

CHAPTER 9

CONDEMNATION

INTERNAL CALTRANS EXHIBITS AND FORMS

<u>Exhibit No.</u>	<u>Title</u>
09-EX-01	Notice of Intent to Adopt Resolution of Necessity (for internal Caltrans use)
09-EX-01A	Notice of Intent to Adopt Resolution of Necessity for Properties That Are Subject to a Conservation Easement (for internal Caltrans use)
09-EX-03	HQ R/W Notice to Person(s) Requesting Appearances Before the CTC (for internal Caltrans use)
09-EX-04	HQ R/W Notice to the District to Conduct a Condemnation Evaluation Meeting (for internal Caltrans use)
09-EX-05	District Notice to Owner of Condemnation Evaluation Meeting (for internal Caltrans use)
09-EX-06	District Notice to Owner of Condemnation Panel Review Meeting (for internal Caltrans use)
09-EX-06A	District Notice to Owner Regarding a Change in the Date or Location of the CTC Meeting (for internal Caltrans use)
09-EX-07	HQ R/W Notice of CTC Appearance Schedule (for internal Caltrans use)

<u>Form No.</u>	<u>Title</u>
RW 09-08	Resolution of Necessity Request (for internal Caltrans use)
RW 09-19	Request for Transfer of Funds (for internal Caltrans use)
RW 09-20	Condemnation Check Request – Invoice (for internal Caltrans use)
RW 09-21	Release of Condemnation Deposit (for internal Caltrans use)

(Print on District Letterhead)

_____ Date _____

CALIFORNIA TRANSPORTATION COMMISSION
NOTICE OF INTENT TO ADOPT RESOLUTION OF NECESSITY
TO ACQUIRE CERTAIN REAL PROPERTY
OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN
(Code of Civil Procedure, Section 1245.235)

Owner's Name and/or Rep

Title

Company Name

Address

City, State ZIP Code

Dist. ____ Co. ____ Rte. ____ PM ____
EA: _____
Project ID No. _____
Parcel: _____
Grantor: _____

Dear ____ (Property Owner's Name) ____:

The law provides procedures for public agencies to acquire private property for public use. It requires that every agency which intends to condemn property notify the owners of its intention to condemn. California Code of Civil Procedure (CCP) Section 1240.030 provides that the power of eminent domain may be exercised to acquire property for a proposed project if the following three conditions are established:

- (A) The public interest and necessity require the project.
- (B) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- (C) The property sought to be acquired is necessary for the project.

Also, CCP Section 1245.230 requires that the offer required by Section 7267.2 of the Government Code has been made to the owner of record.

You are hereby notified that the California Transportation Commission (the "Commission") at its meeting to be held on (Month - 1st day of meeting) and (2nd day of meeting) in (City), California, will be asked to decide if the above conditions have been met concerning your property and, if so, to adopt a Resolution of Necessity ("Resolution"). Questions regarding the amount of compensation to be paid or the value of the property to be acquired are not part of this proceeding and the Commission will not consider such in determining whether a Resolution should be adopted.

The Commission's adoption of the Resolution authorizes the California Department of Transportation (the "Department") to acquire the property by eminent domain. Within six months of the adoption of the Resolution, the Department will prepare and file a complaint in Superior Court commencing the eminent domain proceeding. All issues

**NOTICE OF INTENT TO ADOPT RESOLUTION OF
NECESSITY (Cont.)**

EXHIBIT
09-EX-01 (REV 6/2015)
Page 2 of 2

related to the compensation to be awarded for the acquisition of your property will be resolved in this court proceeding. A description of the required property is attached to this Notice and is marked Exhibit A.

The law provides you an opportunity to appear before the Commission and raise questions concerning only the three conditions referred to in CCP 1240.030 as cited above. If you file a written request to appear (within 15 days from the mailing of this Notice), you are entitled to appear and object to the adoption of the Resolution.

Your written request to appear should include a statement indicating which of the three conditions listed in the first paragraph above you contend have not been met. By designating which of the conditions form the basis of your challenge and explaining why you believe they have not been met, you will enable the Commission to authorize a full and expeditious review of the project's effect on your property. The Department will conduct the review on behalf of the Commission and ask for your participation. Based on this review, the Department will then prepare a report to be presented to the Commission at the meeting at which you intend to appear.

Your written request to appear must actually be *on file* with the Commission within the 15-day period set forth above. Failure to file a written request to appear will result in a waiver of your right to appear and be heard.

All requests to appear must be sent for filing to: Executive Director, California Transportation Commission, P. O. Box 942873, Mail Station 52, Sacramento, CA 94273-0001. If you request an appearance, you will be notified of the meeting date, time and location at a later date.

For your convenience, if you are unable to personally appear or choose to submit written objections in place of a personal appearance, the Commission will consider any written objections so long as they are filed within the 15-day period set forth above. All written objections filed with the Commission within the 15-day period will become part of the official record of the meeting at which the Commission hears the Resolution. We recommend that if you intend to appear, or if you intend to submit written objections in place of an appearance, you mail your correspondence Certified Mail, Return Receipt Requested to confirm that your response was received within the 15-day period.

If you have any questions, please call Right of Way Agent (Name) at telephone number (###) ###-####.

Sincerely,

(Name)
Senior Right of Way Agent

Attachment

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
**NOTICE OF INTENT TO ADOPT RESOLUTION OF
NECESSITY FOR PROPERTIES THAT ARE SUBJECT TO
A CONSERVATION EASEMENT**

EXHIBIT
09-EX-01A (NEW 6/2015)
Page 1 of 3

(Print on District Letterhead)

_____ Date _____

CALIFORNIA TRANSPORTATION COMMISSION
NOTICE OF INTENT TO ADOPT RESOLUTION OF NECESSITY
TO ACQUIRE CERTAIN REAL PROPERTY
OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN
(Code of Civil Procedure, Section 1245.235)

Owner's Name and/or Rep

Title

Company Name

Address

City, State ZIP Code

Dist. ___ Co. ___ Rte. ___ PM ___
EA: _____
Project ID No. _____
Parcel: _____
Grantor: _____

Dear (Property Owner's Name) :

The California Department of Transportation (Department) is proposing to (provide description of the project). The law provides procedures for public agencies to acquire private property for public use. It requires that every agency which intends to condemn property notify the owners of its intention to condemn. California Code of Civil Procedure (CCP) Section 1240.030 provides that the power of eminent domain may be exercised to acquire property for a proposed project if the following three conditions are established:

- (A) The public interest and necessity require the project.
- (B) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- (C) The property sought to be acquired is necessary for the project.

Also, CCP Section 1245.230 requires that the offer required by Section 7267.2 of the Government Code has been made to the owner of record.

Under CCP Sections 1240.510 and 1240.610, the Department may acquire or condemn property appropriated to a public use so long as the use for which the property is being acquired is for a compatible use, or is required for a more necessary public use.

Pursuant to CCP Section 1240.055, written comments on the acquisition, including identifying any potential conflict between the public use proposed for the property and the purposes and terms of the conservation easement, may be submitted no later than 45 days from the mailing of this Notice.

**NOTICE OF INTENT TO ADOPT RESOLUTION OF
NECESSITY FOR PROPERTIES THAT ARE SUBJECT TO
A CONSERVATION EASEMENT (Cont.)**

EXHIBIT
09-EX-01A (NEW 6/2015)
Page 2 of 3

In addition, CCP Section 1240.055 requires that within 15 days of receipt of this Notice, you as the holder of the conservation easement shall do all of the following: 1) send a copy of this Notice by First Class Mail to each public entity that provided funds for the purchase of the easement or that imposed conditions on approval or permitting of a project that were satisfied in whole or in part by the creation of the easement; 2) inform the public entity that written comments on the acquisition may be submitted no later than 45 days from the mailing of this Notice; 3) inform the Department of the name and address of each public entity that was sent a copy of this Notice.

You are hereby notified that the California Transportation Commission (Commission) at its meeting to be held on (Month - 1st day of meeting) and (2nd day of meeting) in (City), California, will be asked to decide if the above conditions have been met concerning your property and, if so, to adopt a Resolution of Necessity (Resolution). Questions regarding the amount of compensation to be paid or the value of the property to be acquired are not part of this proceeding and the Commission will not consider such in determining whether a Resolution should be adopted.

The Commission's adoption of the Resolution authorizes the Department to acquire the property by eminent domain. Within six months of the adoption of the Resolution, the Department will prepare and file a complaint in Superior Court commencing the eminent domain proceeding. All issues related to the compensation to be awarded for the acquisition of your property will be resolved in this court proceeding. A description of the required property is attached to this Notice and is marked Exhibit A.

The law provides you an opportunity to appear before the Commission and raise questions concerning the three conditions referred to in CCP 1240.030 as cited above, as well as the matters referred to in CCP 1240.510 and 1240.610. If you file a written request to appear (within 15 days from the mailing of this Notice), you are entitled to appear and object to the adoption of the Resolution.

Your written request to appear should include a statement indicating which of the three conditions listed in the first paragraph above you contend have not been met, or if you contend that the matters referred to in CCP 1240.510 and 1240.610 have not been complied with. By designating which of the conditions form the basis of your challenge and explaining why you believe they have not been met, you will enable the Commission to authorize a full and expeditious review of the project's effect on your property. The Department will conduct the review on behalf of the Commission and ask for your participation. Based on this review, the Department will then prepare a report to be presented to the Commission at the meeting at which you intend to appear.

Your written request to appear must actually be *on file* with the Commission within the 15-day period set forth above. Failure to file a written request to appear will result in a waiver of your right to appear and be heard.

**NOTICE OF INTENT TO ADOPT RESOLUTION OF
NECESSITY FOR PROPERTIES THAT ARE SUBJECT TO
A CONSERVATION EASEMENT (Cont.)**

EXHIBIT
09-EX-01A (NEW 6/2015)
Page 3 of 3

All requests to appear must be sent for filing to: Executive Director, California Transportation Commission, P. O. Box 942873, Mail Station 52, Sacramento, CA 94273-0001. If you request an appearance, you will be notified of the meeting date, time and location at a later date.

For your convenience, if you are unable to personally appear or choose to submit written objections in place of a personal appearance, the Commission will consider any written objections so long as they are filed within the 15-day period set forth above. All written objections filed with the Commission within the 15-day period will become part of the official record of the meeting at which the Commission hears the Resolution. We recommend that if you intend to appear, or if you intend to submit written objections in place of an appearance, you mail your correspondence Certified Mail, Return Receipt Requested to confirm that your response was received within the 15-day period.

If you have any questions, please call Right of Way Agent (Name) at telephone number (###) ###-####.

Sincerely,

(Name)
Senior Right of Way Agent

Attachments

(Print on Headquarters Letterhead)

CERTIFIED MAIL

_____ Date _____

HIGHWAY R/W MATTERS
Appearance
Dist. ___ Co. ___ Rte. ___
EA: _____
Project ID No. _____
Parcel: _____
Grantor: _____

Dear _____:

_____ (Name) _____, Executive Director of the California Transportation Commission (Commission), has asked that I acknowledge receipt of your letter of _____ in which you contest adoption of a Resolution of Necessity (Resolution) on the property located at _____ (address) _____.

In order to completely evaluate the issues you have raised, it is necessary that the Resolution affecting your (or your client's) property be rescheduled and not submitted to the Commission at its _____, 20__ meeting.

The Department of Transportation (Department) will follow an evaluation process, conducted with your participation, to assure that all issues are identified and, if possible, resolved. A District Condemnation Evaluation Meeting will be scheduled with you and will include managers from the District Right of Way (R/W) and Design offices. If issues remain unresolved, a subsequent Condemnation Panel Review Meeting will be scheduled with representatives of the Department's Headquarters Design and R/W offices, as well as a Legal representative. Should issues continue to remain unresolved, your appearance before the Commission will be scheduled.

The District R/W Office will handle the arrangements for these meetings. You will be contacted for time and location confirmation.

Sincerely,

Senior Right of Way Agent

c: See Distribution List

**HQ R/W NOTICE TO PERSON(S) REQUESTING
APPEARANCES BEFORE THE CTC (Cont.)**

EXHIBIT
09-EX-03 (REV 6/2015)
Page 2 of 2

Name

Date

Page 2

Distribution List:

Executive Director, California Transportation Commission (CTC)
Deputy Director for Program Delivery, CTC
Chief, Division of Design
Chief, Division of Transportation Programming
Chief, Office of CTC Liaison
CTC Coordination Branch Chief, Office of CTC Liaison
Chief, Division of Right of Way and Land Surveys
Office Chief, Division of Design
Chief, Office of Right of Way Project Delivery
Deputy District Director, District Design
Deputy District Director, District Right of Way
Supervising Right of Way Agent, District Right of Way
Senior Right of Way Agent, District Right of Way
Right of Way Agent, District Right of Way

State of California
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

M e m o r a n d u m

To: _____

Attention: _____
Right of Way

From: _____

Senior Right of Way Agent
Division of Right of Way and Land Surveys

Date: _____

File: HIGHWAY R/W MATTERS
Appearance
Dist. ___ Co. ___ Rte. ___
EA: _____
Project ID No. _____
Parcel: _____
Grantor: _____

Subject: CONDEMNATION EVALUATION PROCESS - _____

Attached is correspondence regarding the above-referenced property in which an appearance before the Commission is requested in order to oppose adoption of the Resolution of Necessity (Resolution).

We have advised the correspondent that the Resolution has been deferred and will not be considered by the Commission at its _____, 20__ meeting in order to allow further evaluation of the owner's issues. A date for submittal to the Commission has not been set.

Please initiate the District Condemnation Evaluation Meeting in which the District Director and the District Division Chief, Right of Way (R/W) meet with the owner in an effort to resolve the issues or concerns raised. The results of such meeting shall be included in the Appearance Information Sheet (AIS), the preparation of which should commence as soon as feasible.

Subsequent to the District Condemnation Evaluation Meeting, the AIS should be submitted as soon as feasible to Linda Fong, Headquarters Division of Design, and a copy should also be provided to me. Results of supplemental studies or reviews requested at the District Condemnation Evaluation Meeting are to be included in the AIS. A Condemnation Panel Review Meeting will not be scheduled until the Condemnation Review Panel has reviewed the AIS.

You should be aware that subsequent reviews and preparation would undoubtedly result in the delay of this ownership being submitted to the Commission no earlier than its _____, 20__ meeting.

If a Condemnation Panel Review Meeting is necessary, we will ask for your help in securing a meeting room or other assistance in order to minimize the potential delay in submission of the Resolution to the Commission.

Attachment

c: See Distribution List

**HQ R/W NOTICE TO THE DISTRICT TO CONDUCT A
CONDEMNATION EVALUATION MEETING (Cont.)**

EXHIBIT
9-EX-4 (REV 6/2015)
Page 2 of 2

Name

Date

Page 2

Distribution List:

Executive Director, California Transportation Commission (CTC)
Deputy Director for Program Delivery, CTC
Chief, Division of Design
Chief, Division of Transportation Programming
Chief, Office of CTC Liaison
CTC Coordination Branch Chief, Office of CTC Liaison
Chief, Division of Right of Way and Land Surveys
Office Chief, Division of Design
Chief, Office of Right of Way Project Delivery
Deputy District Director, District Design
Deputy District Director, District Right of Way
Right of Way Agent, District Right of Way

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
**DISTRICT NOTICE TO OWNER OF CONDEMNATION
EVALUATION MEETING**

EXHIBIT
09-EX-05 (REV 6/2015)

(Print on District Letterhead)

_____ Date _____

HIGHWAY R/W MATTERS
Appearance
Dist. ___ Co. ___ Rte. ___
EA: _____
Project ID No. _____
Parcel: _____
Owner: _____

Dear _____:

This is confirmation that there will be a Condemnation Evaluation Meeting regarding the acquisition of your property. This meeting will be held _____ (date/time/location) _____. The purpose of the meeting is to allow you the opportunity to meet with Department Management to identify and attempt to resolve issues relating to the adoption of a Resolution of Necessity (Resolution) by the California Transportation Commission (Commission). Attending will be District managers from the Right of Way (R/W) and Design offices. If, after attending this meeting, you decide to withdraw your request to appear before the Commission to object to the Resolution, you should confirm your decision in writing addressed to the District with a copy to the Commission, Attn: Executive Director, at P.O. Box 942873, Mail Station 52, Sacramento, CA 94273-0001.

In the event issues concerning the adoption of the Resolution remain unresolved after the District Condemnation Evaluation Meeting, a Condemnation Panel Review Meeting will be scheduled as soon as arrangements can be made. That meeting includes a panel of representatives from the Department's Headquarters Division of R/W and Design, a Legal representative, and District staff. If the relevant issues are not resolved at this meeting, the panel will prepare and submit a written recommendation requesting a Resolution by the Commission. You will be notified of the date, time, and place for your appearance before the Commission. If issues are resolved to your satisfaction and you decide not to appear before the Commission, you should notify the District, with a copy to the Commission, in writing that you are withdrawing your request to appear and oppose the adoption of the Resolution.

As set forth in the Code of Civil Procedure Section 1240.030, the Commission will only consider information related to 1) does the public interest and necessity require the project, 2) is the project planned or located in the manner that will be most compatible with the greatest public good and the least private injury, and 3) is your property required for this project?

Sincerely,

Right of Way Agent

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
**DISTRICT NOTICE TO OWNER OF CONDEMNATION
PANEL REVIEW MEETING**

EXHIBIT
09-EX-06 (REV 6/2015)

(Print on District Letterhead)

_____ Date _____

HIGHWAY R/W MATTERS

Appearance

Dist. ___ Co. ___ Rte. ___

EA: _____

Project ID No. _____

Parcel: _____

Owner: _____

Dear _____:

This is a confirmation that there will be a Condemnation Panel Review Meeting regarding the acquisition of your property. This meeting will be held _____ (date/time/location).

The purpose of the meeting is to allow you another opportunity to meet with Department Management to identify and attempt to resolve issues relating to the adoption of a Resolution of Necessity by the California Transportation Commission (Commission). A Condemnation Review Panel has been assembled to conduct this meeting and perform an independent review of the project and its impact on the subject property. The Panel will consist of managers from the Department's Headquarters offices of Right of Way and Design, and a Department attorney.

As set forth in the Code of Civil Procedure Section 1240.030, the Commission will only consider information related to 1) does the public interest and necessity require the project, 2) is the project planned or located in the manner that will be most compatible with the greatest public good and the least private injury, and 3) is your property required for this project?

Please contact me at _____ if you have any questions.

Sincerely,

Right of Way Agent

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
**DISTRICT NOTICE TO OWNER REGARDING A CHANGE IN
THE DATE OR LOCATION OF THE CTC MEETING**

EXHIBIT
9-EX-6A (REV 6/2015)

(Print on District Letterhead)

_____ Date _____

Dist. ___ Co. ___ Rte. ___

EA: _____

Project ID No. _____

Parcel: _____

Grantor: _____

Dear _____:

**CALIFORNIA TRANSPORTATION COMMISSION MEETING – CORRECTION (CHANGE) OF
(LOCATION AND/OR DATE) OF MEETING**

This letter formally notifies you that the California Transportation Commission (Commission) meeting will be held on _____ (date) _____ in _____ (location) _____, California, and not on _____ (date) _____ in _____ (location) _____, California as indicated to you in a letter dated _____, 20____. I apologize and hope this has not caused you any inconvenience.

At the meeting, the Commission will be asked to adopt a Resolution of Necessity (Resolution) on your property on behalf of the Department of Transportation. The adopted Resolution will authorize the acquisition of your property by eminent domain.

Please telephone me if you have any questions regarding this matter at (telephone number).

Sincerely,

Right of Way Agent

(Print on Headquarters Letterhead)

CERTIFIED MAIL

_____ Date _____

HIGHWAY R/W MATTERS
Appearance
Dist. ___ Co. ___ Rte. ___
EA: _____
Project ID No. _____
Parcel: _____
Owner: _____

Dear _____:

The California Department of Transportation's Condemnation Review Panel (Panel) has recommended and the Chief Engineer has approved proceeding to the California Transportation Commission (Commission) Meeting with the Resolution of Necessity Request for your property.

A copy of the Panel's Report is enclosed.

The _____ (date) _____, 20__ Commission Meeting is presently scheduled to be held in _____ (location) _____ at _____ (address) _____. Your appearance may be heard at any time after (refer to timed Commission agenda – allow sufficient time prior to set agenda time) on _____ (date) _____.

Sincerely,

Senior Right of Way Agent

Enclosure

c: Executive Director, California Transportation Commission (CTC)
Deputy Director for Program Delivery, CTC
Chief, Division of Design
Chief, Division of Transportation Programming
Chief, Office of CTC Liaison
CTC Coordination Branch Chief, Office of CTC Liaison
Chief, Division of Right of Way and Land Surveys
Office Chief, Division of Design
Chief, Office of Right of Way Project Delivery
Deputy District Director, District Design
Deputy District Director, District Right of Way
Supervising Right of Way Agent, District Right of Way
Senior Right of Way Agent, District Right of Way
Right of Way Agent, District Right of Way

RESOLUTION OF NECESSITY REQUEST

RW 9-8 (Rev. 12/1995)

Lock Data on Form

CONFIDENTIAL
 This document contains personal information and pursuant to Civil Code 1798.21 it shall be kept confidential in order to protect against unauthorized disclosure.

DISTRICT	COUNTY	ROUTE	KP (P.M.)	EXP AUTH	A.R. NUMBER
PARCEL NUMBER	OWNER	APPROVED/REVISED		DATE	

TO: RIGHT OF WAY AND ASSET MANAGEMENT PROGRAM
 Sacramento, CA 95814

ATTN: Acquisition Branch

FROM: Department of Transportation Transportation Commission at its
 District _____

SUBJECT: RESOLUTION OF NECESSITY REQUEST NUMBER _____

1. The District requests a Resolution of Necessity be presented to the Transportation Commission at its _____, _____ meeting.
 District requests a Resolution of Necessity amending Resolution C-_____ be submitted to the Transportation Commission at its _____, _____ meeting.

2. INCLUDED ARE THE FOLLOWING:

- Condemnation Description (original and 5 copies on 8 1/2 x 11 paper with numbered lines).
- Two sets of reduced size index and detail maps (8 1/2 x 11).
- Copy of each Notice of Intent with letter of transmittal and legal description mailed on this ownership.
- Original Declaration of Mailing (*Form RW 9-15*) for each Notice of Intent mailed.
- Confirmation of Market Value.

3. CONDEMNATION REQUIRING ADDITIONAL SPECIFIC STATUTORY AUTHORITY:

- None applicable.
- Acquisition of property to be used as a replacement of a public facility where **they** do the relocation (Section 1240.320 of C.C.P.).
- Acquisition of property to be used as a replacement of a public facility where **we** do the relocation (Section 1240.330 of C.C.P.).
- Acquisition of property to be used as road or utility access for a property not being acquired (Section 1240.350 of C.C.P.).
- Condemnation of property currently dedicated for public use which will be compatible with our use we will share use of area with other public use (Section 1240.510 of C.C.P.).
- Condemnation of property currently dedicated for public use which will **not** be compatible with our use current other public use will be displaced (Section 1240.610 of C.C.P.).
- Condemnation for future use, more than 7 years out? (C.C.P. 1240.220). Date of use _____
- Condemnation of an easement to remove improvements straddling the right of way line (Section 1263.270 of C.C.P.).
- Condemnation for performance of work to reduce compensation (*severing improvements straddling the right of way line*) (Section 1263.610 of C.C.P.).

If consent to condemnation of any category in Item 3 has not been secured, indicate on page 3, Item 10, authority or rationale in support of condemnation.

4. EXCESS CONDEMNATION

- Condemnation of property excess to State's needs is not included in this request.
- Remainder is a remnant, or portion thereof, that will be left in such size, shape, or condition as to be of little market value and owner has refused to consent to condemnation of excess (Section 1240.410 of C.C.P.).
- Acquisition of all or portion of remainder with owner's consent, copy attached. (Section 1240.150 of C.C.P.)

RESOLUTION OF NECESSITY REQUEST

RW 9-8 (Rev. 12/1995)

9. ACQUISITION HISTORY	Parcel No.
Acquisition Agent	Phone Number
Acquisition Senior	Phone Number
Owner's Attorney	Phone Number

	Yes	No	See pg. #
Have there been any complaints or inquires to Transportation Commission, governor, legislature, headquarters, etc.?	* <input type="checkbox"/>	<input type="checkbox"/>	_____
Is any person having an interest in the property a friend, relative, or business partner/acquaintance of any Commission member(s)?	* <input type="checkbox"/>	* <input type="checkbox"/>	_____
Was it necessary to provide unsegregated statements of value?	* <input type="checkbox"/>	* <input type="checkbox"/>	_____
Have all parties having compensable interest received an Appraisal Summary Statement?	<input type="checkbox"/>	* <input type="checkbox"/>	_____
Have all owners been offered the full amount of the approved or authorized appraisal?	<input type="checkbox"/>	* <input type="checkbox"/>	_____
Have all owners been advised of any relocation assistance benefits to which each may be entitled?	<input type="checkbox"/>	* <input type="checkbox"/>	_____
Have Right of Way Contracts been delivered to all interests?	<input type="checkbox"/>	* <input type="checkbox"/>	_____
Is the last offer the same as the current approved appraisal?	<input type="checkbox"/>	* <input type="checkbox"/>	_____
If No, new amount is \$ _____ based on _____.			
Has a loss of goodwill valuation been completed?	<input type="checkbox"/>	* <input type="checkbox"/>	_____
Has the loss of goodwill valuation been offered?	<input type="checkbox"/>	* <input type="checkbox"/>	_____
Have all interests received a Notice of Intent?	<input type="checkbox"/>	* <input type="checkbox"/>	_____
Were all parties advised by a personal call regarding the Notice of Intent and it's implications	<input type="checkbox"/>	* <input type="checkbox"/>	_____

*Indicate page number of explanations for these items, if checked.

Names of parties receiving Notice of Intent	Date NOI mailed

10. SPECIAL CONDITIONS See also attached page _____.

Efforts to secure an equitable settlement with each owner will continue.

APPROVAL RECOMMENDED:	APPROVED BY:
Acquisition Agent	District Division Chief, Right of Way

INSTRUCTIONS FOR RESOLUTION OF NECESSITY REQUEST

RW 9-8 (Rev. 12/1995)

Most portions of the form are self explanatory. Comments or explanations are included only where necessary. Numbers refer to sections on the form.

2. Six copies are necessary if the parcel lies in two counties or if the request is to be a joint condemnation with another State agency. Attachments are grouped as follows:

- a. Original Resolution Request, original description(s), description of mailing, Notice(s) of Intent, 1 set of index and detail maps, original consent letter and Confirmation of Market Value.
- b. Copy of Resolution Request letter and 5 copies of the legal description(s).
- d. Copy of Resolution Request letter and 1 set of maps.

3. At least one box must be checked in this section. The various CCP sections should be reviewed to assure full compliance. Discuss the needs with the Regional Legal Office. If property is being condemned to provide utility service to, or access to a public road from, a property not acquired for public use but with which is cut off from service or access as a result of State acquisition, the owners consent is desirable but not necessary.

4. Whenever the condemnation of excess property is involved, the facts qualifying the excess acquisition must be described in the request. The appropriate CCP sections must also be cited. Any excess condemnation request must contain data on the following items with the concurrence of the Regional Legal Office that condemnation is supportable:

- (a) The area and value of the right of way, including improvements.
- (b) The area and value of the excess or remnant before and after.
- (c) The amount of damages in excess of benefits, if not acquired.
- (d) Any new easements which may encumber the excess in the "after" condition.
- (e) If a remnant, discuss why there is not reasonable, practicable and economically feasible means to prevent the property from becoming a remnant.
- (f) The owners of opinions or reasons for refusing consent to its acquisition.

5. Check appropriate boxes in this section when the property being condemned is currently being used for a public or public utility use or is a substitute property for such uses.

GOODWILL

On ownerships in which a business is affected by the State's proposed acquisition, the Resolution of Necessity request submitted to the Right of Way and Asset Management Program for Transportation Commission action, shall include a reference to any offer for the loss of goodwill. This information is to be included under item 6, page 2.

In the event no loss of goodwill offer has been made or the services of an independent are being secured to provide an evaluation of this item of compensation, then this, as well as all other pertinent information on this subject, shall be included under item 19 on page 3.

REQUEST FOR TRANSFER OF FUNDS

RW 9-19 (REV. 6/2012)

- TO:** 1. R/W Planning & Management Branch
 2. R/W Accounting Section
 3. HQ Cashiering
 4. Forward to District R/W Planning and Management
 5. Forward to R/W Acquisition/Condemnation

Federal Project # _____

FEDERAL PARTICIPATION
 On the project Yes No
 On the parcel Yes No

A.R. # _____

FROM: RIGHT OF WAY ACQUISITION/CONDEMNATION

It is requested that a deposit with the State Treasurer be Executed for an Order for Possession in the following case:

People vs. _____
 County of _____
 Court Case No. _____

Dist	Co	Rte
PM	Parcel No.	Project ID
Phase		

CONDEMNATION DEPOSIT	Federal Eligible 090	Federal Ineligible 090N
LAND: Right of Way		
IMPROVEMENTS: Right of Way		
Personalty		
Machinery and Equipment		
DAMAGES		
GOODWILL		
SUBTOTALS		
TOTAL AMOUNT OF THE DEPOSIT	\$	\$

CERTIFICATION OF FUNDS
 I hereby certify that budgeted funds are available for the period and purpose of the expenditure shown.

Sign: _____ Date: _____

Right of Way Planning and Management

Previous Deposit(s) Yes No

Amounts	Reference Documents
\$	CO0
\$	CO0
\$	CO0

NOTE: Differences between requested deposits and approved appraisals or authorized appraisals are to be explained.

CONDEMNATION AGENT:	CONDEMNATION SENIOR APPROVAL:
Sign: _____ Date: _____	Sign: _____ Date: _____
Print: _____ Telephone: _____	Print: _____ Telephone: _____

RIGHT OF WAY PLANNING AND MANAGEMENT TO COMPLETE UNSHADED FIELDS

CT DOCUMENT	EVENT TYPE	DEPT	UNIT	PROJECT ID	PHASE	REPORTING CODE	OBJ CODE	(N)	BFY	AMOUNT
	C	2660					090			
	C	2660					090			
	C	2660					090			

R/W PLANNING & MANAGEMENT APPROVAL

Sign: _____ Date: _____

Print: _____ Telephone: _____

ACCOUNTING NOTE: All data must be entered exactly as shown. Verify coding prior to entry into Advantage. If any change is necessary, contact R/W Planning and Management who will fax a revised copy to R/W Accounting.

**INSTRUCTIONS FOR COMPLETING THE REQUEST FOR TRANSFER OF FUNDS
(RW 9-19)**

The RW 9-19 form is completed before an Order for Possession (OP) can be requested through Superior Court. It is the only document necessary to process the Transfer of Funds through Accounting.

The original form and a copy are forwarded to Planning and Management (P&M) for coding and funding review prior to sending to Accounting for fund transfer. A **copy** is included in the official parcel file maintained in the Region/District.

Right of Way Condemnation identifies R/W costs for Federal Aid eligibility and completes the following fields

- Federal project number, Federal participation on project and parcel
- District, County, Route
- Post Mile (PM), Parcel, Project ID/Phase
- Grantor/Defendant Name
- County where suit is filed
- Court Case No. (if not assigned, PENDING)
- Apply appropriate charges to the Federal Eligible or Federal Ineligible columns, subtotals and total.
Eligible/Ineligible refer to Federal participation

LAND: Right of Way/Right of Entry - Acquisition Cost - enter value of land in R/W as indicated in the appraisal.

IMPROVEMENTS: Right of Way - enter value of improvements in R/W.

Personalty - insert the settlement amount of personal property acquired pursuant to manual section 8.06.05.

Machinery & Equipment - enter value of acquired items pertaining to realty.

DAMAGES: insert dollar amount of damages.

GOODWILL: eligible for Federal participation.

- Previous Deposit - check YES or NO. If YES, provide amounts and document numbers for all previous deposits.
- Condemnation Agent will sign, date, print name and enter telephone number.
- Condemnation Senior will sign, date, print name and enter telephone number.

Right of Way - Planning & Management completes the following fields:

- Unshaded area of coding box.
- Planning and Management will sign the form indicating that the Project ID/Phase and FFY are set up in Advantage and that funding in Region/District allocation is available. Also, date, print name and telephone number.
- Funds are encumbered by the individual creating the CT document in Advantage.
- Sign and date in Certification of Funds box indicating that Funds have been confirmed and are available in Advantage.
- Once form is complete, forwards form to Headquarters Cashiering.

Headquarters Cashiering:

- Prepares Memo
- Forwards copy of memo and Transfer of Funds form (RW 9-19) to Right of Way Accounting

INSTRUCTIONS FOR COMPLETING THE CONDEMNATION CHECK REQUEST - INVOICE (RW 9-20)

The RW 9-20 form is completed after court judgments are issued. The RW 9-20 then becomes part of a payment package described under the REQUIRED CLAIM SCHEDULE DOCUMENTS section for the form. A complete payment package will ensure prompt processing of the warrant through the State Controllers Office.

Right of Way Condemnation Agent completes the following fields:

- Date the payment package is initiated.
- District number
- Federal Project Number and Federal Participation on the project/parcel
- District, County, Route, Post Mile (PM), Project ID, Phase, and Parcel Number
- Name of the case
- Superior Court Case Number (SCC No.)
- Check appropriate box for Judgment, Partial Judgment, Interest, Mediation Cost, or Other.
- Name and address as shown on the STD 204 - Payee Data Record form.
- Expenses (Judgment, CDF Withdrawal(s), Land Exchange Value, Interest, Legal Fees, Court Cost, and Other)
- Input a negative amount for CDF withdrawal(s) and Land Exchange Value.
- Total of all appropriate costs in CHECK AMOUNT.
- Always complete the PROPERTY ADDRESS OF PARCEL. This information is needed to complete the informational IRS FORM 1099-S: Proceeds from Real Estate Transactions. Additional information or parcel addresses may be added here.
- REQUIRED CLAIM SCHEDULE DOCUMENTS assists in preparing the payment package.
- PRIOR PAYMENTS ON CONDEMNATION PAID ON: If prior payments have been made from the deposit, complete this section.
- FOR ISSUING CHECKS: Mark the box that indicates where the check should be mailed. The District Cashier will receive the check by the indicated date. R/W Accounting or the State Controller will place the warrant/ check in the mail by the indicated date. Therefore, calculate in 5 days of additional interest for mail delivery to the payee.
- Condemnation Senior will sign and date

Right of Way Planning & Management Agent completes the following field:

- Planning & Management will sign and date in Certification of Funds box indicating that they have confirmed through Advantage that the Project ID is masterfiled and that funding is available.

RELEASE OF CONDEMNATION DEPOSIT

RW 9-21 (REV 6/2012)

Lock Data on Form

TO: DIVISION OF ACCOUNTING CASHIERING OFFICE		FEDERAL PROJECT NUMBER		
		FEDERAL PARTICIPATION		
		On the project	<input type="checkbox"/> YES	<input type="checkbox"/> NO
		On the parcel	<input type="checkbox"/> YES	<input type="checkbox"/> NO
ATTENTION	UNIT	PARCEL NUMBER	PROJECT ID	PHASE
SCHEDULE NUMBER				
TRANSFER NUMBER			DATE	

From: **RIGHT OF WAY ACQUISITION CONDEMNATION SECTION**

Subject: Release of Condemnation Deposit for People vs. _____

Court Case No. _____

Total amount of Deposit to be cancelled/released \$ _____

We are requesting:

 The cancellation for the Request for Transfer of Funds. The reason for the cancellation:

 Settled by Right of Way Contract

 Project/parcel cancelled - acquisition not required

 Other: _____

 Release of the Condemnation Deposit from the Condemnation Fund. The reason for the release is:

 Settled by Right of Way Contract

 Stipulated Judgement*

 Final Order of Condemnation*

 Other: _____

*Two court certified copies of the Request and Order for Release of Deposit are attached.

Please release \$ _____ from the Condemnation Fund to the State Transportation Fund.
I affirm that this is the final settlement and Grantor(s) is/are seeking no further claims. I CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE FACTS ARE TRUE AND CORRECT.

APPROVED

SENIOR RIGHT OF WAY AGENT

DATE

PHONE