

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: October 29-30, 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-19996 through C-20001, 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 proposed project.
2. The proposed project is planned and located in a manner that will be most compatible with the greatest public good and 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 that 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-19996 - David Shalvis, et al.

03-Nev-80-PM 19.9 - Parcel 35428-1 - EA 0C7209.

Right of Way Certification (RWC) Date: 11/1/08; Ready to List (RTL) Date: 11/1/08.

Conventional highway - storm water management. Authorizes condemnation of a permanent easement for drainage. Located near the town of Truckee at 11732 Five Needles Court. APN 48-220-08.

C-19997 - Joseph G. Benoist, et al.

04-Son-116-PM 43.7-44.0 - Parcel 60225-1, 2, 5, 6 - EA 283802

RWC Date: 06/01/09; RTL Date: 06/30/09. Conventional highway - widen existing roadway and realign vertical and horizontal curves for safety purposes. Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, and a permanent easement for aerial utility purposes. Located in the unincorporated area of Sonoma County, near the city of Sonoma at the intersection of Watmaugh and Stage Gulch Roads. APN 142-031-039.

C-19998 - Rincon Ocean View, LLC, a California Limited Liability Company

05-SB-150-PM R1.0 - Parcel 8837-1 - EA 282809.

RWC Date: 02/01/05; Right of Entry: 02/23/05. Conventional highway - replace bridge.

Authorizes condemnation of a permanent easement for a State highway. Located in the city of Carpinteria at Highway 150. APNs 001-200-24, -25, -27, -28, -29.

C-19999 - The Heirs and Devises of Robert E. Chapman, etc., et al.

08-SBd-138-PM 23.3 - Parcel 20542-1, 2 - EA 0F7809.

RWC Date: 10/17/08; RTL Date: 11/28/08. Conventional highway - correct vertical curves and shoulders. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the city of Hesperia at 13995 Highway 138.

APNs 0357-132-11, -15.

C-20000 - Janet Gale-Hubbard, et al.

08-SBd-215-PM 8.1 - Parcel 17926-1, 2 - EA 0071V9.

RWC Date: 11/14/08; RTL Date: 06/30/09. Freeway - add two high occupancy vehicle (HOV) lanes and operational improvements. 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 San Bernardino at 1248 North "H" Street. APN 0145-221-10.

C-20001 - Janet Gale-Hubbard

08-SBd-215-PM 8.2 - Parcel 17929-1 - EA 0071V9.

RWC Date: 11/14/08; RTL Date: 06/30/09. Freeway - add two HOV lanes and operational improvements. 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 1228 North "H" Street.

APN 0145-221-12.