

# Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: January 19-20, 2011

Reference No.: 2.4e.(1)  
Action Item

From: NORMA ORTEGA  
Chief Financial Officer

Prepared by: Brent L.Green  
Chief  
Division of Right of Way and  
Land Surveys

Subject: **RESCINDING RESOLUTION OF NECESSITY**  
**RESOLUTION CR-146, RESCINDING RESOLUTION C-20351**

## **RECOMMENDATION:**

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolution CR-146, rescinding Resolution of Necessity (Resolution) C-20351. In accordance with statutory requirements, the owners have been advised that the Department is requesting the rescission of Resolution C-20351.

## **ISSUE:**

On May 20, 2010, the Commission adopted Resolution C-20351. The Resolution was not used to file an eminent domain case because there was an error in the legal description for Parcel 15164-1 and 15164-2.

## **BACKGROUND:**

Resolution of Necessity C-20351, adopted on May 20, 2010, authorized condemnation of a permanent easement for right of way. An eminent domain case was not filed on said parcel because of said error in the legal description.

### CR-146 - 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. Right of Way Certification Date: 05/31/10; Ready to List Date: 05/31/10. Freeway - four-lane expressway to six-lane freeway on eight-lane freeway right of way alignment. Rescinds Resolution C-20351, adopted May 20, 2010, which Resolution authorized condemnation of land in fee for a State highway, a permanent easement for 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. Resolution C-20351 is rescinded because there was an error in the legal description for Parcel 15164-1, 2. 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. Assessor's Parcel Numbers 067-100-040; 066-180-007; and 066-130-033, -034.