. The owner's objections are included as Attachment A. The Department's responses to the owner's objections are contained in Attachment B.

## **BACKGROUND:**

Discussions have taken place with the owner, who has been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which the owner 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 owner has been notified that the Department is requesting the Resolution at the Commission's

December 9-10, 2009 meeting. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-20215 - Sandridge Partners

06-Ker-46-PM 10.6 - Parcel 86061-1, 2 - EA 442529.

Right of Way Certification Date: 03/19/10; Ready to List Date: 03/19/10.

Conventional highway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and an easement for utility purposes to be conveyed to Verizon. Located near the unincorporated area of Kecks Corner on the north side of Highway 46, three miles east of Kecks Road.

Assessor's Parcel Numbers 057-103-08, -09; 057-090-22, -23.

Attachments:

Attachment A - Owners Written Objections dated July 21, 2009

Attachment B - Department response dated October 14, 2009

Attachment C - Fact Sheet

Exhibits A through E - Maps

LAW OFFICES OF

HERMAN H. FITZGERALD  
A PROFESSIONAL CORPORATION

HERMAN H. FITZGERALD  
CHRISTINE C. FITZGERALD

346 LORTON AVENUE, SUITE 302  
BURLINGAME, CALIFORNIA 94010  
TELEPHONE (650) 348-5195  
FACSIMILE (650) 348-3518

July 21, 2009

***Certified Mail, Return Receipt Requested***

Executive Director  
California Transportation Commission  
P. O. Box 942873, Mail Station 52  
Sacramento, CA 94273-0001

Re: Property Acquisition – 06:KER-46-10.6  
EA 442529  
Parcel 86061-1 & 2

Resolution of Necessity for Acquisition of Property by Eminent Domain:  
Sandridge Partners

To The Honorable California Transportation Commission:

This California Transportation Commission (hereinafter "Commission") has on its agenda for August 12<sup>th</sup> and 13<sup>th</sup> of 2009, a hearing to consider adoption of a Resolution of Necessity for the acquisition of the above-entitled property (hereinafter "the subject property") by eminent domain. This office represents Sandridge Partners the owners of the property (hereinafter "the owner or owners"). We are submitting this letter on behalf of the owners in order to object to the Commission's proposed action on several grounds, including (1) that adoption of the resolution would be in violation of law because the Commission has failed to comply with applicable statutory procedures which are prerequisites to such a resolution, including the requirements of the California Environmental Quality Act ("CEQA"); and (2) the failure to furnish a proper Appraisal Summary Statement; and (3) the failure to conform to procedural requirements; and (4) the failure to make a proper Government Code 7267.2 offer; and (5) the failure to provide a form of the proposed resolution which effectively precludes any comment, objection, etc., by the owners, exacerbated by the inability to attend a meeting without sufficient notice; and (6) the Notice fails to satisfy the time requirements of CCP 1245.235 and CCP 1013.

A.

**THE COMMISSION MAY NOT ADOPT A RESOLUTION  
OF NECESSITY BECAUSE IT HAS FAILED TO COMPLY  
WITH STATUTORY PROCEDURES**

Sections 1245.230 et. seq., of the Code of Civil Procedure and Government Code Sections 7267.1 and 7267.2 set forth the procedures that must be followed prior to adoption of a resolution of necessity by a public entity. The Commission has failed to follow those procedures.

ATTACHMENT A

Executive Director  
California Transportation Commission  
July 21, 2009  
Page 2

Under Government Code Section 7267.2, prior to adopting a resolution of necessity, the condemnor must make an offer to the owners of interests in the subject property to acquire the property, which must contain a written statement of, and summary of the basis for, the amount it has established as just compensation. The Commission has failed to make a bona fide offer under Government Code Section 7267.2 to the owners.

Case law has made it clear that the provisions of Section 7267.2 "are not merely discretionary guidelines, but mandatory requirements which must be observed by any public entity planning to initiate eminent domain proceedings through a resolution of necessity." City of San Jose v. Great Oaks Water Co., (1987) 192 Cal.App.3d 1005, 237 Cal.Rptr. 845, 849. Adoption of the proposed resolution is therefore premature until the Commission complies with these requirements.

The Commission has not made specific findings as required by law to establish the necessity of eminent domain proceedings, that the property in question is necessary for a proposed project, and that the project is planned or located in a manner that will be most compatible with the greatest public good and least private injury. Nor is there any credible evidence to support such conclusions.

The Commission action in proceeding to consider the proposed resolution without complying with these mandatory requirements, among others, reveals that the true intent behind this proposed action is to compel the owners to convey their property interest to the Commission at a lesser value.

Code of Civil Procedure Section 1263.025(a) requires that the Commission offer to pay the reasonable cost of an appraisal report. The Commission has failed to make a bona fide offer to the owners to make such a payment.

**B.**

**THE COMMISSION CANNOT ADOPT THE RESOLUTION  
UNTIL THE REQUIREMENTS OF CEQA HAVE BEEN MET**

Similarly, the proposed resolution cannot validly be adopted until all of the requirements of CEQA and the State CEQA Guidelines have been met. California courts have established that public acquisition of property is a "project" within the meaning of CEQA, and therefore subject to all the requirements of CEQA and the State CEQA Guidelines. Nevertheless, the Commission will be in clear violation of CEQA, as well as other provisions of law.

The legislative committee comment to Code of Civil Procedure Section 1240.030 provides in pertinent part as follows:

"Subdivision (a) [of the statute] prevents the taking of the property by eminent domain unless the public interest and necessity require the project. 'Public interest and necessity' include all aspects of the public good including but not limited to social, economic, environmental and aesthetic considerations

..."

The San Jose, supra, case stated further at page 1017 as follows:

"We conclude that the City violated CEQA by failing to make a determination whether a subsequent or supplemental EIR was required by the redesign of the project, or whether an addendum to the final EIR would suffice. There should be an opportunity for public hearings and comments prior to this determination. If at that time it does appear that the changes in the project design are sufficiently substantial to require revisions of the EIR - as appears to be the case from the evidence in the record - then a subsequent or supplemental EIR will be required."

The Commission has failed to comply with the requirements of CEQA and has not addressed the significant effects on the environment which may be caused by the Commission's proposed project.

Adoption of the proposed resolution is therefore premature until the Commission complies with these requirements.

C.

**THE COMMISSION'S FAILURE TO SATISFY PUBLIC INTEREST  
AND NECESSITY AND OTHER REQUIREMENTS OF THE EMINENT  
DOMAIN LAW PRECLUDES THE ADOPTION OF THE RESOLUTION**

1. The proposed project is not planned or located in a manner that will be the most compatible with the greatest public good and least private injury. The Commission has not properly or adequately evaluated or considered the private injury which will occur to the owners from the project, and has not weighed or balanced other alternatives which would lessen the private injury while permitting the proposed project.
2. The acquisition of the property as proposed is not necessary for the project.
3. The vote by the Commission in deciding whether to adopt the Resolution of Necessity will be affected by a conflict of interest or other improper influence.
4. The proposed acquisition will not be used for the stated purpose within the time period required by law.
5. The proposed taking is of excess property not authorized by law.
6. The proposed taking is for a use not authorized by law.
7. The condemnor lacks the power to take the affected properties by eminent domain.
8. The proposed acquisition is not for a public use.

9. The Commission is not authorized to acquire the properties for the stated use.
10. The property being acquired, and the totality thereof, is not necessary for the project.
11. Portions of the proposed taking are already devoted to an existing public use, and the proposed project and takings are not a more necessary public use.

**D.**

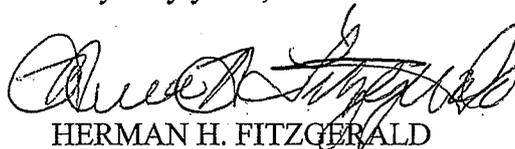
**CONCLUSION**

The owners object to the Resolution and request that this letter be submitted to the Commission and included as an Exhibit to the hearing and part of the Administrative Record to serve as owners' objections to the adoption of the resolution, and further request the Commission to allow the opportunity to appear and be heard at the Resolution Hearing to argue the objections if this office deems it necessary.

In the event that this letter cannot serve as the owners' formal objections, please advise me in writing substantiated with any legal basis.

For the above reasons, it is respectfully submitted that the resolution not be passed.

Very truly yours,



HERMAN H. FITZGERALD

HHF:mdf  
cc: Sandridge Partners (John Vidovich)  
L/Commission.Sandridge Partners

**DEPARTMENT OF TRANSPORTATION**

855 M Street, Suite 200  
Fresno CA 93721  
PHONE (559) 445-6896  
FAX (559) 445-6215  
spiros\_karimbakas@dot.ca.gov



*Flex your power!  
Be energy efficient!*

October 14, 2009

06-Ker-46-PM 10.6

Parcel: 86061-1, 2

EA: 442529

Grantor: Sandridge Partners

Mr. Herman H. Fitzgerald  
345 Lorton Avenue, Suite 302  
Burlingame, CA 94010

Dear Mr. Fitzgerald:

This letter is in response to your letter dated July 21, 2009, which was addressed to the Executive Director of the California Transportation Commission (Commission). In your letter you addressed specific concerns and objections to the Commission's proposed action on several grounds.

Per your written request, your letter will be submitted to the Commission in lieu of a personal appearance and will be part of the official record presented to the Commission.

The subject of the amount of compensation for your client's property is not an issue for the Commission and will not be considered by them. The District's acquisition agent will continue to be available to you and your client to discuss compensation and other project related issues.

Your client owns a 100.4-acre parcel located on the north side of State Route (SR) 46 between Kecks Road and SR 33 in Kern County. The required right of way is located at the southwestern corner of the larger parcel and comprises 0.22 acre in fee (including access rights) and 0.11 acre in easement for Verizon California Inc.

The following concerns and objections appeared in your letter to the Commission dated July 21, 2009 and are followed by the Department's responses.

**Owner:**

"That adoption of the resolution would be in violation of law because the Commission has failed to comply with applicable statutory procedures which are prerequisites to such a resolution, including the requirements of the California Environmental Quality Act ("CEQA")."

**Department:**

The Department has followed all environmental guidelines of both California Environmental Quality Act (CEQA) and National Environmental Protection Act (NEPA). An Environmental Assessment to construct an expressway facility on SR 46 from Kecks Road to 0.5 mile west of SR 33 was approved by the Federal Highway Administration on May 12, 2005. A "Finding of No Significant Impact" was approved on May 12, 2005. An Environmental Re-evaluation of both the CEQA and the NEPA was approved on February 14, 2008.

**Owner:**

"The failure to furnish a proper Appraisal Summary Statement."

Mr. Herman H. Fitzgerald  
October 14, 2009  
Page 2

**Department:**

A written offer for the full amount of the Department's approved appraisal was mailed to Mr. John Vidovich on March 11, 2009 in full compliance with Government Code 7267.2. A complete copy of the Department's appraisal was included with the offer. An Appraisal Summary Statement is no longer furnished to property owners because a complete appraisal is provided.

**Owner:**

"The failure to conform to procedural requirements."

**Department:**

The Department followed all required policies and procedures to acquire the parcel.

**Owner:**

"The failure to make a proper Government Code 7267.2 offer."

**Department:**

A written offer for the full amount of the Department's approved appraisal was mailed to Mr. John Vidovich on March 11, 2009 in full compliance with Government Code 7267.2.

**Owner:**

"The failure to provide a form of the proposed resolution which effectively precludes any comment, objection, etc., by the owners, exacerbated by the inability to attend a meeting without sufficient notice."

**Department:**

The owners and their legal counsel were given the opportunity to participate in the Department's Condemnation Evaluation and Condemnation Panel Review meetings. These meetings are a forum to communicate issues and concerns, and to discuss and resolve project and acquisition issues. On September 8, 2009 you and your client declined the opportunity to participate in the meetings.

**Owner:**

"The Notice fails to satisfy the time requirements of California Civil Code of Procedure (CCP) 1245.235 and CCP 1013."

**Department:**

CCP 1245.235 addresses the adoption of a Resolution of Necessity by a governing body of a public entity. It requires that each person whose name appears on the last equalized county assessment roll and whose property is to be acquired by eminent domain, receive a Notice of Intent letter by First Class mail at least fifteen days prior to said meeting of the intent of the governing body to adopt the resolution, and the right of each person to appear and be heard. CCP 1013 addresses the procedure of service by mail, Express Mail, or facsimile. CCP 1245.235 and CCP 1013 mailing requirements were met.

The Notice of Intent for the August 12 and 13, 2009 California Transportation Commission meeting was mailed June 30, 2009 to Mr. John Vidovich 44 days prior to the August 12 and 13, 2009 Commission meeting, well within the statutory requirement.

Part "C" of the referenced letter dated July 21, 2009 addresses eleven additional issues. The Department's responses will reference the issues by their assigned numbers. The group below combines owner's issues 1, 2, 8, 10, and 11 into one Departmental response. Also, issues 7 and 9 were combined for the same purpose.

**Owner:**

1. "The proposed project is not planned or located in a manner that will be the most compatible with the greatest public good and least private injury. The Commission has not properly or adequately evaluated or considered the private injury, which will occur to the owners from the project, and has not weighed or balanced other alternatives which would lessen the private injury while permitting the proposed project."
2. "The acquisition of the property as proposed is not necessary for the project."
8. "The proposed acquisition is not for public use."
10. "The property being acquired, and the totality thereof, is not necessary for the project."
11. "Portions of the proposed taking are already devoted to an existing public use, and the proposed project and takings are not a more necessary public use."

**Department:**

Several "build" alternatives were considered early in the project development process. This proposed alternative meets the project need, is the most cost effective, and has the least impact on the environment. The Department followed all environmental guidelines of both CEQA and NEPA to evaluate all viable alternatives. The alignment, adopted several years ago, is consistent with local planning and the approved Controlled Access Highway Agreement with Kern County. The project has been planned and located in a manner that will be the most compatible with the greatest public good and least private injury.

**Owner:**

3. "The vote by the Commission in deciding whether to adopt the Resolution of Necessity will be affected by a conflict of interest or other improper influence."

**Department:**

The Department is unclear as to what is being asserted. There are no conflicts of interest or improper influences known at this time or at any other time during the acquisition process.

**Owner:**

4. "The proposed acquisition will not be used for the stated purpose within the time period required by law."

**Department:**

The construction contract for this project is proposed to be awarded by May 2010 and construction to commence soon there after, which is well within the time period required by law.

**Owner:**

5. "The proposed taking is of excess property not authorized by law."

**Department:**

Only property necessary to construct this project is being sought for acquisition and there will be no taking of excess land.

**Owner:**

6. "The proposed taking is for a use not authorized by law."

**Department:**

Private property or interests therein will be acquired in accordance with Article I, Section 19(a) of the California Constitution.

*Sec. 19(a). Private property may be taken or damaged for a public use and only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner. The Legislature may provide for possession by the condemnor following commencement of eminent domain proceedings upon deposit in court and prompt release to the owner of money determined by the court to be the probable amount of just compensation.*

**Owner:**

7. "The condemnor lacks the power to take the affected properties by eminent domain."
9. "The Commission is not authorized to acquire the properties for the stated use."

**Department:**

The Commission is the governing body of the Department to grant the Resolution of Necessity. Article 102.(a) of the Streets and Highways Code states: *In the name of the people of the State of California, the department may acquire by eminent domain any property necessary for state highway purposes.*

Article 104 of the Streets and Highways Code states in part: *The department may acquire, either in fee or in any lesser estate or interest, any real property which it considers necessary for state highway purposes. Real property for such purposes includes, but is not limited to, real property considered necessary for any of the following purposes:*

- (a) For rights-of-way.*

If you have any questions, please call Right of Way Agent Mark Dossey at (760) 872-0797.

Sincerely,

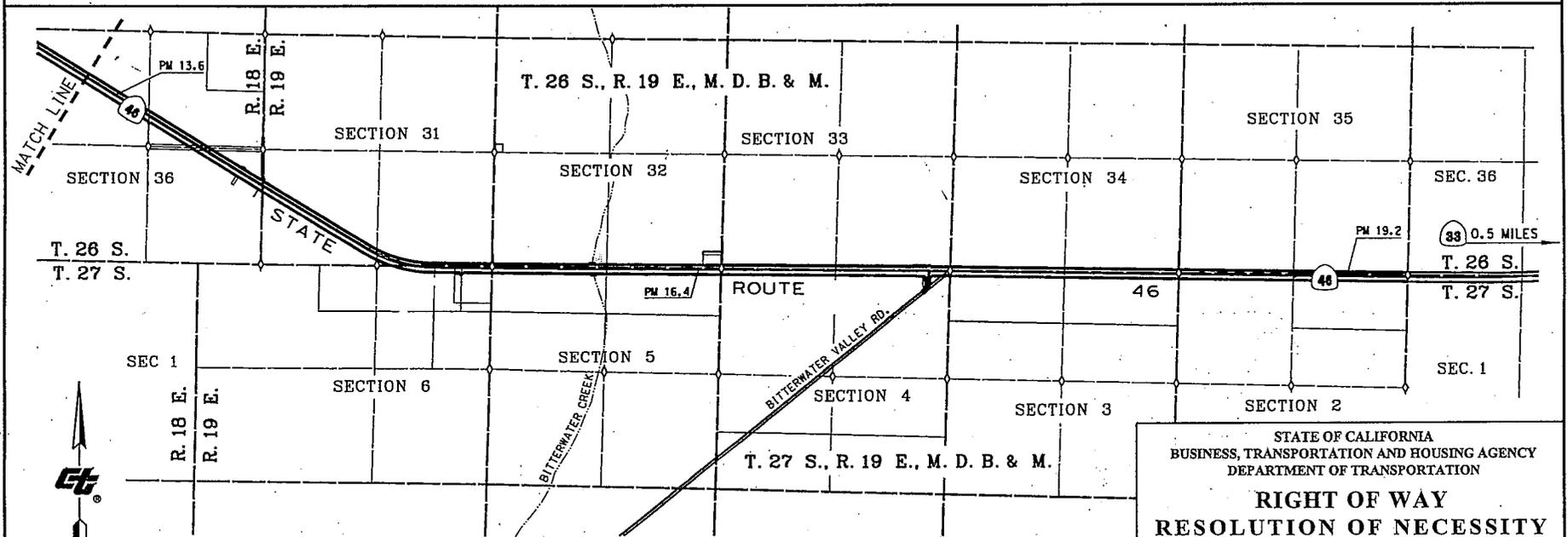
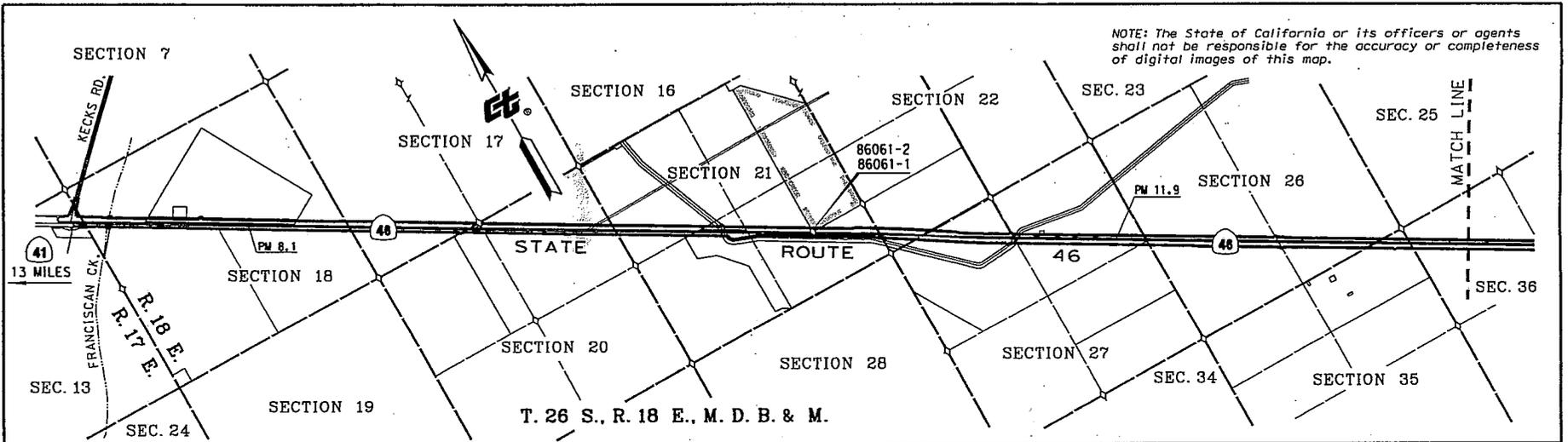


Spiros Karimbakas  
Deputy District Director-Right of Way  
Central Region

## Resolution of Necessity Appearance Fact Sheet

<b>PROJECT DATA</b>	06-Ker-46-PM 6.8/19.8 Expenditure Authorization 442529
<u>Location:</u>	State Route (SR) 46 in Kern County east of the town of Lost Hills
<u>Limits:</u>	From 0.53 miles west of Kecks Road to 0.7 miles west of SR 46/33 intersection
<u>Cost:</u>	Programmed construction cost: \$67,229,000 Current right of way cost estimate: \$10,603,000
<u>Funding Source:</u>	Transportation Congestion Relief Program, Regional Improvement Project Program, Interregional Transportation Improvement Program, SAFETEA-LU Program- High Priority Project Program (Demo), CMIA
<u>Number of Lanes:</u>	Existing: two-lane conventional Proposed: four-lane expressway
<u>Proposed Major Features:</u>	Construct two additional lanes to the north of the existing facility Overlay and correct profile on the existing alignment
<u>Traffic:</u>	Existing SR 46 (year 2009): 9,800 Average Annual Daily Traffic (AADT) Proposed SR 46 (year 2029): 17,500 AADT
<b>PARCEL DATA</b>	
<u>Property Owner:</u>	Sandridge Partners
<u>Parcel Location:</u>	Parcel 86061-1, 2 Assessor Parcel Number 57-103-09
<u>Present Use:</u>	Agricultural
<u>Area of Property:</u>	100.04 acres
<u>Area Required:</u>	0.22 acres in fee and 0.11 acres in permanent easement

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.



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

**RIGHT OF WAY  
 RESOLUTION OF NECESSITY**

**EXHIBIT A**

NOT TO SCALE

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
06	KER	46	10.6	1	5

06/15/2009

Exhibit A

T. 26 S., R. 18 E., M. D. B. & M.

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.

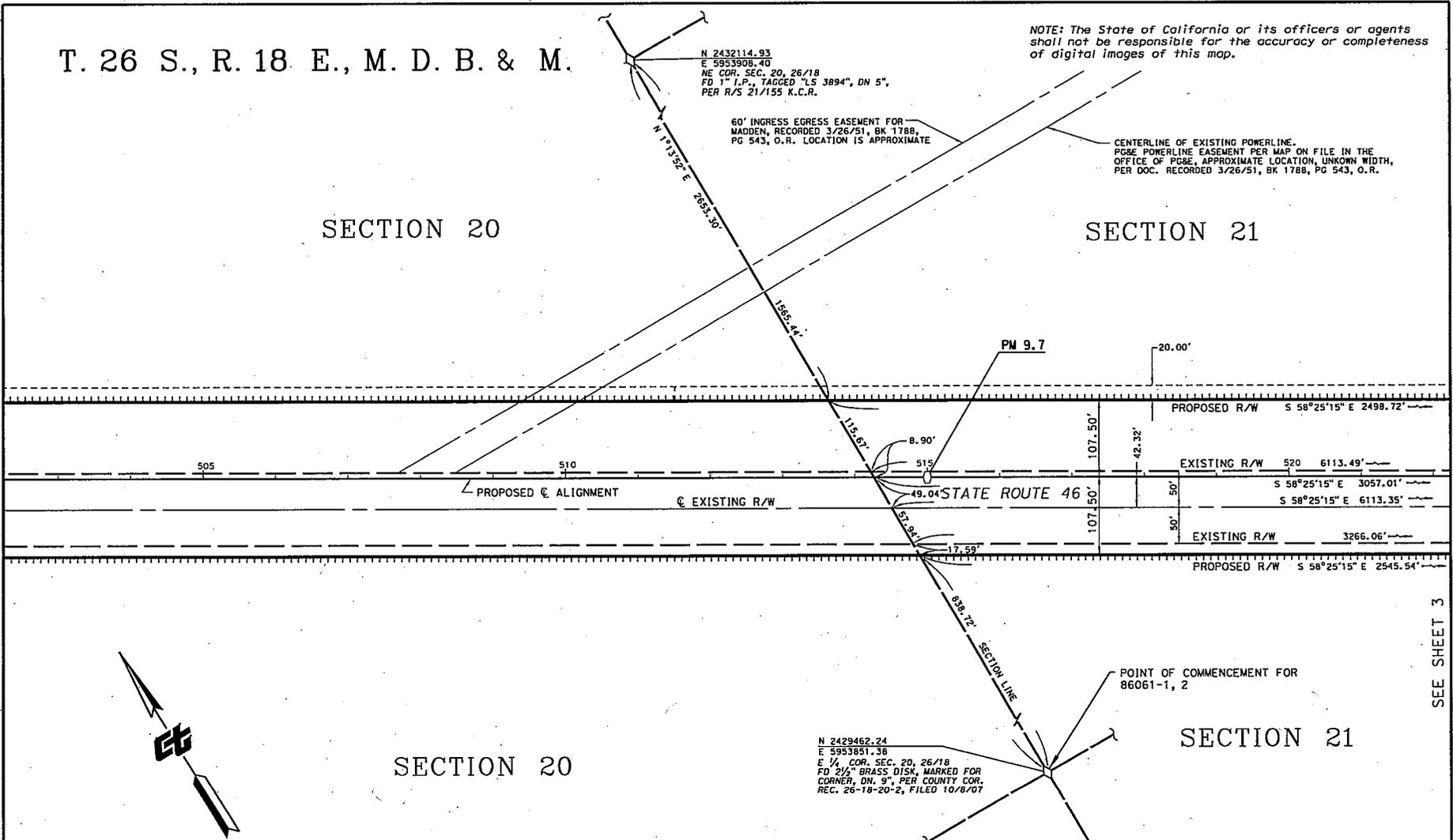
N 2432114.93  
E 5953908.40  
NE COR. SEC. 20, 26/18  
FD 1" I.P., TAGGED "LS 3894", DN 5",  
PER R/S 21/155 K.C.R.

60' INGRESS EGRESS EASEMENT FOR  
MADDEN, RECORDED 3/26/51, BK 1788,  
PG 543, O.R. LOCATION IS APPROXIMATE

CENTERLINE OF EXISTING POWERLINE.  
PG&E POWERLINE EASEMENT PER MAP ON FILE IN THE  
OFFICE OF PG&E, APPROXIMATE LOCATION, UNKNOWN WIDTH,  
PER DOC. RECORDED 3/26/51, BK 1788, PG 543, O.R.

SECTION 20

SECTION 21



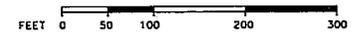
SECTION 20

SECTION 21

N 2429462.24  
E 5953851.38  
E 1/4 COR. SEC. 20, 26/18  
FD 2 1/2" BRASS DISK, MARKED FOR  
CORNER, DN. 9", PER COUNTY COR.  
REC. 26-18-20-2, FILED 10/8/07

POINT OF COMMENCEMENT FOR  
86061-1, 2

STATE OF CALIFORNIA  
BUSINESS, TRANSPORTATION AND HOUSING AGENCY  
DEPARTMENT OF TRANSPORTATION  
**RIGHT OF WAY  
RESOLUTION OF NECESSITY**  
**EXHIBIT B**



NOTES  
Coordinates and bearings are on CCS  
1983(1991.35) Zone S. Distances and  
stationing are grid distances.  
Divide by 1.0000060 to obtain  
ground distances.  
All distances are in feet unless  
otherwise noted.

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
6	KER	46	10.6	2	5

SEE SHEET 3

Exhibit B

06/15/2009

T. 26 S., R. 18 E., M. D. B. & M.

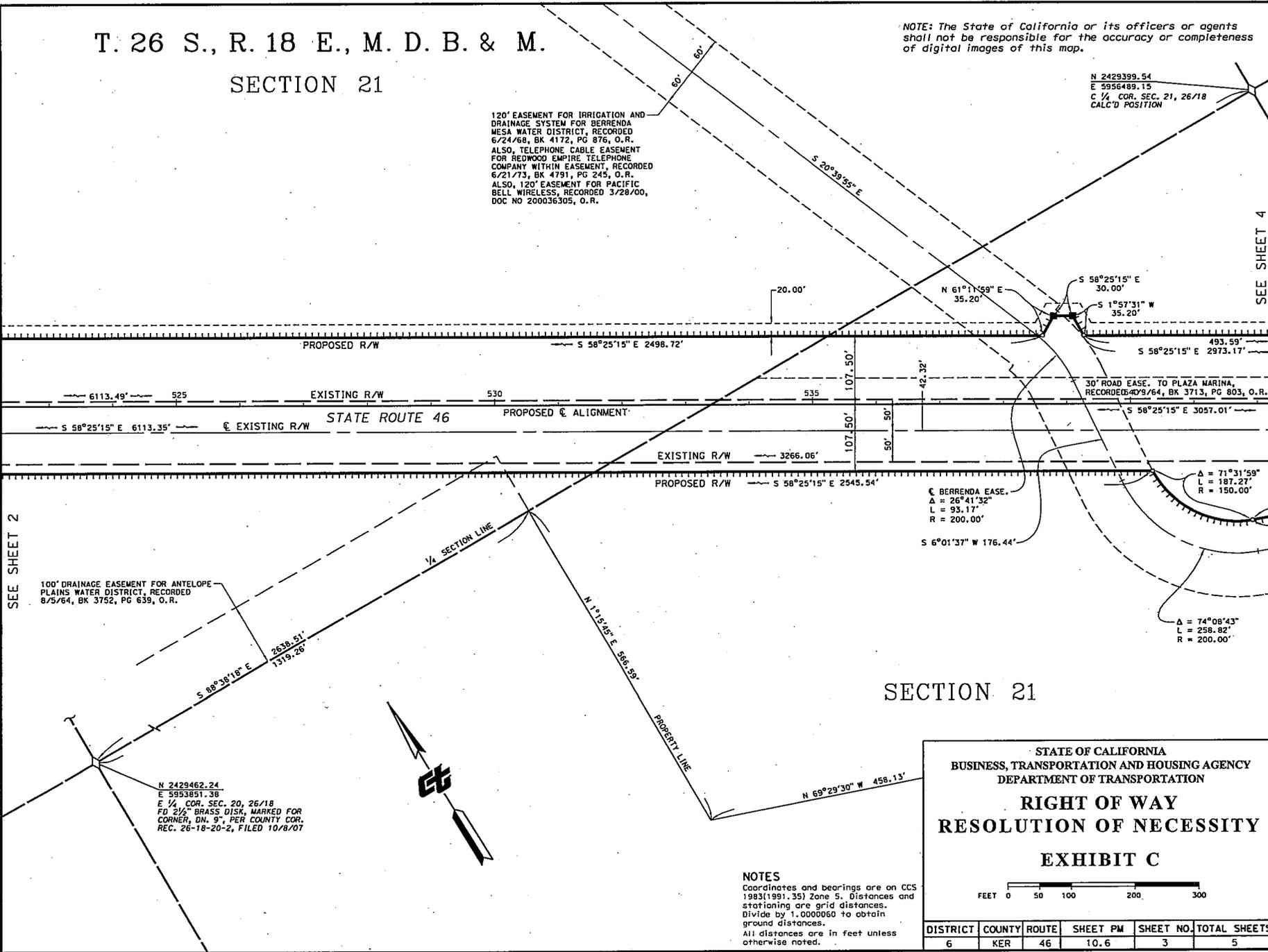
SECTION 21

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.

N 2429399.54  
E 5956489.15  
C 1/4 COR. SEC. 21, 26/18  
CALC'D POSITION

120' EASEMENT FOR IRRIGATION AND DRAINAGE SYSTEM FOR BERRENDA MESA WATER DISTRICT, RECORDED 6/24/68, BK 4172, PG 876, O.R.  
ALSO, TELEPHONE CABLE EASEMENT FOR REDWOOD EMPIRE TELEPHONE COMPANY WITHIN EASEMENT, RECORDED 6/21/73, BK 4791, PG 245, O.R.  
ALSO, 120' EASEMENT FOR PACIFIC BELL WIRELESS, RECORDED 3/28/00, DOC NO 200036305, O.R.

SEE SHEET 4



SEE SHEET 2

100' DRAINAGE EASEMENT FOR ANTELOPE PLAINS WATER DISTRICT, RECORDED 8/5/64, BK 3752, PG 639, O.R.

N 2429462.24  
E 5953851.38  
E 1/4 COR. SEC. 20, 26/18  
FD 2 1/2" BRASS DISK, MARKED FOR  
CORNER, DN. 9", PER COUNTY COR.  
REC. 26-18-20-2, FILED 10/8/07

SECTION 21

STATE OF CALIFORNIA  
BUSINESS, TRANSPORTATION AND HOUSING AGENCY  
DEPARTMENT OF TRANSPORTATION  
**RIGHT OF WAY  
RESOLUTION OF NECESSITY**  
EXHIBIT C



**NOTES**  
Coordinates and bearings are on CGS 1983(1991.35) Zone 5. Distances and stationing are grid distances. Divide by 1.0000060 to obtain ground distances.  
All distances are in feet unless otherwise noted.

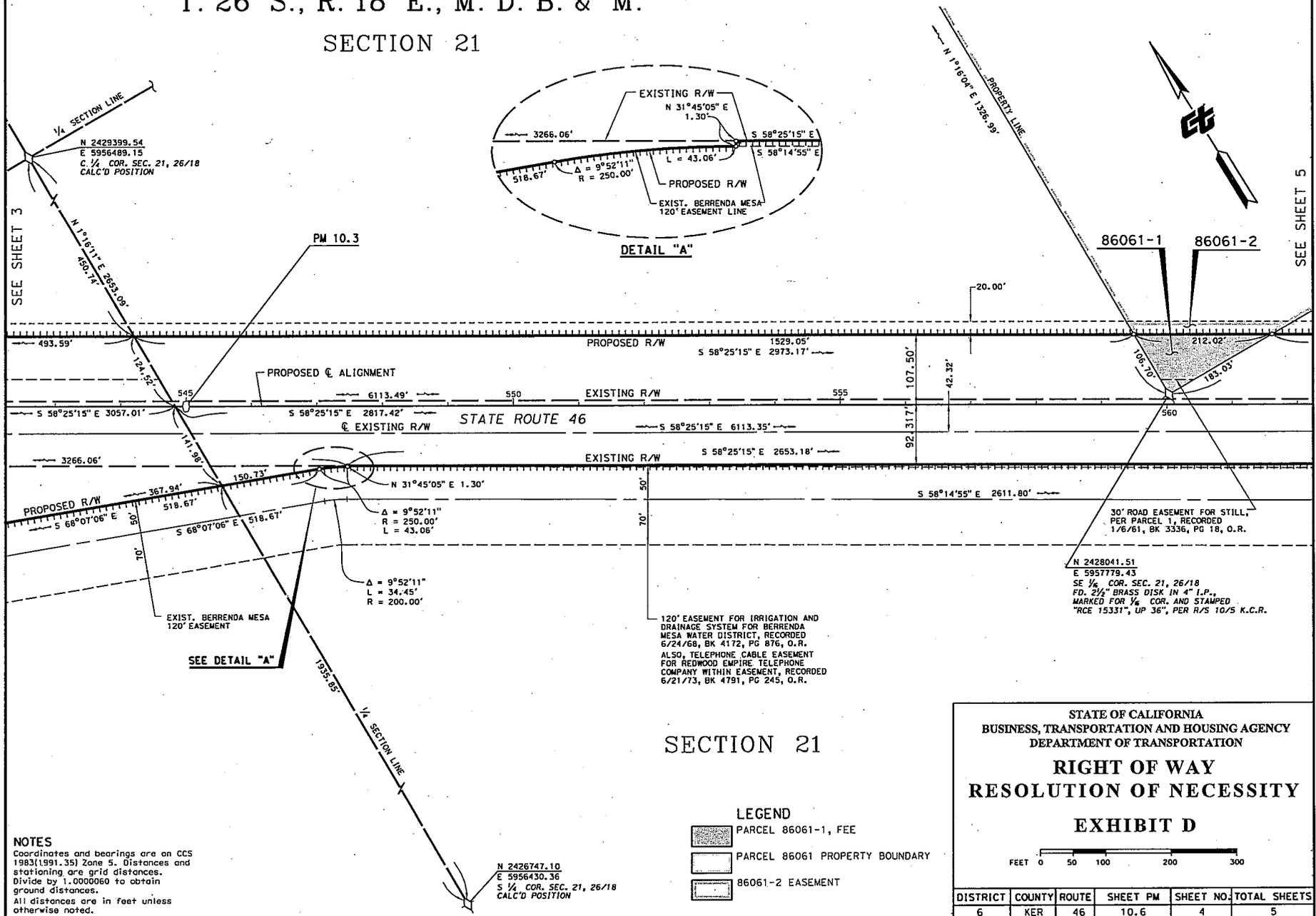
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
6	KER	46	10.6	3	5

06/15/2009

Exhibit C

T. 26 S., R. 18 E., M. D. B. & M.  
SECTION 21

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.



**NOTES**  
Coordinates and bearings are on CCS 1983(1991.35) Zone 5. Distances and stationing are grid distances. Divide by 1.0000060 to obtain ground distances. All distances are in feet unless otherwise noted.

SECTION 21

**LEGEND**

-  PARCEL 86061-1, FEE
-  PARCEL 86061 PROPERTY BOUNDARY
-  86061-2 EASEMENT

STATE OF CALIFORNIA  
BUSINESS, TRANSPORTATION AND HOUSING AGENCY  
DEPARTMENT OF TRANSPORTATION  
**RIGHT OF WAY  
RESOLUTION OF NECESSITY**  
**EXHIBIT D**

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
6	KER	46	10.6	4	5

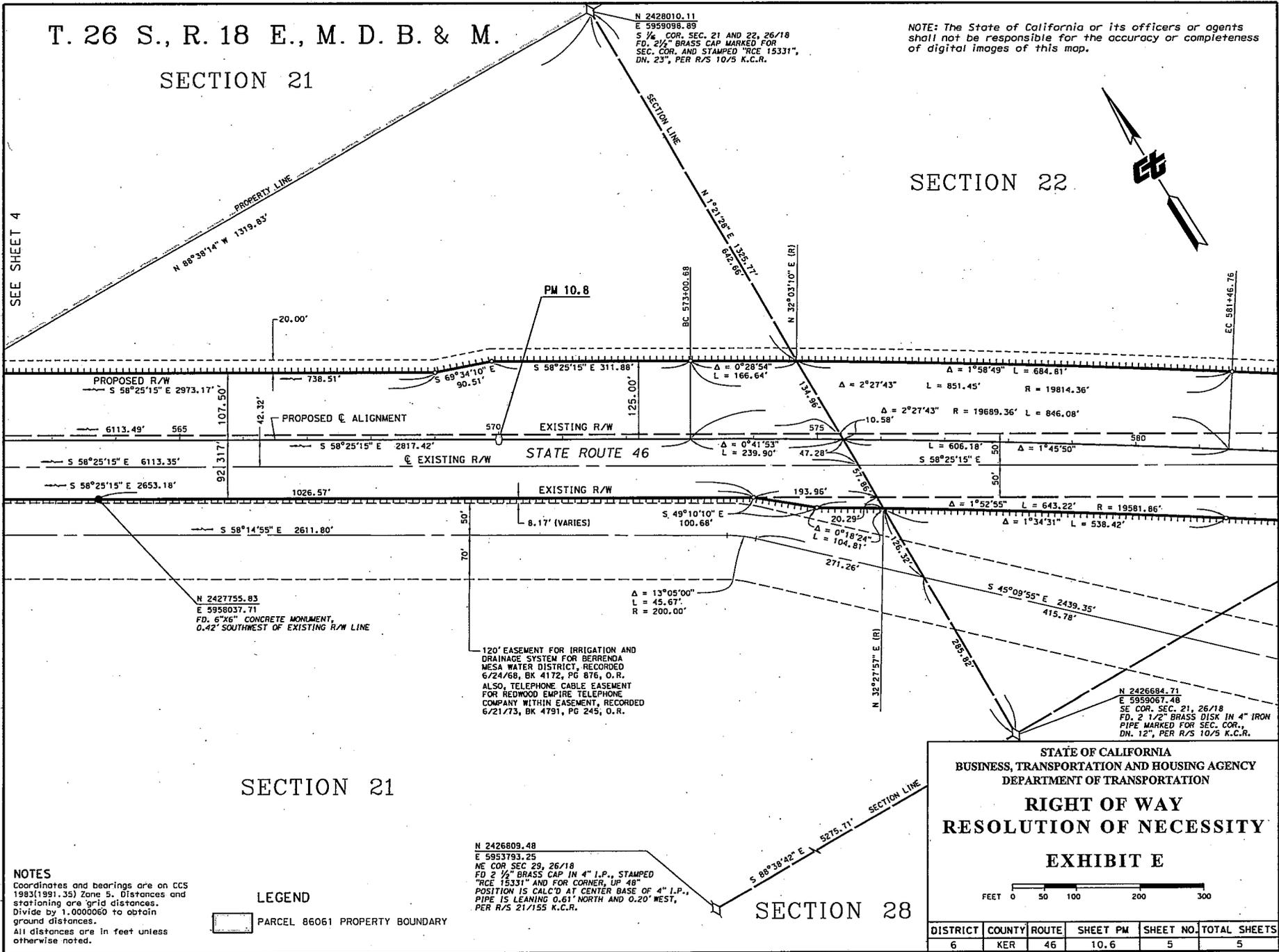
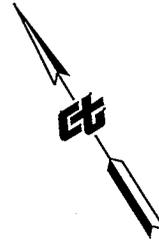
T. 26 S., R. 18 E., M. D. B. & M.

SECTION 21

SECTION 22

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.

SEE SHEET 4



SECTION 21

SECTION 28

**NOTES**  
 Coordinates and bearings are on CCS 1983(1991.35) Zone 5. Distances and stationing are grid distances. Divide by 1.0000060 to obtain ground distances. All distances are in feet unless otherwise noted.

**LEGEND**

PARCEL 86061 PROPERTY BOUNDARY

N 2426809.48  
 E 5953793.25  
 NE COR SEC. 29, 26/18  
 FD 2 1/2" BRASS CAP IN 4" I.P., STAMPED "RCE 15331" AND FOR CORNER, UP 48"  
 POSITION IS CALC'D AT CENTER BASE OF 4" I.P., PIPE IS LEANING 0.61" NORTH AND 0.20" WEST, PER R/S 21/155 K.C.R.

N 2427755.83  
 E 5958037.71  
 FD. 6"x6" CONCRETE MONUMENT, 0.42' SOUTHWEST OF EXISTING R/W LINE

120' EASEMENT FOR IRRIGATION AND DRAINAGE SYSTEM FOR BERRENDA MESA WATER DISTRICT, RECORDED 6/24/68, BK 4172, PG 876, O.R. ALSO, TELEPHONE CABLE EASEMENT FOR REDWOOD EMPIRE TELEPHONE COMPANY WITHIN EASEMENT, RECORDED 6/21/73, BK 4791, PG 245, O.R.

N 2426684.71  
 E 5959067.48  
 SE COR. SEC. 21, 26/18  
 FD. 2 1/2" BRASS DISK IN 4" IRON PIPE MARKED FOR SEC. COR., DN. 12", PER R/S 10/5 K.C.R.

STATE OF CALIFORNIA  
 BUSINESS, TRANSPORTATION AND HOUSING AGENCY  
 DEPARTMENT OF TRANSPORTATION  
**RIGHT OF WAY  
 RESOLUTION OF NECESSITY**  
**EXHIBIT E**



DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
6	KER	46	10.6	5	5

06/15/2009

Exhibit E