

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: September 15, 2004

Reference No.: 2.4b.  
Action Item

From: CINDY MCKIM  
Chief Financial Officer, Acting

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 (CTC) adopt Resolutions of Necessity C-18929 through C-18946. 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 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-18929 - Sierra Elm Associates, LP

03-Pla-49-PM 3.53 - Parcel 32841-1,2,3,4 - EA: 0A4109 - Certification Date: 11/1/04 - (Conventional highway - operational improvements). Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, a permanent easement for utility purposes to be conveyed to Pacific Gas & Electric, Pacific Bell Telephone Company and Starstream Communications, and extinguishment of 30 lineal feet of abutter's rights of access. Located in the city of Auburn at 449 Highway 49.

C-18930 - Brenner Trust, et al.

03-Pla-49-PM 3.57 - Parcel 34009-1 - EA: 0A4109 - Certification Date: 11/1/04 - (Conventional highway - operational improvements). Authorizes condemnation of a permanent easement for utility purposes to be conveyed to Pacific Gas & Electric Company, a California corporation and Pacific Bell Telephone Company, a California corporation, doing business as SBC California and Starstream Communications. Located in the city of Auburn at 457 Grass Valley Highway.

C-18931 - F. Langwith Berry, Trustee

03-Pla-49-PM 3.81 - Parcel 32843-1,2,3 - EA: 0A4109 - Certification Date: 11/01/04 - (Conventional highway - operational improvements). Authorizes condemnation of land in fee for a State highway, a temporary easement for highway construction. Located in the city of Auburn at 173 Palm Avenue.

C-18932 - Michael L. & Charlene Moule Trust

03-Pla-49-PM 4.65 - Parcel 32845-1,2 - EA: 0A4109 - Certification Date: 11/1/04 - (Conventional highway - operational improvements). Authorizes condemnation of a permanent easement for highway purposes, and a temporary easement for construction purposes. Located in the city of Auburn at 1015 Nevada Street.

C-18933 - Traynor Trust

01-Pla-49-PM 4.70 - Parcel 32847-1,2,3,4 - EA: 0A4109 - Certification Date: 11/01/04 - (Conventional highway - operational improvements). Authorizes condemnation of land in fee for a State highway, a permanent easement for highway purposes, a temporary easement for construction purposes, and a permanent easement for utility purposes to be conveyed to Pacific Gas & Electric, Pacific Bell Telephone Company, and Starstream Communications, and extinguishment of 20 lineal feet of abutter's rights of access. Located in the city of Auburn at 1055 Grass Valley Highway.

C-18934 - Roger & Micheline Turner

03-Pla-49-PM 4.75 - Parcel 32849-1,2 - EA: 0A4109 - Certification Date: 11/01/04 - (Conventional highway - operational improvements). Authorizes condemnation of land in fee for a State highway, relinquishment of abutter's rights of access, and a temporary easement for construction purposes. Located in the city of Auburn near the intersection of Highway 49 and Edgewood Road.

C-18935 - Arnold & Arlene Lyon

03-Pla-49-PM 4.85 - Parcel 32881-1,2 - EA: 0A4109 - Certification Date: 11/01/04 - (Conventional highway - operational improvements). Authorizes condemnation of a permanent easement for utility purposes to be conveyed to Pacific Gas & Electric, Pacific Bell Telephone Company, and Starstream Communications, and extinguishment of 30 lineal feet of abutter's rights of access. Located in the city of Auburn near intersection of Highway 49 and Ivy Lane.

C-18936 - Arnold and Arlene Lyon

03-Pla-49-PM 5.16 - Parcel 32851-1 - EA: 0A4109 - Certification Date: 11/01/04 - (Conventional highway - operational improvements). Authorizes condemnation of a temporary easement for construction purposes. Located in the city of Auburn near the intersection of Highway 49 and Luther Road.

C-18937 - Maita Auburn, LLC

03-Pla-49-PM 5.19 - Parcel 32852-1,2,3 - EA: 0A4109 - Certification Date: 11/01/04 - (Conventional highway - operational improvements). Authorizes condemnation of land in fee for a State highway, and a temporary easement for construction purposes. Located in the city of Auburn at 1650 Grass Valley Highway.

C-18938 - Suresh Sanathra, et ux.

06-Ker-14-KP 40.92 - Parcel 85104-1A; 85104-01-01 - EA: 408409 - Certification Date: 07/01/05 - (Expressway - Convert to four lane expressway). Authorizes condemnation of land in fee for a State highway and land in fee which is a remnant and would have little market value. Located near the town of California City between Mojave and California City.

C-18939 - Jesus C. Chavez, et ux.,

10-Mer-99-KP 17.7 - Parcel 14945; 14945-01-01 - EA: 363109 - Certification Date: 05/01/05 - (Freeway - Mission Avenue Interchange/Freeway Conversion). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and land in fee which is a remnant and would have little market value. Located in the city of Merced at 1400 State Highway 99.

C-18940 - Robert S. Martinez, et ux.,

10-Mer-99-KP 17.54 - Parcels 14939-1A, 1B, 1C; 14939-01-01 - EA: 363109 - Certification Date: 05/01/05 - (Mission Avenue Interchange/Freeway Conversion) Authorizes condemnation of land in fee for a State highway, excess land in fee to which the owner has consented, and extinguishment of abutter's rights of access. Located near the city of Merced at 3242-3294 Harvard Avenue.

C-18941 - Victor Roznovsky, et al.

10-Mer-99-KP 18.2 - Parcel 14946 - EA: 363109 - Certification Date: 05/01/05 - (Mission Avenue Interchange/Freeway Conversion). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near the city of Merced at Mission Avenue, fronting Highway 99 in the county of Merced.

C-18942 - Victor Roznovsky, et al.

10-Mer-99-KP 18.5 - Parcel 15079 - EA: 363109 - Certification Date: 05/01/05 - (Mission Avenue Interchange/Freeway Conversion). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the unincorporated area of Merced at Mission Avenue, fronting Highway 99 in the county of Merced.

C-18943 - Cal Storage, LLC, et al.

10-Mer-99-KP 19.8 - Parcel 14954-1A,1B,2 - EA: 363109 - Certification Date: 05/01/05 - (Mission Avenue Interchange/Freeway Conversion). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a temporary easement for highway construction. Located in the city of Merced at 2235 East Gerard Avenue.

C-18944 - Sweetwater Authority

11-SD-125-KP 15.3 - Parcel 32142 - EA: 003009 - Certification Date: 12/21/2002 - (Freeway - Connector from SR 54 to SR 125 Toll Road). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Bonita at north of San Miguel Road and east of Quarry Road.

C-18945 - Sweetwater Authority

11-SD-125-KP 15.9 - Parcel 32144-1,2,3,4,5,6 - EA: 003009 - Certification Date: 12/21/2002 - (Freeway - Connector from SR 54 to SR 125 Toll Road). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, permanent easements for road, drainage, access and slopes, and land in fee which is a remnant and would be of little market value. Located in the city of Bonita at north of San Miguel Road and east of Quarry Road.

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C-18946 - Sweetwater Authority

11-SD-125-KP 17.7 - Parcel 32152-1 - EA: 003009 - Certification Date: 12/21/2002 - (Freeway - Connector from SR 54 to SR 125 Toll Road). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access and land in fee which is a remnant and would little market value. Located in the city of Bonita at north of San Miguel Road and east of Quarry Road.