

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: August 12-13, 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-20150 through C-20157, C-20159 through C-20167, and C-20170 through C-20172 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-20150 - Deluxe Syndicate, LLC, a California Limited Liability Company

05-SB-101-PM 12.3 - Parcel 8579-1 - EA 447809.

RWC Date: 10/01/07; RTL Date: 01/01/08. Freeway - reconstruct two interchange, add lanes, ramp and undercrossing. Authorizes condemnation of a temporary easement for construction purposes for a State highway. Located near the city of Santa Barbara at 1130 Punta Gorda Street. APN 017-332-03.

C-20151 - Tru 2005 RE I, LLC, a Delaware Limited Liability Company

06-Tul-63-PM 6.5 - Parcel 86373-1, 2 - EA 307009.

RWC Date: 03/27/07; RTL Date: 03/01/07. Conventional highway - construct four-lane to six-lane highway and improve channelization. Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, and underlying fee. Located near the city of Visalia at 2800 South Mooney Boulevard. APN 122-320-076.

C-20152 - Mahaloakua O. Flores, et ux.

08-SBd-58-PM 1.75 - Parcel 21030-1 - EA 0E8509.

RWC Date: 06/30/10; RTL Date: 06/30/10. Conventional highway - widen and provide five foot median and standard shoulders and install median strips. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of San Bernardino County known as Kramer Junction, approximately three miles west of the intersection of State Route (SR) 58 and SR 395. APN 0492-251-33.

C-20153 - Pedro Infante, et al.

08-SBd-58-PM 1.85 - Parcel 21036-1 - EA 0E8509.

RWC Date: 06/30/10; RTL Date: 06/30/10. Conventional highway - widen and provide five foot median and standard shoulders and install median strips. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of San Bernardino County known as Kramer Junction, approximately three miles west of the intersection of SR 58 and SR 395. APN 0492-251-07.

C-20154 - Wai Tson Seto

08-SBd-58-PM 4.72 - Parcel 21052-1 - EA 0E8509.

RWC Date: 06/30/10; RTL Date: 06/30/10. Conventional highway - widen and provide five foot median and standard shoulders and install median strips. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of San Bernardino County known as Kramer Junction, approximately one mile west of the intersection of SR 58 and SR 395. APN 0492-531-27.

C-20155 - Poyu Su, et al.

08-SBd-58-PM 6.91 - Parcel 21065-1 - EA 0E8509.

RWC Date: 06/30/10; RTL Date: 06/30/10. Conventional highway - widen and provide five foot median and standard shoulders and install median strips. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of San Bernardino County known as Kramer Junction, approximately two miles east of the intersection of SR 58 and SR 395. APN 0492-201-12.

C-20156 - Par 3 Investment Properties, LLC, a California Limited Liability Company

10-Cal-4-PM 40.3 - Parcel 15562-1, 2, 3 - EA 0E4209.

RWC Date: 03/13/09; RTL Date: 03/25/09. Freeway - widen and construct left-turn lane.

Authorizes condemnation of an easement for a State highway and permanent easements for drainage purposes. Located in the city of Arnold at 1684 Highway 4. APN 028-001-025.

C-20157 - Dorothy E. Parrott

11-SD-76-PM 10.2 - Parcel 33140-1 - EA 080109.

RWC Date: 06/30/09; RTL Date: 07/22/09. Conventional highway - construct four-lane conventional highway. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the unincorporated area of Bonsall at 6510 N. River Road. APN 126-170-65-00.

C-20159 - Swift Properties, Inc., a California Corporation

11-SD-76-PM 10.2 - Parcel 33139-1 - EA 080109.

RWC Date: 06/30/09; RTL Date: 07/22/09. Conventional highway - construct four-lane conventional highway. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Oceanside between Holly Lane and North River Road. APN 126-170-58-00.

C-20160 - Elizabeth D. Kelly

11-SD-76-PM 11.37 - Parcel 33150-1 - EA 080109.

RWC Date: 06/30/09; RTL Date: 07/22/09. Conventional highway - construct four-lane conventional highway. Authorizes condemnation of land in fee for a State highway. Located near the city of Oceanside at 31302 South Mission Road. APN 126-080-68.

C-20161 - Vista Unified School District, a Public Agency organized and operating in the County of San Diego, California

11-SD-76-PM 7.8 - Parcel 33232-1, 2, 4 - 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 and a temporary easement for construction purposes. Located in the city of Oceanside at the intersection of Melrose Drive and SR 76. APN 157-100-75-00.

C-20162 - MCD-French Camp, LLC, a California Limited Liability Company

10-SJ-5-PM 22.5 - Parcel 16001-1 - 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 city of Stockton at 4967 Manthey Road. APN 168-190-11.

C-20163 - MCD-French Camp, LLC, a California Limited Liability Company

10-SJ-5-PM 22.5 - Parcel 16002-1, 2, 3 - 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, an easement for public utilities to be conveyed to City of Stockton, 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 city of Stockton at 4967 Manthey Road. APN 168-190-10.

C-20164 - Manthey Road Holdings, LLC, a California Limited Liability Company

10-SJ-5-PM 22.6 - Parcel 16003-1, 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, extinguishment of abutter's rights of access, and an easement for public utilities to be conveyed to City of Stockton. Located in the city of Stockton at 4601 Manthey Road. APNs 168-190-08, - 09.

C-20165 - J.P. Morgan Chase Bank, National Association, successors in interest, etc., et al.

10-SJ-5-PM 23.0 - Parcel 16005-1, 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, extinguishment of abutter's rights of access, and a temporary easement for construction purposes. Located in the city of Stockton north of Grupe Business Park, along the southwest side of French Camp Slough. APN 193-370-03.

C-20166 - Teresa M. Ratto, et al.

10-SJ-5-PM 22.4 - Parcel 16051-1, 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. Located in the city of Stockton at 537 Yettner Road. APN 193-060-05.

C-20167 - Kazuo R. Nii, et al.

10-SJ-5-PM 22.3 - Parcel 16050-1 - 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 city of Stockton at 532, 578 and 606 Yettner Road. APNs 193-060-24, -25, -27.

C-20170 - Lois V. Downs, Successor Trustee

05-SLO-46-PM 37.9 - Parcel 9313-1, 2 - EA 330729.

RWC Date: 10/01/09; RTL Date: 01/01/10. Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near the city of Paso Robles on Highway 46 Genesco Road to West Almond Drive. APN 015-041-066.

C-20171 - Tobin J. Shumrick, Trustee, etc., et al.

05-SLO-46-PM 38.1/38.5 - Parcel 9313-1, 2 - EA 330729.

RWC Date: 10/01/09; RTL Date: 01/01/10. 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, and permanent easements for drainage purposes. Located near the city of Paso Robles near Highway 46, west of Union Road.

APNs 015-041-074; 019-151-033.

C-20172 - The Heirs and Devisees of Wilma E. Borgeson; The Heirs and Devisees of Anna Hill

05-SLO-46-PM 40.5 - Parcel 10980-1, 2 - EA 330729.

RWC Date: 10/01/09; RTL Date: 01/01/10. 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, and an easement for utility purposes to be conveyed to AT&T. Located near the city of Paso Robles on Highway 46 Genesco Road to West Almond Drive. APN 019-261-001.