

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: August 13-14, 2003

Reference No.: 2.4b.
Action Item

From: ROBERT L. GARCIA
Chief Financial Officer

Prepared by: Brice D. Paris
Division Chief
Right of Way

Ref: **RESOLUTIONS OF NECESSITY**

ISSUE:

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 project.
2. The project is planned to provide the greatest public good with the least private injury.
3. This property is required 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.

RECOMMENDATION:

The Department of Transportation (Department) recommends the California Transportation Commission adopt Resolutions of Necessity C-18822 through C-18833. Discussions have taken place with all 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 owner 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 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-18822 - David Santillano, et al.

03-Yol-84-PM 21.18-Parcel 032433-1A, 1B, 1C - EA: 368502 - Certification Date: 03/04/02 - (Conventional Highway - widen for left turn lane). Authorizes condemnation of land in fee for a State highway, two temporary easements for construction, located near the city of West Sacramento between Circle Street and Jefferson Boulevard.

C-18823 - E. & J. Gallo Winery, a Corporation

06-Fre-180-KP R101.5-Parcel 84831; 84831-A - EA: 342439 - Certification Date: 02/01/04 - RTL Date: 03/01/04 - (Freeway - four existing lanes to six future lanes on new R/W alignment). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the unincorporated area of Fresno at the southwest corner of East Harvey Avenue at North Sunnyside Avenue.

C-18824 - E. & J. Gallo Winery, a Corporation

06-Fre-180-KP 102.1-Parcel 84832; 84832-A - EA: 342439 - Certification Date: 02/01/04 - RTL Date: 03/01/04 - (Freeway - four existing lanes to six future lanes on new R/W alignment). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the unincorporated area of Fresno at the northeast corner of East Harvey at North Sunnyside Avenue.

C-18825 - Tad Der Torosian, et al.

06-Fre-180-KP R105.1-Parcel 84860 - EA: 342439 - Certification Date: 02/01/04 - RTL Date: 03/01/04 - (Conventional Highway - four existing lanes to six future lanes on new R/W alignment). Authorizes condemnation of land in fee for a State highway and all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements. Located in the city of Fresno at 40 South Temperance Avenue.

C-18826 - E. & J. Gallo Winery

06-Fre-180-KP R101.5-Parcel 85059; 85059-A, B - EA: 342439 - Certification Date: 02/01/04 - RTL Date: 03/01/04 - (Freeway - four existing lanes to six future lanes on new R/W alignment). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the unincorporated area of Fresno between Sunnyside Avenue and Fowler Avenue, south of East Harvey Avenue.

C-18827 - Robert P. Thayer and Felicia A. Thayer

07-LA-405-KP 42.1/42.8-Parcel 76850 - EA: 1178U9 - Certification Date: 06/26/03 - RTL Date: 06/30/03 - (Freeway - widen existing Freeway and construct HOV lanes). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Culver City at 5045 Purdue Avenue.

C-18828 - Roy A. Reel

07-LA-405-KP 42.1/42.8-Parcel 76851 - EA: 1178U9 - Certification Date: 06/26/03 - RTL Date: 06/30/03 - (Freeway - widen existing Freeway and construct HOV lanes). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Culver City at 5031 Purdue Avenue.

C-18829 - Robert Dodge and Jin-Chen Dodge

07-LA-405-KP 42.1/42.8- Parcel 76852 - EA: 1178U9 - Certification Date: 06/26/03 - RTL Date: 06/30/03 - (Freeway - widen existing Freeway and construct HOV lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements. Located in the city of Culver City at 5025 Purdue Avenue.

C-18830 - The Metropolitan Water District of Southern California, a Public Corporation

07-LA-405-KP 44.7-Parcel 77109-1, 2, 3 - EA 1178U9 - Certification Date: 06/26/03 - RTL Date: 06/30/03 - (Freeway - widen existing Freeway and construct HOV 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 a temporary easement for construction purposes. Located in the city of Culver City near Sepulveda and Venice Boulevards.

C-18831 - Riverside County Flood Control and Water Conservation District

08-Riv-215-KP 66.85-Parcel 18990-1 - EA: 334849 - Certification Date: 04/30/03 - RTL Date: 06/10/03 - (Freeway - reconstruct interchange). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Riverside east of northbound Interstate 215, south of Linden Street.

C-18832 - Lawrence George Nelson and Martina Ann Nelson, Trustees

11-SD-52-KP 25.3-Parcel 27025 - EA: 010612 - Certificate Date: 05/15/04 - (Freeway) Amends Resolution No. C-18489, adopted April 04, 2002, which authorized condemnation of land in fee for a State highway, substitute property to be conveyed to the city of Santee. This amendment includes Code of Civil Procedure 1240.330.

C-18833 - City of San Diego

11-SD-15-KP 40.1/43.7-Parcel 32374-1,2,3,4,5,6; 32375; 32747 - EA: 080929 - Certification Date: 08/27/03 - RTL Date: 10/30/03 - (Freeway - construct managed lanes). Authorizes condemnation of temporary construction easements; permanent easement for slope, access and maintenance purposes; and permanent utility easement to be conveyed to San Diego Gas and Electric. Located in the city of San Diego on the west side of I-15 and West Bernardo Drive, and on the east side of I-15 and Pomerado Road.