

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: December 14-15, 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-20658 through Resolution C-20687 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-20658 - Paul M. Costa, Co-Trustee, etc., et al.

05-Mon-101-PM 100.52 - Parcel 11333-1, 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 a temporary easement for construction purposes. Located in the city of Aromas at 187 Dunbarton Road.

Assessor's Parcel Number (APN) 141-012-021.

C-20659 - Edge No. 1, Limited Partnership & Brahan Company, et al.

05-SB-101-PM 83.5 - Parcel 11381-1 - 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. Located near the city of Santa Maria near Santa Barbara County. APNs 107-240-032,-035.

C-20660 - CBS Outdoor (Lessee)

05-Mon-101-PM 101.8 - Parcel 11293-A - 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 leasehold interest of outdoor advertising company. Located in the city of Aromas at 3720 North Highway 101. APN 141-014-006.

C-20661 - Knute Bernard Welsh

05-SLO-1-PM 65.3 - Parcel 11402-1, 2, 3, 4 - EA 492809.

RWC Date: 08/08/13; RTL: 10/03/13. Conventional highway - realign roadway. Authorizes condemnation of land in fee for a State highway, temporary easements for construction purposes, and a permanent easement for drainage purposes. Located near the unincorporated area of San Simeon at 16485 Cabrillo Highway. APN 011-231-017.

C-20662 - Thomas O. Rickard

05-SLO-166-PM R40.05 - Parcel 11412-1 - EA 0R3009.

RWC Date: 03/01/12; RTL Date: 04/15/12. Conventional highway - realign roadway and construct a new bridge crossing. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near the unincorporated area of San Luis Obispo County/Cuyama near Highway 166, Gifford Creek, one mile east of Cuyama River Bridge. APN 094-381-009.

C-20663 - Stan Brown, et al.

06-Kin-198-PM 16.9 - Parcel 86472-1, 2 - 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 a temporary easement for construction purposes. Located in the city of Hanford at the southeast corner of 12th and West Hayden Avenues. APN 018-650-084.

C-20664 - Lieb Family Trust, et al.

06-Kin-198-PM 16.9 - Parcel 86473-1, 2 - 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, extinguishment of abutter's rights of access, and a permanent easement for utility purposes to be conveyed to Southern California Edison Company. Located in the city of Hanford at the northeast corner of State Route (SR) 198 and 12th Avenue. APN 018-650-008/009.

C-20665 - Cashera Plaza LLC, a California Limited Liability Company

06-Kin-198-PM 16.9 - Parcel 86476-1 - 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. Located in the city of Hanford at the northwest corner of 12th Avenue and Glendale Avenue. APN 018-890-010.

C-20666 - Hanford Petro, LLC, a California Limited Liability Company, et al.

06-Kin-198-PM 16.9 - Parcel 86477-1 - 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 1767 Glendale Avenue. APN 018-890-009.

C-20667 - Wal-Mart Real Estate Business Trust, a Delaware Statutory Trust

06-Kin-198-PM 16.9 - Parcel 86514-1 - 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. Located in the city of Hanford at the northwest corner of 12th Avenue and the Railroad. APN 018-900-007.

C-20668 - Stan Brown, et al.

06-Kin-198-PM 16.9 - Parcel 86516-1, 2 - 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, extinguishment of abutter's rights of access, and a permanent easement for utility purposes to be conveyed to Southern California Edison. Located in the city of Hanford at the northeast corner of 12th and West Hayden Avenues. APN 018-650-091.

C-20669 - Borba Farms, Inc., a Corporation

06-Mad-99-PM 0.3/0.5 - Parcel 86452-1, 2, 3 - 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, extinguishment of abutter's rights of access, a temporary easement for construction purposes, and a permanent easement for utility purposes to be conveyed to AT & T. Located in the unincorporated area of Madera near the San Joaquin River and SR 99. APN 048-270-003.

C-20670 - Sunsweet Dryers, a Corporation

06-Mad-99-PM 7.50 - Parcel 86527-1 - 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 at Avenue 12 and Road 29. APN 047-101-001.

C-20671 - Thelma Irene Gragnani, Trustee, et al.

06-Mad-99-PM 7.51 - Parcel 86541-1, 2, 3, 4, 5 - 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, extinguishment of abutter's rights of access, permanent easements for irrigation and utility purposes to be conveyed to Madera Irrigation District and Pacific Gas and Electric. Located in the city of Madera at 28462 Borden Street. APN 047-050-021.

C-20672 - Aurelio Valdez, et al.

07-LA-5-PM 3.75 - Parcel 77622-1, 2, 01-01 - EA 215939.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen Interstate 5 (I-5) to add high occupancy vehicle (HOV) and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for footing purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 12495 Sproul Street. APN 8056-001-017.

C-20673 - Jose E. Bueno, et ux.

07-LA-5-PM 4.0 - Parcel 77636-1, 2, 3, 01-01 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, a permanent easement for footing purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 13403 Esmond Avenue. APN 8056-003-009.

C-20674 - Juan Pablo Ortega, et ux.

07-LA-5-PM 4.0 - Parcel 77637-1, 2, 3, 01-01 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, a permanent easement for footing purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 13404 Esmond Avenue. APN 8056-003-010.

C-20675 - Alvaro Barajas, et ux.

07-LA-5-PM 5.2 - Parcel 77649-1, 2, 01-01 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 12009 Dollison Drive. APN 8023-016-013.

C-20676 - Eduardo A. Hernandez, Trustee, etc., et al.

07-LA-5-PM 4.6 - Parcel 78991-1, 2, 3, 01-01 - EA 215949.

RWC Date: 03/01/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, a permanent easement for footing purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 12804 Zeus Avenue. APN 8048-017-008.

C-20677 - The heirs and devisees of Carol Lane Pavich

07-LA-5-PM 5.8 - Parcel 80034-1, 2, 3, 01-01 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, a permanent easement for footing purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 11476 Elizabeth Street. APN 8018-004-015.

C-20678 - Juan Jose Herrera, et ux.

07-LA-5-PM 5.8 - Parcel 80063-1, 2, 3, 01-01 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, a permanent easement for footing purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 11516 Dollison Drive. APN 8018-004-030.

C-20679 - Sears Development Co., a Delaware corporation

07-LA-10-PM 34.9 - Parcel 79814-1, 2 - EA 1170U9.

RWC Date: 04/06/12; RTL Date: 04/17/12. Freeway - construct HOV lanes and soundwalls. 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 West Covina at 10 Fashion Plaza (Westfield Mall). APN 8474-003-081.

C-20680 - Sergio Ballesteros, et ux.

10-SJ-99-PM 17.7 - Parcel 16228-1, 2 - EA 3A1009.

RWC Date: 01/15/12; RTL Date: 03/30/12. Freeway - widen to six lanes. Authorizes condemnation of land in fee for a State highway. Located in the city of Stockton at 3408 Section Avenue. APN 173-080-15.

C-20681 - Stockton Unified School District of San Joaquin County, State of California, et al.

10-SJ-99-PM 18.2 - Parcel 16299-1, 2 - EA 3A1009.

RWC Date: 01/15/12; RTL Date: 03/30/12. Freeway - widen to six lanes. Authorizes condemnation of a temporary easement for construction purposes and a permanent easement for highway slopes for a state highway. Located in the city of Stockton at 3529 East Main Street. APN 173-080-15.

C-20682 - The Burlington Northern & Santa Fe Railroad Company, successor by merger to the Atchison, Topeka & Santa Fe Railroad, et al.

10-SJ-99-PM 17.5 - Parcel 16390-1, 2 - EA 3A1009.

RWC Date: 01/15/12; RTL Date: 03/30/12. Freeway - widen to six lanes. Authorizes condemnation of a temporary easement for reconstruction of existing bridge for a State highway. Located in the city of Stockton at 0.4 mile north of Arch Road to 0.1 mile south of SR 4 west/SR 99 north. APNs 173-140-29; 173-030-19.

C-20683 - Capistrano Enterprises, a Nevada limited partnership, et al.

12-Ora-5/74-PM 9.6/0.0 - Parcel 102494-1, 2, 3, 4 - 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, a permanent easement for wall footing purposes, an easement for ingress, egress and pipeline purposes to be conveyed to the City of San Juan Capistrano, and a temporary easement for construction purposes. Located in the city of San Juan Capistrano at 27130B Paseo Espada, Suite. 501. APNs 666-131-12, -17.

C-20684 - Capistrano Inn, a Limited Partnership

12-Ora-5/74-PM 9.7/0.1 - Parcel 102497-1, 2, 3, 4, 5, 6, 7, 8 - 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 highways, extinguishment of abutter's rights of access, temporary easements for construction purposes, permanent easements for ingress/egress, wall, wall footing purposes, and an easement for ingress, egress and pipeline purposes to be conveyed to the City of San Juan Capistrano. Located in the city of San Juan Capistrano at 27174 Ortega Highway. APNs 666-131-20, -21.

C-20685 - Manuel Oregal, et al. (Lessee)

10-SJ-99-PM 16.6 - Parcel 16135-1; Mobile Home Space #23 - EA 3A1009.

RWC Date: 01/15/12; RTL Date: 03/30/12. Freeway - widen to six lanes. Authorizes condemnation of Mobile Home, personal property only. Located in the city of Stockton at 3568 East Mariposa Road, Space #23. APN 179-550-02.

C-20686 - Maria Leon (Lessee)

10-SJ-99-PM 16.6 - Parcel 16135-1; Mobile Home Space #31 - EA 3A1009.

RWC Date: 01/15/12; RTL Date: 03/30/12. Freeway - widen to six-lanes. Authorizes condemnation of Mobile Home, personal property only. Located in the city of Stockton at 3568 East Mariposa Road, Space #31. APN 179-550-02.

C-20687 - Enrique Polanco and Griselda Ocegueda

04-SCI-152-PM 18.5 - Parcel 62000-1 - EA 2A4409.

RWC Date: April 16, 2011; RTL Date: May 01, 2012. Conventional highway - Safety project in Santa Clara County to improve sight distance, upgrade shoulders, and provide left turn channelization. Authorizes condemnation of land in fee for a State highway. Located near the city of Gilroy at 6560 Pacheco Pass Highway. APN 898-30-005.