

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: July 13-14, 2005

Reference No.: 2.4b.  
Action Item

From: CINDY McKIM  
Chief Financial Officer

Prepared by: Bimla G. 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-19103 through C-19123. 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-19103 - Equilon Enterprises, LLC

12-Ora-5-KP 70.8 - Parcel 200929-1,2, 01-01 - EA 101679 - Certification Date: 07/31/05 - RTL Date: 08/01/05 - (Freeway - widening Interstate 5 and add HOV lanes). 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, extinguishment of abutter's rights of access, a temporary easement for construction purposes, and land in fee which is a remnant and would have little market value. Located in the city of Buena Park at 6011 Manchester Boulevard. APN 066-030-17, -20.

C-19104 - Richard W. Brittain, et ux.

02-Tehama-5-PM 28.6/28.7 - Parcel 13242 - EA 362109 - Certification Date: 12/01/05 - RTL Date: 06/01/06 - (Freeway - maintenance station). Authorizes condemnation of land in fee for a State highway. Located in the city of Red Bluff at 4000 Hess Road. APN 027-040-067, -068.

C-19105 - Dana Denman, et al.

04-SM-1-KP 64.5 - Parcel 60178-1,2,3 - EA 1123M9 - Certification Date: 10/01/05 - RTL Date: 11/31/05 - (Conventional highway - tunnel and bridge construction). Authorizes condemnation of a temporary easement for construction and a permanent easement for access and maintenance an easement for drainage. Located near the city of Pacifica, California between 4.7 km to 1.3 km South of Linda Mar Boulevard. APN 023-741-020.

C-19106 - Ostergaard Family Trust; Bill's Bait and Tackle (Lessee)

06-Fre-180-KP R86.3 - Parcel 85525-1A, 1B - EA 342339-3000C - Certification Date: 03/01/06 - RTL Date: 03/01/06 - (Freeway - construct new alignment). Authorizes condemnation of land in fee for a State highway, an easement, 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, and underlying fee. Located in the city of Fresno at 4012 West Whitesbridge. APN 326-080-11.

C -19107 - Ostergaard Family Trust

06-Fre-180-KP R86.3 - Parcel 85527-1 - EA 342339-3000C - Certification Date: 03/01/06 - (Freeway - construct new alignment). Authorizes condemnation of land in fee for a State highway. Located in the city of Fresno near North Brawley Avenue, north of West Whitesbridge Road. APN 326-080-08.

C-19108 - John Kalpakoff, et al.

06-Fre-180-KP R87.1 - Parcel 85532-1 - EA 342339-3000C - Certification Date: 03/01/06 - RTL Date: 03/01/06 - (Freeway - construct new freeway). Authorizes condemnation of a permanent easement, 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 Fresno at 55 South Valentine Avenue. APN 326-090-12.

C-19109 - Orchard Family Trust

06-Ker-41-KP 6.60/7.74 - Parcel 84343-1A, 1B, 1C - EA 382909 - Certification Date: 10/01/05 - RTL Date: 10/01/05 - (Conventional highway - AC overlay and widening). 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 near the unincorporated area of the Kings and Kern county line. APN 043-010-01.

C-19110 - Orchard Family Trust; Viacom Outdoor Advertising (Lessee)

06-Kin-41-KP 0.00/0.06 - Parcel 84172-1A,1B - EA 321509 - Certification Date: 10/01/05 - RTL Date: 10/01/05 - (Conventional highway - AC overlay and widening). 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 near the unincorporated area of the Kings and Kern county line. APN 050-330-012.

C-19111 - Orchard Family Trust

06-Kin-41-KP 1.76/3.52 - Parcel 84170-1,2,3,4,5,6 - EA 321509 - Certification Date: 10/01/05 - RTL Date: 10/01/05 - (Conventional highway - AC overlay and widening). Authorizes condemnation of land in fee for a State highway, a permanent easement for drainage, 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 the Kings and Kern county line. APN 050-330-007.

C-19112 - Orchard Family Trust

06-Kin-41-KP 3.52/4.34 - Parcel 84169-1,2 - EA 321509 - Certification Date: 10/01/05 - RTL Date: 10/01/05 - (Conventional highway - AC overlay and widening). Authorizes condemnation of land in fee for a State highway, a permanent easement for drainage facility, 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 the Kings and Kern county line. APN 050-280-009.

C-19113 - Orchard Family Trust

06-Kin-41-KP 6.48/6.78 - Parcel 84165-1,2 - EA 321509 - Certification Date: 10/01/05 - RTL Date: 10/01/05 (Conventional highway – AC overlay and widening). Authorizes condemnation of land in fee for a State highway, a permanent easement for drainage, 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 the Kings and Kern county line. APN 050-280-006.

C-19114 - Shirley Coles, Trustee of the O.E. Craig Trust

06-Mad-99-KP 32.8 - Parcel 85016-1A, 1B - 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, 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 20211 Avenue 21 1/2. APN 027-202-010.

C-19115 - Westwind Enterprises, Inc.

06-Tul-99-KP 41.2 - Parcel 85422-1,2 - EA 490209 - Certification Date: 07/01/05 - RTL Date: 07/01/05 - (Freeway - remove bridge and construct frontage road). Authorizes condemnation of land in fee for a State highway, a temporary easement for construction of a soundwall, together with the right and easement to enter the remaining ownership to sever and shore certain improvements at the right of way line. Located in the city of Tulare at 1000 E. Rankin Road. APN 191-270-022.

C-19116 - Northwind Properties, Ltd.

06-Tul-99-KP 41.5 - Parcel 85424-1,2 - EA 490209 - Certification Date: 07/01/05 - RTL Date: 07/01/05 - (Freeway - remove bridge and construct frontage road). Authorizes condemnation of land in fee for a State highway, together with the right and easement to enter the remaining ownership to sever and shore certain improvements at the right of way line, a temporary easement for construction of a soundwall, and extinguishment of abutter's rights of access. Located in the city of Tulare at 900 E. Rankin Road. APN 191-270-027.

C-19117 - PBR Realty, LLC

07-LA-101-PM 0.6 - Parcel 78202-1, 2, 3 - EA 1199U9 - Certification Date: 04/28/04 - RTL Date: 06/25/04 - (Freeway - Safety and Operation Enhancement Project). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and two temporary easements for construction purposes. Located in the city of Los Angeles at 531 East Commercial Street. APN 5173-003-010.

C-19118 - Robert Egger, Jr., Trustee, etc., et al.

11-SD-125-KP 1.8 - Parcel 32094-1,2 - EA 232309 - Certification Date: 01/27/05 - (Freeway - construct a freeway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a permanent easement for drainage. Located in the city of San Diego at the Northwest corner of Otay Mesa Road and Lonestar Road. APN 646-070-15.

C-19119 - Southview LLC

11-SD-905-KP 11.0 - Parcel 31345 - EA 091822 - Certification Date: 06/30/05 - RTL Date: 03/31/06 - (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 between Caliente Avenue and South of Otay Mesa Road. APN 645-080-14.

C-19120 - Southwestern Community College District

11-SD-905-KP 15.1 - Parcel 31368 - EA 091829 - Certification Date: 06/30/05 - RTL Date: 03/31/06 - (Freeway - construct a six lane freeway). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of San Diego at Excellante Street. APN 646-111-31.

C-19121 - Southwestern Community College District

11-SD-905-KP 15.5 - Parcel 31371 - EA 091829 - Certification Date: 06/30/05 - RTL Date: 03/31/06 - (Freeway - construct a six lane freeway). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of San Diego at 8100 Gigante Street. APN 646-111-28.

C-19122 - James D. Garcia

12-Ora-90-KP 19.75 - Parcel 102138-1, 2 - EA 056209 - Certification Date: 02/01/06 - RTL Date: 03/01/06 - (Conventional highway - grade separation). Authorizes condemnation of a permanent highway easement and a temporary easement for construction purposes. Located in the unincorporated area of the county of Orange at 19651 Esperanza Road. APN 349-071-21.

C-19123 - Claudia A. Williams, as Trustee of the Calvin & Claudia Williams Trust

12-Ora-90-KP 19.75 - Parcel 102147-1 - 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. Located in the city of Anaheim at 5635-5695 East Orangethorpe Avenue. APN 343-271-16.