

# Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: August 10-11, 2011

Reference No.: 2.4d.(3)  
Action Item

From: NORMA ORTEGA  
Chief Financial Officer

Prepared by: Brent L. Green  
Chief  
Division of Right of Way  
and Land Surveys

Subject: **EXCHANGE OF EXCESS LAND – STATE ROUTE 125 TOLL ROAD IN SAN DIEGO**

## **RECOMMENDATION:**

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) approve the exchange of an excess land parcel located in the Otay Mesa area of San Diego, identified as parcel #DD 32001-01-01, to South Bay Expressway LP (SBX).

## **ISSUE:**

The Department and SBX propose the exchange of parcel #DD 32001-01-01 for five parcels of greater value to settle its portion of the litigation arising from the State Route (SR) 125 Toll Road and Gap/Connector projects, thus eliminating the potential threat of inverse condemnation or the foreclosure of mechanic liens on 40 publicly owned properties within this project area. The Department has determined that this is the most cost effective solution to mitigate the impacts of the claims, resulting in clear title of State-owned properties. The Department and SBX have negotiated a global settlement of all claims between them and subsequently SBX negotiated with Otay River Constructors to dismiss all litigation arising from the Gap/Connector and Toll Road projects.

## **BACKGROUND:**

### **Property to be conveyed to SBX:**

The property is an excess land parcel identified as DD 32001-01-01, containing a total of 13.08 acres. The Department acquired the property through a Final Order of Condemnation recorded October 24, 2008, as part of the SR 125 Toll Road project.

**Total acreage: 13.08 acres**

**Total value of excess property - \$4,454,000**

### **Properties to be exchanged to the Department:**

The properties (RW Parcels 32011, 32915-1, 32914, 32014 & 32008-1) are located near the intersection of SR 125 and Otay Mesa Road in the Otay Mesa area of the southern portion of the City of San Diego, just north of the border with Mexico and within the right of way of the SR 125 Toll Road. These properties are funded and operated by SBX.

<u>PARCEL NO.</u>	<u>ACRE</u>	<u>APPRAISED VALUE</u>
32011	1.59 acres	\$ 855,500
32915-1	6.69 acres	\$1,093,000
32914	6.15 acres	\$ 536,000
32014	9.68 acres	\$2,445,000
32008-1	10.10 acres	\$1,540,000

**Total acreage: 34.21 acres**

**Total value of exchange properties - \$6,469,500**

**SUMMARY:**

In conclusion, the proposed exchange of excess land parcel DD 32001-01-01 for five parcels of greater value will resolve the litigation arising from the SR 125 Toll Road and Gap/Connector projects. The most important aspect of this exchange is to eliminate the threat of an inverse condemnation suit or the foreclosure of mechanics liens on 40 publicly owned properties within the project area.

Attachments

Exhibit A - Location Map

Exhibit B - Parcel Map

EXHIBIT "B"

CITY OF SAN DIEGO

T.18 S R.1 W S.B.M.

COUNTY OF SAN DIEGO

T.18 S R.1 E S.B.M.



FOR EXISTING ROUTE 905 ALIGNMENT SEE CITY OF SAN DIEGO STREET DEDICATION DRAWINGS, 20220-D, 21233-D, 27980-D ALL SHEETS

FOR PREVIOUS ROUTE 905 ALIGNMENT SEE 34000K

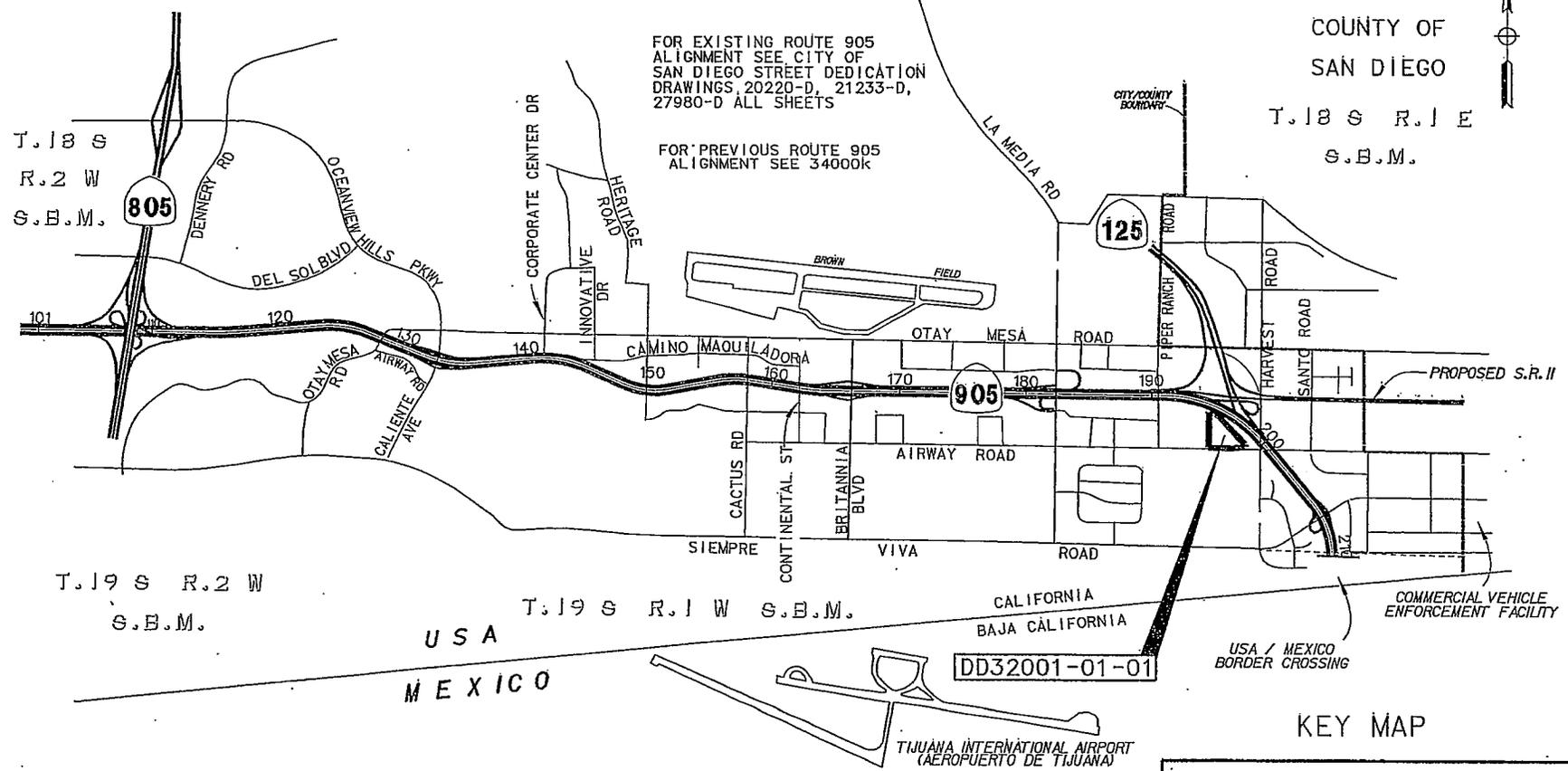


Exhibit A

KEY MAP

STATE OF CALIFORNIA			
DEPARTMENT OF TRANSPORTATION			
DISTRICT 11			
DIRECTOR'S DEED MAP			
DD32001-01-01			
RIGHT OF WAY MAP NO.	Por. 34000km		
COUNTY	ROUTE	KP/PM	SCALE
SD	905	17.1/10.6	NONE
			SHEET 1 of 2

E.A. 091822

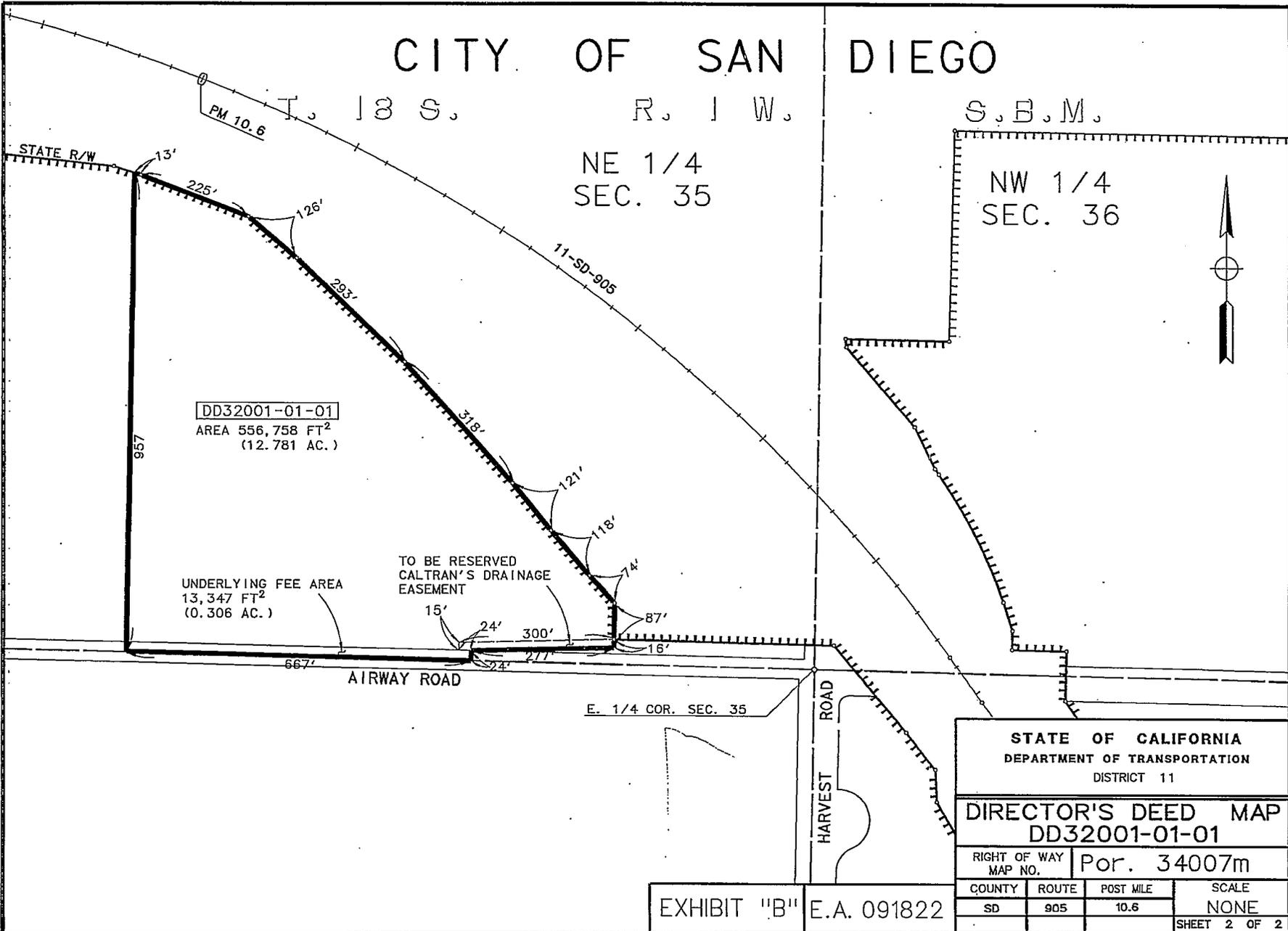
Exhibit A

# CITY OF SAN DIEGO

T. 18 S. R. 1 W. S.B.M.

NE 1/4  
SEC. 35

NW 1/4  
SEC. 36



**DD32001-01-01**  
AREA 556,758 FT<sup>2</sup>  
(12.781 AC.)

UNDERLYING FEE AREA  
13,347 FT<sup>2</sup>  
(0.306 AC.)

TO BE RESERVED  
CALTRAN'S DRAINAGE  
EASEMENT

AIRWAY ROAD

HARVEST ROAD

E. 1/4 COR. SEC. 35

STATE OF CALIFORNIA			
DEPARTMENT OF TRANSPORTATION			
DISTRICT 11			
<b>DIRECTOR'S DEED MAP</b>			
<b>DD32001-01-01</b>			
RIGHT OF WAY MAP NO.	Por. 34007m		
COUNTY	ROUTE	POST MILE	SCALE
SD	905	10.6	NONE
			SHEET 2 OF 2

EXHIBIT "B" E.A. 091822

Exhibit B

Exhibit B