

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: October 26-27, 2011

Reference No: 2.4b.
Action Item

From: NORMA ORTEGA
Chief Financial Officer

Prepared by: Brent L. 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-20621 through Resolution C-20627, Resolution C-20629 through Resolution C-20656, and amended Resolution C-20414, 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-20621 - Clifford Lane Clark, Sr., et al.

05-Mon-101-PM 100.9 - Parcel 11330-1, 2 - EA 315809.

Right of Way Certification (RWC) Date: 04/02/12; Ready to List (RTL) Date: 04/02/12.

Expressway - partial conversion of expressway to freeway and construct new interchange at San Juan Road. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Aromas at 2920 San Juan Road.

Assessor's Parcel Number (APN) 141-012-007.

C-20622 - Araceli Garcia, et ux.

05-Mon-101-PM 101.4 - Parcel 11300-1, 2 - EA 315809.

RWC Date: 04/02/12; RTL Date: 04/02/12. Expressway - partial conversion of expressway to freeway and construct new interchange at San Juan Road. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the city of Aromas at 2929 San Juan Road. APN 141-014-001.

C-20623 - Jantz Family Trust, etc., et al.

05-SB-101-PM 83.5 - Parcel 11211-1, 2 - EA 463809.

RWC Date: 03/15/12; RTL Date: 04/13/12. Conventional highway - construct interchange.

Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and an easement for access and utility purposes to be conveyed to West Bay Company.

Located near the city of Santa Maria in Santa Barbara County. APNs 107-240-027, -028, -029.

C-20624 - John Homer, et ux.

05-SBt-101-PM 0.40 - Parcel 11286-1, -2 - EA 315809.

RWC Date: 04/02/12; RTL Date: 04/02/12. Expressway - partial conversion of expressway to freeway and construct new interchange at San Juan Road. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and temporary easements for construction purposes. Located in the city of Aromas at 270 Ricardo Drive. APN 011-270-020.

C-20625 - Pedro Montejano, et al.

05-SBt-101-PM 0.15 - Parcel 11288-1, -2 - EA 315809.

RWC Date: 04/02/12; RTL Date: 04/02/12. Expressway - partial conversion of expressway to freeway and construct new interchange at San Juan Road. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, together with all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements, and a temporary easement for construction purposes.

Located in the city of Aromas at 347 Ricardo Drive. APN 011-270-046.

C-20626 - F. Warren Wayland, Trustee, etc., et al.

05-SBt-101-PM 0.50 - Parcel 11323-1 - EA 315809.

RWC Date: 04/02/12; RTL Date: 04/02/12. Expressway - partial conversion of expressway to freeway and construct new interchange at San Juan Road. Authorizes condemnation of land in fee for a State highway. Located in the city of Aromas near Cole Road. APNs 011-280-024, -025.

C-20627 - David P. Roye, et al.

06-Kin-198-PM 16.9 - Parcel 86467-1 - EA 487509.

RWC Date: 08/15/12; RTL Date: 09/15/12. Freeway - Reconstruct 12th Avenue Interchange. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Hanford at the southwest corner of State Route (SR) 198 and 12th Avenue. APN 018-102-047.

~~C-20628 - Robert Mitchell, et ux.~~

~~06-Mad-99-PM 7.53/7.56 - Parcel 86537-1A, 1B, 1C, 2 - EA 471009.~~

~~RWC Date: 05/01/12; RTL Date: 05/01/12. Freeway - modify interchange. Authorizes condemnation of land in fee for a State highway, an easement for utility purposes to be conveyed to Pacific Gas & Electric, and underlying fee. Located in the city of Madera near Avenue 12, east of SR 99. APNs 047-110-014, -016.~~

C-20629 - Pacific Telephone and Telegraph Company, a SUSPENDED California Corporation

06-Mad-99-PM 7.52 - Parcel 86540-1A - EA 471009.

RWC Date: 05/01/12; RTL Date: 05/01/12. Freeway - modify interchange. Authorizes condemnation of land in fee for a State highway. Located in the city of Madera near Avenue 12 and SR 99. APN 047-050-017.

C-20630 - Esther Louise Bishel, Trustee, etc., et al.

06-Mad-99-PM 7.53/7.56 - Parcel 86546-1A, 1B, 2 - EA 471009.

RWC Date: 05/01/12; RTL Date: 05/01/12. Freeway - modify interchange. Authorizes condemnation of land in fee for a State highway, an easement for utility purposes to be conveyed to Pacific Gas & Electric, and underlying fee. Located in the city of Madera near Avenue 12 and Road 29. APN 047-060-013.

C-20631 - Rodney P. Alexander, etc., et al.

06-Tul-99-PM 37.3 - Parcel 86609-1 - EA 360219.

RWC Date: 04/20/12; RTL Date: 05/03/12. Freeway - 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 town of Goshen at 30258 Road 68. APN 073-090-070.

C-20632 - Robert Perez, et ux.

04-SCI-152-PM 19.1 - Parcel 62013-1, -2, -3, -4 - EA 2A4409.

RWC Date: 04/16/12; RTL Date: 05/01/12. Conventional highway - upgrading the shoulders to standard, improving sight distance, installing shoulder rumble strips, improving pavement friction, and constructing a left-turn pocket at the intersection of SR 152 and Lovers Lane in Gilroy. Authorizes condemnation of land in fee for a State highway and two temporary easements for construction purposes. Located in Santa Clara County near the City of Gilroy at 5425 Pacheco Pass Highway. APN 898-25-040.

C-20633 - Chester E. Allen and Elaine J. Allen, Trustees, C.E. and Elaine J. Allen Trust;
Carmenita Ford Truck Sales, Inc.

07-LA-5-PM 2.35/2.40 - Parcels 77070-1, 2, 3, 4, 5, 6, 7, 8; 77071-1, 2, 3, 4 - 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, extinguishment of abutter's rights of access, permanent easements for footing, sewer, and maintenance purposes, and temporary easements for construction, grading, and removal of improvements which straddle the right of way line. Located in the city of Santa Fe Springs at 13443 East Freeway Drive.

APNs 8069-016-008, -022.

C-20634 - Clifford J. Flaro, II, Trustee, etc., et ux.

07-LA-5-PM 4.70 - Parcel 80071-1 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen Interstate 5 (I-5) to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway. Located in the city of Norwalk at 12727 Paddison Avenue. APN 8047-002-013.

C-20635 - Tiscornia Ranches Limited Partnership

10-Cal-4-PM 14.7 - Parcel 15958-1A, B, C - EA 0A0109.

RWC Date: 06/30/10; RTL Date: 06/30/10. Freeway - realign and widen highway with rubberized hot mix asphalt, hot mix asphalt and aggregate base. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of San Andreas at 3887 Highway 4. APN 053-007-001.

C-20636 - Tiscornia Ranches Limited Partnership

10-Cal-4-PM 14.7 - Parcel 15959-1A, 1B; 15960-1A, 1B - EA 0A0109.

RWC Date: 06/30/10; RTL Date: 06/30/10. Freeway - realign and widen highway with rubberized hot mix asphalt, hot mix asphalt and aggregate base. Authorizes condemnation of land in fee for a State highway and temporary easements for construction purposes. Located in the city of San Andreas at 3887 Highway 4. APN 053-007-012.

C-20637 - Ryder Truck Rental, Inc., a Florida Corporation

10-SJ-99-PM 16.5 - Parcel 16154-1 - 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 3633 Duck Creek Drive. APN 173-310-01.

C-20638 - 99 Service Center, LLC, a California Limited Liability Company

10-SJ-99-PM 16.3 - Parcel 16164-1, 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 land in fee which is a remnant and would be of little market value. Located in the city of Stockton at 3304 South SR 99 East Frontage Road. APN 179-560-02.

C-20639 - Marvin H. Lipton, et al.

10-SJ-99-PM 15.5 - Parcel 16206-1 - 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 4100 Highway 99 Frontage Road. APN 179-172-04.

C-20640 - Cohn Enterprises, LTD, a California Limited Partnership

10-SJ-99-PM 16.4 - Parcel 16264-1 - 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 3755 Munford Avenue. APN 179-550-12.

C-20641 - The Thessalonians Missionary Baptist Church, a California Non-profit Corporation

10-SJ-99-PM 17.4 - Parcel 16284-1 - 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 1940 South Drake Avenue. APN 173-132-26.

C-20642 - Franchise Realty Interstate Corporation, et al.

12-Ora-5/74-PM 9.6/0.0 - Parcel 102501-1, 2 - EA 0E3109.

RWC Date: 05/15/12; RTL Date: 06/01/12. Freeway - reconstruct interchange at I-5 and SR 74. Authorizes condemnation of land in fee for a State highway purposes and a temporary easement for construction purposes. Located in the city of San Juan Capistrano at 31822 Del Obispo Street. APN 668-241-06.

C-20643 - San Juan Capistrano Redevelopment Agency, a public corporate politic

12-Ora-5/74-PM 9.7/0.0 - Parcel 102505-1, 2 - EA 0E3109.

RWC Date: 05/15/12; RTL Date: 06/01/12. Freeway - reconstruct interchange at I-5 and SR 74. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the city of San Juan Capistrano at 31762 El Camino Real. APN 124-160-31.

C-20644 - South Coast Christian Assembly, a California Corporation

12-Ora-5/74-PM 9.8/0.0 - Parcel 102513-1, 2 - EA 0E3109.

RWC Date: 05/15/12; RTL Date: 06/01/12. Freeway - reconstruct interchange at I-5 and SR 74. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a permanent easement for slope purposes. Located in the city of San Juan Capistrano at 31501 Avenida Los Cerritos. APN 650-151-27.

C-20645 - Ortega Ranch, LLC, a Nevada limited liability company

12-Ora-5/74-PM 9.8/0.0 - Parcel 102520-1 - EA 0E3109.

RWC Date: 05/15/12; RTL Date: 06/01/12. Freeway - reconstruct interchange at I-5 and SR 74. Authorizes condemnation of a permanent easement for slope purposes. Located in the city of San Juan Capistrano at 31351 and 31431 Rancho Viejo Road. APNs 650-151-22; 650-142-06.

C-20646 – Kevin Lee Jones, et ux.

11-SD-805-PM 4.8 - Parcel 34649-1 - EA 081619.

RWC Date: 07/02/2012; RTL Date: 07/02/2012. Conventional highway - managed lanes south. Authorizes condemnation of land in fee for a State highway. Located in the city of Chula Vista at 1299 Raven Avenue. APN 620-651-30.

C-20647 - CBS Outdoor, Inc. (Lessee)

10-SJ-99-PM 16.5 - Parcel 16135-1A - EA 3A1009.

RWC Date: 01/15/12; RTL Date: 02/01/12. Freeway - widen to six lanes. Authorizes condemnation of leasehold interest of outdoor advertising company. Located in the city of Stockton at 3568 East Mariposa Road. APN 179-081-02.

C-20648 - William D. Johns, Trustee, etc., et al.

10-SJ-99-PM 16.5 - Parcel 16136-1 - 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 2373 South Mariposa Road. APN 171-300-08.

C-20649 - James E. Blincoe, Trustee

10-SJ-99-PM 16.7 - Parcel 16139-1 - 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 2431 South Mariposa Road. APNs 171-300-03, -12, -13, -14, -16, -17, -18.

C-20650 - Visionary Home Builders of California, Inc., a California nonprofit public benefit corporation

10-SJ-99-PM 17.0 - Parcel 16141-1 - 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 2260 South Netherton Avenue. APN 173-060-27.

C-20651 - Oldcastle Precast, Inc.

10-SJ-99-PM 16.5 - Parcel 16161-1, 2, 3 - 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 a temporary easement for construction purposes. Located in the city of Stockton at 2960 South Highway 99 East Frontage Road. APNs 179-550-04, -05, -06, -07.

C-20652 - Gordon H. Gooby, et ux.

10-SJ-99-PM 16.5 - Parcel 16174-1, 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 and a temporary easement for construction purposes. Located in the city of Stockton at 2929 South SR 99 West Frontage Road. APN 179-100-10.

C-20653 - Tommy Rodriguez, et al.

10-SJ-99-PM 17.7 - Parcel 16223-1 - 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 near Golden Gate Avenue. APN 173-040-65.

C-20654 - Federal National Mortgage Association

10-SJ-99-PM 17.4 - Parcel 16248-1 - 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 1965 South Drake Avenue. APN 173-131-07.

C-20655 - Tristar Stockton Properties, LLC, a California Limited Liability Company

10-SJ-99-PM 16.2 - Parcel 16271-1 - 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 3748 and 3800 Munford Avenue. APN 179-082-10.

C-20656 - CBS Outdoor Advertising, Inc. (Lessee)

10-SJ-99-PM 9.4 - Parcel 16378-1A - EA 0E6109.

RWC Date: 09/01/11; RTL Date: 10/01/11. Freeway - widen to six lanes. Authorizes condemnation of leasehold interest of outdoor advertising company. Located in the city of Manteca, north of the Lathrop Road Overcrossing, east of SR 99. APN 197-100-09.

C-20414 - Heritage Land Co., Inc.

10-SJ-12-PM 5.3 - Parcel 16123-1 - EA 0A8409.

RWC Date: 11/01/10; RTL Date: 11/15/10. Conventional Highway - operational improvement. Amends Resolution Number C-20414, adopted September 22, 2010, which authorized condemnation of land in fee for a State highway. This Amendment is necessary because Heritage Land Co. is a reclamation district and Code of Civil Procedure Section 1240.610, a more necessary public use, was not included in the resolution. The Amended Resolution includes said code. Located in the city of Lodi at 13751 West Highway 12. APN 025-030-01.