

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: November 3-4, 2010

Reference No.: 2.4b.
Action Item

From: NORMA ORTEGA
Chief Financial Officer

Prepared by: Basem Muallem
Chief (Interim)
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-20417 through Resolution C-20436 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-20417 - George J. Vukasin and Sonja L. Vukasin Trustee, etc., et al.

03-Pla-89-PM 7.5 - Parcel 35711-1 - EA 2A9209.

RWC Date: 07/15/11; RTL Date: 07/15/11.

Conventional highway - rehabilitation pavement and drainage system and Environmental Improvement Program project. Authorizes condemnation of a permanent easement for drainage for a State highway. Located in Tahoe City at 980 West Lake Boulevard (Blvd).

Assessor's Parcel Number (APN) 083-183-003.

C-20418 - Livermore Airway Associates, LLC, a Delaware Limited Liability Company

04-Ala-84-PM 26.4 - Parcel 61520-1 - EA 297609.

RWC Date: 05/31/11; RTL Date: 06/06/11. Expressway - widening State Route (SR) 84 from Jack London Blvd. to Ruby Hill Drive. Authorizes condemnation of a permanent easement for ingress and egress to be conveyed to the City of Livermore, Alameda County Flood Control and Water Conservation District/Zone 7, Pacific Gas and Electric Company, and Pacific Bell Telephone Company doing business as AT & T California. Located in the city of Livermore at Voyager Street and Discovery Drive. APN 904-0012-008-00.

C-20419 - Wal-Mart Stores, Inc., a Delaware Corporation

04-Ala-84-PM 27.0 - Parcel 61521-1, 2 - EA 297609.

RWC Date: 05/31/11; RTL Date: 06/06/11. Expressway - widening SR 84 from Jack London Boulevard to Ruby Hill Drive. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access and a permanent easement for sanitary sewer purposes to be conveyed to the City of Livermore. Located in the city of Livermore at the southwest corner of Jack London Blvd. and SR 84. APN 904-005-002-18.

C-20420 - Ralph Lewis Azevedo and Shirley Ann Azevedo Revocable Trust, et al.

04-Sol-12-PM 0.7/1.1 - Parcel 61739-1, 4 - EA 264149.

RWC Date: 11/17/10; RTL Date: 11/17/10. Conventional highway - construct two additional lanes. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in Solano County near the city of Vallejo at 1394 Jameson Canyon Road. APN 0180-030-020.

C-20421 - Los Angeles County Metropolitan Transportation Authority

07-LA-5-PM 45.2 - Parcel 79715-4, 5 - EA 4H2409.

RWC Date: 02/01/11; RTL Date: 02/01/11. Freeway - replace drainage pipes. Authorizes condemnation of two temporary easements for construction purposes. Located in the city of Los Angeles east of Interstate 5, south of Sierra Highway. APN 2601-002-902.

C-20422 - Petronilo M. Agluba, et ux.

07-LA-138-PM 65.62 - Parcel 76693-1 - EA 127279.

RWC Date: 12/01/10; RTL Date: 12/14/10. Conventional highway - widen conventional highway. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the unincorporated area of Llano, east of 180th Street East, south of Pearblossom Highway.

APN 3083-016-008.

C-20423 - County of Los Angeles

07-LA-405-PM 36.3 - Parcel 79629-1, 2, 3, 4, 5, 6 - EA 120309.

RWC Date: 06/28/11; RTL Date: Design Build. Freeway - widen for high occupancy vehicle (HOV) lane. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, permanent tie-back easements, and temporary easements for construction purposes. Located in the city of Los Angeles west of Sepulveda Blvd., north of Mountain Gate Drive. APN 4490-002-904.

C-20424 - Montoya Trucking, a General Partnership

08-SBd-395-PM 19.6 - Parcel 21300-1 - EA 0C1219.

RWC Date: 05/13/11; RTL Date: 06/15/11. Conventional highway - widen median and shoulders, install median and shoulder rumble strips. Authorizes condemnation of land in fee for a State highway. Located near the city of Adelanto, west of Route 395, south of Colusa Road. APN 0460-271-08.

C-20425 - Nancy Muramoto Tanaka, Trustee

08-SBd-395-PM 24.9 - Parcel 21361-1 - EA 0C1219.

RWC Date: 05/13/2011; RTL Date: 06/15/2011. Conventional highway - widen median and shoulders, install median and shoulder rumble strips. Authorizes condemnation of land in fee for a State highway. Located near the city of Adelanto, east of Route 395, south of Trenton Road. APN 0460-053-24.

C-20426 - Los Angeles Department of Water and Power

09-Iny-395-PM 73.8-Parcel 3678-1 - EA317209.

RWC Date: 03/05/08; RTL Date: Construction completed - remodel Independence maintenance station. Authorizes condemnation of land in fee for a State highway. Located near the north end of the town of Independence. APN 022-140-18.

C-20427 - Edward De Jager and Cobi De Jager, as trustees, etc., et al.

10-Mer-99-PM 0.3/1.8 - Parcel 15142-1, 2A, 2B, 3A, 3B, 4, 5, 01-01A, 01-01B - EA 415809.

RWC Date: 03/17/11; RTL Date: 03/17/11. Freeway - four-lane expressway to six-lane freeway on eight-lane freeway alignment. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, temporary easements for highway construction, excess land in fee to which the owner has consented, and underlying fee. Located near the city of Merced at Harvey Pettit Road and SR 99. APN 075-110-047.

C-20428 - David J. Hadley, et ux.

10-Mer-99-PM 3.1 - Parcel 15147-1, 2, 01-01A, 01-01B, 02-01 - EA 415809.

RWC Date: 03/17/11; RTL Date: 03/17/11. Freeway - four-lane expressway to six-lane freeway on eight-lane freeway alignment. Authorizes condemnation of land in fee for a State highway, excess land in fee to which the owner has consented, extinguishment of abutter's rights of access, and underlying fee. Located in the city of Merced at 7251 Plainsburg Road. APN 075-110-038.

C-20429 - Simonton Pistachio Ranch, LLC

10-Mer-99-PM 4.5 - Parcel 15152-1A, 1B, 01-01 - EA 415809.

RWC Date: 03/17/11; RTL Date: 03/17/11. Freeway - four-lane expressway to six-lane freeway on eight-lane freeway alignment. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, excess land in fee to which the owner has consented, and underlying fee. Located in the unincorporated area of Merced at SR 99 and Buchanan Hollow Road. APNs 067-180-013; 067-170-006.

C-20430 - Violet Ehlers, Successor Trustee, etc., et al.

10-SJ-12-PM 8.9 - Parcel 16126-1A, 1B - EA 0A8409.

RWC Date: 11/01/10; RTL Date: 11/15/10. Freeway - Operational Improvements Project. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Lodi at 15299 N. Guard Road. APN 025-030-08.

C-20431 - Zuckerman-Mandeville, Inc., a California Corporation

10-SJ-12-PM 6.0 - Parcel 16357-1, 2 - EA 0A8409.

RWC Date: 11/01/10; RTL Date: 11/15/10. Freeway - Operational Improvements Project. Authorizes condemnation of land in fee for a State highway and a temporary easement for highway construction. Located in the city of Lodi at 14400 N. Correia Road. APN 055-040-04.

C-20432 - Zuckerman-Mandeville, Inc., a California Corporation

10-SJ-12-PM 6.0 - Parcel 16358-1 - EA 0A8409.

RWC Date: 11/01/10; RTL Date: 11/15/10. Freeway - Operational Improvements Project. Authorizes condemnation of a temporary easement for highway construction for a State highway. Located in the city of Lodi at 14091 N. Correia Road. APN 055-040-06.

C-20433 - FRP Properties, LLC, a California Limited Liability Company

11-SD-76-PM 29.0 - Parcel 34470-1 - EA 297809.

RWC Date: 04/15/11; RTL Date: 05/19/11. Conventional highway - install traffic signals and widening. Authorizes condemnation of a permanent easement for a State highway. Located in the unincorporated area of Pauma Valley at 15224 Pauma Reservation Road. APN 131-080-24-00.

C-20434 - NCO, LTD., a California Limited Partnership, et al.

07-LA-5-PM 2.50 - Parcel 77073-01-01 - EA 2159C9.

RWC Date: 06/30/10; RTL Date: 06/30/10. Freeway - Carmenita interchange improvement. Authorizes condemnation of land in fee for a State highway which is a remnant and would be of little market value. Located in the city of Norwalk at 13366 Excelsior Drive. APN 8070-027-013.

C-20435 - County of Sanitation District No.2 of Los Angeles County

07-LA-405-PM 36.4- Parcel 79630-1, 2, 3 - EA 120309.

RWC Date: 06/28/11; RTL Date: Design Build. Freeway - widen for HOV lane. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a

permanent tie-back easement, and a temporary easement for construction purposes. Located in the city of Los Angeles west of Sepulveda Blvd., north of Mountain Gate Drive. APN 4490-002-270.

C-20436 - Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation,
California

11-SD-76-PM 29.0 - Parcel 34469-1, 2 - EA 297809.

RWC Date: 04/15/11; RTL Date: 05/19/11. Conventional highway - install traffic signals and widening. Authorizes condemnation of a permanent easement for a State highway and a temporary easement for highway construction. Located in the unincorporated area of Pauma Valley near the intersection of Pala Road (SR-76) and Pauma Reservation Road. APN 131-080-20-00.