

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: October 8, 2013

Reference No: 2.4b.
Action Item

From: STEVEN KECK
Acting 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-21103 through C-21105, C-21108 through C-21114, C-21116, and C-21119 through C-21124, 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. The 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 has 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-21103 - Dick Romberg, et al.

01-Lak-20-PM 8.3 - Parcel 12288-1, 2 - EA 488609.

Right of Way Certification (RWC) Date: 09/01/13; Ready to List (RTL) Date: 03/01/14.

Conventional highway - improve the intersection of State Route (SR) 20 and SR 29. Authorizes condemnation of land in fee for a State highway and a temporary easement for highway construction and for the removal of all those certain improvements which straddle the right of way line. Located in an unincorporated area of the Lake County at 1125 State Highway 20.

Assessor's Parcel Number (APN) 003-034-54.

C-21104 - Carpenter Orchards Inc., a California Corporation

01-Lak-29-PM 52.5 - Parcel 12291-1 - EA 488609.

RWC Date: 09/01/13; RTL Date: 03/01/14. Conventional highway - improve the intersection of SR 20 and SR 29. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Lake County at 9275 Highway 29. APN 003-034-07.

C-21105 - Pacific Gas and Electric, A California Corporation

02-Sha-299-PM 83.5 - Parcel 14112-1; 14113-1 - EA 2E7409.

RWC Date: 04/17/14; RTL Date: 05/19/14. Conventional highway - curve improvement project. Authorizes condemnation of permanent easements for highway purposes. Located in an unincorporated area of Shasta County east of Fall River Mills. APNs 023-350-03, -06.

C-21108 - Barbara B. Herman, Trustee, etc., et al.

07-LA-5-PM 1.40 - Parcel 79859-1, 2 - EA 215929.

RWC Date: 03/14/14; RTL Date: 03/28/14. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the city of Santa Fe Springs at 14050 Freeway Drive. APN 7001-012-030.

C-21109 - Metoche Land, LLC, a California Limited Liability Company

08-SBd-15-PM 44.8 - Parcel 20927-1 - EA 355569.

RWC Date: 01/03/14; RTL Date: 02/03/14. Freeway - add northbound mixed flow lane with auxiliary lane; reconstruct D and E Streets and the Stoddard Wells interchange. Authorizes condemnation of land in fee for a State highway. Located in the city of Victorville at Outer Highway 15, north of the Stoddard Wells Road interchange, east of Interstate 15 (I-15). APN 0472-182-16.

C-21110 - Town Square M Properties LLC

08-SBd-15-PM R14.47 - Parcel 22542-1, 2 - EA 0K7109.

RWC Date: 07/31/14; RTL: Design-Build. Freeway - add additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/Interstate 215 (I-215) interchange and reconfigure connectors to the I-215 truck bypass lanes and auxiliary lanes. 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, Verizon, Verizon Business, and Sprint. Located in the unincorporated area of San Bernardino county, north of I-15, west of Woodlawn Avenue and northwest of Nedlee Avenue. APN 0349-112-44.

C-21111 - Robert A. Aaberg, Trustee, etc., et al.

08-SBd-15-PM R15.04 - Parcel 22559-1, 2 - EA 0K7109.

RWC Date: 07/31/14; RTL: Design-Build. Freeway - add additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/I-215 interchange and reconfigure connectors to the I-215 truck bypass lanes and auxiliary lanes. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the unincorporated area of San Bernardino county at the northwest corner of Kenwood Avenue and Cajon Boulevard. APNs 0349-102-13, -14.

C-21112 - Estate of Robert Neil Scott, Sr., Trustee, etc., et al.

08-SBd-138-PM 11.85 - Parcel 21593-1 - EA 3401U9.

RWC Date: 12/05/13; RTL Date: 01/06/14. Conventional highway - widen to four lanes. Authorizes condemnation of land in fee for a State highway and underlying fee in adjoining public roadway. Located in the unincorporated area of San Bernardino county at the northeast corner of Jadestone Road and SR 138. APN 0351-081-30.

C-21113 - Estate of George Van Dorn

08-SBd-138-PM 6.00 - Parcel 23054-1 - EA 03401U9.

RWC Date: 12/05/13; RTL Date: 01/06/14. Conventional highway - widen to four lanes. Authorizes condemnation of a permanent easement for drainage purposes. Located near the community of Pinon Hills at the intersection of Lebec Road and Pipeline Road. APN 3037-071-01.

C-21114 - Anthony Q. Perysian and Melanie M. Perysian

08-SBd-215-PM 16.65 - Parcel 22489-1, 2 - EA 0K7109.

RWC Date: 07/31/14; RTL: Design-Build. Freeway - add additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/I-215 interchange and reconfigure connectors to the I-215 truck bypass lanes and auxiliary 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 San Bernardino at 18754 Cajon Boulevard. APN 0348-132-19.

C-21116 - William G. Morschauser, et al.

08-SBd-215-PM 17.33 - Parcel 22651-1, 2 - EA 0K7109.

RWC Date: 07/31/14; RTL: Design-Build. Freeway - add additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/I-215 interchange and reconfigure connectors to the I-215 truck bypass lanes and auxiliary 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 unincorporated area of San Bernardino county east of Devore Road, south of Santa Fe Avenue and north of I-215. APNs 0349-163-15, -16.

C-21119 - Jeffrey Donald Miller

11-SD-76-PM 13.9 - Parcel 34787-1 - EA 257159.

RWC Date: 10/15/13; RTL Date: 10/15/13. Conventional highway - widening and realignment of SR 76. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and underlying fee. Located in the unincorporated of San Diego County near Fallbrook at 4580 Orange Hill Road. APN 124-140-41-00.

C-21120 - Shirley A. Monroe, et al

11-SD-76-PM 15.5 - Parcel 34795-1 - EA 257159.

RWC Date: 10/15/13; RTL Date: 10/15/13. Conventional highway - widening and realignment of SR 76. Authorizes condemnation of a temporary easement for highway construction. Located in the town of Bonsall at Monserate Hill Road. APN 124-351-58-00.

C-21121 - Thomas Eugene Gordon and Marjorie Anne Gordon, Trustees

11-SD-76-PM 16.1 - Parcel 34796-1, 2, 3 - EA 257159.

RWC Date: 10/15/13; RTL Date: 10/15/13. Conventional highway - widening and realignment of SR 76. Authorizes condemnation of land in fee for a State highway, a permanent easement for drainage purposes, and a temporary easement for highway construction. Located in the city of Fallbrook at 4141 Pala Road. APN 125-080-13.

C-21122 - Kendall Land, L.P., a California limited partnership

11-SD-76-PM 16.4 - Parcel 34797-1, 2, 3, 4, 5 - EA 257159.

RWC Date: 10/15/13; RTL Date: 10/15/13. Conventional highway - widening and realignment of SR 76. Authorizes condemnation of land in fee for a State highway, a temporary easement for highway construction, permanent easements for access, and permanent easements for access and utility purposes to be conveyed to San Diego County Water Authority and San Diego Gas & Electric Company. Located in the city of Bonsall on Pala Road. APN 125-080-18-00.

C-21123 - Pala Mesa Pacific Properties, a General Partnership

11-SD-76-PM 16.8 - Parcel 34799-1, 2, 3, 4; 34991-1, 2; & 34992-1 - EA 257159.

RWC Date: 10/15/13; RTL Date: 10/15/13. Conventional highway - widening and realignment of SR 76. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for highway construction, a permanent easement for drainage, and underlying fee. Located in the County of San Diego near Fallbrook at the northeast corner of SR 76 and Oak Creek Road. APNs 125-050-56; -60, -62.

C-21124 - William C. Raedeker, Trustee

11-SD-76-PM 16.7 - Parcel 34800-1, 2, 3 - EA 257159.

RWC Date: 10/15/13; RTL Date: 10/15/13. Conventional highway - widening and realignment of SR 76. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for highway construction, a permanent easement for drainage, and underlying fee. Located in the unincorporated area of San Diego County near Fallbrook at the northwest corner of SR 76 and Oak Creek Road. APN 125-070-68.