

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: September 28-29, 2005

Reference No.: 2.4b.  
Action Item

From: CINDY McKIM  
Chief Financial Officer

Prepared by: Bimla G. Rhinehart  
Division Chief  
Right of Way and Land  
Surveys

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 (Commission) adopt Resolutions of Necessity C-19147 through C-19166. 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-19147 - Pacific Gas and Electric

03-Sut-70-PM 7.1 - Parcels 033070-1; 033071-1 - EA 3864U9 - Certification Date: 07/01/06 - RTL Date: 08/01/06 - (Expressway - widening State Highway 70). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near the town of Rio Oso at Highway 70. APN N/A.

C-19148 - June H. Schanbacher-Lindquist

04-SM-1-PM 38.1 - Parcel 59263 - EA 1123C9 - Certification Date: 03/04 - (Conventional highway - Devil's Slide tunnel). Authorizes condemnation of land in fee for a State highway. Located near the unincorporated area of Pacifica between Montara State Park to the South and the City of Pacifica to the North. APN 036-380-060.

C-19149 - June H. Schanbacher-Lindquist

04-SM-1-PM 38.3 - Parcel 59266-1, 2 - EA 1123C9 - Certification Date: 03/04 - (Conventional highway - Devil's Slide tunnel). Authorizes condemnation of land in fee for a State highway and a permanent easement for an underground tunnel easement. Located near the unincorporated area of Pacifica between Montara State Park to the South and the city of Pacifica to the North. APN 036-380-120.

C-19150 - June H. Schanbacher-Lindquist

04-SM-1-PM 38.4 - Parcel 59548-1 - EA 1123C9 - Certification Date: 03/04 - (Conventional highway - Devil's Slide tunnel). Authorizes condemnation of land in fee for a State highway. Located near the unincorporated area of Pacifica between Montara State Park to the South and the city of Pacifica to the North. APN 036-381-010.

C-19151 – George K. Nishikawa, Co-Trustee of the George and Satoko Nishikawa Family Trust, etc., et al.

06-Fre-180-PM 53.5 - Parcel 85396-1, 2, 3, 4 - EA 342339-3000C - Certification Date: 03/01/06 - RTL Date: 07/01/06 - (Freeway - new alignment). Authorizes condemnation of land in fee for a State highway, an easement for pipeline facilities to be conveyed to Fresno Irrigation District, a temporary construction easement, and all 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 Fresno at 3456 W. Whitesbridge. APN 326-170-20.

C-19152 - Melvin Deaile and Louise Deaile, Co-Trustees of the Deaile Family Trust, etc., et al.

06-Fre-180-PM 53.7 - Parcel 85510-1, 2, 3, 4, 5 - EA 342339-3000C - Certification Date: 03/01/06 - RTL Date: 07/01/06 - (Freeway - new alignment). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for highway construction, an easement for an underground canal conveyed to Fresno Irrigation District, an easements for utility purposes to be conveyed to Pacific Gas and Electric and Pacific Bell, 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 near the city of Fresno at 3741 W. Whitesbridge. APN 326-100-60S.

C-19153 - Charles O. Boles and Marlene Ann Boles, as Trustees of the Charles and Marlene Boles Trust, et al.

06-Fre-180-PM 53.8 - Parcel 85511-1A, 1B, 2 - EA 342339-3000C - Certification Date: 03/01/06 - RTL Date: 07/01/06 - (Freeway - new alignment). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for road and utility purposes, an easement for a frontage road with a cul-de-sac to be conveyed to Fresno County an easement for an underground canal to be conveyed to Fresno Irrigation District, and underlying fee. Located near the city of Fresno at 3621, 3639 and 3655 West Whitesbridge. APNs 326-100-05, -16, -07.

C-19154 - Melvin Deaile and Louise Deaile, Co-Trustees of the Deaile Family Trust, etc., et al.

06-Fre-180-PM 53.9 - Parcel 85334-1, 2, 3, 4 - EA 342339-3000C - Certification Date: 03/01/06 - RTL Date: 07/01/06 - (Freeway - new alignment). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, an easement for pipeline facilities to be conveyed to Fresno Irrigation District, 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 near the city of Fresno at 3741 W. Whitesbridge. APN 326-090-28.

C-19155 - Ethel Evanski, et al.

06-Fre-180-PM 54.0 - Parcel 85347-1 - EA 342339-3000C - Certification Date: 03/01/06 - RTL Date: 07/01/06 - (Freeway - new alignment). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near the city of Fresno at 3456 W. Whitesbridge. APN 326-090-15.

C-19156 - Daniel Stephens; Dean Murphy

06-Fre-180-P 54.1 - Parcel 85337-1; 85337-01-01 - EA 342339-3000C - Certification Date: 03/01/06 - RTL Date: 07/01/06 - (Freeway - new alignment). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, land in fee which is a remnant and would little market value, 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 unincorporated area of Fresno County at 2474 West Whitesbridge. APN 326-190-05.

C-19157 - Rain for Rent, Inc., a California Corporation

06-Fre-180-PM 54.8 - Parcel 85342-1 - EA 342339-3000C - Certification Date: 03/01/06 - RTL Date: 07/01/06 - (Freeway - new alignment). 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 unincorporated area of Fresno County at 2474 West Whitesbridge. APNs 458-080-27, -29.

C-19158 - Masako Yotsukura

06-Ker-58-PM 43.9 - Parcel 85647-1A, 1B - EA 495509 - Certification Date: 12/01/05 - RTL Date: 12/12/05 - (Conventional highway - Install signals). Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Bakersfield at the southwest corner of State Route 58 and Heath Road west of Rosedale community. APN 407-030-16.

C-19159 - Rajinder S. Takhar, et ux.

10-Mer-165-PM 32.3 - Parcel 15470-1-EA OH5509 - Certification Date: 02/01/06 - RTL Date: 02/01/06 - (Conventional highway - Install left turn lane). Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Hilmar at 7206 Lander Avenue. APN 017-170-008.

C-19160 - Pennywise Travel Plaza, a California General Partnership

10-Mer-33-PM 17.1 - Parcel 15472-1 - EA OH3609 - Certification Date: 12/01/05 - RTL Date: 01/01/06 - (Conventional highway - reconstruct curb, sidewalk and widen shoulder). Authorizes condemnation of land in fee for a State highway. Located near the city of Santa Nella at 12185 State Highway 33. APN 070-260-016.

C-19161 - Doughty Family Trust, etc., et al.

11-SD-52-PM 16.7 - Parcel 26335-1, 2, 3 - EA 010629 - Certification Date: 10/07 - RTL - Date: 01/08 - (Freeway - In the city of Santee from 0.2 KM west of Cuyamaca St. to Highway 67). Authorizes condemnation of land in fee for a State highway, excess land in fee to which the owner has consented, and an easement for road and public utility purposes. Located in the city of Santee at 10250 Prospect Avenue. APN 384-370-10.

C-19162 - Carmen W. Ellis, as Trustee, etc., et al.; George M. Ellis, as Trustee, etc., et al.; Mary E. Canas, as Trustee, etc., et al.

11-SD-125-PM 0.68 - Parcel 32008-1, 2 - EA 232309 - Certification Date: 01/27/05 - (Freeway - construct a freeway). 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 unincorporated area of San Diego County at the northwest corner of Otay Mesa Road and Harvest Road. APN 646-240-48.

C-19163 - Pilot Travel Centers, LLC, a Delaware Limited Liability Company

11-SD-125-PM 0.68/1.05 - Parcel 32009-1, 2 - EA 232309 - Certification Date: 01/27/05 - (Freeway - construct a freeway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for highway construction, and excess land in fee to which the owner has consented. Located in the unincorporated area of San Diego County at the northeast corner of Otay Mesa Road and Lonestar Road. APNs 646-240-46, -47.

C-19164 - Joseph Paez, Jr.

11-SD-905-PM 8.5 - Parcel 31365 - EA 091829 - Certification Date: 01/16/06 - (Freeway - construct a six lane freeway). Authorizes condemnation of land in fee for a State highway, underlying fee, and extinguishment of abutter's rights of access. Located in the city of San Diego at the northeast corner of Cactus Road and Airway Road and south of Otay Mesa Road. APN 646-100-31.

C-19165 - Robinhood III, a General Partnership

11-SD-905-PM 9.8 - Parcel 33063 - EA 090509 - Certification Date: 12/31/05 - (Freeway - construct a six lane freeway). Authorizes condemnation of a temporary easement for highway construction. Located in the city of San Diego at the northwest corner of Airway Road and La Media Road. APN 646-111-30.

C-19166 - Alfonso Reynoso, et al.

11-SD-905-PM 7.5 - Parcel 31349 - EA 091829 - Certification Date: 09/01/05 - RTL Date: 03/31/06 - (Freeway - construct a six-lane freeway). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of San Diego at the northwest Corner of SR 905 and Airway Road. APN 645-090-09.