

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: August 22, 2012

Reference No: 2.4b.
Action Item

From: NORMA ORTEGA
Chief Financial Officer

Prepared by: Mark Weaver
Acting 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-20892, C-20893, C-20895, C-20898 through C-20904, C-20906, C-20908, C-20909, C-20911 through C-20914, C-20917 through C-20921, C-20923 through C-20925, C-20927 through C-20930, and C-20933 through C-20936 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-20892 - Juanita Arenas, et al.

06-Fre-180-PM R73.07- Parcel 84541-1, 2, 3, 4; 84541-01-01 - EA 342529.

Right of Way Certification (RWC) Date: 12/01/12; Ready to List (RTL) Date: 12/15/12.

Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, a permanent easement for a frontage road, permanent easements for utility purposes to be conveyed to Pacific Gas and Electric and Verizon, and excess land in fee to which the owner has consented. Located near the city of Sanger at 70 North Newmark Avenue. Assessor's Parcel Number (APN) 314-043-44.

C-20893 - Hagop Soojian, et al.

06-Fre-180-PM R73.51/R73.69 - Parcel 84546-1A, 1B, 2, 3; 84551-1A, 1B, 2, 3, 4 - EA 342529.

RWC Date: 12/01/12; RTL Date: 12/15/12. Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for highway construction, easements for utility purposes to be conveyed to Pacific Gas and Electric and Verizon, and underlying fee. Located near the city of Sanger at Kings Canyon Road and North Zediker Avenue. APNs 314-043-51; 333-081-33.

C-20895- Little Lake City School District of Los Angeles County

07-LA-5-PM 5.2 - Parcel 79043-1, 2, 3 - EA 215949.

RWC Date: 03/09/12; RTL Date: 04/17/12. Freeway - widen Interstate 5 (I-5) to add high occupancy vehicle 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 a temporary easement for construction purposes. Located in the city of Norwalk at 8023 Jersey Avenue. APN 8023-017-900.

C-20898- Dau Van Quach and July Kim Nguyen, husband and wife as joint tenants

07-LA-10-PM 31.3 - Parcel 79799-1, 2 - EA 245409.

RWC Date: 05/17/11; RTL Date: 08/12/11 (Design Build - under construction).

Freeway - interchange improvements. 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 Baldwin Park at 12818 Dalewood Street. APN 8564-008-040.

C-20899- Marissa G. Garcia

07-LA-10-PM 31.3 - Parcel 79800-1, 2, 3, 01-01 - EA 245409.

RWC Date: 05/17/11; RTL Date: 08/12/11 (Design Build - under construction).

Freeway - interchange improvements. 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 public utility purposes to be conveyed to Southern California Edison Company, 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 land in fee which is a remnant and would be of little market value. Located in the city of Baldwin Park at 12839 Via Van Cleave. APN 8564-008-041.

C-20900 - Hoang Van Nguyen and Bach Lan Thi Ngo

07-LA-10-PM 31.3 - Parcel 79801-1, 2, 3, 01-01 - EA 245409.

RWC Date: 05/17/11; RTL Date: 08/12/11 (Design Build - under construction).

Freeway - interchange improvements. 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 public utility purposes to be conveyed to Southern California Edison Company, 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 land in fee which is a remnant and would be of little market value. Located in the city of Baldwin Park at 12846 Via Van Cleave. APN 8564-008-043.

C-20901 - Swaranjit Nijjar

07-LA-10-PM 31.3 - Parcel 79802-1, 2 - EA 245409.

RWC Date: 05/17/11; RTL Date: 08/12/11 (Design Build - under construction).

Freeway - interchange improvements. 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 Baldwin Park near Dalewood Street and Via Van Cleave. APN 8564-003-020.

C-20902 - Southern California Edison Company

07-LA-605-PM 20.3 - Parcel 79790-1 - EA 245409.

RWC Date: 05/17/11; RTL Date: 08/12/11 (Design Build - under construction).

Freeway - interchange improvements. Authorizes condemnation of a temporary easement for construction purposes. Located in the city of Baldwin Park at 12500 Ramona Boulevard. APN 8550-001-803.

C-20903- Redevelopment Agency of the City of San Bernardino

08-SBd-10-PM 26.27 - Parcel 21756-1, 2, 3 - EA 448129.

RWC Date: 07/01/13; RTL Date: 08/01/13. Freeway - Reconstruct interchange at Interstate 10 (I-10) and Tippecanoe Avenue. Authorizes condemnation of a permanent easement for public signs and utilities to be conveyed to the City of San Bernardino, extinguishment of abutter's rights of access, and a temporary easement for construction purposes. Located in the city of San Bernardino on west side of Tippecanoe Avenue between I-10 and Harriman Place. APN 0281-401-13.

C-20904- Carlos J. Flores, Jr., et al.

08-SBd-247-PM 6.97 - Parcel 21845-1 - EA 0F6609.

RWC Date: 09/06/13; RTL Date: 09/20/13. Conventional highway - widening to construct shoulders. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of San Bernardino county at the northwest corner of State Route 247 (SR 247) and Steffensen Road. APN 0629-021-13.

C-20906 - The Fullerton House, a partnership, et al.

12-Ora-91-PM 2.0 - Parcel 102725-1, 2 - EA 0C5709.

RWC Date: 08/01/12; RTL Date: 08/06/12. Freeway - convert westbound auxiliary lanes at various locations into through lanes and modify ramps. 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 Fullerton at Houston Channel. APN 072-433-09.

C-20908 - Consolidated Irrigation District, a public irrigation district

06-Fre-180-PM 73.07 - Parcel 85367-1, 2, 3, 4, 5 - EA 342529.

RWC Date: 12/01/12; RTL Date: 12/15/12. Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, permanent easements for right of way, easements for utility purposes to be conveyed to Pacific Gas & Electric Company and Verizon. Located near the city of Sanger at Kings Canyon Road and North Newark Avenue.

C-20909 - Gerawan Farming Inc., a California Corporation

06-Fre-180-PM 74.32 - Parcel 86781-1, 2, 3 - EA 342529.

RWC Date: 12/01/12; RTL Date: 12/15/12. Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for frontage road, an easement for utility purposes to be conveyed to Freewater Irrigation District. Located near the city of Sanger near the south side of East Kings Canyon Road. APN 333-021-49.

C-20911 - Tim Nguyen

07-LA-10-PM 31.3 - Parcel 79796-1, 2 - EA 245409.

RWC Date: 05/17/11; RTL Date: 08/12/11 (Design Build - under construction).

Freeway - interchange improvements. 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 Baldwin Park at 12800 Dalewood Street. APN 8564-008-042.

C-20912 - Agustin Ramos and Rita Ramos

07-LA-10-PM 31.3 - Parcel 79797-1, 2 - EA 245409.

RWC Date: 05/17/11; RTL Date: 08/12/11 (Design Build - under construction).

Freeway - interchange improvements. 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 Baldwin Park at 12806 Dalewood Street. APN 8564-008-044.

C-20913 - Group IV Pomona Properties, Ltd., a California Limited Partnership

07-LA-10-PM 31.3 - Parcel 79803-1, 2 - EA 245409.

RWC Date: 05/17/11; RTL Date: 08/12/11 (Design Build - under construction).

Freeway - interchange improvements. 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 Baldwin Park at 12836 Dalewood Street. APN 8564-003-009.

C-20914 - Group IX BP Properties, LP, a California Limited Partnership

07-LA-10-PM 31.5 - Parcel 79804-1 - EA 245409.

RWC Date: 05/17/11; RTL Date: 08/12/11 (Design Build - under construction).

Freeway - interchange improvements. Authorizes condemnation of a temporary easement for construction purposes. Located in the city of Baldwin Park at 12912 Dalewood Street.

APN 8564-003-017.

C-20917 - Neal T. Baker Enterprises, Inc., a California Corporation

08-SBd-10-PM 26.28 - Parcel 21758-1, 2 - EA 448129.

RWC Date: 07/01/13; RTL Date: 08/01/13. Freeway - Reconstruct interchange at I-10 and Tippecanoe Avenue. Authorizes 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 Loma Linda at 24910 East Redlands Boulevard. APN 0281-162-24.

C-20918 - Everett D. Kooiman and Cynthia J. Kooiman

08-SBd-38-PM 5.5 - Parcel 22433-1, 2 - EA 0M4509.

RWC Date: 06/03/13; RTL Date: 06/28/13. Conventional highway - add left turn pockets.

Authorizes condemnation of land in fee for a State highway, and a temporary easement for construction purposes. Located in the city of Mentone at 2439 Mill Creek Road.

APN 0298-293-02.

C-20919- Hai Song Sou, et al.

08-SBd-247-PM 8.03 - Parcel 21861-1 - EA 0F6609.

RWC Date: 09/06/13; RTL Date: 09/20/13. Conventional highway - widening to construct shoulders. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of San Bernardino county at the west side of SR 247, approximately 166 feet south of O'Neil Road. APN 0629-051-53.

C-20920- Phyllis L. Burns, Trustee, etc., et al.

08-SBd-247-PM 8.41 - Parcel 21871-1 - EA 0F6609.

RWC Date: 09/06/13; RTL Date: 09/20/13. Conventional highway - widening to construct shoulders. Authorizes condemnation of land in fee for a State highway. Located near the town of Yucca Valley at 979 Old Woman Springs Road. APN 0629-161-07.

C-20921- Ocean LVR007 Family Trust

08-SBd-247-PM 9.07 - Parcel 21877-1 - EA 0F6609.

RWC Date: 09/06/13; RTL Date: 09/20/13. Conventional highway - widening to construct shoulders. Authorizes condemnation of land in fee for a State highway. Located near the town of Yucca Valley at 462 Old Woman Springs Road. APN 0629-072-30.

C-20923 - George Weinberger

10-SJ-4-PM 14.8 - Parcel 16464-1, 2 - EA 0S1109.

RWC Date: 01/01/13; RTL Date: 03/01/13. Freeway - extend freeway from west end of State Route 4 (SR4) to Navy Drive. Authorizes condemnation of a temporary easement for highway construction, and a permanent aerial easement. Located in the city of Stockton at 707 South Ventura Street. APN 145-090-48.

C-20924 - Kevin M. Maddox, Trustee

10-SJ-4-PM 14.6 - Parcel 16465-1, 2 - EA 0S1109.

RWC Date: 01/01/13; RTLDate: 03/01/13. Freeway - extend freeway from west end of SR4 to Navy Drive. Authorizes condemnation of a temporary easement for highway construction, and a permanent easement for right of way. Located in the city of Stockton at 2225 Navy Drive. APN 163-310-04.

C-20925 - Velvacon, LLC

10-SJ-4-PM 14.6 - Parcel 16466-1, 2 - EA 0S1109.

RWC Date: 01/01/13; RTL Date: 03/01/13. Freeway - extend freeway from west end of SR4 to Navy Drive. Authorizes condemnation of a temporary easement for highway construction, and a permanent easement for right of way. Located in the city of Stockton at 2211 Navy Drive. APN 163-310-05.

C-20927 - City of Stockton, a Municipal Corporation

10-SJ-4-PM 14.4 - Parcel 16468-1, 2 - EA 0S1109.

RWC Date: 01/01/13; RTLDate: 03/01/13. Freeway - extend freeway from west end of SR4 to Navy Drive. Authorizes condemnation of a temporary easement for highway construction, and a permanent easement for right of way. Located in the city of Stockton at West Navy Drive. APN 163-320-01.

C-20928 - Charles Toledo, et al.

10-SJ-4-PM 14.5 - Parcel 16469-2, 3, 4 - EA 0S1109.

RWC Date: 01/01/13; RTLDate: 03/01/13. Freeway - extend freeway from west end of SR4 to Navy Drive. Authorizes condemnation of temporary easements for highway construction, and a permanent easement for right of way. Located in the city of Stockton at 2403 Navy Drive. APN 163-320-02.

C-20929 - City of Stockton, a Municipal Corporation

10-SJ-4-PM 14.4 - Parcel 16470-1, 2 - EA 0S1109.

RWC Date: 01/01/13; RTLDate: 03/01/13. Freeway - extend freeway from west end of SR4 to Navy Drive. Authorizes condemnation of a temporary easement for highway construction, and a permanent easement for right of way. Located in the city of Stockton at 2500 Navy Drive. APN 163-330-03.

C-20930 - Schuff Steel Company, a Delaware Corporation

10-SJ-4-PM 14.6 - Parcel 16471-2, 3, 6 - EA 0S1109.

RWC Date: 01/01/13; RTL Date: 03/01/13. Freeway - extend freeway from west end of SR4 to Navy Drive. Authorizes condemnation of extinguishment of abutter's rights of access, temporary easements for highway construction, and a permanent easement for right of way. Located in the city of Stockton at 2324 Navy Drive. APN 163-350-01.

C-20933 - ARE-SD Region No. 28, LLC

11-SD-5-PM 29.9 - Parcel 33356-1, 2, 3, 4 - EA 022339.

RWC Date: 07/12/12; RTL Date: 07/13/12. Freeway - widen I-5/Genesee Avenue Interchange. Authorizes condemnation of a temporary easement for highway construction and permanent easements for slope & drainage purposes. Located in the city of San Diego at 10300 Campus Point Drive. APN 343-230-13-00.

C-20934- Campus Point Court, LLC

11-SD-5-PM 29.8 - Parcel 33362-1 - EA 022339.

RWC Date: 07/12/12; RTL Date: 07/13/12. Freeway – widen I-5/Genesee Avenue Interchange. Authorizes condemnation of a temporary easement for highway construction. Located in the city of San Diego at 4110 Campus Point Court. APN 343-230-38.

C-20935- Torrey Pines Science Center

11-SD-5-PM 29.6/30.1 - Parcel 33472-1, 2, 3 - EA 022339.

RWC Date: 07/12/12; RTL Date: 07/13/12. Freeway - widen I-5/Genesee Avenue Interchange. Authorizes condemnation of temporary easements for highway construction and an easement for public street purposes. Located in the city of San Diego near Genesee Avenue and Science Center Drive. APN 340-020-44-00.

C-20936 - ARE-9880 Campus Point, LLC

11-SD-5-PM 29.5 - Parcel 34866-1, 2 - EA 022339.

RWC Date: 07/12/12; RTL Date: 07/13/12. Freeway - widen I-5/Genesee Avenue Interchange. Authorizes condemnation of a temporary easement for highway construction and an easement for public street purposes. Located in the city of San Diego at 9880 Campus Point Drive. APN 343-230-05-00.