

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: January 22-23, 2003

Reference No.: 2.4b.
Action Item

From: ROBERT L. GARCIA
Chief Financial Officer

Prepared by: Brice D. Paris
Division Chief
Right of Way

Ref: **RESOLUTIONS OF NECESSITY**

ISSUE:

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.

RECOMMENDATION:

The Department of Transportation recommends the California Transportation Commission adopt Resolutions of Necessity C-18726 through C-18749. 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-18726 - Mary Frances Goerndt

01-Lak-20-KP 21.52- Parcel 11060-EA: 296209 - Certification Date: 01/01/03 - RTL Date: 01/01/03 - Continuous left turn lane (Conventional Highway). Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Nice at 3206 Lakeshore Boulevard.

C-18727 - Harold B. Anderson, et al., Trustees

01-Men-271-PM 20.38- Parcel 11220 - EA: 408209 - Certification Date: 01/01/03 - RTL Date: 01/01/03 - rehabilitate culverts, (Conventional Highway). Authorizes condemnation of a permanent easement for drainage, located near the town of Piercy.

C-18728 - Headliner Broadcasting, Inc.

06-Fre-168-KP R14.3- Parcel 83679-1A,1B - EA: 342229-3000C - Certification Date: 3/12/1999 - RTL Date: 4/1/99 (Freeway - four existing lanes to six future lanes on new R/W Alignment). Authorizes condemnation of land in fee for a State highway, located in the city of Clovis at 832 North Temperance.

C-18729 - River Park Properties, III

06-Fre-41-KP R50.8- Parcel 84731, 84731-A - EA: 419609 - Certification Date: 8/1/03 (Freeway - modify interchange). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, underlying fee in existing public roadway, located in the city of Fresno at 8365 North Fresno Street.

C-18730 - River Park Properties, III

06-Fre-41-KP R50.8- Parcel 84973 EA: 419609 - Certification Date: 8/1/03 (Freeway - modify interchange). Authorizes condemnation of a temporary easement for bridge construction, located in the city of Fresno on Nees Avenue, east of State Route 41.

C-18731 - Kimberly Brinker

06-Fre-180-KP R104.7- Parcel 84854, 84854-01-01 - EA: 342439 - Certification Date: 2/1/04 (Freeway - four existing lanes to six future lanes on R/W alignment). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, land in fee which is a remnant and would have little market value, located in the city of Fresno at 77 North Temperance Avenue.

C-18732 - Richard R. Lesperance, et ux

06-Fre-180-KP R104.7- Parcel 84855, 84855-01-01 - EA: 342439 - Certification Date: 2/1/04 (Freeway - four existing lanes to six future lanes on R/W alignment). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and land in fee which is a remnant and would have little market value, located in the city of Fresno at 55 North Temperance Avenue.

C-18733 - Jaime Tapia, et ux

07-LA-405-KP 42.9/43.0- Parcel 76904-1, 2, 01-01 - Certification Date: 6/03 - (Widen existing Freeway and construct HOV lanes). Authorizes condemnation of land in fee for a State highway, temporary easement for construction purposes, and land in fee which is a remnant and would be of little market value, located in the city of Los Angeles at 4743 Purdue Avenue.

C-18734 - Darryl R. Richards, et al.

08-SBd-210-KP 27.77- Parcel 18245-1, 2, 3, 4 - EA: 443829 - Certification Date: 11/01 - RTL Date: 03/02 (Freeway Interchange Project). Amends Resolution No. C-18407, adopted December 12, 2001, which authorized condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located in the city of Rialto at the southeast corner of Cedar Avenue and Casmalia Street. The original Resolution Number C-18407, included Parcels 18245-1,-3 only. On June 13, 2002, Resolution Number C-18573 was adopted to amend the original Resolution. It included the 18245-2 subparcel necessary for the acquisition. This proposed Amended Resolution will include the additional fee subparcel of 18245-4.

C-18735 - Randall L. Watkins, et al.

08-SBd-210-KP 30.14R- Parcel 19047-1 - EA: 443929 - Certification Date: 02/01/03 - RTL Date: 03/03/03 (Freeway Interchange Project). Authorizes condemnation of land in fee for a State highway, located in the city of Rialto at 1877 North Riverside Avenue and Easton Street.

C-18736 - John Mumford, etc., et al.

08-Riv-215-KP R52.3- Parcel 19289-1, 2 - EA: 420409 - Certification Date: 02/03/03 - RTL Date: 04/02/03 (Freeway - extend Trapezoidal Channel). Authorizes condemnation of a permanent easement for drainage purposes, a temporary easement for construction purposes, located in the city of Perris at Oleander and Patterson Avenues.

C-18737 - Norman E. Gipson, et ux

08-Riv-215-KP R52.3 - Parcel 19291-1, 2 - EA: 420409 - Certification Date: 02/03/03 - RTL Date: 04/02/03 (Freeway - extend Trapezoidal Channel). Authorizes condemnation of a permanent easement for drainage purposes, a temporary easement for construction purposes, located in the city of Perris at Patterson Avenue.

C- 18738 - March Enterprises, a California Partnership

08-Riv-215-KP R52.3- Parcel 19292-1, 2 - EA: 420409 - Certification Date: 02/03/03 - RTL Date: 04/02/03 (Freeway - extend Trapezoidal Channel). Authorizes condemnation of a permanent easement for drainage purposes, a temporary easement for construction purposes, located in the city of Perris at Oleander and Patterson Avenues.

C-18739 - Union Pacific Railroad Company

10-Mer-99-PM 27.37- Parcel 14726 - EA: 316969 - Certification Date: 3/01/03 - RTL Date: 3/01/03 (Freeway - four existing lanes to six future lanes on R/W alignment). Authorizes condemnation of a permanent easement for right of way, located near the city of Livingston near 500' southeasterly of Sultana Drive, adjacent to State Route 99.

C-18740 - Lonnie L. Burries

10-Mer-99-KP 43.2- Parcel 14591-1, 2 - EA: 316969 - Certification Date: 3/01/03 - RTL Date: 3/01/03 (Freeway - four existing lanes to six future lanes). Authorizes condemnation of land in fee for a State highway, an easement for irrigation facilities to be conveyed to Merced Irrigation District, extinguishment of abutter's rights of access, the right and easement to enter the remaining ownership to sever and shore 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 Livingston at 10550 Liberty Avenue.

C-18741 - Pedro A. Valencia, et ux

10-Mer-99-KP 44.0- Parcel 14593 - EA: 316969 - Certification Date: 3/01/03 - RTL Date: 3/01/03 (Freeway - four existing lanes to six future lanes). Authorizes condemnation of land in fee for a State highway, located in the city of Livingston at 10787 Liberty Avenue.

C-18742 - Alvin F. Canisso etc., et al.

10-Mer-99-KP 44.7/45.3 - Parcel 14470-1,2 - EA: 316969 - Certification Date: 3/01/03 - RTL Date: 3/01/03 (Freeway - four existing lanes to six future lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, an easement for utility purposes to be conveyed to Evans Telephone Company, located in the city of Livingston at Northerly and adjacent to State Route 99 between Dwight Way and Hunter.

C-18743 - William L. Shawver, etc., et al.

10-SJ-99-KP 31.0/37.4 - Parcel 14858 - EA: 445609 - Certification Date: 5/29/03 (Freeway - reconstruct interchange). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located in the city of Stockton at 916 North Broadway Avenue.

C-18744 - Scannavino Properties I, a Limited Partnership

10-SJ-99-KP 31.0/37.4 - Parcel 15091-1,2,3,4,5,6,7 - EA: 445609 - Certification Date: 5/29/03 (Freeway - reconstruct interchange). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, one temporary easement for highway construction, two permanent slope easements, one permanent easement, located in the city of Stockton at 7480 North Highway 99 East Frontage Road.

C-18745 - Origone Ranch, Inc.

10-SJ-99-KP 31.0/37.4- Parcel 15095-1,2 - EA: 445609 - Certification Date: 5/29/03 (Freeway - reconstruct interchange). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located in the city of Stockton at 5455 North Highway 99 West Frontage Road.

C-18746 - Origone and Origone, a Partnership

10-SJ-99-KP 31.0/37.4 - Parcel 15097-1, 2, 3 - EA: 445609 - Certification Date: 5/29/03 (Freeway - reconstruct interchange). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access and a temporary easement for highway construction, located in the city of Stockton at 4242 East Hammer Lane.

C-18747 - Shamjibjai Ranchhod, etc., et al.

10-SJ-99-KP 31.0/37.4- Parcel 15213 - EA: 445609 - Certification Date: 5/29/03 (Freeway - reconstruct interchange). Authorizes condemnation of land in fee for a State highway, located in the city of Stockton at 4225 East Hammer Lane.

C-18748 - Tuleburg Warehouse, a Partnership

10-SJ-99-KP 31.0/37.4- Parcel 15217 - EA: 445609 - Certification Date: 5/29/03 (Freeway-reconstruct interchange). Authorizes condemnation of land in fee for a State highway, located near the city of Stockton at 8200 North Highway 99 East Frontage Road.

C-18749 - Zona Ainsworth

11-SD-52-KP 24.2- Parcel 32295 - EA: 010619 - Certification Date: 4/15/03 - Construct four lane freeway (Freeway). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access, located in the city of Santee at 8842-44 Fanita Drive.