

State of California
Business, Transportation and Housing Agency
Department of Transportation

HIGHWAY RIGHT OF WAY MATTERS
Appearance
Action Item

Prepared By:
Denny Shields
Program Manager,
Right of Way
(916) 654-5075

CTC Meeting: June 14-15, 2000

Agenda Item: 2.4a.

Original Signed By Jim Nicholas for
W.J. EVANS, Deputy Director
Finance
June 1, 2000

RESOLUTION OF NECESSITY

The Department of Transportation recommends the California Transportation Commission adopt Resolution of Necessity C-18115. The summary below identifies the location of and designates the nature of the property rights covered by the Resolution of Necessity. In accordance with statutory requirements, the owners have been advised that the Department of Transportation is requesting a resolution at this time. Adoption of Resolution of Necessity C-18115 will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-18115 – Imperial West Chemical Corporation

06-Ker-58-KP179.78 - Parcel 3150-1; 3151-1,2 (freeway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located within an unincorporated area approximately four miles northeast of the City of Mojave.

DEPARTMENT OF TRANSPORTATION**RIGHT OF WAY PROGRAM**

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P. O. BOX 942873
SACRAMENTO, CA 94273-0001
PHONE (916) 654-6691
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**CERTIFIED MAIL**

May 2, 2000

Kent R. Stephenson
Imperial West Chemical Corp., Inc.
700 Louisiana Street, Suite 4300
Houston, Texas 77002

HIGHWAY R/W MATTERS

Appearance
06-KER-58-117.7/118
EA 243409
Parcel 3150-1 & 3151-1,2

Dear Mr. Stephenson:

Your appearance before the Commission has been rescheduled. The meeting has been tentatively set for June 14 & 15, 2000, in San Jose, California. You will be notified of the specific time and place of your appearance when this information becomes available.

Copies of the Review Panel Report, Appearance Fact Sheet, and Chronology of Contacts are attached for your records. Copies of this letter and its enclosures have also been sent to Mr. Hill and to Mr. Dee.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas N. Link".

DOUGLAS N. LINK
Senior Right of Way Agent
Right of Way

c: RRemen, WLewis, KSutliff-ODLP, DShields, VRhinehart, CSivell, NEscallier-D9, RPingel-D9,
YDownum, DLink

Morgan Hill Interests
Attention: Morgan Hill
One Riverway, Suite 1010
Houston, Texas 77056-1903

Sullivan, Workman & Dee
Attention: John Dee
800 South Figueroa Street, Suite 1200
Los Angeles, California 90017

06-KER-58-117.7/118
PARCEL No. 3150-1 &
3151-1,2
GRANTOR: Imperial
West Chemical Corp.

CHRONOLOGY OF CONTACTS AND EVENTS

MARCH 22, 1994	APPROVED PROJECT REPORT.
SEPTEMBER 19, 1996	ROUTE ADOPTION.
MARCH 24, 1998	NOTICE OF DECISION TO APPRAISE.
JULY 16, 1998	FIRST WRITTEN OFFER.
JULY 16, 1998 THRU SEPTEMBER 2, 1998	THREE CONTACTS BETWEEN THE ACQUISITION AGENT AND MORGAN HILL REPRESENTATIVE FOR IMPERIAL WEST CHEMICAL CORPORATION. PROJECT DEVELOPMENT WANTS TO EXPAND R/W REQUIREMENTS FOR THE PROJECT.
OCTOBER 27, 1999	TIER II ENVIRONMENTAL DOCUMENT APPROVED.
JANUARY 5, 2000	SEVEN CONTACTS BETWEEN THE ACQUISITION AGENT AND IMPERIAL WEST CHEMICAL CORPORATION.
JANUARY 5, 2000	FIRST WRITTEN OFFER (EXPANDED R/W).
JANUARY 21, 2000	NOTICE OF INTENT TO CONDEMN MAILED.
FEBRUARY 22, 2000	FIRST LEVEL REVIEW PHONE CONFERENCE.
FEBRUARY 25, 2000	NEW R/W REQUIREMENTS (NO EXPANDED R/W).
FEBRUARY 28, 2000	FIRST WRITTEN OFFER AND NOTICE OF INTENT TO CONDEMN MAILED.

RESOLUTION OF NECESSITY

REVIEW PANEL REPORT

The Resolution of Necessity Review Panel met March 21, 2000, in Stockton. The Panel members were Douglas Link (Chairperson), Karla Sutliff, and Gene Bonnstetter. The property owners attended via phone conferencing, as did District 9 Right of Way.

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 Chief Engineer.

The Panel believes that the District's project design complies with the Code of Civil Procedure in that:

- I. The public interest and necessity require this project.
- II. The project is planned to provide the greatest public good with the least private injury.
- III. This property is required for the proposed project.
- IV. An offer to purchase the property, in compliance with Government Code Section 7267.2, has been made to the owners of record.

I. NEED FOR THE PROJECT

The project is needed to reduce existing and future congestion, improve the level of service, and improve traffic safety through Mojave.

Eastbound Route 58 and southbound Route 14 converge north of Mojave and diverge south of Mojave at two signalized junctions. A single four lane urban highway forms the main street in Mojave. This segment, between the two junctions, is called Sierra Highway.

The 2.3 kilometer (1.4 mile) segment of SR58 through downtown Mojave represents a significant gap in the State Freeway and Expressway System. From the west, SR58 has generally been constructed to a fully access-controlled standard freeway from Bakersfield to Monolith. East of Monolith, SR58 is downgraded to a limited access expressway and becomes further downgraded to a conventional highway with no access control as it enters Mojave. East of Mojave, SR58 transitions from a four lane conventional highway to an access controlled expressway, and then to a full access controlled freeway. SR58 as a conventional highway without access control through Mojave impedes the flow of interstate commerce, has a high accident rate, and is not consistent with State or regional transportation plans.

This project completes the "gap" for Highway 58 through the Mojave area.

Traffic flow on Sierra Highway is often congested. Delays are attributable to many factors. Turning movements from local arterials and driveways, at-grade railroad tracks, and signalized intersections cause delays to through traffic. Low average vehicle speeds and delays through Mojave are inconsistent with Route 58's designation in the State Freeway and Expressway System. A high percentage (about 30 percent) of the vehicles traversing this segment of Route 58 are heavy-duty truck/trailer combinations. Due to the size and relatively poor maneuvering characteristics of large trucks, local passenger car circulation is constrained, especially when there is a high number of turning movements involved.

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Sierra Highway, through the town of Mojave, experiences 2.67 times the expected number of accidents that similar highway facilities throughout California would be expected to experience and is high for this region. The high accident rate could be attributable to high levels of congestion, the frequency of unprotected left-turns, signalized intersections, and high percentages of truck traffic.

Traffic that is already causing congestion on the existing highway is expected to increase over time. The Average Daily Traffic (ADT) for Route 58 north of Route 14 is 20,700 (2000) and is expected to be 41,600 in 2020, the design year. The ADT for Route 58 from Route 14 to Business 58 East is 16,600 (2000) and is expected to be 33,400 in 2020. The ADT for Route 58 south of Business 58 East is 21,900 (2000) and is expected to be 44,000 in 2020.

The property owners have not objected to the project.

The property owners contend the project is not planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

II. PROJECT DESIGN

In 1990, the Kern Council of Governments (Kern COG), in association with the county of Kern and Caltrans, published a study that reviewed alternative improvements to Sierra Highway. The purpose of the study was to determine a preferred corridor for regional traffic through the Mojave area. The study included six initial alternatives. The alternatives were evaluated using four requisite criteria. The preferred corridor should provide sufficient capacity for future traffic volumes, allow for upgrading to freeway standards in the future, allow for future connections to Route 14 and finally, minimize project cost. Three of the six alternatives were dropped based on the above criteria. Three remaining alternative corridors were further evaluated with respect to cost, minimization of physical impacts to developed land in Mojave, reduction of truck traffic in downtown Mojave, and preservation of the Mojave economy. One corridor was selected based on the above criteria. Caltrans then developed three alternate freeway alignments within the corridor selected by Kern COG. The recommended alternative was based on the least impact on all of the affected parcels and is located outside of the Mojave Airport clear zone. The other two alternatives would displace one business and two residences and are located within the clear zone.

The Tier I environmental document was approved May 27, 1997. The scheduled advertising date was November 1999. The date was changed to re-evaluate the Environmental Impact of additional R/W for materials borrow sites. The new advertising date is June, 2000.

The property owners contend the project is not planned or located in the manner that will be most compatible with the greatest public good and the least private injury. Specifically, Route 14 southwest of the new 58/14 interchange should not be designed as an expressway.

The owners have suggested design and right of way modifications.

III. NEED FOR THE PARCEL

The subject parcel is needed in order to construct the proposed project. As stated above, all the alternative alignments in the preferred corridor will have the same effect on the subject property. The owners do not contest the need for the parcel if the project were to be constructed. However, they do object to the need for the project as discussed above.

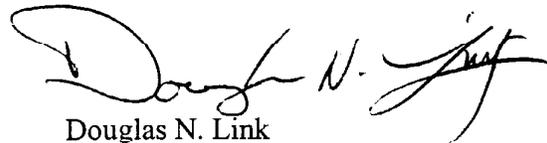
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IV. STATUTORY OFFER TO PURCHASE

The Department has appraised the subject property and has offered the full amount of the appraisal in accordance with Government Code Section 7267.2. Compensation is outside the purview of the California Transportation Commission.

PANEL RECOMMENDATION

The Panel recommends submitting a Resolution of Necessity to the California Transportation Commission.



Douglas N. Link
Panel Chairperson

I concur with the Panel's recommendation.



Brent Felker
Chief Engineer

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3151-1,2
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PERSONS IN ATTENDANCE AT THE SECOND LEVEL REVIEW PANEL
HEARING ON MARCH 21, 2000

Review Panel

Douglas N. Link, Chairperson
Karla Sutliff, Panel Member
Gene Bonnstetter, Panel Member

District Representatives:

Bart Bohn, District Director
Gurbhay Brar, Senior Design Engineer
Jay Baird, Design
Frank Momen, Project Engineer
Ken Cozad, HQ Local Program & Design
Bari Nekarien, Program Project Management
Bob Waddington, CR./District 6
Cherie Sivell, R/W Deputy Regional Chief

By Phone:

Nancy Escallicr, R/W Field Office Chief, Bishop
Bob Pingel, R/W Negotiation Agent, Bishop

Property Owners Representative. By Phone:

Morgan Hill, Houston, Texas
John Dee, Attorney - Los Angeles, California

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SUMMARY OF ISSUES

With Regard to the Four Criteria Required for a Resolution of Necessity.

The public interest and necessity require this project.

Not at issue.

The project is planned to provide the greatest public good with the least private injury.

The owners of the subject property are proposing the State modify its design for Highway 14 to less than expressway standards. The overpass at the interchange of 58/14 creates a 1.86 percent grade on the west side as opposed to a 3 percent grade on the East side, and the owners feel this is unnecessary. They stated a desire to have the west side at 3 percent in order to improve access to their parcel. As designed, they feel their access to Route 14 is too far away.

- Design Standards dictate that access be spaced not closer than 1 km to public road intersections. This standard is necessary for operational and safety issues. This is the main criterion for the current design.

The 1.86 percent grade is the optimum design due to existing terrain but is not the controlling factor in determining where the access opening is permitted.

The owners contend there is little local support for Highway 14 to become a full expressway, and that the county plans to request a relinquishment of this portion of Route 14. Additionally, any Expressway plans are too far in the future, unnecessarily diminishing access to their remaining parcel and impacting future development plans.

- Programmed projects now exist for Highway 14 improvements to a full expressway. Highway 14 is statutorily designated as an expressway and the Route Concept Report identifies the entire route from 178 as a four-lane facility.
- All agencies have indicated their concurrence with the preferred project alignment and freeway agreements have been signed which include plans to develop Route 14 as an expressway. The project has been coordinated extensively with the local agencies including the County of Kern Public Works, County of Kern Planning; Kern County Flood Control, City of California City, Mojave Chamber of Commerce, and the Mojave Airport.
- There are no plans calling for the relinquishment of Route 14 west of the new 58 alignment.

This property is required for the proposed project.

No issue; the property owners concur that the subject parcel is needed in order to construct the proposed project.

The owners, however, do feel less property area could be impacted and access to Highway 14 improved if Highway 14 improvements as proposed can be redesigned.

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**An offer to purchase the property, in compliance with Government Code Section 7267.2,
has been made to the owners of record.**

The Department contends that due process has been followed in accordance with State law in that an appraisal was prepared and an offer of just compensation was made to the owner.

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Resolution of Necessity Appearance Fact Sheet

PROJECT DATA

06-Ker-58-173.3/189.9

Location: State Route 58 in Kern County near Mojave

Limits: From 0.2 km east of Cache Creek to 8.0 km east of south junction Route 14

Contract Limits: N/A

Cost: Construction Cost \$65,736,000
R/W Cost \$ 9,606,000

Funding Source: State (includes Federal aid)

Number of Lanes: Existing: 4
Proposed: 4

Proposed Major Features: Interchanges: Route 14, Business 58 West, Business 58 East
Other: Frontage roads to be relinquished to Kern County

Traffic: Existing (year): ADT for Route 58 north of Route 14: 20,700
ADT for Route 58 from Route 14 to Business 58 East: 16,600
ADT for Route 58 south of Business 58 East: 21,900
Proposed (year): ADT for Route 58 north of Route 14: 41,600
ADT for Route 58 from Route 14 to Business 58 East: 33,400
ADT for Route 58 south of Business 58 East: 44,000

PARCEL DATA

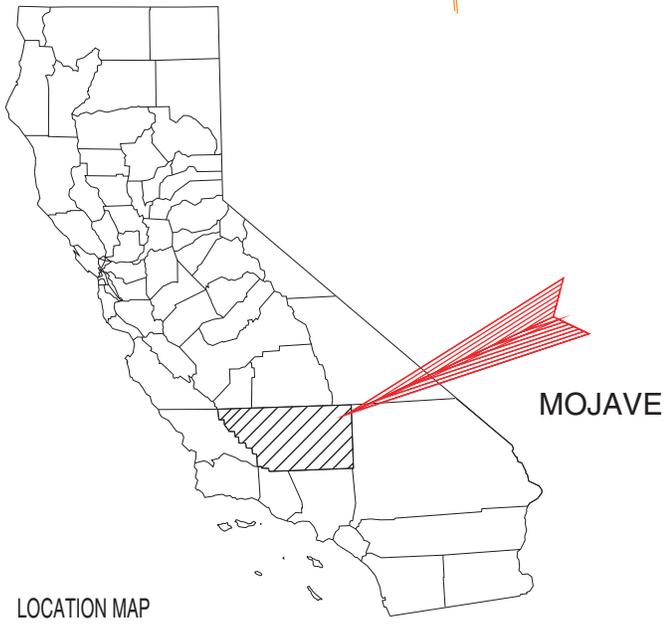
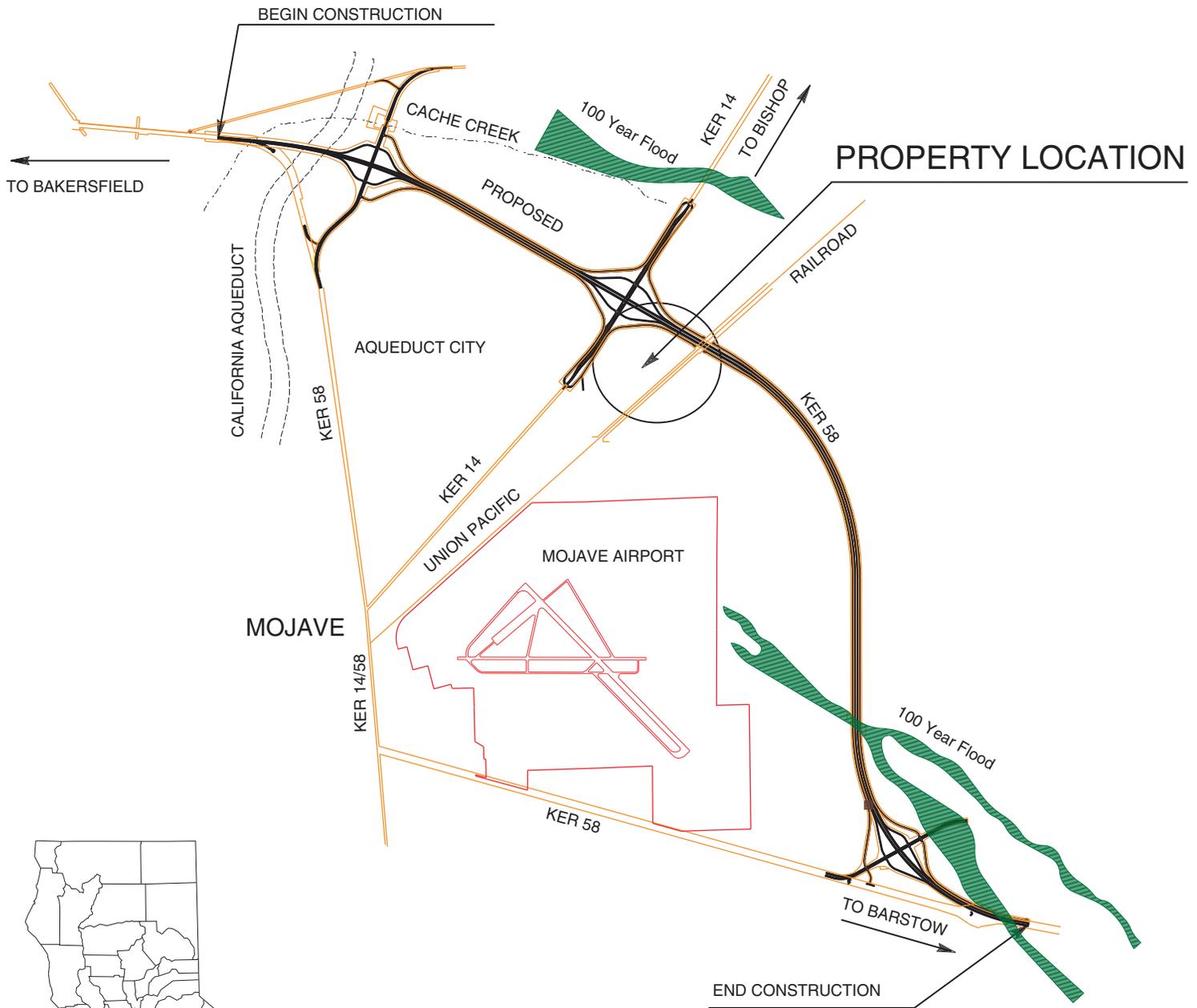
Property Owner: Imperial West Chemical Corp. (represented by John Dee & Morgan Hill)

Parcel Location: Approximately 4.06 km north of existing State Route 58-north junction.

Present Use: Vacant

Area of Property: 184.54 ha

Area Required: 18.07 ha



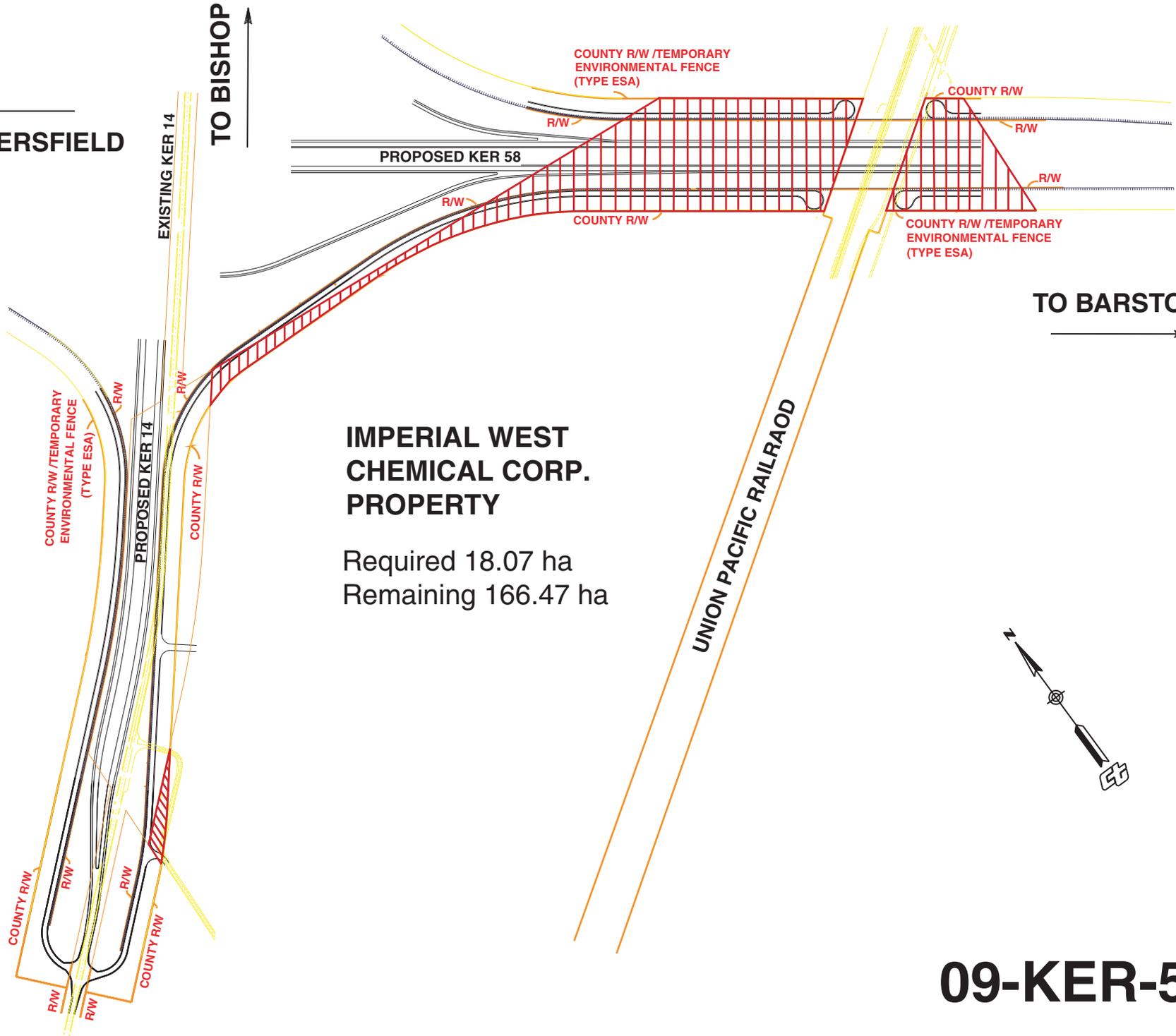
09-KER-58

← TO BAKERSFIELD

↑ TO BISHOP

→ TO BARSTOW

↓ TO MOJAVE



**IMPERIAL WEST
CHEMICAL CORP.
PROPERTY**

Required 18.07 ha
Remaining 166.47 ha

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