

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: January 9-10, 2008

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 (Resolution) C-19790 through C-19802, 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 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 and located in a manner that will be most compatible with the greatest public good with the least private injury.
3. This property is necessary 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 have 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-19790 - Frog Hollow Investments LLC, a California Limited Liability Company

03-But-99-PM 4.10 - Parcel 034230-1, 2, 3 - EA 3A2709.

RWC Date: 04/01/08; Ready to List (RTL) Date: 04/01/08.

Conventional highway - widen to five lanes. Authorizes condemnation of a permanent easement for State highway, a temporary easement for construction purposes, and an easement for road purposes to be conveyed to the City of Gridley. Located in Gridley at 1646 State Highway 99. APN 010-210-011.

C-19791 - KM Western Investment Corp., a California Corporation

03-But-99-PM 4.23 - Parcel 034231-1, 2, 3 - EA 3A2709.

RWC Date: 04/01/08; RTL Date: 04/01/08. Conventional highway - widen to five lanes.

Authorizes condemnation of a permanent easement for State highway, a permanent easement for drainage purposes, and a temporary easement for construction purposes. Located in Gridley at 1627 State Highway 99. APN 010-170-022.

C-19792 - James M. Tucker, Trustee, etc., et al.

03-But-99-PM 4.25 - Parcel 034232-1, 2, 3 - EA 3A2709.

RWC Date: 04/01/08; RTL Date: 04/01/08. Conventional highway - widen to five lanes.

Authorizes condemnation of a permanent easement for State highway, a permanent easement for maintenance purposes, and a temporary easement for construction purposes. Located in Gridley at 1646 State Highway 99. APNs 010-210-012, -013.

C-19793 - Brown Gridley Starbucks, LLC, et al.

03-But-99-PM 4.25 - Parcel 034234-1, 2 - EA 3A2709.

RWC Date: 04/01/08; RTL Date: 04/01/08. Conventional highway - widen to five lanes.

Authorizes condemnation of a permanent easement for State highway and a temporary easement for construction purposes. Located in Gridley at 1653 State Highway 99. APN 010-152-027.

C-19794 - Edgard L. McConnell III, et ux.

03-But-99-PM 4.38 - Parcel 034518-1, 2 - EA 3A2709.

RWC Date: 04/01/08; RTL Date: 04/01/08. Conventional highway - widen to five lanes.

Authorizes condemnation of a permanent easement for State highway and a temporary easement for construction purposes. Located in Gridley at 1709 State Highway 99. APN 010-250-036.

C-19795 - Russell Kuhn, et ux.

03-Pla-65-PM 22.06 - Parcel 33582-1, 2, 3, 4, 5, 6, 7 - EA 333809.

RWC Date: 07/01/08; RTL Date: 07/01/08. Expressway - construct four-lane expressway.

Authorizes condemnation of land in fee for a State highway, easements for public utility purposes to be conveyed to Pacific Gas and Electric Company, extinguishment of abutter's rights of access, underlying fee in a State highway, and temporary easements for construction. Located in the unincorporated area of Lincoln at 4710 North Dowd Road. APN 019-310-002.

C-19796 - Alexander Hemphill, et al.

03-Pla-65-PM 15.53 - Parcel 34937-1 - EA 333809.

RWC Date: 07/01/08; RTL Date: 07/01/08. Expressway - construct four-lane expressway. Authorizes condemnation of an easement for utility purposes to be conveyed to Pacific Gas and Electric Company. Located near the city of Lincoln between Rockwell Lane and Nelson Lane. APN 021-380-020.

C-19797 - Kimberly Ubbink

03-Sut-99-PM 18.17 - Parcel 034253-1, 2 - EA 1A4619.

RWC Date: 01/10/08; RTL Date: 01/10/08. Expressway - construct four-lane expressway. Authorizes condemnation of land in fee for a State highway, excess land in fee to which the owner has consented, extinguishment of abutter's rights of access, and a permanent easement for drainage purposes to be conveyed to Feather Water District. Located near the city of Yuba at 499 Wilson Road. APN 25-140-016

C-19798 - Gary L. Mangels, et al.

04-Sol-12-PM 9.7 - Parcel 60863-1 - EA 0T10U9.

RWC Date: 03/01/08; RTL Date: 04/01/08. Conventional highway - pavement rehabilitation. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Fairfield at the northwest corner of State Highway 12 and Branscombe Road. APN 0174-190-11.

C-19799 - Steven James McCoy, et ux.

05-SLO-46-PM 36.3 - Parcel 9304-1, 2, 3 - EA 330719.

RWC Date: 06/08/07. Conventional highway - two-lane conventional highway to a four-lane expressway on existing alignment. Authorizes condemnation of land in fee for a State highway, permanent easements for utility purposes to be conveyed to Pacific Gas and Electric and Southern California Gas, extinguishment of abutter's rights of access, 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 Paso Robles near the south side of State Route (SR) 46 near Branch Road. APN 015-191-060.

C-19800 - Marie Saroyan; James Yakligian (Lessee)

06-Fre-180-PM 71.9 - Parcel 84522-1, 2 - EA 342519.

RWC Date: 12/01/08; RTL Date: 12/15/08. Expressway - two-lane conventional highway to a four-lane expressway on existing alignment. Authorizes condemnation of land in fee for a State highway and an easement for roadway and access purposes. Located in the unincorporated area of Fresno County at 11386 East Kings Canyon Road. APN 314-041-48.

C-19801 - Sunshine Agriculture Incorporated, a Florida Corporation; S & H Farms (Lessee)

06-Ker-46-PM 19.8 - Parcel 84912-1A, 2, 1B - EA 442539.

RWC Date: 07/01/08; RTL Date: 07/01/08. Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, an easement for utility purposes, and underlying fee. Located in the unincorporated area of Blackwells Corner near the northwest corner of SR 46 and SR 33. APN 057-180-29,32.

C-19802 - Ryland Homes of California, Inc., a Delaware Corporation, et al.

12-Ora-5-PM 15.3 - Parcel 201074-1, 2 - EA 0E0709.

RWC Date: 11/30/07; RTL Date: 12/03/07. Freeway - widen northbound Oso Parkway loop, southbound offramp, and add auxillary lane from La Paz Road to Oso Parkway. Authorizes condemnation of permanent easement for water and sewer line purposes to be conveyed to Moulton Niguel Water District and a temporary easement for construction purposes. Located in the city of Laguna Hills between Cabot Road and Oso Parkway. APN 627-712-01.