

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: April 7-8, 2010

Reference No.: 2.4b.
Action Item

From: NORMA ORTEGA
Chief Financial Officer

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-20313 through Resolution C-20328 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-20313 - CBS Outdoor Inc.

01-Men-101-PM R48.10 - Parcel 11670 - EA 262009.

Right of Way Certification (RWC) Date: 04/01/10; Ready to List (RTL) Date: 06/01/10.

Freeway - construct 4-lane freeway. Authorizes condemnation of a leasehold interest held by an outdoor advertising company. Located in an unincorporated area of Mendocino County, near the city of Willits. Assessor's Parcel Number (APN)s 038-060-08; 038-080-09; 108-030-03.

C-20314 - Bijou Center, LLC

03-ED-50-PM 78.8 - Parcel 32910-1, 2, 3 - EA 436019.

RWC Date: 06/01/10; RTL Date: 06/01/10. Conventional highway - add curb, gutter, sidewalk, and bike lane. Authorizes condemnation of a permanent easement for traffic signal and utility purposes, and temporary easements for highway construction. Located in the city of South Lake Tahoe at 3451 Lake Tahoe Boulevard. APN 027-020-15.

C-20315 - Pacific Gas and Electric Company, A California Corporation

04-Ala-84 - PM 24.5 - Parcel 61513-1 - EA 297609.

RWC Date: 07/11/11; RTL Date: 08/01/11. Expressway - in Alameda County near the city of Livermore, widening State Route (SR) 84 from Jack London Boulevard to Ruby Hill Drive. Authorizes condemnation of land in fee for highway construction. Located in unincorporated Alameda County near the city of Livermore, at the intersection of existing SR 84 and Vineyard Avenue. APN 950-0006-04-02.

C-20316 - Safia Investment Company, LLC

07-LA-5-PM 2.05 - Parcel 77067-1, 2, 01-01 - 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, extinguishment of abutter's rights of access, a temporary easement for construction and grading purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Santa Fe Springs at 13500 Firestone Boulevard. APN 7005-014-049.

C-20317 - Muhammad Sharif, etc., et al.

07-LA-5-PM 2.45 - Parcel 78268-1, 2, 3, 4, 5, 01-01 - 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, a temporary easement for construction and grading purposes, permanent easements for footing and maintenance purposes, and excess land in fee to which the owner has consented. Located in the city of Norwalk at 14960 Carmenita Road. APN 8069-002-022.

C-20318 - The Burlington Northern and Santa Fe Railway Company, a Delaware Corporation

07-LA-5-PM 1.69 - Parcel 79679-1, 2, 3, 4 - 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, extinguishment of abutter's rights of access, a permanent easement for pipeline purposes to be conveyed to Chevron, and a temporary easement for construction and grading purposes. Located in the city of Santa Fe Springs between 13833 East Freeway Drive and 13963 Alondra Boulevard. APN 8069-014-800.

C-20319 - Pamela G. Keegan, Trustee, etc., et al.

07-LA-138-PM 55.55 - Parcel 76218-1, 2 - EA 127229.

RWC Date: 04/29/10; RTL Date: 05/17/10. Conventional highway - widen conventional highway. Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, and underlying fee. Located in the unincorporated area of Littlerock at the southeast corner of 87th Street East and Pearblossom Highway. APN 3046-024-046.

C-20320 - Anthony R. DeLellis and Marion M. DeLellis, Trustees, etc. et al.

07-LA-138-PM 55.05 - Parcel 76303-1, 2 - EA 127229.

RWC Date: 04/29/10; RTL Date: 05/17/10. Conventional highway - widening conventional highway. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the unincorporated area of Littlerock at 8606 Pearblossom Highway. APNs 3049-025-019, -021.

C-20321 - R. Thomas Merrill, Trustee

07-LA-138-PM 55.05 - Parcel 76305-1, 2 - EA 127229.

RWC Date: 04/29/10; RTL Date: 05/17/10. Conventional highway - widen conventional highway. Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, and underlying fee. Located in the unincorporated area of Littlerock at 8620 Pearblossom Highway. APN 3049-025-013.

C-20322 - Sallie Ann Spivak, Trustee

07-LA-138-PM 54.56 - Parcel 76316-1 - EA 127229.

RWC Date: 04/29/10; RTL Date: 05/17/10. Conventional highway - widen conventional highway. Authorizes condemnation of a temporary easement for construction purposes. Located in the unincorporated area of Littlerock at 8026 Pearblossom Highway. APN 3049-029-009.

C-20323 - 136 Bronwood, LLC, a California Limited Liability Company

07-LA-405-PM 33.2- Parcel 79694-1 - EA 120309.

RWC Date: 06/28/11; RTL Date: Design Build. Freeway - widen for high occupancy vehicle lane. Authorizes condemnation of a permanent aerial easement for a State highway and extinguishment of abutter's rights of access. Located in the city of Los Angeles at 136 Bronwood Avenue. APN 4366-013-015.

C-20324 - Gary S. Kading, Trustee, etc., et al.

08-SBd-62-PM 29.9 - Parcel 21229-1 - EA 0E1119.

RWC Date: 04/30/10; RTL Date: 05/03/10. Conventional highway - widen and construct two-way left turn lane. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Twentynine Palms on SR 62, east of El Camino and west of Noels Knoll Road. APN 0614-301-25.

C-20325 - Marie F. Chaddock, Trustee, etc., et al.

10-Cal-26-PM 0.2 - Parcel 15591-1, 2 - EA 2A4209.

RWC Date: 03/30/10; RTL Date: 04/01/10. Conventional highway - pavement rehabilitation. Authorizes condemnation of land in fee for a State highway and underlying fee. Located near the town of Valley Springs at Highway 26. APN 050-016-017.

C-20326 - Merced Irrigation District, an irrigation district

10-Mer-99-PM 7.2/8.8 - Parcels 16067-1; 16068-1; 16069-1, 2, 3; 16070-1; 16071-1 - EA 415709.

RWC Date: 01/02/10; RTL Date: 01/02/10. Conventional highway - four-lane expressway to six-lane freeway on eight-lane freeway right of way alignment. Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, and extinguishment of abutter's rights of access. Located in the city of Merced on the eastside of SR 99 between Post Mile 7.2 and 8.8. APN 066-130-028.

C-20327 - Mathew Lee Rutherford Living Trust

11-Imp-78-PM R9.3/10.6 - Parcels 32670-1 through 10; 32676-1, 2, 4, 5 - EA 167899.

RWC Date: 04/02/10; RLT Date: 04/09/10. Expressway - construct four-lane expressway (Stage 3). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, underlying fee, temporary easements for construction purposes, easements for drainage canal and access for drainage canal maintenance to be conveyed to Imperial Irrigation District. Located near the city of Brawley at the southwest corner of Fredericks Road and Brandt Road . APNs 046-010-002; 040-030-015.

C-20328 - Valentine M. Callens, Trustee, etc., et al.; Joseph R. Callens and Sons (Lessee)

11-Imp-78/86-PM 9.2/23.9- Parcels 32674-1; 32677-1, 2, 3, 4; Parcel 32678-1, 2; 32679-1, 2 - EA 167899.

RWC Date: 04/02/10; RTL Date: 04/09/10. Expressway - construct four-lane expressway (Stage 3). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and excess land in fee to which the owner has consented. Located in the city of Brawley between SR 86 and Fredricks Road. APNs 036-210-25; 040-030-17, -18, -19.