

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: August 27, 2015

Reference No.: 2.4a.
Action Item

From: NORMA ORTEGA
Chief Financial Officer

Prepared by: Jennifer Lowden, Chief
Division of Right of Way
and Land Surveys

Subject: **RESOLUTIONS OF NECESSITY - APPEARANCE**

RECOMMENDATION:

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt a Resolution of Necessity (Resolution) C- 21342 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 proposed project.
2. 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.
3. The 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. The primary concerns and objections expressed by the property owner are the statutory authority for Caltrans to condemn property on this project, project will not result in greatest public use and least private injury, needs on this parcel could be avoided by moving the existing railroad tracks, a valid offer has not been made according to Government Coded Section 7267.2, and the organization's ability to continue operating its organization under the special use permit. The owner's objections and the Department's responses are contained in Attachment B.

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 he may subsequently be entitled. Adoption of the Resolution will not interrupt the Department's efforts to secure an equitable settlement. In accordance with statutory requirements, the owners have been advised that the Department is requesting the Resolutions at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-21342 - Mental Health Systems, Inc., a California Non-Profit Benefit Corporation

06-Fre-99-PM 24.6 - Parcel 86969-1, 2, 4, 5, 7, 8, 9, 10 - EA 2HT109.

RWC Date: 12/01/15; RTL Date: 01/10/16. Freeway - State Route 99 alignment for High Speed Rail. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for freeway construction, permanent easements for sound wall footing and maintenance purposes, and temporary construction easements to remove certain improvements which straddle the right of way line. Located in the city of Fresno at 2550 West Clinton Avenue. APN 442-081-26.

Attachments:

Attachment A - Project Information

Exhibit A1 and A2 - Project Maps

Attachment B - Parcel Panel Report for - Mental Health Systems, Inc. (C-21342)

Exhibit B1, B2, B3 and B4- Parcel Maps

Attachment C – Resolution of Necessity- Mental Health Systems, Inc. (C-21342)

PROJECT INFORMATION

PROJECT DATA	06-Fre-99-PM 23.7-26.2 Expenditure Authorization 2HT109
<u>Location:</u>	At the northwest quadrant of the State Route 99 (SR 99) and West Clinton Avenue Interchange. 2550 West Clinton Avenue, Fresno, CA 93705
<u>Limits:</u>	From Clinton Avenue to Ashlan Avenue
<u>Cost:</u>	Programmed construction cost: \$130,000,000 Current right of way cost estimate: \$80,000,000
<u>Funding Source:</u>	STIP, Reimbursed, California High Speed Rail Authority
<u>Number of Lanes:</u>	Existing: Three lanes each way NB and SB 99 Proposed: Three lanes each way NB and SB 99
<u>Proposed Major Features:</u>	SR 99 Realignment for High Speed Rail (HSR) project with Clinton Avenue interchange modification and ramp closures of Princeton Avenue, Shields Avenue and Dakota Avenue.
<u>Traffic:</u>	Existing SR 99 (year 2012): 115,000 Annual Daily Traffic (ADT) Proposed: This project does not increase the capacity.

NEED FOR PROJECT

This SR 99 Realignment project is necessary to create adequate space for the proposed HSR facilities to locate between the Union Pacific Rail Road (UPRR) and the Department's right of way.

The HSR project is necessary to address increasing congestion. The capacity of California's intercity transportation system, including the central part of the San Joaquin Valley region, is insufficient to meet existing and future travel demands. Future congestion will continue to result in deteriorating air quality, reduced reliability, and increased travel times. The interstate highway system, commercial airports, and conventional passenger rail system serving the intercity travel market are operating at or near capacity, and will require large public investments for maintenance and expansion to meet existing demand and future growth. The feasibility of

expanding many major highways and key airports is uncertain and might be impractical or are constrained by physical, political and other factors.

Current Year traffic volumes are 115,000 and Design Year traffic volumes are not applicable since this is a replace in kind project.

PROJECT PLANNING AND LOCATION

The SR 99 Realignment project proposes to realign the section of SR 99 from Olive Avenue to Ashlan Avenue to the west. Associated with the SR 99 realignment, the existing Clinton Avenue Interchange including the Clinton Avenue Overcrossing will be reconstructed. To meet the HSR horizontal and vertical clearance requirements, the two existing bridge structures over UPRR tracks, at Clinton Avenue and Ashlan Avenues, will be replaced. Various local streets on the west side of SR 99 are modified or re-routed to accommodate the proposed modifications to the State Highway System (SHS).

The project construction cost is currently estimated at \$130,000,000 with an additional \$55,000,000 estimated for right of way and utility relocation.

The project is implementing a Construction Manager/General Contractor (CM/GC) delivery method that has allowed the Department to engage a construction manager (Granite Construction) through a competitive process during the design phase to provide constructability input.

This methodology provides the Department with greater flexibility in identifying potential for smaller work packages or phasing the project based on project constraints.

The Department is currently negotiating a price for the construction of the first phase of the project and working to obtain the necessary right of way for the first phase. The schedule for the first is phase is as follows;

Environmental Document	04/10/2012
Project Report Approved	03/15/2013
Right of Way Certification	08/07/2015
Ready to List	N/A
Advertise	01/24/2012
Begin Construction	08/01/2015

The Mental Health Systems right of way is needed for the second phase of construction. The schedule for the second phase is as follows:

Environmental Document	04/10/2012
Project Report Approved	03/15/2013
Right of Way Certification	10/01/2015
Ready to List	N/A
Advertise	01/24/2012
Begin Construction	11/01/2015

The full range of potential route alternatives considered during the alternatives development and analysis process for the HSR included five primary north-south routes between Merced and Fresno, four station alternatives for the Merced Station, two station alternatives in Chowchilla and Madera Station, and another six alternatives for the Fresno Station.

Those alternatives which were not carried forward had greater direct and indirect environmental impacts and the potential to cause undesirable growth patterns than those alternatives that closely follow existing transportation corridors. In the Preliminary Alternatives Analysis, Western Madera (A3) and UPRR/Burlington Northern Santa Fe (BNSF) Hybrid (A4) alternatives were removed from further consideration because they departed from existing transportation corridors, thereby causing new transportation corridors among highly productive agricultural lands. Doing so would have the potential to reduce the viability of surrounding farmlands, giving way to other uses such as other transportation and utility infrastructure that could result in unwanted and unplanned growth patterns.

The two alternatives identified to be carried forward for further study in the Preliminary Alternatives Analysis are the UPRR/SR 99 and the BNSF alternatives. Later, during the Supplemental Alternatives Analysis, the High Speed Rail Authority developed a “Hybrid Alternative” to take better advantage of existing transportation corridors, while reducing impacts on Chowchilla and Downtown Madera.

The UPRR/SR 99 Alternative (A2) was found to optimize travel time and minimize environmental impacts at the cost of a more elevated profile and potentially more community impacts than the other alternatives. The BNSF Alternative did not perform as well as the UPRR/SR 99 Alternative in terms of travel time performance and resulted in higher impacts on the natural and residential environment. However, the BNSF Alternative does provide an option to the UPRR/SR 99 Alternative that meets the project purpose and need while also adhering to all the project objectives. The Hybrid alternative’s more distant location from several

community centers allows the alternative to remain at-grade for most of its distance and to have a lower level of impact on commercial centers compared to the UPRR/SR 99 Alternative. This Hybrid Alternative also follows transportation corridors but avoids most communities between Merced and Fresno.

Three alternatives were considered when developing the SR 99 Realignment project to support the HSR project. The three alternatives considered were:

- 1) Tight Diamond
- 2) No Build Modified
- 3) Modified Tight Diamond

Alternative 1, the Tight Diamond, was selected due to fewer right of way impacts, better operations and less cost.

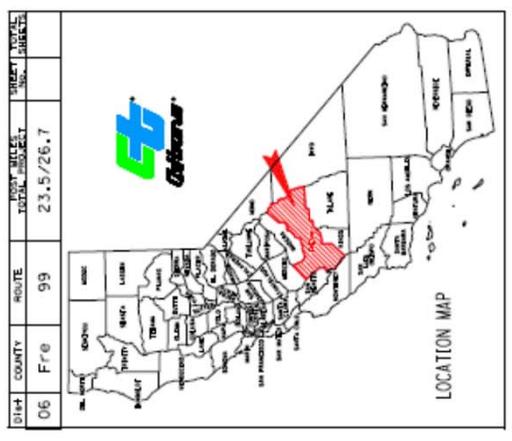
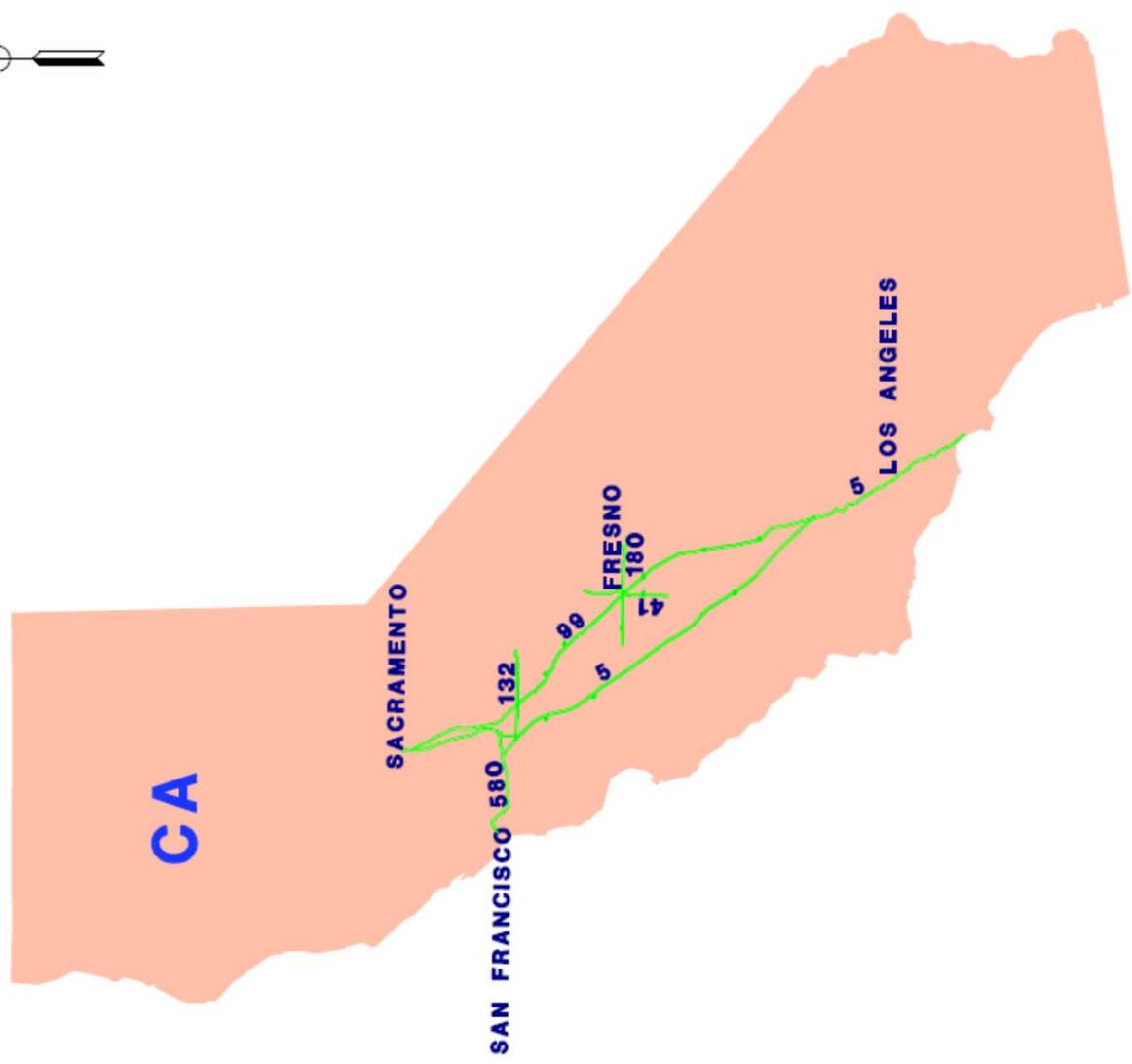
Alternative 2, the No Build was included in the Final EIR/EIS for the Merced-Fresno Section, however it was rejected as it did not meet the project Purpose and Need.

Alternative 3, the Modified Tight Diamond Alternative, is similar to Alternative 1. The alternatives are identical in the design of the SR 99 mainline realignment, the reconstructed Clinton Avenue overcrossing at SR 99 and Clinton Avenue structure over UPRR tracks, and the reconstructed Ashlan Avenue structure over UPRR tracks, but they differed in the proposed configuration of the Clinton Avenue interchange and the proposed disposition of the partial interchanges on SR 99 between Clinton Avenue and Ashlan Avenue.

Alternative 3 was rejected for the following reasons:

- The configuration required acquisition of two to three additional parcels, including as many as ten businesses and the Rescue the Children's Home and had geometric challenges.
- The impacts of improving the Shields Avenue interchange connections is considered undesirable and also would have resulted in greater right of way impacts changing the parcel from a partial take to a total take on a large hotel property located in the south east quadrant.
- Traffic operations of the alternative in the vicinity of the combined Clinton Avenue interchange and the proposed Shields Avenue interchange were less than desirable.

LOCATION MAP



Project Location

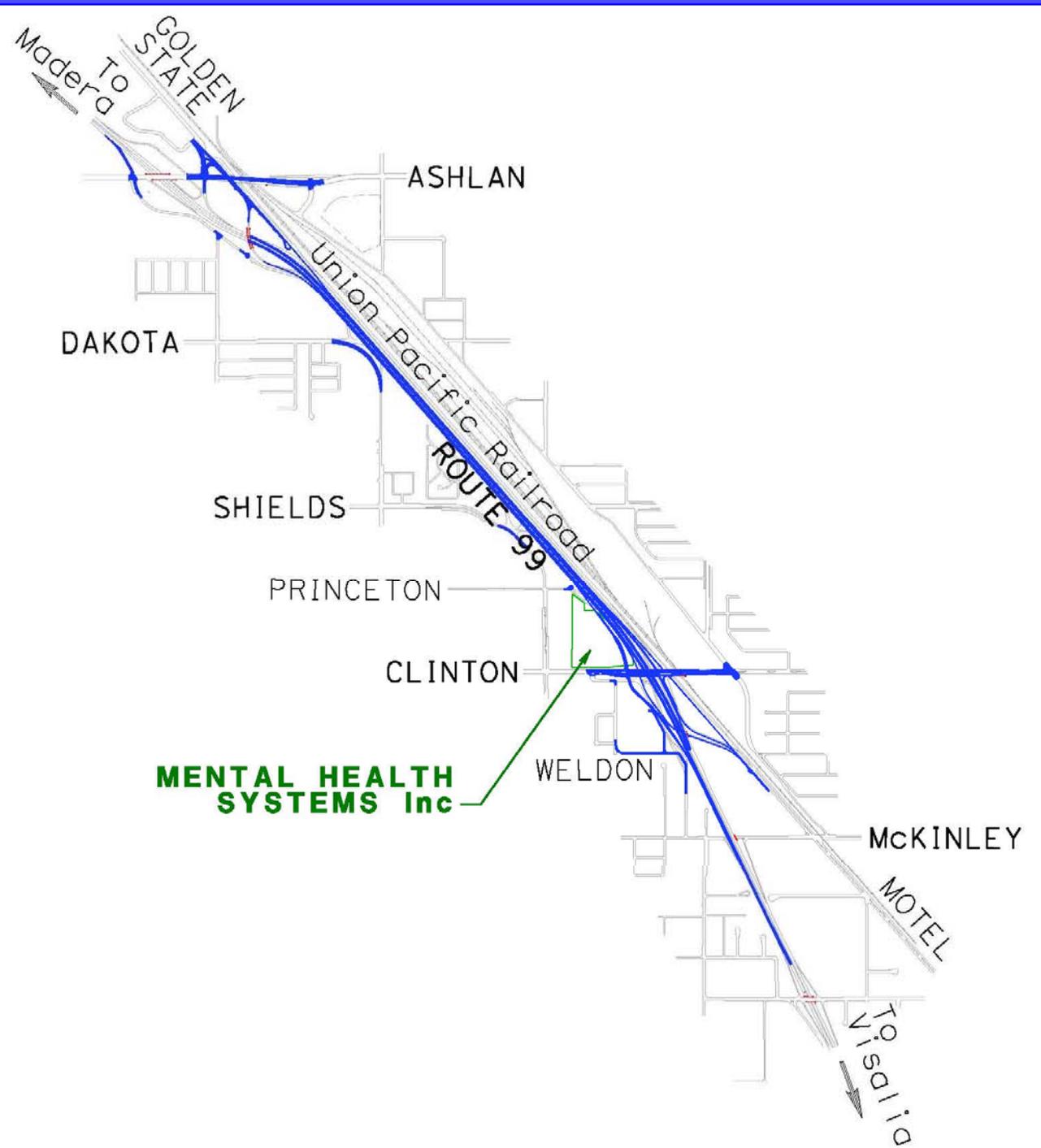


Exhibit A2

Exhibit A2

PARCEL PANEL REPORT

Property Owner: Mental Health Systems, Inc.

Parcel Location: At the northwest quadrant of the State Route 99 (SR 99) and West Clinton Avenue Interchange.
2550 West Clinton Avenue, Fresno, CA 93705

Present Use: General Commercial. Zoned C-6. The current use is as a group housing facility that provides transitional housing, counseling, training, and daycare for female parolees, veterans, and homeless women and children. There are over 20 buildings that include 170 apartment units.

Area of Property: 17.59 Acres (AC), 766,220.4 Square Feet (SF)

Area Required: Parcel 86969-1 – 2.26 AC – Fee
Parcel 86969-2 – 344 SF – Permanent Footing Easement
Parcel 86969-4 – 0.28 AC – Permanent Maintenance Easement
Parcel 86969-5 – 0.03 AC – Permanent Footing Easement
Parcel 86969-7 – 0.15 AC – Temporary Construction Easement
Parcel 86969-8 – 0.08 AC – Permanent Maintenance Easement
Parcel 86969-9 – 1.05 AC – Temporary Construction Easement
Parcel 86969-10 – 0.28 AC – Temporary Construction Easement

PARCEL DESCRIPTION

The parcel, Department parcel 86969-1, -2, -4, -5, -7, -8, -9, -10 is identified as APN 442-081-26, currently zoned as general commercial, has an irregular shape and is used as a group housing facility. The property is located in the northwest quadrant of the SR 99 and West Clinton Avenue interchange off of the North Parkway Drive frontage road that runs alongside SR 99. There are two existing access points, one from North Parkway Drive and the other from West Clinton Avenue. The subject property is located in a generally level, urbanized area, and sits at grade. The subject property consists of 17.59 acres with approximately 12.23 acres that are developed and the remaining 5.3 acres are unimproved. There are over 20 single and two-story buildings on this property totaling 126,631 SF of building area, which houses 170 apartment units. The property also has two main parking lots. There are visible utilities within the property.

NEED FOR SUBJECT PROPERTY

A portion of the subject property is needed for the Phase 2 construction of this project.

The right of way requirements for the project include a 2.26 acres fee parcel to accommodate the realigned West Clinton Avenue off ramp; 344 square feet and 0.03 acre in permanent maintenance easements to construct the soundwall wall footing; 0.28 acre and 0.08 acre in permanent easements to provide future access to maintain the soundwall; 0.15 acre in temporary construction easement to reconstruct the existing driveway to match the new West Clinton Avenue profile;

As a result of the aforementioned project requirements, the northeast building structure is impacted. This structure is comprised of a group of four separate buildings separated by breezeways that share a common roof. Approximately 30 percent of the northeast building structure will be removed and refaced. Impacts to this building cannot be avoided. Two additional temporary construction easements, 0.28 acre and 1.05 acre, have been added to provide access to demolish the carport and a portion of the northeast building, and to reface the remainder.

The project requires a total of 45 parcels of right of way, six parcels in Phase 1, and 39 in Phase 2.

- Phase 1: Two parcels have a signed Right of Way Contract (RWC) and four parcels are in condemnation.
- Phase 2: 14 parcels have a signed RWC, 13 parcels are in condemnation, three parcels have approved Resolutions of Necessity, three parcels have yet to be assigned to a right of way agent, two parcels have requested an appearance, and there are four Railroad parcels.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Condemnation Review Panel (Panel) met in Fresno on May 6, 2015. The Panel members included Rene Fletcher, Panel Chair, Department of Transportation (Department) Headquarters (HQ) Division of Right of Way and Land Surveys (RW), Joann Georgallis, Department HQ Legal Division; Linda Fong, Department HQ Division of Design; and Paul Pham, Department HQ (RW), Secretary of the Panel. The owners included Ms. Kim Bond, CEO, Mental Health Systems, James C. Callaghan, Board of Directors, Mental Health Systems, Jeffrey M. Reid, Attorney, McCormick Barstow LLP.

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 primary concerns and objections expressed by the property owners related to their property due to the construction of the project as currently designed. The following include a description of the specific concerns expressed by the property owner, followed by the Department's response:

Owner:

The property owner contends the taking proposed is not consistent with the underlying law authorizing the High Speed Rail Authority (Authority) and the high-speed rail (HSR) project. The realignment of SR 99, and the resulting taking of the property, would not occur in the absence of the HSR project.

Department's Response:

In November 2008, California voters approved Proposition 1A, which provided bond funding to the HSR project, and in February 2010, the federal government awarded the Authority \$2.25 billion in American Recovery and Reinvestment Act (ARRA) funding.

There has been no court injunction that has impeded the HSR system projects from moving forward based on any statutory requirement.

Owner:

The property owner contends the resolution is defective for failing to provide a rationale for future use, and construction on this parcel would begin within seven years.

Department's Response:

The SR 99 realignment project is a fully funded project. This project's construction will start in January 2016 and is targeted for completion in 2018. The Resolution on this parcel is not for a future use (as described under CCP 1240.220).

Owner:

The property owner contends the proposed taking will not result in the greatest public good or least private injury compared to reasonable alternatives.

Department's Response:

A full range of potential route alternatives were considered during the alternatives development and analysis process for the HSR project. The selected HSR alternative closely follows the existing transportation corridors and avoids most communities between Merced and Fresno.

Other alternatives, which were rejected, would have much larger footprint by adding new transportation corridors within highly productive agricultural land, taking away other uses such as other transportation and utility infrastructure that could result in unwanted and unplanned growth patterns. The selected HSR alternative was found to optimize travel time and minimize environmental impacts.

Three alternatives were considered when developing the SR 99 Realignment project to support the HSR project. The project was designed and studied through the environmental process in a manner that reflects the greatest public good and results in the least private injury. The Tight Diamond alternative for the SR 99 realignment project was selected due to fewer right of way impacts, better operations, and less cost.

Owner:

The property owner contends the overall HSR project fails to adhere to existing transportation corridors and rights of way, and causes substantial damage and displacement of property owners, including this property. The owner believes that alternatives for the project as it affects the property could be considered such as moving Union Pacific Railroad to the east.

Department's Response:

The HSR project adheres to the existing transportation corridor by fully utilizing the existing SR 99 right of way that borders the UPRR transportation corridor. Moving the UPRR freight rail and rail yard to the east is not feasible.

The Department's initial project design had greater impacts to this property, affecting both buildings along the eastern side of the parcel.

However, after meeting with the property representatives in March 2015 to gain a better understanding how the property is used, the Department redesigned the southbound off-ramp to West Clinton Avenue by shifting it further to the east by adding one retaining wall and modifying a second retaining wall to reduce the requirements on this property by 0.77 acres. Although shifting the off-ramp to the east may not be the optimized design for future traffic at this location, this is a reasonable risk to minimize the impacts to this property.

Owner:

The property owner contends the condemner has already committed to the taking and has a predetermined outcome, which is inconsistent with the obligations of the Commission.

Department's Response:

Under the selected alternative, this parcel has been identified as necessary for construction of the SR 99 realignment project by which adequate right of way would be provided for the HSR project. The selected alternative provides the greatest public good and the least private injury.

Despite these facts, Department was able to further reduce the impact on the owner's property by redesigning the off-ramp at West Clinton Avenue. However avoiding this property entirely is not possible.

Owner:

The property owner has also expressed concerns regarding the Conditional Use Permit required by the City of Fresno.

Department's Response:

The Department has discussed this with the City of Fresno and there has been no indication that the SR 99 project impacts to the property will affect the Conditional Use Permit, or preclude the property owner from continuing to operate and provide the services it provides.

Owner:

The property owner contends the Authority and Department may have failed adequately considering the historic nature of the property, the Commission should consider that historic value in weighing the costs and benefits of the proposed taking.

Department's Response:

The property is not deemed historic after being vetted through the environmental process and is not listed on the historic register.

Owner:

The property owner contends there is a significant issue to resolve the valuation of right of way being acquired.

Department's Response:

The owner may not agree with the methodology used by the State appraiser, which led to a different value than the independent appraisal obtained by the owner. However, the State appraiser has followed Department's Right of Way policies, procedures, and processes while appraising the subject property in both the initial appraisal and the revised one. The Department made the first written offer on November 18, 2014, a revised offer May 7, 2015, and a subsequent offer was made on July 21, 2015, all of which were in compliance with Government

Code 7267.2. Compensation issues are not within the purview of the Commission's consideration.

Owner:

The property owner contends that the Department's revised design did not address the ability for fire truck making the turn at the south end driveway.

Department's Response:

The Department has verified with the City of Fresno Fire Department that the proposed turn-radius at the location is sufficient. The Department forwarded the Fire Department's confirmation of adequate width to the owner on May 8, 2015.

Owner:

The owner is concerned about the noise level at the proposed retaining wall in the revised design.

Department's Response:

The noise level at this location will likely be reduced with the proposed grade separation. The Department has provided the owner with the relevant noise study on May 7, 2015.

Owner:

The property owner contends there are significant requirements of the Fresno Metropolitan Flood Control District that were not evaluated by Department.

Department's Response:

The Department re-evaluated the requirements by the Flood District, and set aside funding in an escrow account to cover the permitting costs.

Owner:

The property owner contends that the Department failed to make revised offer prior to the Condemnation Panel Review Meeting.

Department's Response:

After the District Condemnation Evaluation Meeting, District made a design change and eliminated the need that affects the southern building. The District Right of Way Appraisal Unit revised the appraisal to reflect the changes accordingly. Due to the complexity of the integrated land use, including the involvement with City Fire Department, the revised appraisal

was not completed in time for the District to make the revised offer prior to the meeting. However, the offer was made a day after the meeting.

Owner:

The property owner contends the appraisal methodology did not comply with Special Use status.

Department's Response:

The Department has reevaluated the appraisal methodology and revised it accordingly. A new appraisal was completed on July 16, 2015. The Department made a revised offer to the Owner on July 21, 2015.

Owner:

The owner has previously requested the Department to handle the demolition and reface of the building.

Department's Response:

After reviewing the right of way requirements to accommodate the owner's request, the Department has added two additional temporary construction sub-parcels (-9 and -10) for the State's contractor entering onto the remainder to remove improvements straddling the proposed right of way line and cut-reface the northeast building.

DEPARTMENT CONTACTS

The following is a summary of contacts made with the property owners:

Type of Contact	Number of Contacts
Mailing of information	10+
Email of information	10+
Telephone contacts	10+
Personal / meeting contacts	4

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 the Government Code Section 7267.2. The property owners have been notified that issues related to compensation are outside the purview of the Commission.

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 compliant with Government Code Section 7267.2 has been made to the owners of record.

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

RENE FLETCHER
Chief
Office of Project Delivery
Division of Right of Way and Land Surveys
Panel Chair

I concur with the Panel's recommendation:

KARLA SUTLIFF
Chief Engineer

**PERSONS ATTENDING CONDEMNATION PANEL REVIEW
MEETING ON MAY 6, 2015**

Rene Fletcher, HQ's Division of Right of Way and Land Surveys, Panel Chair
Linda Fong, HQ's Division of Design, Panel Member
Joann Georgallis, HQ's Legal Division, Panel Member
Paul Pham, HQ's Right of Way, Panel Secretary

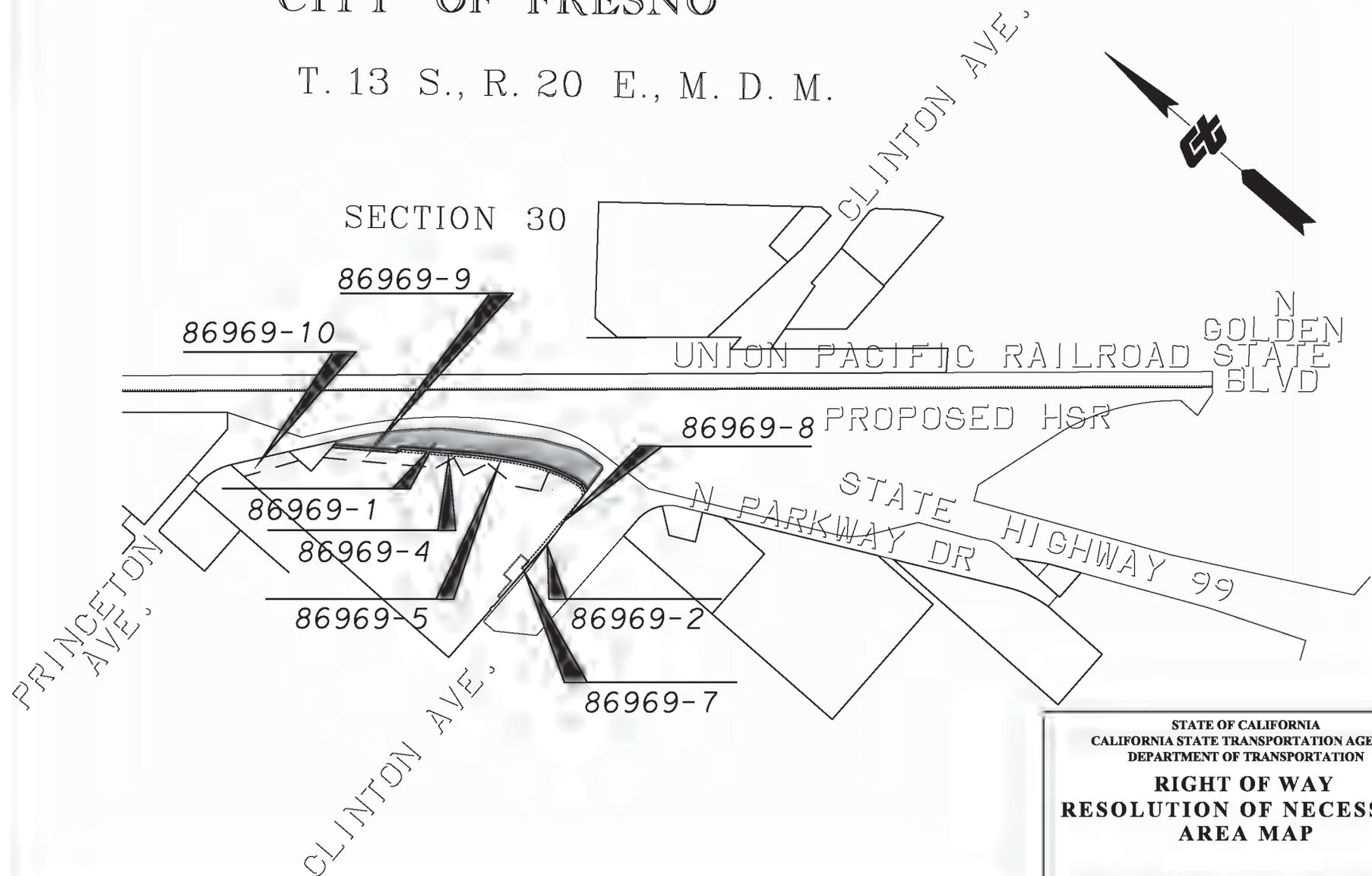
Kim Bond, CEO, Mental Health Systems
James C. Callaghan, Board of Directors, Mental Health Systems
Jeffrey M. Reid, Attorney for the Property Owner, McCormick Barstow LLP

Sharri Bender Ehlert, Department of Transportation, District 6, District Director
Jamie Lupo, District 6, Acting, Central Region Chief, Right of Way
Suzie Holdridge, District 6, Acting Project Delivery Manager, Right of Way
Samer Shaath, District 6, Deputy District Director, Program Project Management
Brian Everson, District 6, Central Region Chief, Project Development
Garth Fernandez, District 6, Project Management
Jun Xu, District 6, Project Development
Angela Chapa, District 6, Right of Way Agent

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CITY OF FRESNO

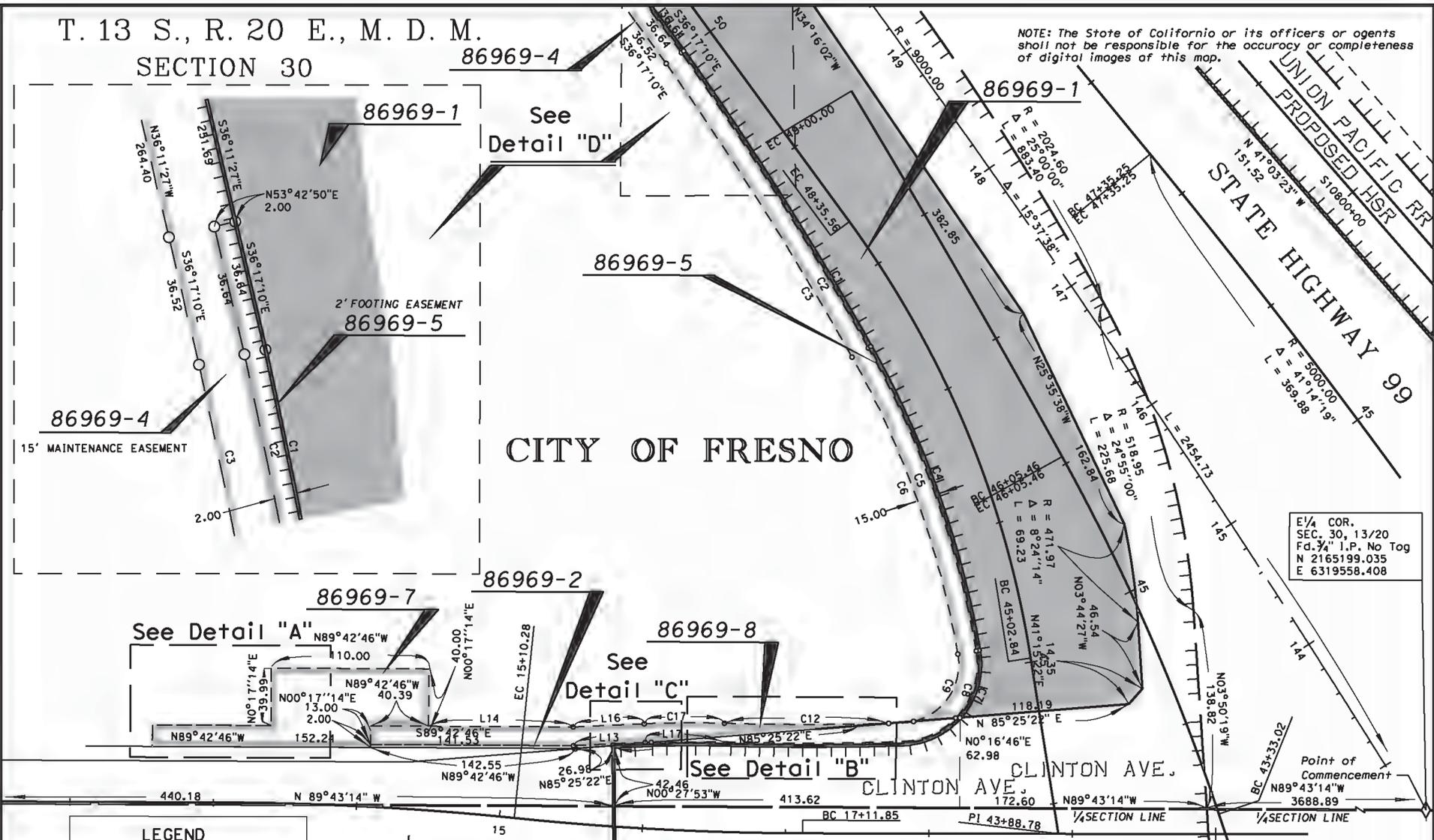
T. 13 S., R. 20 E., M. D. M.



STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION
**RIGHT OF WAY
RESOLUTION OF NECESSITY
AREA MAP**

T. 13 S., R. 20 E., M. D. M.
SECTION 30

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.



E/4 COR.
SEC. 30, 13/20
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LEGEND

- PROPOSED RIGHT OF WAY AND ACCESS CONTROL
- PARCEL 86969-1 FEE AREA
- PARCEL 86969-2, 5 FOOTING EASEMENT
- PARCEL 86969-4, 8 MAINTENANCE EASEMENT
- PARCEL 86969-7 TEMPORARY CONSTRUCTION EASEMENT

NOTES

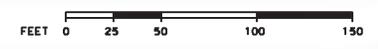
Detail A, B, and C along with Line and Curve Tables are on EXHIBIT D

Coordinates and bearings are on CCS 1983(2007) Zone 4. Distances and stationing are grid distances. Divide by 0.99993543 to obtain ground distances.

All distances are in feet unless otherwise noted.

STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
RESOLUTION OF NECESSITY**



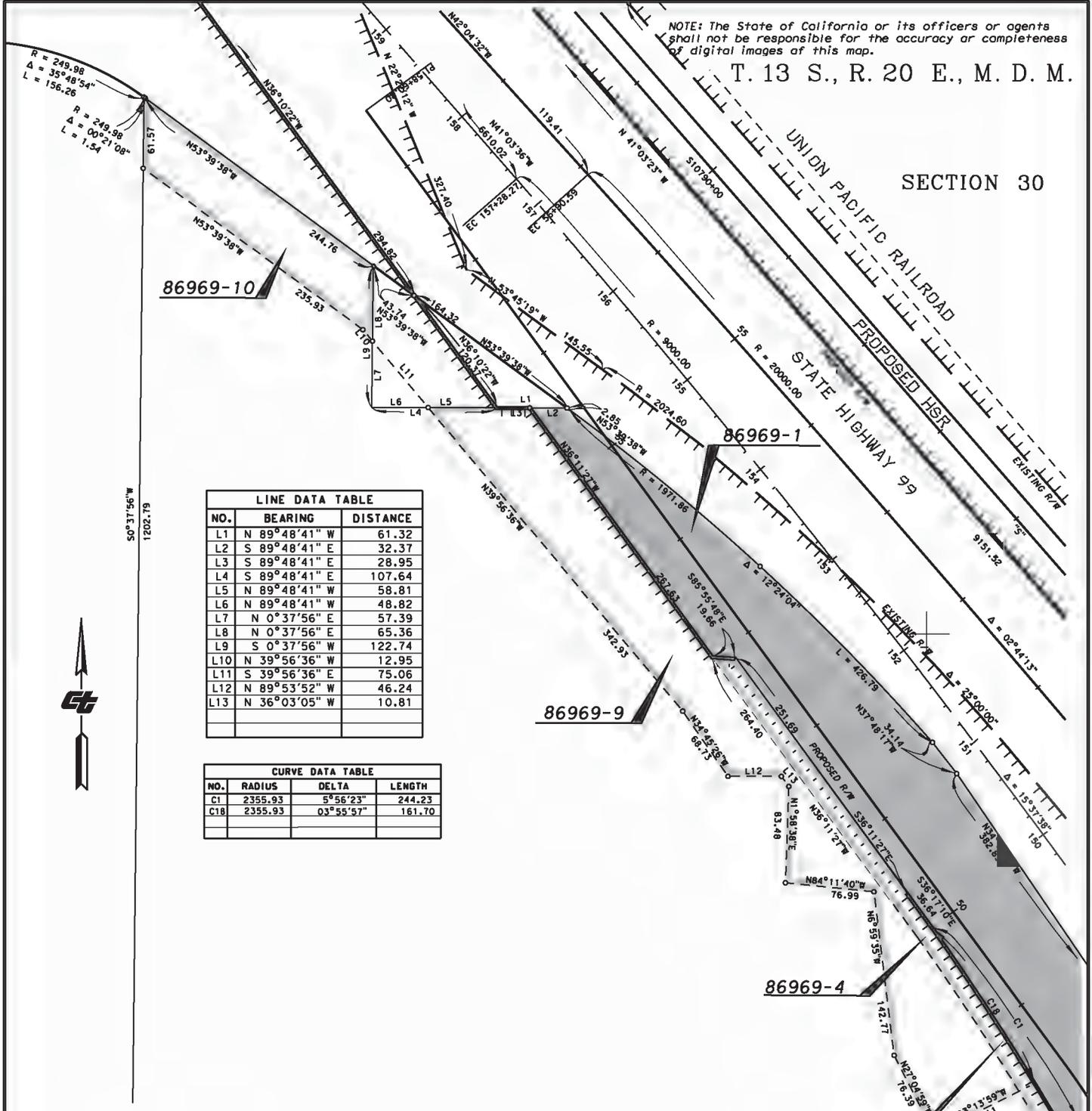
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
06	FRE	99	24.40	2	4

Exhibit B2

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T. 13 S., R. 20 E., M. D. M.

SECTION 30



LINE DATA TABLE

NO.	BEARING	DISTANCE
L1	N 89°48'41" W	61.32
L2	S 89°48'41" E	32.37
L3	S 89°48'41" E	28.95
L4	S 89°48'41" E	107.64
L5	N 89°48'41" W	58.81
L6	N 89°48'41" W	48.82
L7	N 0°37'56" E	57.39
L8	N 0°37'56" E	65.36
L9	S 0°37'56" W	122.74
L10	N 39°56'36" W	12.95
L11	S 39°56'36" E	75.06
L12	N 89°53'52" W	46.24
L13	N 36°03'05" W	10.81

CURVE DATA TABLE

NO.	RADIUS	DELTA	LENGTH
C1	2355.93	5°56'23"	244.23
C18	2355.93	03°55'57"	161.70



LEGEND

- PROPOSED RIGHT OF WAY AND ACCESS CONTROL
- PARCEL 86969-1 FEE AREA
- PARCEL 86969-2, 5 FOOTING EASEMENT
- PARCEL 86969-4, 8 MAINTENANCE EASEMENT
- PARCEL 86969-7 TEMPORARY CONSTRUCTION EASEMENT
- PARCEL 86969-9, 10 TEMPORARY CONSTRUCTION EASEMENT

CITY OF FRESNO

NOTES

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STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
RESOLUTION OF NECESSITY**

FEET 0 31.25 62.5 125 187.5

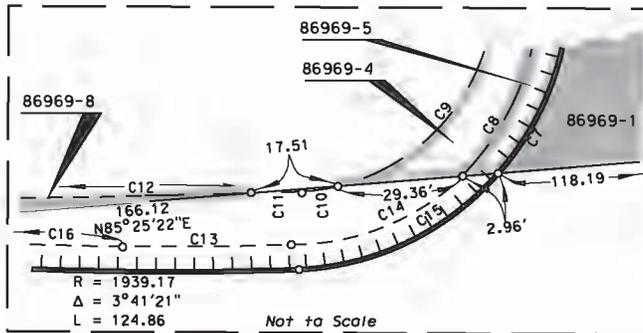
SCALE: 1"=125'

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
06	FRE	99	24.6	3	4

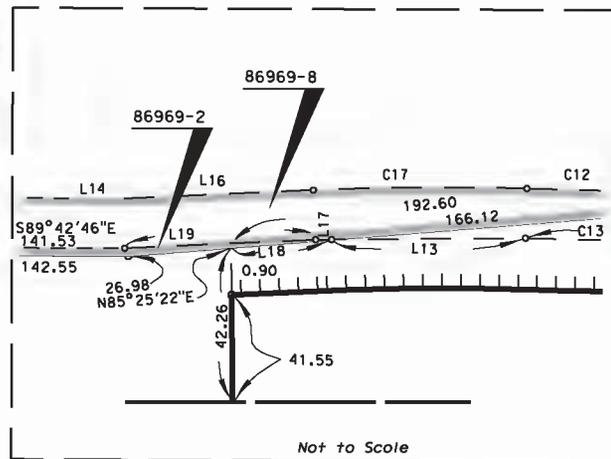
T. 13 S., R. 20 E., M. D. M.

CITY OF FRESNO
SECTION 30

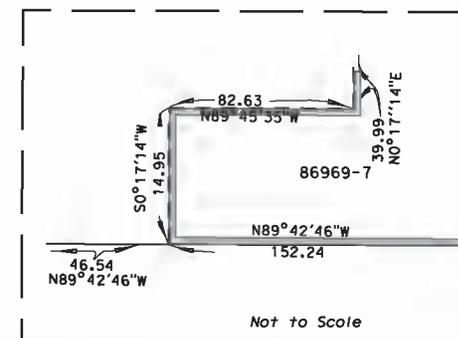
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Detail "B"



Detail "C"



Detail "A"

LINE DATA TABLE		
NO.	BEARING	DISTANCE
L1	S89°48'41"E	61.32
L2	N89°48'41"W	32.37
L3	N89°48'41"W	28.95
L13	N89°35'54"E	54.93
L14	S89°42'46"E	100.82
L16	N87°26'41"E	49.70
L17	N89°35'54"E	4.32
L18	N85°25'22"E	26.48
L19	N87°26'41"E	50.03

CURVE DATA TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	2355.93	5°56'23"	244.23
C2	2353.93	5°56'23"	244.02
C3	2340.93	5°56'11"	242.55
C4	665.35	19°28'16"	226.11
C5	663.35	19°28'16"	225.43
C6	650.35	19°28'16"	221.01
C7	56.00	51°38'30"	50.47
C8	54.00	53°54'44"	50.81
C9	41.00	86°24'39"	61.83

CURVE DATA TABLE			
NO.	RADIUS	DELTA	LENGTH
C10	41.00	11°32'28"	8.26
C11	1924.17	0°16'36"	9.29
C12	1924.17	3°24'45"	114.61
C13	1937.17	3°41'21"	124.73
C14	41.00	86°24'39"	61.83
C15	56.00	46°18'37"	45.27
C16	1937.17	3°41'21"	124.73
C17	743.83	4°18'27"	55.92



LEGEND

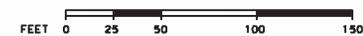
-  PROPOSED RIGHT OF WAY AND ACCESS CONTROL
-  PARCEL 86969-1 FEE AREA
-  PARCEL 86969-2, 5 FOOTING EASEMENT
-  PARCEL 86969-4, 8 MAINTENANCE EASEMENT
-  PARCEL 86969-7 TEMPORARY CONSTRUCTION EASEMENT

NOTES

Detail A, B, and C along with Line and Curve Tables are on EXHIBIT D

Coordinates and bearings are on CCS 1983(2007) Zone 4. Distances and stationing are grid distances. Divide by 0.99993543 to obtain ground distances. All distances are in feet unless otherwise noted.

STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION
**RIGHT OF WAY
RESOLUTION OF NECESSITY**



DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
06	FRE	99	24.40	4	4

ATTACHMENT C

1 TRANSPORTATION COMMISSION
2 RESOLUTION NO.

3 **C-21342**

4 CALIFORNIA TRANSPORTATION COMMISSION
5 RESOLUTION OF NECESSITY
6 TO ACQUIRE CERTAIN REAL PROPERTY
7 OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN
8 HIGHWAY 06-Fre-99-PM 24.6 PARCEL 86969-1, 2, 4, 5, 7, 8, 9, 10
9 OWNER: Mental Health Systems, Inc., a California Non-Profit Benefit
10 Corporation

11 Resolved by the California Transportation Commission after
12 notice (and hearing) pursuant to Code of Civil Procedure Section
13 1245.235 that it finds and determines and hereby declares that:

14 The hereinafter described real property is necessary for State
15 Highway purposes and is to be acquired by eminent domain pursuant
16 to Streets and Highways Code Section 102;

17 The public interest and necessity require the proposed public
18 project, namely a State highway;

19 The proposed project is planned and located in the manner that
20 will be most compatible with the greatest public good and the least
21 private injury;

22 The property sought to be acquired and described by this
23 resolution is necessary for the public project;

24 The offer required by Section 7267.2 of the Government Code
25 has been made to the owner or owners of record; and be it further

RESOLVED by this Commission that the Department of
Transportation be and said Department is hereby authorized and
empowered;

APPROVED AS TO FORM AND PROCEDURE

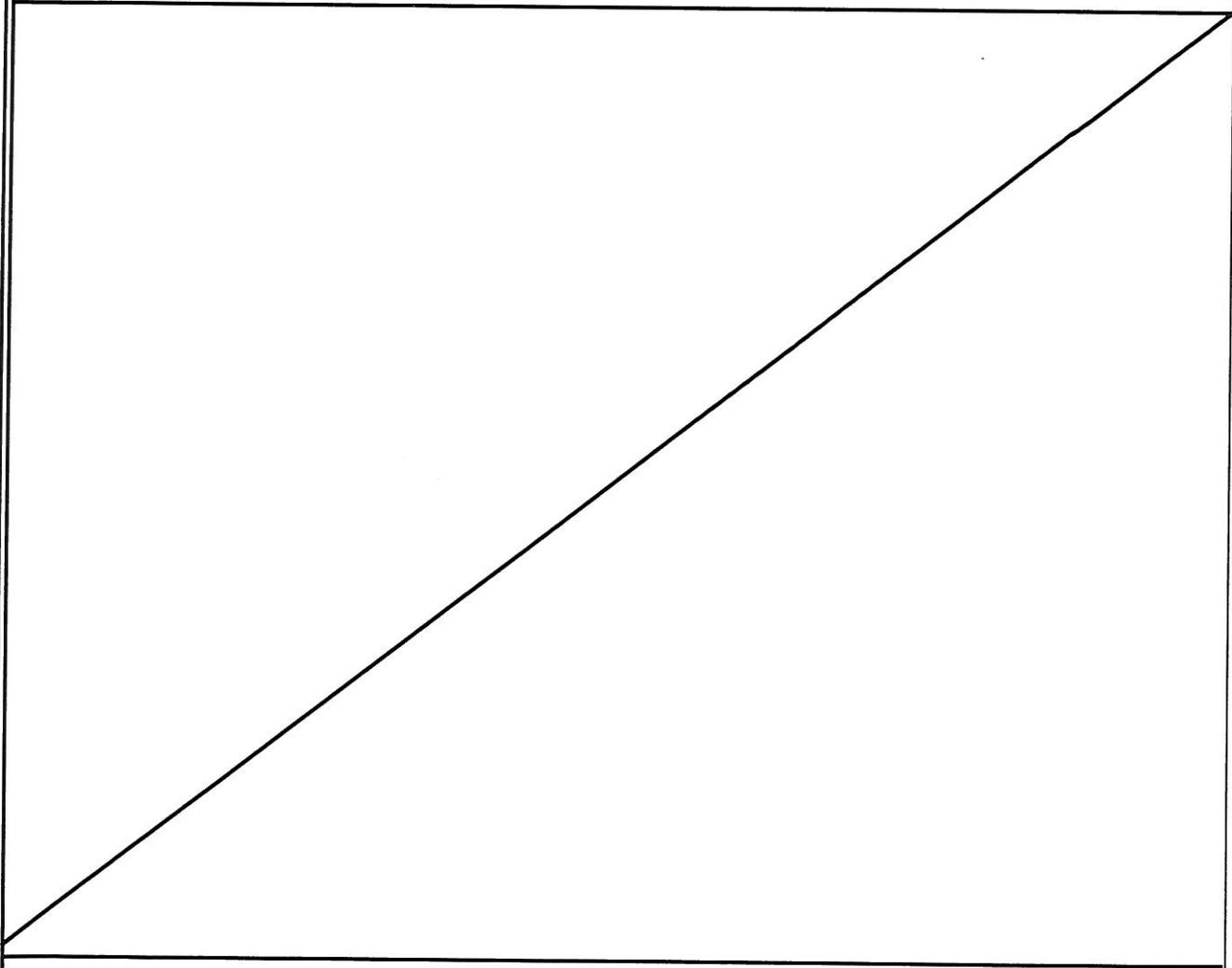
APPROVAL RECOMMENDED

Attorney, Department of Transportation

DIVISION OF RIGHT OF WAY

1 To acquire, in the name of the People of the State of
2 California, in fee simple absolute, unless a lesser estate is
3 hereinafter expressly described, the said hereinafter described
4 real property, or interests in real property, by condemnation
5 proceeding or proceedings in accordance with the provisions of the
6 Streets and Highways Code, Code of Civil Procedure and of the
7 Constitution of California relating to eminent domain;

8 The real property or interests in real property, which the
9 Department of Transportation is by this resolution authorized to
10 acquire, is situated in the County of Fresno, State of California,
11 Highway 06-Fre-99 and described as follows:



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TITLE SHEET
(Resolution of Necessity Description)

District	County	Route	Post Mile
06	FRE	99	24.6

Project ID 0612000287

This document consists of this Title Sheet and the attached Legal Description of the parcel(s) listed below, consisting of 11 pages.

Parcels in Legal Description:					
86969-1	86969-2	86969-4	86969-5	86969-7	86969-8
86969-9	86969-10				

The attached real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.



Signature Mark D. Elower
Professional Land Surveyor
Expires 12-31-2016

Date July 17, 2015

Parcel 86969-1

For freeway purposes, that portion of Lot 110 of Roeding's Villa Colony, according to the map thereof recorded in Book 2, Page 43 of Record of Surveys, Fresno County Records, described in a deed to Mental Health Systems, Inc., a California Nonprofit Public Benefit Corporation, recorded December 17, 2008 as Document No. 2008-0171940, Official Records of Fresno County, lying northeasterly of the following described courses (2) through (8):

BEGINNING at a point on the South line of the North half of Section 30, Township 13 South, Range 20 East, Mount Diablo Meridian and Base Line, said point being North $89^{\circ}43'14''$ West, 3861.49 feet along said South line from the East quarter-section corner of said Section 30, said corner being found as a $\frac{3}{4}$ inch iron pipe, no tag, down 0.3 foot, Corner Record No. 1709, filed in the Fresno County Surveyor's Office; THENCE (1) North $00^{\circ}16'46''$ East, 62.98 feet to a point on the southerly boundary of the land described in said deed, last said point being the beginning of a non-tangent curve concave westerly, to which a radial line bears South $48^{\circ}14'51''$ East, having a radius of 56.00 feet and a central angle of $51^{\circ}38'30''$; THENCE (2) northerly along said curve, an arc distance of 50.47 feet to a point of compound curvature, to which a radial line bears North $80^{\circ}06'39''$ East; THENCE (3) northerly along a curve concave westerly, having a radius of 665.35 feet, through a central angle of $19^{\circ}28'16''$, an arc distance of 226.11 feet to a point of compound curvature, to which a radial line bears North $60^{\circ}38'23''$ East; THENCE (4) northwesterly along a curve concave southwesterly, having a radius of 2355.93 feet, through a central angle of $05^{\circ}56'23''$, an arc distance of 244.23 feet to a point of non-tangency; THENCE (5) North $36^{\circ}17'10''$ West, 36.64 feet; THENCE (6) North $36^{\circ}11'27''$ West, 251.69 feet; THENCE (7) North $85^{\circ}55'48''$ West, 19.66 feet; THENCE (8) North $36^{\circ}11'27''$ West, 267.63 feet to a point on the South line of the land described in a deed to Pasquale

Parcel 86969-1 (continued)

DeSantis and Carmela DeSantis, Trustees of the DeSantis Family Trust dated August 13, 2003, last said deed recorded August 21, 2003 as Document No. 2003-0195260, Official Records of Fresno County, last said point being North 77°14'17" West, 4513.31 feet from the East quarter-section corner of said Section 30.

Lands abutting said freeway shall have no right or easement of access thereto.

The bearings and distances used in this description are on the California Coordinate System of 1983, Epoch 2007, Zone 4. Divide distances by 0.99993543 to obtain ground distances.

Parcel 86969-2

An easement for a sound wall footing and appurtenances thereto upon, over and across that portion of Lot 110 of Roeding's Villa Colony, according to the map thereof recorded in Book 2, Page 43 of Record of Surveys, Fresno County Records, described in a deed to Mental Health Systems, Inc., a California Nonprofit Public Benefit Corporation, recorded December 17, 2008 as Document No. 2008-0171940, Official Records of Fresno County, more particularly described as follows:

COMMENCING at the East quarter-section corner of Section 30, Township 13 South, Range 20 East, Mount Diablo Meridian and Base Line, said corner being found as a $\frac{3}{4}$ inch iron pipe, no tag, down 0.3 foot, Corner Record No. 1709, filed in the Fresno County Surveyor's Office; THENCE (1) along the South line of the North half of said Section 30, North $89^{\circ}43'14''$ West, 4102.51 feet; THENCE (2) North $00^{\circ}27'53''$ West, 42.46 feet to a point on the southerly boundary of the land described in said deed, said point being the TRUE POINT OF BEGINNING; THENCE along said southerly boundary, the following courses: (3) South $85^{\circ}25'22''$ West, 26.98 feet; (4) North $89^{\circ}42'46''$ West, 142.55 feet; THENCE (5) North $00^{\circ}17'14''$ East, 2.00 feet; THENCE (6) South $89^{\circ}42'46''$ East, 141.53 feet; THENCE (7) North $87^{\circ}26'41''$ East, 50.03 feet; THENCE (8) North $89^{\circ}35'54''$ East, 4.32 feet to said southerly boundary; THENCE (9) along said southerly boundary, South $85^{\circ}25'22''$ West, 26.48 feet to the TRUE POINT OF BEGINNING.

The bearings and distances used in this description are on the California Coordinate System of 1983, Epoch 2007, Zone 4. Divide distances by 0.99993543 to obtain ground distances.

Parcel 86969-5

An easement for a sound wall footing and appurtenances thereto upon, over and across that portion of said Lot 110 referenced in above-described Parcel 86969-2, included within a strip of land 2.00 feet wide, the northeasterly sideline of which is described by the following courses (2) through (5):

BEGINNING at a point on the South line of the North half of said Section 30, last said point being North $89^{\circ}43'14''$ West, 3861.49 feet along said South line from said East quarter-section corner of said Section 30; THENCE (1) North $00^{\circ}16'46''$ East, 62.98 feet to a point on said southerly boundary, last said point being the beginning of a non-tangent curve concave westerly, to which a radial line bears South $48^{\circ}14'51''$ East, having a radius of 56.00 feet and a central angle of $51^{\circ}38'30''$; THENCE (2) northerly along said curve, an arc distance of 50.47 feet to a point of compound curvature, to which a radial line bears North $80^{\circ}06'39''$ East; THENCE (3) northerly along a curve concave westerly, having a radius of 665.35 feet, through a central angle of $19^{\circ}28'16''$, an arc distance of 226.11 feet to a point of compound curvature, to which a radial line bears North $60^{\circ}38'23''$ East; THENCE (4) northwesterly along a curve concave southwesterly, having a radius of 2355.93 feet, through a central angle of $05^{\circ}56'23''$, an arc distance of 244.23 feet to a point of non-tangency; THENCE (5) North $36^{\circ}17'10''$ West, 36.64 feet to the easterly terminus of a line which bears North $53^{\circ}42'50''$ East, 2.00 feet from its westerly terminus.

The sidelines of said strip of land shall be prolonged or shortened so as to begin at said southerly boundary and to terminate at the line described as the terminus for above-described course (5) of this Parcel 86969-5.

The bearings and distances used in this description are on the California Coordinate System of 1983, Epoch 2007, Zone 4. Divide distances by 0.99993543 to obtain ground distances.

Parcel 86969-4

An easement for the maintenance of a sound wall and its footing and other appurtenances thereto, including ingress to and egress from said easement upon, over and across that portion of Lot 110 of Roeding's Villa Colony, according to the map thereof recorded in Book 2, Page 43 of Record of Surveys, Fresno County Records, described in a deed to Mental Health Systems, Inc., a California Nonprofit Public Benefit Corporation, recorded December 17, 2008 as Document No. 2008-0171940, Official Records of Fresno County, included within a strip of land 15.00 feet wide, the northeasterly sideline of which is described by the following courses (2) through (6):

BEGINNING at a point on the South line of the North half of Section 30, Township 13 South, Range 20 East, Mount Diablo Meridian and Base Line, said point being North $89^{\circ}43'14''$ West, 3861.49 feet along said South line from the East quarter-section corner of said Section 30, said corner being found as a $\frac{3}{4}$ inch iron pipe, no tag, down 0.3 foot, Corner Record No. 1709, filed in the Fresno County Surveyor's Office; THENCE (1) North $00^{\circ}16'46''$ East, 62.98 feet to a point on the southerly boundary of the land described in said deed, last said point being the beginning of a non-tangent curve concave westerly, to which a radial line bears South $48^{\circ}14'51''$ East, having a radius of 56.00 feet and a central angle of $51^{\circ}38'30''$; THENCE (2) northerly along said curve, an arc distance of 50.47 feet to a point of compound curvature, to which a radial line bears North $80^{\circ}06'39''$ East; THENCE (3) northerly along a curve concave westerly, having a radius of 665.35 feet, through a central angle of $19^{\circ}28'16''$, an arc distance of 226.11 feet to a point of compound curvature, to which a radial line bears North $60^{\circ}38'23''$ East; THENCE (4) northwesterly along a curve concave southwesterly, having a radius of 2355.93 feet, through a central angle of $05^{\circ}56'23''$, an arc distance of 244.23 feet to a point of non-tangency; THENCE (5) North $36^{\circ}17'10''$ West, 36.64 feet; THENCE (6) North $36^{\circ}11'27''$ West,

Parcel 86969-4 (continued)

251.69 feet to the easterly terminus of a line which bears South 85°55'48" East, 19.66 feet from its westerly terminus.

The sidelines of said strip of land shall be prolonged or shortened so as to begin at said southerly boundary and to terminate at the line described as the terminus for above-described course (6).

The bearings and distances used in this description are on the California Coordinate System of 1983, Epoch 2007, Zone 4. Divide distances by 0.99993543 to obtain ground distances.

Parcel 86969-8

An easement for the maintenance of a sound wall and its footing and other appurtenances thereto, including ingress to and egress from said easement upon, over and across that portion of said Lot 110 referenced in above-described Parcel 86969-4, more particularly described as follows:

COMMENCING at said East quarter-section corner of said Section 30; THENCE (1) along the South line of the North half of said Section 30, North 89°43'14" West, 4102.51 feet; THENCE (2) North 00°27'53" West, 42.46 feet to a point on said southerly boundary, last said point being the TRUE POINT OF BEGINNING; THENCE along said southerly boundary, the following courses: (3) South 85°25'22" West, 26.98 feet; (4) North 89°42'46" West, 142.55 feet; THENCE (5) North 00°17'14" East, 15.00 feet; THENCE (6) South 89°42'46" East, 141.21 feet; THENCE (7) North 87°26'41" East, 49.70 feet to the beginning of a tangent curve concave southerly, having a radius of 743.83 feet and a central angle of 04°18'27"; THENCE (8) easterly along last said curve, an arc distance of 55.92 feet to a point of reverse curvature, to which a

Parcel 86969-8 (continued)

radial line bears North $01^{\circ}45'08''$ East from the center of the circle of last said curve;
THENCE (9) easterly along a curve concave northerly, having a radius of 1924.17 feet, through
a central angle of $03^{\circ}24'45''$, an arc distance of 114.61 feet to a point of non-tangency on said
southerly boundary; THENCE (10) along said southerly boundary, South $85^{\circ}25'22''$ West,
192.60 feet to the TRUE POINT OF BEGINNING.

The bearings and distances used in this description are on the California Coordinate
System of 1983, Epoch 2007, Zone 4. Divide distances by 0.99993543 to obtain ground
distances.

Parcel 86969-7

A temporary easement for the construction of State freeway facilities and appurtenances thereto upon, over and across that portion of Lot 110 of Roeding's Villa Colony, according to the map thereof recorded in Book 2, Page 43 of Record of Surveys, Fresno County Records, described in a deed to Mental Health Systems, Inc., a California Nonprofit Public Benefit Corporation, recorded December 17, 2008 as Document No. 2008-0171940, Official Records of Fresno County, more particularly described as follows:

COMMENCING at the East quarter-section corner of Section 30, Township 13 South, Range 20 East, Mount Diablo Meridian and Base Line, said corner being found as a ¾ inch iron pipe, no tag, down 0.3 foot, Corner Record No. 1709, filed in the Fresno County Surveyor's Office; THENCE (1) along the South line of the North half of said Section 30, North 89°43'14" West, 4102.51 feet; THENCE (2) North 00°27'53" West, 42.46 feet to the southerly boundary of the land described in said deed; THENCE along said southerly boundary, the following courses: (3) South 85°25'22" West, 26.98 feet; (4) North 89°42'46" West, 142.55 feet to the TRUE POINT OF BEGINNING; (5) continuing North 89°42'46" West, 152.24 feet; THENCE (6) North 00°17'14" East, 14.95 feet; THENCE (7) South 89°45'35" East, 82.63 feet; THENCE (8) North 00°17'14" East, 39.99 feet; THENCE (9) South 89°42'46" East, 110.00 feet; THENCE (10) South 00°17'14" West, 40.00 feet; THENCE (11) North 89°42'46" West, 40.39 feet; THENCE (12) South 00°17'14" West, 15.00 feet to the TRUE POINT OF BEGINNING.

The bearings and distances used in this description are on the California Coordinate System of 1983, Epoch 2007, Zone 4. Divide distances by 0.99993543 to obtain ground distances.

Rights to the above described temporary easement shall cease and terminate on May 31, 2018. Said rights may also be terminated prior to the above date by STATE upon notice to OWNER.

Parcel 86969-9

A temporary easement to remove improvements straddling the proposed right-of-way line and to cut and reface a building upon, over and across that portion of Lot 110 of Roeding's Villa Colony, according to the map thereof recorded in Book 2, Page 43 of Record of Surveys, Fresno County Records, described in a deed to Mental Health Systems, Inc., a California Nonprofit Public Benefit Corporation, recorded December 17, 2008 as Document No. 2008-0171940, Official Records of Fresno County, more particularly described as follows:

COMMENCING at a point on the South line of the North half of Section 30, Township 13 South, Range 20 East, Mount Diablo Meridian and Base Line, said point being North $89^{\circ}43'14''$ West, 3861.49 feet along said South line from the East quarter-section corner of said Section 30, said corner being found as a $\frac{3}{4}$ inch iron pipe, no tag, down 0.3 foot, Corner Record No. 1709, filed in the Fresno County Surveyor's Office; THENCE (1) North $00^{\circ}16'46''$ East, 62.98 feet to a point on the southerly boundary of the land described in said deed, last said point being the beginning of a non-tangent curve concave westerly, to which a radial line bears South $48^{\circ}14'51''$ East, having a radius of 56.00 feet and a central angle of $51^{\circ}38'30''$; THENCE (2) northerly along said curve, an arc distance of 50.47 feet to a point of compound curvature, to which a radial line bears North $80^{\circ}06'39''$ East; THENCE (3) northerly along a curve concave westerly, having a radius of 665.35 feet, through a central angle of $19^{\circ}28'16''$, an arc distance of 226.11 feet to a point of compound curvature, to which a radial line bears North $60^{\circ}38'23''$ East; THENCE (4) northwesterly along a curve concave southwesterly, having a radius of 2355.93 feet, through a central angle of $02^{\circ}00'26''$, an arc distance of 82.53 feet to the TRUE POINT OF BEGINNING; THENCE (5) continuing northwesterly along last said curve, through a central angle of $03^{\circ}55'57''$, an arc distance of 161.70 feet to a point of non-tangency;

Parcel 86969-9 (continued)

THENCE (6) North $36^{\circ}17'10''$ West, 36.64 feet; THENCE (7) North $36^{\circ}11'27''$ West, 251.69 feet; THENCE (8) North $85^{\circ}55'48''$ West, 19.66 feet; THENCE (9) North $36^{\circ}11'27''$ West, 267.63 feet to the South line of the land described in a deed to Pasquale DeSantis and Carmela DeSantis, Trustees of the DeSantis Family Trust dated August 13, 2003, last said deed recorded August 21, 2003 as Document No. 2003-0195260, Official Records of Fresno County; THENCE (10) along last said South line, North $89^{\circ}48'41''$ West, 87.76 feet; THENCE (11) South $39^{\circ}56'36''$ East, 342.93 feet; THENCE (12) South $34^{\circ}45'26''$ East, 68.73 feet; THENCE (13) South $89^{\circ}53'52''$ East, 46.24 feet; THENCE (14) South $36^{\circ}03'05''$ East, 10.81 feet; THENCE (15) South $01^{\circ}58'38''$ West, 83.48 feet; THENCE (16) South $84^{\circ}11'40''$ East, 76.99 feet; THENCE (17) South $06^{\circ}59'35''$ East, 142.77 feet; THENCE (18) South $27^{\circ}04'59''$ East, 76.39 feet; THENCE (19) North $63^{\circ}13'59''$ East, 97.11 feet to the TRUE POINT OF BEGINNING.

The bearings and distances used in this description are on the California Coordinate System of 1983, Epoch 2007, Zone 4. Divide distances by 0.99993543 to obtain ground distances.

Rights to the above described temporary easement shall cease and terminate on February 29, 2016. Said rights may also be terminated prior to the above date by STATE upon notice to OWNER.

Parcel 86969-10

A temporary easement to remove improvements straddling the proposed right-of-way line and to cut and reface a building upon, over and across that portion of Lot 109 of said Roeding's Villa Colony referenced in above-described Parcel 86969-9, more particularly described as follows:

Parcel 86969-10 (continued)

COMMENCING at the northwesterly terminus of course (11) of said Parcel 86969-9; THENCE (1) North $39^{\circ}56'36''$ West, 75.06 feet to a point on the West line of the land described in the deed referenced in course (9) of said Parcel 86969-9, last said point being the TRUE POINT OF BEGINNING; THENCE (2) continuing North $39^{\circ}56'36''$ West, 12.95 feet; THENCE (3) North $53^{\circ}39'38''$ West, 235.93 feet to the West line of the East 200 feet of said Lot 109; THENCE (4) along said West line, North $00^{\circ}37'56''$ East, 61.57 feet to a point on the northeasterly boundary of the land described in the deed referenced in the preamble of said Parcel 86969-9, last said point being the beginning of a non-tangent curve concave southwesterly, to which a radial line bears North $35^{\circ}59'14''$ East, having a radius of 249.98 feet and a central angle of $00^{\circ}21'08''$; THENCE along said northeasterly boundary, the following courses: (5) southeasterly along last said curve, an arc distance of 1.54 feet; (6) South $53^{\circ}39'38''$ East, 244.76 feet to said West line referenced in above-described course (1) of this parcel, 86969-10; THENCE (7) along last said West line, South $00^{\circ}37'56''$ West, 65.36 feet to the TRUE POINT OF BEGINNING.

The bearings and distances used in this description are on the California Coordinate System of 1983, Epoch 2007, Zone 4. Divide distances by 0.99993543 to obtain ground distances.

Rights to the above described temporary easement shall cease and terminate on February 29, 2016. Said rights may also be terminated prior to the above date by STATE upon notice to OWNER.