

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: June 22-23, 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-20563 through Resolution C-20597 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-20563 - Hans R. Herren and Barbara Gemmill Herren, as Trustees of the Hans R. and Barbara Gemmill Herren Revocable Trust, Established February 26, 1998

03-Yol-16-PM 24.0 - Parcel 33666-1 - 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 make intersection improvements. Authorizes condemnation of land in fee for a State highway. Located near the town of Capay at 23057 State Highway 16.

Assessor's Parcel Number (APN) 048-110-05.

C-20564 - Aquarius Aquarium Institute, a California Non-Profit Benefit Corporation

06-Fre-99-PM 30.3 - Parcel 86450-1 - EA 442629.

RWC Date: 03/01/12; RTL Date: 03/01/12. Freeway – widen four-lane to six-lane. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Fresno near the west side of Highway 99, south of the San Joaquin River.

APN 504-130-31.

C-20565 - Carmen Vogel, Trustee, of the Vogel Family Trust, dated April 26, 1988

06-Ker-46-PM 1.3 - Parcel 85927-17 - EA 353419.

RWC Date: 04/01/09; Expressway - two-lane conventional to four-lane expressway. Authorizes condemnation of a permanent easement for slope. Located near the town of Lost Hills between the Kern and San Luis Obispo county line and Kecks Road. APN 043-060-54.

C-20566 - SCIF Freeway Drive LLC, A Delaware Limited Liability Company

07-LA-5-PM 1.95 - Parcel 77058-1, 2, 01-01 - EA 2159C9.

RWC Date: 06/30/10; RTL Date: 06/30/10. Freeway - Carmenita interchange improvement.

Authorizes condemnation of a permanent easement for State highway purposes, extinguishment of abutter's rights of access, a temporary easement for construction and grading purposes, and excess land in fee to which the owner has consented. Located in the city of Santa Fe Springs at 13767 Freeway Drive. APN 8069-015-045.

C-20567 - James W. Miller, et ux.

08-SBd-18-PM 53.39 - Parcel 21885-1, 2 - EA 0J0109.

RWC Date: 12/15/11; RTL Date: 01/16/12. Conventional highway - construct left turn lane in both directions, widen shoulder westbound. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the unincorporated area of the county of San Bernardino, known as Big Bear City at 537 West Big Bear Boulevard.

APNs 0311-094-22, -52, -71.

C-20568 - Gregory G. Schick

08-SBd-18-PM 53.48 - Parcel 21891-1, 2 - EA 0J0109.

RWC Date: 12/15/11; RTL Date: 01/16/12. Conventional highway - construct left turn lane in both directions, widen shoulder westbound. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the unincorporated area of the county of San Bernardino, known as Big Bear City at 501 West Big Bear Boulevard and 500 West Valley Boulevard. APNs 0311-094-40, -84.

C-20569 - The Gill Family Trust, et al.

08-SBd-18-PM 53.50 - Parcel 21892-1, 2 - EA 0J0109.

RWC Date: 12/15/11; RTL Date: 01/16/12. Conventional highway - construct left turn lane in both directions, widen shoulder westbound. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the unincorporated area of the county of San Bernardino, known as Big Bear City at 441 West Big Bear Boulevard. APN 0311-113-53.

C-20570 - Gregory G. Schick

08-SBd-18-PM 53.52 - Parcel 21893-1, 2 - EA 0J0109.

RWC Date: 12/15/11; RTL Date: 01/16/12. Conventional highway - construct left turn lane in both directions, widen shoulder westbound. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the unincorporated area of the county of San Bernardino, known as Big Bear City at 439 West Big Bear Boulevard. APNs 0311-113-37, -46, -58.

C-20571 - Walter R. Henderson, Trustee, etc., et al.

08-SBd-18-PM 53.55 - Parcel 21894-1, 2 - EA 0J0109.

RWC Date: 12/15/11; RTL Date: 01/16/12. Conventional highway - construct left turn lane in both directions, widen shoulder westbound. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the unincorporated area of the county of San Bernardino, known as Big Bear City at 423 West Big Bear Boulevard. APN 0311-113-54.

C-20572 - Lucille Legrouix Magana, et al.

08-SBd-18-PM 53.57 - Parcel 21895-1, 2 - EA 0J0109.

RWC Date: 12/15/11; RTL Date: 01/16/12. Conventional highway - construct left turn lane in both directions, widen shoulder westbound. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the unincorporated area of the county of San Bernardino, known as Big Bear City at 413 West Big Bear Boulevard. APN 0311-113-48.

C-20573 - Southern California Public Power Authority, et al.

08-SBd-395-PM 24.8/34.0 - Parcel 21321-1; 21362-1; 21368-1; 21380-1; 21384-1; 21387-1; 21392-1; 21393-1; 21395-1; 21409-1 - EA 0C1219.

RWC Date: 06/15/11; RTL Date: 06/15/11. Conventional highway - widen median and shoulders, install median and shoulder rumble strips. Authorizes condemnation of permanent easements for State highway purposes. Located near the city of Adelanto along Route 395. APNs 0462-671-51; 0460-053-27; 0460-402-01, -02, -03, -04, -05, -06; 0462-671-40; 0462-302-12, -36, -40, -43; 0462-651-35, -37; 0462-292-33; 0462-272-58; 0462-262-75; 0462-262-94; 0462-063-59; 0493-062-63.

C-20574 - Southern California Edison Company, a Corporation

08-SBd-395-PM 24.0/33.4 - Parcels 21353-1; 21363-1; 21374-1; 21378-1; 21390-1; 21391-1; 21397-1; 21399-1; 21400-1; 21402-1 - EA 0C1219.

RWC Date: 06/15/11; RTL Date: 06/15/11. Conventional highway - widen median and shoulders, install median and shoulder rumble strips. Authorizes condemnation of permanent easements for State highway purposes. Located near the city of Adelanto along Route 395 between Bryman Road and Macon Road. APNs 0460-062-23; 0460-053-25, -26; 0462-671-31, -33, -35; 0462-282-33, -34; 0462-272-50, -51; 0462-262-68, -69; 0462-261-65, -66, -67, -68, -69, -72, -73, -74, -76, -77, -78, 79.

C-20575 - The City of Los Angeles, a Municipal Corporation, et al.

08-SBd-395-PM 24.5/33.8 - Parcels 21371-1; 21376-1; 21407-1; 21411-1; 21800-1 - EA 0C1219.

RWC Date: 06/15/11; 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 along Route 395. APNs 0462-154-62, 0462-671-47, 0463-062-69, 0460-291-65, 0493-062-66.

C-20576 - Leask-Ione Holdings, LLC, et al.

10-Ama-88-PM 5.4 - Parcel 16036-1; 16037-1 - 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 Highway 88, east of Martin Lane. APNs 005-190-007, -017.

C-20577 - Teton Properties, LLC, a Colorado Limited Liability Company

10-SJ-99-PM 16.6 - Parcel 16179-1 - 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 2829 South State Route (SR) 99. APN 179-110-10.

C-20578 - South Highway 99, LLC, a California Limited Liability Company

10-SJ-99-PM 16.6 - Parcel 16180-1 - 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 2803 South SR 99. APN 179-110-08.

C-20579 - Campora Properties, a California General Partnership

10-SJ-99-PM 16.6 - Parcel 16192-1, 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. Located in the city of Stockton at 2537 South Mariposa Road. APN 171-300-19.

C-20580 - CBS Outdoor, Inc. (Lessee)

10-SJ-99-PM 17.0 - Parcel 16193-1A - EA 3A1009.

RWC Date: 01/15/12; RTL Date: 02/01/12. Freeway – Widen to six lanes. Authorizes condemnation of land leasehold interest of outdoor advertising company for a State highway. Located in the city of Stockton at 3602 Farmington Road. APN 173-070-05.

C-20581 - Trinidad Juarez, et al.

10-SJ-99-PM 17.6 - Parcel 16222-1 - 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 1702 South Golden Gate Avenue. APN 173-040-37.

C-20582 - Trinidad G. Juarez, et ux.

10-SJ-99-PM 17.6 - Parcel 16227-1, 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 3610 East Section Avenue. APN 173-080-13.

C-20583 - Bernardo Valleza, et al.

10-SJ-99-PM 16.3 - Parcel 16261-1 - 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 3839 Munford Avenue. APN 179-081-09.

C-20584 - Thomas E. Piazza

10-SJ-99-PM 16.3 - Parcel 16266-1 - 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 3331 Munford Avenue. APN 179-550-14.

C-20585 - Enrique Saucedo

10-SJ-99-PM 16.2 - Parcel 16275-1 - 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 3948 Munford Avenue. APN 179-560-15.

C-20586 - Brian C. Chamberlain, Trustee, et al.

10-SJ-99-PM 9.0 - Parcel 16369-1 - EA 0E6109.

RWC Date: 03/01/12; RTL Date: 07/01/12. 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 Manteca at 15255 South SR 99. APN 218-020-13.

C-20587 - Raymus Real Estate and Insurance, Inc., a California corporation

10-SJ-99-PM 9.0 - Parcel 16372-1 - EA 0E6139.

RWC Date: 03/01/12; RTL Date: 07/01/12. Freeway – Widen to six lanes. Authorizes condemnation of land in fee for a State highway. Located in the city of Manteca at 15326 South SR 99 East Frontage Road. APN 218-020-15.

C-20588 - Faith Micheletos Siouris, Trustee, et al.

10-SJ-99-PM 9.1 - Parcel 16373-1 - EA 0E6139.

RWC Date: 03/01/12; RTL Date: 07/01/12. Freeway – Widen to six lanes. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of San Joaquin County at 15230 South SR 99 East Frontage Road, Manteca, CA. APN 218-020-06.

C-20589 - Maudine B. Warren, Trustee

10-SJ-99-PM 9.2 - Parcel 16374-1, 2 - EA 0E6139.

RWC Date: 03/01/12; RTL Date: 07/01/12. Freeway – Widen to six lanes. Authorizes condemnation of land in fee for a State highway and a temporary easement for the purpose of demolition. Located in the city of Manteca at 6006 East Lathrop Road. APN 218-020-05.

C-20590 - Raymus Real Estate and Insurance Inc., a California Corporation, et al.

10-SJ-99-PM 9.3 - Parcel 16376-1 - EA 0E6139.

RWC Date: 03/01/12; RTL Date: 07/01/12. Freeway – Widen to six lanes. Authorizes condemnation of land in fee for a State highway. Located in the city of Manteca at 14949 South SR 99 East Frontage Road. APN 197-100-17.

C-20591 - Raymus Real Estate and Insurance Inc., a California Corporation, et al.

10-SJ-99-PM 9.2/9.4 - Parcel 16377-1; 16378-1; 16379-1 - EA 0E6139.

RWC Date: 03/01/12; RTL Date: 07/01/12. 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 Manteca at 14680 South SR 99 East Frontage Road. APNs 197-100-09, -16, -24, -25.

C-20592 - Elaine Solari Scadden, et al.

10-SJ-99-PM 9.3 - Parcel 16380-1 - EA 0E6139.

RWC Date: 03/01/12; RTL Date: 07/01/12. Freeway – Widen to six lanes. Authorizes condemnation of land in fee for a State highway. Located in the city of Manteca at 14950 South SR 99, West Frontage Road. APNs 197-020-27, -28.

C-20593 - Elaine Solari Scadden, et al.

10-SJ-99-PM 9.3 - Parcel 16381-1, 2, 3 - EA 0E6139.

RWC Date: 03/01/12; RTL Date: 07/01/12. Freeway – Widen to six lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and an easement for utility purposes to be conveyed to Pacific Gas and Electric Company. Located in the city of Manteca at 14851 South SR 99, West Frontage Road. APNs 197-020-27, -28.

C-20594 - Gavino Renteria, et ux.

10-SJ-99-PM 9.3 - Parcel 16382-1 - EA 0E6139.

RWC Date: 03/01/12; RTL Date: 07/01/12. Freeway – Widen to six lanes. Authorizes condemnation of land in fee for a State highway. Located near the city of Manteca at 14840 South SR 99 West Frontage Road. APN 197-020-05.

C-20595 - San Joaquin Delta Junior College District

10-SJ-99-PM 9.4 - Parcel 16394-1 - EA 0E6139.

RWC Date: 03/01/12; RTL Date: 07/01/12. Freeway – Widen to six lanes. Authorizes condemnation of land in fee for a State highway. Located in the city of Manteca at 14621 South SR 99 West Frontage Road. APN 197-020-03.

C-20596 - Lagorio Properties, L.P., a California Limited Partnership

10-SJ-99-PM 11.5/11.7 - Parcel 16384-1; 16385-1 - EA 0E6139.

RWC Date: 09/01/11; RTL Date: 09/01/11. 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 Manteca at 4849 East French Camp Road. APNs 201-040-01, -07.

C-20597 - Canada Cove, a California Limited Partnership

10-SJ-99-PM 11.7 - Parcel 16389-1 - EA 0E6139.

RWC Date: 09/01/11; RTL Date: 09/01/11. 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 Manteca at 3919 East French Camp Road. APNs 201-030-14, -16.