

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 14-15, 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-19199 through C-19232. 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-19199 - Perry Dale Stevens, et al.

01-Lak-20-PM 40.9 - Parcel 11642 - EA 4146V9 - Certification Date: 02/01/06 - RTL Date: 04/01/06. Conventional Highway - rehabilitate roadway and realign curves. Authorizes condemnation of land in fee for a State highway. Located in the town of Clearlake Oaks at 24143 E State Highway 20. APN 006-018-28.

C-19200 - Terrance J. Miller

02-Sha-299-PM R24.1 - Parcel 12945 - EA 328029 - Certification Date: 05/01/06 - RTL Date: 05/01/06. Conventional Highway - Redding downtown improvements. Authorizes condemnation of land in fee for a State highway and a temporary easement for highway construction. Located in the city of Redding at 1445 Eureka Way. APN 101-290-38, -39.

C-19201 - Donald Hoff, trustee, etc., et al.

02-Sha-299-PM 24.1 - Parcel 12946 - EA 328029 - Certification Date: 05/01/06 - RTL Date: 05/01/06. Conventional Highway - Redding downtown improvements. Authorizes condemnation of a temporary easement for highway construction and a permanent easement for highway purposes. Located in the city of Redding at 1210 Market Street. APN 101-290-28; 101-290-48, -49, -50.

C-19202 - Norman Eichelmann, et al.

02-Sha-299-PM 24.1 - Parcel 12948 - EA 328029 - Certification Date: 05/01/06 - RTL Date: 05/01/06. Conventional Highway - Redding downtown improvements. Authorizes condemnation of land in fee for a State highway and and a temporary easement for highway construction. Located in the city of Redding at 1400 Eureka Way. APN 101-290-043.

C-19203 - Stewart Douglass, et ux.

02-Teh-99-PM 16.5 - Parcel 13103 - EA 295929 - Certification Date: 09/21/04 - RTL Date: 01/07/05. Conventional Highway - Dye Creek Bridge replacement. Authorizes condemnation of a temporary easement for detour during construction. Temporary construction easement was acquired by right of way contract and has expired. The owners have not accepted the new offer. Located near the city of Los Molinos at 10231 State Highway 99. APN 47-040-01.

C-19204 - Mark J.Giovanzana, et al.

03-Pla-28-PM 10.8 - Parcel 033858-1, 2 - EA 290909 - Certification Date: 01/01/06 - RTL Date: 02/01/06. Conventional Highway - water quality improvements. Authorizes condemnation of land in fee for a State highway and underlying fee in existing public roadway. Located in the city of Kings Beach at 9812 North Lake Boulevard. APN 090-272-019, -020.

C-19205 - Rehermann Enterprises L.P., a California Limited Partnership

03-Yub-70-PM 18.93 - Parcel 34201-01 - EA 4A5709 - Certification Date: 01/01/06 - RTL Date: 01/01/06. Conventional Highway - construct two-way left-turn lane, widen and add shoulders. Authorizes condemnation of land in fee for a State highway. Located near the city of Marysville at 8700 State Highway 70. APN 05-180-028.

C-19206 - Bernard E. Zaboski, et ux.

03-Yub-70-PM 19.25 - Parcel 034203-01 - EA 4A5709 - Certification Date: 01/01/06 - RTL Date: 01/01/06. Conventional Highway - construct two-way left-turn lane, widen and add shoulders. Authorizes condemnation of land in fee for a State highway, together with 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 Marysville at 8834 State Highway 70. APN 05-180-027.

C-19207 - Vincent Naso, et ux.

03-Yub-70-PM 19.83 - Parcel 034208 - EA 4A5709 - Certification Date: 01/01/06 - RTL Date: 01/01/06. Conventional Highway - construct two-way left-turn lane, widen and add shoulders. Authorizes condemnation of land in fee for a State highway. Located near the city of Marysville at 9050 State Highway 70. APN 05-180-011.

C-19208 - Vishvendra Rao, et ux.

04-Ala-84-PM 22.9 - Parcel 60051-1 - EA 172409 - Certification Date: 06/01/06 - RTL Date: 06/01/06. Conventional Highway - improve horizontal and vertical curve alignment. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and extinguishment of a non-exclusive easement for an agricultural conservation. Located in the city of Livermore at 301 Kalthoff Commons. APN 099-1343-034.

C-19209 - Union Pacific Railroad, Co., et al.

04-Ala-880-PM 27.6 - Parcel 58077-1 - EA 165429 - Certification Date: 02/01/07 - RTL Date: 03/01/07. Freeway - seismic retrofit of the High Street Overhead Bridge. Authorizes condemnation of a permanent easement. Located in the city of Oakland at Oakport and Lesser Streets. APN N/A

C-19210 - Union Pacific Railroad, Co., et al.

04-Ala-880-PM 27.7 - Parcel 57785-1, 2, 3, 4 - EA 165429 - Certification Date: 02/01/07 - RTL Date: 03/01/07. Freeway - seismic retrofit of the High Street Overhead Bridge. Authorizes condemnation of a temporary easement for freeway construction and permanent easements for access and maintenance. Located in the city of Oakland at High and 37th Streets. APN N/A

C-19211 - Ida E. Ricci; Exxon Mobil Corporation (Lessee)

05-SLO-101/41-PM 45.6 - Parcel 8831A - EA 402809 - Certification Date: 04/01/06 - RTL Date: 07/01/06. Expressway - interchange improvements. Authorizes condemnation in fee. Located in the city of Atascadero at 6990 El Camino Real. APN 030-211-014.

C-19212 - Robert J. Granat, et ux.

06-Ker-58-PM 44.9 - Parcel 85455-1A, 1B - EA 476309 - Certification Date: 03/01/06 - RTL Date: 03/01/06. Conventional Highway - install signal and left turn channelization. Authorizes condemnation of land in fee for a State highway and underlying fee. Located near the city of Bakersfield near the south side of Rosedale Highway west of Renfro Road. APN 407-012-34.

C-19213 - Moonbak, L.P., a California Limited Partnership

06-Ker-58-KP 72.6- Parcel 85446-1 - EA 476309 - Certification Date: 03/01/06 - RTL Date: 03/01/06. Conventional Highway - install signal and left turn channelization. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Bakersfield near the intersection of State Route 58 and Renfro Road. APN 464-031-58.

C-19214 - Tommye Joe Baroncini, et al.

06-Ker-119-PM 28.5 - Parcel 85410-1; 85411-1 - EA 485609 - Certification Date: 07/01/06 - RTL Date: 07/01/06. Conventional Highway - install left turn lanes. Authorizes condemnation of land in fee for a State highway, together with 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 Bakersfield at 6421 Taft Highway. APN 184-220-28, -29.

C-19215 - Mary Gobel, et al.

06-Tul-190- PM 10.3 - Parcel 83811-1, 2, 3 - EA 337329 - Certification Date: 03/01/06 - RTL Date: 03/01/06. Conventional Highway - asphalt concrete overlay. Authorizes condemnation of land in fee for a State highway, a temporary easement for construction, and a permanent utility easement for irrigation and a canal to be conveyed to Tule Irrigation District. Located in the city of Tipton from west of Road 184 to Road 236. APN 237-007-009.

C-19216 - The Salvation Army, a California Corporation

08-SBd-215-PM 6.08 - Parcel 18844-1 - EA 007179 - Certification Date: 09/01/06 - RTL Date: 11/01/06. Freeway - widening and redesign of Interstate 215. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of San Bernardino at 824 West Mill Street. APN 0136-143-01.

C-19217 – The Heirs and Devisees of Connie A. Vasquez, deceased, et al.

08-SBd-215-PM 6.53 - Parcel 18794-1, 18794-01-01 - EA 007179 - Certification Date: 09/01/06 - RTL Date: 11/01/06. Freeway - widening and redesign. 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 San Bernardino at 157 Walkinshaw Street. APN 0136-084-15.

C-19218 - Merced Irrigation District

10-Mer-99-PM 24.0 - Parcel 14855 - EA 414809 - Certification Date: 10/01/06 - RTL Date: 10/01/06. Freeway - convert a four-lane expressway to a six-lane freeway. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near the unincorporated area of Merced at the east side of Olive Avenue, approximately 0.5 miles south of Grove Avenue. APN N/A

C-19219 - Arnold Farms, a General Partnership

10-Mer-99-PM 25.9 - Parcel 14477 - EA 414809 - Certification Date: 10/01/06 - RTL Date: 10/01/06. Freeway - convert a four-lane expressway to 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 Atwater at 5511 North Stein Road. APN 143-230-001.

C-19220 - Vella F. Maddix, et ux.

10-Mer-99-PM 24.7 - Parcel 14615-1, 2, 3 - EA 414809 - Certification Date: 10/01/06 - RTL Date: 10/01/06. Freeway - convert a four-lane expressway to 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 Atwater at 4909 North Grove Avenue. APN 056-250-004, -027.

C-19221 - Merced Irrigation District

10-Mer-99-PM 25.2 - Parcel 14605 - EA 414809 - Certification Date: 10/01/06 - RTL Date: 10/01/06. Freeway - convert a four-lane expressway to a six-lane freeway. Authorizes condemnation of land in fee for a State highway. Located near the unincorporated area of Merced at the northeast corner of Westside Boulevard and Central Avenue. APN N/A

C-19222 - Kenneth Lee Spagnola, et ux.

10-Mer-99-PM 25.2 - Parcel 14612-1 - EA 414809 - Certification Date: 10/01/06 - RTL Date: 10/01/06. Freeway - convert four-lane expressway to a six-lane. 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 the southwest corner of State Route 99 and Central Avenue. APN 143-260-06, -07; 056-250-03.

C-19223 - Crocker-Huffman Land and Water Company

10-Mer-99-PM 25.2 - Parcel 14749 - EA 414809 - Certification Date: 10/01/06 - RTL Date: 10/01/06. Freeway - convert a four-lane expressway to a six-lane freeway. Authorizes condemnation of land in fee for a State highway. Located near the unincorporated area of Merced at the southwest corner of Westside Boulevard and Central Avenue. APN N/A

C-19224 - Merced Irrigation District

10-Mer-99-PM 25.5 - Parcel 14713 - EA 414809 - Certification Date: 10/01/06 - RTL Date: 10/01/06. Freeway - convert a four-lane expressway to a six-lane freeway. Authorizes condemnation of land in fee for a state highway. Located near the unincorporated area of Merced at the south side of Stein Road on the east side of State Route 99. APN N/A

C-19225 - Norman R. Medeiros

10-Mer-165-PM 34.3 - Parcel 15476-1, 2 - EA OC5709 - Certification Date: 01/30/06 - RTL Date: 02/15/06. Conventional Highway - install left turn lane. Authorizes condemnation in fee, underlying fee and a temporary easement for construction purposes. Located near the city of Hilmar at 8948 Lander Avenue at the intersection of Route 165. APN 015-090-001.

C-19226- Voc Thi Le (Snyder)

11-SD-52-PM 16.5 - Parcel 27071 - EA 010629 - Certification Date: 10/01/07 - RTL Date: 01/01/08. Freeway - construct four-lane freeway. Authorizes condemnation of land in fee for a State highway. Located in the city of Santee at 8646 Fiona Way. APN 384-450-08-00.

C-19227 - E-Lake Terraces, L.P. a California Limited Partnership

11-SD-125-PM 5.2 - Parcel 32113-1, 2, 3 - EA 232309 - Certification Date: 01/27/05. Freeway - construct eight-lane freeway and interchange. Authorizes condemnation of land in fee for a State highway, a permanent easement for anchor pins for a retaining wall and drainage easement, together with the rights and easement to enter the remaining ownership to sever and shore improvements at the right of way line. This is a design build project. Located in the city of Chula Vista at the north side of Olympic Parkway west of Eastlake Parkway. APN 643-020-77.

C-19228 - El El Sea, LLC, et al.

11-SD-905-PM 8.5 - Parcel 31364 - EA 091829 - Certification Date: 12/30/05 - RTL Date - 05/08/06. Freeway - construct a six-lane freeway. Authorizes condemnation in fee and extinguishment of abutter's rights of access. Located in the city of San Diego between east of Cactus Road and west of Continental Street. APN 646-101-20.

C-19229 - Emerald Holdings, Inc

11-SD-905-PM 8.8 - Parcel 31463 - EA 091829 - Certification Date: 12/30/05 - RTL Date-05/08/06. Freeway - construct a six-lane freeway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, excess land in fee to which the owner has consented, and land in fee which is a remnant and would little market value. Located in the city of San Diego between Britannia Blvd and Otay Mesa Road. APN 646-101-44.

C-19230 - Gerald Handler, Trustee, etc., et al.

11-SD-905-PM 8.8 - Parcel 32182 - EA 091829 - Certification Date: 12/30/05 - RTL Date - 05/08/06. Freeway - construct a six-lane freeway. Authorizes condemnation of land in fee for a State highway. Located in the city of San Diego, Otay Mesa at the Southwest Quadrant of existing SR-905 and Caliente Avenue. APN 645-060-36.

C-19231 - Transborder Plaza, LLC, a California Limited Liability Company

11-SD-905-PM 9.7 - Parcel 31372 - EA 091829 - Certification Date: 12/30/05 - RTL Date - 05/08/06. Freeway - construct a six-lane freeway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, underlying fee, together with the right and easement to enter the remaining ownership to sever and shore certain improvements at the right of way line. Located in the city of San Diego at the southwest corner of La Media Road and St. Andrews Avenue. APN 646-111-21, -22, -23.

C-19232 - Frank A. Garcia, et al.

12-Ora-90-PM 12.30 - Parcel 102189-1, 2 - EA 056209 - Certification Date: 02/01/06 - RTL Date: 03/01/06. Conventional Highway - grade separation. Authorizes condemnation of a permanent highway easement and a temporary easement for construction purposes. Located in the unincorporated area of the county of Orange at 19741 Esperanza Road. APN 349-071-25.