State of California
DEPARTMENT OF TRANSPORTATION

Business, Transportation and Housing Agency

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: June 16-17, 2004

Reference No.: 2.4a.(1)
Action Item

From: ROBERT L. GARCIA
Chief Financial Officer

Prepared by: Brice D. Paris
Division Chief
Right of Way

Ref: **APPEARANCE**

RECOMMENDATION:

The Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolution of Necessity C-18916, which is the subject of this Appearance. 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 is requesting a resolution at this time. Adoption of Resolution of Necessity C-18916 will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-18916 - Greenwood Commons Trust, et al.
01-Men-1-KP 54.22-Parcel 11233 - EA: 310109 - Certification Date: 06/01/04 - RTL Date: 06/01/04 - (Conventional highway - replace bridge #10-123). Authorizes condemnation of land in fee for a State highway. Located near the town of Elk at the northeast end of Greenwood Creek Bridge (10-123) on Highway 1.

SUMMARY OF ISSUES

1. Greenwood Commons Trust (GCT), a private homeowner's trust to preserve adjacent trust property as open space, has requested an appearance before the California Transportation Commission (Commission). The GCT objects to the highway bridge replacement project and the associated right of way acquisition requirements from both the GCT's property, and on the contiguous Elk County Water District (ECWD) property, in which the GCT possesses residual property rights to include a first right of refusal to purchase should the ECWD ever elect to sell.

2. Mr. Peter D. Lit, Greenwood Commons Trustee, by letter dated January 2, 2004 indicated concern that the project will threaten the quality and perhaps the existence of the community water source from the adjacent Elk County Water District (ECWD) property; and that the property rights to be acquired by the Department from the ECWD property will impact the residual value of the right of first refusal held by the GCT to acquire that property should ECWD elect to sell the property in the future. Mr. Lit also contended that the proposed highway project is not planned or located in a manner that promotes the greatest public good and least private injury, and that the property being sought is not necessary for the proposed project. The GCT wants the replacement bridge to be realigned to the west so as to not affect GCT property or impact ECWD water wells located within existing highway right of way.

   In addition to the issues raised by Mr. Lit, Mr. Peter Talbert, Trustee, stated at the Second Level Review on April 2, 2004, that GCT has an internal obligation to maintain all the trust property as open space. Mr. Talbert also asked that the area of easement to be acquired on the neighboring ECWD property be by renewable permit from the Elk County Water District, not by a "permanent" easement. This request is based on the GCT's right of first refusal to acquire the ECWD property should ECWD elect to sell the property in the future.

   Greatest Public Good: This is a safety project. The existing bridge is subject to degrading by scouring from the flow of Greenwood Creek. Correction of this problem is necessary for public safety and to perpetuate the flow of traffic on Route 1 between Fort Bragg and Mendocino. A new bridge is proposed as the preferred alternative to correct the degrading condition of the existing bridge.

   Least Private Injury: Realigning the bridge to the west would reduce the geometrics of the highway at this point to below current design standards. A western alignment would also intrude on State Park lands, incur increased costs and project delays and require a 4F process. The proposed project alignment minimizes the area of new right of way and improves the geometrics and safety of the highway alignment.

   Utility Relocation: The Department is addressing the ECWD water source in the existing right of way as a utility relocation per appropriate statutes.

   ECWD Property: Any contractual property agreement between the adjoining property owners is a compensation issue between the parties.

Attachments

Resolution of Necessity Appearance Fact Sheet

PROJECT DATA: 01-Men-01 KP 53.7/54.6

LOCATION: Highway 01 just south of Elk

LIMITS: Near Elk from 0.4 km South of Greenwood Creek Bridge # 10-123 to 0.5 KM North of Greenwood Creek Bridge

CONTRACT LIMITS: 53.7- 54.6 KP

FUNDING SOURCE: SHOPP 20.xx.201.111 FY 3/4
Programmed dollars: Construction - $7.44 million.
Right of Way - $1.25 million

NUMBER OF LANES: Existing: 2 lanes
Proposed: 2 lanes

PROPOSED MAJOR FEATURES:

INTERCHANGES: None

OTHER: Bridge width 12 meters

TRAFFIC: Existing ADT (1999): 1460
Proposed ADT (2009): 1880

PARCEL DATA:

PROPERTY OWNER: Greenwood Commons Trust

PARCEL LOCATION: NE quadrant of Greenwood Creek Bridge #10-123

PRESENT USE: Open space

AREA OF PROPERTY: 71.93 acres (29.12 Ha.)

AREA REQUIRED: 0.25 acres fee acquisition

TRAFFIC: *Existing ADT* (2001): 9,000
Proposed ADT (2015): 14,000
Proposed ADT (2025): 17,600

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Resolution of Necessity Review Panel met with the property owners on April 2, 2004, at the Elk Fire Station. Panel members included Vern Rhinehart, Headquarters Right of Way; Linda Fong, Headquarters Division of Design; and Frank Valentini, San Francisco Legal Office. The Greenwood Commons Trust (GCT) representative, Mr. Peter Talbert, was satisfied with the project presentation he attended earlier in the morning in the same building for the Elk County Water District property.

OWNER'S CONCERNS AND DEPARTMENT RESPONSES

Mr. Talbert expressed concern that any portion of the GCT property was being taken for highway construction. He also objected to a permanent taking of an easement on the ECWD property due to the right of first refusal agreement the GCT holds on that property. Mr. Talbert stated that GCT would not settle with the Department until the issues of the affect of the project on the ECWD property are settled.

Mr. Talbert wants to preserve the GCT property in its entirety. He wants the replacement bridge constructed to the west of the existing bridge.

The Department explained that a westerly routing of the replacement bridge is undesirable because it fails to meet design standards. A westward shift in the alignment would tighten an existing curve at the north end of the bridge and result in a non-standard compound curve at that point. Studies of several alternatives, set forth hereinafter as alternatives one through four, conclude that a bridge alignment east of the present bridge is the recommended alignment. Construction of the proposed bridge in the easterly alignment will place piers about twenty feet from the existing ECWD well sites at the closest point.

The existing two water wells are located within the existing highway right of way and were installed by ECWD under terms of encroachment permits that require their relocation upon notice at the public utility owner's expense. In accordance with utility relocation statutes, ECWD has been provided notice that relocation may be necessary. Utility relocation will be in accordance with public utility relocation provisions of Streets and Highways Code 660 et seq.

NEED FOR PROJECT

This is a safety project. The bridge replacement project is needed immediately to correct structural deficiency in the existing bridge. Multiple shear cracks in bridge supports and the potential for scouring make this project necessary. Also, the width of the existing bridge is inadequate relative to current average daily traffic since there is not room for standard width shoulders. The bridge replacement project is classified high priority in the 2002 State Highway Operation Plan (SHOPP) because it is a scour prevention project.

PROJECT PLANNING AND LOCATION

The replacement bridge will be two lanes of 3.6-meter (12 ft.) width each, with 2.4-meter (8 ft.) shoulders and an overall length of 169 meters (554 ft.). The new bridge will stand parallel to and immediately east of the existing bridge and will include a bridge rail suitable for bicycle traffic with additional width for cyclist and pedestrian traffic safety. Current construction cost estimate is $7,500,000. Advertising is planned for August 1, 2004. The environmental document was approved December 30, 2002. Project objectives include the following considerations:

- The existing bridge is structurally insufficient per the 1999 Structure Replacement and Improvements Needs Report and Department Maintenance Bridge Report for District 1.
- Clear width of the existing structure is substandard. Widening is needed.
- State Route 1 is a portion of the Pacific Coast Bike Route. Only 0.3 meter of traveled way is provided for bicycles on the existing bridge. Additional width is needed for bicycle and pedestrian safety.
- Capacity for truckloads must decrease if deterioration of the existing bridge is not corrected.

Several alternatives to the bridge replacement project were studied:

Alternative 2 –Repair the existing bridge in place for southbound traffic and construct a new bridge for northbound traffic: The existing bridge cannot be kept active without extensive repairs to avoid collapse in the event of scouring or seismic events. To leave the existing bridge as it is would not address existing traffic or safety issues and would incur extensive maintenance costs over the long-term.

Alternative 3 –Repair the scouring problem only: To eliminate widening of the existing deck and not upgrade the railings would not meet project needs and is therefore an unfeasible alternative.

Alternative 4 –Widen and Rehabilitate the Existing Bridge: Studies show the cost of this alternative as $8.5 million. This alternative would require half-width traffic control on State Route 1 during construction and no detours are available. Traffic delays or circuitous routings would result on State Route 1, the major north/south highway for this area.

Alternative 1 –The preferred alternative to construct a new replacement bridge and remove the old bridge accomplishes all the objectives of the project without traffic delays and at minimum cost.

NEED FOR THE PARCEL

The easterly bridge alignment requires the GCT property for construction and future maintenance. GCT holds 71.93 acres of riparian open space of which 0.25 acre in fee is required at the northeastern portion of the proposed replacement bridge project. A curve at the north end of the existing bridge makes shifting the alignment of the new bridge eastward an improvement

in future traffic flow. The new bridge would lie two meters eastward of the existing bridge at its closest points. A westward shift would tighten the existing highway curve and a non-standard compound curve at the north end of the bridge, and require that right of way be taken from State Park land west of the bridge.

STATUTORY OFFER

The Department has appraised the fee interest of the subject property and offered the full amount of the appraisal to the property owners of record in compliance with Government Code Section 7267.2.

PANEL RECOMMENDATION

The Panel has concluded that the Department is in compliance 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 the least private injury;
- The property to be condemned is 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 of Necessity to the California Transportation Commission.

VERNON V. RHINEHART, Chief
Office of Project Delivery
Division of Right of Way
Panel Chair

I concur with the Panel's recommendation:

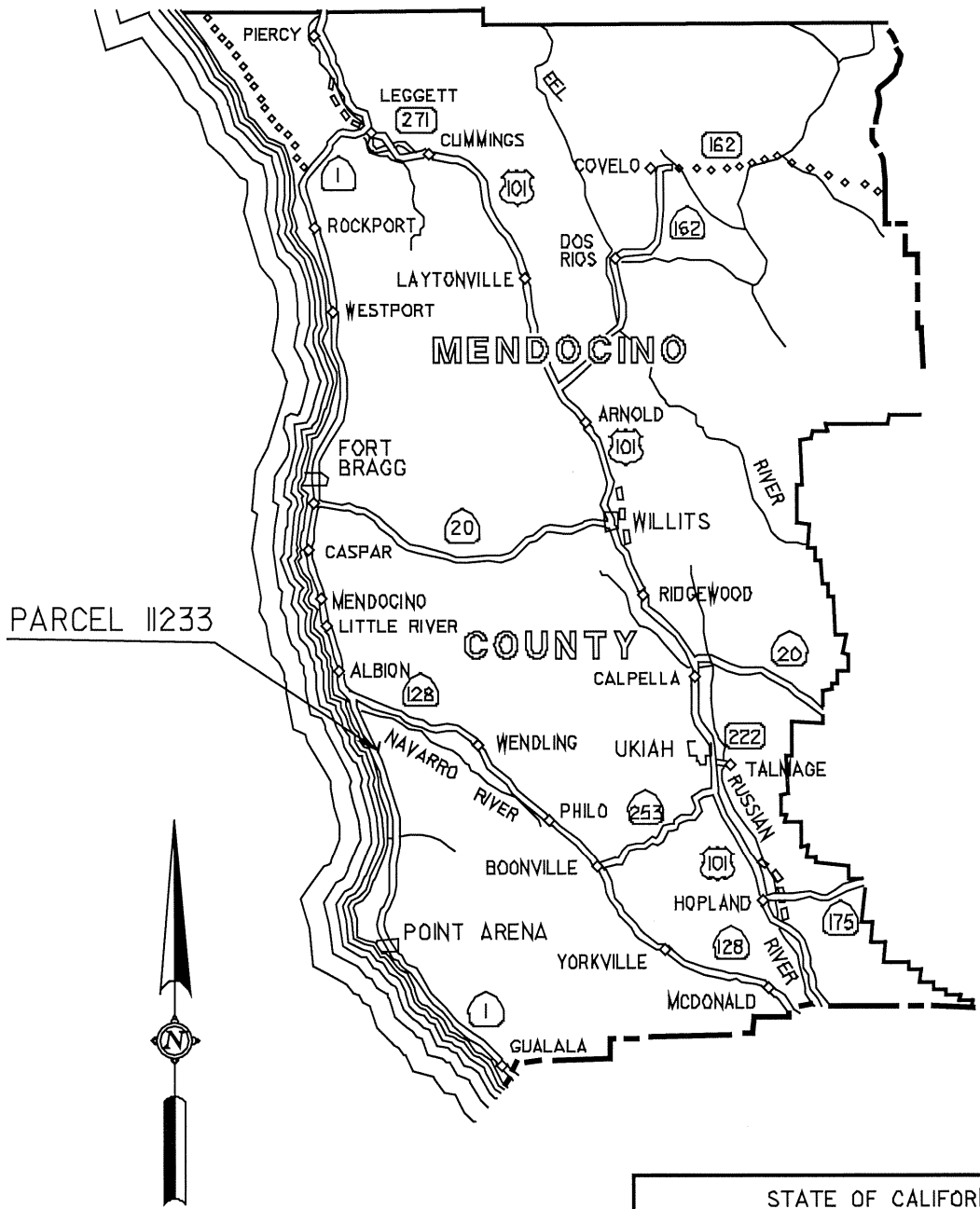
J. MIKE LEONARDO
Acting Chief Engineer

Persons Attending the 2nd Level Review, April 2, 2004

Greenwood Commons Trust:
- Peter Talbert – Trust Representative
- Charles Acker – Trustee
- Steven Acker – Trustee

Department of Transportation:
- Vern Rhinehart – HQ Right of Way, Panel Chair
- Linda Fong – HQ Design, Panel Member
- Frank Valentini – San Francisco Legal, Panel Member
- Matt Brady – District 01 Single Focal Point
- Alan Escarda – District 01 Project Manager
- Heidi Sykes – District 03 Design
- Jim Hall – North Region Right of Way Manager
- Ed Fitzgerald – District 01 Right of Way
- Chuck Carrillo –HQ Right of Way, Moderator

EXHIBIT A



PARCEL 11233

SCALE IN MILES

5 0 10 20

8 0 16.1 32.2

SCALE IN KILOMETERS

LOCATION MAP

STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND
HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION
DISTRICT 01

RESOLUTION OF NECESSITY

PARCEL 11233

CO	ROUTE	KP/PM
MEN	01	54.22/33.69
SHT 1 OF 2	JANUARY 2004	EA 310109

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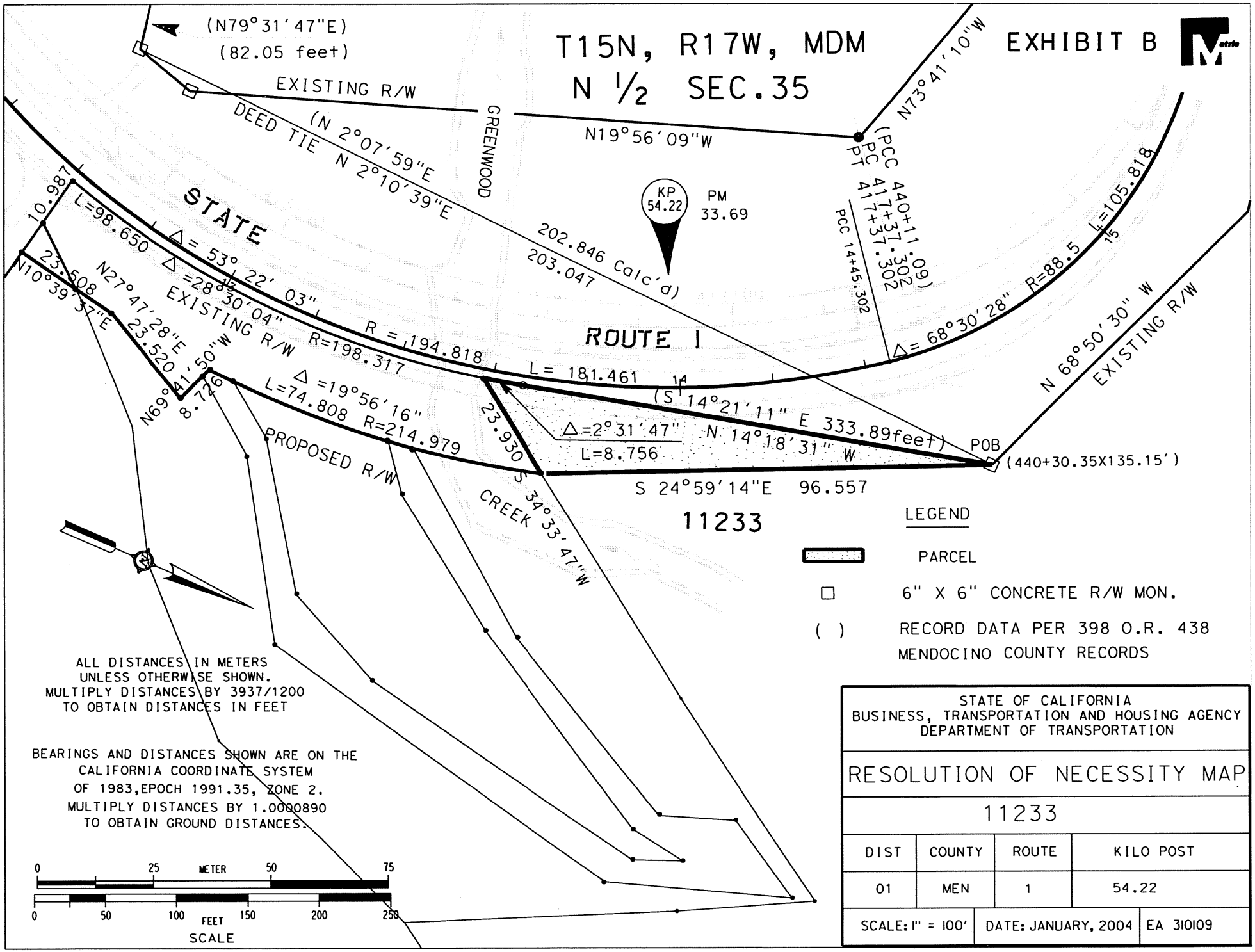

STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION

RESOLUTION OF NECESSITY MAP

11233

DIST	COUNTY	ROUTE	KILO POST
01	MEN	1	54.22

SCALE: 1" = 100'	DATE: JANUARY, 2004	EA 310109

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