

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: January 14, 2009

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-20041 through C-20056 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-20041 - CBS Outdoor Inc., A Delaware Corporation (Lessee)

04-Son-101-PM 15.3 - Parcel 60202-1 - EA 129659.

Right of Way Certification (RWC) Date: 8/1/08; Ready to List (RTL) Date: 8/31/08.

Freeway - widen and reconstruct interchange. Authorizes condemnation of leasehold interest only on property located at 4600 Redwood Drive in the city of Rohnert Park.

Assessor's Parcel Number (APN) 045-033-035.

C-20042 - Carl Jonathan Clark

05-Mon-101-PM 92.6 - Parcel 10373 - EA 0161E9.

RWC Date: 10/01/09; RTL Date: 02/01/10. Conventional highway - construct interchanges and operational improvements. Authorizes condemnation of extinguishment of abutter's rights of access 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 Salinas at 636 El Camino Real. APN 113-101-007.

C-20043 - Jane A. Cohen

05-Mon-101-PM 94.2 - Parcel 10409-1, 2 - EA 0161E9.

RWC Date: 10/01/09; RTL Date: 02/01/10. Conventional highway - construct interchanges and operational improvements. Authorizes condemnation of a temporary easement for highway construction for a State highway, a permanent easement for public road purposes, 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 Prunedale at 17558 Cross Road, Salinas. APN 125-014-012.

C-20044 - Charles E. King, Trustee, et ux.

05-Mon-101-PM 94.2 - Parcel 10410-1, 2 - EA 0161E9.

RWC Date: 10/01/09; RTL Date: 02/01/10. Conventional highway - construct interchanges and operational improvements. Authorizes condemnation of a permanent easement for public road purposes and drainage 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 Prunedale at Reese Circle, Salinas. APN 125-014-016.

C-20045 - Vincent Macshate, et ux.

05-Mon-101-PM 98.5 - Parcel 10435-1 - EA 0161E9.

RWC Date: 10/01/09; RTL Date: 02/01/10. Conventional highway - construct interchanges and operational improvements. Authorizes condemnation of a temporary easement for highway detour for a State highway. Located near the city of Salinas at 76 Crazy Horse Canyon Drive. APN 125-243-004.

C-20046 - Macy M. Bode, Trustee

05-Mon-101-PM 94.2 - Parcel 10998-1, 2 - EA 0161E9.

RWC Date: 10/01/09; RTL Date: 02/01/10. Conventional highway - construct interchanges and operational improvements. Authorizes condemnation of a temporary easement for highway construction for a State highway, a permanent easement for public road purposes, 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 Prunedale at 17570 Cross Road, Salinas. APN 125-014-01.

C-20047 - Bakul C. Panchal, et al.; Inn of California (Lessee)

05-Mon-101-PM 85.6 - Parcel 10880-1, 2, 3 - EA 349509.

RWC Date: 08/01/09; RTL Date: 10/01/09. Conventional highway - reconstruct interchange. Authorizes condemnation of a temporary easement for highway construction for a State highway, a permanent easement for public road purposes, 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 Salinas at DeLaTorre Street and Airport Boulevard. APN 003-693-016.

C-20048 - Unocal California Pipeline Co.

06-Ker-46-PM 2.3 - Parcel 85918-1, 2A, 2B, 3 - EA 353419.

RWC Date: 04/01/09; RTL Date: 04/01/09. Expressway - two-lane conventional 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 to be conveyed to Verizon California Inc., and underlying fee. Located near the town of Lost Hills at 10558 State Route (SR) 46. APNs 043-060-35, -36.

C-20049 - William Christian Roden, Trustee, etc., et al.

06-Ker-46-PM 6.9 - Parcel 85921-1A, 1B, 2, 3; 85986-1, 2 - EA 353419.

RWC Date: 04/01/09; RTL Date: 04/01/09. Expressway - two-lane conventional to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, easements for utilities, ingress and egress, an access easement to be conveyed to Verizon California Inc., Pacific Gas and Electric Company (PG & E), Setton International Foods of Brooklyn, Inc., and underlying fee. Located near the town of Lost Hills at 12345 SR 46. APN 057-033-23.

C-20050 - Setton International Foods of Brooklyn, Inc.

06-Ker-46-PM 6.9 - Parcel 85922-1A, 1B, 2 - EA 353419.

RWC Date: 04/01/09; RTL Date: 04/01/09. Expressway - two-lane conventional to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for water pipeline work, and underlying fee. Located near the town of Lost Hills near Kecks Road. APN 057-033-25.

C-20051 - Sisk Properties, LLC, a California limited liability company

07-LA-5-PM 32.2 - Parcel 77829-1 - EA 121819.

RWC Date: 12/16/08; RTL Date: 12/23/08. Freeway - construct one high occupancy vehicle (HOV) lane in each direction. Authorizes condemnation of a temporary easement for highway purposes. Located in the city of Burbank at 7670 North Hollywood Way. APN 2405-017-002.

C-20052 - Teresa Nava

07-LA-5-PM 37.2 - Parcel 78288-1, 2, 3 - EA 121909.

RWC Date: 01/15/09; RTL Date: 01/29/09. Freeway - construct one HOV lane in each direction. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for utility purposes to be conveyed to the City of Los Angeles, and a temporary easement for construction purposes. Located in the city of Los Angeles at 9501 Cranford Avenue. APN 2626-001-027.

C-20053 - BNSF Railway Company

08-Riv-91-PM 1.2 - Parcel 201080-1, 2 - EA 0G0409.

RWC Date: 03/01/09; RTL Date: 03/01/09. Freeway - provide one eastbound lane. Authorizes condemnation of a permanent easement for a highway overpass, extinguishment of abutter's rights to and from the freeway viaduct, and a temporary easement for construction purposes. Located in the city of Corona at SR 91 and Prado Road. APN 101-140-035.

C-20054 - The Burlington Northern and Santa Fe Railway Company

10-Mer-140-PM 37.5 - Parcel 15533-1 - EA 0G1309.

RWC Date: 03/01/09; RTL Date: 03/10/09. Conventional highway - bridge replacement. Authorizes condemnation of a permanent easement for highway side slope maintenance for a State highway. Located in the city of Merced at Marthella Avenue east of Santa Fe Avenue. APN 061-050-005.

C-20055 - William D. Massa, Trustee, etc., et al.; Meadow Outdoor (Lessee)

05-Mon-101-PM 94.25 - Parcel 10426-1, 2 - EA 0161E9.

RWC Date: 10/01/09; RLT Date: 02/01/10. Conventional highway - construct interchanges and operational improvements. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for highway construction, 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 unincorporated area of Prunedale at 780 El Camino Real North, Salinas. APN 133-013-009.

C-20056 - Neil G. Kitchens, Trustee, etc., et al.

05-Mon-101-PM 94.2 - Parcel 10408-1, 2, 3, 4 - EA 0161E9.

RWC Date: 10/01/09; RTL Date: 02/01/10. Conventional highway - construct interchanges and operational improvements. Authorizes condemnation of a temporary easements for highway construction for a State highway, a permanent easement for public road, an easement for utility purposes to be conveyed to PG & E, 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 Prunedale at 17560 Cross Road, Salinas. APN 125-014-011.