

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: September 6-7, 2006

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

Subject: **RESOLUTIONS OF NECESSITY**

RECOMMENDATION:

The Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolutions of Necessity C-19432 through C-19472, 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 of necessity 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 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.

BACKGROUND:

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-19432 - Harley L. Askew, Trustee, etc., et al.

01-DN-101-PM 43.82 - Parcel 11498-1 - EA 345409.

Right of Way Certification (RWC) Date: 01/01/07; Ready to List (RTL) Date: 02/01/07.

Conventional highway - shoulder widening and two-way left turn channelization. Authorizes condemnation of land in fee for a State highway. Located near the unincorporated area of Smith River at 13735 Highway 101 North. APN 101-120-10.

C-19433 - Kelly E. Cahill, et al.

01-DN-101-PM 44.43 - Parcel 11514-1 - EA 345409.

RWC Date: 01/01/07; RTL Date: 02/01/07. Conventional highway - shoulder widening and two-way left turn channelization. Authorizes condemnation of land in fee for a State highway.

Located near the unincorporated area of Smith River at 14699 Highway 101 North. APN 101-100-01.

C-19434 - Marilee Bainbridge Cannia, et al.

01-Men-20-PM R1.10 - Parcel 11360-1, 2, 3 - EA 292009.

RWC Date: 01/01/07; RTL Date: 01/15/07. Conventional highway - construct two-way left turn pocket. Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purpose, and a permanent utility easement to be conveyed to Pacific Gas and Electric and Pacific Telephone Company doing business as SBC California. Located in the city of Fort Bragg at 19070 Noyo Acres Drive. APN 019-270-40.

C-19435 - Richard Trimble, et al.

01-Men-175-PM 1.15 - Parcel 11527-1, 2 - EA 443109.

RWC Date: 12/01/06; RTL Date: 03/01/07. Conventional highway - install roundabout and lighting. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purpose. Located near the town of Hopland at the intersection of State Route (SR) 175 and Old River Road. APN 048-160-02.

C-19436 - Ann Marie Darrach-Harbert, et al.

03-Sut-70-PM 1.3 - Parcel 033022-1, 2, 3, 4, 5, 6 - EA 3864U9.

RWC Date: 10/01/06; RTL Date: 10/17/06. Expressway - construct four-lane expressway.

Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, two temporary easements for construction purposes, a permanent utility easement to be conveyed to Pacific Gas and Electric, and underlying fee in existing public roadway. Located in the unincorporated area of Nicolaus at 3922 El Centro Boulevard. APNs 33-250-016, -020.

C-19437 - David De Benedetti, Trustee, etc., et al.

03-Sut-70-PM 1.3 - Parcel 033029-1 - EA 3864U9.

RWC Date: 10/01/06; RTL Date: 10/17/06. Expressway - construct four-lane expressway.

Authorizes condemnation of extinguishment of abutter's rights of access. Located in the city of Nicolaus between SR 70 and Striplin Road. APN 33-240-012.

C-19438 - Robert N. Spangler, Trustee, etc., et al.

03-Sut-70-PM R3.2 - Parcel 033045-1, 2, 3, 4, 5, 6 - EA 3864U9.

RWC Date: 10/01/06; RTL Date: 10/17/06. Expressway - construct four-lane expressway.

Authorizes condemnation of land in fee for a State highway, three temporary easements for construction purposes, a permanent utility easement to be conveyed to Pacific Gas and Electric Company, and underlying fee in existing public roadway. Located in the city of Nicolaus. APN 33-130-021.

C-19439 - Richard Adams, et ux.

03-Sut-70-PM 7.0 - Parcel 033098-1, 2 - EA 3864U9.

RWC Date: 10/01/06; RTL Date: 10/17/06. Expressway - construct four-lane expressway.

Authorizes condemnation of land in fee for a State highway and a permanent easement for utility purposes to be conveyed to Pacific Gas and Electric. Located in the unincorporated area of Rio Oso at 917 4th Avenue. APN 28-111-021.

C-19440 - Richard Adams, Trustee, etc., et al.

03-Sut-70-PM 7.3 - Parcel 033097-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 - EA 3864U9.

RWC Date: 10/01/06; RTL Date: 10/17/06. Expressway - construct four-lane expressway.

Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, easements for utility and drainage purposes to be conveyed to Pacific Gas and Electric and Reclamation District 1001, and underlying fee in existing public roadway. Located in the unincorporated area of Rio Oso at Kempton Road and 4th Avenue.

APNs 28-081-006; 28-111-007, -008, -011, -013, -015, -019, -022.

C-19441 - Vishvendra Rao, et al.

04-Ala-84-PM 22.9 - Parcel 60051-1 - EA 172409.

RWC Date: 03/30/06; RTL Date: 06/01/06. Conventional highway - improve horizontal and vertical alignment and widen shoulders. Amends Resolution No. C-19208, adopted

December 15, 2005, which authorized condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and extinguishment of a non-exclusive easement for Agricultural Conservation. This Amendment changes the legal description of the right of way fee requirement. The new right of way requirement removes 127 square feet located in Kaltoff Commons, a private road. Located in the city of Livermore at 301 Kalthoff Commons.

APN 099-1343-034.

C-19442 - CBS Outdoor (Lessee)

04-Ala-238-PM 3.3 - Parcel 55962-1 - EA 233659

RWC Date: 08/31/04. Authorizes condemnation of leasehold interest of an outdoor advertising company. Located in the city of Fremont at 38010 Mission Boulevard. APN 507-0645-021-02.

C-19443 - CBS Outdoor (Lessee)

04-Nap-29-PM 13 - Parcel 55991-1 - EA 120619.

RWC Date: 12/01/01. Authorizes condemnation of leasehold interest of an outdoor advertising company. Located in the city of Napa at 8190 Pueblo Avenue. APN 001-220-002-000.

C-19444 - CBS Outdoor (Lessee)

04-Son-116-PM 24.42 - Parcel 52972-A - EA 131249.

RWC Date: 04/10/03. Authorizes condemnation of leasehold interest of an outdoor advertising company. Located near the city of Sebastopol at 1740 Gravenstein Highway North.

APN 061-050-035.

C-19445 - CBS Outdoor (Lessee)

04-Son-116-PM 25.35 - Parcel 53000-A - EA 131249.

RWC Date: 04/10/03. Authorizes condemnation of leasehold interest of outdoor advertising company. Located in the city of Sebastopol at 795 Gravenstein Highway North.

APN 060-261-018.

C-19446 - Sears, Roebuck and Co., a New York Corporation

06-Tul-63-PM 8.90 - Parcel 84754 - EA 307009.

RWC: 03/01/07; RTL Date: 03/01/07. Conventional highway - two-lane to six-lane and improve channelization. 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 Visalia at 3501 South Mooney Boulevard. APN 121-110-045.

C-19447 - Centro Watt Property Owner II, LLC, a Delaware Limited Liability Company

06-Tul-63-PM 6.34 - Parcel 84757-1, 2, 3 - EA 307009.

RWC: 03/01/07; RTL Date: 03/01/07. Conventional highway - two-lane to six-lane and improve channelization. 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, and a temporary easement for highway construction. Located in the city of Visalia at 3303 South Mooney Boulevard. APN 121-110-035.

C-19448 - Polly A. Aldige, successor Trustee, etc., et al.

06-Tul-63-PM 6.34 - Parcel 84758-1, 2, 3 - EA 307009.

RWC: 03/01/07; RTL Date: 03/01/07. Conventional highway - two-lane to six-lane and improve channelization. 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, and a temporary easement for highway construction. Located in the city of Visalia at 3301 South Mooney Boulevard. APN 121-110-018.

C-19449 - Northern California Laborers PTF, LLC, a Delaware Limited Liability Company

06-Tul-63-PM 6.34 - Parcel 84759 - EA 307009.

RWC: 03/01/07; RTL Date: 03/01/07. Conventional highway - two-lane to six-lane and improve channelization. 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 Visalia at 3231 South Mooney Boulevard. APN 121-110-015.

C-19450 - Tosco Corporation, a Nevada Corporation

06-Tul-63-PM 6.34 - Parcel 84797-1, 2 - EA 307009.

RWC: 03/01/07; RTL Date: 03/01/07. Conventional highway - two-lane to six-lane and improve channelization. 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 Visalia at 1208 South Mooney Boulevard. APN 096-321-001.

C-19451 - Betsy H. Keller, as Trustee, etc., et al.

06-Tul-63-PM 6.71 - Parcel 84767-1, 2 - EA 307009.

RWC: 03/01/07; RTL Date: 03/01/07. Conventional highway - two-lane to six-lane and improve channelization. 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 Visalia at 2727 South Mooney Boulevard. APN 121-070-049.

C-19452 - Bank of America, National Trust and Savings Association, as Trustee, etc., et al.

06-Tul-63-PM 6.71 - Parcel 84769-1, 2 - EA 307009.

RWC: 03/01/07; RTL Date: 03/01/07. Conventional highway - two-lane to six-lane and improve channelization. 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 Visalia at 2545 South Mooney Boulevard. APNs 121-070-071, -75.

C-19453 - Zammco, Inc., a Nevada Corporation, et al.

06-Tul-63-PM 6.71 - Parcel 84810 - EA 307009.

RWC: 03/01/07; RTL Date: 03/01/07. Conventional highway - two-lane to six-lane and improve channelization. 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 Visalia at 2700 South Mooney Boulevard. APN 122-011-018.

C-19454 - Bank of America National Trust and Savings Association, a National Banking Association

06-Tul-63-PM 6.77 - Parcel 84809-1, 2 - EA 307009.

RWC: 03/01/07; RTL Date: 03/01/07. Conventional highway - two-lane to six-lane and improve channelization. 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, and a temporary easement for highway construction. Located in the city of Visalia at 2400 South Mooney Boulevard. APN 122-030-019.

C-19455 - Rebecca Ann Blain, et al.

06-Tul-63-PM 7.08 - Parcel 84780-1, 2 - EA 307009.

RWC: 03/01/07; RTL Date: 03/01/07. Conventional highway - two-lane to six-lane and improve channelization. Authorizes condemnation of land in fee for a State highway, a temporary easement for highway construction, 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, and a temporary easement for highway construction. Located in the city of Visalia at 1501 South Mooney Boulevard. APN 095-120-031.

C-19456 - BFS Retail & Commercial OP, LLC

06-Tul-63-PM 7.21 - Parcel 85701-1 - EA 307009.

RWC: 03/01/07; RTL Date: 03/01/07. Conventional highway - two-lane to six-lane and improve channelization. Authorizes condemnation of a temporary easement for sidewalk rehabilitation. Located in the city of Visalia at 1736 South Mooney Boulevard. APN 096-304-006.

C-19457 - Morton Rothbard, et al.

06-Tul-63-PM 7.52 - Parcel 84783-1, 2 - EA 307009.

RWC: 03/01/07; RTL Date: 03/01/07. Conventional highway - two-lane to six-lane and improve channelization. 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 Visalia at 1313 South Mooney Boulevard. APN 095-120-049.

C-19458 - The Southland Corporation, a Texas Corporation

06-Tul-63-PM 7.52 - Parcel 84784-1, 2 - EA 307009.

RWC: 03/01/07; RTL Date: 03/01/07. Conventional highway - two-lane to six-lane and improve channelization. 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 Visalia at 1201 South Mooney Boulevard. APN 095-120-054.

C-19459 - The Tierra Group, a California Limited Partnership

06-Tul-63-PM 7.82 - Parcel 84792 - EA 307009.

RWC: 03/01/07; RTL Date: 03/01/07. Conventional highway - two-lane to six-lane and improve channelization. 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 Visalia at 900 South Mooney Boulevard. APN 096-023-001.

C-19460 - World Oil Marketing Company

08-SBd-215-PM 4.96 - Parcel 19218-1, 2 - EA 007179.

RWC: 10/02/06; RTL Date: 12/11/06. Freeway - widen and redesign Interstate 215. Authorizes condemnation of land in fee for a State highway, underlying fee in existing public roadway, and a temporary easement for construction purposes. Located in the city of San Bernardino at 505 West Orange Show Road. APN 0141-241-26.

C-19461 - Moss San Bernardino Properties, LLC

08-SBd-215-PM 5.16 - Parcel 18958-1, 2, 3 - EA 007179.

RWC: 10/02/06; RTL Date: 12/11/06. Freeway - widen and redesign Interstate 215. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for utility purposes to be conveyed to Southern California Edison, and a temporary easement for construction purposes. Located in the city of San Bernardino at 1100 South E Street. APNs 0136-522-04, -05, -33, -36.

C-19462 - Luther T. Fair, Trustee, etc., et al.

08-SBd-215-PM 5.51 - Parcel 19887-1, 2 - EA 007179.

RWC: 10/02/06; RTL Date: 12/11/06. Freeway - widen and redesign Interstate 215. Authorizes condemnation of extinguishment of abutter's rights of access and a temporary easement for construction purposes. Located in the city of San Bernardino at 915 Scenic Drive. APN 0141-222-15.

C-19463 - Donald L. Reiser, Trustee

08-SBd-215-PM 6.09 - Parcel 19958-1, 2 - EA 007179.

RWC: 10/02/06; RTL Date: 12/11/06. Freeway - widen and redesign Interstate 215. Authorizes condemnation of land in fee for a State highway, underlying fee in existing public roadway, and a temporary easement construction purposes. Located in the city of San Bernardino at 760 West Mill Street. APN 0136-151-07.

C-19464 - Santee Dairies, Inc.

08-SBd-215-PM 6.28 - Parcel 18954-1, 2, 3 - EA 007179.

RWC: 10/02/06; RTL Date: 12/11/06. Freeway - widen and redesign Interstate 215. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, underlying fee in existing public roadway, a temporary easement for construction purposes, 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 city of San Bernardino at 333 South I Street. APN 0136-141-28.

C-19465 - Jong Uk Byun, et ux.

08-SBd-215-PM 6.38 - Parcel 18970-1, 2, 3, 4, 5 - EA 007179.

RWC: 10/02/06; RTL Date: 12/11/06. Freeway - widen and redesign Interstate 215. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, and underlying fee in existing public roadway. Located in the city of San Bernardino near the southeast corner of Interstate 215 and Valley Street. APN 0136-084-29.

C-19466 - LAJ Properties, LLC

08-SBd-215-PM 6.47 - Parcel 18789-1, 01-01 - EA 007179.

RWC: 10/02/06; RTL Date: 12/11/06. Freeway - widen and redesign Interstate 215. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, underlying fee in existing public roadway, and land in fee which is a remnant and would be of little market value. Located in the city of San Bernardino at 191 Walkinshaw Street. APN 0136-084-08.

C-19467 - LAJ Properties, LLC

08-SBd-215-PM 6.49 - Parcel 18791-1, 01-01 - EA 007179.

RWC: 10/02/06; RTL Date: 12/11/06. Freeway - widen and redesign Interstate 215. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, underlying fee in existing public roadway, and land in fee which is a remnant and would be of little market value. Located in the city of San Bernardino at 171 and 177 Walkinshaw Street. APNs 0136-084-11, -12.

C-19468 - Housing Authority of the County of Merced

10-Mer-99-PM 25.17 - Parcel 14606-A, B - EA 414809.

RWC Date: 10/01/06; RTL Date: 10/01/06. Expressway - convert four-lane expressway to a six-lane freeway. 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, and underlying fee. Located in the city of Atwater at 9200 Westside Boulevard. APN 056-250-001.

C-19469 - Anthony Poutous, et al; WSC Services (Lessee)

11-SD-52-PM 17.1 - Parcel 28027 - EA 010629.

RWC Date: 02/01/07; RTL Date: 09/16/07. Freeway - SR 52 connection to State Highway 67. Authorizes condemnation of land in fee for a State highway. Located in the city of Santee at 10658-10704 Prospect Avenue. APN 384-260-63-00.

C-19470 - Howard Burton

11-SD-78-PM 35.1 - Parcel 33117-1 - EA 267409.

RWC Date: 11/17/06; - RTL Date: 12/17/06. Conventional highway - install traffic signals and construct curb returns. Authorizes condemnation of land in fee for a State highway, together with the right and easement to enter the remaining ownership to sever and shore certain improvements at the right of way line, and underlying fee. Located in the city of Ramona at 907 Pine Street. APN 281-065-17-00

C-19471 - 78th & Pine ST Storage LLC

11-SD-78-PM 21.81 - Parcel 33119-1, 2, 3 - EA 267409.

RWC Date: 11/17/06; - RTL Date: 12/17/06. Conventional highway - install traffic signals and construct curb returns. Authorizes condemnation of land in fee for a State highway, temporary easements for construction purposes, 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 Ramona at 327 Pine Street. APN 281-122-06.

C-19472 - San Diego Development Group, a California General Partnership, et al.

11-SD-905-PM 10.9 - Parcel 33242 - EA 091829.

RWC Date: 01/16/06; RTL Date: 05/08/06. Freeway - construct a six-lane freeway. Authorizes condemnation of a temporary easement for detour purposes. Located in the city of San Diego between south of Otay Mesa Road and west of Sanyo Road. APN: 646-130-37.