

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: September 24-25, 2008

Reference No.: 2.4a.
Action Item

From: CINDY McKIM
Chief Financial Officer

Prepared by: Bimla G. Rhinehart
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-19958 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 an appearance before the Commission to express their belief that the proposed project is not compatible with the greatest public good and least private injury. The owner's objections and the Department's responses 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 advised that the Department is requesting the Resolution at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-19958 - RCK Properties, Inc., a Colorado Corporation
06-Tul-198-PM 3.09 - Parcel 84904-1A, 1B -EA 3568U9.

Right of Way Certification Date: 10/01/08; Ready to List Date: 10/01/08. Expressway - two-lane conventional highway to a four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and underlying fee. Located near the city of Visalia near the southeast corner of State Route 198 and Road 68. APN 073-110-052.

Attachments:

- Attachment A – Project Information
- Exhibits A1 through A2 – Project Maps
- Attachment B – Parcel Panel Report
- Exhibits B1 through B3 - Parcel Maps and Photos
- Exhibit C – Letter from Tulare County

PROJECT INFORMATION

PROJECT DATA	06-Kin/Tul-198-R21.5/R28.3, 0.0/R3.4 Expenditure Authorization (EA) 06-3568U9
<u>Location:</u>	State Route (SR) 198, near Hanford in Kings and Tulare Counties
<u>Limits:</u>	Near Hanford from 0.5 Mile East of SR 43 to 0.4 Miles West of SR 99 near Visalia
<u>Cost:</u>	Programmed construction cost: \$92,000,000 Current right of way cost estimate: \$13,000,000
<u>Funding Source:</u>	State, Traffic Congestion Relief Program, Corridor Mobility Improvement Account, Federal Demonstration Program
<u>Number of Lanes:</u>	Existing: two-lane mixed flow Proposed: four-lane mixed flow
<u>Proposed Major Features:</u>	Converting a two-lane conventional highway to a four-lane expressway. Grade separation at Road 68 (no ramp connections). Frontage road (FR) between Road 68 and Road 64. FR east of Road 68 connects to existing county road. FR west of 7 th Avenue both north and south of SR 198, connect to existing county roads. FR east of 1 ½ Avenue to elementary school. All existing intersections will be improved.
<u>Traffic:</u>	Existing (year 2005) Kings County: 16,400 Annual Daily Traffic (ADT) Existing (year 2005) Tulare County: 16,200 ADT Proposed (year 2025) Kings County: 28,500 ADT Proposed (year 2025) Tulare County: 24,900 ADT

NEED FOR PROJECT

The purpose of this project is to provide route continuity, increase capacity, and improve safety within the project limits, by converting the existing two-lane conventional highway to a four-lane expressway.

SR 198, within the project limits, is currently a two-lane conventional highway bounded on each end by a freeway and an expressway. This gap is an isolated conventional highway segment and is not expected to provide the conceptual Level of Service (LOS) in the year 2025 due to increased traffic demand. Closing this gap is a high priority with local governments as the route segments appear within their respective 2001 Regional Transportation Plans (RTPs).

Within the project limits, the existing facility is a two-lane, 34-foot wide roadbed passing through agricultural land with left turn lanes at 6th and 7th Avenues in Kings County and at Road 68 in Tulare County. This project joins a four-lane divided freeway/expressway at each end. Walnut and eucalyptus trees line each side of the existing highway throughout the project limits.

Land use is largely agricultural in nature. There are several large dairy operations and two elementary schools within the project limits. Kit Carson School is located at the west end of the project at 7th Avenue, approximately 600 feet north of SR 198, and Delta View School is located on the south side of SR 198, approximately 0.25 mile west of the Kings/Tulare County Line.

Traffic Data

The March 2001 Traffic Study Report indicated that Level of Service (LOS) deficiencies would occur within the project limits in the next ten years. The LOS is D-E at this segment and is expected to deteriorate to F by 2027 (see Table 1).

Table 1. LOS Analysis

Year	Existing 2-lane	Proposed 4-lane
1999	C-D	A
2007	D-E	A
2027	F	B

Table 2. Traffic design designations

Kings County

Design Period	2005-2015	2005-2025
ADT (2005)	16,400	16,400
ADT (2015)	21,600	
ADT (2025)		28,500
DHV (2015)	2,400	
DHV (2025)		3,150
D	66%	66%
T	7%	7%
TI	11	12
ESAL	5,480,000	12,960,000

Trucks comprise 16 percent of the ADT.

Tulare County

Design Period	2005-2015	2005-2025
ADT (2005)	16,200	16,200
ADT (2015)	20,100	
ADT (2025)		24,900
DHV (2015)	2,000	
DHV (2025)		2,500
D	67%	67%
T	7%	7%
TI	11	12
ESAL	5,820,000	13,160,000

Trucks comprise 16.2 percent of the ADT.

The traffic volumes are expected to increase an average of 4.6 percent per year. This higher growth rate for traffic volumes is a reflection of the interregional nature of traffic using this corridor. The most heavily traveled cross streets within the project limits are 6th and 7th Avenues in Kings County and Road 68 in Tulare County.

The accident history for the highway section within project limits in Kings County from PM R21.5 to PM 28.3 for the most recent three-year study period (between 4-1-99 and 3-31-02) as shown on Table 3 indicates that the actual fatal accident rate is higher than the statewide average. However, the actual Fatal + Injury and Total accident rates are lower than the statewide average.

Table 3. Accident Summary (Kin-198, PM R21.5/28.3)

Accident rate ACC/MVkm			
	Fatal	Fatal + Injury	Total
Actual	0.025	0.16	0.35
Average	0.022	0.29	0.58

The accident data for the highway section within project limits at Tulare County for the most recent three year study period (between 4-1-99 and 3-31-02) as shown on Table 4 indicates that the actual accident rates for Total, Fatal + Injury, and Fatal are lower than the statewide average.

Table 4. Accident Summary (Tul-198, PM 0.0/R3.4)

Accident rate ACC/MVkm			
	Fatal	Fatal + Injury	Total
Actual	0.012	0.21	0.36
Average	0.022	0.27	0.58

PROJECT PLANNING AND LOCATION

The 1989 Route Concept Report identified the need for a four-lane expressway through the project limits to achieve and maintain an acceptable LOS. Without this project, LOS deficiencies would occur in this area within the next ten years and continue to increase in severity. Completion of this project will provide an adequate LOS through the design year 2025. The 2002 Transportation Concept Report identifies the ultimate concept for this portion of SR 198 to be a freeway beyond the year 2025.

The existing SR 198/Road 68 intersection is a four-legged, at-grade intersection with through traffic on SR 198 and stop signs on Road 68. The projected traffic forecast at this intersection has the highest volume and turning movements of any of the intersections throughout the project limits. Construction of an overcrossing at Road 68 is proposed due to its proximity to the SR 99/198 interchange and higher than average accident rates at this intersection. The proposed Road 68 overcrossing will allow local northbound and southbound traffic to cross over SR 198. This will enhance local traffic circulation parallel to SR 99 on the west side of SR 99. A proposed new frontage road on the northerly side of SR 198, between Road 64 and Road 68, will provide access from Road 68 to SR 198.

SR 198 is a 141 mile long east-west highway, from Route 101 near San Lucas in Monterey County to the western boundary of Sequoia National Park, which primarily serves the San Joaquin Valley and connects the central coastal areas of California and the Sierra Nevadas. It serves the urban areas of Coalinga, Lemoore, Hanford, and Visalia. It is part of the National Highway System from Interstate 5 to the Sequoia National Park boundary and is designated as a route for large trucks between Interstate 5 and SR 99 by the Surface Transportation Assistance Act standards.

The Department and the County Boards of Supervisors for Tulare and Kings Counties have approved the freeway agreements. For Tulare County, the new freeway agreement depicting an overcrossing at Road 68 supersedes the existing freeway agreement dated July 17, 1956, within the project limits. The new freeway agreement for Kings County supersedes portions of existing freeway agreement dated June 6, 1956.

Project Map

not to scale

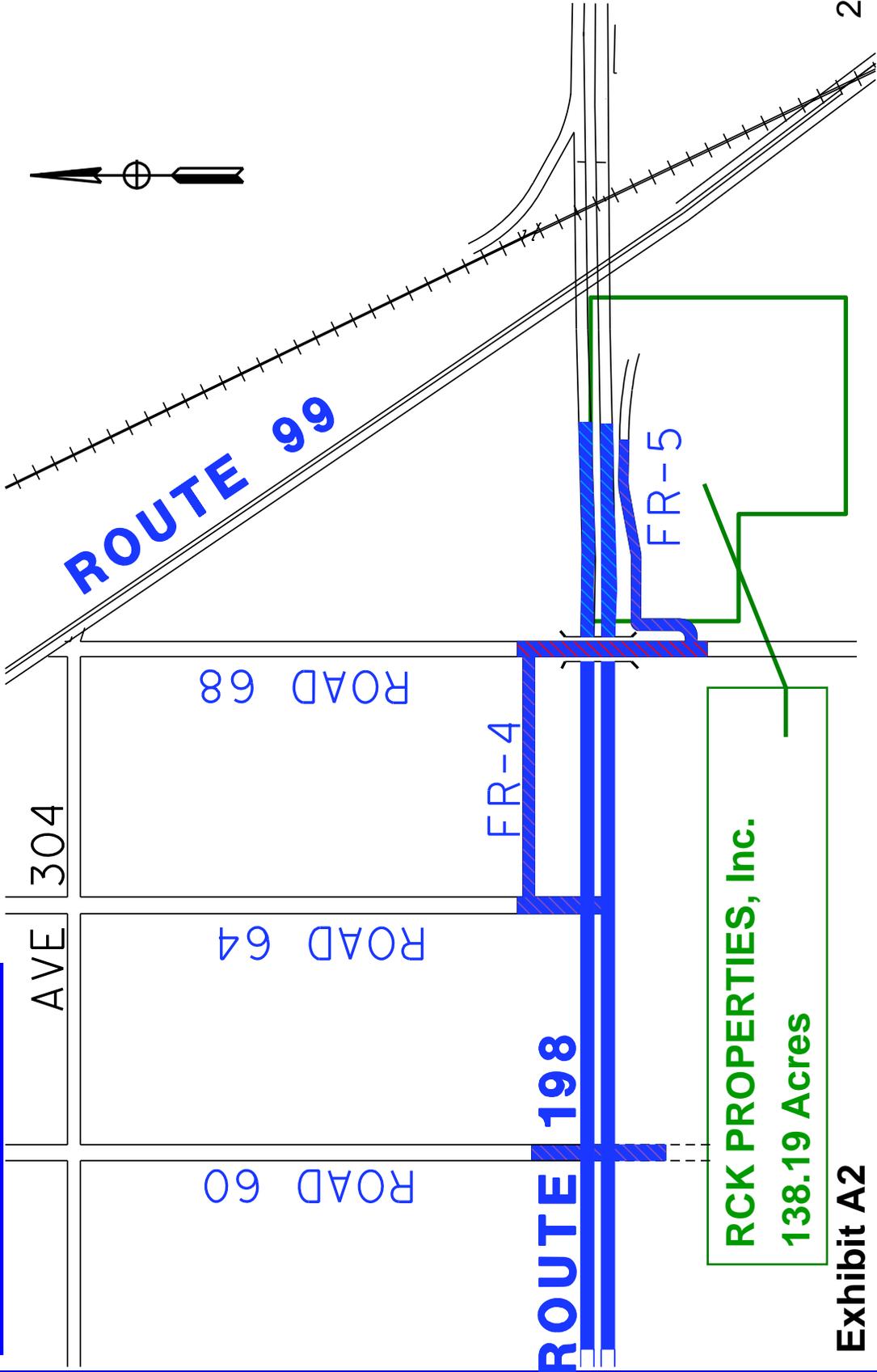


Exhibit A2

PARCEL PANEL REPORT

PARCEL DATA

Property Owner: RCK Properties, Inc., a Colorado Corporation.

Parcel Location: Southeast corner of State Route (SR) 198 and Road 68 in Tulare County
Assessor's Parcel Number 073-110-052

Present Use: Agricultural
Zoned Agriculture ARE-40

Area of Property: 138.19 acres

Area Required: 4.33 acres in Fee
1.03 acres Underlying Fee

PARCEL DESCRIPTION

The subject parcel is located at the southeast corner of SR 198 and Road 68 in Visalia, in the county of Tulare, and is identified as Assessor's Parcel Number 073-110-052. The property is approximately 138 acres. The topography is level and at grade, with frontage along SR 198 and Road 68. The zoning is ARE-40, agriculture. The parcel is currently fallow and has no major improvements. Access to the parcel is from Road 68.

The proposed acquisition is located at the northeast portion of the property along Road 68 and SR 198 that includes 4.33 acres in fee and 1.03 acre of underlying fee, with a remainder of 132.83 acres.

NEED FOR SUBJECT PROPERTY

This parcel is needed for the proposed project. The proposed parcel acquisition is necessary for the construction of the Road 68 overcrossing as well as for the construction of the realigned frontage road, due to the closing of an access from the existing frontage road along SR 198. The project proposes to terminate the access from the existing frontage road and connect the frontage road to Road 68. An overpass will be constructed on Road 68 to allow north-south traffic to cross over SR 198, but Road 68 will no longer connect directly to SR 198. At some time in the future, portions of Road 68 will be relinquished to the county of Tulare for continued use as a public road.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Condemnation Review Panel (Panel) met at the California Department of Transportation's (Department) District 6 office on July 10, 2008. The Panel members included: Donald Grebe, Panel Chair, Department Headquarters' (HQ) Division of Right of Way and Land Surveys; Alice Ramsey, Department Sacramento Legal Division; Linda Fong, Department HQ's Division of Design; and Deborah Gebers, Department HQ's Division of Right of Way and Land Surveys, Secretary to the Panel. Representing the property owner, RCK Properties, Inc., a Colorado Corporation (RCK), were Stephen Foulkes and Michael Correia, Lessee of the property.

This report summarizes the findings of the Panel with regard to the four criteria required for a Resolution of Necessity (Resolution) and makes a recommendation to the Department's Chief Engineer. The property owner does not contest the purpose and need for the project or the proposed property acquisitions. The outstanding concern of RCK is that they believe the project design is not planned and located in a manner that is the most compatible with the greatest public good and least private injury and that an alternative project can more fully achieve this condition.

The following is a description of the concerns expressed by the owner, followed by the Department's response:

Owner:

The project, as designed, is not compatible with the greatest public good and the least private injury.

Department:

The proposed project has been planned and developed, in cooperation with the local agencies, through an extensive engineering evaluation and environmental clearance process. The project was designed in accordance with the freeway agreement with Tulare County that was approved on June 3, 2008.

Owner:

As designed, the proposed project eliminates direct access from Road 68 onto SR 198 and shifts access to Road 64. Eliminating direct access from Road 68 onto SR 198 requires circuitous route via new frontage roads.

Department:

Direct Road 68 access to SR 198 will be eliminated due to the application of expressway standards and the principles of interchange design, which have been applied to Road 68 because of its close proximity to SR 99/198 interchange. Road 68 has been designed as an overcrossing that will provide local road connectivity. This proposed overcrossing has been approved as part of the freeway agreement with Tulare County and is consistent with their general plan.

Owner:

A “crossing intersection” located at Road 64 requires all traffic heading east on SR 198 to cross two lanes of west bound traffic, creating an unsafe intersection. The proposed project fails to address the inherently unsafe intersection at Road 64. The California Highway Design Manual does not support a crossing intersection at Road 64 and the Department has not presented clear and convincing evidence that the proposed “crossing intersection” at Road 64 protects the public health and safety better than their proposed “merging intersection” west of Road 68.

Department:

The at-grade intersection at SR 198 and Road 64 has been designed to exceed the minimum at-grade intersection standards. Operational and safety benefits will be derived by limiting access to and from SR 198, especially within the close proximity of the freeway-to-freeway connection. One immediate benefit to be recognized by limiting access will be elimination of the conflict point at Road 68. The current accident data for this intersection shows an accident rate that is two times the statewide average. The accident rate at Road 68 is significantly higher than any other intersection within the project limits.

As planned, the standard weaving length has been provided between the Road 64 intersection and the connectors to/from Route 99. The Department’s objective within the influence of a freeway-to-freeway connection is to obtain the greatest distance between that freeway-to-freeway connection and the first conflict point to enhance safety and operations. Operational and safety benefits are derived by limiting access to and from public roads, especially within the close proximity of a freeway-to-freeway connection.

Owner:

Restricted access from Road 68 onto SR 198 greatly reduces our ability to develop our property to its highest and the best use and, therefore, significantly reduces the value of our property as a whole.

Department:

Issues related to loss of value are a compensation issue. Matters concerning compensation issues are outside the purview of the Commission.

Owner:

A proposal to provide a “merging intersection” located roughly 600 feet west of Road 68 will allow better access from Road 68 onto SR 198. This proposal provides adequate acceleration and deceleration lanes to safely enter and exit SR 198 from Road 68, as well as adequate transition distance from the frontage road of the SR 198/99 interchange. This alternative would eliminate the need to construct the frontage road from Road 68 to Road 64. The only significant increase in cost would be to lengthen the bridge over SR 198.

Department:

The connection shown in the property owner’s proposal would provide a weaving length of 2,200 feet, approximately one-half the length currently planned. This is contrary to the project’s goals to control access and reduce the number of conflict points along SR 198. It remains the Department’s objective to obtain the greatest distance between freeway-to-freeway connection

and the first conflict point in order to provide route continuity, improve safety and operations, increase capacity and improve access control throughout the project limits.

The RCK proposal

- Does not meet the minimum design requirements for the spacing requirements between interchanges that would allow sufficient weaving distances.
- Closes the crossing intersection at SR 198 and Road 64. Road 64 is a county road and is built on the grid pattern similar to all other roads in the area. It is a public road that serves more people than just the adjoining property owners. The public road connection at Road 64 and SR 198 has been negotiated with the county of Tulare to remain open.
- Requires approximately 22 acres of additional right of way acquisition.
- Violates the one-half mile spacing standard with Road 64, thereby degrading traffic operations and contributing to congestion.

The Department's design includes:

- An at-grade "crossing" intersection at SR 198 and Road 64 that has been designed to exceed the minimum at-grade intersection standards. All proposed at-grade intersections on this project provide acceleration and deceleration lanes for both right-turn and left-turn movements, as well as a wide enough median to provide refuge for vehicle negotiating the left-turn movement onto SR 198 from the local roads.
- Parcels that have access to other public roads or streets do not require access to an expressway.
- Less total right of way acquisition than RCK's alternate proposal.

Owner:

The proposed alternative may increase the area needed from properties in the vicinity, but usable parcels will remain near the intersection.

Department:

Their proposal will increase the right of way acquisition needed for the project resulting in negative impact to the properties in the northwest and the southwest quadrants of Road 68 and SR 198. It is estimated that an additional 22 acres will be needed to accommodate RCK's proposal. The proposal would convert the land from productive to nonproductive land.

RCK's proposal is outside the scope of the Environmental Document, the Project Report and the Freeway Agreement. The County of Tulare has provided the Department with a letter stating that they are not in support of RCK's proposal (Exhibit C).

Owner:

The bridge, as proposed, would preclude RCK's alternative from ever being constructed. At a minimum, they would request the lengthening of the bridge over SR 198 to allow for the acceleration and deceleration lanes required for possible future expansion of SR 198 if their proposed alternative is ever constructed.

Department:

Future improvements to SR 198 are accommodated with the Department's design. Future interchanges would not be constructed at Road 68, but at Road 56.

The following concerns were expressed in a letter submitted by legal counsel for RCK, after the Condemnation Evaluation Meeting and the Condemnation Panel Meeting were held.

Owner:

"The taking is an excess parcel taking which does not comply with the California decisional law."

Department:

The Department has offered to acquire an uneconomic remnant from the property owner. RCK has declined the offer and would like to retain the remnant. The Department will not purchase said remnant and it is omitted from this Resolution.

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 198 from PM 0.497 east of SR 43 to PM 0.372 west of SR 99 near Visalia was approved by the Federal Highway Administration (FHWA) on June 12, 2003. A Finding of No Significant Impact was approved on June 19, 2003. An Environmental Re-evaluation of both the CEQA and the NEPA was approved on November 20, 2007.

Owner:

"The failure to furnish a proper Appraisal Summary Statement and to make a proper Government Code 7267.2 offer."

Department:

A written offer for the full amount of the Department's approved appraisal in the form of an Appraisal Summary Statement was mailed to the RCK on September 13, 2007, in full compliance with Government Code 7267.2. An updated Appraisal Summary Statement and a revised offer was emailed on July 18, 2008, followed by hard copy sent certified mail on July 18, 2008.

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 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 owner was 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 May 8, 2008, a Condemnation Evaluation Meeting was held at the Department’s District 6 office and on July 10, 2008, a Condemnation Panel Review Meeting was conducted at the Department’s District 6 office. Stephen Foulkes and Michael Correia, representatives of RCK, were present at said 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 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 May 28-29, 2008 Commission meeting was mailed April 11, 2008. The Department clearly exceeded the statutory requirements.

Owner:

The property owner contends:

- 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 adequately evaluated or considered the private injury that 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.
- The acquisition of the property as proposed is not necessary for the project.
- The proposed acquisition is not for a public use.
- The property being acquired, and the totality thereof, is not necessary for the project.
- 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:

This alignment was investigated per CEQA and NEPA guidelines and adopted several years ago. This alignment is consistent with local planning.

- Eight “build” alternatives were considered throughout the project development process.
- The Department followed all environmental guidelines of both CEQA and NEPA to evaluate all viable alternatives. The proposed alternative meets the project need, is the most cost effective, and has the least impact on the environment.
- The Tulare County portion of this project is included in the County’s 2001 Regional Transportation Plan (RTP) and is listed as the second highest priority under their Regional Transportation Improvement Program (RTIP) funding program.
- The Kings County portion of this project appears in their 2001 RTP and is listed as the number one priority under the Flexible Congestion Relief program.

The subject parcel is required for the widening of the northeast portion of the proposed Road 68 overcrossing. This proposed overcrossing was designed in accordance with Tulare County’s plans. After the completion of this project, the non-State highway areas of Road 68 will be relinquished to the County of Tulare for the continued use as a public road, which will include those land areas already in the public use domain as underlying fee of the current Road 68.

Owner:

“The vote by the Commission in deciding whether to adopt the Resolution 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 known conflicts of interests or improper influences known at this time or at any other time during the acquisition process.

Owner:

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 July 2009 and construction to commence soon there after, which is well within the time period required by law.

Owner:

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 of the California Constitution. Section 19. “Private property may be taken or damaged for public use 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:

The condemner lacks the power to take the affected properties by eminent domain and 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. Section 102 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.”

Section 104 of the Streets and Highways Code states in part, “That 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:

- For rights-of-way, including those necessary for state highways within cities.”

DEPARTMENT’S CONTACTS

The following contacts have been made with the property owner since the initial mailing of the “Notice of Intent to Appraise” on February 26, 2007:

Type of Contact	Number of Contacts
Mailing of information	Four
E-Mail of information	One
Telephone messages	Four
Telephone contacts	Eight
Personal / meeting contacts	Four

STATUTORY OFFER TO PURCHASE

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

PANEL RECOMMENDATION

The Panel concludes that the Department's project complies with Section 1245.230 of the Code of Civil Procedure in that:

- The public interest and necessity require the proposed project.
- The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.
- The property rights to be condemned are necessary for the proposed project.
- An offer to purchase in compliance with Government Code Section 7267.2 has been made to the owners of record.

The Panel recommends submitting a Resolution to the Commission.

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

I concur with the Panel's recommendation:

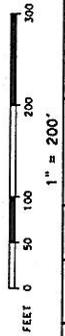
RICHARD D. LAND
Chief Engineer

**PERSONS ATTENDING CONDEMNATION PANEL REVIEW MEETING
HEARING ON JULY 10, 2008**

Donald Grebe, HQ's Division of Right of Way and Land Surveys, Panel Chair
Alice Ramsey, Sacramento Legal Office Attorney, Panel Member
Linda Fong, HQ's Division of Design, Panel Member
Deborah Gebers, HQ's Division of Right of Way and Land Surveys, Panel Secretary
Stephen Foulkes, Representative of the owner of the Property
Michael Correia, Representative of the owner of the Property
Malcolm Dougherty, District Director
Terry Ogle, Central Region Design
Neil Bretz, Project Manager
Jamie Lupo, Central Region Right of Way

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

**R/W RESOLUTION
 OF NECESSITY MAP
 EXHIBIT B**

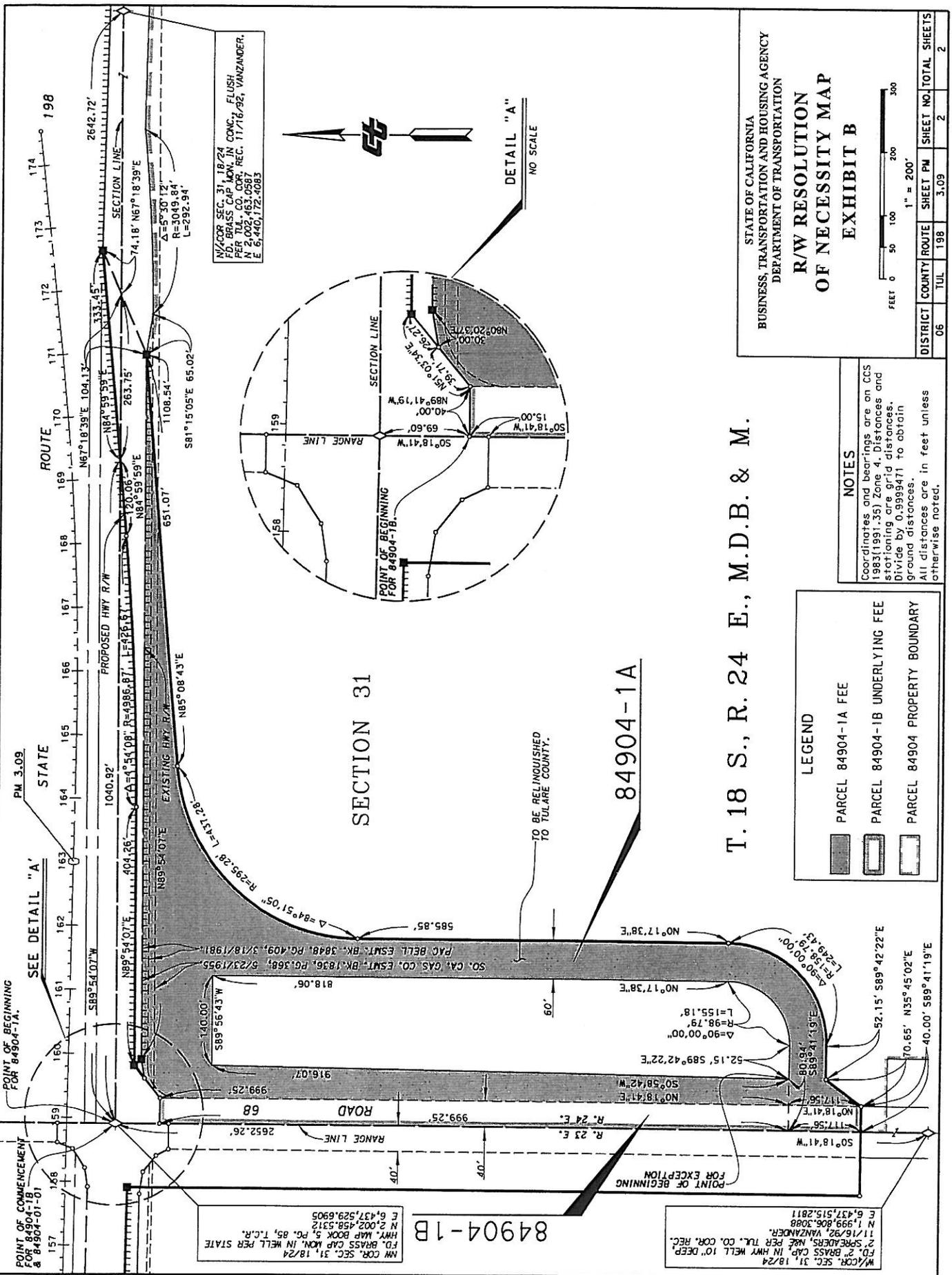


NOTES
 Coordinates and bearings are on CCS 1983(1991.35) Zone 4. Distances and stationing are grid distances. Divide by 0.9995471 to obtain ground distances.
 All distances are in feet unless otherwise noted.

LEGEND

	PARCEL 84904-1A FEE
	PARCEL 84904-1B UNDERLYING FEE
	PARCEL 84904 PROPERTY BOUNDARY

T. 18 S., R. 24 E., M.D.B. & M.



N/COR. SEC. 31, 18/24
 FD. BRASS CAP MON. IN CONC. FLUSH
 PER TUL. CO. COR. REC. 11/16/92, VANZANDER,
 N 2,002.458.5312
 E 6,437.515.2811

NW COR. SEC. 31, 18/24
 HD. BRASS CAP MON. IN WELLS PER STATE
 HWY. MAP BOOK 5, PG. 85, T.C.R.
 N 2,002.458.5312
 E 6,437.515.2811

W/COR. SEC. 31, 18/24
 FD. 2" BRASS CAP. IN HWY WELLS 10" DEEP,
 2" SPREADERS, N&E PER TUL. CO. COR. REC.
 N 1,167.92. VANZANDER.
 N 1,167.92.506.388
 E 6,437.515.2811

DISTRICT	COUNTY	ROUTE	SHEET #	TOTAL SHEETS
06	TUL	198	3-09	2
				2

RCK Property Impact

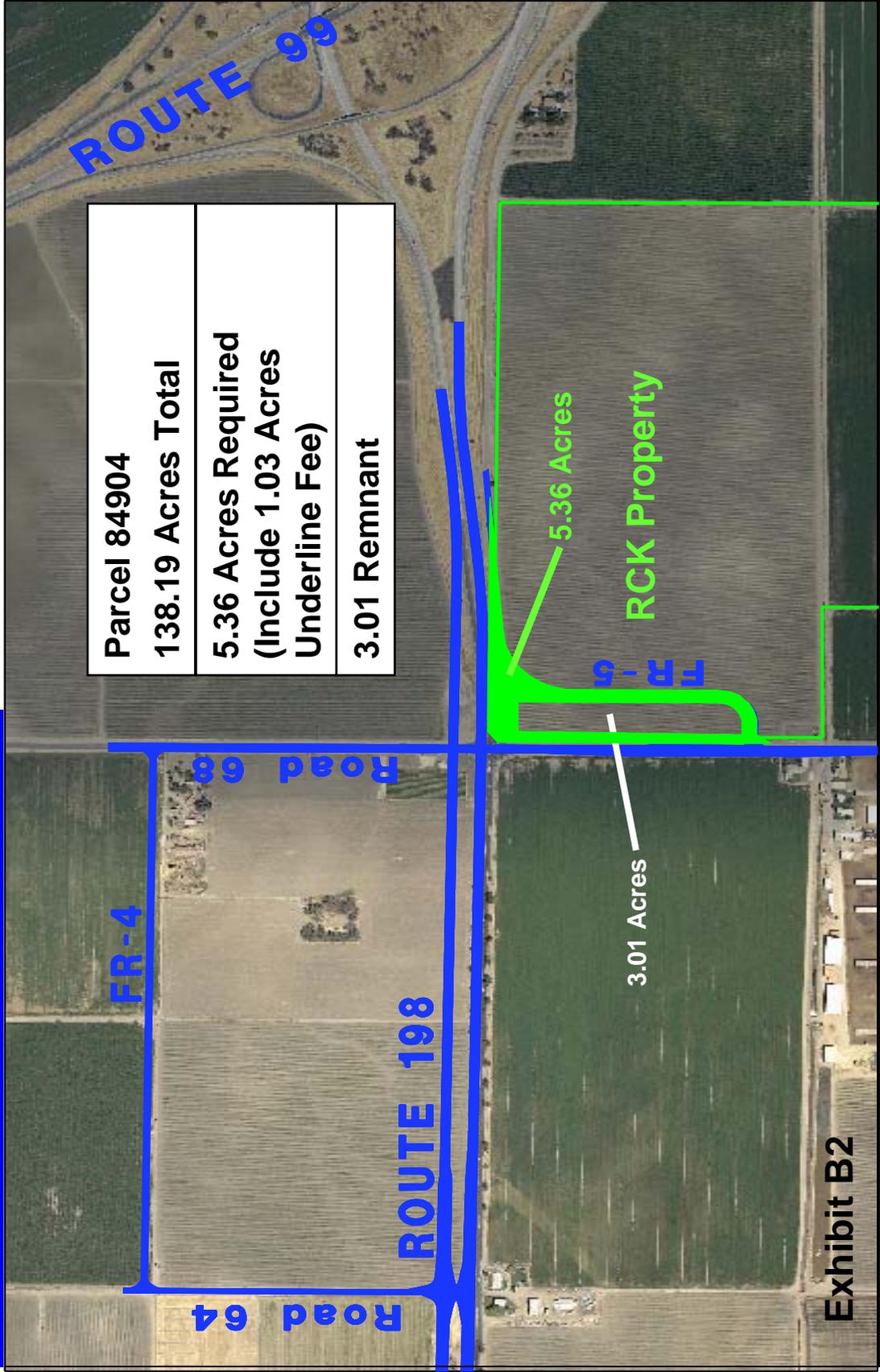


Exhibit B2

Property Owners' Alternate Proposal



Exhibit B3



RESOURCE MANAGEMENT AGENCY

5961 SOUTHMOONEY BLVD.
VISALIA, CA. 93277
PHONE (559) 733-6291
FAX (559) 730-2653

Britt L. Fussel	Engineering
William Hayter	Comm. & Dev. Services
Jean P. Brou	Transportation
	Planning
Hal Cypert	Support Services
Roger Hunt	Administrative Services

HENRY HASH, DIRECTOR

July 10, 2008

Neil Bretz
State of California
Department of Transportation
Program Project Management
2015 East Shields Avenue, Suite 100
Fresno, CA 93726

Subject: State Route 198 Expressway Project between the Tulare/Kings County Line and State Route 99

Dear Neil:

The county of Tulare has reviewed the exhibit prepared by the property owner located at the southeast corner of State Route 198 and Tulare County Road 68. The exhibit proposed an alternative that would create a new intersection with State Route 198 approximately 600 feet west of the current intersection of State Route 198 with Road 68.

The county of Tulare does not support the proposal as presented by the property owner.

The current Caltrans design closes the intersection of State Route 198 with Road 68 and replaces the at-grade crossing with an overcrossing. A frontage road is planned to provide a connection between Road 68 and Road 64. Traffic on Road 68 will then be able to access State Route 198 at Road 64. This places this at-grade intersection well away from the conflicts created by weaving movements generated by the State Route 99/State Route 198 interchange. The property owner's proposal will create an opportunity for future weaving conflicts with the State Route 99/State Route 198 interchange as traffic volumes increase.

The county of Tulare is looking forward to the completion of the State Route 198 widening project. If you need any additional information, please feel free to contact me at (559) 733-6291.

Sincerely,

Britt L. Fussel, P.E.
Assistant Director-Engineering
County Surveyor

Exhibit C