

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: February 19, 2009

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 California Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolutions of Necessity (Resolution) C-20058 through C-20069 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-20058 - Aurora A. Raggio

03-Nev-49-PM 10.21 - Parcel 34893-1, 2, 3, 4, 5 - EA 2A6909.

Right of Way Certification (RWC) Date: 01/01/09; Ready to List (RTL) Date: 01/01/09.

Conventional highway - widen Highway 49 from north of Alta Sierra Drive to south of Wellswood Way. Authorizes condemnation of land in fee for a State highway, temporary easements for construction, a utility easement to be conveyed to AT&T/Pacific Bell Telephone Company, and extinguishment of abutter's rights of access. Located in Nevada County near the city of Grass Valley at 14703 Highway 49. Assessor's Parcel Number (APN) 23-250-10.

C-20059 - Estes Investments, LLC, a California Limited Liability Company

06-Fre-180-PM 71.53 - Parcel 84502-1A, 1B, 2, 3 - EA 342519.

RWC Date: 12/01/08. Expressway - two-lane conventional highway to four-lane expressway.

Amends Resolution Number C-19895, adopted May 29, 2008, which authorized condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, together with the right and easement to enter the remaining ownership to sever and shore certain improvements at the right of way line, underlying fee, a permanent highway easement to be conveyed to the County of Fresno, and an easement for irrigation purposes to be conveyed to Fresno Irrigation District. This amendment is to correct the dedicated easement to the County of Fresno to an easement. Located in the unincorporated area of Fresno County at 77 South Academy Avenue.

APNs 314-063-23, -24.

C-20060 - Union Pacific Railroad Company

08-Riv-10-PM 43.0 - Parcel 19843-1, 2, 3, 4, 5, 6, 7, 8, 9 - EA 456009.

RWC Date: 04/01/09; RTL Date: 05/04/09. Freeway - construct Bob Hope Drive exit with new diamond interchange. Authorizes condemnation of land in fee for a State highway,

extinguishment of abutter's rights of access, four permanent easements for slope purposes, a permanent easement and right of way for an overhead freeway structure, two temporary easements for construction purposes, and a permanent easement for utility purposes to be conveyed to Southern California Edison. Located near the city of Rancho Mirage at State Route 10 just north of Ramon Road. APNs 670-250-007, -008.

C-20061 - Joseph Plagenza, Trustee, etc., et al.

10-Mer-140-PM 36.9 - Parcel 15247-1 - EA 0G130.

RWC Date: 03/10/09; RTL Date: 03/10/09. Conventional highway - Bradley overhead widening and bridge replacement. Authorizes condemnation of land in fee for a State highway. Located in the city of Merced at 2202 Yosemite Parkway. APN 034-240-011.

C-20062 - Sefayan Homes & Commercial, a California Limited Liability Company

10-Mer-140-PM 36.9 - Parcel 15248-1, 2 - EA 0G1309.

RWC Date: 03/10/09; RTL Date: 03/10/09. Conventional highway - Bradley overhead widening and bridge replacement. Authorizes condemnation of land in fee for a State highway. Located in the city of Merced at 2010 Kelley Avenue. APNs 034-240-004, -005, -015, -020 and -028.

C-20063 - Gabriele Rodriguez Urbieto, et al.

10-Mer-140-PM 36.9 - Parcel 15249-1 - EA 0G1309.

RWC Date: 03/10/09; RTL Date: 03/10/09. Conventional highway - Bradley overhead widening and bridge replacement. Authorizes condemnation of land in fee for a State highway. Located in the city of Merced at 2217 and 2221 Yosemite Parkway. APN 034-240-021.

C-20064 - David J. Ferroni

10-Mer-140-PM 37.0 - Parcel 15250-1 - EA 0G1309.

RWC Date: 03/10/09; RTL Date: 03/10/09. Conventional highway - Bradley overhead widening and bridge replacement. Authorizes condemnation of land in fee for a State highway. Located in the city of Merced at 2223 Yosemite Parkway. APN 034-240-022.

C-20065 - L. Clark Kellogg, Trustee, etc., et al.

10-Mer-140-PM 37.0 - Parcel 15251-1 - EA 0G1309.

RWC Date: 03/10/09; RTL Date: 03/10/09. Conventional highway - Bradley overhead widening and bridge replacement. 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. Located in the city of Merced at 2229 Baker Drive. APN 034-240-023.

C-20066 - Andrew J. Imberi, Trustee

10-Mer-140-PM 37.3 - Parcel 15259-1 - EA 0G1309.

RWC Date: 03/10/09; RTL Date: 03/10/09. Conventional highway - Bradley overhead widening and bridge replacement. Authorizes condemnation of land in fee for a State highway. Located in the city of Merced at 2517 East Santa Fe Avenue. APNs 061-320-017, -018.

C-20067 - Sierra Portal, a California Partnership, et al.

10-Mer-140-PM 37.0 - Parcel 15555-1 - EA 0G1309.

RWC Date: 03/10/09; RTL Date: 03/10/09. Conventional highway - Bradley overhead widening and bridge replacement. Authorizes condemnation of extinguishment of abutter's rights of access. Located in the city of Merced at 2240 Yosemite Parkway. APN 061-390-018.

C-20068 - William K. Hemstalk, Trustee, etc., et al.

10-Tuo-108-PM 6.03 - Parcel 15801-1A, 1B - EA 0H3209.

RWC Date: 03/01/09; RTL Date: 03/01/09. Conventional highway - left turn channelization. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the unincorporated area of Sonora at 20028 Barnwood Court. APN 043-251-83.

C-20069 - Donald Schuitemaker

10-Tuo-108-PM 6.03 - Parcel 15802-1A, 1B - EA 0H3209.

RWC Date: 03/01/09; RTL Date: 03/01/09. Conventional highway - left turn channelization. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the unincorporated area of Sonora at Barnwood Court. APN 043-251-85.