

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: July 8-9, 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-20141 through C-20148 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-20141 - Jeanette Seiberlich, Successor Trustee, et al.

01-Men-101-PM 45.4 - Parcel 11653-01 - EA 262009.

Right of Way Certification (RWC) Date: 10/01/09; Ready to List (RTL) Date: 11/15/09.

Freeway - construct four-lane freeway. Authorizes condemnation of land in fee for a State highway, land in fee that is a remnant and would be of little market value, and extinguishment of abutter's rights of access. Located in the city of Willits at 311 Shell Lane. Assessor's Parcel Number (APN) 007-100-08-00.

C-20142 - Verizon California Inc, a California Corp, formerly known as San Miguel Telephone Company of California

06-Ker-46-PM 11.5 - Parcel 86064 - EA 442529.

RWC Date: 03/19/10; RTL Date: 03/19/10. Expressway - two-lane conventional highway to a four-lane expressway. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the unincorporated area of Kecks Corner near Kecks Road. APN 57-111-09.

C-20143 - Matthew Rolston, Trustee

07-LA-1-PM 51.7 - Parcel 79509-1 - EA 4L2209.

RWC Date: 06/16/10; RTL Date: 07/15/10. Conventional highway - place retaining structures on both sides of highway. Authorizes condemnation of a temporary easement for construction purposes. Located in the city of Malibu at 27118 Malibu Cove Colony Drive. APN 4460-027-006.

C-20144 - Carmenita Associates, LLC, a California limited liability company

07-LA-5-PM 2.46 - Parcel 78269-1 - EA 2159C9.

RWC Date: 05/12/10; RTL Date: 05/17/10. Freeway - Carmenita Interchange Improvement. Authorizes condemnation of a temporary easement for construction and grading purposes. Located in the city of Norwalk at 14910 Carmenita Road. APN 8069-002-025.

C-20145 - Benjamin L. Cutter, Trustee, etc., et al.

08-SBd-58-PM 2.05 - Parcel 21040-1 - EA 0E8509.

RWC Date: 06/30/10; RTL Date: 06/30/10. Conventional highway - widen and provide five foot median and standard shoulder, and install rumble strips. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of San Bernardino County known as Kramer Junction, at State Route 58 west of Fornessa Road. APN 0492-251-12.

C-20146 - French Camp Partners West, a California Limited Liability Company

10-SJ-5-PM 22.4 - Parcel 16052-1 - 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. Located in the unincorporated area of San Joaquin County at 605 West Yetner Road. APNs 193-060-03, 193-060-04.

C-20147 - Mission Meadows Owners Association, A California Nonprofit Mutual Benefit Corporation, et al.

11-SD-76-PM 7.8 - Parcel 33123-1, 2 - EA 080109.

RWC Date: 06/30/09; RTL Date: 06/30/09. Conventional highway - construct four-lane highway. Authorizes condemnation of land in fee for a State highway, a temporary construction easement, and underlying fee. Located in the city of Carlsbad at 5651 Palmer Way. APN 157-532-69-00.

C-20148 - Victor V. Avedian, Trustee, etc., et al.

11-SD-76-PM 9.94 - Parcel 33138-1 - EA 080109.

RWC Date: 06/30/09; RTL Date: 06/30/09. Conventional highway - construct four-lane highway. Authorizes condemnation of land in fee for a State highway. Located in the city of Bonsall between Holly Lane and North River Road. APN 126-170-27-00.