

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 12-13, 2007

Reference No.: 2.4a.(1)
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-19684 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 project.
2. The project is planned and located in a manner that will be most compatible with the greatest public good with 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 discuss the outstanding issue, which is that the project will eliminate existing access from State Route (SR) 46 and provide inadequate access from SR 33.

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 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-19684 - Kossie L. Dethloff, et ux.

06-Ker-46/33-PM 19.9-20.5/59.4 - Parcels 84923-1A, 1B; 84924-1A, 1B; 85735-1A, 1B - EA 442509.

Right of Way Certification Date: 03/15/08; Ready to List Date: 03/15/08. Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and underlying fee. Located in the unincorporated area of Lost Hills near the south side of SR 46, 280 linear feet west of SR 33. Assessor's Parcel Numbers 068-080-53, -75; and 068-191-20.

Attachments:

Attachment A – Updated Summary of Issues

Exhibit B – Fact Sheet and Parcel Panel Report as presented September 19-20, 2007

UPDATED SUMMARY OF ISSUES

On September 20, 2007, proposed Resolution of Necessity (Resolution) C-19684 was presented to the California Transportation Commission (Commission) for adoption. Mr. Dirk Poeschel was present to represent the property owners, Kossie and Betty Dethloff. The property owners do not contest the purpose and need for the project. However, they have expressed concerns that the project will eliminate existing access from State Route (SR) 46 and provide inadequate access from SR 33.

The Commission deferred action on the resolution and instructed the California Department of Transportation (Department) to meet with the property owner to explore the ability of the Department to grant access to the Dethloff parcel on SR 46.

Since the September Commission meeting, the Department has worked with the property owners and their legal counsel to meet and discuss the necessity for the property and related access control. Several attempts were made to arrange a meeting with all parties. A meeting was tentatively scheduled for October 29, 2007, with the property owners and the Department's Design representatives; however, that meeting was cancelled due to schedule conflicts of the property owner and the Department. A meeting was eventually held on November 8, 2007, with the property owner and his legal team. The participants of that meeting included: the property owner, Kossie Dethloff; his son, Gary Dethloff; the owner's legal representative, John Smith; and other representatives of the property owner, George Zangle and Dirk Poeschel. The representatives from the Department included: Malcolm Dougherty, District 6 Director; Jamie Lupo, Right of Way Office Chief; Terry Ogle, Design Office Chief; Shahin Mansour, Design Senior Engineer; and Pete Petrakis, Design Engineer.

The discussion focused on access to Parcel 1 from SR 46. Parcel 1 is the smaller 3.86 acre partially commercially zoned property closest to the proposed SR 46/33 intersection. It was explained that access from SR 46 to this parcel within the close proximity of the intersection is not a viable option. It was stated that access to this parcel, due to the close proximity of the intersection, reduces the safety and effectiveness of the project's scope to upgrade the facility to expressway standards. The traveling public will have a lesser facility for the benefit of this one property owner. This lesser facility will have safety and operational issues near the location of the proposed driveway. The property owner and representatives seem to understand the Department's position on this point, although they were unhappy about the decision.

The discussion then turned to Parcel 2, which is the larger 314.11 acre parcel zoned agricultural. Questions were asked about the lot line adjustment and requirements for access to the different lots off of SR 46 as shown on the plan sheets provided to the Commission by Mr. Dethloff's representative. The Department proposed a break in access 1/2 mile from the intersection for the parcel's current agricultural use. The property owner indicated that he was not interested in an access opening that does not provide them with access for the commercial development of Parcel 1.

The Department emphasized that if an opening was granted for the larger Parcel 2, it would be for its current agricultural use. If the use of Parcel 2 changed, the access opening would have to be reevaluated for its changed use and subsequent impacts to SR 46. No concessions were made on the break in access. It was more of a discussion if the break in access for an agriculture opening would be acceptable to them. They indicated that it would not be acceptable to them.

Although the Department would like to continue to meet and discuss any other alternatives the property owner might suggest, it does not appear that another meeting will take place prior to the December 2007 Commission meeting. A mutually acceptable solution does not appear to be feasible. The Department will provide a written summary of the meeting discussions to the property owner.

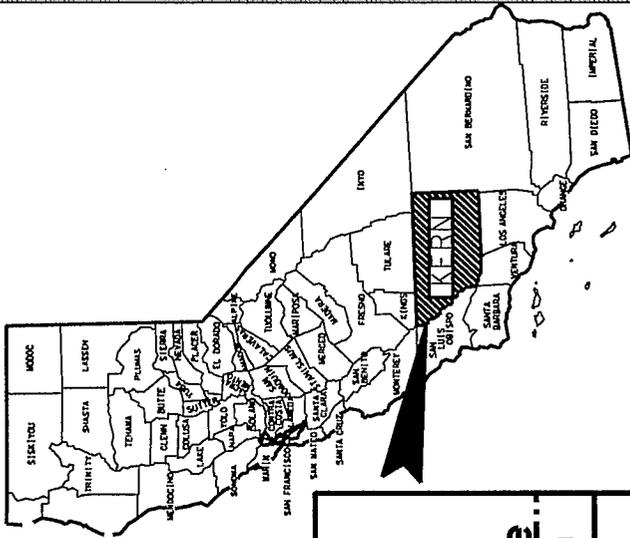
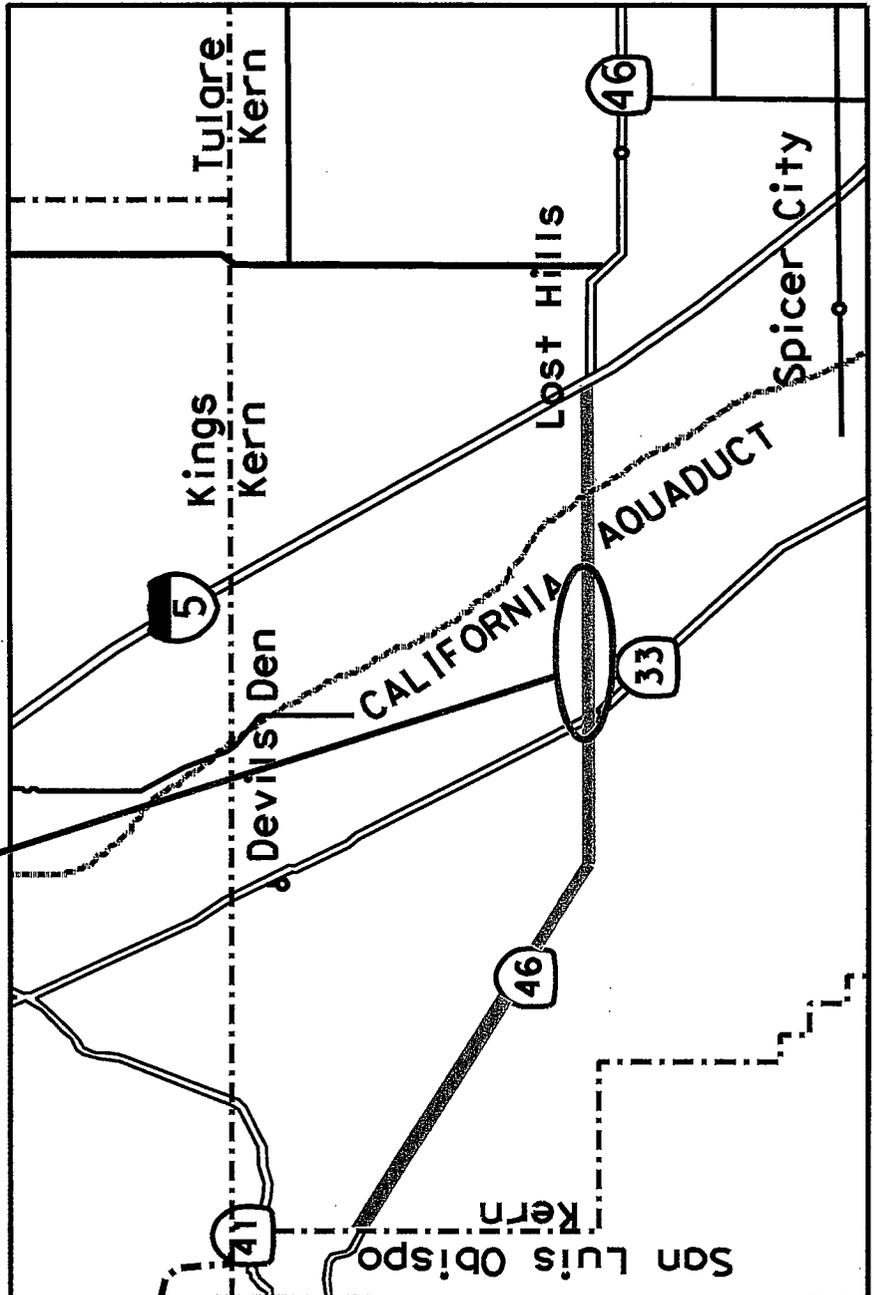
Providing access to Parcels 1 and 2 from SR 46 reduces the safety and effectiveness of the project's scope to upgrade the facility to expressway standards. The traveling public will have a lesser facility for the sole benefit of this one property owner. This lesser facility will have safety and operational issues near the location of the proposed driveway. The Department cannot justify construction of a facility that does not meet the purpose of the project scope and safety of the motoring public in order to provide a secondary access for these parcels.

Attachments

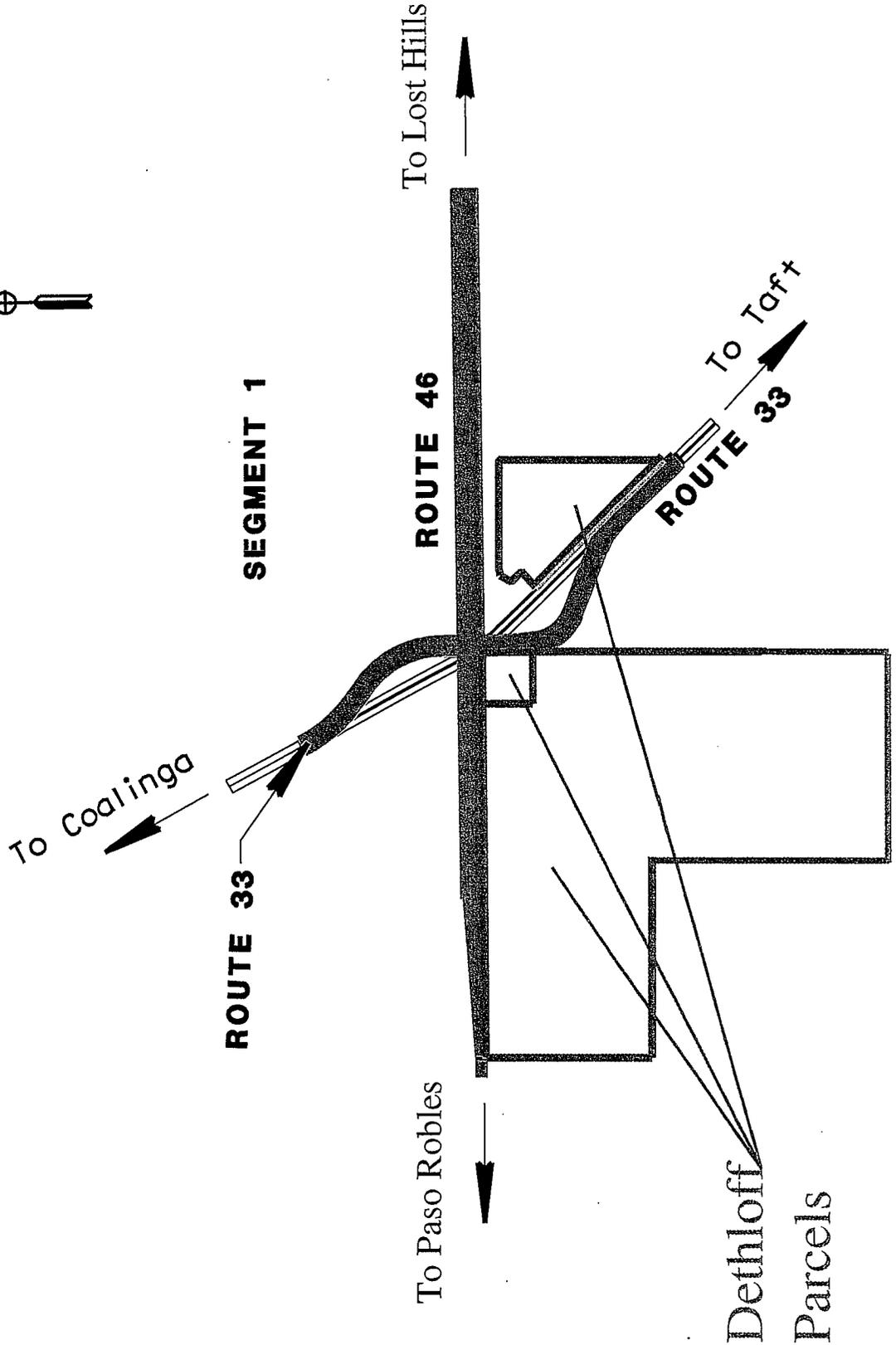
Exhibits A1 through A4 – Project Maps

Location Map

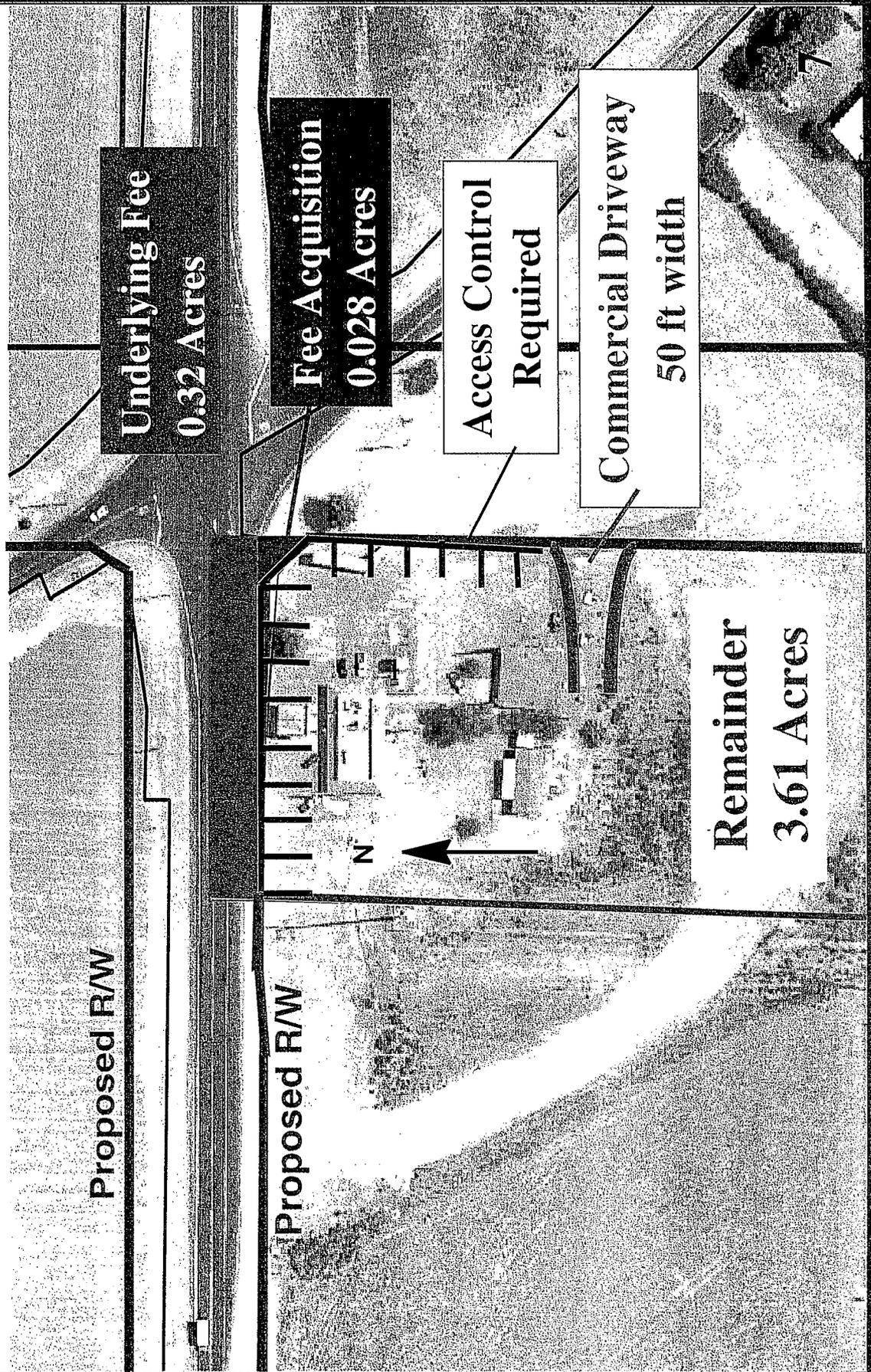
Project Location (Segment 1)



Proposed Project



Parcel 1 Impacts



Proposed R/W

Proposed R/W

Underlying Fee
0.32 Acres

Fee Acquisition
0.028 Acres

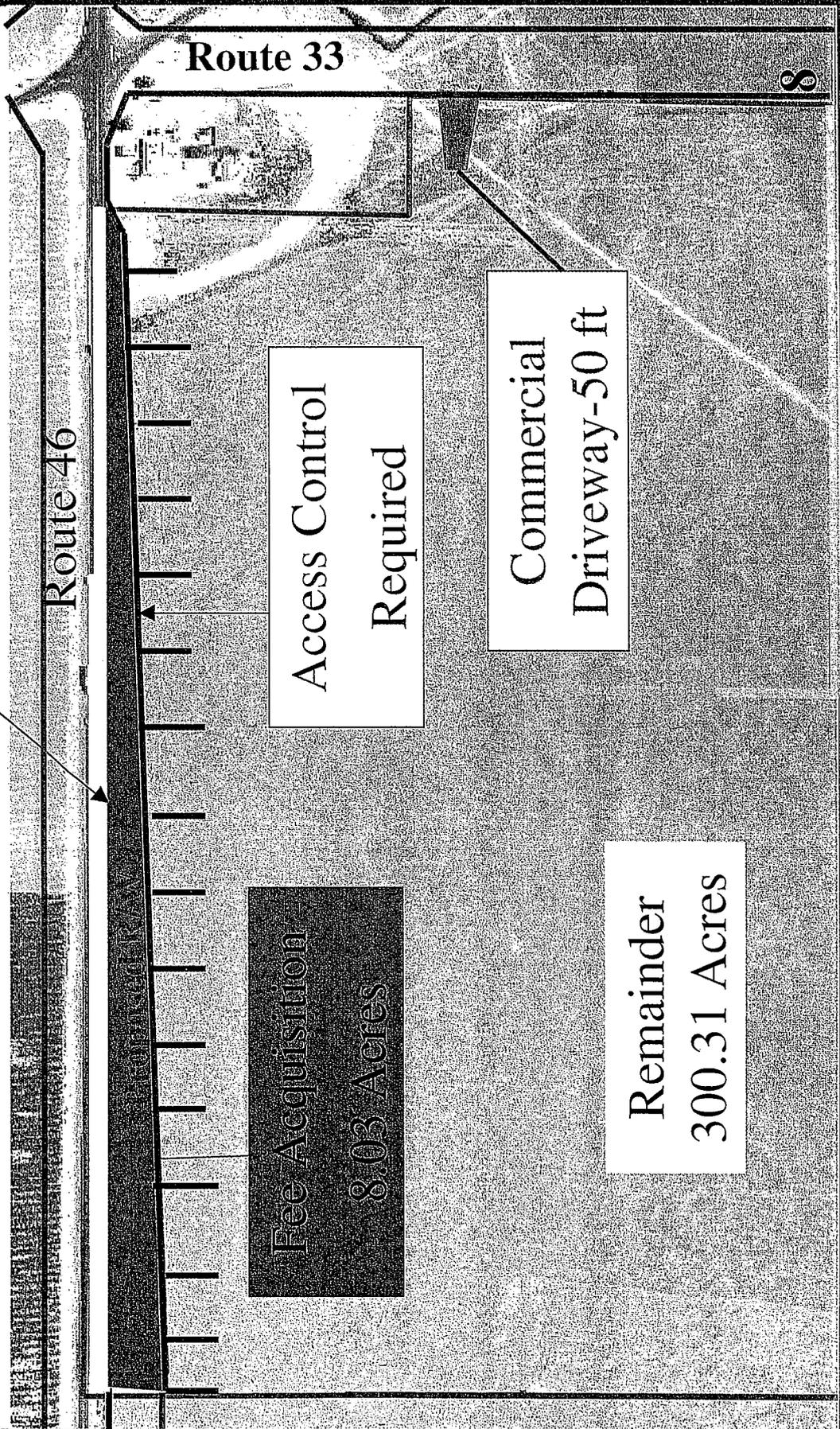
Access Control
Required

Commercial Driveway
50 ft width

Remainder
3.61 Acres

Parcel 2 Impacts

Underlying Fee
5.77 Acres



Resolution of Necessity Appearance Fact Sheet

PROJECT DATA 06-Ker-46/33-PM 19.4-27.5/95.6
Expenditure Authorization (EA) 442539

Location: State Route (SR) 46 in Kern County east of the town of Lost Hills

Limits: 1.2 miles west of the intersection of SR 33/46 to Browns Material Road

Cost: Programmed construction cost: \$36,500,000
Current right of way cost estimate: \$5,400,000

Funding Source: State Transportation Improvement Program Funds from the
Interregional Transportation Improvement Program in FY 2007/08

Number of Lanes: Existing: two-lane conventional
Proposed: four-lane expressway

Proposed
Major Features: Intersection: realignment of SR 46/33 intersection
Other: signalize SR 46/33 intersection

Traffic: Existing SR 46 (year 2008): 8,700 Average Annual Daily Traffic (AADT)
Proposed SR 46 (year 2028): 17,400 AADT

PARCEL DATA

Property Owner: Kossie L. Dethloff and Betty M. Dethloff

Parcel Location: Parcel 84923 fronts SR 46
Assessor Parcel Numbers (APN) 068-080-08, 068-080-09, and 068-080-53
Parcel 84924 is located on the southwest corner of the SR 46/33 intersection
APN 068-080-75
Parcel 84735 fronts SR 33
APN 068-191-20

Area of Property
and Present Use: APNs 068-080-08, 068-080-09, and 068-080-53) = 314.11 acres,
zoned A (Exclusive Agricultural)
APN 068-080-75 = 3.86 acres, zoned Commercial
APN 068-191-20 = 46.22 acres, zoned residential community; zoned A

Area Required: 84923 - 8.03 acres in fee and 5.77 acres in underlying fee
84924 - 1,374 square feet in fee and 14,001 square feet in underlying fee
85735 - 12,170 square feet in fee and 17,121 square feet in underlying fee

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Condemnation Review Panel (Panel) met at the Department of Transportation's (Department) Fresno District office on April 17, 2006. The Panel members included Donald Grebe, Department Headquarters (HQ) Division of Right of Way and Land Surveys; Richard B. Williams, Department's 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. Present at the meeting and representing the property owners, Kossie and Betty Dethloff, were John L.B. Smith, legal counsel; Kossie Dethloff; Gary Dethloff, son; Dirk Poescher, a planner; and David Peters, of Peters Engineering.

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 Department's Chief Engineer. The property owner does not contest the purpose and need for the project. The outstanding concern of the Dethloffs is that the acquisition will eliminate existing access from State Route (SR) 46 and provide inadequate access from SR 33.

NEED FOR THE PROJECT.

The main purpose of this project is to improve safety and traffic operations as well as to reduce congestion on the subject section of highway. The existing SR 46 through the proposed project limits is a two-lane conventional highway with at-grade intersections throughout the alignment. The existing roadway consists of two 12-foot travel lanes composed of asphalt concrete along with eight-foot outside shoulders. There are numerous driveway access points to SR 46 within the project limits.

This project, along with other projects to widen SR 46 to four lanes, is included in the Kern Council of Governments 20 year Regional Transportation Plan. SR 46 is one of several state highways considered a high priority for increased capacity. Primarily the addition of a travel lane in each direction and the realignment and widening of the SR 46/33 intersection will improve the safety and traffic operations. The proposed median and added lane in each direction will help eliminate vehicles passing in the opposing traveled lane and reduce head on collisions by separating the opposing traveled ways. Several accidents have been attributed to drivers attempting to pass slow moving trucks, resulting in head-on collisions.

The addition of exclusive left and right turn lanes along with signaling the intersection will reduce the accident rates significantly. The major types of accidents at the intersections were rear-ends, broadsides, and sideswipe. Turning movements on and off of SR 46 were determined to be the primary vehicular movements prior to collision.

Other proposed improvements that will reduce the current accident rates include the construction of larger clear recovery zones which will decrease the chance of hitting objects; wider shoulders and rumble strips, allowing more time to adjust before running off the road; and another travel lane, preventing sideswipes.

On a year-around basis SR 46 is a significant interregional route for agricultural products with truck traffic accounting for 40 percent of the Average Annual Daily Traffic (AADT). SR 46 begins at the junction of SR 1 in San Luis Obispo County and continues for 118 miles through San Luis Obispo and Kern County. The route terminates at its junction with SR 99 in Kern County. The Kern County portion of the highway is 58 miles in length.

PROJECT PLANNING AND LOCATION

This project proposes to convert SR 46 from a two-lane conventional highway to a four-lane expressway to improve safety and traffic operations and reduce congestion from 0.4 miles west of the SR 46/33 intersection to Browns Material Road in Kern County.

The proposed project includes:

- Widening and constructing a four-lane expressway along the existing SR 46.
- The realignment of the SR 46/33 intersection.
- Signalizing and lighting the intersection.
- A 60-foot wide median with openings every 2 to 3 miles.
- Controlled access to the expressway.
- Widen SR 33 to approximately 130 feet.
- Left and right turn channelization.

NEED FOR SUBJECT PROPERTY

A partial acquisition is required from the subject properties for the widening on SR 46, realignment of SR 33, and the signalization and lighting of the intersection.

Parcel 84923 (APNs 068-080-08, 068-080-09, and 068-080-53): The proposed acquisition requires 8.03 acres in fee and 5.77 acres of underlying fee, currently occupied by SR 46, for highway purposes and construction of the proposed project improvements, including acquisition of all abutter's rights of access to the remainder along the entire south line of SR 46. The acquisition area extends approximately 100 feet into the subject property at the westerly end and then tapers down to meet the existing right of way line near the northeast corner of the property.

There is to be no reservation of an access opening to SR 46 along the entire frontage of the proposed new alignment. Access to the remainder area will be from the new realigned SR 33 at the easterly property line.

Parcel 84924 (APN 068-080-75): The proposed partial acquisition is necessary for the widening of SR 46 and realignment of SR 33. The area of acquisition, a total of 1,374 square feet in fee and 14,001 square feet of underlying fee, currently occupied by SR 46, is located on the north boundary of the parcel; parallel to SR 46, and a portion of the easterly parcel, at the corner of SR 33. This acquisition will become a part of the realigned SR 33.

Currently, the subject parcel enjoys access from SR 46. The proposed project includes the acquisition of abutter's rights along SR 46. The subject parcel will have access to the newly aligned SR 33. The access opening width will be 50 feet and will be located approximately 377 feet south of the existing centerline of SR 46. The project proposes to widen SR 33 to approximately 130 feet.

Parcel 85735-1 (APN 068-191-20): The subject property is a partial acquisition for the proposed Kern County SR 46 widening project. The proposed area to be acquired is 12,170 square feet in fee and 17,121 square feet of underlying fee in SR 33. The area of acquisition is located on the southwest tip of the subject parcel and parallels existing SR 33. This area is required as part of intersection realignment work as well as for the widening of the existing SR 33. In the after condition, there will be a smooth transition from the new alignment back to the existing alignment of SR 33.

Upon acquisition of the proposed area, the parcel will be 45.95 acres in size and will continue to operate as in the before condition.

The Department's response section of this report addressed the reasons for the placement of the Department's right of way line and restricting access to the expressway from the subject parcels. While considering the Department's design standards in the geometric design of the expressway and providing adequate storm water retention ditches, it was determined that the current design is the most economical and conducive to public safety. Alternatives that would significantly reduce or eliminate the need for acquiring land or access from these parcels are not considered feasible.

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

Owner:

The Department will decrease the development potential of the property by elimination of access from SR 46 for Parcels 84923 and 84924. The majority of the customers use SR 46 to access the property and will bypass the business if forced to turn right at the intersection rather than directly access the property. Access is tantamount due to zoning and historical significance to the property.

Department Response:

The Department reviewed the design and concurred that access to SR 46 is not possible for the Dethloff parcels without compromising the purpose and need of the project. In order to adhere to the scope of the project established through freeway agreements, official project documents, public meetings, and other project-related sources, it is believed that the current project design could not be altered to significantly reduce the impact to the subject parcels.

Control of access on SR 46 is imperative to insure the safety and operation of the highway system. Since Parcels 84923 and 84924 are located within 2,640 feet (800 meters) of a public road intersection and will have access to SR 33, the parcels cannot have access to the expressway based on

California Department of Transportation Highway Design Manual (HDM) Sections 104.2 and 205.1. A Controlled Access Highway Agreement between the State of California and the Kern County has been approved. The proposed project design is consistent with this agreement.

The SR 46/33 intersection will be signalized and left and right turn channelization provided to facilitate turning movements within the intersection. Motorists will travel approximately 300 feet south on SR 33 before turning into the Dethloff property.

The proposed design of SR 46 and the realignment of the SR 46/33 intersection are based on the Department's standards and are consistent with the Controlled Access Highway Agreement. The right of way requested is necessary for the proposed project and is the minimum required to construct the project. The following design standards and factors were used to establish the right of way lines and access opening locations on the subject parcels:

- Access openings were not allowed on the expressway in accordance with the policy stated in Section 104.1 and 205.1 of the HDM, which prohibits access openings within a half mile of an intersection or when parcels have access to another public road or street.
- Standard lane, shoulder, and median widths for a four-lane expressway were used.
- Side ditches on either side of SR 46 were designed to retain storm water runoff and the right of way width required to achieve this function was minimized.
- Parcels 84923 and 84924 will have access to SR 33 and the openings will have sufficient width to accommodate a commercial driveway.
- The eastbound lanes at the intersection of SR 46/33 taper out towards parcel 84924 to provide a right-turn lane. The taper was designed in accordance with Figure 405.7 in the HDM that shows standards for public road intersections. The taper and curve at the intersection allow for the turning of large Surface Transportation Assistance Act (STAA) trucks from SR 46 onto SR 33. Many trucks use this intersection as SR 46 serves the agricultural community in this corridor.
- The SR 46/33 intersection will be signalized and left and right turn channelization will be provided for motorists wanting to travel north or south on SR 33.
- Offer includes compensation for access consideration.

Owner:

A proposed exclusive right turn lane into the property has been submitted to the Department for review.

Department Response:

The turn lane is within a half-mile limit of the SR 46/33 intersection and would create driver confusion to motorists traveling westbound on SR 46. The Department does not build off-ramps to private properties.

Owner:

A lot line adjustment was created on Parcel 84923, subdividing the larger parcel into three lots; two of the lots are 80 acres each and one is 320 acres. There was a request by Kern County at the time of the subdivision to provide access from SR 46.

Department Response:

Kern County has adopted the Controlled Access Highway Agreement for SR 46 restricting access to SR 46. The property owner can provide access to the new subdivision by an easement to the SR 33 driveways.

Owner:

The 80-acre parcels in the new subdivision will lose commercial potential without access to SR 46.

Department Response:

The larger parcel, including the subdivision, is currently zoned agriculture.

Owner:

The subject property has historical significance because it was James Dean's last stop prior to his tragic accident.

Department Response:

A determination of historical significance was not found during the environmental process. The current building was built in 1968 after the original structure was completely destroyed by fire.

Owner:

Trucks and farm equipment will have difficulty maneuvering onto the property from SR 33 in the after condition. Significant back up would result on SR 33 as tanker trucks or farm equipment enters the property from SR 33.

Department Response:

The Department researched the turn radius of a semi-trailer turning into the property while another semi-trailer was pulling out from the driveway. It was determined that three semi-trailers can queue while waiting to access the property without impeding traffic on SR 46. The driveway is located at a sufficient distance away from SR 46 so as not to adversely affect the operational characteristics of the intersection.

The driveways provided for Mr. Dethloffs' properties have been located a sufficient distance away from SR 46 so as not to hinder operational movements at the intersection. Modeling has shown that trucks can easily maneuver in and out of these driveways.

Owner:

The owners expressed concerns relating to the Loss of Business, Business Goodwill and Damages.

Department Response:

Matters concerning the Loss of Business, Business Goodwill and Damages are compensation issues and outside the preview of the Commission. The property owner has been provided with information on filing a Loss of Business, Business Goodwill and Damages claims.

PARCEL DESCRIPTION

Parcel 84923 contains 314.11 acres of gross land area that is vacant and unimproved. It is zoned A (Exclusive Agricultural). There are no visible utilities within the property. The property is rectangular in shape with approximately 5,000 feet of frontage along the south line of SR 46 and is approximately 2,600 feet of depth. Access rights have not been previously acquired along the existing right of way. There is an access point to the highway that is presently used, next to Blackwell Corner Store, on Parcel 84924.

Parcel 84924 consists of a 3.86 acre larger parcel. The property is zoned Commercial and is improved with a mini-mart and gas station. There is a Nextel cell tower located on the property. The property fronts SR 46 to the north and SR 33 to the east with direct at-grade access to both highways. After acquisition of the proposed area the remainder property will be able to function as it did in the before condition, but the door to the existing store would need to be reoriented to face SR 33 and the gas tanks and the fuel dispensing island will be relocated. The property owner is in the process of constructing a new store and relocating the dispensing islands. The remainder will retain the rectangular shape and will be comprised of 3.83 acres.

Parcel 85735 is 46.22 acres in size and zoned A (Exclusive Agricultural). The larger parcel is improved with a residential community that is located closer to the east side of the parcel away from the proposed area of acquisition. There are no improvements in the subject parcel's proposed area of acquisition. Utilities available to the site include electricity, telephone, natural gas, water and sewer service. Currently, the property has direct access to SR 33 but this portion of SR 33 will be relinquished to Kern County and act as an access road to the new section of SR 33.

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 of Necessity to the California Transportation 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
APRIL 17, 2007**

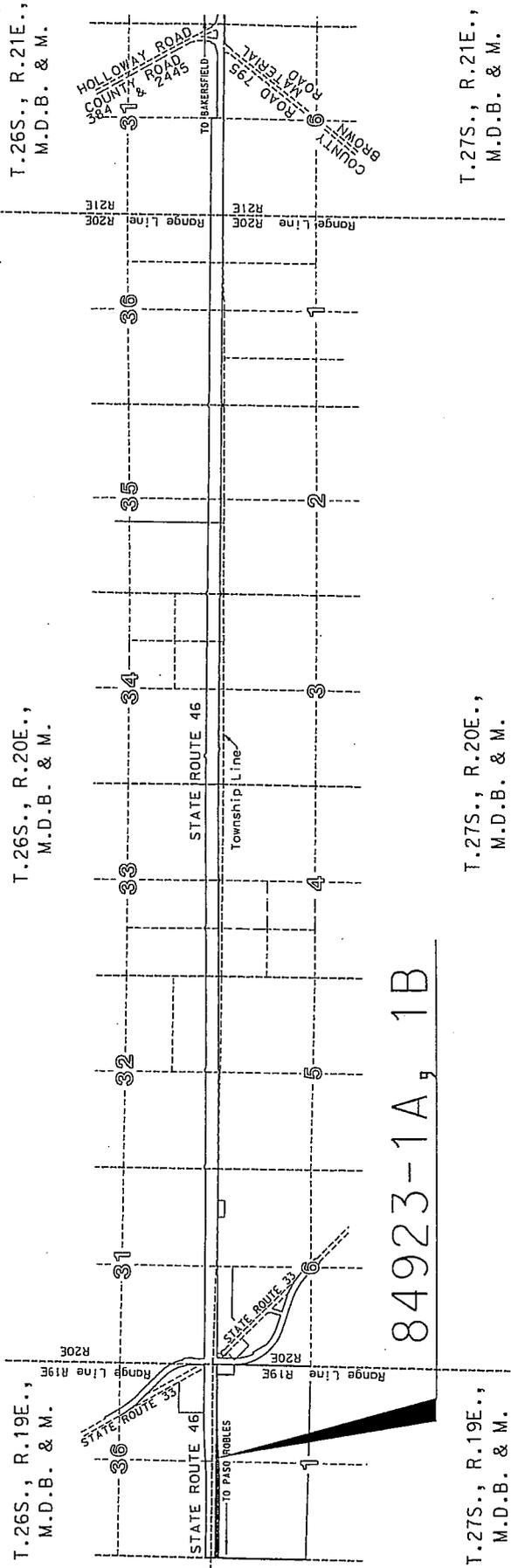
Donald Grebe, HQ's Division of Right of Way and Land Surveys, Panel Chair
Richard B. Williams, Sacramento Legal Office Attorney, Panel Member
Linda Fong, HQ's Division of Design, Panel Member
Deborah Gebers, HQ's Division of Right of Way and Land Surveys, Panel Secretary

John L.B. Smith, Attorney for the owner
Kossie Dethloff, Property owner
Gary Dethloff, Property owner's son
Dirk Poescher, Planner, representative of owner
David Peters, Peters Engineering, representative of owner

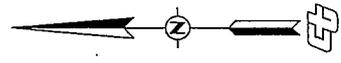
Spiros Karimbakas, Central Region Right of Way, Regional Manager
Terry Ogle, Central Region Design
Jamie Lupo, Central Region Right of Way



EXHIBIT A



84923-1A, 1B



NO SCALE

RESOLUTION OF NECESSITY
AREA MAP

6-KER-46 K.P. 32.10
SHEET 1 of 5

CONVERSION FACTOR: This survey is in meters.
Multiply by 3937/1200 to convert to feet.

This survey is based on the California Coordinate System of 1983, Zone 5. Units are in meters and bearings and distances are on grid. Multiply by 0.99998520 to convert to ground distances.



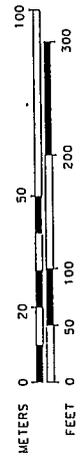
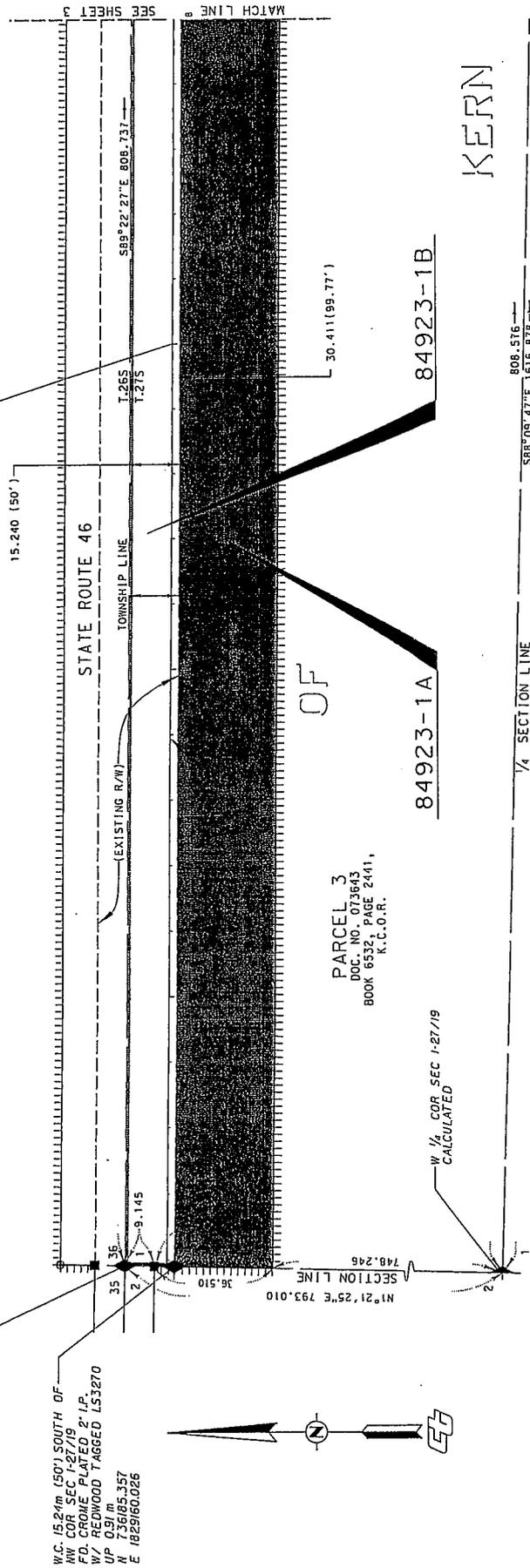
T.26S., R.19E., M.D.B. & M.

SECTION 35

SECTION 36

COUNTY

PM 19.7
KP 31.7



- ||||| INDICATES NON-ACCESS
- PARCEL 84923-1A FEE
- PARCEL 84923-1B UNDERLYING FEE

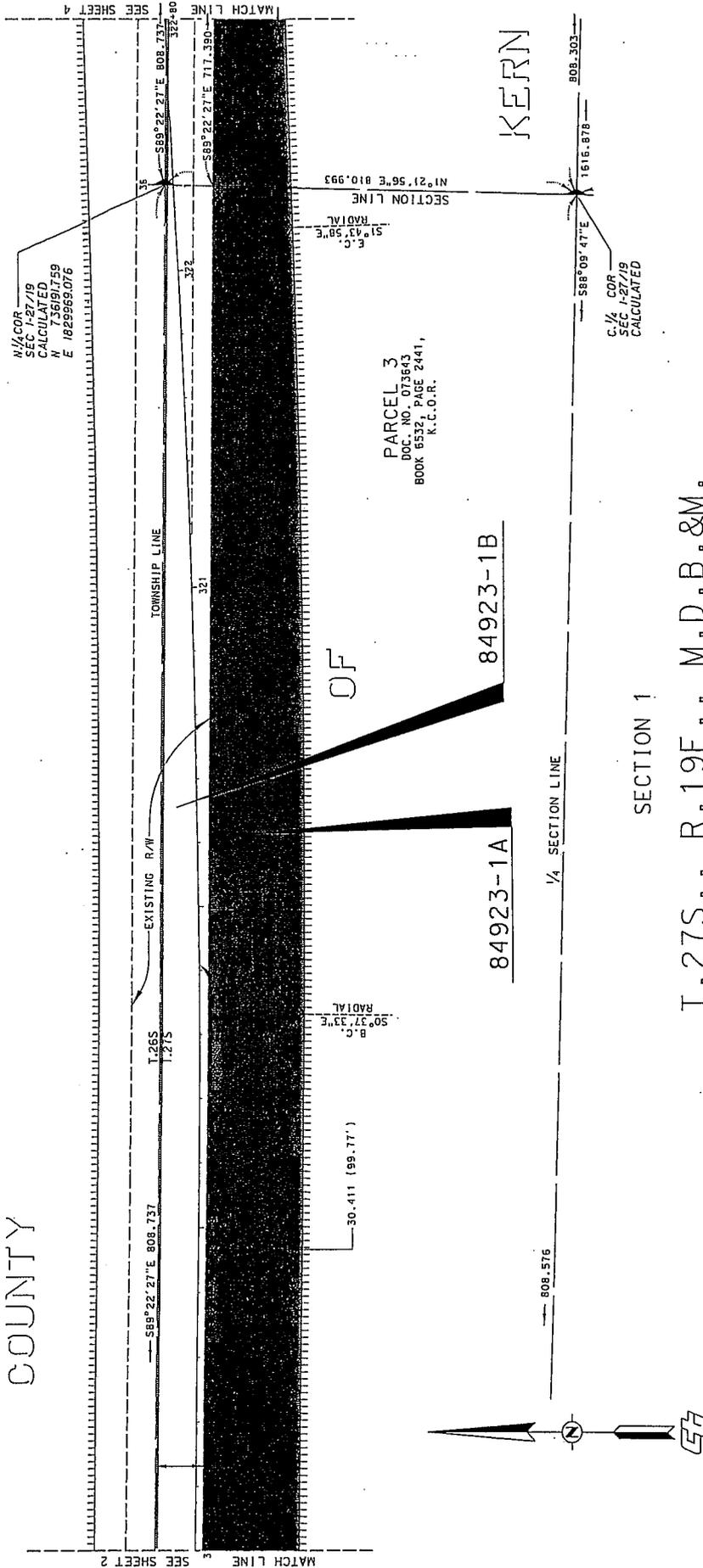
RESOLUTION OF
NECESSITY MAP
6-KER-46 K.P. 32.1

CONVERSION FACTOR: This survey is in meters.
Multiply by 3937/1200 to convert to feet.

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bearings and distances are on grid. Multiply by
0.999998520 to convert to ground distances.

T.26S., R.19E., M.D.B.&M.
 SECTION 36

COUNTY



SECTION 1

T.27S., R.19E., M.D.B.&M.

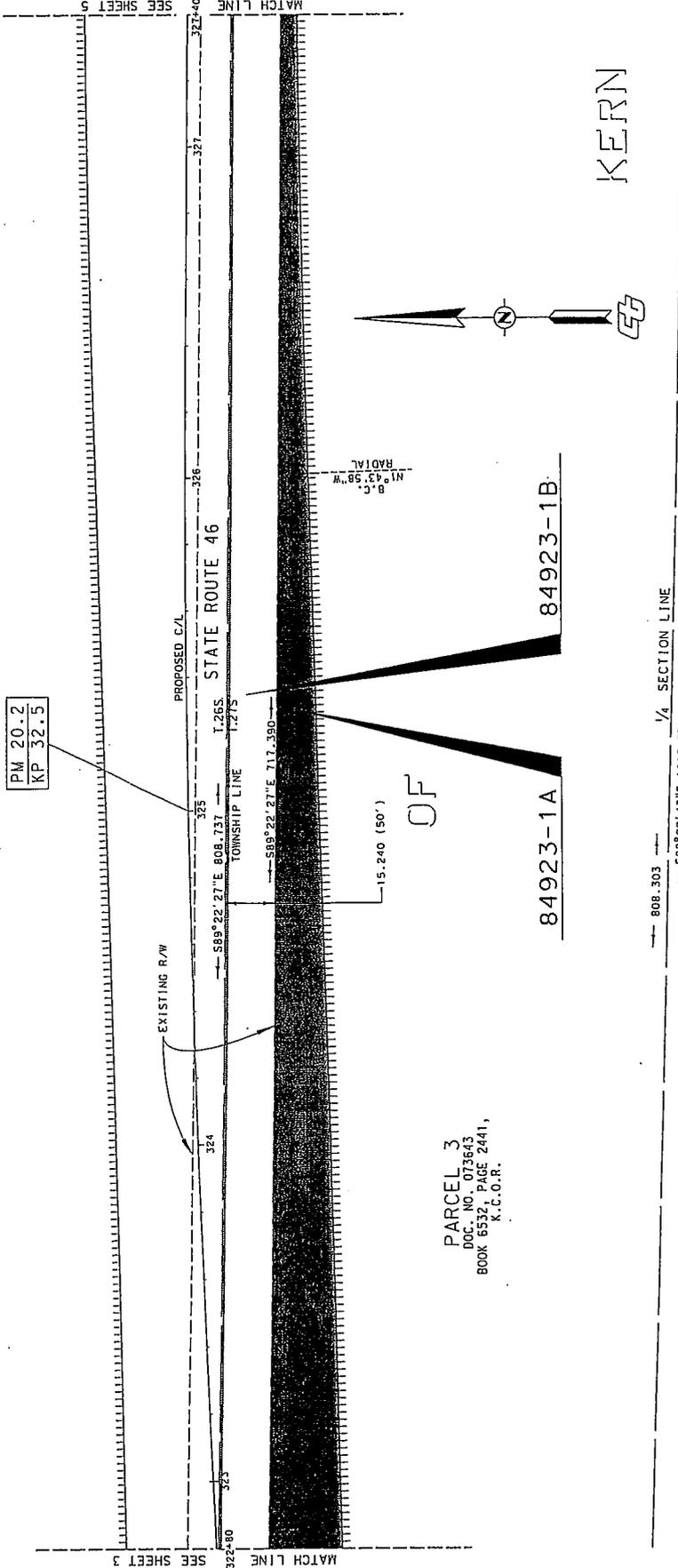
RESOLUTION OF
 NECESSITY MAP
 6-KER-46 K.P. 32.1

CONVERSION FACTOR: This survey is in meters. Multiply by 3937/1200 to convert to feet.
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T.26S., R.19E., M.D.B.&M.
SECTION 36

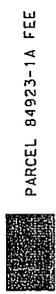
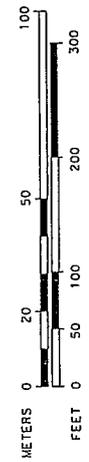
COUNTY



PARCEL 3
DOC. NO. 073643
BOOK 6532, PAGE 2441,
K.C.O.R.

SECTION 1

T.27S., R.19E., M.D.B.&M.



RESOLUTION OF
NECESSITY MAP
6-KER-46 K.P. 32.1

||||| INDICATES NON-ACCESS

CONVERSION FACTOR: This survey is in meters. Multiply by 3937/1200 to convert to feet.

This survey is based on the California Coordinate system of 1983, Zone 5. Units are in meters and bearings and distances are on grid. Multiply by 1.99998520 to convert to ground distances.

EXHIBIT E



T.26S., R.19E., M.D.B. & M.
SECTION 36

T.26S., R.20E., M.D.B. & M.
SECTION 31

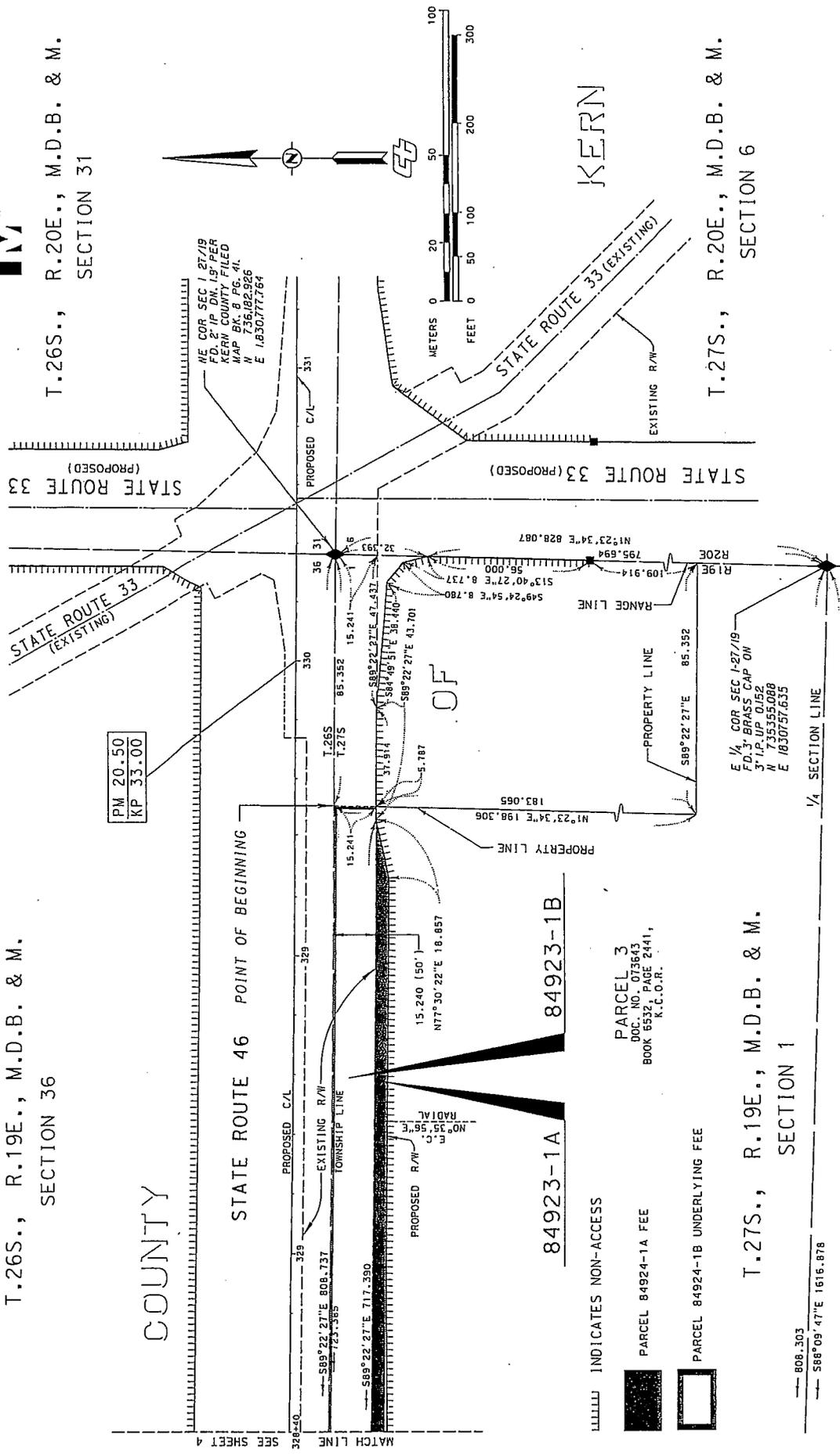
COUNTY

STATE ROUTE 46 POINT OF BEGINNING

KERN

T.27S., R.20E., M.D.B. & M.
SECTION 6

T.27S., R.19E., M.D.B. & M.
SECTION 1



PM 20.50
KP 33.00

- ▬▬▬▬▬ INDICATES NON-ACCESS
- ▬▬▬▬▬ PARCEL 84924-1A FEE
- ▬▬▬▬▬ PARCEL 84924-1B UNDERLYING FEE

PARCEL 3
DOC. NO. 073643
BOOK 6532, PAGE 2441,
K.C.O.R.

808.303
586°09'47"E 1616.878

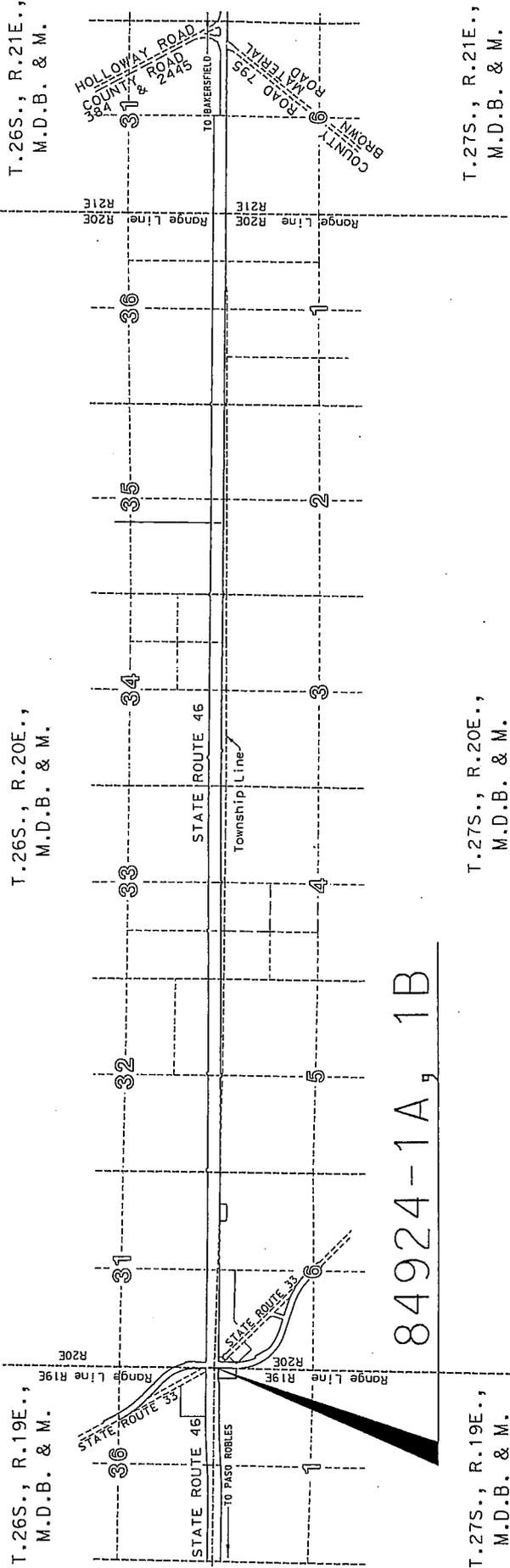
RESOLUTION OF
NECESSITY MAP
6-KER-46 K.P. 32.1

SHEET 5 of 5

This survey is based on the California Coordinate System of 1983, Zone 5. Units are in meters and bearings and distances are on grid. Multiply by 99998520 to convert to ground distances.

CONVERSION FACTOR: This survey is in meters. Multiply by 3937/1200 to convert to feet.

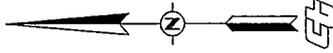
EXHIBIT A



84924-1A, 1B

RESOLUTION OF NECESSITY
AREA MAP

6-KER-46 K.P. 33.00



NO SCALE

INVERSION FACTOR: This survey is in meters. Multiply by 3937/1200 to convert to feet.

This survey is based on the California Coordinate System of 1983, Zone 5. Units are in meters and bearings and distances are on grid. Multiply by 39998520 to convert to ground distances.

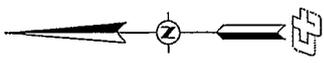
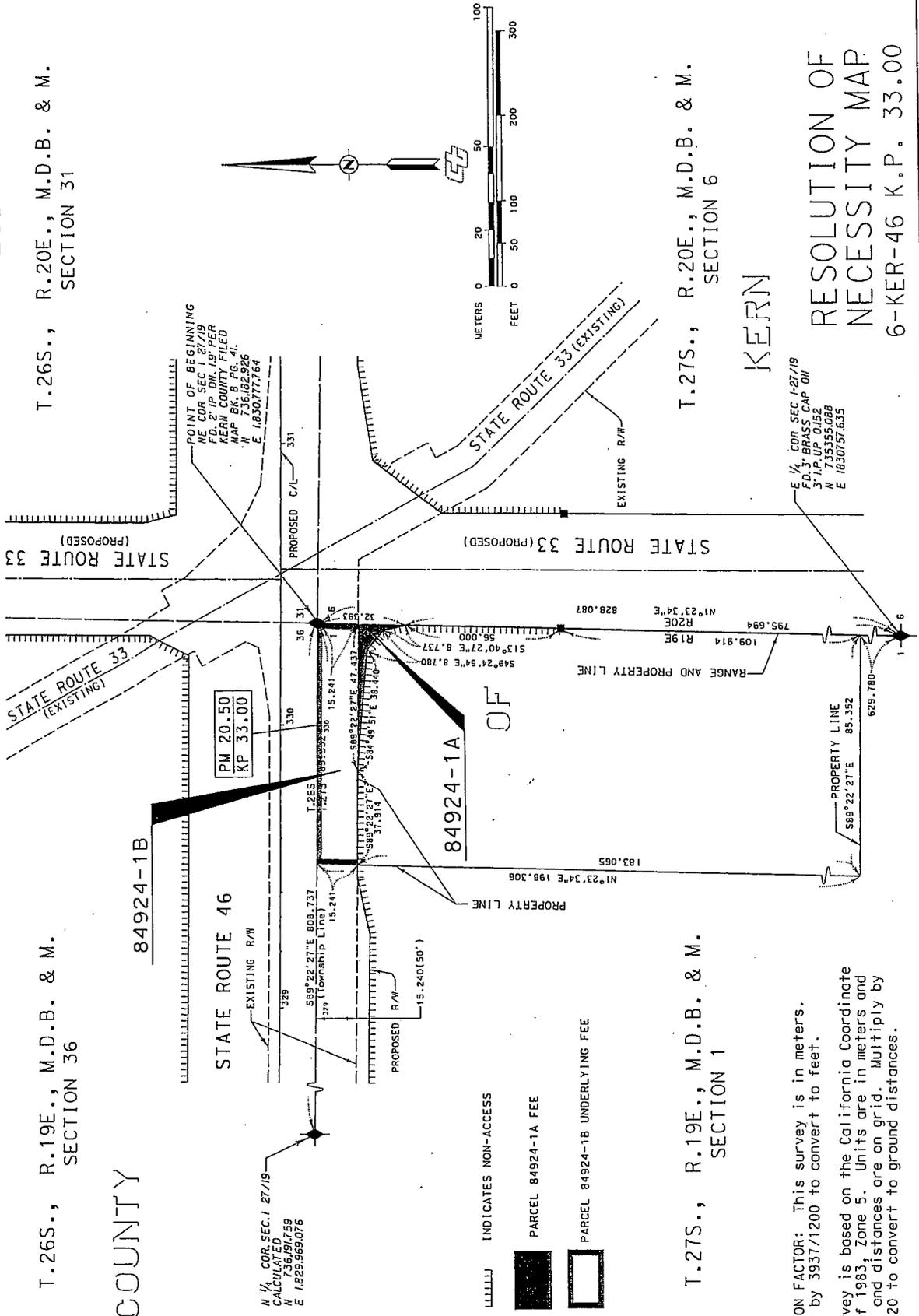
EXHIBIT B



T.26S., R.20E., M.D.B. & M.
SECTION 31

T.26S., R.19E., M.D.B. & M.
SECTION 36

COUNTY



- ||||| INDICATES NON-ACCESS
- PARCEL 84924-1A FEE
- PARCEL 84924-1B UNDERLYING FEE

T.27S., R.20E., M.D.B. & M.
SECTION 6

T.27S., R.19E., M.D.B. & M.
SECTION 1

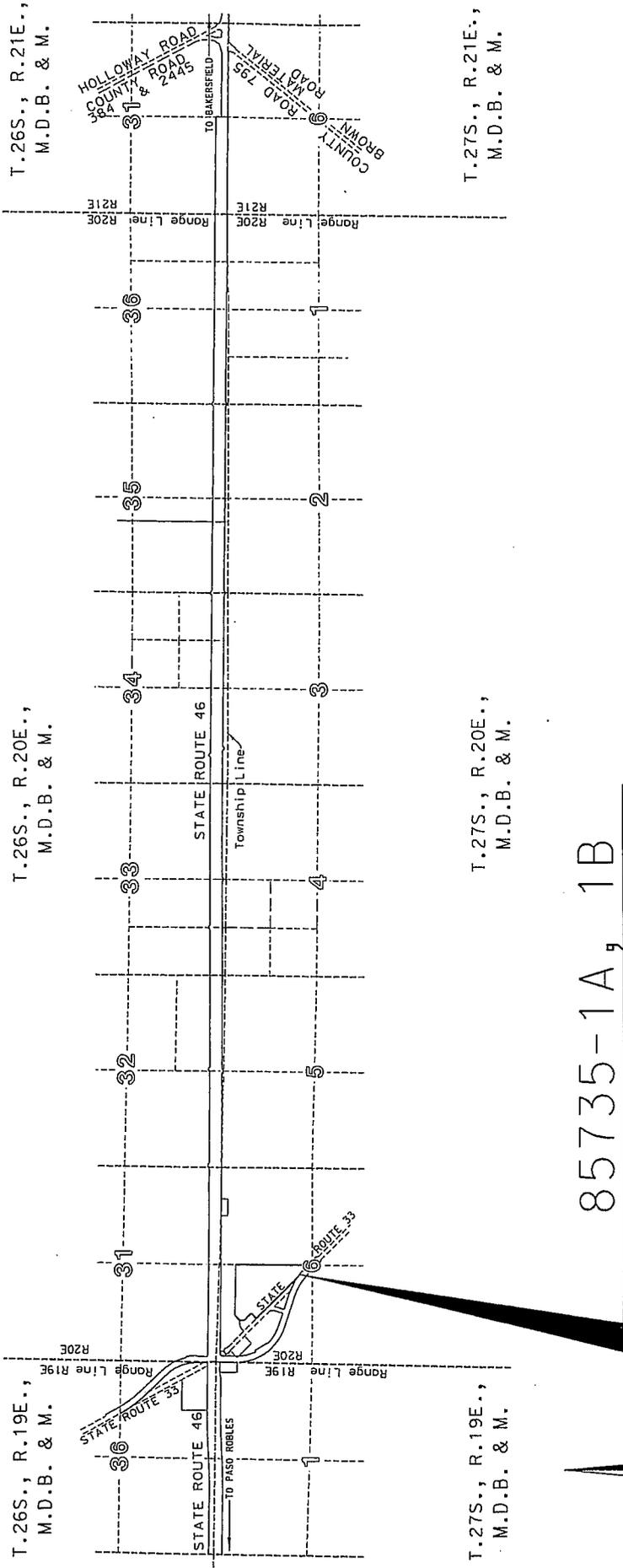
KERN

RESOLUTION OF
NECESSITY MAP
6-KER-46 K.P. 33.00

CONVERSION FACTOR: This survey is in meters. Multiply by 3937/1200 to convert to feet.
This survey is based on the California Coordinate system of 1983, Zone 5. Units are in meters and bearings and distances are on grid. Multiply by .99998520 to convert to ground distances.



EXHIBIT A



T.26S., R.19E.,
M.D.B. & M.

T.26S., R.20E.,
M.D.B. & M.

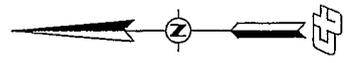
T.26S., R.21E.,
M.D.B. & M.

T.27S., R.19E.,
M.D.B. & M.

T.27S., R.20E.,
M.D.B. & M.

T.27S., R.21E.,
M.D.B. & M.

85735-1A, 1B



NO SCALE

CONVERSION FACTOR: This survey is in meters.
Multiply by 3937/1200 to convert to feet.

This survey is based on the California Coordinate System of 1983, Zone 5. Units are in meters and bearings and distances are on grid. Multiply by 0.99998520 to convert to ground distances.

RESOLUTION OF NECESSITY
AREA MAP

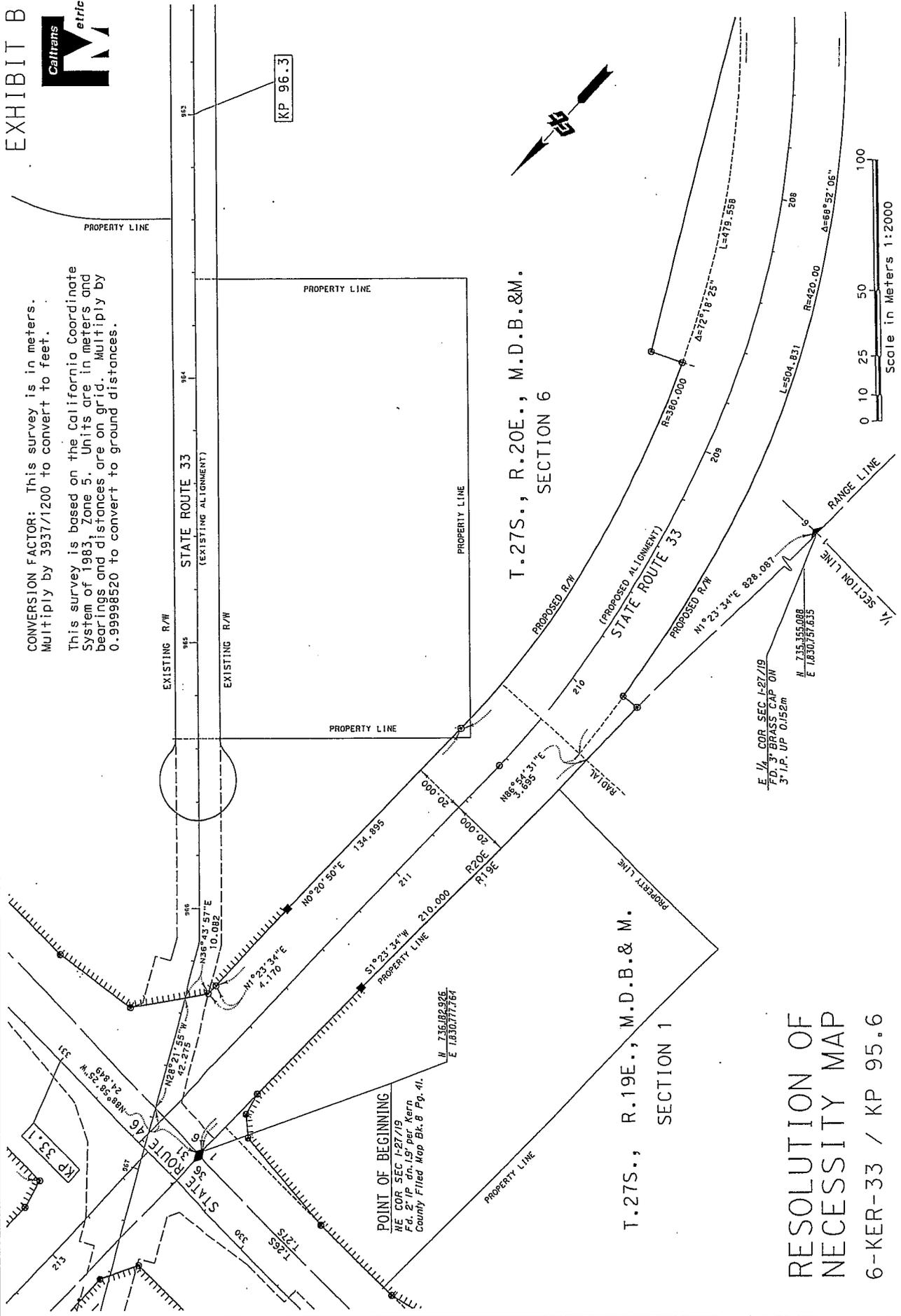
6-KER-33 / KP 95.6

EXHIBIT B



CONVERSION FACTOR: This survey is in meters.
Multiply by 3937/1200 to convert to feet.

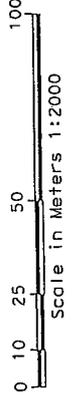
This survey is based on the California Coordinate System of 1983, Zone 5. Units are in meters and bearings and distances are on grid. Multiply by 0.99998520 to convert to ground distances.



T.27S., R.20E., M.D.B.&M.
SECTION 6

T.27S., R.19E., M.D.B. & M.
SECTION 1

RESOLUTION OF
NECESSITY MAP
6-KER-33 / KP 95.6



POINT OF BEGINNING
NE COR SEC 1-27/19
Fd. 2' IP dn. 1.9' per Kern
County Filed Map Bk. 8 Pg. 41.

E 1/4 COR SEC 1-27/19
FD. 3' BRASS CAP ON
3' I.P. UP 0.152m
N. 735.355.088
E. 1830.757.635

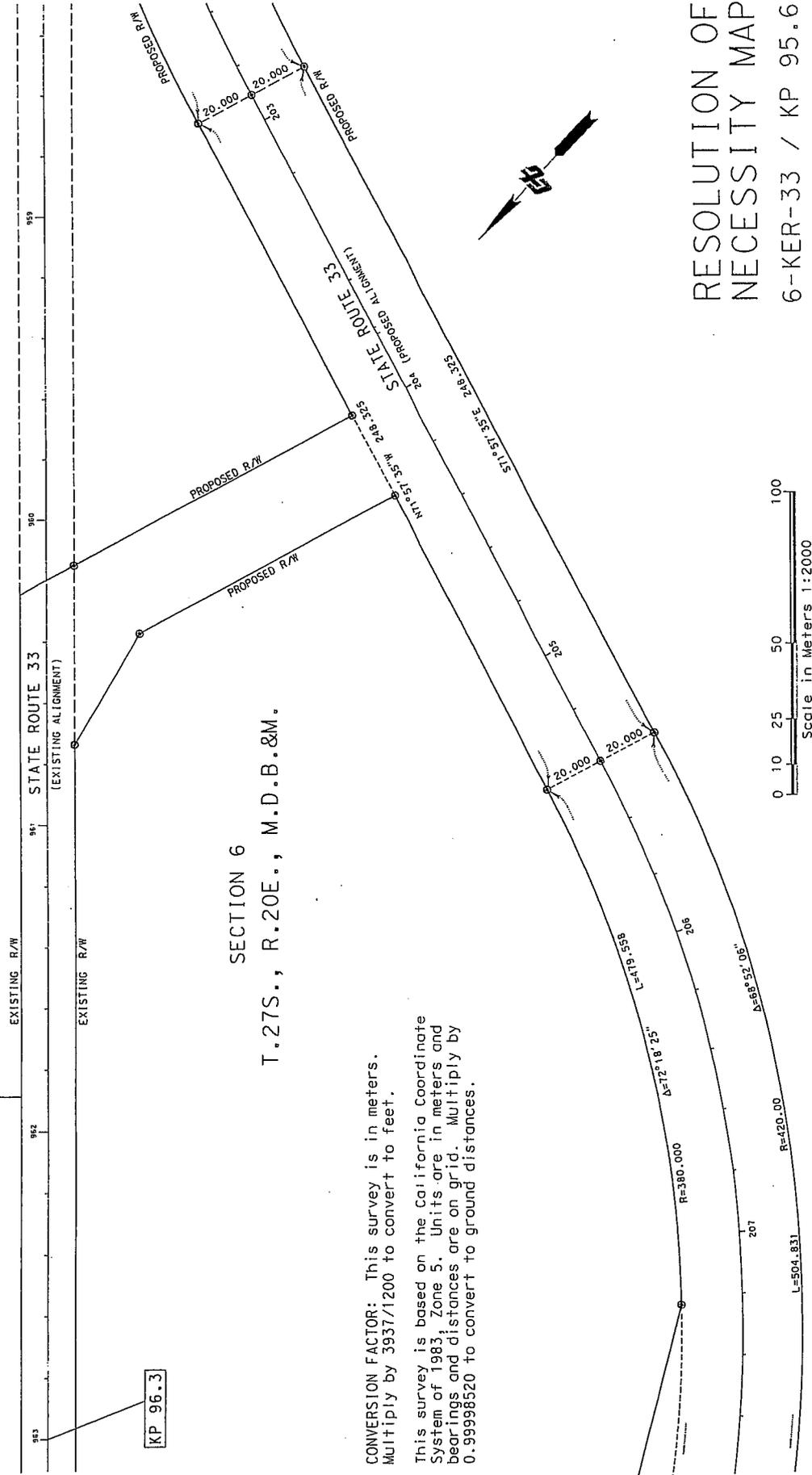
KP 96.3

KP 35.1



PARCEL 1
BK. 6567, PG. 118, O.R.

PROPERTY LINE

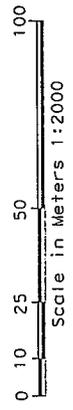
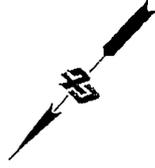


KP 96.3

SECTION 6
T.27S., R.20E., M.D.B.&M.

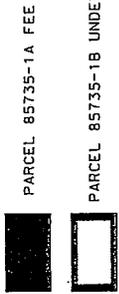
CONVERSION FACTOR: This survey is in meters.
Multiply by 3937/1200 to convert to feet.

This survey is based on the California Coordinate System of 1983, Zone 5. Units are in meters and bearings and distances are on grid. Multiply by 0.99998520 to convert to ground distances.



RESOLUTION OF
NECESSITY MAP
6-KER-33 / KP 95.6

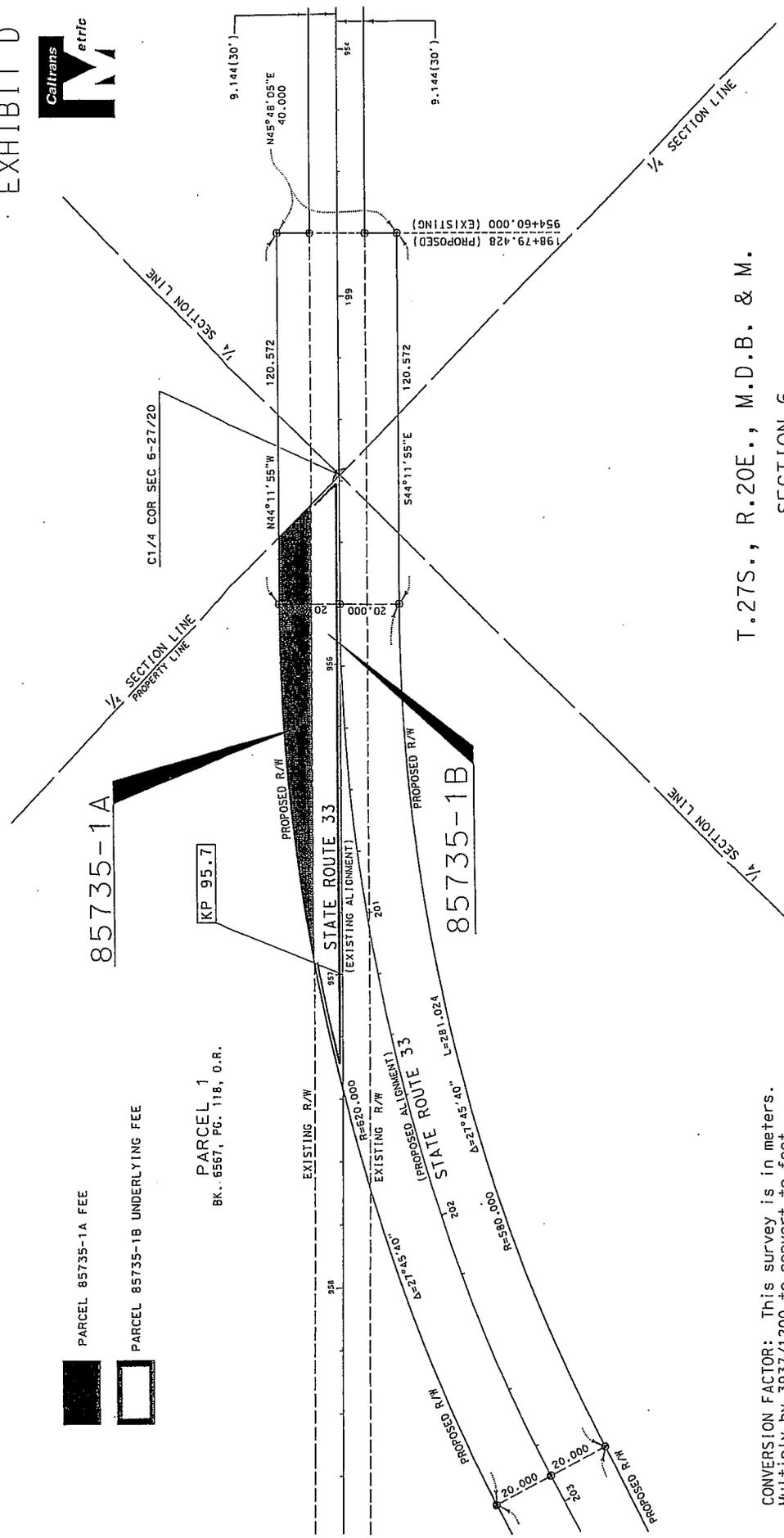
EXHIBIT D



PARCEL 85735-1A FEE

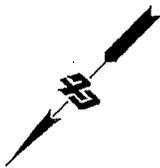
PARCEL 85735-1B UNDERLYING FEE

PARCEL 1
BK. 6567, PG. 118, O.R.



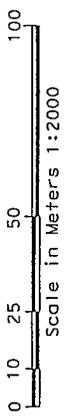
T.27S., R.20E., M.D.B. & M.

SECTION 6



CONVERSION FACTOR: This survey is in meters. Multiply by 3937/1200 to convert to feet.

This survey is based on the California Coordinate System of 1983, Zone 5. Units are in meters and bearings and distances are on grid. Multiply by 0.99998520 to convert to ground distances.



RESOLUTION OF
NECESSITY MAP
6-KER-33 / KP 95.6