

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: August 17-18, 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-19124 through C-19146. 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-19124 – G. Harold Duce, Trustee and Olive Elaine Duce, Trustee, etc., et al.

03-ED-50-PM 18.0-Parcel 0333912-1, 2 - EA 3555U9 - Certification Date: 10/01/05 - RTL Date: 10/01/05 - (Conventional highway - operational improvement project). Authorizes condemnation of an easement for utility purposes to be conveyed to the city of Placerville and a temporary easement for highway construction. Located in the city of Placerville at Main Street. APN 02-151-051.

C-19125 - Sharlene McCaslin, et al.

03-ED-50-PM 18.0-Parcel 033997-1, 2, 3 - EA 3555U9 - Certification Date: 10/01/05 - RTL Date: 10/01/05 - (Conventional highway - operational improvement project). Authorizes condemnation of land in fee for a State highway, a temporary easement for highway construction, and an easement for utility purposes to be conveyed to the city of Placerville. Located in the city of Placerville near Bedford Avenue. APN 002-122-41.

C-19126 - Home Depot U.S.A., Inc., et al.

04-Ala-880-KP 44.8-Parcel 57780-1, 2, 3, 4 - EA 165429 - Certification Date: 02/01/06 - (Freeway - seismic retrofit High Street Overhead Bridge). Authorizes condemnation of land in fee for a State highway, two temporary easements for freeway construction, and a permanent slope easement. Located in the city of Oakland at 4000 Alameda Avenue. APN 033-2250-018-03.

C-19127 - Nelson Bedford, et al.

04-SM-1-KP 62.1-Parcel 59336-1 - EA 1123M9 - Certification Date: 10/31/05 - RTL Date: 11/01/05 - (Conventional highway - construct bypass tunnel). Authorizes condemnation of land in fee for a State highway. Located between the city of Pacifica and Montara Beach State Park (Gray Whale Cove). APN 023-742-020

C-19128 - Wanes Kaprelian

06-Ker-46-KP 49.2-Parcel 85536-1A, 1B - EA 0A0609 - Certification Date: 12/15/05 - RTL Date: 12/15/05 - (Safety project - install signals). Authorizes condemnation of land in fee for a State highway and underlying fee. Located near the town of Lost Hills at the northwest corner of Lost Hills Road and State Route 46. APN 058-162-05.

C-19129 - Timothy Baz Baloian and Barbara Anne Baloian as co-trustees, etc., et al.

06-Fre-180-KP R87.8-Parcel 85348-1, 1A, 2 - EA 342339-3000C - Certification Date: 03/01/06 - RTL Date 03/01/06 - (Freeway - construct a new freeway). 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 improvement, extinguishment of abutter's rights of access, a permanent easement for Pacific Gas and Electric, and underlying fee. Located in the city of Fresno at Marks and Whitesbridge Road. APN 326-150-07, -08.

C-19130 - Fresno Auto Dealers Auction, Inc.

06-Fre-180-KP R88.2-Parcel 85397-1 - EA 342339-3000C - Certification Date: 03/01/06 - RTL Date: 03/01/06 - (Freeway - construct a new freeway). Authorizes condemnation of land in fee for a State highway, together with all of those improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements, and extinguishment of abutter's rights of access. Located in the city of Fresno at 278 North Marks Avenue. APN 458-050-31.

C-19131 - Keiser Holdings, LLC

06-Fre-180-KP R88.3-Parcel 85610-1 - EA 342339-3000C - Certification Date: 03/01/06 - RTL Date: 03/01/06 - (Freeway - construct a new freeway). Authorizes condemnation of a temporary easement for construction purposes for a State highway. Located in the city of Fresno near State Route 180 and Hughes/West Diagonal. APN 458-101-39.

C-19132 - Innovative Properties & Development, LLC., et al.

06-Fre-180-KP R88.6-Parcel 85350-1; 85350-01-01 - EA 342339-3000C - Certification Date: 03/01/06 - RTL Date 03/01/06 - (Freeway - construct a new freeway). Authorizes condemnation of land in fee for a State highway, together with all of those 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, and excess land in fee to which the owner has consented. Located in the city of Fresno at 2510 Whitesbridge. APN 458-080-25.

C-19133 - George T. Matthews

08-SBd-215-KP 9.16-Parcel 18942-1, 2 - EA 007179 - Certification Date: 09/01/06 - RTL Date: 11/01/06 - (Freeway - add two HOV lanes and operational improvements). 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 in the city of San Bernardino at 867 West Hazel Street. APN 0141-191-28.

C-19134 - Jim Underwood, dba Smooth Move Concrete Pumping Co.

08-SBd-215-KP 10.38-Parcel 18787-1, 01-01 - EA 007179 - Certification Date: 09/01/06 - RTD Date: 11/01/06 - (Freeway - add two HOV lanes and operational improvements). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and land in fee which is a remnant and would have little market value. Located in the city of San Bernardino at 204 Walkinshaw Street. APN 0136-084-06.

C-19135 - Gordon R. Swing, et al.

08-SBd-215-KP 10.42-Parcel 18796-1 - EA 007179 - Certification Date: 09/01/06 - RTL 11/01/06 - (Freeway - add two HOV lanes and operational 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 between West Henderson Lane and Congress Street. APN 0136-082-16.

C-19136 - Edward F. Plant

11-SD-125-KP 2.2-Parcel 32013-1, 2 - EA 232309 - Certification Date: 06/20/03 - (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 south side of Lonestar Road, east of La Media Road. APN 646-070-05.

C-19137 - Edward F. Plant

11-SD-125-KP 2.2-Parcel 32915-1, 2 -EA 232309 - Certification Date: 06/20/03 - (Freeway - construct a freeway). 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, and a permanent easement for drainage. Located in the city of San Diego at 6425 Lonestar Road. APN 646-070-05.

C-19138 - Dante Corporation

11-SD-125-KP 2.2-Parcel 32914 - EA 232309 - Certification Date: 01/27/05 - (Freeway - construct a freeway). 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, and extinguishment of abutter's rights of access. Located in the city of San Diego at 6421 Lonestar Road. APN 646-070-03.

C-19139 - 7919 St. Andrews Avenue, LLC

11-SD-905-KP 14.9-Parcel 31464 - EA 091829 - Certification Date: 06/30/05 - RTL Date: 03/31/06 - (Freeway - construct a freeway). Authorizes condemnation of a temporary construction easement for drainage and construction purposes. Located in the city of San Diego at 7919 St. Andrews Avenue. APN 646-221-29.

C-19140 - Wanda Avery, et al.

11-SD-905-KP 17.6-Parcel 31361 - EA 091829 - Certification Date: 06/30/05 - RTL Date: 03/31/06 - (Freeway - construct a freeway). Authorizes condemnation of land in fee for a State highway. Located in the city of San Diego at the Northwest Corner of State Route 905 and Airway Road. APN 646-130-43-00.

C-19141 - Martha Y. Jimenez , et al.

11-SD-905-KP 17.8-Parcel 32234 - EA 091829 - Certification Date: 06/30/05 - RTL Date: 03/31/06 - (Freeway - construct a freeway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, extinguishment of a traffic control easement for the county of San Diego, and extinguishment of landscaping and drainage easements for the city of San Diego. Located in the city of San Diego at 2205 Otay Center Court. APN 646-141-18.

C-19142 - Sanyo Foods Corporation of America, a California Corporation, et al.

12-Ora-90-KP 19.2-Parcel 102149-1, 3 - 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, and a temporary easement for construction purposes. Located in the city of Yorba Linda near the west side of State Route 90, 1/2 mile north of Orangethorpe Avenue and Esperanza Road. APN 343-451-01.

C-19143 - Vaiyapuri Subramanian, et ux.

12-Ora-90-KP 19.5-Parcel 102202-1, 3 - 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, and a temporary easement for construction purposes. Located in the unincorporated area of the county of Orange at 6615 Vista Loma. APN 349-691-37.

C-19144 - Frank A. Garcia, et al.

12-Ora-90-KP 19.8-Parcel 102189-1, 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 19741 Esperanza Road. APN 349-071-25.

C-19145 - Patel/King Properties, LLC, a California Company

12-Ora-90-KP 19.8-Parcel 102190-1, 2 - EA 056209 - Certification Date: 02/01/06 - RTL Date: 03/01/06 - (Conventional Highway - grade separation). Authorizes condemnation of a permanent highway easement, together with all those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements, and a temporary easement for construction purposes. Located in the city of Yorba Linda at 6821 Fairlynn Boulevard. APN 349-071-17.

C-19146 - Prominence Homeowners Association

12-Ora-90-KP 19.0/20.0-Parcel 201039-1 - EA 056209 - Certification Date: 02/01/06 - RTL Date: 03/01/06 - (Conventional Highway - grade separation). Authorizes condemnation of a permanent easement for footing purposes. Located in the city of Yorba Linda at 6699 Vista Loma. APN 936-84-120.