

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: May 25-26, 2005

Reference No.: 2.4b.
Action Item

From: CINDY McKIM
Chief Financial Officer

Prepared by: Bimla Rhinehart
Division Chief
Right of Way and Land Surveys

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-19063 through C-19100. 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-19063 - U.S. Bank of California

03-Pla-49-PM 5.85-Parcel 32859-1, 2 - EA 0A4109 - Certification Date: 06/01/05 - RTL Date: 06/01/05 - (Expressway - operational improvements). Authorizes condemnation of land in fee for a State highway and a temporary easement for construction. Located in the city of Auburn at 2360 Grass Valley Highway. APN 052-360-018.

C-19064 - John D. Mink and Marguerite S. Mink, Trustees, et al.

03-ED-50-PM 17.2-Parcel 033315-1, 2, 3 - EA: 3555U9 - Certification Date: 07/01/05 - RTL Date: 10/01/05 - (Freeway - Placerville Operational Improvement). Authorizes condemnation of land in fee for a State highway and two temporary easements for construction. Located in the city of Placerville at 701 Forni Road. APN 50-210-13 and APN 03-051-37.

C-19065 - Equilon Enterprises, LLC

03-ED-50-PM 17.2/17.7-Parcel 032377-1, 2, 3 - EA: 3555U9 - Certification Date: 07/01/05 - RTL Date: 10/01/05 - (Freeway - Placerville Operational Improvement). Authorizes condemnation of land in fee for a State highway, a temporary easement for highway construction, and a permanent easement for sewer. Located in the city of Placerville at 151 Main Street. APN 03-022-10.

C-19066 - Roland A. Bacci and Beverly A. Bacci, Trustees, et al.

04-Mrn-101-KP 16.4-Parcel 54602-1, 2, 3 - EA: 226159 - Certification Date: 07/01/05 - RTL Date: 07/31/05 - (Conventional Highway-construct HOV lane). Authorizes condemnation of land in fee for a State highway, a temporary easement for construction, and a permanent easement for utility purposes. Located in the city of San Rafael at 540 Francisco Boulevard West. APNs 013-041-53, -54, -56 and APNs 013-051-23, -28, -29, -30, -31.

C-19067 - City of Oakland, et al.

04-Ala-880-KP 49.22-Parcel 57908-1, 2, 3 - EA: 1706U9 - Certification Date: 06/01/05 - RTL Date: 07/31/05 - (Freeway - retrofit bridge and construct auxiliary lane). Authorizes condemnation of land in fee for a freeway, extinguishment of abutter's rights of access, a temporary easement for construction, and an easement for maintenance. Located in the city of Oakland near 5th Avenue and I-880. APN 0000-0455-009.

C-19068 - City of Oakland, et al.

04-Ala-880-KP 49.22-Parcel 58602-1, 2 - EA: 1706U9 - Certification Date: 06/01/05 - RTL Date: 07/31/05 - (Freeway - retrofit bridge and construct auxiliary lane). Authorizes condemnation of a temporary easement for construction and a permanent easement for maintenance. Located in the city of Oakland near 5th Avenue and I-880. APN 0000-0455-010.

C-19069 - Union Pacific Railroad, Company, et al.

04-Ala-880-PM 30.40-Parcel 57909-1, 2, 3 - EA: 1706U9 - Certification Date: 06/01/05 - RTL Date: 07/31/05 - (Freeway - construct auxiliary lane and retrofit bridge). Authorizes condemnation of an easement for construction and access, extinguishment of abutter's rights of access, an easement for maintenance, and a temporary construction easement. Located in the city of Oakland at 5th Avenue. APN 0000-0455-011.

C-19070 - Union Pacific Railroad Company, et al.

04-Ala-880-PM 30.09-Parcel 57910-1, 2, 3, 4, 5, 6 - EA: 1706U9 - Certification Date: 06/01/05 - RTL Date: 07/31/05 - (Freeway - construct auxiliary lane and retrofit bridge). Authorizes condemnation of an easement for construction, extinguishment of abutter's rights of access, an easement for footing, an easement for maintenance, two drainage easements, and a temporary easement for construction. Located in the city of Oakland near 5th Avenue. APN 0000-0475-005 and APN 0000-0465-007.

C-19071 - Dana Denman, et al.

04-SM-1-KP 62.3-Parcel 59335-1 - EA: 1123K9 - Certification Date: 05/01/05 - RTL Date: 05/31/05 - (Conventional highway - construct tunnel and bridge). Authorizes condemnation of land in fee for a State highway. Located near the city of Pacifica between McNee Ranch State Park and the city of Pacifica. APN 023-742-010.

C-19072 - Dana Denman, et al.

04-SM-1-KP 62.0/64.5-Parcel 59269-1 through 7, 9, 10, 14, 15, 20 through 25, 27, 28 - EA: 1123K9 - Certification Date: 05/01/05 - RTL Date: 05/31/05 - (Conventional highway - construct tunnel and bridge). Authorizes condemnation of land in fee for a State highway, an aerial easement for construction, extinguishment of abutter's rights of access, an underground easement for tunnel construction, an easement for drainage, three easements for mitigation, two easements for access, two temporary easements for access, and three temporary easements for maintenance and access. Located near the city of Pacifica between McNee Ranch State Park and the city of Pacifica. APN 023-741-010 and APN 023-741-020.

C-19073 - Estate of Sandra Kendall, et al.

04-Son-116-PM 6.9R-Parcel 59909-1 - EA: 1S3009 - Certification Date: 06/01/05 - RTL Date: 06/30/05 - (Conventional Highway - repair storm damage). Authorizes condemnation of land in fee for a State highway. Located in the town of Monte Rio at 21415 Highway 116. APN 094-063-004.

C-19074 - Donald Joe Whipple, et ux.

06-Fre-180-KP R88.6-Parcel 85344-1; 85344-01-01 - EA: 342339-3000C - Certification Date: 03/01/06 - RTL Date: 03/01/06 - (Freeway - new alignment). Authorizes condemnation of land in fee for a State highway, excess land in fee to which the owner has consented, extinguishment of abutter's rights of access, together with the right and easement to enter upon the remaining ownership to sever and shore certain improvements at the right of way line. Located in the city of Fresno at 531 South Hughes. APN 458-090-26.

C-19075 - P. Guzman, Jr., et al.

06-Mad-99-KP 32.0-Parcel 85017-1 - EA: 293309 - Certification Date: 01/01/06 - (Freeway - convert four-lane expressway to a six-lane freeway and construct an interchange). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, together with 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 near the unincorporated area of Fairmead at west line 99 between Avenue 21 and Avenue 21 1/2. APN 027-091-14.

C-19076 - P. Guzman, Jr., et al.

06-Mad-99-KP 35.9-Parcel 84991-1 - EA: 293309 - Certification Date: 01/01/06 - (Freeway - convert four-lane expressway to a six-lane freeway and construct an interchange). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near the unincorporated area of Fairmead near the southwest corner of Route 99 and Highway 152. APN 027-091-14.

C-19077 - The Braaksma-Ross Family Limited Partnership, et al.

06-Mad-99-KP 33.5-Parcel 85012-1, 2 - EA: 293309 - Certification Date: 01/01/06 - RTL Date: 02/01/06 - (Freeway - convert four-lane expressway to a six-lane freeway and construct an interchange). Authorizes condemnation of land in fee for a State highway, together with 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 unincorporated area of Fairmead at east line Road 18 1/2 and Highway 152. APN 027-201-07.

C-19078 - The Braaksma-Ross Family Limited Partnership, et al.

06-Mad-99-KP 33.5-Parcel 85013-1 - EA: 293309 - Certification Date: 01/01/06 - RTL Date: 02/01/06 - (Freeway - convert four-lane expressway to a six-lane freeway and construct an interchange). Authorizes condemnation of land in fee for a State highway, together with 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 unincorporated area of Fairmead at east line Road 18 1/2 and Highway 152. APN 027-201-06.

C-19079 - BNSF Railway Company

08-SBd-138-KP 30.1/30.5-Parcel 17569-1 - EA: 437009 - Certification Date: 05/27/05 - RTL Date: 05/30/05 - (Conventional Highway - realignment of State Route 138). Authorizes condemnation of a temporary easement for construction purposes. Located in the unincorporated area of San Bernardino County between Interstate 15 and 1/4 mile west of Summit Post Office Road. APNs 0357-111-61, -62.

C-19080 - Farmer's Estate Residential Investors, LLC, a Delaware Limited Liability Company

11-Imp-8-KP 59.0-Parcel 32612 - EA: 079002 - Certification Date: 12/02/09 - RTL Date: 04/01/10 - (Freeway - Reconstruct Interchange). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of El Centro between Whitney and Imperial Avenue. APNs 052-686-29 through 43 and APNs 052-687-1 through 10.

C-19081 - Gerald Handler, Trustee, etc., et al.

11-SD-905-KP 10.6-Parcel 31344 - EA: 091829 - Certification Date: 06/30/05 - RTL Date: 06/30/05 - (Freeway - construction a six-lane freeway). Authorizes condemnation of land in fee for a State highway. Located in the city of San Diego at the Southwest Quadrant of existing SR-905 and Caliente Avenue. APN 645-060-36.

C-19082 - William Roll, etc., et al.

11-SD-905-KP 0.8-Parcel 32001, 32004, 32091 - EA: 091829 - Certification Date: 06/30/05 - RTL Date: 06/30/05 - (Freeway - construct a six-lane freeway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and excess land in fee to which the owner has consented. Located in the city of San Diego at Otay Mesa Road/Route 905. APNs 646-121-09, -10, -13.

C-19083 - Western Pacific Housing Inc.

11-SD-905-KP 10.45-Parcel 31457 - EA: 091829 - Certification Date: 06/30/05 - RTL Date: 06/30/05 - (Freeway - construct a six-lane freeway). Authorizes condemnation of land in fee for a State highway. Located in the city of Otay Mesa near southeast corner existing SR-905/old Otay Mesa Road. APN 645-060-33.

C-19084 - Dante Corporation, et al.; City of San Diego, a Municipal Corporation (Easement)

11-SD-905-KP 13.05-Parcel 31358-1, 2, 3 - EA: 091829 - Certification Date: 06/30/05 - RTL Date: 06/30/05 - (Freeway - construct a six-lane freeway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, extinguishment of an easement for a flood water storage easement, an easement for a flood water storage easement to be conveyed to the city of San Diego, and a temporary easement for highway construction. Located in the city of San Diego at 1673 Pacific Rim Court. APN 646-190-17.

C-19085 - Pacific Rim Pointe, LLC, et al.

11-SD-905-KP 17.8-Parcel 32755-1, 2 - EA: 091829 - Certification Date: 06/30/05 RTL Date: 06/30/05 - (Freeway - Construct a six-lane freeway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for highway construction, and underlying fee. Located in the city of San Diego near Airway Road. APN 646-230-19.

C-19086 - Casas Jollife Pacific Rim, LLC, et al.

11-SD-905-KP 17.9-Parcel 32756-1, 2 - EA: 091829 - Certification Date: 06/30/05 - RTL Date: 06/30/05 - (Freeway - Construct a six-lane freeway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for highway construction, and underlying fee. Located in the city of San Diego near Airway Road. APNs 646-230-20, -21.

C-19087 - Union Pacific Railroad Company

12-Ora-5-KP 68.6-69.8-Parcel 201031-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 - EA: 101679 - Certification Date: 06/01/05 - RTL Date: 08/01/05 - (Freeway - widen Interstate 5 and add HOV lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for highway purposes, a permanent easement for public road and highway purposes, two temporary easements for construction purposes, three permanent easements for retaining wall footings, and two permanent sub-surface easements for tie-back purposes. Located in the city of Buena Park between Orangethorpe Avenue and the Orange County line. APNs 276-21, -30, -33, -34, -35, -219.

C-19088 - Federal Boulevard Properties, L.P., et al.

12-Ora-5-KP 69.3-Parcel 201032-1 - EA: 101679 - Certification Date: 06/01/05 - RTL Date: 08/01/05 - (Freeway - widen Interstate 5 and add HOV lanes). Authorizes condemnation of a temporary easement for construction purposes together with 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 Buena Park at 6700 Stanton Avenue. APN 276-351-01.

C-19089 - Edward G. Burr, et al.

12-Ora-5-KP 69.3-Parcel 201033-1 - EA: 101679 - Certification Date: 06/01/05 - RTL Date: 08/01/05 - (Freeway - widen Interstate 5 and add HOV lanes). Authorizes condemnation of a temporary easement for construction purposes together with 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 Buena Park at 6762 Stanton Avenue. APN 276-351-02.

C-19090 - DCH Investments Inc. (California), a California corporation

12-Ora-5-KP 69.4/69.6-Parcel 201024-1, 3 - EA: 101679 - Certification Date: 06/01/05 - RTL Date: 08/01/05 - (Freeway - widen Interstate 5 and add HOV lanes). Authorizes condemnation of temporary easement for construction purposes and a permanent sub-surface easement for tie-back purposes. Located in the city of Buena Park at 6501 Manchester Boulevard. APN 277-062-05.

C-19091 - DCH Investments Inc. (California), a California corporation

12-Ora-5-KP 69.4-Parcel 201034-1 - EA: 101679 - Certification Date: 06/01/05 - RTL: 08/01/05 - (Freeway - widen Interstate 5 and add HOV lanes). Authorizes condemnation of a temporary easement for construction purposes. Located in the city of Buena Park at the southeast corner of Manchester Boulevard and Stanton Avenue. APN 070-047-01.

C-19092 - Ganahl Lumber Company, a California Corporation

12-Ora-5-KP 69.4/69.8-Parcel 201025-1, 2, 3, 4, 5 - EA: 101679 - Certification Date: 06/01/05 - RTL Date: 08/01/05 - (Freeway - widen Interstate 5 and add HOV lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, two temporary easements for construction purposes, and a permanent easement for traffic signal purposes. Located in the city of Buena Park at 6586 Beach Boulevard. APNs 276-301-08, -09.

C-19093 - Community Redevelopment Agency of the City of Buena Park

12-Ora-5-KP 69.7-Parcel 201026-1 - EA: 101679 - Certification Date: 06/01/05 - RTL Date: 08/01/05 - (Freeway - widen Interstate 5 and add HOV lanes). Authorizes condemnation of a permanent sub-surface easement for tie-back purposes. Located in the city of Buena Park at 6400 Beach Boulevard. APN 227-051-09.

C-19094 - Fit Kit, Inc.

12-Ora-5-KP 69.8-Parcel 201027-2, 3 - EA: 101679 - Certification Date: 06/01/05 - RTL Date: 08/01/05 - (Freeway - widen Interstate 5 and add HOV lanes). Authorizes condemnation of a temporary easement for construction purposes, a permanent sub-surface easement for tie back purposes, together with 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 Buena Park at 6400 Beach Boulevard. APN 227-051-10.

C-19095 - Union Pacific Railroad Company

12-Ora-5-KP 69.7-71.6-Parcel 200954-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14 - EA: 101679 - Certification Date: 06/01/05 - RTL Date: 08/01/05 - (Freeway - widen Interstate 5 and add HOV lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, two permanent easements for highway purposes, a permanent easement for sound wall purposes, three temporary easements for construction purposes, two temporary easements for utility purposes, two permanent easements for retaining wall footings, and a permanent sub-surface easement for tie-back purposes. Located in the city of Buena Park between State Route 91 and the Orange County line. APN 872-30-2J.

C-19096 - Saltamacchia Land Company, et al.

12-Ora-5-KP 70.3-Parcel 201029-1, 2, 3, 4, 5 - EA: 101679 - Certification Date: 06/01/05 - RTL Date: 08/01/05 - (Freeway - widen Interstate 5 and add HOV lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, two temporary easements for construction purposes, a permanent easement for footing purposes, and a permanent sub-surface easement for tie-back purposes. Located in the city of Buena Park at 6411 Beach Boulevard. APN 277-022-24.

C-19097 - Community Redevelopment Agency of the City of Buena Park

12-Ora-5-KP 70.3-Parcel 201030-1, 2, 3, 4 - EA: 101679 - Certification Date: 06/01/05 - RTL Date: 08/01/05 - (Freeway - widen Interstate 5 and add HOV lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent sub-surface easement for tie-back purposes, a permanent easement for footing purposes, and a temporary easement for construction purposes. Located in the city of Buena Park at the southeast corner of Manchester Boulevard and Beach Boulevard. APN 277-022-23.

C-19098 - Community Redevelopment Agency of the City of Buena Park

12-Ora-5-KP 70.3-Parcel 200932-1, 2; 200932-01-01 - EA: 101679 - Certification Date: 06/01/05 - RTL Date: 08/01/05 - (Freeway - widen Interstate 5 and add HOV lanes). Authorizes condemnation of land in fee for a State highway, a permanent easement for footing purposes, and excess land in fee to which the owner has consented. Located in the city of Buena Park near the southeast corner of Botryoides Avenue. APN 066-030-45.

C-19099 - CM Buena Park CA, LLC; Carmax Auto Superstores California, LLC (Lessee)

12-Ora-5-KP 70.3-Parcel 200933-1, 2, 3, 4, 5, 6, 7 - EA: 101679 - Certification Date: 06/01/05 - RTL Date: 08/01/05 - (Freeway - widen Interstate 5 and add HOV lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, two permanent easements for footing purposes, a permanent easement for drainage purposes, and a permanent easement for utility purposes. Located in the city of Buena Park at 6100 Manchester Boulevard. APN 066-030-44.

C-19100 - Vineyard Apartments LLC, a California Limited Liability Company

12-Ora-90-KP 19.4/19.7-Parcel 102146-1, 2, 3, 4, 6 - EA: 056209 - Certification Date: 02/01/06 - RTL Date: 03/01/06 - (Conventional Highway - grade separation). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, together with 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 Anaheim at 5601 Orangethorpe Avenue. APN 343-271-14.