

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 13-14, 2006

Reference No.: 2.4b.
Action Item

From: CINDY McKIM
Chief Financial Officer

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Chief
Division of 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-19529 through C-19538, summarized on the following pages.

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-19529 - Jose Castanon, et ux.

01-Men-175-PM 1.15 - Parcel 11528-1 - EA 443109.

RWC Date: 12/31/06; Ready to List (RTL) Date: 03/01/07.

Conventional highway - install roundabout and lighting. Authorizes condemnation of land in fee for a State highway. Located near the town of Hopland at the intersection of State Route (SR) 175 and Old River Road. APN 048-230-01.

C-19530 - Douglas C. McClure, et al.

04-Ala-880-PM 27.6 - Parcel 57784-1 - EA 165429.

RWC Date: 10/01/07; RTL Date: 11/01/07. Freeway - seismic retrofit of the High Street overhead bridge. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and 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 Oakland at 4417 Oakport Street. APN 034-2295-009-03.

C-19531 - Adel Mohamed Ali

06-Fre-180-PM 26.97 - Parcel 85626-1 - EA 420509.

RWC Date: 07/01/07; RTL Date: 08/01/07. Conventional highway - asphalt concrete (AC) overlay and widen shoulders. Authorizes condemnation of land in fee for a State highway.

Located in the unincorporated area of Mendota at 30440 West Whitesbridge Road. APN 019-061-215.

C-19532 - Barbara J. Moorhead, et al.

06-Tul-190-PM 8.76 - Parcel 84940-1, 2, 3 - EA 337329.

RWC Date: 08/01/07; RTL Date: 08/01/07. Conventional highway - AC overlay. Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, a permanent easement for irrigation, 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 18804 Avenue 144. APN 237-140-023.

C-19533- Danny J. Standifer, et ux.

06-Tul-190-PM 8.88 - Parcel 84939-1, 2, 3 - EA 337329.

RWC Date: 08/01/07; RTL Date: 08/01/07. Conventional highway - AC overlay. Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, a permanent easement for irrigation, 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 18740 Avenue 144. APNs 237-140-021, -022.

C-19534 - Lillian J. Lansford

06-Tul-190-PM 8.95 - Parcel 83831-1A, 1B - EA 337329.

RWC Date: 08/01/07; RTL Date: 08/01/07. Conventional highway - AC overlay. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the unincorporated area of Tulare at 18821 Avenue 144. APN 300-110-008.

C- 19535 - John E. Konda, et ux.

06-Tul-190-PM 12.58 - Parcel 83855-1A, 1B - EA 337329.

RWC Date: 08/01/07; RTL Date 08/01/07. Conventional highway - AC overlay. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the unincorporated area of Porterville at 14310 Road 216. APN 302-080-001.

C-19536 - Laux Land Company, a Limited Partnership

06-Tul-190-PM 13.25 - Parcel 83857-1A, 1B - EA 337329.

RWC Date: 08/01/07; RTL Date: 08/01/07. Conventional highway - AC overlay. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the unincorporated area of Porterville, at the southwest corner of State Route 190 and Road 224. APN 302-080-072.

C-19537- Eunice Marshall, Trustee, etc., et al.

10-Sta-99-PM 11.9 - Parcel 14735 - EA 2A7709.

RWC Date: 05/01/07; RTL Date: 05/01/07. Conventional highway - reconstruct interchange. Authorizes condemnation of land in fee for a State highway. Located in the city of Ceres at 2051 E. Whitmore Avenue. APN 127-011-007.

C-19538 - Housing Authority of the County of Merced; State of California, Department of Housing and Community Development (Lessee)

10-Mer-99-PM 25.17 - Parcel 14606-A, B - EA 414809.

RWC Date: 10/01/06; RTL Date: 10/01/06. Expressway - convert a four-lane expressway to a six-lane 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 underlying fee. Located in the city of Atwater at 9200 Westside Boulevard. APN 056-250-001.