

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: October 14-15, 2009

Reference No.: 2.4b.
Action Item

From: NORMA ORTEGA
Chief Financial Officer (Interim)

Prepared by: Tony Tavares
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-20197 through C-20211 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-20197 - Edward Joseph McCarthy Inter Vivos 1993

03-ED-50-PM 77.5 - Parcel 32923-1 - EA 436019.

Right of Way Certification (RWC) Date: 02/01/10; Ready to List (RTL) Date: 02/01/10.

Conventional highway - add curb, gutter, sidewalk, and bike lane. Authorizes condemnation of an easement for utility and lighting to be conveyed to the City of South Lake Tahoe. Located in the city of South Lake Tahoe at 2845 Lake Tahoe Boulevard.

Assessor's Parcel Numbers (APN) 026-221-29, -38.

C-20198 - Jerry L. Crawford, et ux.

05-Mon-101-PM 92.6 - Parcel 10390 - EA 0161E9.

RWC Date: 04/15/10; RTL Date: 09/24/10. Conventional highway - construct interchanges and operational improvements. Authorizes condemnation of extinguishment of abutter's rights of access for a State highway. Located in the city of Salinas at 650 El Camino Real.

APN 113-112-009.

C-20199 - Prunedale Shopping Center, a Limited Partnership

05-Mon-101-PM 96.1 - Parcel 10469-1, 2, 3, 4 - EA 0161E9.

RWC Date: 04/15/10; RTL Date: 09/24/10. Conventional highway - construct interchanges and operational improvements. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, 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, a temporary easement for construction purposes, and a permanent footing easement. Located in the unincorporated area of Prunedale at 8065 San Miguel Canyon Road.

APNs 127-012-040, -044.

C-20200 - Shaw & Hurley, a Partnership

05-Mon-101-PM 96.1 - Parcel 10470-1, 2, 3 - EA 0161E9.

RWC Date: 04/15/10; RTL Date: 09/24/10. Conventional highway - construct interchanges and operational improvements. Authorizes condemnation of a permanent easement 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, and a temporary easement for construction purposes. Located in the unincorporated area of Prunedale at 8065 San Miguel Canyon Road. APN 127-012-031.

C-20201 - Steven R. Dewey

06-Fre-41-PM 25.3 - Parcel 86198-1 - EA 432109

RWC Date: 02/01/09; RTL Date: 03/07/09. Freeway - widen on-ramps and install three ramp metering system. Authorizes condemnation of land in fee for a State highway. Located in the city of Fresno at the southbound on-ramp of McKinley Avenue. APN 446-254-22.

C-20202 - DRB Riverland, LLC, a California Limited Liability Company, et al.

06-Tul-99-PM 52.4 - Parcel 86127-1, 2 - EA 324509.

RWC Date: 01/04/10; RTL Date: 02/01/10. Freeway - four-lane freeway to six lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a permanent easement for access. Located near the city of Kingsburg at 38743 Highway 99.

APNs 029-200-004; 28-200-019.

C-20203 - Daniel Forge, Trustee, etc., et al.

07-LA-1-PM 31.3 - Parcel 79474-1, 2 - EA 4H9809.

RWC Date: 10/26/09; RTL Date: 02/01/10. Conventional highway - Fish Passage and Riparian Restoration. Authorizes condemnation of a permanent easement for drainage purposes and a temporary easement for construction purposes. Located in the city of Malibu at 26023 Pacific Coast Highway. APN 4459-008-001.

C-20204 - NCO, LTD., a California Limited Partnership, et al.

07-LA-5-PM 2.50 - Parcel 77073-1, 2, 3, 4, 5 - EA 2159C9.

RWC Date: 06/14/10; RTL Date: 06/17/10. Freeway - Carmenita Interchange Improvement. Authorizes condemnation of land in fee for a State highway, permanent easements for footing, drainage, and maintenance purposes, and a temporary easement for grading and construction purposes. Located in the city of Norwalk at 13366 Excelsior Drive. APN 8070-027-013.

C-20205 - Sununta Chanthip Hess, et al.

07-LA-5-PM 38.0 - Parcel 79494-1 - EA 121909.

RWC Date: 03/26/09; RTL Date: 03/30/09. Freeway - construct one high occupancy vehicle lane in each direction. Authorizes condemnation of land in fee for a State highway. Located in the city of Los Angeles at 13533 Terra Bella Street. APN 2046-015-022.

C-20206 - Vitalino A. Martinez, et ux.

07-LA-138-PM 52.13 - Parcel 76335 - EA 127219.

RWC Date: 05/15/07; RTL Date: 05/29/07. Conventional highway - widen State Route (SR) 138 to four lanes. Authorizes condemnation of land in fee for a State highway. Located in the city of Palmdale at 36152 Lockhart Avenue. APN 3050-003-006.

C-20207 - Francine Tushak, Successor Trustee, etc., et al.

11-SD-76-PM 9.3 - Parcel 33133-1, 2 - EA 080109.

RWC Date: 07/15/09; RTL Date: 07/29/09. Conventional highway - construct four-lane conventional highway. Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, and underlying fee. Located in the city of Vista, north of Tushak Ranch Road, south of SR 76, and east of East Vista Way. APN 170-020-26.

C-20208 - William R. Buster, et al.

11-SD-76-PM 12.5 - Parcel 33162-1, 2; 33163-1, 2 - EA 080109.

RWC Date: 07/15/09; RTL Date: 07/15/09. Conventional highway - construct four-lane highway. Authorizes condemnation of land in fee for a State highway, underlying fee, and three temporary construction easements for highway construction. Located in the city of Bonsall at 5256 South Mission Road. APN 126-230-30, 31, 07.

C-20209 - Jalal O. Zora, Trustee, etc., et al.

11-SD-76-PM 12.0 - Parcel 33166-1 - EA 080109.

RWC Date: 07/15/09; RTL Date: 07/15/09. Conventional highway - construct four-lane highway. Authorizes condemnation of land in fee for a State highway and excess land in fee to which the owner has consented. Located in the unincorporated area of Bonsall at 5580-84 Mission Road. APN 126-230-49.

C-20210 - 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-20211 - Pamela L. Tushak

11-SD-76-PM 9.5 - Parcel 34464-1 - EA 080109.

RWC Date: 07/15/09; RTL Date: 07/29/09. Conventional highway - construct four-lane highway. Authorizes condemnation of land in fee and underlying fee. Located in the city of Vista, north of Tushak Ranch Road, south of SR 76, and east of East Vista Way. APN 170-020-26.