

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

HIGHWAY RIGHT OF WAY MATTERS  
Resolutions of Necessity  
Action Item

Prepared By:  
Brice Paris  
Chief  
Division of Right of Way  
(916) 654-5075

CTC Meeting: April 3-4, 2002

Reference No.: 2.4.(b)

*Original Signed By*  
ROBERT L. GARCIA  
Chief Financial Officer  
April 1, 2002

### RESOLUTIONS OF NECESSITY

For each of the proposed resolutions, the property owners are not contesting the following findings contained in Section 1245.230 of the Code of Civil Procedure:

1. The public interest and necessity require the project.
2. The project is planned to provide the greatest public good with the least private injury.
3. This property is required for the proposed project.
4. An offer to purchase the property in compliance with Government Code Section 7267.2 has been made to the owner of record.

The only remaining issues with the property owners are related to compensation.

The Department of Transportation recommends the California Transportation Commission adopt Resolutions of Necessity C-18468 through C-18470 and C-18472 through C-18487 and C-18489 through C-18498. Discussions have taken place with all the owners, each of whom has been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which the owner may subsequently be entitled. Adoption of the resolutions will not interrupt our efforts to secure equitable settlement. In accordance with statutory requirements, each owner has been advised the Department is requesting the resolution at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

#### C-18468 - Joginder S. Bains, et ux

03-Sut-99-KP 39.63-Parcel 032651-1,2-EA 1A46U9 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, a temporary easement for Highway construction, located near the city of Yuba City at 5375 Sawtelle Road, Yuba City, CA.

#### C-18469 - DiFiore Enterprises, L.P., a Limited Partnership

03-Sut-99-PM 23.00-Parcel 032639-1 – EA 1A46U9 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, the right and easement to enter the remaining ownership to sever and remove certain improvement(s) that straddle the right of way line, located near the city of Yuba City near 6494 Sawtelle Road.

C-18470 - Difiore Enterprises, L.P., a Limited Partnership

03-Sut-99-PM 23.41-Parcel 032642-1 – EA 1A46U9 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, located near the unincorporated area of Yuba City near 6494 Sawtelle Avenue.

C-18472 – Gurdev Singh Chima, et al

03-Sut-99-PM 25.62-Parcel 033254-1 – EA 1A46U2 (Conventional Highway) Authorizes condemnation of a permanent easement for utility purposes to be conveyed to Pacific Gas & Electric Company and Pacific Bell, located near the city of Yuba City at 1252 Oswald Road.

C-18473 - Union Pacific Railroad Company

03-Yub-70-PM R4.0/R6.0-Parcel 032322-1; 032356-1-EA 376109 (Conventional Highway) Authorizes condemnation of permanent easements for transverse crossing and private access road, located near the city of Marysville, California at Highway 70 & Plumas Arboga Road & Arboga Road.

C-18474 - Burlington Northern Santa Fe, et al

04-CC-680-PM 22.2 Parcel 58563-1 – EA 228562 (Freeway) Authorizes condemnation of a temporary easement for highway construction, located in the city of Martinez near Interstate 680 and the Pacheco Boulevard Underpass.

C-18475 - Caltree, Inc.

06-Ker-58-KP T72.0-Parcel 84307-1A,1B; 84307-01-01 – EA 400109 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, excess land in fee to which the owner has consented, located in the city of Bakersfield, California at the south side of Brimhall Road, 750' east of Coffee Road.

C-18476 - Los Angeles County Flood Control District

07-LA-101-PM 15.4- Parcel 77404 – EA 053349 (Freeway) Authorizes condemnation of a temporary easement for construction purposes, located in the city of Los Angeles at the 101 Freeway and Tyrone Avenue.

C-18477 - Los Angeles County Flood Control District

07-LA-101-PM 15.4- Parcel 77405 – EA 053349 (Freeway) Authorizes condemnation of a temporary easement for construction purposes, located in the city of Los Angeles at the 101 Freeway and Tyrone Avenue.

C-18478 - Los Angeles County Flood Control District

07-LA-101-KP 21.4-PM 13.3 Parcel 77543 – EA 002599 (Freeway) Authorizes condemnation of a temporary easement for construction purposes, located in the city of Los Angeles at the 101 Freeway and the Tujunga Wash Bridge.

C-18479 - W. Keith Johnson, et al

07-LA-138-KP 90.9-Parcels 76812-1,2,3,4 – EA 4G4009 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, and a permanent easement for drainage and slope purposes, located in the unincorporated area of Littlerock at Highway 138, Pearblossom Highway, and 96th Street East.

C-18480 - Tiberio P. Lizza

07-LA-138-KP 97.3-Parcel 76594-1,2 – EA 104839 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, located in the city of Pearblossom near Pearblossom Highway, near 135th Street.

C-18481 - Nerses Tashdjian, et ux

07-LA-138-KP 97.3 -Parcel 76595-1,2 – EA 104839 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, located in the city of Pearblossom near 135th Street, adjacent to Pearblossom Highway.

C-18482 - Onsi Malaty

07-LA-138-KP 97.3-Parcel 76604-1,2 – EA 104832 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Pearblossom at Pearblossom Highway and Longview Road.

C-18483 - Leon Barzegar, et ux.

07-LA-138-KP 98.1-Parcels 76579-1,2– EA 104839 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Pearblossom at Route 138 between Longview Road and 165th Street.

C-18484 - Sik-Kin Chan, et al

07-LA-138-KP 98.9- Parcel 76575-1,2 – EA 104839 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Pearblossom at Route 138 between Longview Road and 165th Street.

C-18485 - W. Keith Johnson, et al.

07-LA-138-KP 99.7-Parcels 76518-1,2 - EA 104839 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, located in the city of Pearblossom at the south side of Pearblossom Highway.

C-18486 - Cuong Tran, et al

07-LA-138-KP 99.7-Parcel 76530-1,2 – EA 104839 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, located in the city of Palmdale at Pearblossom Highway and 146th Street East.

C-18487 - Tiburcio Mutuberria

11-Imp-111-KP 32.7- Parcel 31432-1,2 (Expressway) Authorizes condemnation of land in fee for a State highway, authorizes condemnation of a temporary easement for construction purposes, extinguishment of abutter's rights of access, the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line, located near the city of Brawley at 4196 Highway 111, APN# 040-140-23-01.

C-18489 - Lawrence George and Martina Ann Nelson, Trustees

11-SD-52-KP 25.3- Parcel 27025 – EA 010612 (Freeway) Authorizes condemnation of land in fee for a State highway, located in the city of Santee at 9506-9516 Via Zapador.

C-18490 - The California Eldership of the Churches of God in North America

11-SD-52-KP 25.5- Parcel 31454 – EA 010612 (Freeway) Authorizes condemnation of land in fee for a State highway, land in fee which is a remnant and would have little market value, and two easements for roadway purposes, located in the city of Santee at 9565 Via Zapador.

C-18491 - John J. Lawless and Dolores D. Lawless, Trustees

11-SD-52-KP 25.6- Parcel 31397-1,2 – EA 010619 (Freeway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for utility purposes, the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line, located in the city of Santee at 8787 Olive Lane.

C-18492 - Otay International Center, a General Partnership

11-SD-905-KP 18.0- Parcel 31383 – EA 091809 (Freeway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line, located in the city of San Diego at 2205 Otay Center Ct.

C-18493 - Pacific Rim Business Centre, LLC, et al

11-SD-905-KP 18.0-18.4- Parcels 32227; 32228; 31416-1,2,3 – EA 091809 (Freeway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, temporary easements for freeway construction purposes (31416-2,3), located in the city of San Diego near Heinrich Hertz Drive, Otay Mesa , APN 646-230-08; APN 646-230-04, 05, 07.

C-18494 - Myounghun Kim, et ux

11-SD-905-KP 18.1- Parcel 32232; 32233 – EA 091809 (Freeway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line, located in the city of San Diego at 2337-B and 2235 Otay Center Drive.

C-18495 - Summit Limited Partnership Five, a South Dakota Limited Partnership

11-SD-905-KP 18.2- Parcel 31418 – EA 091809 (Freeway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line, located in the city of San Diego between Airway Road and Otay Mesa Border Crossing. APN 646-141-22-00. See attached letter from property owner's attorney in lieu of appearance.

C-18496 - Otay International Center, a General Partnership

11-SD-905-KP 18.4- Parcel 31412 – EA 091802 (Freeway) Authorizes condemnation of land in fee for a State highway, APN 646-180-19, located in the city of San Diego between Siempre Viva Road and Existing Route 905.

C-18497 - Wells Fargo Bank, National Association, a National Banking Association

11-SD-905-KP 18.4- Parcel 31487 – EA 091809 (Freeway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located in the city of San Diego between Airway Road and Otay Mesa Border Crossing. APN 646-144-04-00.

C-18498 - Ernest C. Coneen and Helen E. Coneen, Trustees of the Coneen Family Trust, et al

11-SD-52-KP 25.8- 26.0-Parcel 27030; 27031- EA 010619 (Freeway) Authorizes condemnation of land in fee for a State highway, excess land in fee which is a remnant and would have little market value, and an easement for roadway purposes, located in the city of Santee at 8624-8656 Cuyamaca Street.

LAW OFFICES OF LOUIS E. GOEBEL

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March 12, 2002

REC'D BY CTC

MAR 13 2002

C-18495

Executive Director of the  
California Transportation Commission  
P.O. Box 942873  
Sacramento, CA 94273-0001

Re: R/W 31418  
Resolution Of Necessity to Acquire Property

Dear Executive Director:

This office represents The Summit Limited Partnership Five, whose property in San Diego is being acquired by CalTrans for construction of State Route 905. We are advised that the California Transportation Commission intends to hold a public hearing on April 3 & 4, 2002, to consider passage of a Resolution of Necessity to condemn our client's property for the above-referenced project.

Our client objects to the passage of this Resolution of Necessity. We lodge the following objections concerning the matters addressed in California Code of Civil Procedures Sections 1240.010, et seq.

The requirements of California Code of Civil Procedure Section 1240.030 have not been met, specifically:

- (A) the public interest and necessity do not require the project;
- (B) the project is not planned or located in a manner that will be most compatible with the greatest public good and least private injury; and
- (C) the property sought to be acquired is not necessary for the project.

In addition, we object on the following grounds: prior to this scheduled hearing, the California Transportation Commission has made a predetermination to proceed with the project, regardless of the record considered at the hearing; the offer to acquire did not include compensation for all property interests taken or damaged; and the environmental processing was not accomplished according to law.

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We do not intend to personally appear at the hearing but request that this letter be placed in the record in lieu of our appearance.

Very truly yours,

LAW OFFICES OF LOUIS E. GOEBEL



Robert M. Miller  
Attorney at Law

RMM/ra

cc: Jennifer Larsen, Summit Limited Partnership Five