State of California
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

M e m o r a n d u m

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: January 29, 2014

Reference No.: 2.4a.
Action Item

From: STEVEN KECK
Acting Chief Financial Officer

Prepared by: Brent L. Green
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-21133 summarized on the following page. This Resolution is for reconstruction of the Interstate 15 (I-15)/Interstate 215 (I-215) Devore interchange improvement project in District 8, in San Bernardino County.

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 or located in the 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 continuing to contest the adoption of the Resolution. They made a personal appearance at the December 11, 2013, Commission meeting in which they challenged the adoption of the Resolution based on concerns/objections related to the project's design, and whether the project has been planned or located in a manner that will be most compatible with the greatest public good with the least private injury.

BACKGROUND:

The Commission deferred any action in adopting a Resolution at the December 11, 2013, Commission meeting and instead directed the Department to continue discussions/negotiations with the property owners in an attempt to resolve their outstanding issues and to specifically negotiate a mutually acceptable Maintenance Agreement with respect to the proposed drainage/debris basin.

As per the Commission's request, the Department has continued ongoing discussions/negotiations in an attempt to address and resolve the property owners' concerns regarding project impacts, and specifically to negotiate a mutually acceptable Maintenance Agreement.

During the December 11, 2013, Commission meeting, the Department met with the property owners and their attorney. A letter from the County of San Bernardino was provided which confirms that the proposed acquisition in no way impacts the owners' Tentative Parcel Map. Although it was a one page document with a few bullet points, the owners' attorney stated that they would need time to review the County's letter and process this information. Additionally, a long discussion took place among the Department, the owners, and the owners' attorney regarding a Maintenance Agreement for the drainage easement. The Department committed to provide the property owners' attorney with a draft Maintenance Agreement by December 20, 2013, for their review. On December 19, 2013, a draft Memorandum of Understanding (MOU), which outlines the maintenance responsibilities/obligations with respect to the proposed drainage/debris basin, was mailed both regular and certified mail to the property owners' attorney. In addition, the Department provided a response to the last counter offer provided by the property owners' attorney. On December 20, 2013, the Department sent a follow up email to the property owners and their attorney. Included in this email was a copy of the draft MOU and the Department's response to the last counter offer provided by the property owners' attorney. This was done to ensure delivery and to request to meet to discuss any pending issues. In the same email, the Department requested the owners and/or their attorney to provide any other design related issues they may have so that the Department can address those as well. On January 2, 2014, the Department sent a follow up email to both the property owners and their attorney requesting a response and the status of their review of the draft MOU. On January 6, 2014, the Department made phone contact with the property owners' attorney who stated that he and his clients are reviewing the MOU and will provide the Department with their response and/or comments within the next few days. To date, the Department has not received a response from the property owners or their attorney.

At this point, even after continued attempts to negotiate as shown above, the Department and the property owners remain unable to reach a negotiated settlement, or mutually acceptable Maintenance Agreement. As such, the Department has concluded that it is necessary to again seek adoption of a Resolution at the January 29, 2014, Commission meeting, so that all remaining unresolved issues can be addressed through condemnation.

The property owners have been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which the property owners may subsequently be entitled. Adoption of the Resolution will not interrupt the Department's efforts to

secure an equitable settlement or to continue negotiations for a Maintenance Agreement. In accordance with statutory requirements, the owners have been advised that the Department is again requesting the adoption of a Resolution at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

In order to keep the project on schedule, and based on the above referenced circumstances, the Department is requesting that this appearance proceed to the January 29, 2014, Commission meeting. Legal possession will allow the construction activities on the parcel to commence, thereby avoiding and/or mitigating considerable right of way delay costs that will accrue if efforts to initiate the condemnation process are not taken immediately to secure legal possession of the subject property.

C-21133 - Timothy A. Sigman, Sr., Co-Trustee, etc., et al.
08-SBd-15-PM R13.88 - Parcel 22537-1 - EA 0K7109.
Right of Way Certification Date: 07/31/14; Ready to List Date: Design-Build. Freeway - add additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/I-215 interchange and reconfigure connectors to the I-215 truck bypass lanes and auxiliary lanes. Authorizes condemnation of a permanent easement for drainage purposes. Located in the unincorporated area of San Bernardino county at 1479 Nevin Road.
Assessor Parcel Number 0349-143-34.

Attachment:
Attachment A - December 11, 2013 Commission Book Item Package

ATTACHMENT A

State of California
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

M e m o r a n d u m

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: December 11-12, 2013

Reference No.: 2.4a.(4)
Action Item

From: STEVEN KECK
Acting Chief Financial Officer

Prepared by: Brent L. Green
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-21133 summarized on the following page. This Resolution is for reconstruction of the Interstate 15 (I-15) / Interstate 215 (I-215) Devore interchange improvement project in District 8, in San Bernardino County.

ISSUE:

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1. The public interest and necessity require the proposed project.
2. The proposed project is planned or located in the 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 an appearance before the Commission. The primary concerns and objections expressed by the property owners are that the project is not planned or located in a manner that will be most compatible with the greatest public good with least private injury. The owner's objections and the Department's responses are contained in Attachment B.

BACKGROUND:

Discussions have taken place with the property owner, who has 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 owner has 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.

Discussions have been ongoing between the property owner and the Department to address and resolve the issues. Progress has been made but in order to keep the project schedule, the Department is requesting that this appearance proceed to the December 11-12, 2013 Commission meeting. Legal possession will allow the construction activities on the parcel to commence, thereby avoiding and/or mitigating considerable right of way delay costs that will accrue if efforts to initiate the condemnation process are not taken immediately to secure legal possession of the subject property.

C-21133 - Timothy A. Sigman, Sr., Co-Trustee, etc., et al.
08-SBd-15-PM R13.88 - Parcel 22537-1 - EA 0K7109.
Right of Way Certification Date: 07/31/14; Ready to List Date: Design-Build. Freeway - add additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/I-215 interchange and reconfigure connectors to the I-215 truck bypass lanes and auxiliary lanes. Authorizes condemnation of a permanent easement for drainage purposes. Located in the unincorporated area of San Bernardino County at 1479 Nevin Road.
Assessor Parcel Number 0349-143-34.

Attachments:
- Attachment A - Project Information
- Exhibit A1 and A2 - Project Maps
- Attachment B - Parcel Panel Report
- Exhibit B1 and B2 - Parcel Maps

PROJECT INFORMATION

PROJECT DATA	08-SBd-15-PM 14.0/R16.4 08-SBd-215-PM 16.0/17.8 Expenditure Authorization 0K7109
Location:	Intersection of Interstate 15 (I-15) and Interstate 215 (I-215) in the community of Devore, County of San Bernardino
Limits:	On I-15 approximately 0.8 miles south of the Glen Helen Parkway undercrossing to approximately 1.4 miles north of the Kenwood Avenue undercrossing and on I-215 approximately 1.2 miles south of the Devore Road overcrossing to the I-15/I-215 junction
Cost:	Programmed construction cost: $225,528,000.00 Current right of way cost estimate: $48,952,000.00
Funding Source:	State Transportation Improvement Program, State Highway Operation and Protection Program, Surface Transportation Program, Regional Improvement Program, Corridor Mobility Improvement Account, Transportation Equity Act for the 21st Century - Federal Demonstration Funds, Interstate Maintenance Discretionary, Measure I, and Local Funds
*Number of Lanes:	Existing (I-15): Six to Nine lanes Proposed (I-15): Eight to Nine lanes Existing (I-215): Four to Five lanes Proposed (I-215): Four to Six lanes

* Range in lanes is due to the number of lanes which vary throughout the project limits.

Proposed Major Features:	Add one additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/I-215 interchange, reconfigure connectors to I-215, truck bypass lanes and auxiliary lanes

Traffic: Existing I-15 North of I-15/I-215 Interchange (year 2012): 180,000 Annual Daily Traffic (ADT)
Existing I-15 South of I-15/I-215 Interchange (year 2012): 142,000 ADT
Existing I-215 South of I-15/I-215 Interchange (year 2012): 78,000 ADT

Proposed I-15 North of I-15/I-215 Interchange (year 2040): 378,600 ADT
Proposed I-15 South of I-15/I-215 Interchange (year 2040): 271,000 ADT
Proposed I-215 South of I-15/I-215 Interchange (year 2040): 158,400 ADT

NEED FOR THE PROJECT

The purpose of the proposed project is to: Improve operational performance of the I-15/I-215 Interchange by reducing operational deficiencies and upgrading the interchange to modern standards where feasible; Facilitate efficient goods movement through the I-15/I-215 Interchange; Reduce existing and forecasted traffic congestion and improve the level of service (LOS) at the I-15/I-215 Interchange and the local service interchanges that are adjacent to the freeway-to-freeway interchange; and correct arterial highway network deficiencies related to the portions of I-15 and I-215 that are adjacent to the community of Devore.

The existing I-15/I-215 Interchange has the following identified deficiencies that create the need for the proposed project.

- Operational Deficiencies: Elements of the existing I-15/I-215 Interchange do not meet the Department of Transportation's (Department) current engineering and modern planning standards as follows:
    - Between Glen Helen Parkway and the I-215 connector, the number of through lanes on I-15 in each direction is reduced from four to three, creating a 2.3 mile lane reduction on I-15.
    - The I-15/I-215 Interchange does not provide route continuity for northbound I-15 since both autos and trucks from I-215 enter NB I-15 on the left. This is particularly problematic for trucks as the merge is on an up-grade and the trucks must cross two lanes of auto traffic to reach the designated two outermost lanes available to trucks.
    - The local services interchange at I-15/Glen Helen Parkway, I-15/Kenwood Avenue, and I-215/Devore Road does not meet the Department's current general design standards, which discourage local service interchanges within

two miles of a freeway-to-freeway interchange. When existing roadway interchanges cannot be moved at least two miles from freeway-to-freeway interchanges, the Department's design standards provide for alternative design measures.

- Goods Movement: The capacity of the I-15/I-215 Interchange is further compromised by high volume of trucks, many of which need to weave across three more travel lanes because they enter or exit the freeway from the left. This lack of capacity hampers critical goods movement function of the freeway.
- Existing and Forecast Travel Demand: The I-15/I-215 Interchange does not provide an adequate Level of Service (LOS) for motorists or trucks. The LOS is anticipated to further decline in future years which will result in a failure to provide an adequate level of service during weekday commute hours.
- Arterial Highway Network Deficiencies: The local circulation system does not provide a parallel arterial road adjacent to the existing sections of I-15 and I-215, requiring local motorists, including those seeking to connect from Cajon Boulevard west of I-215 to Cajon Boulevard west of Kenwood Avenue, to use the freeway system.

PROJECT PLANNING AND LOCATION

A Project Study Report was initiated by San Bernardino Associated Governments and approved on March 3, 2009. On July 1, 2010, the California Transportation Commission (Commission) authorized the Department to utilize the design-build method of procurement for the proposed I-15/I-215 Interchange Improvements Project and the Department will have to comply with the applicable provisions under Senate Bill No. 4, Chapter 6.5, The Design-Build Demonstration Program. The Project Report and Environmental Document was approved on February 29, 2012. The proposed project limits extend along I-15 from approximately 0.8 miles south of the Glen Helen Parkway undercrossing to approximately 1.4 miles north of the Kenwood Avenue undercrossing, and along I-215 from approximately 1.2 miles south of the Devore Road overcrossing to the I-15 junction. The sections of highway covered by the proposed project are access controlled interstate freeways adopted by the Commission in 1959 and 1969.

There were four build alternatives developed and a "no-build" alternative that was evaluated in the Project Approval & Environmental Document (PA&ED) phase.

The following is a description of each of the build alternatives:

Alternative 3A (Preferred Alternative):

I-15 South Leg (I-15 south of the I-15/I-215 junction)

The segment of I-15 south of the Burlington Northern Santa Fe and Union Pacific railroad crossing to the southerly project limits will include the following improvements:

- Adding a northbound mainline lane between the Glen Helen Parkway exit ramp and the I-215 junction.
- Adding a northbound auxiliary lane between the Glen Helen Parkway entrance ramp and the I-215 junction.
- Adding a southbound mainline lane between the I-215 junction and the Glen Helen Parkway entrance ramp, where it will connect with the existing fourth southbound mainline lane.
- Adding a southbound auxiliary lane between the I-215 junction and the southbound Glen Helen Parkway exit ramp.
- Making minor adjustments to the Glen Helen Parkway entrance and exit ramps to accommodate the new lanes, such as, the northbound deceleration lane prior to the Glen Helen exit ramp and the southbound acceleration lane from the entrance ramp.

The additional lanes would be physically constructed in the existing wide median, and the existing lanes shifted to the left. The existing bridges over Glen Helen Parkway would be widened by one lane in each direction in the median. The existing bridge over Glen Helen Parkway would be widened by two lanes in each direction in the median. No new right-of-way would be required south of the railroad. Immediately north of the Glen Helen Parkway, the northbound widening would begin to shift to the outside to align with the connector ramps of the I-15/I-215 interchange.

I-15/I-215 Branch Connectors

The following modifications are included for the I-15/I-215 branch connectors:

- The northbound I-215 to southbound I-15 branch connector would be retained approximately in its present location, but widened to two lanes for most of its length to allow for passing.
- The northbound I-15 to southbound I-215 branch connector would be relocated easterly.

Cajon Boulevard Reconnection

The project includes the reconnection of Cajon Boulevard from Kenwood Drive to existing Devore Road in basically the same alignment. The Cajon Boulevard component of the project would reopen two lanes of the abandoned roadway, and bring the Kenwood Avenue/Cajon Boulevard intersection up to standard. The existing north segment of

Cajon Boulevard ends south of Kenwood Avenue; the existing south segment ends 1,200 feet north of the Devore Road intersection. An abandoned segment of Cajon Boulevard southeast of Kenwood Avenue would be reactivated and realigned.

The existing Cajon Boulevard northbound and southbound roadbeds will each be used to carry one lane of traffic between Kenwood Avenue and the new section of Cajon Boulevard. The two-lane Cajon Boulevard would transition onto a new alignment 3,500 feet southeast of Kenwood Avenue, curving to the south to parallel the existing I-15 to the I-15 southbound connector. As the roadway approaches Cajon Creek, it would make an easterly turn to pass under the existing I-15 bridges over Cajon Creek. The roadway under the freeway would roughly follow an existing dirt road, and would require a retaining wall.

After crossing under the freeway, Cajon Boulevard would curve to the northeast, intersecting existing Cajon Boulevard just east of the existing Devore Road/Glen Helen Parkway intersection. The existing Cajon Boulevard cul-de-sac northwest of Devore Road would remain, connected to either Devore Road or new Cajon Boulevard, depending on the alternative. To match existing conditions, Cajon Boulevard would widen to two lanes in each direction as it approaches the Devore Road/Glen Helen Parkway intersection.

Northbound I-15

- Reconfigure the interchange of I-15 and Kenwood Avenue to connect with the truck bypass lanes.
- Construct one auxiliary lane northbound on I-15 from the merge point of I-15 and I-215 for a distance of 2,600 feet.
- Widen existing northbound I-15 to northbound I-15 connector to add one lane.
- Construct a truck slip ramp from northbound I-15 to northbound I-15 truck bypass lanes and continue northerly of Kenwood Avenue.

Southbound I-15

- Construct up to three auxiliary lanes added starting 1.4 miles north of Kenwood Avenue overcrossing.
- Prior to the Kenwood Avenue interchange, construct truck bypass lanes and southbound I-215 connector. This truck bypass will be two lanes wide, approximately 3/4 miles long.
- Southbound I-15 and I-215 will braid with each other in order to provide route continuity southbound.
- Widen existing southbound I-15 to southbound I-15 connector.

Northbound I-215

- Construct one additional northbound lane starting 1/2 mile south of Devore Road, ending at the merge with the Northbound I-15, for a total distance of 1.5 miles.

- Reconfigure the northbound entrance ramps at Devore Road interchange to access northbound and southbound I-15.
- Realign northbound exit ramp at Devore Road.
- Construct northbound truck bypass to merge with the northbound I-15 truck slip ramp.
- Construct auxiliary lane up to the truck bypass diverge.

Southbound I-215

- Reconfigure and add one additional lane to the southbound connector from the diverge with the southbound I-15 truck lanes to a point approximately 4,400 feet south of Devore Road.
- Construct a braid between the northbound I-15 to southbound I-215 connector and the southbound Devore Road exit ramp. Construct a connection between this connector and the southbound I-215 Devore exit ramp. Construct an 1,800 foot long deceleration lane to this connection from the northbound I-15.
- Relocate southbound exit ramp and entrance ramp termini approximately 750 feet southerly of the proposed intersection of Glen Helen Parkway and Devore Road.

Local Roads

- Replace Devore Road overcrossing with a wider bridge.
- Construct an intersection with turning lanes at Cajon Boulevard and Kenwood Avenue.
- Other Kenwood Avenue improvements include: widening to accommodate left turn lanes, lowering the profile under the northbound truck bypass lanes, realigning the road to eliminate the multi center curve alignment and smoothing out the undulating profile.
- Construct cul-de-sacs on local streets where the freeway improvements widen into local streets.
- Modify local streets, relocate the Nedlee cul-de-sac and reconfigure the southerly Cajon Boulevard cul-de-sac.

Design Revisions after Public Review

The following changes were made to the design of Alternative 3A after distribution of the Draft Project Report and Draft IS/EA:

1. Portions of the southbound I-215 slope east and west of Devore Road were replaced with retaining walls to minimize anticipated acquisitions in that area.
2. Metal Beam Guard Rail is now planned to be installed along the southbound I-15 exit ramp to Kenwood Avenue. This change will reduce anticipated right-of-way requirements in this area.
3. The northbound I-15 improvements north of Kenwood Avenue were changed as follows:

- The two auxiliary lanes north of the truck bypass were revised. Auxiliary lane #1 was extended by 190' and auxiliary lane #2 was shortened by 300'.
- To avoid the impacts to a major utility line, the planned cut slope north of Kenwood was changed to a 4 foot high retaining wall.

These changes were made to improve traffic operations and also resulted in a reduction in grading impacts.

4. The southbound I-15 to southbound I-215 Connector Bridge was lengthened by 305' to allow extra space in the median for a future high occupancy vehicle or managed lane facility.
5. The intersection of the northbound I-215/Devore Road off-ramp and Devore Road was realigned to improve traffic operations and safety. The off-ramp and Devore Road now meet at a more standard angle (less of a skew) than in the previous design.

Alternative 3A was identified and selected as the Preferred Alternative for the following reasons:

Alternative 3A Best Meets Purpose and Need

Alternative 3A is the alternative that best meets the purpose and need criteria. The No-build Alternative does not address any of the elements of purpose and need. Alternative 5 does not meet the purpose of providing southbound route continuity. Alternatives 2 and 3 provide a marginally acceptable minimum traffic LOS of E in the 2040 design year.

Alternative 3A has the Least Impacts to Key Biological Resources

Under both State and Federal laws, the Department has an affirmative obligation to minimize project impacts to protected biological resources, including endangered species habitats and the waters of the United States. Alternative 3A has the lowest extent of impacts to both endangered species and waters of the United States, as well as the waters of the State. Under these analysis criteria, Alternative 3A has the fewest impacts to key biological resources.

Alternative 3A is the Least Costly Build Alternative

Alternative 3A is least costly build alternative compared to the other developed alternatives.

Alternative 2:

Northbound I-15

- The same I-15 south leg improvements described for Alternative 3A above.
- Construct a two-lane truck bypass extending approximately two miles from south of Cajon Creek to north of Kenwood Avenue.
- Reconfigure the I-15/Kenwood interchange.
- Construct one 2,600 foot auxiliary lane on northbound I-15 beginning at the I-15 and I-215 merge point.
- Realign the northbound I-15 to southbound I-215 connector.
- Realign the interchange to provide route continuity; I-215 will merge on the right.

Southbound I-15

- The same I-15 south leg improvements described for Alternative 3A above.
- Construct up to three auxiliary lanes added starting 1.2 miles north of Kenwood Avenue overcrossing.
- Construct a truck bypass lane starting at the Kenwood Interchange to just south of the I-215 junction. This truck bypass lane will be two lanes wide and 1 1/2 miles long.
- Construct one auxiliary lane from the merge with the truck bypass and mainline to the exit ramp at Glen Helen Parkway.

Northbound I-215

- Construct one mixed flow lane 2 miles long beginning one mile south of Devore Road and ending at the merge with the northbound I-15.
- Reconfigure the interchange at Devore Road to align with a new Glen Helen Parkway undercrossing.
- Reconfigure the northbound ramps at Devore Road/Glen Helen Parkway interchange to access northbound and southbound I-15.

Southbound I-215

- Construct a new I-215 fly-over to carry traffic over the I-15 mainline.
- Reconfigure and add one additional lane from the I-15 diverge to a point approximately one mile south of Devore Road for a distance of approximately 2 1/4 miles.
- Construct a collector-distributor road in the southbound direction paralleling I-215. This will weave traffic between the north I-15 to south I-215 connector and the traffic exiting for Cajon Boulevard/Devore Road/Glen Helen Parkway.
- Relocate the southbound exit ramp and entrance ramp approximately 1,400 feet southerly of the proposed intersection of Glen Helen Parkway and Devore Road.
- Realign Glen Helen Parkway.

Local Roads

- Cajon Boulevard improvements would be the same as in Alternative 3A.
- Extend Glen Helen Parkway under the I-215 freeway.
- Remove the existing Devore Road overcrossing.
- Realign Devore Road to extend to the new Glen Helen Parkway using a realigned Dement Street.
- Construct an intersection with turning lanes at Cajon Boulevard and Kenwood Avenue.
- Other Kenwood Avenue improvements include: widening to accommodate left turn lanes, lowering the profile under the northbound truck bypass lanes, realigning the road to eliminate the multi center curve alignment and smoothing out the undulating profile.
- Construct cul-de-sacs on local streets where the freeway improvements widen into local streets.
- Modify local streets, relocate Nedlee cul-de-sac and reconfigure southerly Cajon Boulevard cul-de-sac.

Alternative 2 was not selected as the Preferred Alternative for the following reasons:

- Alternative 3A provides a better traffic LOS in the 2040 design year.
- Alternative 3A costs less to construct than Alternative 2.
- Alternative 3A has less impact to key biological resources than Alternative 2.

Alternative 3:

Northbound I-15

- The same I-15 south leg improvements described for Alternative 3A above.
- Construct a two-lane truck bypass extending approximately two miles from south of Cajon Creek to north of Kenwood Avenue.
- Reconfigure the I-15/Kenwood Avenue Interchange ramps to connect to the truck bypass.
- Construct one auxiliary lane northbound I-15 from the merge point of I-15 and I-215 for a distance of 2,600 feet.
- Realign the northbound I-15 to southbound I-215 connector.
- Realign the interchange to provide route continuity; I-215 will merge on the right.

Southbound I-15

- The same I-15 south leg improvements described for Alternative 3A above.
- Up to three auxiliary lanes added starting 1.4 miles north of Kenwood Avenue overcrossing.

- Prior to the Kenwood Avenue interchange, begin a truck bypass lane and southbound I-215 connector. This truck bypass lane will be two lanes wide, approximately 3/4 mile long.
- Southbound I-15 and I-215 will braid in order to provide route continuity southbound.
- Widen and realign existing southbound I-15 to southbound I-15 connector.

Northbound I-215

- Construct one additional northbound lane beginning 1/2 mile south of Devore Road, ending at the merge with the northbound I-15, for a total distance of 1.5 miles.
- Reconfigure the northbound entrance ramps at Devore Road interchange to access northbound and southbound I-15.
- Realign northbound exit ramp at Devore Road.

Southbound I-215

- Reconfigure and add one additional lane to the southbound connector from the diverge with the southbound I-15 truck lanes to a point approximately 1/2 mile south of Devore Road.
- Construct a collector-distributor road in the southbound direction parallel to I-215 with a braid between the northbound I-15 to southbound I-215 connector and the Southbound Devore Road exit ramp.
- Relocate southbound exit ramp and entrance ramp approximately 2100 feet southerly of the proposed intersection of Glen Helen Parkway and Devore Road.

Local Roads

- Replace Devore Road overcrossing with a wider bridge.
- Cajon Boulevard improvements would be the same as in Alternative 3A.
- Construct an intersection with turning lanes at Cajon Boulevard and Kenwood Avenue.
- Other Kenwood Avenue improvements include: widening to accommodate left turn lanes, lowering the profile under the northbound truck bypass lanes, realigning the road to eliminate the multi-center curve alignment and smoothing out the undulating profile.
- Construct cul-de-sacs on local streets where the freeway improvements widen into local streets.
- Modify local streets, relocate the Nedlee cul-de-sac and reconfigure the southerly Cajon Boulevard cul-de-sac.
- Realign frontage roads that parallel the freeway.

Alternative 3 was not selected as the Preferred Alternative for the following reasons:

- Alternative 3A provides a better traffic LOS in the 2040 design year.
- Alternative 3A costs less to construct than Alternative 3.
- Alternative 3A has less impact to key biological resources than Alternative 3.

Alternative 5:

Northbound I-15

- The same I-15 south leg improvements described for Alternative 3A above.
- Reconfigure the interchange of I-15 and Kenwood Avenue, to connect with the truck bypass lanes.
- Construct one auxiliary lane on northbound I-15 from the merge point of I-15 and I-215 for a distance of 2,600 feet.
- Realign the northbound I-15 to southbound I-215 connector.

Southbound I-15

- The same I-15 south leg improvements described for Alternative 3A above.
- Auxiliary lanes added starting about 3,300 feet north of Kenwood Avenue overcrossing.
- At the Kenwood Avenue interchange, begin a two-lane truck bypass lane to I-215, extending approximately two miles.

Northbound I-215

- Construct one additional lane northbound starting one mile south of Devore Road, ending at the merge with the Northbound I-15 for a total distance of two miles.
- Reconfigure the interchange at Devore Road to line up with Glen Helen Parkway with an undercrossing.
- Reconfigure the northbound entrance ramps at Devore Road/Glen Helen Parkway interchange to access northbound and southbound I-15.

Southbound I-215

- Reconfigure and add one additional lane from the I-15 diverge to a point approximately one mile south of Devore Road, for a distance of approximately 2 1/4 miles.
- Construct a collector-distributor road in the southbound direction paralleling to I-215. This will weave traffic between the north I-15 to south I-215 connector and the traffic exiting for Cajon Boulevard/Devore Road/Glen Helen Parkway.
- Realign Glen Helen Parkway

Local Roads

- Cajon Boulevard improvements would be the same as in Alternative 3A.
- Construct an intersection with turning lanes at Cajon Boulevard and Kenwood Avenue.
- Other Kenwood Avenue improvements include: widening to accommodate left turn lanes, lowering the profile under the northbound truck bypass lanes, realigning the road to eliminate the multi-center curve alignment and smoothing out the undulating profile.
- Construct cul-de-sacs on local streets where the freeway improvements are widening.

- Modify local streets, relocate the Nedlee cul-de-sac and reconfigure southerly Cajon Boulevard cul-de-sac. Realign Dement Street.

Alternative 5 was not selected as the Preferred Alternative for the following reasons:

- Alternative 3A provides southbound route continuity and Alternative 5 does not.
- Alternative 3A costs less to construct than Alternative 5.
- Alternative 3A has less impact to key biological resources than Alternative 5.

As part of the Design-Build method, a series of Alternative Technical Concepts (ATC) were proposed in June 2012 which modified the design of the preferred alternative (Alternative 3A). The selection process applied the best value procurement method to select a contractor to both design and build the project. The best value procurement method is an approach where the design-build teams respond to the owner by submitting proposals that are primarily evaluated based on the technical concepts together with the associated cost of the project. The Design-Builder (URS/Atkinson) was awarded the project in November 2012. Their proposal was selected because it offered the best value. URS/Atkinson's proposal improved the roadway design elements of Alternative 3A thus decreasing the overall project footprint resulting in significantly fewer Environmental and Right of Way impacts.

URS/Atkinson proposed three significant ATC's to the interchange design during the bid phase. The three major ATC's that were submitted and approved by the Department are:

1. ATC 3 – This change shifted the "braid" of the I-15 and I-215 roadways in the vicinity of Kenwood Avenue to improve the design by eliminating complicated bridges over the southbound off-ramp intersection with Kenwood Avenue. The braid was shifted south and with the new design, only a widening of the I-15 southbound bridge over Kenwood Avenue is necessary.

2. ATC 4 – This change provided "Route Continuity" for northbound I-15. In the original design, I-15 northbound merges in on the right side of I-215. This is reverse of what the desirable design would be. With the ATC 4 design, I-15 northbound will be on the left of the I-215 roadway and I-215 will merge into I-15 on the right. This matches driver expectations.

3. ATC 5 – This design change turns the Devore Road interchange into a conventional diamond interchange and eliminates the hook ramps originally designed south of Devore Road. The standard diamond interchange is a more desirable configuration for drivers. Hook ramps are confusing in that the motorists exiting to Devore Road are put onto Cajon Boulevard and have to drive north to Devore Road.

LOCATION MAP

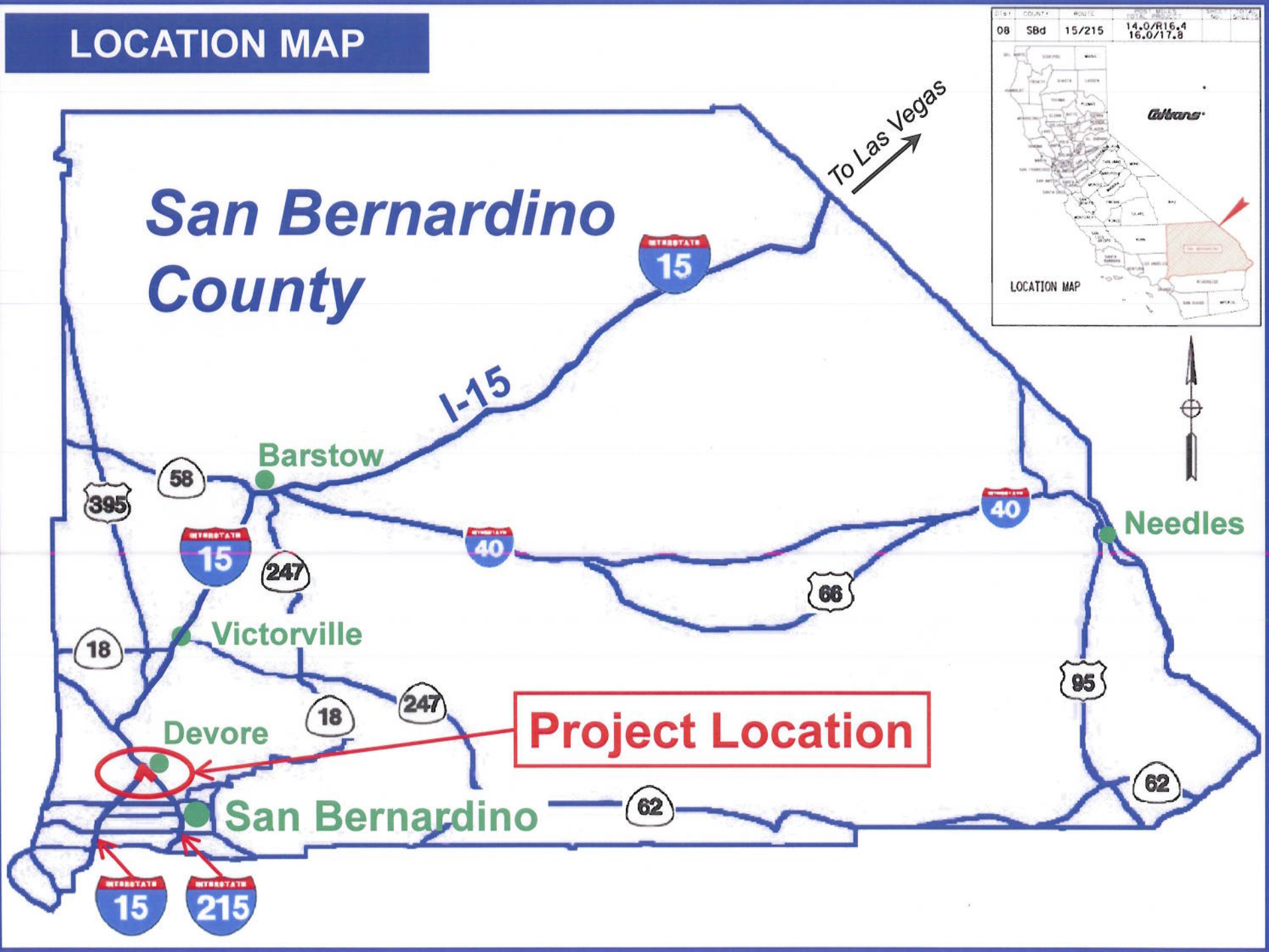

Exhibit A1

Exhibit A1

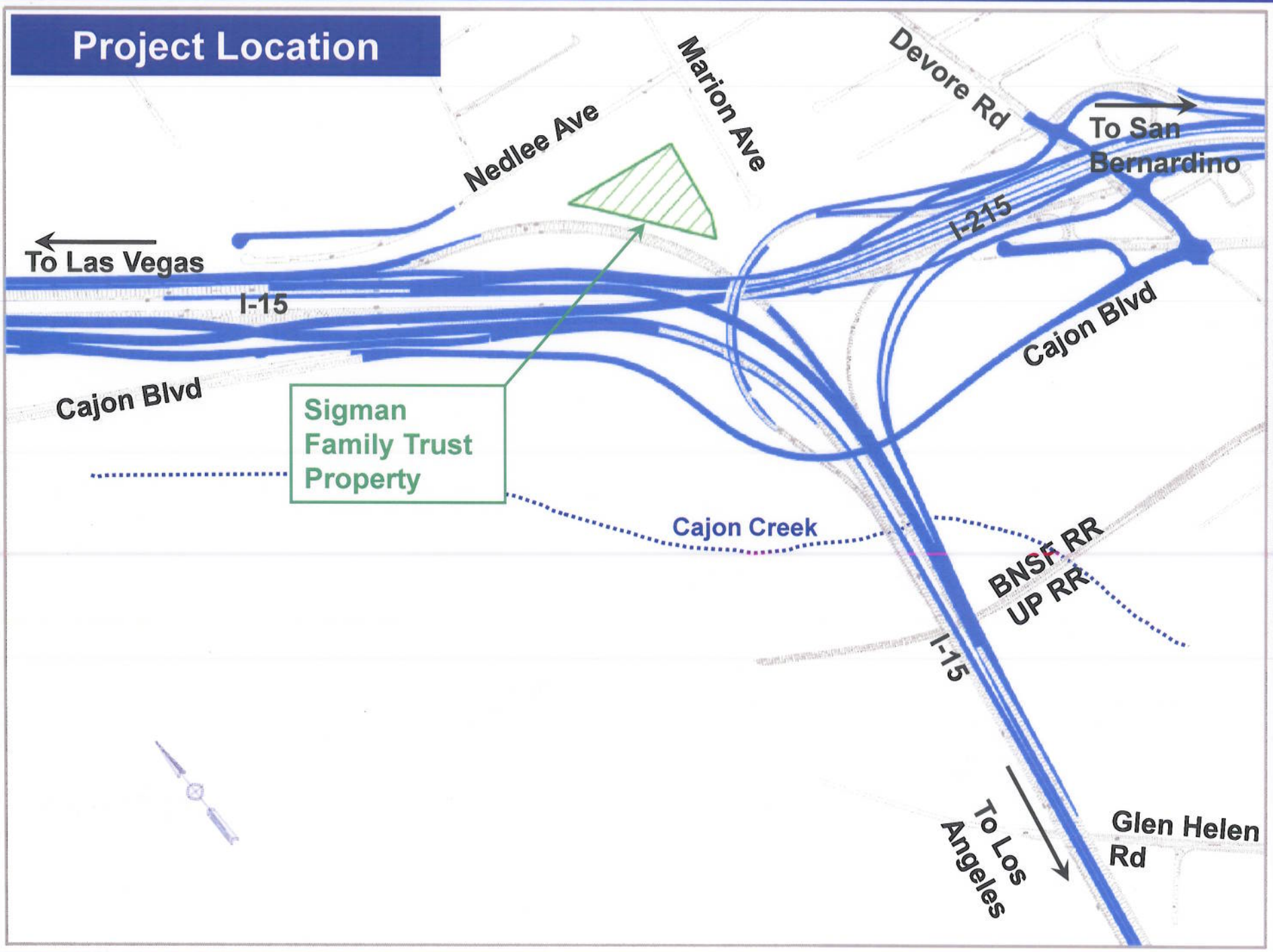

Exhibit A2

Exhibit A2

PARCEL PANEL REPORT

PARCEL DATA

Property Owners: Timothy A. Sigman, Sr. and Carol J. Sigman, Co-Trustees of the Tim and Carol Sigman Family Trust, dated June 28, 2001

Parcel Location: 1479 Nevin Road in the County of San Bernardino
Assessor Parcel Number 0349-143-34

Present Use: Single Family Residence

Zoning: RS-I – Single Residential / Glen Helen Specific Plan

Area of Property: 224,089 Square Feet (SF)

Area Required: Parcel 22537-1: 43,487 SF - Drainage Easement

PARCEL DESCRIPTION

The subject parcel consists of approximately 224,089 SF of land, and is triangular in shape and graded, with the exception of the southeastern portion the parcel which is a natural ravine handling drainage in the area. The site is zoned Single Residential, RS-1, according to the Glen Helen Specific Plan by the County of San Bernardino, and identified as Assessor's Parcel Number 0349-143-34. On-site improvements include two single family residences totaling 5,432 SF of living area plus 1,547 SF of garage area constructed in 2007. There is also one industrial storage building that totals 8,900 SF of ground floor area and 1,100 SF of storage/mezzanine area. It should be noted that the all improvements on the subject parcel are located outside the proposed acquisition area.

NEED FOR THE SUBJECT PROPERTY

A portion of the subject property is needed as a result of the I-15 / I-215 Interchange improvement project. The project requirements consist of a 43,487 SF drainage easement located in the southeastern portion of the subject property. This portion of the property is a natural ravine which handles drainage in the area. The project requirement is specifically needed to construct a drainage/debris basin at the end of an existing drainage channel/ravine before the water enters an existing drainage pipe that extends under the freeway interchange. This drainage channel/ravine is subjected to debris flows consisting

of large rock and vegetation during large rain events. Currently this channel is not accessible to the Department's maintenance staff to remove debris. The proposed drainage basin will provide a location to capture and contain debris before it enters and potentially damages/plugs the pipe. Maintenance access to the debris basin will now be provided for via Marion Avenue, located on the east side of the basin (opposite side of the ravine from the subject property).

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Condemnation Review Panel (Panel) met in San Bernardino on September 23, 2013. The Panel members included Rene Fletcher, Panel Chair, Department of Transportation (Department) Headquarters (HQ's) Division of Right of Way and Land Surveys; Julie Del Rivo, Department Los Angeles Legal Division; Linda Fong, Department HQ's Division of Design; and Mark Zgombic, Department HQ's Division of Right of Way and Land Surveys, Secretary to the Panel. Present at the meeting were property owners Tim and Carol Sigman, and their attorney, Scott Dexter.

This report summarizes the findings of the Panel with regard to the four criteria required for a Resolution of Necessity and makes a recommendation to the Department's Chief Engineer. The primary concerns and objections expressed by the property owners are that the project is not planned or located in a manner that will be most compatible with the greatest public good with least private injury.

The following is a description of the concerns/contentions expressed by the owners' representatives, followed by the Department's response:

Owners Contend:
The Department should have informed them about how this project would impact their property before they began construction of their residences and related improvements in 2005 and completed such construction in 2007.

Department Response:
The Department received and did not object to the owners 2005 development plan; however at that time, the Department did not have any plans for this project. In December 2005, San Bernardino Associated Governments completed its Comprehensive Corridor Study. That study did not identify impacts to any property. Rather, the study only determined whether a project was necessary. It was not until 2007, when this project was scoped and after the owners had completed construction of their residences that the Department determined the owners property could be impacted. Fortunately, the Department has minimized the impacts to the owners property such that a full acquisition in no longer necessary.

Owners Contend:
The Department's appraisal should have included compensation for severance damages to their property as a result of the proposed project.

Department Response:
An analysis of severance damages was considered, and included in the Department's appraisal. Based on this analysis, the appraiser did include compensation for re-filing fees related to a Tentative Parcel Map associated with the subject property. No other severance damages were found. This is a compensation issue and outside the purview of the California Transportation Commission in the process of adopting a Resolution of Necessity.

Owners Contend:
The proposed drainage easement will impact the Tentative Parcel Map associated with the subject property and impede the potential to develop the property in the future.

Department Response:
The County of San Bernardino Planning Department has indicated that the proposed drainage easement would not impact the Tentative Parcel Map associated with the property. This is a compensation issue and outside the purview of the California Transportation Commission in the process of adopting a Resolution of Necessity.

Owners Contend:
The legal description for the proposed drainage easement needs to spell out the specific rights, terms, conditions, and obligations between the parties with regard to the construction and maintenance responsibilities, as well as liability issues for potentially contaminated water flows into the drainage basin.

Department Response:
It is not appropriate to include contractual language regarding the specific terms, conditions, and obligations between the parties within the body of legal description for the proposed drainage easement. However, the Department has agreed to work with the property owners to negotiate and establish a Maintenance Agreement to address to these matters. The legal description for the proposed drainage easement gives the Department the right to construct and maintain the drainage basin within the easement area. The Department's Maintenance Division will maintain the area on an as needed basis depending upon the frequency and severity of storm events. Removal of debris from the basin will not be done unless there is a need identified based on periodic inspections by the Department. Existing drainage flows into the ravine and the drainage basin from the surrounding area will remain the same. The responsibility and the liability for any potentially contaminated discharges into the drainage basin lie with the generator and/or responsible party of the contamination source.

Owners Contend:
Construction of the drainage basin adjacent to their property could lead to increased crime and theft. Vandals and criminals will now be able to utilize the Department's proposed access road leading to the drainage basin, cross the drainage basin, and climb up the side slope to the their property.

Department Response:
An access road down to drainage basin will be provided from Marion Avenue on the east side of the basin. This side of the basin will be fenced at the top of the slope with a locked gate for safety and security reasons and will only be accessible by the Department's Maintenance Division. Although not required by the project, in an effort to address this concern the Department has offered to install an additional fence at the top of the slope on the west side of the basin on the subject property.

Owners Contend:
The proposed Temporary Construction Easement (TCE) will interfere with access and existing parking areas and negatively disrupt the operations of their paving business.

Department Response:
Project requirements initially included a TCE located at the top of the slope adjacent to the owner's property to allow additional working room for the Design-Builder to construct the proposed drainage basin. Based on the owner's concern and after further analysis by the Design-Builder, it was agreed that the drainage basin could be constructed without the TCE. Therefore, the TCE was subsequently removed as a project requirement.

DEPARTMENT CONTACTS

The following is a summary of contacts made with the property owners:

Type of Contact	Number of Contacts
Mailing of information	6+
E-Mail of information	32+
Telephone contacts	10+
Personal/meeting contacts	8

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. The property owners have been notified that issues related to compensation are outside the purview of the California Transportation Commission (Commission).

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 this Resolution of Necessity to the Commission.

_____
RENE FLETCHER
Chief
Office of Project Delivery
Division of Right of Way and Land Surveys
Panel Chair

I concur with the Panel's recommendation:

_____
KARLA SUTLIFF
Chief Engineer

PERSONS ATTENDING THE CONDEMNATION PANEL REVIEW MEETING ON SEPTEMBER 23, 2013

Rene Fletcher, HQ's Division of Right of Way and Land Surveys, Panel Chair
Julie Del Rivo, Los Angeles Legal Office Attorney, Panel Member
Linda Fong, HQ's Division of Design, Panel Member
Mark Zgombic, HQ's Division of Right of Way and Land Surveys, Panel Secretary

Tim and Carol Sigman, Property Owners
Scott Dexter, Attorney for the Property Owners

Basem Muallem, District 8, District Director
Christy Connors, District 8, Deputy District Director, Design
Syed Raza, District 8, Deputy District Director, Right of Way
Jesus Paez, District 8, Project Director
Bill Dehn, USR, Design Manager
Andrew Nelson, Atkinson Construction, Project Engineer
Dennis Saylor, San Bernardino Associated Governments, Project Manager
Terry Haines, San Bernardino Associated Governments, Right of Way
Brenda Morrison, District 8, Supervising Right of Way Agent
Min Saysay, Overland, Pacific & Cutler, Principal Transportation Programs
Maddy Rivera, Overland, Pacific & Cutler, Project Manager

Project Impact

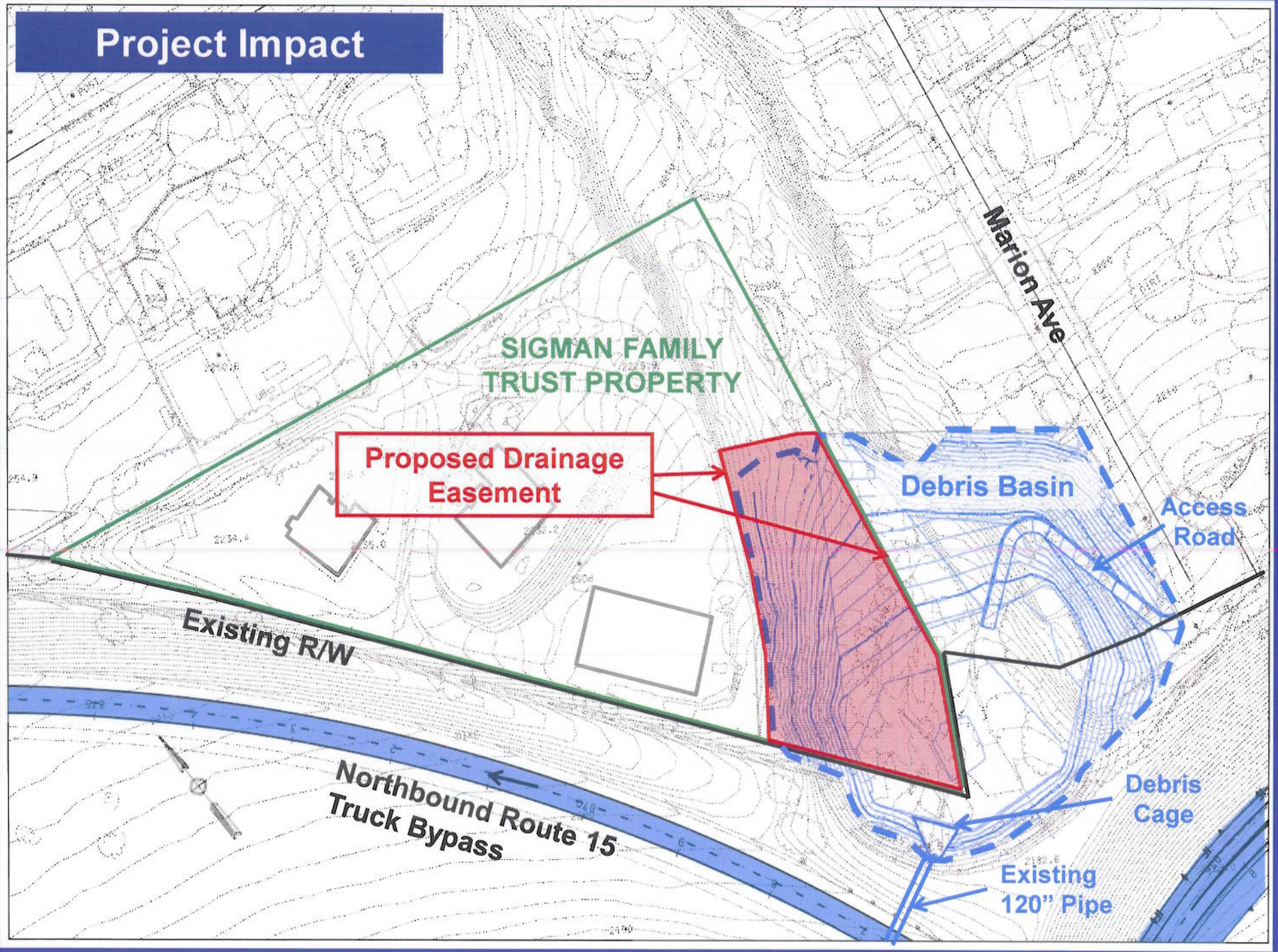

Exhibit B1

Exhibit B1

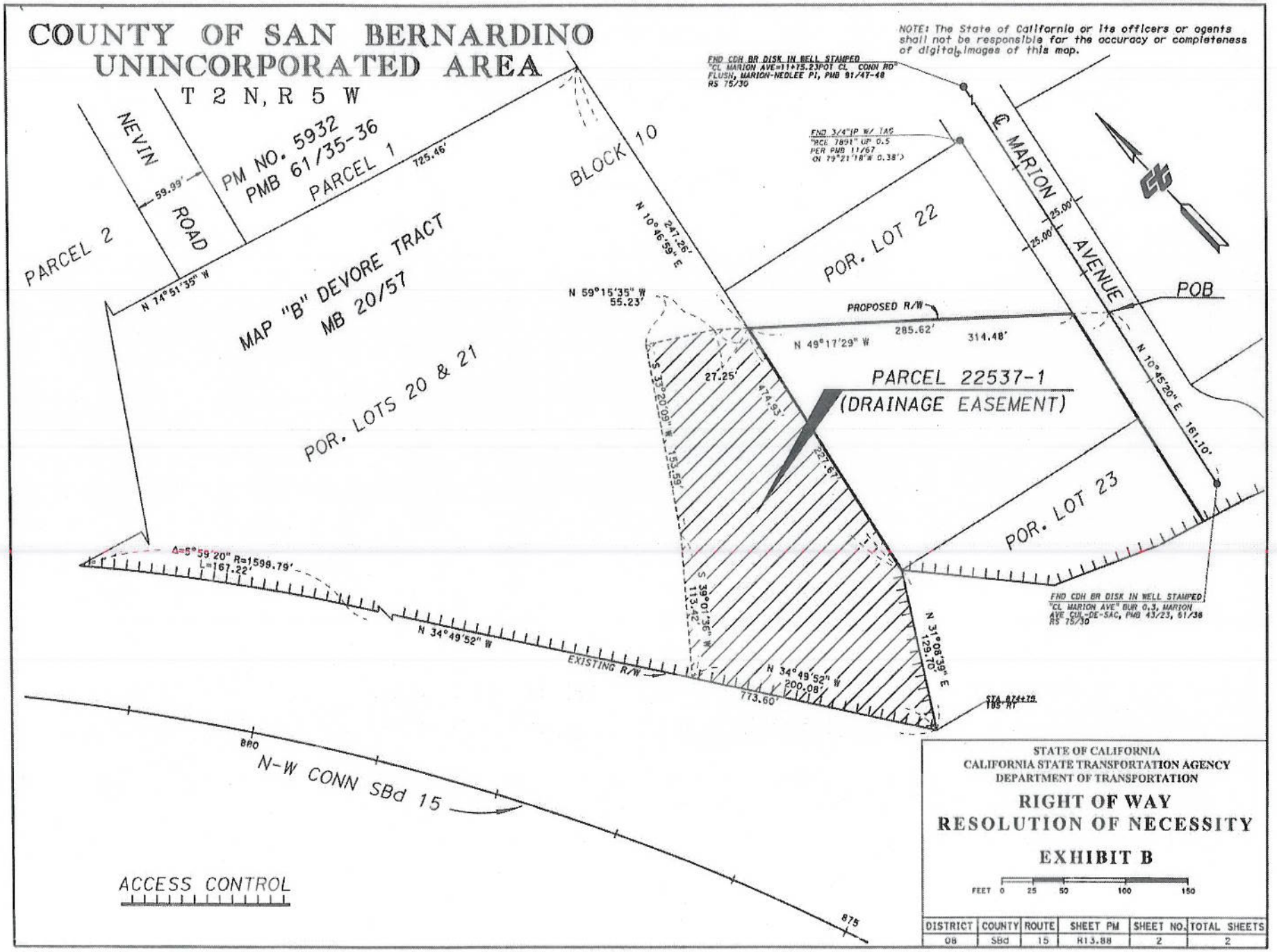
COUNTY OF SAN BERNARDINO
UNINCORPORATED AREA
T 2 N, R 5 W
NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.
FND CDH BR DISK IN WELL STAMPED "CL MARION AVE=11+75.23POT CL CONN RO" FLUSH, MARION-NEDLEE PI, PMB 91/47-48 RS 75/30
FND 3/4"IP W/ TAG "RCE 7891" UP 0.5 PER PMB 11/67 ON 79°21'18"W 0.38')
NEVIN ROAD
59.99'
PM NO. 5932
PMB 61/35-36
PARCEL 1
725.46'
PARCEL 2
N 74°51'35" W
MAP "B" DEVORE TRACT
MB 20/57
POR. LOTS 20 & 21
BLOCK 10
N 10°46'59" E
247.26'
N 59°15'35" W
55.23'
POR. LOT 22
MARION AVENUE
25.00'
25.00'
POB
PROPOSED R/W
285.62'
314.48'
N 49°17'29" W
PARCEL 22537-1
(DRAINAGE EASEMENT)
27.25'
474.93'
S 33°20'09" W
153.59'
227.67'
N 10°45'20" E
181.10'
POR. LOT 23
Δ=5°59'20" R=1599.79'
L=167.22'
N 34°49'52" W
EXISTING R/W
S 39°01'36" W
113.42'
N 34°49'52" W
200.08'
773.60'
N 31°08'39" E
129.10'
FND CDH BR DISK IN WELL STAMPED "CL MARION AVE" BUR 0.3, MARION AVE CUL-DE-SAC, PMB 43/23, 61/38 RS 75/30
STA 874+75 105' RT
880
N-W CONN SBd 15
875
ACCESS CONTROL
STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY
RESOLUTION OF NECESSITY
EXHIBIT B
FEET 0 25 50 100 150
DISTRICT 08
COUNTY SBd
ROUTE 15
SHEET PM R13.88
SHEET NO. 2
TOTAL SHEETS 2

Exhibit B2

TRANSPORTATION COMMISSION
RESOLUTION NO.

C-21133

CALIFORNIA TRANSPORTATION COMMISSION
RESOLUTION OF NECESSITY
TO ACQUIRE CERTAIN REAL PROPERTY
OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN
HIGHWAY 08-SBd-15/215-PM 14.0/R16.4 - 16.0/17.8 PARCEL 22537-1
OWNER: Timothy A. Sigman, Sr., Co-Trustee, etc., et al.

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

Attorney, Department of Transportation

APPROVAL RECOMMENDED

DIVISION OF RIGHT OF WAY

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

The real property or interests in real property, which the Department of Transportation is by this resolution authorized to acquire, is situated in the County of San Bernardino, State of California, Highway 08-SBd-15/215 and described as follows:

LEGAL DESCRIPTION

PARCEL 22537-1

An easement for drainage purposes and incidents thereto, in and to those portions of Lots 20 and 21, Block 10, unincorporated area of San Bernardino County, State of California, per map "B" Devore Tract recorded in Book 20 of Maps, Page 57, in the Office of the County Recorder of said County, as described in a Quitclaim Deed recorded December, 9, 2008 as Document No. 2008-0544557, Official Records of said county, lying southerly of the following described line:

BEGINNING at a point on the centerline of Marion Avenue as shown on Parcel Map 4619 in Parcel Map Book 43, page 23, records of said county, said point being distant North 10°45'20" East, 161.10 feet from a California Division of Highways brass disk in a well stamped ""CL MARION AVE" as shown on said Parcel Map; thence North 49°17'29" West, 314.48 feet; thence North 59°15'35" West, 55.23 feet; thence South 33°20'09" West, 153.59 feet; thence South 39°01'36" West, 113.42 feet to a point on the northerly right of way of Interstate 15 as shown on Right of Way Map No. 902581, filed at the Department of Transportation, District 8 Office, last said point being distant North 34°49'52" West, 200.08 feet from Engineers Sta. 874+75, 185 feet right of the layout line of the North-West Connector as shown on said Right of Way Map.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5. Divide distances shown by 0.9998700 to obtain ground level distances.

Tab 2

LAW OFFICE OF SCOTT J. DEXTER

STEWART PLAZA
400 NORTH MOUNTAIN AVENUE, SUITE 210
UPLAND, CALIFORNIA 91786

TELEPHONE (909) 931-5920
FACSIMILE (909) 931-5940

Via Facsimile
January 29, 2014

Mr. James C. Ghielmetti
Chair, California Transportation Commission
1120 N Street, Room 2221 (MS-52)
Sacramento, California 95814

Your reference: 08-SBd-15-PM R13.88
Parcel 22537-1,2
Timothy A. Sigman, Sr., trustee, etc., et al.

Dear Chair Ghielmetti:

The undersigned represents Timothy A. Sigman, Sr. and Carol J. Sigman, Co-Trustees of the Tim and Carol Sigman Family Trust, dated June 28, 2001 (the "Sigmans") concerning the matters set forth herein.

The Sigmans respectfully request that the Commission today continue to its next regular meeting consideration of Caltrans' request for approval of a resolution of necessity concerning the Sigmans' real property referenced above on the basis that the project was not planned or located in the manner that will be most compatible with the greatest public good and the least private injury as required in California Code of Civil Procedure, Section 1240.030(c) (the "Code").

At the Commission's meeting held on December 11, 2013, the Commission continued consideration of the request for approval to allow time for Caltrans to submit to the Sigmans a draft maintenance agreement which would include resolution of various design, use, operation, maintenance and standard of care issues.

A draft memorandum of understanding was submitted to the Sigmans on or about

December 20, 2013. A copy of the draft is attached to this letter for your review. The draft was very limited in scope as is shown in the draft.

After meeting with Caltrans representatives and the Sigmans on Saturday, January 18, 2014, Caltrans submitted a more complete draft on or about January 21, 2014. The Sigmans responded to that draft on January 28, 2014, and have received comments back from Caltrans also on January 28, 2014, which the Sigmans are, as of the time of this letter, in the process of reviewing.

Although progress has been made with Caltrans, it is the Sigmans' position that the continuance today is necessary because Caltrans has not shown that all requirements of the Code have been met and to encourage Caltrans to attempt to resolve these non-monetary design issues. Resolution of the Sigmans' design issues will have the effect of reducing the anticipated injury to the Sigmans to the "least private injury" as required by the Code.

Thank you for your consideration of the Sigmans' request for continuance.

Very Truly Yours,

LAW OFFICE OF SCOTT J. DEXTER

Scott J. Dexter

SJD/sd
Enclosure

cc: Timothy A. Sigman, Sr. and Carol J. Sigman, Co-Trustees of the Tim and Carol Sigman Family Trust, dated June 28, 2001

DEVORE PROJECT – DRAINAGE/DEBRIS BASIN MAINTENANCE

MEMORANDUM OF UNDERSTANDING

WHEREAS:

Caltrans is currently engaged in a project to reconfigure the junction of the I-15 / I-215 (Devore Project), located at the base of Cajon Pass in the San Bernardino Mountains. The purpose of the Devore Project is to reduce congestion, reduce accidents, and improve freeway operation. The project limits on I-15 are from 2.3 miles south to 2.0 miles north or the I-15/I-215 interchange and on I-215 from 1 mile south to the I-15/215 interchange. Timothy A. Sigman, Sr. and Carol J. Sigman, as Co-Trustees of the Tim and Carol Sigman Family Trust, dated June 28, 2001 are owners of real property located at 1479 Nevin Road in the County of San Bernardino, Assessor Parcel Number 0349-143-34 (Sigman Property). A portion of the Sigman Property is needed as a result of the Devore Project. The project requirements consist of a 43,487 SF drainage easement located in the southeastern portion of the Sigman Property, designated as Caltrans Parcel 22537-1 (Subject Property). (*See*, for demonstrative reference, Exhibit A).

The Subject Property is specifically needed to construct a drainage/debris basin at the end of an existing drainage channel/ravine before the water enters an existing drainage pipe that extends under the freeway interchange. This drainage channel/ravine is subjected to debris flows consisting of large rock, vegetation and sediment during significant rain events. Currently this channel is not accessible to Caltrans' maintenance staff to remove debris.

The proposed drainage/debris basin will provide a location to capture and contain debris before it enters and potentially damages and/or plugs the pipe. Caltrans' Maintenance access to the debris basin will now, as a result of the Devore Project, be provided via Marion Avenue, located on the east side of the basin (opposite side of the ravine from the Sigman Property).

The debris capacity requirement for the proposed drainage/debris basin is for a ten year design storm debris yield (10 Year Debris Yield).

NOW THEREFORE IT IS HEREBY AGREED BY THE UNDERSIGNED PARTIES AS FOLLOWS:

Caltrans will be responsible for maintaining the drainage/debris basin within Caltrans' right of way and the acquired drainage easement, Subject Property.

The drainage/debris basin will be visually inspected by Caltrans' District 8 Maintenance Supervisors for the location on both an annual basis and after each major storm.

Caltrans will conduct its maintenance activities in accord with any environmental and storm water permits, and any other permits.

Caltrans maintenance activities will ensure the debris capacity requirement of a 10 Year Debris Yield is maintained. Maintenance activities will additionally ensure there is no blockage of the debris cage at the entrance to the existing culvert.

Caltrans will seed vegetation of plant material along the slopes of the drainage/debris basin to prevent erosion.

Vegetation along the slopes will be trimmed and pruned by Caltrans as needed to control extraneous growth and to prevent overgrowth into the Sigman Property and any other private properties. All trimmings/cuttings generated during Caltrans maintenance activities will be removed from the area upon completion of work.

The fencing in the drainage/debris basin area will be kept in a safe, locked and reasonably attractive condition.

The drainage/debris basin, upon completion of construction, will be placed in the statewide inventory of drainage facilities so that the District Culvert Inspection Program coordinated by Caltrans Headquarters will be initiated. The District Culvert Inspection Program is intended to implement any corrective maintenance strategies which are reviewed proactively with the goal of preventing culvert/drainage failures.

Nothing in the provisions of this MOU is intended to create duties or obligations to or rights in third parties, not parties to this MOU, or affect the legal liability of either party to this MOU by imposing any standard of care respecting the design, construction and maintenance of these Caltrans highway improvements or facilities different from the standard of care imposed by law.

_____ Dated: _____

BASEM MUALLEM
District Director, District 8

_____ Dated: _____

TIMOTHY A. SIGMAN, SR.

_____ Dated: _____

CAROL J. SIGMAN

EXHIBIT "A"

An EASEMENT for drainage purposes and incidents thereto, upon, over and across those portions of Lots 20 and 21, Block 10, unincorporated area of San Bernardino County, State of California, per map "B" Devore Tract recorded in Book 20 of Maps, Page 57, in the Office of the County Recorder of said County, as described in a Quitclaim Deed recorded December, 9, 2008 as Document No. 2008-0544557, Official Records of said county, lying southerly of the following described line:

BEGINNING at a point on the centerline of Marion Avenue as shown on Parcel Map 4619 in Parcel Map Book 43, page 23, records of said county, said point being distant North 10°45'20" East, 161.10 feet from a California Division of Highways brass disk in a well stamped ""CL MARION AVE" as shown on said Parcel Map; thence North 49°17'29" West, 314.48 feet; thence North 59°15'35" West, 55.23 feet; thence South 33°20'09" West, 153.59 feet; thence South 39°01'36" West, 113.42 feet to a point on the northerly right of way of Interstate 15 as shown on Right of Way Map No. 902581, filed at the Department of Transportation, District 8 Office, last said point being distant North 34°49'52" West, 200.08 feet from Engineers Sta. 874+75, 185 feet right of the layout line of the North-West Connector as shown on said Right of Way Map.

Containing 43,487 square feet, more or less.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 5. Divide distances shown by 0.9998700 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: _____
Professional Land Surveyor

Date: 9/12/2013

PROFESSIONAL LAND SURVEYOR
TRENT E. LENFESTEY
No. 6251
EXP. 12-31-13
STATE OF CALIFORNIA

LAW OFFICE OF SCOTT J. DEXTER
400 NORTH MOUNTAIN AVENUE, SUITE 210
UPLAND, CALIFORNIA 91786
Telephone: (909)931-5920
Facsimile: (909)931-5940

FACSIMILE TRANSMISSION

TO: Stephen Maller, Deputy Director for Program Delivery
California Transportation Commission
1120 N Street, Room 2221 (MS-52)
Sacramento, California 95814
Fax No.(916)653-2134

DATE: January 29, 2104
TIME: 11:50 A.M.

FROM: Scott J. Dexter
LAW OFFICE OF SCOTT J. DEXTER
400 North Mountain Avenue, Suite 210
Upland, California 91786

( ) Original to follow via regular mail.
(X) Original will not follow via regular mail.

MESSAGE: Further to our telephone conference today, enclosed please find my letter dated January 29, 2014, to the Chair of the California Transportation Commission. Please be so kind as to accept these documents for filing today on behalf of the California Transportation Commission and distribution to the Commission members. Thank you.

NUMBER OF PAGES SENT INCLUDING THIS COVER SHEET: 6

THIS COMMUNICATION IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY VIA TELEPHONE.