

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: August 12-13, 2009

Reference No.: 2.4e.
Action Item

From: CINDY McKIM
Chief Financial Officer

Prepared by: Timothy L. Craggs
Acting Chief
Division of Right of Way and
Land Surveys

Subject: **RESCINDING RESOLUTION OF NECESSITY
RESOLUTION CR-142, RESCINDING RESOLUTION C-19780**

RECOMMENDATION:

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolution of Necessity (Resolution) CR-142, rescinding Resolution C-19780. In accordance with statutory requirements, the owner has been advised that the Department is requesting rescission of Resolution C-19780.

ISSUE:

On December 13, 2007, the Commission adopted Resolution C-19780. The Resolution was not used because the property owner signed a right of way Contract. Due to problems with obtaining a Policy of Title, the Department has determined the need to obtain concurrent Resolution C-20149, so an eminent domain case can be filed, if necessary.

BACKGROUND:

Resolution C-19780 was adopted December 13, 2007, authorizing condemnation of a permanent easement for right of way. An eminent domain case was not filed on said parcel because the Grantors signed a right of way contract on January 23, 2008. Fresno County (County) will not accept the notarized deeds because the Grantors are living in Canada and the deeds were notarized in Canada. The County requested that the deeds be signed at the American Consulate, which the Grantors have complied with, but they have not returned the documents to the title company.

CR-142 - Rosario Scalia, et ux.

06-Fre-180-PM 67.54 - Parcel 84431 - EA 342519.

Right of Way Certification Date: 12/01/08; Ready to List Date: 12/15/08. Expressway - two-lane conventional to four-lane expressway on existing alignment. Rescinds Resolution of Necessity C-19780, adopted December 13, 2007, which authorized condemnation of a permanent easement for right of way. Resolution C-19780 is rescinded because said Resolution was approved over six months ago. Located in the city of Sanger at 131 North Highland. APN 313-030-35.