

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: March 15-16, 2006

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-19272 through C-19321. 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-19272 - Lex Benjamin, et ux.

01-Lak-175-PM 11.8 - Parcel 11688-1 - EA 455309 - Certification Date: 03/01/06 - RTL Date: 03/01/06. Conventional highway - widening. Authorizes condemnation of a permanent easement for drainage. Located in the city of Kelseyville at 9033 Highway 175. APN 011-043-08.

C-19273 - Gene Howard Smalley, et ux.

03-Nev-20-PM 2.40 - Parcel 034119-1, 2, 3, 4, 5, 6 - EA 1A5309 - Certification Date: 03/01/06 - RTL Date: 03/01/06. Conventional highway - realignment and widening. Authorizes condemnation of land in fee for a State highway, a temporary easement for driveway realignment, permanent easements for utilities, and easements for utility purposes to be conveyed to Pacific Bell, PG&E, and Nevada Irrigation District. Located near the town of Penn Valley at 10010 Houghton Ranch Road. APN 50-390-19.

C-19274 - Coleman Foley, et ux.

04-Ala-84-PM 22.7 - Parcel 59900-1 - EA 172409 - Certification Date: 06/01/06 - RTL Date: 06/01/06. Expressway - reconstruction. Authorizes condemnation of land in fee for a State highway. Located near the city of Livermore at Vallecitos Road (Route 84), 1,640 feet south of the intersection with Kalthoff Common. APN 950-0007-004.

C-19275 - Coleman Foley, Inc.

04-Ala-84-PM 22.2/22.8 - Parcel 60050-1, 2, 3 - EA 172409 - Certification Date: 06/01/06 - RTL Date: 06/01/06. Expressway - reconstruction. 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 slope and drainage. Located near the city of Pleasanton at Route 84, 1,840 feet south of the intersection with Kalthoff Common. APN 950-0007-005-01.

C-19276 - Catherine Foley, et al.

04-Ala-84-PM 20.9/22.0 - Parcel 60044-1, 3, 4, 5, 6, 7 - EA 172409 - Certification Date: 06/01/06 - RTL Date: 06/01/06. Expressway - reconstruction. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, temporary easements for construction, and permanent easements for slope and drainage. Located near the town of Sunol at Route 84, approximately one mile south of its intersection with Kalthoff Common. APN 096-0350-003-04, 950-0007-006-12.

C-19277 - Catherine Foley, et al.

04-Ala-84-PM 20.7/21.4 - Parcel 60047-1, 4, 5, 6 - EA 172409 - Certification Date: 06/01/06 - RTL Date: 06/01/06. Expressway - reconstruction. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, temporary easements for construction, and permanent easements for slope and drainage. Located near the town of Sunol at Route 84, approximately one and one half mile south of the intersection with Kalthoff Common. APN 096-0360-001-06.

C-19278 - Catherine Foley, et al.

04-Ala-84-PM 21.4/22.0 - Parcel 60048-1, 2, 3, 4, 5, 6, 7, 8, 9, 10 - EA 172409 - Certification Date: 06/01/06 - RTL Date: 06/01/06. Expressway - reconstruction. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, temporary easements for construction, and permanent easements for slope and drainage. Located near the town of Sunol at Route 84, approximately one mile south of the intersection with Kalthoff Common. APN 096-0360-003-02.

C-19279 - Pacheco Pass Land and Cattle, LLC

04-SCI-152-PM 19.6/21.1 - Parcel 56961-1, 3, 4, 5, 7, 8, 9, 10, 11, 12 - EA 174939 - Certification Date: 04/01/06 - RTL Date: 04/01/06. Conventional highway - construct truck climbing lane. Authorizes condemnation of land in fee for a State highway, temporary easements for highway construction, and permanent easements for drainage. Located near the unincorporated area of Hollister near 10164 Pacheco Pass Highway. APN 898-24-035, 898-24-008.

C-19280 - Taft 28, LLC., a Limited Liability Corporation

06-Ker-119-PM 28.27 - Parcel 85412-1A, 1B - EA 485609 - Certification Date: 07/01/06 - RTL Date: 07/01/06. Conventional highway - left turn lanes. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the unincorporated area of Kern County at 9737 Ashe Road. APN 184-260-09.

C-19281 - Maria Pauline Klimachusky

06-Ker-58-PM 45.11 - Parcel 85447-1 - EA 476309 - Certification Date: 03/01/06 - RTL Date: 03/02/06. Conventional highway - install signal and left turn channelization. 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 city of Bakersfield at 14055 Rosedale Highway. APN 495-050-05.

C-19282 - Violet Puccinelli

06-Ker-58-PM 45.11 - Parcel 85448-1 - EA 476309 - Certification Date: 03/01/06 - RTL Date: 03/02/06. Conventional highway - install signal and left turn channelization. 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 city of Bakersfield at 14145 Rosedale Highway. APN 495-050-05.

C-19283 - Hewitson Farms, a California General Partnership

06-Kin-33-PM 0.99 - Parcel 85670-1A, 1B - EA 430509 - Certification Date: 07/01/06 - RTL Date: 07/01/06. Conventional highway - Devil's Den rehab - asphalt concrete overlay and widen shoulders. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the unincorporated area of Kings County at the east side of State Route (SR) 33 south of SR 33/41 intersection. APN 050-230-013.

C-19284 - Hewitson Farms, a California General Partnership

06-Kin-33-PM 0.99 - Parcel 85671-1 - EA 430509 - Certification Date: 07/01/06 - RTL Date: 07/01/06. Conventional highway - Devil's Den rehab - asphalt concrete overlay and widen shoulders. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Kings County at the west side of SR 33 south of SR 33/41 intersection. APN 050-350-029.

C-19285 - The Heirs and Devisees of Patricia Farrand Overton, et al.

06-Kin-33-PM 2.92 - Parcel 85661-1 - EA 430509 - Certification Date: 07/01/06 - RTL Date: 07/01/06. Conventional highway - Devil's Den rehab - asphalt concrete overlay and widen shoulders. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Kings County at the east side of SR 33 south of SR 33/41 intersection. APN 050-260-034

C-19286 - Larry James Ritchie; Hewitson Farms (Lessee)

06-Kin-33-PM 3.04 - Parcel 85657-1 - EA 430509 - Certification Date: 07/01/06 - RTL Date: 07/01/06. Conventional highway - Devil's Den rehab - asphalt concrete overlay and widen shoulders. 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 Kings County at the west side of SR 33 south of SR 33/41 intersection. APN 050-260-080.

C-19287 - Larry James Ritchie

06-Kin-33-PM 3.11 - Parcel 85659-1, 2 - EA 430509 - Certification Date: 07/01/06 - RTL Date: 07/01/06. Conventional highway - Devil's Den rehab - asphalt concrete overlay and widen shoulders. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Kings County at the east side of SR 33 south of SR 33/41 intersection. APN 050-260-079.

C19288 - Hewitson Farms

06-Kin-33-PM 4.91 - Parcel 85650-1A, 1B - EA 430509 - Certification Date: 07/01/06 - RTL Date: 07/01/06. Conventional highway - Devil's Den rehab - asphalt concrete overlay and widen shoulders. 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 underlying fee. Located in the unincorporated area of Kings County at the east side of SR 33 south of SR 33/41 intersection. APN 050-230-013.

C-19289 - Richard A. Woodall, et al.

06-Kin-33-PM 6.40 - Parcel 85649-1, 2, 3 - EA 430509 - Certification Date: 07/01/06 - RTL Date: 07/01/06. Conventional highway - Devil's Den rehab - asphalt concrete overlay and widen shoulders. 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 Kings County at the east side of SR 33 south of SR 33/41 intersection. APN 050-230-011.

C-19290 - Richard A. Woodall, et al.

06-Kin-33-PM 6.46 - Parcel 85648-1A, 1B - EA 430509 - Certification Date: 07/01/06 - RTL Date: 07/01/06. Conventional highway - Devil's Den rehab - asphalt concrete overlay and widen shoulders. 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 underlying fee. Located in the unincorporated area of Kings County at the west side of SR 33 south of SR 33/41 intersection. APN 050-230-011.

C-19291 - Menezes Family Partners, L.P., a California Limited Partnership

06-Tul-63-PM 7.08 - Parcel 84778 - EA 307009 - Certification Date: 03/01/07 - RTL Date: 03/01/07. Conventional highway - widening and channelization. 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. Located in the unincorporated area of Visalia at 1627 South Mooney Boulevard. APN 095-134-051.

C- 19292 - Marcia Galindo, Trustee, etc., et al.

07-LA-134-PM 2.03 - Parcel 78859 - EA 188509 - Certification Date: 04/01/06 - RTL Date: 04/14/06. Freeway - intersection and ramp modifications. Authorizes condemnation of a permanent easement for tie back purposes. Located in the city of Burbank at 201 North Hollywood Way. APN 2482-012-002.

C-19293 - Teachers Insurance and Annuity Association of America, a New York Corporation

07-LA-134-PM 1.88 - Parcel 78863-1, 2 - EA 188509 - Certification Date: 04/01/06 - RTL Date: 04/14/06. Freeway - intersection and ramp modifications. Authorizes condemnation of a temporary easement for construction purposes and a permanent easement for tie back purposes. Located in the city of Burbank at 230 North Kenwood Street. APN 2482-009-048.

C-19294 - Joyce Hantman

07-LA-134-PM 1.88 - Parcel 78864-1, 2 - EA 188509 - Certification Date: 04/01/06 - RTL Date: 04/14/06. Freeway - intersection and ramp modifications. Authorizes condemnation of a temporary easement for construction purposes and a permanent easement for tie backs. Located in the city of Burbank at 239 North Maple Street. APN 2482-009-025

C-19295 - Colleen L. Scott

07-LA-134-PM 1.88 - Parcel 78865-EA 188509 - Certification Date: 04/01/06 - RTL Date: 04/14/06. Freeway - intersection and ramp modifications. Authorizes condemnation of a permanent easement for tie back purposes. Located in the city of Burbank at 247 North Maple Street. APN 2482-009-027.

C-19296 - Joyce Hantman

07-LA-134-PM 2.03 - Parcel 78860-1, 2 - EA 188509 - Certification Date: 04/01/06 - RTL Date: 04/14/06. Freeway - intersection and ramp modifications. Authorizes condemnation of a temporary easement for construction purposes and a permanent easement for tie back purposes. Located in the city of Burbank at 206 North Screenland Drive. APN 2482-012-001.

C-19297 - Stephen B. Napoli

08-SBd-38-PM 3.26 - Parcel 20116-1, 2 - EA 498509 - Certification Date: 04/30/06 - RTL 5/30/06. Conventional highway - safety project - shoulder widening. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the unincorporated area of San Bernardino County, commonly known as Mentone, at 1785 Mentone Boulevard. APN 0298-045-29, -30, -31.

C-19298 - The Heirs and Devisees of Frank G. Lopez, deceased, et al.

08-SBd-38-PM 3.39 - Parcel 20130-1, 2 - EA 498509 - Certification Date: 04/30/06 - RTL Date: 05/30/06. Conventional highway - safety project - shoulder widening. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the unincorporated area of San Bernardino County, commonly known as Mentone, at 1812 Mentone Boulevard. APN 0298-101-03, -04.

C-19299 - Robert B. Hart, et al.

08-SBd-38-PM 3.74 - Parcel 20151-1, 2, 3, 4 - EA 498509 - Certification Date: 04/30/06 - RTL 5/30/06. Conventional highway - safety project - shoulder widening. Authorizes condemnation of land in fee for State highway and two temporary easements for construction purposes. Located in the unincorporated area of San Bernardino County, commonly known as Mentone, at 1946 and 1948 Mentone Boulevard. APN 0298-181-05.

C-19300 - Verizon California, Inc.

08-SBd-38-PM 3.75 - Parcel 20156-1, 2 - EA 498509 - Certification Date: 04/30/06 - RTL Date: 05/30/06. Conventional highway - safety project - shoulder widening. Authorizes condemnation of two temporary easements for construction purposes. Located in the unincorporated area of San Bernardino County, commonly known as Mentone, at 1960 Mentone Boulevard. APN 0298-181-34.

C-19301 - City of Rialto

08-SBd-210-PM 16.59 - Parcel 15478-1 - EA 443729 - Certification Date: 06/28/02. Freeway - construct new six-lane freeway. Authorizes condemnation of land in fee for a State highway. Located in the city of Rialto near Maple Avenue and Highland Avenue. APN 1133-251-02.

C-19302 - City of Rialto

08-SBd-210-PM 16.65 - Parcel 15469-1, 2, 3, 4 - EA 443729 - Certification Date: 06/26/02. Freeway - construct new six-lane freeway. 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 Rialto near Linden Avenue and Highland Avenue. APN 0240-251-14, -29, -30.

C-19303 - City of Rialto

08-SBd-210-PM 17.34 - Parcel 18268-1, 2 - EA 443829 - Certification Date: 06/28/02. Freeway - construct new six-lane freeway. 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 Rialto at near the intersection of Easton Street and Ayala Drive. APN 0264-151-66.

C-19304 - City of Rialto

08-SBd-210-PM 17.49 - Parcel 18270-1 - EA 443819 - Certification Date: 6/30/03. Freeway - construct new 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 Rialto near the south side of Highland Avenue just east of Ayala Drive. APN 0264-151-59.

C-19305 - City of Rialto

08-SBd-210-PM 18.77 - Parcel 18129-1 - EA 443929 - Certification Date: 05/09/03. Freeway - construct new 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 Rialto at 1877 North Riverside Avenue. APN 127-031-02, -04.

C-19306 - City of Rialto

08-SBd-210-PM 19.19 - Parcel 18145-1 - EA 443929 - Certification Date: 05/09/03. Freeway - construct new six-lane freeway. Authorizes condemnation of land in fee for a State highway. Located in the city of Rialto at the southwest corner of Highland Avenue and Acacia Avenue. APN 0264-551-01.

C-19307 - City of Rialto

08-SBd-210-PM 19.48 - Parcel 18131-1 - EA 443919 - Certification Date: 06/30/03. Freeway - construct new 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 Rialto near the north side of Easton Street, between Acacia and Eucalyptus Avenues. APN 133-381-01, -02.

C-19308 - William Jacobson, Trustee, et al.

08-SBd-215-PM 5.63 - Parcel 18547-1, 01-01 - EA 007179 - Certification Date: 09/01/06 - RTL Date: 11/01/06. Freeway - widen and redesign Interstate 215. 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 740 South "H" Street. APN 0141-191-29.

C-19309 - Michael B. Main, Trustee, etc., et al.

08-SBd-215-PM 5.82 - Parcel 18944-1, 2 - EA 007179 - Certification Date: 09/01/06 - RTL Date: 11/01/06. Freeway - widen and redesign Interstate 215. 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 at the southeast corner of Adell and "I" Streets. APN 0141-186-01, -02, -03, -08.

C-19310 - Tim J. Burgess

08-SBd-215-PM 5.95 - Parcel 18783-1, 01-01 - EA 007179 - Certification Date: 09/01/06 - RTL Date: 11/01/06. Freeway - widen and redesign Interstate 215. 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 580 South "H" Street. APN 0141-065-05.

C-19311 - Sean Ellis Teal Whaley

08-SBd-215-PM 5.97 - Parcel 18948-1- EA 007179 - Certification Date: 09/01/06 - RTL Date: 11/01/06. Freeway - widen and redesign Interstate 215. 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 at 565 South "I" Street. APN 0141-062-01, -20, -26.

C-19312 - Mozelle Cowden Rolleri, et al.

10-Cal-4-PM 21.75 - Parcel 14876 - EA 362509 - Certification Date: 05/01/06 - RTL Date: 06/02/06. Expressway - construct two-lane expressway on new alignment. 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 Angels Camp at 743 and 927 Murphys Grade Road. APN 057-020-006; 105-023-009.

C-19313 - Mozelle Cowden Rolleri, et al.

10-Cal-4-PM 22.12 - Parcel 14890 - EA 362509 - Certification Date: 05/01/06 - RTL Date: 06/02/06. Expressway - construct two-lane expressway on new alignment. 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 Angels Camp at 934 Murphys Grade Road. APN 057-023-017; 057-024-011.

C-19614 - Mozelle Cowden Rolleri, et al.

10-Cal-4-PM 22.49 - Parcel 14898-1 - EA 362509 - Certification Date: 05/01/06 - RTL Date: 06/02/06. Expressway - construct two-lane expressway on new alignment. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Angels Camp at 1480 Rolleri Bypass Road. APN 057-023-017; 057-024-011.

C-19315 - Gold Cliff Development Company, a Partnership

10-Cal-4-PM 22.74 - Parcel 14899-1 - EA 362509 - Certification Date: 05/01/06 - RTL Date: 06/02/06. Expressway - construct two-lane expressway on new alignment. 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 Angels Camp at 1701 Rolleri Bypass Road. APN 057-024-013

C-19316 - Mozelle Cowden Rolleri, et al.

10-Cal-4-PM 22.99 - Parcel 14892-1, 2 - EA 362509 - Certification Date: 05/01/06 - RTL Date: 06/02/06. Expressway - construct two-lane expressway on new alignment. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Angels Camp at 1481 Rolleri Bypass Road, and 6046 and 6282 Highway 4. APN 057-024-002, -004, -005.

C-19317 - Thomas M. Tryon, Trustee, etc., et al.

10-Cal-4-PM 23.12 - Parcel 14896-1, 2 - EA 362509 - Certification Date: 05/01/06 - RTL Date: 06/02/06. Expressway - construct two-lane expressway on new alignment. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and easements for utility purposes to be conveyed to Calaveras County Water District. Located in the city of Angels Camp at 6391 Highway 4. APN 057-024-002, -004, -005.

C19318 - The Heirs and Devises of Howard Bonebrake, et al.

10-Cal-4-PM 23.30 - Parcel 14895-1, 2, 4 - EA 362509 - Certification Date: 05/01/06 - RTL Date: 06/02/06. Expressway - construct two-lane expressway on new alignment. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, temporary easements for construction purposes, and easements for utility purposes to be conveyed to Calaveras County Water District. Located in the city of Angels Camp at 6131 Highway 4. APN 057-024-002, -004, -005.

C-19319 - Juan M. Orozco, et ux.

11-SD-125-PM 9.9 - Parcel 32913-1, 2, 3, 4 - EA 003009 - Certification Date: 01/27/05. Freeway - construct a freeway. Authorizes condemnation of two temporary easements for construction purposes, a permanent road easement, and a permanent drainage and maintenance easement. Located in the city of Chula Vista at San Miguel Road east of Summit Meadows Drive. APN 585-100-19.

C-19320 - Handler Trust, et al.

11-SD-905-PM 7.2 - Parcel 31346-1, 2 - EA 091829 - Certification Date: 01/17/05 - RTL Date: 04/03/06. Freeway - construct a six-lane freeway. Authorizes condemnation of land in fee for a State Highway, land in fee for mitigation purposes, and land in fee which is a remnant and would have little market value. Located in the city of San Diego at 6175 Otay Mesa Road. APN 645-080-13, 645-090-36.

C-19321 - Cactus Road, LLC

11-SD-905-PM 8.4 - Parcel 31363 - EA 091829 - Certification Date: 01/17/06 - RTL Date: 04/03/06. Freeway - construct a six-lane freeway. Authorizes condemnation of land in fee for a State Highway and excess land in fee to which the owner has consented. Located in the city of San Diego at 1703 Cactus Road. APN 646-101-14.