

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: October 27-28, 2004

Reference No.: 2.4b.
Action Item

From: CINDY MCKIM
Acting 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 (Department) recommends the California Transportation Commission (Commission) adopt Resolutions of Necessity C-18947 through C-18964. Discussions have taken place with 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 owners 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-18947 - Rajinder Singh Gill, et al.

03-Sutter-99-PM 9.91 - Parcel 033404-1 - EA: 1A4319 - Certification Date: 12/01/04 - RTL Date: 12/01/04 - (Expressway - construct 4 lane expressway). Authorizes condemnation of land in fee for a State highway. Located in the city of Nicolaus near the southeastern portion of Sutter County.

C-18948 - Leo and Eleanor Michel, et al.

03-Sutter-99-PM 10.35 - Parcel 033405-1 - EA: 1A4319 - Certification Date: 12/01/04 - RTL Date: 12/01/04 - (Expressway - widen to provide 4 lane segment). Authorizes condemnation of land in fee for a State highway. Located near the city of Nicolaus in the County of Sutter.

C-18949 - Roger K. Michel, et al.

03-Sutter-99-PM 10.72 - Parcel 033406-1,2,3,4 - EA: 1A4319 - Certification Date: 12/01/04 - RTL Date: 12/01/04 - (Expressway - Widen to provide 4 lane segment). Authorizes condemnation of land in fee for a State highway, two temporary construction easements, an easement for utility purposes to be conveyed to Pacific Gas and Electric. Located in the city of Nicolaus near Sutter-99 and Powerline Road.

C-18950 - Rick J. Nason, et ux.

05-SCr-01-KP 25.93/PM 16.13 - Parcel 7931-1,2 - EA: 129102 - Certification Date: 03/05 - (Expressway - Construct merge lanes on Route 17 and Route 1). Authorizes condemnation of a temporary easement for construction and a permanent easement for wall footing. Located in the city of Santa Cruz at 201 Fairmont Avenue.

C-18951 - Martha Inez Lewis, et al.

06-Fre-180-KP 87.2 - Parcel 85340-1A,1B,2; 85340-01-01 - EA: 342339-3000C (100% reimbursed) - Certification Date: 10/01/06 - (Freeway - new alignment). Authorizes condemnation of land in fee for a State highway, a permanent easement for utility, underlying fee, and land in fee which is a remnant and would have little market value. Located in the city of Fresno at 156 North Valentine Avenue.

C-18952 - Grace Estates Retirement Center

10-Cal-04-KP R34.4 - Parcel 14880 - EA: 362509 - Certification Date: 04/01/07 - (Conventional highway - construct two-lane expressway on new alignment). Authorizes condemnation of land in fee for a State highway. Located in the city of Altaville at 190 Dogtown Road.

C-18953 - Merced Irrigation District

10-Mer-99-KP 16.9 - Parcel 14929-1,2 - EA: 363109 - Certification Date: 05/01/05 - (Freeway - Mission Avenue interchange/freeway conversion). Authorizes condemnation of land in fee for a State highway, a temporary easement for access from either side of the canal during construction, and extinguishment of abutter's rights of access. Located in the unincorporated area of Merced County east of Highway 99, north of McHenry Avenue at west end of APN 066-030-076 and south of the city of Merced.

C-18954 - Steven Cuadros, et ux.

10-Mer-99-KP 17.54 - Parcel 14940 - EA: 363109 - Certification Date: 05/01/05 - (Freeway - Mission Avenue interchange/freeway conversion). Authorizes condemnation of a permanent easement. Located near the unincorporated area of Merced near Mission Avenue and Highway 99.

C-18955 - Albert Ralph Pluim, Trustee, et al.

10-Mer-99-KP 18.5 - Parcel 14947-1A,1B,2 - EA: 363109 - Certification Date: 05/01/05 - (Freeway - Mission Avenue interchange/freeway conversion). Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the unincorporated area of Merced County at Mission Avenue and Coffee Street.

C-18956 - Merced Irrigation District

10-Mer-99-KP18.6 - Parcel 15078 - EA: 363109 - Certification Date: 05/01/05 - (Freeway - Mission Avenue interchange/freeway conversion). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the unincorporated area of Merced County east of Highway 99 on the south side of Mission Avenue from the southeast corner of Mission Avenue and Highway 99 East to slightly east of the intersection of Coffee Street and Mission Avenue.

C-18957 - Merced Irrigation District

10-Mer-99-KP 18.9 - Parcel 15106-1,2 - EA: 363109 - Certification Date: 05/01/05 - (Freeway - Mission Avenue interchange/freeway conversion). Authorizes condemnation of a temporary easement and an aerial easement for construction of structure and usage of contractors. Located in the unincorporated area of Merced County on the north side of Mission Avenue west of Highway 99, south of the city of Merced.

C-18958 - Joseph A. Machado, Trustee, et ux.

10-Mer-99-KP 18.9 - Parcel 14962-1A,1B - EA: 363109 - Certification Date: 05/01/05 - (Freeway - Mission Avenue interchange/freeway conversion). Authorizes condemnation of land in fee for a State highway, the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line and underlying fee. Located in the unincorporated area of Merced County near the northeast corner of Henry Street and Mission Avenue.

C-18959 - Joseph A. Machado, Trustee, et ux.

10-Mer-99-KP 18.9 - Parcel 14963-1A,1B - EA: 363109 - Certification Date: 05/01/05 - (Freeway - Mission Avenue interchange/freeway conversion). Authorizes condemnation of land in fee for a State highway, the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line, and underlying fee. Located in the unincorporated area of Merced County near the northeast corner of Henry Street and Mission Avenue.

C-18960 - Ernest J. Pombo, et al.

10-Mer-99-KP 19.1 - Parcel 14952 - EA: 363109 - Certification Date: 05/01/05 - (Freeway - Mission Avenue interchange/freeway conversion). Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Merced County at 701 Buckner Road generally located at the northeast corner of Loder Lane and Buckner Road.

C-18961 - Greg C. Mitchell, et al.

10-Mer-99-KP 19.1 - Parcel 14951 - EA: 363109 - Certification Date: 05/01/05 - (Freeway - Mission Avenue interchange/freeway conversion). Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Merced County at 701 Buckner Road generally located at the southwest corner of Loder Lane and Buckner Road.

C-18962 - Heirs and Devises of A.J. Puglizevich, et al.

10-Mer-99-KP 19.6 - Parcel 15203 - EA: 363109 - Certification Date: 05/01/05 - (Freeway - Mission Avenue interchange/freeway conversion). Authorizes condemnation of land in fee for a State highway. Located in the city of Merced at the northeast corner of Gerard Avenue and Parsons Street.

C-18963 - Barry S. Quan, Trustee, et al.

10-Mer-99-KP 20.4 - Parcel 14959-1A,1B,2,3 - EA: 363109 - Certification Date: 05/01/05 - (Freeway - Mission Avenue interchange/freeway conversion). Authorizes condemnation of land in fee for a State highway, all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements, a temporary easement for construction purposes, and a permanent easement for public utilities to be conveyed to city of Merced. Located in the city of Merced near south of the intersection of Parsons and Childs Avenue.

C-18964 - Grigory Zubkis, et ux.

11-SD-125-KP 14.9 - Parcel 32085 - EA: 232309 - Certification Date: 06/20/03 - (Freeway - construct a freeway). Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Bonita at 6730 San Miguel Road.