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State of California

Department of Transportation

Mr./Ms. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

District Director of Transportation

District \_\_\_

(Address)

Permission is hereby granted to enter upon our land, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for the purpose of constructing or improving a public highway and accomplishing all necessary incidents thereto.

It is understood that this permission is not a waiver in any way of the right of compensation for such land or of any remedy authorized by law to secure payment therefor. It is the intent of the State of California, Department of Transportation, to pay just compensation to the Owner(s) for permission to enter the subject property and to construct the project.

This permission is granted in consideration of the location, improvement and construction of such highway and incidents thereto, which it is understood is required by the State of California, Department of Transportation, with the understanding that you will hereafter without unnecessary delay, negotiate with the undersigned, and any other person, if any, having any right, title or interest in said property, to agree upon terms of compensation and that, if any agreement cannot be reached you will promptly commence eminent domain proceedings, including a deposit of funds to support an Order for Possession, to have such a compensation determined.

Section 1245.235 of the Code of Civil Procedure requires the State of California, Department of Transportation, to give each person whose property is to be acquired by eminent domain notice and a reasonable opportunity to appear before the California Transportation Commission and be heard on the matters referred to in Section 1240.030 of the Code of Civil Procedure, which provides:

The power of eminent domain may be exercised to acquire property for a proposed project only if all of the following are established:

1. The public interest and necessity require the project.
2. The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The property sought to be acquired is necessary for the project.
4. The offer required by Section 7267.2 of the Government Code has been made to the owner or others of record. (If an offer has not been made, an appraisal will be prepared as soon as practicable and an offer made of the full amount of such appraisal.)

By granting this irrevocable right to possession and use of the parcels to State, Owner agrees to the following: (1) Owner specifically waives the notice required by Code of Civil Procedure Section 1245.235 of the hearing of the matter referred to in Code of Civil Procedure Section 1240.030 and the adoption of the resolution of necessity by the California Transportation Commission authorizing the taking of the property described in Exhibit A; (2) Owner shall not object to the filing of an eminent domain proceeding to acquire the property described in Exhibit A; and (3) in any eminent domain action filed by State to acquire the property described in Exhibit A, Owner shall not challenge State's right to take such property, and the only issue shall be the amount of just compensation for the property.

It is understood that the State of California, Department of Transportation, will pay interest from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on the just compensation paid by the State of California, Department of Transportation. The rate of interest will be the rate of earnings of the Surplus Money Investment Fund and computation will be in accordance with Section 1268.350 of the Code of Civil Procedure. Interest will be computed to and including the date of deposit of compensation.

The parties to this right of entryshall, pursuant to Section 21.7(a) of Title 49, Code of Federal Regulations, comply with all elements of Title VI of the Civil Rights Act of 1964. This requirement under Title VI and the Code of Federal Regulations is to complete the USDOT Non-Discrimination Assurance requiring compliance with Title VI of the Civil Rights Act of 1964, 49 C.F.R. Parts 21 and 28 C.F.R. Section 50.3.

Further, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that is the subject of this right of entry.

Sincerely,

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| **By** |  |  |  | |
|  | **Right of Way Agent** |  |  | |
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| **By** |  |  |  |  |
|  | **Chief, Acquisition Branch** |  | **ACCEPTED:** | |
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|  | |  | **STATE OF CALIFORNIA** | |
|  | |  | **DEPARTMENT OF TRANSPORTATION** | |
|  | |  |  |  |
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|  | |  |  |  |
|  | |  | **By** |  |
|  | |  |  | **District Division Chief** |
|  | |  |  | **Right of Way** |