

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: January 31-February 1, 2007

Reference No.: 2.4b.
Action Item

From: CINDY McKIM
Chief Financial Officer

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

Subject: **RESOLUTIONS OF NECESSITY**

RECOMMENDATION:

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolutions of Necessity C-19540 through C-19552, 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-19540 - Douglas Edgmon

01-Hum-101-PM 58.69 - Parcel 11704-1 - EA 290309.

Right of Way Certification (RWC) Date: 10/01/07; Ready to List (RTL) Date: 10/01/07.

Freeway - construct interchange. Authorizes condemnation for a permanent easement for closure of Drake Hill Road and extinguishment of abutter's rights of access. Located in the town of Fortuna, at the northwest corner of Drake Hill Road and State Route (SR) 101.

Assessors Parcel Number (APN) 201-172-03.

C-19541 - Shirley A. Cramer; CBS Outdoor, Inc., et al. (Lessee)

01-Hum-101-PM 89.8 - Parcel 11493-1, 2; 11474-1 - EA 296109.

RWC Date: 07/01/07; RTL Date: 07/16/07. Freeway - replace bridges. 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 near the unincorporated area of McKinleyville at SR 101 and Mad River Bridge (# 04-25). APNs 507-283-04; 507-282-01.

C-19542 - Gregory Mark Carpenter

01-Men-128-PM 39.95 - Parcel 11637-1 - EA 455709.

RWC Date: 06/01/07; RTL Date: 06/01/07. Conventional highway - repair slope and install weirs. Authorizes condemnation of a permanent easement for drainage. Located near the unincorporated area of Yorkville at 25090 State Highway 128. APN 049-260-03.

C-19543 - Alex Bastedo, et ux.

03-Yol-50-PM 1.2 - Parcel 033557-1 - EA 388009.

RWC Date: 10/01/07; RTL Date: 10/01/07. Conventional highway - construct soundwall.

Authorizes condemnation of permanent easement for soundwall. Located in the city of West Sacramento at 2411-2419 Sellers Way. APNs 067-200-08, -09.

C-19544 - Port of Oakland

04-Ala-880-PM 30.42 - Parcel 58601-1, 2, 3, 5 - EA 1706U9.

RWC Date: 06/01/06; RTL Date: 06/01/06. Freeway - Seismic retrofit the overhead bridge at Fifth Avenue and construct an auxiliary lane. Amends Resolution No. C-19333, adopted April 27, 2006, which authorized condemnation of a temporary easement for highway construction, permanent easements for maintenance and an easement for underground utility to be conveyed to Kinder Morgan, Inc. This Amendment reduces the right of way requirement for the temporary construction easement. Located in the city of Oakland at 251 Fifth Avenue.

APN 0000-0455-003-01.

C-19545 - Pedro N. Gonzalez , et ux

06-Ker-46-PM 24.17 - Parcel 84919-1, 2; 84978 - EA 442509.

RWC Date: 07/01/09; RTL Date: 07/01/09. Expressway - construct two-lane to four-lane expressway. 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 Pacific Gas and Electric Company. Located near the unincorporated area of Lost Hills between Blackwells Corner and Lost Hills. APNs 057-240-10; 057-240-14.

C-19546 - Eduardo Velazquez

06-Tul-190-PM 9.05 - Parcel 83832-1A, 1B - EA 337329.

RWC Date: 08/01/07; RTL Date: 08/01/07. Conventional highway - asphalt concrete (AC) overlay. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of the city of Porterville at 18859 Avenue 144. APN 300-110-040.

C-19547 - Los Angeles Department of Water & Power

09-Iny-395-PM 65.2/71.2 - Parcels 3666-1; 3667-1, 2, 3; 3668-1; 3670-1, 2; 3671-1, 2; 3672-1, 2; 3673-1, 2; 3674-1, 2; 3800-1 - EA 214419.

RWC Date: 07/01/07; RTL Date: 11/01/07. Expressway - construct a four-lane expressway. Authorizes condemnation of extinguishment of abutter's rights of access, a temporary easement for highway construction, and a permanent easement for highway and drainage. Located near the town of Independence between 0.75 mile south of Los Angeles Aqueduct Bridge (# 48-14) and 1.8 miles south of Mazourka Canyon Road. APNs 022-160-16; 022-170-10 through 12; 023-040-17, -19, 23; 023-080-04, -09, -10, -12, -13, -16; 023-107-12.

C-19548 - The Heirs and Devises of Noel Malcolm Featherston, etc., et al.

10-Sta-99-PM 11.9 - Parcels 14732; 15080 - EA 2A7709.

RWC: 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 2081 East Whitmore Avenue. APN 127-011-014.

C-19549 - The Heirs and Devises of Noel Malcolm Featherston, etc., et al.

10-Sta-99-PM 11.9 - Parcel 14734 - 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 2065 East Whitmore Avenue. APN 127-011-016.

C-19550 - Harman Management Corporation, a Utah Corporation

10-Sta-99-PM 11.9 - Parcel 15439-1, 2 - 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, extinguishment of abutter's rights of access, and a temporary construction easement. Located in the city of Ceres at 2520 El Camino Avenue. APN 127-012-002.

C-19551 - The Heirs and Devises of Dorothy F. Bye, et al.

11-SD-52-PM 17.2 - Parcel 28014-MH-35 - EA 010629.

RWC Date: 11/01/07; RTL Date: 03/01/08. Freeway - four-lane freeway on a new alignment. Authorizes condemnation of a mobile home. Located in the city of Santee at 8712 North Magnolia Avenue, Space 35. APN N/A.

C-19552 - Lewis L and Susan G Henrickson, Trustees, etc., et al.
11-SD-52-PM 17.4 - Parcel 27466 - EA 2T0009.

RWC Date: 05/01/07; RTL Date: 09/16/07. Freeway - construct freeway. Authorizes condemnation of land in fee for a State highway and extinguishment of abutters rights of access. Located in the city of Santee at 8721 North Magnolia Avenue. APN 384-141-04.