

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: April 2-3, 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-18764 through C-18778. 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-18764 - Rodney V. Pryor

04-Mrn-101-P.M. 11.7-Parcel 54628 - EA 226142-Certification Date: 08/01/03 - RTL Date: 10/01/03 - (Freeway-construct HOV lane). Authorizes condemnation of land in fee for a State highway. Located in the city of San Rafael at 38-40 Brookdale Avenue.

C-18765 - John A. Vos and Lois A. Vos

04-Mrn-101-KP 18.5-Parcel 54607-1,3 - EA 226142 - Certification Date: 08/01/03 - RTL Date: 10/01/03 - (Freeway-construct HOV lane). Authorizes condemnation of land in fee for a State highway, and a temporary easement for construction. Located in the city of San Rafael at 1430 Lincoln Avenue.

C-18766 - Cora J. Lancelle

04-Mrn-101-KP 18.5-Parcel 54608-1,3 - EA 226142 - Certification Date: 08/01/03 - RTL Date: 10/01/03 - (Freeway-construct HOV lane). Authorizes condemnation of land in fee for a State highway, and a temporary easement for construction. Located in the city of San Rafael at 1434 Lincoln Avenue.

C-18767 - Armand C. G. Crabe and Blanche B. Crabe

04-Mrn-101-KP 18.5-Parcel 54610-1,3 - EA 226142 - Certification Date: 08/01/03 - RTL Date: 10/01/03 - (Freeway-construct HOV lane). Authorizes condemnation of land in fee for a State highway, and a temporary easement for construction. Located in the city of San Rafael at 1440 Lincoln Avenue.

C-18768 - Marcello Fonovich and Lina Fonovich

04-Mrn-101-KP 19.2-Parcel 54633-1A,1B,1C,1D - EA 226142 - Certification Date: 08/01/03 - RTL Date: 10/01/03 - (Freeway-construct HOV lane). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction, and a permanent easement for drainage. Located in the city of San Rafael at 1600 Lincoln Avenue.

C-18769 - William A. Aiken and Carol Aiken, Trustees

04-Mrn-101-KP 19.3-Parcel 54635-1 - EA 226142 - Certification Date: 08/01/03 - RTL Date: 10/01/03 - (Freeway-construct HOV lane). Authorizes condemnation of land in fee for a State highway. Located in the city of San Rafael at 1720 Lincoln Avenue, Unit #15.

C-18770 - Jeffrey C. Lester, et al.

06-Fre-180-KP R105.4-Parcel 84861 - EA 342439 - Certification Date: 02/01/04 (Freeway - four existing lanes to six future lanes on new right of way alignment). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access. Located in the unincorporated area of Fresno County on the southwest corner of State Route 180 and Locan Avenue.

C-18771 - George C. McNee, et ux

07-Ven-23-PM 3.7-Parcel 78608 - EA 115459 - Certification Date: 03/28/03 - RTL Date: 07-15-03 - (Freeway - widen existing freeway from four to six lanes and construct sound walls). Authorizes condemnation of a temporary easement for construction purposes. Located in the city of Thousand Oaks at 993 Hill Crest Drive.

C-18772 - Union Pacific Railroad Company

08-SBd-210-PM R20.16-Parcel 19726-1 - EA 443939 - Certification Date: 4/15/03 - RTL Date: 5/01/03 - (Freeway - construct Lytle Creek crossing and drainage improvements). Authorizes condemnation of a permanent easement for State highway purposes. Located in the city of San Bernardino near Macy Street and Highland Avenue.

C-18773 - San Bernardino County Flood Control District

08-SBd-210-KP R31.80-Parcel 19046-1,2 - EA 443929 - Certification Date: 4/15/03 - RTL Date: 4/15/03 (Freeway - construct local street improvements, early bridges, & other miscellaneous improvements). Authorizes condemnation of land in fee for a State highway, and a temporary easement for construction purposes. Located in the city of Rialto at the north side of Highland Avenue, east of Acacia Street.

C-18774 - San Bernardino County Flood Control District

08-SBd-210-KP 32.00R-32.67R-Parcel 18135-1,2,3,4,5 - EA 443939 - Certification Date: 4/15/03 - RTL Date: 4/15/03 - (Freeway - construct local street improvements, early bridges, & other miscellaneous improvements). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for highway purposes, and a temporary easement for construction purposes. Located in the cities of Rialto and San Bernardino at the south side of Highland Avenue, east of Acacia Street.

C-18775 - San Bernardino County Flood Control District

08-SBd-210-KP R32.34-Parcel 19410-1 - EA 443939 - Certification Date: 4/15/03 - RTL Date: 5/01/03 - (Freeway - construct Lytle Creek crossing and drainage improvements). Authorizes condemnation of a permanent easement for State highway purposes. Located in the city of San Bernardino at the south side of Highland Avenue, west of Macy Street.

C-18776 - San Bernardino County Flood Control District

08-SBd-210-KP 32.52R-Parcel 18146-1,2 - EA 443939 - Certification Date: 4/15/03 - RTL Date: 5/1/03 - (Freeway - construct Lytle Creek crossing and drainage improvements). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a permanent easement for highway purposes. Located in the city of San Bernardino at the south side of Highland Avenue, approximately 1,200 feet west of Macy Street.

C-18777 - Burlington Northern & Santa Fe Railway

08-SBd-210-KP 35.00-Parcel 19105-1,2,3,4,5,6 - EA 444049 - Certification Date: 03/15/03 - RTL Date: 04/15/03 - (Freeway - construct bridge widening & improvement of existing loops). Authorizes condemnation of two permanent easements for bridge column purposes, an easement for slope purposes, two easements for aerial purposes, extinguishment of abutter's rights of access, and a temporary easement for construction purposes. Located in the city of San Bernardino near Cajon Boulevard at the junction of Medical Center Drive.

C-18778 - Edgar E. Pankey, Trustee

12-Ora-5-KP 46.7-Parcel 102196-01, 02, 03 - EA 089509 - Certification Date: 05/01/03 - RTL Date: 06/01/03 - (Freeway - widen northbound offramp from two to three lanes). Authorizes condemnation of a permanent easement for construction and maintenance of vertical column and footing structures, a permanent easement for maintenance purposes, and a temporary easement for construction purposes. Located in the city of Tustin at 1542 El Camino Real.