

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: February 26-27, 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-18750 through C-18763. 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-18750 - Edward Pacheco, Trustee, et al.

01-Lak-20-KP 20.66-Parcel 10928-EA 296202 – Certification Date: 01/01/03 – RTL Date: 02/15/03 (Conventional Highway – continuous left turn lane). Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Nice at 6822 Collier Avenue.

C-18751 - Edward Pacheco, Trustee, et al.

01-Lak-20-KP 20.68-Parcel 10929-EA 296202 – Certification Date: 01/01/03 – RTL Date: 02/15/03 (Conventional Highway – continuous left turn lane). Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Nice at 6798 Collier Avenue.

C-18752 - Marc G. Nachtwey and Lise V. Nachtwey

02-Sha-L5734-PM N/A-Parcel 12883-EA 388209 – Certification Date: 04/01/03 – RTL Date: 04/01/03 – (Highway related facility - develop new bulk fuel facility at Redding Maintenance Station). Authorizes condemnation of land in fee for a State highway related facility. Located in the city of Redding at Caterpillar Road and George Drive.

C-18753 - Lotfollah Halimi

03-But-32-PM 5.3-Parcel 033370-1-EA 4A4502 – Certification Date: 01/15/03 – RTL Date: 04/01/03 – (Conventional Highway – construct a two-way left turn lane). Authorizes condemnation of an easement for electric, gas and communication facilities to be conveyed to Pacific Gas & Electric Company and Pacific Bell. Located near the city of Chico near Muir Avenue.

C-18754 - The Baxter Limited Partnership, et al.

04-Mrn-101-KP 16.1- Parcel 54599-1,2,3-EA 226142 – Certification Date: 08/03 – (Freeway - widening). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction, a permanent easement for underground utilities, 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 Rafael at 720-728 Francisco Boulevard West.

C-18755 - Timothy E. Dovali, Co-Trustees, et ux

06-Fre-180-KP R104.7-Parcel 84857; (84857-01-01)-EA 342439 – Certification Date: 02/01/04 – (Freeway). 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 19 North Temperance Avenue.

C-18756 - John C. Shryack Trust

07-LA-405-KP 43.5-Parcel 76906-1, 2, 01-01-EA 1178U9 – Certification Date: 06/03 – RTL Date: 06/02/03 – (Freeway – widen existing Freeway and construct HOV lanes). Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, and land in fee to which the owner has consented. Located in the city of Culver City at 11323 Braddock Drive.

C-18757 - Joan Hayes, et al.

08-SBd-62-PM 9.6-Parcel 17616-1-EA 359029 – Certification Date: 03/04/03 – RTL Date: 05/01/03 (Conventional Highway – shoulder widening and realignment). Authorizes condemnation of a permanent utility easement to be conveyed to Southern California Edison. Located in the town of Yucca Valley near State Route 62 and La Honda.

C-18758 - Smithers Family Limited Partnership

08-SBd-210-KP 32.61R-Parcel 19651-1-EA 443939 – Certification Date: 04/15/03 – RTL Date: 05/01/03 – (Freeway – construct Lytle Creek crossing and drainage improvements). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of San Bernardino, northeast corner of Duffy Street and Washington Street.

C-18759 - Arturo Aguilar, et ux

10-Mer-99-KP 43.02-Parcel 14596-EA 316969 – Certification Date: 03/01/03 – RTL Date: 05/01/03 – (Freeway – four existing lanes to six future lanes on right of way alignment). Authorizes condemnation of land in fee for a State highway. Located near the city of Livingston at 5722, 5724, 5726, 5746 and 5764 North Arena Way.

C-18760 - The Pacific Telephone and Telegraph Company

10-Mer-99-KP 43.7-Parcel 14603-EA 316969 – Certification Date: 03/01/03 – RTL Date: 03/01/03 – (Freeway – four existing lanes to six future lanes on right of way alignment). Authorizes condemnation of land in fee for a more necessary public use on a State highway. Located near the city of Livingston at the east side of State Route 99, South of Sultana.

C-18761 - Dalvir Singh Chahal, et ux

10-Mer-99-KP 43.2/43.7-Parcel 14586 1, 2-EA 316969 – Certification Date: 03/01/03 – RTL Date: 03/01/03 – (Freeway – four existing lanes to six future lanes on right of way alignment). Authorizes condemnation of land in fee for a State highway, and an easement for irrigation facilities to be conveyed to Merced Irrigation District. Located near the city of Livingston, northeast of State Route 99, on Liberty Avenue between Arena Way and Sultana Avenue.

C-18762 - Merced Irrigation District

10-Mer-99-KP 44.1-Parcel 14683-EA 316969 – Certification Date: 03/01/03 – RTL Date: 03/01/03 – (Freeway – four existing lanes to six future lanes on right of way alignment). Authorizes condemnation of land in fee for a more necessary public use on a State highway. Located near the city of Livingston, northeast and parallel to State Route 99 and adjacent to Sultana Drive.

C-18763 - Sweetwater Union High School District

11-SD-125-KP 16.6-Parcel 32150-A,B,C-EA 003009 – Certification Date: 07/18/00 – (Freeway – construct eight lane freeway and interchange with HOV provisions). Authorizes condemnation of land in fee for a State highway, and for project mitigation purposes. Located in the unincorporated area of San Diego County known as Bonita at 3321 Conduit Road.