

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: May 11-12, 2011

Reference No.: 2.4b.
Action Item

From: NORMA ORTEGA
Chief Financial Officer

Prepared by: Brent Green
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-20531 through Resolution C-20561 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-20531 - Carlos De La Fuente

03-Yol-16-PM 28.5 - Parcel 033700-1 - EA 0C4709.

Right of Way Certification (RWC) Date: 04/15/12; Ready to List (RTL) Date: 04/15/12.

Conventional highway – widen shoulders, construct left turn lane and right turn pockets, and construct intersection improvements. Authorizes condemnation of land in fee for a State highway. Located in the town of Esparto at 27020 Highway 16.

Assessor's Parcel Number (APN) 049-160-05.

C-20532 - Occidental of Elk Hills, Inc., a Delaware Corporation

06-Ker-119-PM 4.99 - Parcel 86558-1, 2 - EA 0J5209.

RWC Date: 10/01/11; RTL Date: 10/01/11. Conventional highway – Safety Improvement Project, widen shoulders from two to eight feet and widen clear recovery zone from eight to fifteen feet. Authorizes condemnation of land in fee for a State highway and underlying fee. Located near the unincorporated area of Dustin Acres at State Route (SR) 119 and west of Airport Road. APN 298-190-11.

C-20533 - Occidental of Elk Hills, Inc., a Delaware Corporation

06-Ker-119-PM 6.26 - Parcel 86561-1 - EA 0J5209.

RWC Date: 10/01/11; RTL Date: 10/01/11. Conventional highway – Safety Improvement Project, widen shoulders from two to eight feet and widen clear recovery zone from eight to fifteen feet. Authorizes condemnation of land in fee for a State highway. Located near the unincorporated area of Dustin Acres at SR 119 and west of Airport Road. APN 298-190-31.

C-20534 - Smurfit-Stone Container Enterprises, Inc., by merger, etc., et al.

07-LA-5-PM 1.69 - Parcel 79731-1, 2, 3 - EA 215919.

RWC Date: 05/10/11; RTL Date: 06/01/11. Freeway - widening Alondra Boulevard overcrossing. Authorizes condemnation of a permanent easement for drainage purposes, a permanent aerial easement for utility purposes to be conveyed to Southern California Edison, and a temporary easement for construction purposes. Located in the city of Santa Fe Springs at 13833 Freeway Drive. APN 8069-014-007.

C-20535 - City of Los Angeles

07-LA-405-PM 31.2 - Parcel 79690-1 - EA 120309.

RWC Date: 06/28/11; RTL Date: Design-Build. Freeway - widen for high occupancy vehicle (HOV) lane. Authorizes condemnation of a temporary easement for construction purposes. Located in the city of Los Angeles at 1350 South Sepulveda Boulevard. APN 4324-017-906.

C-20536 - 136 Bronwood, LLC, a California Limited Liability Company

07-LA-405-PM 33.2 - Parcel 80211-1 - 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. Located in the city of Los Angeles at 136-144 Bronwood Avenue. APN 4366-013-015.

C-20537 - James Hahn, et al.

08-SBd-395-PM 19.5 - Parcel 21303-1 - 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 in the city of Adelanto east of Route 395, south of Colusa Road. APN 0460-161-29.

C-20538 - Christine Hamilton and Arlene May Godwin

08-SBd-395-PM 20.4 - Parcel 21318-1 - 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 near Colusa Road. APN 0460-151-08.

C-20539 - Lida Lahijani, Trustee, etc., et al.

08-SBd-395-PM 21.5 - Parcel 21340-1 - 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 on the west side of Route 395, north of Desert Flower Road. APNs 0460-312-09, -10.

C-20540 - Baysouth Group, Inc., a California Corporation, et al.

08-SBd-395-PM 21.7 - Parcel 21343-1 - 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 near the intersection of Route 395 and Purple Sage Road. APN 0460-312-04.

C-20541 - Francisco G. Lumunsad

08-SBd-395-PM 25.2 - Parcel 21366-1, 2 - 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 in the city of Adelanto approximately two miles south of the intersection of Route 395 and Shadow Mountain Road. APN 0460-053-01.

C-20542 - Bank of California, N.A., Trustee

08-SBd-395-PM 25.2 - Parcel 21367-1 - 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 in the city of Adelanto near the southeast corner of Route 395 and Trenton Road. APN 0460-401-01.

C-20543 - Heirs and Devisees of Eva M. McGruder

08-SBd-395-PM 27.5 - Parcel 21377-1 - 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 approximately one half mile north of the intersection of Route 395 and Shadow Mountain Road. APN 0462-671-39.

C-20544 - Chris H. Gansberg, Jr., et al.

10-Ama-88-PM 3.0 - Parcel 16012-1; 16013-1 - EA 264449.

RWC Date: 07/01/11; RTL Date: 08/30/11. Conventional highway – roadway rehabilitation. Authorizes condemnation of land in fee for a State highway. Located near the unincorporated area of the county of Amador at 2502 Jackson Valley Road, Ione. APN 005-230-011.

C-20545 - Carole Ann Strieff, Trustee, et al.

10-Ama-88-PM 3.3 - Parcel 16016-1 - EA 264449.

RWC Date: 07/01/11; RTL Date: 08/30/11. Conventional highway – roadway rehabilitation. Authorizes condemnation of land in fee for a State highway. Located near the city of Ione at 2901 Highway 88. APN 005-230-015.

C-20546 - Mark Givich, et ux.

10-Ama-88-PM 4.4 - Parcel 16023-1 - EA 264449.

RWC Date: 07/01/11; RTL Date: 08/30/11. Conventional highway – roadway rehabilitation. Authorizes condemnation of land in fee for a State highway. Located near the unincorporated area of the county of Amador at 3871 Highway 88, Ione. APN 005-190-012-000.

C-20547 - Antonio Pacheco, et ux.

10-SJ-99-PM 17.3 - Parcel 16150-1, 01-01 - EA 3A1009.

RWC Date: 01/15/12; RTL Date: 02/01/12. Freeway – widen to six lanes. Authorizes condemnation of land in fee for a State highway and excess land in fee to which the owner has consented. Located in the city of Stockton at 2045 and 2051 South Olive Avenue. APN 173-140-10.

C-20548 - The Ed Adriano D. and Julia Llanda DeLaCruz Family Trust

10-SJ-99-PM 17.3 - Parcel 16151-1, 01-01 - EA 3A1009.

RWC Date: 01/15/12; RTL Date: 02/01/12. Freeway – widen to six lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and land in fee which is a remnant and would have little market value. Located in the city of Stockton at 2067 South Olive Avenue. APN 173-140-11.

C-20549 - Leбата, Inc., a California Corporation

10-SJ-99-PM 16.5 - Parcel 16159-1 - EA 3A1009.

RWC Date: 01/15/12; RTL Date: 02/01/12. Freeway – widen to six lanes. Authorizes condemnation of land in fee for a State highway. Located in the city of Stockton at 4035 Mariposa Road. APNs 179-070-12, -13, -14.

C-20550 - Salvador Alvarez, et ux.

10-SJ-99-PM 17.7 - Parcel 16190-1A, 1B, 2 - EA 3A1009.

RWC Date: 01/15/12; RTL Date: 02/01/12. Freeway – widen to six lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for highway construction, and underlying fee. Located in the city of Stockton at 3606 East Guernsey Avenue. APN 157-140-04.

C-20551 - Anthony L. Federico, etc., et al.

10-SJ-99-PM 16.2 - Parcel 16202-1 - EA 3A1009.

RWC Date: 01/15/12; RTL Date: 02/01/12. Freeway – widen to six lanes. Authorizes condemnation of land in fee for a State highway. Located in the city of Stockton at 4124 East Mariposa Road. APN 179-082-19.

C-20552 - Cha Thao

10-SJ-99-PM 17.9 - Parcel 16214-1 - EA 3A1009.

RWC Date: 01/15/12; RTL Date: 02/01/12. Freeway – widen to six lanes. Authorizes condemnation of land in fee for a State highway. Located in the city of Stockton at 1311 South Golden Gate Avenue. APN 157-130-17.

C-20553 - Angie Pereyra

10-SJ-99-PM 17.5 - Parcel 16224-1 - EA 3A1009.

RWC Date: 01/15/12; RTL Date: 02/01/12. Freeway – widen to six lanes. Authorizes condemnation of land in fee for a State highway. Located in the city of Stockton at 1601 Golden Gate Avenue. APNs 173-040-66, -67.

C-20554 - Franklin Benjamin Agualo, et ux.

10-SJ-99-PM 17.4 - Parcel 16250-1 - EA 3A1009.

RWC Date: 01/15/12; RTL Date: 02/01/12. Freeway – widen to six lanes. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Stockton at 1975 South Drake Avenue. APN 173-131-09.

C-20555 - Alma Yolanda Rangel, et al.

10-SJ-99-PM 17.4 - Parcel 16251-1 - EA 3A1009.

RWC Date: 01/15/12; RTL Date: 02/01/12. Freeway – widen to six lanes. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Stockton at 1975 South Drake Avenue. APN 173-131-10.

C-20556 - Dovie Irene Green

10-SJ-99-PM 17.3 - Parcel 16259-1 - EA 3A1009.

RWC Date: 01/15/12; RTL Date: 02/01/12. Freeway – widen to six lanes. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Stockton at 1999 South Drake Avenue. APN 173-140-06.

C-20557 - Doreen Rogers, Trustee, etc., et al.

10-SJ-99-PM 16.3 - Parcel 16268-1 - EA 3A1009.

RWC Date: 01/15/12; RTL Date: 02/01/12. Freeway – widen to six lanes. Authorizes condemnation of land in fee for a State highway. Located in the city of Stockton at 3526 Munford Avenue. APN 179-560-04.

C-20558 - Rhode & Associates, Inc., Profit Sharing Plan

10-SJ-99-PM 9.0 - Parcel 16365-1 - EA 0E6109.

RWC Date: 03/01/12; RTL Date: 07/02/12. Freeway - widen to six lanes. Authorizes condemnation of land in fee for a State highway. Located in the city of Manteca at 1884 North Main Street. APN 218-020-11.

C-20559 - Kuldip Singh, Trustee, etc., et al.

10-SJ-99-PM 9.2 - Parcel 16371-1 - EA 0E6109.

RWC Date: 03/01/12; RTL Date: 07/02/12. Freeway – widen to six lanes. Authorizes condemnation of land in fee for a State highway. Located in the city of Manteca at 15051 and 15053 South SR 99, East Frontage Road. APNs 218-020-18, -19.

C-20560 - George Reed, Inc.

10-Ama-88-PM 4.0 - Parcel 16022-1 - EA 264449.

RWC Date: 07/01/11; RTL Date: 08/30/11. Conventional highway – roadway rehabilitation. Authorizes condemnation of land in fee for a State highway. Located near the city of Ione at 3421 Jackson Valley Road. APN 005-230-016.

C-20561 - H. Larry Montgomery, et ux.

01-Lak-20-PM 12.2 - Parcel 12185-1 - EA 480509.

RWC Date: 06/01/11; RTL Date: 06/01/11. Conventional highway - install roundabout. Authorizes condemnation of land in fee for a State highway. Located near the town of Nice at 2265 East Hwy 20. APNs 004-055-36, -45, -46.