

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

HIGHWAY RIGHT OF WAY MATTERS
Resolutions of Necessity
Action Item

Prepared By:
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CTC Meeting: December 5-6, 2000

Agenda Item: 2.4b.

Original Signed By _____
W. J. EVANS, Deputy Director
Finance
November 27, 2000

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-18168 through C-18185. 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 that the Department is requesting the resolution at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-18168 - Maria Gonzalez

04-ALA-238-KP 5.0- Parcel 53122-1A - E.A. 233659 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located in the city of Fremont at 37902 Vallejo Street.

C-18169 - Martin A. Spellman, et ux

04-ALA-238-KP 5.1- Parcel 55934-1A,-1B,-1C – E.A. 233659 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, a temporary easement for highway construction, a permanent easement for utility, located in the city of Fremont at 38505, 38539, and 38453 Mission Boulevard.

C-18170 - Amos Picker and Frances S. Picker, Trustees, et al

04-ALA-238-KP 5.2- Parcel 55937-1A, -1B – E.A. 233652 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, a temporary easement for Highway construction, located in the city of Fremont at 38395 Mission Boulevard.

C-18171 - Union Pacific Railroad

04-ALA-238-K.P. 5.3- Parcel 55939-1A,-1B,-1C – E.A. 233652 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, a temporary easement for highway construction, a permanent easement for utility with right of assignment, located in the city of Fremont at Route 238.

C-18172 - Union Pacific Railroad

04-ALA-238-K.P. 5.4 Parcel 55966-1A,-1B – E.A. 233652 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, a temporary easement for highway construction, located in the city of Fremont at Route 238.

C-18173 – The Mission 38 Partners, A California Limited Partnership

04-ALA-238-KP 5.7- Parcel 55943-1A,-1B – E.A. 233659 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, a temporary easement for highway construction, located in the city of Fremont at 37981 Niles Boulevard.

C-18174 - John Hartunian, et al

06-FRE-180-KP 89.0- Parcel 84156 – E.A. 342329 (Freeway) Authorizes condemnation of land in fee for a State Highway, located in the city of Fresno between South Hughes Avenue and South West Avenue.

C-18175 - Kenneth Y. Louie, et ux

06-FRE-180-KP 89.8- Parcel 83522-1,2 – E.A. 342329 (Freeway) Authorizes condemnation of land in fee for a State Highway, extinguishment of abutter's rights of access, a temporary easement for the relocation of a Fresno Irrigation District headwall, 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 Fresno at 471 South Teilman Avenue.

C-18176 - Angelica Textile Services, Inc.

06-FRE-180-KP 89.8- Parcel 83523-1,2 – E.A. 342329 (Freeway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for the relocation of a Fresno Irrigation District headwall, located in the city of Fresno at 422 South Fruit Avenue.

C-18177 - Freida L. Wilkins

08-SBD-30-PM R9.90- Parcel 15228-1 – E.A. 443279 (Freeway) 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 Rancho Cucamonga at 9893 Highland Avenue.

C-18178 - Frank Gilbert, et ux

11-IMP-111-KP 21.5- Parcels 31245; 31245-A – E.A. 1993U9 (Expressway) Authorizes condemnation of land in fee for a State highway located near the city of El Centro and Brawley at 301 E. Robinson Road.

C-18179 - Richard D. Le Mert, et ux

11-IMP-111-KP 24.4- Parcel 31252 – E.A. 199349 (Expressway) Authorizes condemnation of land in fee for a State highway located near the cities of El Centro and Brawley at Tract 154, Imperial APN# 044-040-51.

C-18180 - Smith Trust

11-IMP-111-KP 26.4- Parcel 31256-1,2 – E.A. 199349 (Expressway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, an easement for access, drainage, and delivery purposes for water services to be conveyed to Imperial Irrigation District, located east of the city of El Centro, south of Brawley.

C-18181 – Madan, et ux

11-IMP-111-KP 27.5 - Parcel 31257-1, 2 – E.A. 199349 (Expressway) Authorizes condemnation of land in fee, one permanent easement for sump and pump purposes, extinguishment of abutter's rights of access for a State highway, located near the city of El Centro from Robinson Road to Keystone Road.

C-18182 - North Beach Acquisitions, LLC

11-SD-5-PM 31.2- Parcel 30845-1,2,3 – E.A. 0301U9 (Freeway) Amends Resolution No. C-17960, adopted January 19, 2000, which authorized condemnation of land in fee for a State highway, a temporary easement for highway construction, a permanent easement for access, maintenance, and footing. This amendment is due to a design change that revises the R/W requirements.

C-18183 - Nexus Sorrento Glen LLC

11-SD-5-KP 52.7- Parcel 31219-1,2,3 – E.A. 0301U9 (Freeway) Authorizes condemnation of extinguishment of abutter's rights of access, temporary easements for access and highway construction, a permanent aerial easement and right of way to construct, replace, inspect, maintain, repair, operate or remove an overhead freeway bridge and highway, supporting columns and footings, including any and all appurtenances, the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line, all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements, located in the city of San Diego at 11189-11199 Sorrento Valley Road.

C-18184 - David A. Bernsen, et ux

11-SD-78-KP 55.00- Parcel 31442 – E.A. 227809 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, located in the city of Ramona at 825 Ash Street.

C-18185 - Louis R. Islander, et ux

11-SD-78-KP 55.7- Parcel 31440 – E.A. 227809 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, located in the city of Ramona at NW corner of Highway 78 & Cedar Street APN# 280-082-06.