

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: May 19-20, 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-20333 through Resolution C-20335, and Resolution C-20337 through Resolution C-20356 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-20333 - John E. Ford and Charline H. Ford, et al.

01-Men-101-PM R49.15 - Parcel 12166-01 - EA 262009.

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

Freeway - construct four-lane freeway. Authorizes condemnation of land in fee for mitigation purposes, and an easement for ingress, egress, and utility purposes. Located in Mendocino County, north of the city of Willits and west of existing Highway 101.

Assessor's Parcel Number (APN)s 108-010-05, -06; 037-260-04; 108-030-05, -02; 108-020-04.

C-20334 - Stanley Bettencourt, et ux.

03-But-70-PM 3.60 - Parcel 035546 - 1, 2, 3, 4, 5, 6 - EA 0E9309.

RWC Date: 10/15/10; RTL Date: 10/15/10. Conventional highway - construction of passing lanes on Route 70 in Butte County from 0.7 miles south of East Gridley Road to 0.4 mile north of Cox Lane. Authorizes condemnation of land in fee for a State highway, a temporary easement for highway construction, utility easements to be conveyed to Pacific Gas and Electric Company, and underlying fee in a State highway. Located near the town of Oroville at 1421 State Highway 70, Oroville, CA 95995. APN 024-230-061.

C-20335 - John J. Bettencourt, Jr., et ux.

03-But-70-PM 5.32 - Parcel 035554-1, 2 - EA 0E9309.

RWC Date: 10/15/10; RTL Date: 10/15/10. Conventional highway - construction of passing lanes on Route 70 in Butte County from 0.7 miles south of East Gridley Road to 0.4 mile north of Cox Lane. Authorizes condemnation of land in fee for a State highway and an easement for utility purposes to be conveyed to Pacific Gas and Electric Company. Located near the town of Oroville at 2027 Highway 70, Oroville, CA 95995. APN 025-330-002.

C-20336 – Withdrawn prior to meeting.

C-20337 - ExxonMobil Oil Corporation, a New York Corporation, etc., et al.

06-Kin-41-PM 14.8 - Parcel 86147-1; 86148-1 - EA 415909.

RWC Date: 08/25/10; RTL Date: 09/25/10. Conventional highway - asphalt concrete overlay and shoulder widening. Authorizes condemnation of land in fee for a State highway. Located in the city of Kettleman near Kings County. APN 038-320-008.

C-20338 - Jacqueline M. Hallgren, Trustee

07-LA-138-PM 55.05 - Parcel 76294-1, 2, 3 - EA 127229.

RWC Date: 05/24/10; RTL Date: 05/28/10. 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 8301-8317 Pearblossom Highway. APNs 3049-022-006, -031, -032, -039, -040, -042, -044.

C-20339 - Henry A. Daniels, Trustee, etc., et al.

07-LA-138-PM 55.05 - Parcel 76298-1, 2 - EA 127229.

RWC Date: 05/24/10; RTL Date: 05/28/10. 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 8535 Pearblossom Highway. APNs 3049-024-015, -016.

C-20340 - Martin Villalobos, et ux.

07-LA-138-PM 55.05 - Parcel 76300-1, 2 - EA 127229.

RWC Date: 05/24/10; RTL Date: 05/28/10. 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 8605 Pearblossom Highway. APN 3049-024-010.

C-20341 - David C. Beardsley

07-LA-138-PM 55.05 - Parcel 76307-1, 2 - EA 127229.

RWC Date: 05/24/10; RTL Date: 05/28/10. 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 8648 Pearblossom Highway. APN 3049-025-024.

C-20342 - Emrith Water Ngor, Trustee, etc., et al.

07-LA-138-PM 55.05 - Parcel 76312-1, 2 - EA 127229.

RWC Date: 05/24/10; RTL Date: 05/28/10. 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 8314 Pearblossom Highway. APN 3049-027-003.

C-20343 - Henry A. Daniels, Trustee, etc., et al.

07-LA-138-PM 55.05 - Parcel 76425-1, 2 - EA 127229.

RWC Date: 05/24/10; RTL Date: 05/28/10. 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 8541 Pearblossom Highway. APNs 3049-024-013, -014.

C-20344 - Don R. Thomas, et ux.

07-LA-138-PM 54.06 - Parcel 79823-1 - EA 127229.

RWC Date: 05/24/10; RTL Date: 05/28/10. Conventional highway - widen conventional highway. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the unincorporated area of Littlerock northwest of Pearblossom Highway and 77th Street East. APN portion of 3050-014-052.

C-20345 - North Sepulveda Properties, Inc., a California Corporation

07-LA-405-PM 33.2 - Parcel 79585-1, 2 - EA 120309.

RWC Date: 06/28/11; RTL Date: Design Build. Freeway - widen for high occupancy vehicle lane. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the city of Los Angeles at 600 North Sepulveda Boulevard. APN 4368-016-001.

C-20346 - Rosa M. Zesati

07-LA-710-PM 22.5 - Parcel 78416-1, 2 - EA 002349.

RWC Date: 06/10/10; RTL Date: 06/21/10. Freeway - construct soundwalls. 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 Commerce at 2326 Connor Avenue. APN 5243-028-014.

C-20347 - Edward Luna

07-LA-710-PM 22.5 - Parcel 78419-1, 2 - EA 002349.

RWC Date: 06/10/10; RTL Date: 06/21/10. Freeway - construct soundwalls. 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 Commerce at 2308 Connor Avenue. APN 5243-028-019.

C-20348 - Marva Martindale, successor trustee

08-Riv-10-PM 43.06 - Parcel 19842-1, 3, 4, 5 - EA 456009.

RWC Date: 04/01/09; RTL Date: 05/19/09. Freeway - construct interchange. Authorizes condemnation of land in fee for a State highway, a permanent easement for drainage purposes, and permanent easements for utility purposes to be conveyed to Southern California Edison. Located in the unincorporated area of Riverside county, northwest of Interstate 10 and Ramon Road. APN 670-250-004.

C-20349 - Sharam Hemmat, et ux.

08-SBd-62-PM 30.1 - Parcel 21227-1 - 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 State Route (SR) 62 approximately 332 feet west of Sunrise Road. APN 0614-311-36.

C-20350 - Jose J. Velasco

10-Cal-26-PM 1.93 - Parcel 15612-1 - EA 2A4209.

RWC Date: 07/01/10; RTL Date: 07/15/10. Conventional highway - pavement rehabilitation and curb correction. Authorizes condemnation of land in fee for a State highway and underlying fee. Located near the town of Valley Springs at 9229 Highway 26. APN 050-012-057.

C-20351 - Michael K. Kleiber, et ux.

10-Mer-99-PM 7.2/8.1 - Parcel 15162-1; 15164-1, 2, 01-01; 15170-1A, 1B, 2, 3, 4 - EA 415709.
RWC Date: 05/31/10; RTL Date: 05/31/10. Freeway - 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 permanent easement of roadway purposes, a permanent easement for Merced Irrigation District, temporary easements for construction purposes, excess land in fee to which the owner has consented, extinguishment of abutter's rights of access, and underlying fee. Located near the unincorporated area of Merced near the northeast corner of Worden Avenue and Arboleda Drive and the southwest corner of LeGrand Road and Arboleda Drive.
APNs 067-100-040; 066-180-007; and 066-130-033, -034.

C-20352 - Sukhwant K. Thiara, et al.

10-Mer-99-PM 8.4 - Parcel 15172-1A, 1B - EA 415709.
RWC Date: 05/31/10; RTL Date: 05/31/10. Freeway - 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 and underlying fee. Located near the unincorporated area of Merced at the southeast corner of SR 99 and Pioneer Road. APN 066-013-039-000.

C-20353 - Clifford J. Caton, Trustee, etc., et al.

10-Mer-99-PM 8.5 - Parcel 15174-1A, 1B - EA 415709.
RWC Date: 05/31/10; RTL Date: 05/31/10. Freeway - 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 and underlying fee. Located in the city of Merced at 3134 S. State Highway 99.
APN 066-120-054.

C-20354 - Evelyn V. Way, et al.

10-Mer-99-PM 7.0 - Parcel 15160-1A, 1B, 2, 3 - EA 415709.
RWC Date: 05/31/10; RTL Date: 05/31/10. Freeway - 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, extinguishment of abutter's rights of access, a temporary easement for construction purposes, a private vehicle access easement to be conveyed to APN 067-100-006, and underlying fee. Located near the unincorporated area of Merced at the southeast corner of Arboleda Drive and LeGrand Road. APN 067-110-001.

C-20355 - Evelyn V. Way, et al.

10-Mer-99-PM 7.2 - Parcel 15161-1A, 1B, 2A, 2B, 3, 4, 5, 6, 7 - EA 415709.
RWC Date: 05/31/10; RTL Date: 05/31/10. Freeway - 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, four temporary easements for construction purposes, a private vehicle access easement to be conveyed to APN 066-130-025, and underlying fee. Located near the unincorporated area of Merced at the northeast corner of Arboleda Drive and LeGrand Road. APN 067-100-006.

C-20356 - Evelyn V. Way, et al.

10-Mer-99-PM 7.2 - Parcel 15165-1A, 1B, 2 - EA 415709.

RWC Date: 05/31/10; RTL Date: 05/31/10. Freeway - 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, extinguishment of abutter's rights of access, a temporary easement for construction purposes, and underlying fee. Located near the unincorporated area of Merced at the northwest corner of Arboleda Drive and LeGrand Road. APN 066-130-027.