

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: November 8-9, 2006

Reference No.: 2.4b.(1)
Action Item

From: CINDY McKIM
Chief Financial Officer

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

Subject: **RESOLUTIONS OF NECESSITY**

RECOMMENDATION:

The Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolutions of Necessity C-19512 through **C-19523** ~~C-19524~~, summarized on the following pages. (Note: Resolution C-19524 is presented under Reference No. 2.4b.(2) on the timed agenda.)

ISSUE:

Prior to initiating Eminent Domain proceedings to acquire needed right of way for a programmed project, the Commission must first adopt a resolution of necessity stipulating specific findings identified under Section 1245.230 of the Code of Civil Procedure.

Moreover, 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.

BACKGROUND:

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-19512 - Linda Carl, etc., et al.

01-Lak-20-PM 10.52 - Parcel 11595-1 - EA 432609.

Right of Way Certification (RWC) Date: 04/01/07; Ready to List (RTL) Date: 04/15/07.

Conventional highway - shoulder widening. 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 Upper Lake at 8485 Reclamation Road. APN 004-016-06.

C-19513 - Milpas Beach Commercial, LLC, a California Limited Liability Company

05-SB-101-PM 11.2/12.8 - Parcel 8578-1, 2 - EA 447809.

RWC: 07/02/07; RTL Date: 07/16/07. Freeway - reconstruct two interchanges, add lanes and ramp. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a permanent easement for subsurface. Located in the city of Santa Barbara at 926 Indio Muerto Street. APN 017-284-002.

C-19514 - The Heirs and Devisees of Violet Puccinelli, etc., et al.

06-Ker-58-PM 45.11 - Parcel 85448-1 - EA 476309.

RWC Date: 03/01/06; RTL Date 03/02/06. Conventional highway - install signal and left turn channelization. Amends Resolution C-19282, adopted March 16, 2006, which authorized 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. This Amendment is necessary because an additional recorded document number was added to the preamble of the legal description. Located in the city of Bakersfield at 14145 Rosedale Highway. APN 495-050-05.

C-19515 - David R. McWilliams, Co-Trustees, etc., et al.

06-Tul-63-PM 5.9 - Parcel 84822 - EA 307009.

RWC Date: 03/01/07; RTL Date: 03/01/07. Conventional highway - rehabilitate sidewalks and driveways. 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 Visalia near Caldwell and Mooney Boulevard. APN 126-062-032.

C-19516 - Kulwant Singh Gadri, et ux.

06-Tul-190-PM 9.2 - Parcel 83833-1A, 1B - EA 337329.

RWC Date: 08/01/07; RTL Date: 08/01/07. Conventional highway - asphalt concrete overlay. 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 Porterville, at the southwest corner of State Route (SR) 190 and Road 192. APN 990-154-403.

C-19517 - John O. Stevens

06-Tul-190-PM 9.45 - Parcel 83807-1A, 1B, 2, 3 - EA 337329.

RWC Date: 08/01/07; RTL Date: 08/01/07. Conventional highway - asphalt concrete overlay. Authorizes condemnation of land in fee for a State highway, a temporary easement, and a permanent easement for irrigation. Located in the unincorporated area of Porterville at 14417 Road 192. APN 237-081-030.

C-19518 - David L. Koontz, et ux.

06-Tul-190-PM 11.88 - Parcel 83848-1A, 1B - EA 337329.

RWC Date: 08/01/07; RTL Date: 08/01/07. Conventional highway - asphalt concrete overlay.

Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Porterville at 21083 Avenue 144. APN 300-110-040.

C-19519 - Akum Ivancovich, Trustee, etc., et al.

06-Tul-190-PM 14.08 - Parcel 83861-1A, 1B - EA 337329.

RWC Date: 08/01/07; RTL Date: 08/01/07. Conventional highway - asphalt concrete overlay.

Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Porterville at the south side of SR 190 east of Road 224. APN 302-080-005.

C-19520 - Union Pacific Railroad Company

08-SBd-215-PM 5.16 - Parcel 19995-1 - EA 007179.

RWC Date: 10/02/06; RTL Date: 12/11/06. Freeway - widen and redesign Interstate 215.

Authorizes condemnation of land in fee for a State highway and underlying fee in existing public roadway. Located in the city of San Bernardino at Inland Center Drive and Interstate 215.

APNs 0141-191-31, -34, -40, -41; 0141-184-18, -19.

C-19521 - Kathryn Taggart, Trustee, etc., et al.

10-Mer-99-PM 24.4 - Parcel 14616 - EA 414809.

RWC Date: 12/01/06; RTL Date: 12/01/06. Expressway - convert four-lane expressway to 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 unincorporated area of the city of Atwater at 8470 Olive Avenue. APN 056-250-018.

C-19522 - Brawley Development Group, LLC

11-Imp-78-PM 12.37 - Parcel 32652-1, 2, 3, 4, 5, 6 - EA 167889.

RWC Date: 05/27/07; RTL Date: 05/25/07. Expressway - construct four-lane expressway and interchange. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, temporary easements for construction purposes, and permanent easements for road and drainage purposes. Located in the unincorporated area of Imperial County near SR 111 bisected by Fredericks Road near the city of Brawley. APN 037-160-29.

C-19523 - National Beef California, LP

11-Imp-78-PM 13.1 - Parcel 32641-1, 2, 3, 4 - EA 167889.

RWC Date: 05/25/07; RTL Date: 05/27/07. Expressway - construct four-lane expressway and interchange. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, temporary easements for construction, a permanent easement for power, and an easement for power to be conveyed to Imperial Irrigation District. Located in the city of Brawley at 57 E. Shank Road. APN 047-010-09-01.