

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: June 30-July 1, 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-20364 through Resolution C-20371 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-20364 - Thomas D. Donati, et ux.

03-But-70-PM 4.81 - Parcel 35551-1, 2 - EA 0E9309.

RWC Date: 10/15/10; RTL Date: 10/15/10. Conventional highway - construct passing lanes.

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 in the city of Oroville at 1908 State Highway 70. APNs 025-220-086, -038.

C-20365 - DGM ATWAL'S FARM, a General Partnership

03-But-70-PM 5.61/5.74 - Parcel 35590-1, 2 - EA 0E9309.

RWC Date: 10/15/10; RTL Date: 10/15/10. Conventional highway - construct passing lanes.

Authorizes condemnation of land in fee for a State highway. Located in the city of Oroville near the intersection of Cox Lane and State Highway 70. APN 025-330-007.

C-20366 - Patricia H. Lamon, Trustee

03-Sut-99-PM 27.6 - Parcel 35600-1, 2 - EA 0F1109.

RWC Date: 10/01/10; RTL Date: 10/01/10. Conventional highway - construction of park and ride facility. Authorizes condemnation of land in fee for a State highway and a temporary easement for highway construction. Located in Yuba City at 1937 Phillips Road.

APN 22-080-006.

C-20367 - Ted R. Cooper Properties, a California Corporation, successor by merger to West Alondra Boulevard Corporation

07-LA-5-PM 2.33 - Parcel 78255-1, 2, 3, 4, 5 - EA 2159C9.

RWC Date: 06/14/10; RTL Date: 06/17/10. Freeway - Carmenita interchange improvement.

Authorizes condemnation of a permanent easement for State highway purposes together with all those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements, permanent easements for footing, drainage, and maintenance purposes, and a temporary easement for construction and grading purposes.

Located in the city of Santa Fe Springs at 15319 Carmenita Road. APN 7005-004-041.

C-20368 - Tanner, Zonshine & Tanner, a California General Partnership

07-LA-138-PM 55.55 - Parcel 76198-1, 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 the northeast corner of 87th Street East and Pearblossom Highway. APN 3046-021-009.

C-20369 - Dominic Barroso, Trustee, etc., et al.

10-Mer-99-PM 6.2 - Parcel 15159-1, 2A, 2B, 3, 01-01, 02-01, 03-01 - EA 415709.

RWC Date: 05/31/10; RTL Date: 05/31/10. 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, extinguishment of abutter's rights of access, an easement for drainage purposes to be conveyed to Merced Irrigation District, excess land in fee to which the owner has consented, and underlying fee. Located in the city of Merced at 3134 State Highway 99.

APNs 067-100-07, -09, -34, -49; 067-110-12; 067-160-03.

C-20370 - Willie Blysmá, et ux.

10-Mer-99-PM 7.5 - Parcel 15166-1, 2, 3, 4, 5, 6 - EA 415709.

RWC Date: 05/31/10; RTL Date: 05/31/10. 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, extinguishment of abutter's rights of access, temporary easements for construction purposes, and a permanent easement for ingress and egress to be conveyed to Merced Irrigation District. Located near the unincorporated area of Merced at 5817 Worden Avenue, Merced. APNs 066-130-024, -025, -026, -038.

C-20371 - Thrifty Oil Company, a California Corporation

12-Ora-5-PM 5.8 - Parcel 102551-2, 3 - EA 0F0609.

RWC Date: 08/01/10; RTL Date: 11/01/10. Freeway - widen southbound off-ramp and bridge overcrossing at Camino de Estrella. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the city of San Clemente at 590 Camillo de Estrella. APNs 691-101-21, -22.