

State of California
Business, Transportation and Housing Agency
Department of Transportation

HIGHWAY RIGHT OF WAY MATTERS
Resolutions of Necessity
Action Item

Prepared By:
Brice Paris
Chief
Division of Right of Way
(916) 654-5075

CTC Meeting: November 7-8, 2001

Agenda Item: 2.4b.

Original Signed By
ROBERT L. GARCIA
Chief Financial Officer
November 1, 2001

RESOLUTIONS OF NECESSITY

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.

The Department of Transportation recommends the California Transportation Commission adopt Resolutions of Necessity C-18349 through C-18357 and C-18359 through C-18369, and C-18371 through C-18377, and C-18379, and C-18381 through C-18385. 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-18349 - Richard L. Hewitson, et al.

06-Kin-41-KP 7.1-8.6- Parcel 84179-1,2,3 – EA 393802 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Kings County at the west side of Highway 41, south of Highway 33.

C-18350 - Avenal Land and Oil Company

06-Kin-41-KP 8.50-9.60- Parcel 84181-1,2 – EA 393802 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Kings County at the west side of State Route 41, south of State Route 33.

C-18351 - Avenal Land and Oil Company

06-Kin-41-KP 8.50-9.60- Parcel 84182 – EA 393802 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Kings County at the east side of State Route 41, south of State Route 33.

C-18352 - Patricia Marie Jackson, et al.

06-Kin-41-KP 17.80-18.04- Parcel 84198-1A, 1B – EA 321512 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Kings County at State highway 41, south of Utica Avenue.

C-18353 - William J. Mouren Farming, Inc..

06-Kin-41-KP 18.04-18.70- Parcel 84199 – EA 321512 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Kings County at State highway 41, south of Utica Avenue.

C-18354 - Dennis M. Dwire , et al

07-Ven-101-KP 37.0 - Parcel 76734 – EA 060739 (Freeway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access located in the city of Oxnard at the northwesterly corner of Ventura Road and Route 101.

C-18355 - Ventura County Flood Control District

07-Ven-101-KP 37.0 - Parcel 76735 – EA 060739 (Freeway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access located in the city of Oxnard near the Ventura 101 Freeway and Santa Clara River.

C-18356 - Helen Westbrook

07-Ven-101-KP 37.0 - Parcel 76736 – EA 060739 (Freeway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access located in the city of Oxnard at the Ventura 101 Freeway and Santa Clara River.

C-18357 - PMCC Trust, et al.

07-Ven-101-KP 37.2 - Parcels 76737 and 76738 – EA 060739 (Freeway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access located in the city of Ventura at 3750 Johnson Drive.

C-18359 - June W. Atkinson

07-LA-405-PM 22.0-26.0 - Parcel 76983 – EA 1198U9 (Freeway) Authorizes condemnation of a temporary easement for construction purposes, located in the city of Los Angeles at 7752 Midfield Avenue.

C-18360 - La Tijera United Methodist Church, et al.

07-LA-405-PM 22.0-26.6 - Parcel 77007 – EA 1198U9 (Freeway) Authorizes condemnation of a temporary easement for construction purposes, located in the city of Los Angeles at 7400 Osage Avenue.

C-18361 - City of Ventura

07-Ven-101-KP 37.5 - Parcel 77421 – EA 060739 (Freeway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access located in the city of Ventura at the Ventura 101 Freeway and Johnson Drive.

C-18362 - Daniel L. Plies

08-SBd-15-KP 111.0 - Parcels 18196-1, 2, 3, 4 - EA 355529 (Freeway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, temporary easements for construction purposes, a permanent easement for pipeline, located in the city of Barstow at Commerce Parkway.

C-18363 - Daniel L. Plies

08-SBd-15-KP 111.0 - Parcels 18197-1,2,3,4 – EA 355529 (Freeway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, temporary easements for construction purposes, a permanent easement for pipeline facilities, located in the city of Barstow at Commerce Parkway.

C-18364 - Kihong Kwon, et ux

08-SBd-15-KP 68.17- Parcel 18208-1 – EA 355529 (Freeway) Authorizes condemnation of a temporary easement for construction purposes, located in the city of Victorville at 15410 La Paz Drive.

C-18365 - Euna A. Runion, Trustee

11-SD-52-KP 25.2- Parcel 27021 – EA 010619 (Freeway) Authorizes condemnation of land in fee for a State highway, located in the city of Santee at 8747 Phillar Way.

C-18366 - J&M International, a California Limited Partnership

11-SD-905-KP 18.7- Parcel 31413 (32230, 32231) – EA 091809 (Freeway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located in the city of San Diego at East end of Nicola Tesla Court.

C-18367 - Elsie Olsen, et al

01-DN-101-PM 27.5-27.9- Parcel 10889 – EA 317609 (Freeway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located near the city of Crescent City near the intersection of Washington Blvd. and Hwy. 101.

C-18368 - Elsie Olsen, et al

01-DN-101-PM 27.5-27.9- Parcel 10899 – EA 317609 (Freeway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located near the city of Crescent City near the intersection of Washington Blvd. Overpass and Hwy. 101.

C-18369 - Union Pacific Railroad Company

03-Yol-84-PM 20.78-21.4 - Parcel 031964-1,2,3,4,5 & 032444-1 - EA 386509 (Conventional Highway) Authorizes condemnation of 4 permanent easements for highway purposes, a permanent easement for drainage purposes and a temporary easement for highway construction, located in the city of West Sacramento near Jefferson Boulevard and 15th Street.

C-18371 - Union Pacific Railroad Company, et al

04-CC-680-PM 24.5- Parcel 55682-1A, 1B, 1C - EA 006052 (Freeway) Authorizes condemnation of a temporary easement for highway construction, two permanent easements for aerial and waterline purposes, extinguishment of abutter's rights of access, located in the city of Martinez at the Marina Vista Interchange and South Approach.

C-18372 - Union Pacific Railroad Company, et al

04-CC-680-PM 24.5-Parcel 55685-1A,1B,1C,1D,1E,1F,1G - EA 006052 (Freeway) Authorizes condemnation of land in fee for a State highway, three permanent easements for utility purposes, one permanent access easement, extinguishment of abutter's rights of access, located in the city of Martinez at the Marina Vista Interchange and South Bridge Approach.

C-18373 - Union Pacific Railroad Company, et al

04-SOL-37-KP 15.8 - Parcel 57205-1 – EA 0T1412 (Freeway) Authorizes condemnation of a permanent aerial easement for a State highway, extinguishment of abutter's rights of access, located in the city of Vallejo near Broadway Street.

C-18374 – Heirs and Devisees of James M. Kromberg

06-Fre-180-KP 73.0-73.6 - Parcel 83171-1,2 – EA 343272 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, located near the city of Kerman, California at the northeast corner of Whitesbridge Road and Bishop Avenue.

C-18375 – Robert Papazian, et al

06-Fre-180-KP 100.3- Parcel 83701-1 (83701-01-01) – EA 342422 (Freeway) Authorizes condemnation of land in fee for a State highway, excess land in fee to which the owner has consented, located near the city of Fresno, California near the west side of Clovis Avenue between East Olive and East Belmont Avenue.

C-18376 - Israel Silva, et ux

06-Tul-65-KP 50.77- Parcel 83753 – EA 368002 (Conventional Highway) Authorizes condemnation of an easement for public street and utility purposes to be conveyed to County of Tulare, 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 near the city of Lindsay, California at 23157 Road 196.

C-18377 - John Morgan, et al

06-Kin-41-KP 14.48-14.98- Parcel 84194-1A,1B – EA 321512 (Conventional Highway) Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Kings County, California at the east side of State Route 41 approximately 1.0 mile north of State Route 33.

C-18379 - David B. Bleavins

07-LA-405-PM 24.5- Parcel 75015-1, 3, 4, 5 – EA 1198U9 (Freeway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, the right and easement to enter the remaining ownership to sever and shore certain improvements at the right of way line, a temporary easement for construction purposes, a permanent easement for tie back purposes, an aerial easement for utility purposes, located in the city of Los Angeles at 5837 West 74th Street.

C-18381 - Jerry J. Johnson, et ux

07-LA-405-PM 22.0-26.0 - Parcel 76961 – EA 119859 (Freeway) Authorizes condemnation of a temporary easement for construction purposes, located in the city of Inglewood at 708 West Buckthorn Street.

C-18382 - Jorge L. Simon

07-LA-405-PM 22.0-26.0 - Parcel 76962 – EA 119852 (Freeway) Authorizes condemnation of a temporary easement for construction purposes, located in the city of Inglewood at 709 West Buckthorn Street.

C-18383 – City of Inglewood, a Municipal Corporation

07-LA-405-PM 22.0-26.0 - Parcel 76970 – EA 1198U9 (Freeway) Authorizes condemnation of a temporary easement for construction purposes, located in the city of Inglewood at 700 East Kelso Street.

C-18384 - Tsui C. Tao, et al

07-LA-405-PM 22.0-26.0 - Parcel 76971 – EA 119852 (Freeway) Authorizes condemnation of a temporary easement for construction purposes, located in the city of Inglewood at 701 West Manchester Boulevard.

C-18385 - Florence La Cienega Office Warehouse, a California Limited Partnership

07-LA-405-PM 22.0-26.0 - Parcel 77403 – EA 1198U9 (Freeway) Authorizes condemnation of a temporary easement for construction purposes, located in the city of Inglewood at 8295 South La Cienega Boulevard.

August 23, 2001

California Transportation Commission
3347 Michelson Drive, Suite 100
Irvine, CA 92612-0661

Re: 07-LA405-R21.3/26
Parcel: 76983
E.A.: 1198U9

Dear Madam/Sir:

In response to your notice of intention to condemn regarding my property at 7752 Midfield Avenue, and the statement that valuation will not be considered at the meeting on October 3 & 4, in Orange County, I wish to be on record as opposing the 10-foot "soundwall" for the following reasons:

1. My first notice of the impending "takiing" was in June, 2001, when Ms. Granflor left her card at the front door, requesting to make an appointment. My name and address are readily available on the property tax rolls. I have spoken with my previous tenants (November, 1999 to February, 2001), and they were also unaware that the soundwall was coming or that it would require the destruction of my trees.
2. I do not believe that the soundwall will reduce the sound, and have not been told how it will replace the tree barrier in that regard, and by how much. Quite possibly, this is only meant to keep the sound steady when the freeway is expanded. I would like to know the answer to the question: Will the soundwall have a net result of reducing the noise when the enlargement of the freeway is complete.
3. I propose jogging the fence at the rear of my property (not anticipating that the State would be giving that property to me), so as to save the trees and still have the wall put up.

I feel that this could be done somehow without killing the trees, if the State wished to consider my enjoyment of the property that I have held onto through a 10-year downturn, and have gradually improved, so I would have a lovely home to go to for retirement. The joy of living there is sitting in the family room and looking out over the deck to a beautiful jungle canopy of green, and knowing that it is filtering the fumes coming from the freeway.

I am not physically able to come to Irvine and sit for long periods of time due to a serious pain problem which I have that requires the use of Morphine derivatives most of the time.

Please have someone seriously consider this jogging proposal in view of the fact that you would be saving a large amount of money as well as the cost of the court proceedings which you will be filing. There is a block wall the side of the lot which has not destroyed the tree beside it, and it has been standing through several earthquakes since the property was developed in about 1950.

Thank you for your consideration.

Sincerely,

June W. Atkinson
bln

STATE OF CALIFORNIA - BUSINESS AND TRANSPORTATION AGENCY

GRAY DAVIS, Governor

DEPARTMENT OF TRANSPORTATIONDISTRICT 7, 120 SO. SPRING ST.
LOS ANGELES, CA 90012
(213) 897-0108

September 25, 2001

File: 07-LA-RT405-PM21.3/26

Parcel: 76983

EA: 1198U1

Ms. June W. Atkinson
7752 Midfield Avenue
Los Angeles, CA

Dear Ms. Atkinson,

This letter is in response to your letter dated August 23, 2001 to the California Transportation Commission. Caltrans went through an extensive Environmental process during which Public Notice was given in May 1989. All comments and concerns were taken into consideration in the final design. This project will convert the existing mixed flow lanes to include a High Occupancy Vehicle (HOV) lane without acquiring additional land to enlarge the freeway. The construction of the soundwall is part of this project.

The District 7(Los Angeles) Design Team, Landscape and Right of Way visited your property to assess the condition of the existing trees last September 17, 2001. Our field evaluation shows that approximately 2/3 of the foliage of the two (2) large Eucalyptus trees leaning at the existing chain link fence are inside the Caltrans right of way and there is a hazard created by the foliage that has grown to touch the utility poles and lines. District 7 Landscape had concluded that placing the soundwall on the proposed location should have limited impact on the two existing trees. Also, the existing irrigation system can remain. It appears that it will not interfere with the Temporary Construction Easement (TCE).

You have expressed concern for the loss of the trees and the noise reduction they provide. Normal highway landscaping (trees/vegetation) is not effective in reducing noise levels. In order for trees/vegetation to be effective in reducing the noise levels, trees/vegetation would have to be very dense with at least 100 feet in depth and 16 feet in height. Soundwalls are effective at attenuating/reducing noise. The soundwall at your location was planned in the correct location and to a required height as determined by computer modeling analysis. The soundwall will provide more effective noise abatement than the trees/vegetation existing at your location.

At your request we have looked at jogging the location of the soundwall and fence. Our experience shows that the void area created to the rear of your property is likely to be an unsightly debris collection area that the Department's maintenance crew cannot access to clean. Because of the maintenance issues we cannot jog the soundwall at your location.

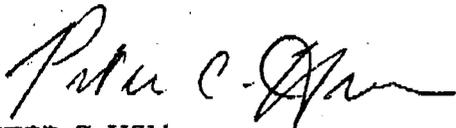
Parcel: 76983

09/26/01

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The Department wishes to assure you that we will work with you to resolve your concerns with minimum impact to your property. If you have any questions, please feel free to call the Project Manager-Mabel Tran at (213)897-8091 or the Design Manager- Florizel Bautista at (213) 897-1609.

Sincerely,



PETER C. HSU

Chief, Office of Design Branch B
Caltrans, District 7

cc: Carol Hanson - HQ, Sr. Right-of-way Agent
Linda Fong - HQ, Design Program
Mabel Tran - D7 Project Manager, PD-B
Ed Boll - D7 Sr. Landscape Architect
Florizel Bautista - D7 Design Manager, PD-B
Dan Tran - D7 Project Engineer
Joy Granflor - D12 R/W Agent