

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: November 2-3, 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-19172 through C-19196. 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-19172 - GB Properties, Inc.

01-Lak-20-PM 39.70 - Parcel 11640 - EA: 4146V9 - Certification Date: 02/01/06 - RTL Date: 04/01/06 - (Conventional Highway - rehabilitate roadway and realign curves). Authorizes condemnation of land in fee for a State highway. Located in the city of Clearlake Oaks at 21872 East State Highway 20. APN 628-310-03.

C-19173 - Brockway Bow Tie Investors, LLC

03-Pla-28-PM 10.3 - Parcel 033855-1, 2 - EA: 290909 - Certification Date: 01/01/06 - RTL Date: 02/01/06 - (Conventional Highway - water quality improvements). Authorizes condemnation of a permanent easement for drainage purposes and a temporary easement construction purposes. Located in the city of Kings Beach at Chipmunk Street. APN 090-370-007.

C-19174 - Parmjit S. Johl, et al.

03-Yub-70-PM 19.4 - Parcel 034206-1, 2 - EA: 4A5709 - Certification Date: 01/01/06 - RTL Date: 01/01/06 - (Conventional Highway - construct two-way left-turn lane, widen and add shoulders). Authorizes condemnation of land in fee for a State highway and underlying fee in existing public roadway. Located near the city of Marysville at 8880 State Highway 70. APN 05-180-035.

C-19175- El Camino Enterprises, Inc.

05-Mon-183-PM 1.50 - Parcel 9892-1, 2 - EA: OE2409 - Certification Date: 01/01/06 - RTL Date: 03/01/06 - (Conventional Highway - pavement rehabilitation). Authorizes condemnation of a permanent easement and a temporary easements for highway construction. Located in the city of Salinas at 355 West Market Street. APN 002-051-008.

C-19176 - Union Pacific Railroad

07-LA-91-PM 10.0 - Parcel 79129-1, 2 - EA: 1Y6509 - Certification Date: 12/01/05 - RTL Date: 03/01/06 - (Freeway - emergency repair of damage to columns of bridge structure). Authorizes condemnation of a temporary easement for construction purposes. Located in the city of Compton at 135 East Stanley Street. APN 7306-010-806, 807, 809.

C-19177 - General Security Corporation, as Trustee, etc., et al.

10-Cal-12-PM 14.0/14.5 - Parcel 15483-1, 2 - EA: OH3809 - Certification Date: 12/01/05 - RTL Date: 01/15/06 - (Conventional Highway - construct left turn lane, acceleration lane and shoulder widening). Authorizes condemnation of land in fee for a State highway, underlying fee, and an easements for water pipeline to be conveyed to Guerdon L. Churchill, By-Pass Trust, dba: Toyon Park Water System. Located near the city of San Andreas at 4613 Highway 12. APN 040-004-010.

C-19178 - Walter Christopher Gurasich, Trustee, etc., et al.

10-Cal-12-PM 14.0/14.5 - Parcel 15482-1, 2 - EA: OH3809 - Certification Date: 12/01/05 - RTL Date: 01/05/06 - (Conventional Highway - construct left turn lane, acceleration lane and shoulder widening). Authorizes condemnation of land in fee for a State highway, underlying fee, and an easement for a water pipeline to be conveyed to Guerdon L. Churchill, By-Pass Trust, dba: Toyon Park Water System. Located near the city of San Andreas at 4447 Highway 12. APN 040-004-015.

C-19179 - Stephen & Mary Birch Foundation, a Delaware Corporation

11-SD-125-PM 2.36 - Parcel 32108-1, 2 - EA: 232309 - Certification Date: 01/27/05 - (Freeway - construct eight lane freeway and interchange). Authorizes condemnation of permanent slope and buttress easement for remediation of ancient landslide area, and an easement for utilities to be conveyed to San Diego Gas & Electric Company. Located in the city of Chula Vista at Lots 25, and 26 of Otay Rancho. APN 646-010-02.

C-19180 - Stephen & Mary Birch Foundation, a Delaware Corporation

11-SD-125-PM 2.36 - Parcel 32109-1, 2 - EA: 232309 - Certification Date: 01/27/05 - (Freeway - construct eight lane freeway and interchange). Authorizes condemnation of permanent slope and buttress easement for remediation of ancient landslide area, and an easement for utilities to be conveyed to San Diego Gas & Electric Company. Located in the city of Chula Vista at Lots 25, and 26 of Otay Rancho. APN 646-010-02.

C-19181 - San Diego Gas and Electric Company

11-SD-125-PM 9.01 - Parcel 32081-1, 2, 4 - EA: 232309 - Certification Date: 01/27/05 - (Freeway - construct eight lane freeway and interchange). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for highway construction, an easement for water lines, ingress, and egress to be conveyed to Otay Water District, and land in fee which is a remnant and would have little market value. Located in the unincorporated area of San Diego County at east end of San Miguel Road, 1/2 mile southeast of Sweetwater Reservoir, 1/2 mile east of Sweetwater County Park. APN 585-111-01, 04; 585-130-09, 13, 14, 15, 19, 20; and 585-131-03, 05.

C-19182 - Crockett & Company, Inc.

11-SD-125-PM 10.9 - Parcel 32151-1, 2, 3 - EA: 003009 - Certification Date: 01/27/05 - (Freeway - construct eight lane freeway and interchange). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a permanent easement for access and slope. Located in the unincorporated area of Bonita at 5540 Sweetwater Road. APN 590-052-36.

C-19183 - Sweetwater Authority

11-SD-125-PM 11.0 - Parcel 32152 - EA: 003009 - Certification Date: 12/21/02 - (Freeway - connector from SR 54 to SR 125 Toll Road). Amends Resolution No. C-18946, adopted September 15, 2004, which authorized 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. This Amendment reflects an increase in the fee area required for the construction of the project, and land in fee which is a remnant and would have little market value. Located in the city of Bonita, north of San Miguel Road and east of Quarry Road. APN 585-161-01.

C-19184 - Sesi Family Trust, et al.

11-SD-905-PM 8.2 - Parcel 31461-1, 2, 3 - EA: 091822 - Certification Date: 03/20/06 - RTL Date: 06/13/06 - (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 construction, and a permanent easement for drainage. Located in the city of San Diego between Cactus Road and Airway. APN 646-100-59-70.

C-19185 - Cabot Industrial Properties, L.P.

11-SD-905-PM 8.86 - Parcel 33043 - EA: 091829 - Certification Date: 03/20/06 - RTL Date: 06/13/06 - (Freeway- construct a six lane freeway). Authorizes condemnation of a permanent easement for Slope. Located in the city of San Diego near Panasonic Way. APN 646-220-08.

C-19186 - Parker Properties Inc., a Delaware Corporation

11-SD-905-PM 9.07 - Parcel 33059 - EA: 091829 - Certification Date: 03/20/06 - RTL Date: 06/13/06 - (Freeway - construct a six lane freeway). Authorizes condemnation of a temporary construction easement, 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 San Diego at 7664 Panasonic Way. APN 646-220-04.

C-19187 - Southwestern Community College District

11-SD-905-PM 9.57 - Parcel 31368 - EA: 091829 - Certification Date: 03/20/06 - RTL Date: 06/13/06 - (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-19188 - Southwestern Community College District

11-SD-905-PM 9.57 - Parcel 31371 - EA: 091829 - Certification Date: 03/20/06 - RTL Date: 06/13/06 - (Freeway - construct a six lane freeway). Authorizes condemnation of land in fee for a State highway, underlying fee and extinguishment of abutter's rights of access. Located in the city of San Diego at 8100 Gigante Street. APN 646-111-28.

C-19189 - Paul E. Nation, Trustee of the Metropolitan Properties Shareholders Trust

11-SD-905-PM 10.4 - Parcel 32007 - EA: 091829 - Certification Date: 03/20/06 - RTL Date: 06/13/06 - (Freeway - construct a six lane freeway). Authorizes condemnation of land in fee for a State highway. Located in the city of San Diego near Southwest corner of the property abuts the Northeast corner of Piper Ranch Road, near Airway Road. APN 646-121-30.

C-19190 - Larkspur Energy, LLC.

11-SD-905-PM 10.7 - Parcel 32633-1,2 - EA: 091829 - Certification Date: 03/20/06 - RTL Date: 06/13/06 - (Freeway - construct a six lane freeway). Authorizes condemnation of a permanent easement for highway and slope, 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 San Diego at 9355 Otay Mesa Road. APN 646-130-51.

C-19191 - Mary J. Rivera

12-Ora-90-PM 12.18 - Parcel 102139-1, 3 - EA: 056209 - Certification Date: 02/06 - RTL Date: 03/01/06 - (Conventional Highway - construct and widen new grade separation). Authorizes condemnation of permanent easements for utility and footing purposes, 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. Located in the city of Yorba Linda at 6623 B Vista Loma. APN 349-691-62, 63, 71, 73.

C-19192 - Mary J. Rivera, et al.

12-Ora-90-PM 12.18 - Parcel 102140-1, 2, 3, 4 - EA: 056209 - Certification Date: 02/06 - RTL Date: 03/01/06 - (Conventional Highway - construct and widen new grade separation). Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, extinguishment of abutter's rights of access, and permanent easements for aerial utility and footing purposes. Located in the city of Yorba Linda at 6623 B Vista Loma. APN 349-691-62, 65, 71, 73.

C-19193 - Raymond Rivera, et ux.

12-Ora-90-PM 12.18 - Parcel 102141-1, 2, 3, 4 - EA: 056209 - Certification Date: 02/06 - RTL Date: 03/01/06 - (Conventional Highway - construct and widen new grade separation). Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, extinguishment of abutter's rights of access, permanent easements for aerial utility and footing purposes, 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. Located in the city of Yorba Linda at 6623 A Vista Loma. APN 349-691-63, 64.

C-19194 - Sylvia T. Rivera

12-Ora-90-PM 12.18 - Parcel 102142-1, 2, 4, 5 - EA: 056209 - Certification Date: 02/06 - RTL Date: 03/01/06 - (Conventional Highway - construct and widen new grade separation). Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purpose, extinguishment of abutter's rights of access, and permanent easements for aerial utility and footing purposes. Located in the city of Yorba Linda at 6623 C Vista Loma. APN 349-691-71,76.

C-19195 - BNSF Railway Company

12-Ora-90-PM 12.27 - Parcel 102192-1, 3, 8, 9 - EA: 056209 - Certification Date: 02/06 - RTL Date: 03/01/06 - (Conventional Highway - construct and widen new grade separation.). Authorizes condemnation of a temporary easement for construction purposes, permanent easements for aerial and maintenance purposes, and a non-exclusive easement for maintenance. Located in the city of Anaheim at Orangethorpe Avenue/Esperanza Road and Imperial Highway. APN 346-281-02.

C-19196 - Claudia A. Williams, as Trustee, etc., et al.:Toni I Fadel;Nabil I Deib; Amal N. Deib (Lessees)

12-Ora-90-PM 12.3 - Parcel 102147-1 - EA: 056209 - Certification Date: 02/06 - RTL Date: 03/01/06 - (Conventional Highway - construct and widen new grade separation). Authorizes condemnation of land in fee for a State highway, underlying fee in existing public roadway, and a non-exclusive easement for ingress and egress. Located in the city of Anaheim at 5635-5695 East Orangethorpe Avenue. APN 343-271-16.