

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: May 14, 2009

Reference No.: 2.4b.
Action Item

From: CINDY McKIM
Chief Financial Officer

Prepared by: Timothy L. Craggs
Acting 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-20103 through C-20109 and C-20111 through C-20124 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-20103 - CBS Outdoor, Inc.

04-Nap-121-PM 0.8 - Parcel 60189-1 - EA 444209.

Right of Way Certification (RWC) Date: 04/17/2008; Ready to List (RTL) Date: 6/26/08.

Conventional highway - realign curves and widen shoulders from Sonoma County line to Duhig Road. Authorizes condemnation of leasehold signboard interest in right of way area. Located in Napa County near the town of Napa at 5500 Sonoma Highway. Assessors Parcel Numbers (APN) 047-070-015, -019, -021, -022.

C-20104 - Bowen Ranch Land Company, LLC, et al.

05-Mon-101-PM 85.3/85.4 - Parcel 10875-1, 2, 3 - EA 349509.

RWC Date: 08/01/09; RTL Date: 10/01/09. Conventional highway - reconstruct interchange.

Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, an easement for public road purposes to be relinquished to the City of Salinas, and a temporary easement for construction purposes. Located in the city of Salinas, southeast of De la Torre Street adjacent to State Route (SR) 101. APN 177-131-009.

C-20105 - William J. Codiga, Trustee, etc., et al.

05-Mon-101-PM 85.6 - Parcel 10876-1, 2, 3 - EA 349509.

RWC Date: 08/1/09; RTL Date: 10/01/09. Conventional highway - reconstruct interchange.

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 AT&T and Pacific Gas and Electric Company (PG&E). Located in the city of Salinas at 745 Airport Boulevard. APN 003-692-002.

C-20106 - Dry Canyon Enterprises, LLC, a California limited liability company

05-SLO-46-PM 37.9 - Parcel 9315-1, 2 - EA 330729.

RWC Date: 09/24/09; RTL Date: 02/02/10. Expressway - convert two-lane conventional highway to a four-lane expressway. Authorizes condemnation of land in fee for a State highway and an easement for utility purposes to be conveyed to AT&T. Located in the city of Paso Robles at 8331 E. Hwy 46. APN 015-041-068.

C-20107 - Arnold William Klintworth, et al.

05-SLO-46-PM 38.7 - Parcel 10500-1, 2, 3 - EA 330729.

RWC Date: 09/24/09; RTL Date: 02/02/10. Expressway - convert two-lane conventional highway to a four-lane expressway. Authorizes condemnation of extinguishment of abutter's rights of access for a State highway and easements for utility purposes to be conveyed to AT&T and PG&E. Located in the city of Paso Robles at the southwest corner of Union Road and SR 46. APN 015-041-023.

C-20108 - John Charles Comino, Trustee, etc., et al.

05-SLO-46-PM 39.3/39.6 - Parcel 10966-1, 2, 3, 4 - EA 330729.

RWC Date: 10/01/09; RTL Date: 01/10/10. Expressway - convert two-lane conventional highway to a four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, easements for utility purposes to be conveyed to PG&E and AT&T, and underlying fee. Located in the city of Paso Robles on the south side of SR 46 just west of Estrella Road. APNs 015-041-074; 019-151-033.

C-20109 - Wesley C. Anderson, et ux.

05-SLO-46-PM 40.6 - Parcel 10982-2 - EA 330729.

RWC Date: 10/01/09; RTL Date: 01/10/10. Expressway - convert two-lane conventional highway to a four-lane expressway. Authorizes condemnation of a utility easement for a State highway to be conveyed to PG&E. Located in the city of Paso Robles at 4524 Almond Drive. APN 019-261-012.

C-20110 - Withdrawn

C-20111 - E.J. Milton

06-Ker-46-PM 13.2 - Parcel 86065-1A, 1B; 86075-1A, 1B, 2 - EA 442529.

RWC Date: 03/19/10; RTL Date: 03/19/10. 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, underlying fee, a permanent easement for utility purposes and pipeline facilities to be conveyed to Verizon California Inc. and Southern California Gas Company, and land in fee which is a remnant and would have little market value. Located in the unincorporated area of Kern County between Kecks Road and Route 33. APN 057-120-03.

C-20112 - Leon A. Johnson, et ux.

07-LA-1-PM 51.6 - Parcel 79506-1 - EA 4L2209.

RWC Date: 06/01/09; RTL Date: 07/28/09. Conventional highway - place retaining structures on both sides of highway. Authorizes condemnation of a permanent tieback easement for State highway purposes. Located in the city of Malibu at 27132 Sea Vista Drive. APN 4460-009-008.

C-20113 - Dorothy Marie Esterwold, Trustee

07-LA-1-PM 51.7 - Parcel 79503-1 - EA 4L2209.

RWC Date: 06/01/09; RTL Date: 07/28/09. Conventional highway - place retaining structures on both sides of highway. Authorizes condemnation of a permanent tieback easement for State highway purposes. Located in the city of Malibu at 27146 Sea Vista Drive. APN 4460-009-014.

C-20114 - Hilda Aslan, Trustee, etc., et al.

07-LA-1-PM 51.7 - Parcel 79504-1 - EA 4L2209.

RWC Date: 06/01/09; RTL Date: 07/28/09. Conventional highway - place retaining structures on both sides of highway. Authorizes condemnation of a permanent tieback easement for State highway purposes. Located in the city of Malibu just east of 27146 Sea Vista Drive. APN 4460-009-006.

C-20115 - Bhula Bhai Patel, et ux.

07-LA-5-PM 2.11 - Parcel 77066-1, 2 - EA 2159C9.

RWC Date: 12/04/09; RTL Date: 12/18/09. Freeway - Carmenita Interchange Improvement. Authorizes condemnation of a 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, and a temporary easement for construction and grading purposes. Located in the city of Santa Fe Springs at 13530 Firestone Boulevard. APN 7005-014-050.

C-20116 - BHG Property LLC, a Delaware limited liability company, et al.

07-LA-5-PM 2.41 - Parcel 78266-1, 2, 3, 4 - EA 2159C9.

RWC Date: 12/04/09; RTL Date: 12/18/09. Freeway - Carmenita Interchange Improvement.

Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for footing purposes, a permanent easement for maintenance purposes, and a temporary easement for construction purposes. Located in the city of Santa Fe Springs at 13412 Excelsior Drive. APN 8069-016-021.

C-20117 - Marshall Lewis Temkin, Trustee, etc., et al.

07-LA-5-PM 27.5 - Parcel 77406-1, 01-01 - EA 1786A9.

RWC Date: 05/21/09; RTL Date: 05/29/09. Freeway - modify interchange and realign ramps.

Authorizes condemnation of land in fee for a State highway, together with all those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements, extinguishment of abutter's rights of access, and land in fee which is a remnant and would be of little market value. Located in the city of Glendale at 1612 and 1620 Flower Street. APNs 5627-008-014, -022.

C-20118 - David Meissner, et ux.

07-LA-5-PM 27.5 - Parcel 77408-1, 2, 3 - EA 1786A9.

RWC Date: 05/21/09; RTL Date: 05/29/09. Freeway - modify interchange and realign ramps.

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, extinguishment of abutter's rights of access, and a temporary easement for construction purposes. Located in the city of Glendale at 640 Western Avenue and 1648-1650 Flower Street. APNs 5627-008-019, -020.

C-20119 - Robindra Nauth Basdeo, et ux.

07-LA-5-PM 28.7 - Parcel 79422-1 - EA 121849.

RWC Date: 05/21/09; RTL Date: 05/29/09. Freeway - add one high occupancy vehicle lane in each direction. Authorizes condemnation of an aerial easement for State highway purposes, together with all those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements, and extinguishment of abutter's rights of access to and from the freeway viaduct. Located in the city of Burbank at 110 West Providencia Avenue. APN 2451-002-025.

C-20120 - E. Greg Kent, et ux.

10-SJ-5-PM 22.4 - Parcel 15997-1 - EA 0E4909.

RWC Date: 09/15/09; RTL Date: 03/04/10. Freeway - modify and reconstruct interchange.

Authorizes condemnation of land in fee for a State highway, extinguishment of a private and non-exclusive easement for landscaping for Grupe Business Park Owners' Association, and excess land in fee to which the owner has consented. Located in the city of Stockton at 212 Frank West Circle. APN 193-360-25.

C-20121 - Louis M. Andrade, et al.

10-SJ-5-PM 22.5 - Parcel 15996-1, 2 - EA 0E4909.

RWC Date: 09/15/09; RTL Date: 03/04/10. Freeway - modify and reconstruct interchange.

Authorizes condemnation of land in fee for a State highway and a temporary easement for highway construction. Located in the city of Stockton at 188 Frank West Circle. APN 193-360-26.

C-20122 - Foodpro International, Inc., Profit Sharing Trust

10-SJ-5-PM 22.5 - Parcel 15999-1, 2, 3, 4, 5 - EA 0E4909.

RWC Date: 09/15/09; RTL Date: 03/04/10. Freeway - modify and reconstruct interchange.

Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for highway construction, and permanent easements for public utility purposes. Located in the city of Stockton at 248 Frank West Circle. APN 193-360-09.

C-20123 - American Honda Motor Company, a California Corporation

10-SJ-5-PM 22.6/22.9 - Parcel 16004-1, 2, 3, 4 - EA 0E4909.

RWC Date: 09/15/09; RTL Date: 03/04/10. Freeway - modify and reconstruct interchange.

Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, and an easement for utility purposes to be conveyed to city of Stockton. Located in the city of Stockton at 123 Val Dervin Parkway. APN 193-370-02.

C-20124 - Jaw-Min Chang

11-SD-905-PM 8.6 - Parcel 33086-1, 2, 3, 4, 5, 6, 7, 8 - EA 091829.

RWC Date: 10/20/08; RTL Date: 10/20/08. Freeway - construct new freeway. Authorizes

condemnation of permanent easements for public road, slope, and utility easements for a State highway, easements for public road, slope, and utility to be conveyed to the City of San Diego, San Diego Gas & Electric, and Otay Water District. Parcel is located in the city of San Diego between Cactus Road and Britannia Boulevard, south of Airway Road. APN 646-100-08.