

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: October 11-12, 2006

Reference No.: 2.4b.
Action Item

From: CINDY McKIM
Chief Financial Officer

Prepared by: Bimla G. Rhinehart
Chief
Division of 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-19474 through C-19511, 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-19474 - Samuel V. Dains, et al.

01-Hum-101-PM 57.7 - Parcel 11171-1 - EA 290309.

Right of Way Certification (RWC) Date: 10/01/07; Ready to List (RTL) Date: 10/01/07.

Expressway - construct interchange and frontage roads. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the unincorporated area of Alton at 2682 Old State Highway. APNs 201-232-06, -07, -08; 201-233-01, -04.

C-19475 - Raymond Frank Christie, et ux.

01-Hum-101-PM 89.6 - Parcel 11473-1, 2; 11478 - EA 296109.

RWC Date: 07/01/07; RTL Date: 07/16/07. Freeway - replace bridge. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes and a permanent easement for ingress and egress. Located near the unincorporated area of McKinleyville at 6226 Wymore Road. APNs 507-283-09; 507-282-04.

C-19476 - Margaret J. Jones, et al.

01-Men-20-PM R1.0 - Parcel 11357-1, 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 purposes and a permanent utility easement to be conveyed to Pacific Gas and Electric and Pacific Telephone Company, doing business as SBC California. Located near the city of Fort Bragg at 31951 State Route 20. APN 018-410-10.

C-19477 - Sean R. Keppeler, et ux.

01-Men-20-PM 1.33 - Parcel 11373-1, 2 - EA 292009.

RWC Date: 01/01/07; RTL Date: 01/15/07. Conventional highway - construct two-way left turn pocket. Authorizes condemnation of a temporary easement for construction purposes and a permanent utility easement to be conveyed to AT&T. Located in the city of Fort Bragg at 31681 State Route 20. APN 019-300-58.

C-19478 - James M. Davis, et ux.

01-Men-20-PM 1.57 - Parcel 11393-1, 2 - 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 and a temporary easement for construction purposes. Located in the city of Fort Bragg at 31430 State Route 20. APN 019-292-15.

C-19479 - Robert D. Markel, et al.

01-Men-20-PM 1.93 - Parcel 11421-1, 2 - EA 292009.

RWC: 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 and a temporary easement for construction purposes. Located in the city of Fort Bragg at 31071 State Route 20. APN 019-143-04.

C-19480 - Albert Lienert, Trustee, etc., et al.

03-Sut-70-PM 0.8 - Parcels 033024-1, 2; 033025-1, 2, 3, 4, 5, 6, 7, 8; 033026-1, 2 - EA 3864U9.

RWC Date: 10/01/06; RTL: 10/17/06. Expressway - construct four-lane expressway. Authorizes condemnation of land in fee for a State highway, temporary easements for construction purposes, extinguishment of abutter's rights of access, permanent utility easements to be conveyed to Pacific Gas and Electric and Pacific Telephone Company, doing business as SBC California and underlying fee in existing public roadway. Located in the city of Nicolaus at 1861 Striplin Road. APNs 33-280-022, -023; 33-290-020, -029.

C-19481 - Clarence J. Schwall, et al.

03-Sut-70-PM R4.0 - Parcel 33048-1, 2, 3 - 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 and underlying fee in existing public roadway. Located in the town of East Nicolaus at 1786 East Nicolaus Road. APN 33-110-040.

C-19482 - Amelia M. Baltrusaitis, et al.

03-Sut-70-PM 6.6 - Parcel 033084-1, 2, 3 - 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, a temporary easement for construction purposes, extinguishment of abutter's right of access and a permanent easement for drainage purposes to be conveyed to Reclamation District 1001. Located in the town of Rio Oso at 1408 Mark Hopkins Road. APNs 28-170-025, -026.

C-19483 - Valley Oaks Shopping Center, LP, a California Limited Partnership

06-Tul-63-PM 6.77 - Parcel 84771-1, 2NTS - EA 307009.

RWC Date: 03/01/07; RTL Date: 03/01/07. Conventional highway - construct four-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 2323 South Mooney Boulevard. APN 121-250-024.

C-19484 - Eugene B. Schrier, Trustee, etc., et al.; Jack in the Box (Lessee)

06-Tul-63-PM 7.52 - Parcel 84796-1, 2 - EA 307009.

RWC Date: 03/01/07; RTL Date: 03/01/07. Conventional highway - construct four-lane to six-lane and improve channelization. Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, 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 1120 South Mooney Boulevard. APN 096-011-018.

C-19485 - Borba & Sons, a General Partnership

06-Tul-190-PM 10.36 - Parcel 83801-1A, 1B - EA 337329.

RWC Date: 08/01/07; RTL Date: 08/01/07. Conventional highway - asphalt concrete (AC) overlay. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the unincorporated area of Porterville at the southwest corner of Road 200 and State Route (SR) 190. APN 302-040-024.

C-19486 - Borba & Sons, a California General Partnership, et al.

06-Tul-190-PM 10.97 - Parcel 85766-1, 2, 3 - EA 337329.

RWC Date: 08/01/07; RTL Date: 08/01/07. Conventional highway - AC overlay. Authorizes condemnation of land in fee for a State highway, a temporary easement for highway construction, and a permanent easement for irrigation. Located in the unincorporated area of Porterville at Road 200 and SR 190. APNs 236-160-010, -011.

C-19487 - Nellie Pearson, et al.

06-Tul-190-PM 11.52 - Parcel 83844-1A, 1B - EA 337329.

RWC Date: 08/01/07; RTL Date: 08/01/07. Conventional highway - AC overlay. 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 unincorporated area of Porterville at 20889 Avenue 144. APN 302-070-001.

C-19488 - Paul B. Sulier, et ux.

06-Tul-190-PM 11.57 - Parcel 83845-1A, 1B - EA 337329.

RWC Date: 08/01/07; RTL Date: 08/01/07. Conventional highway - AC overlay. 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 unincorporated area of Porterville at 20889 Avenue 144. APN 302-070-002.

C-19489 - Eric L. Borba, et al.

06-Tul-190-PM 13.27 - Parcel 84962-1, 2 - EA 337329.

RWC Date: 08/01/07; RTL Date: 08/01/07. Conventional highway - AC overlay. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Porterville at Road 200 and SR 190. APN 240-130-029.

C-19490 - Lena M. Holgate

06-Tul-190-PM 8.76 - Parcel 83867-1A, 1B - EA 337329.

RWC Date: 08/01/07; RTL Date: 08/01/07. Conventional highway - AC overlay. 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 unincorporated area of Porterville at 18627 Avenue 144. APN 300-110-006.

C-19491 - Stephen F. Chamberlain, et ux.

06-Tul-190-PM 14.20 - Parcel 83862-1A, 1B - EA 337329.

RWC Date: 08/01/07; RTL Date: 08/01/07. Conventional highway - AC overlay. 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 unincorporated area of Porterville at 1785 West Poplar. APN 302-080-035.

C-19492 - Mildred Billiou, et al.

06-Tul-190-PM 14.38 - Parcel 83863-1A, 1B - EA 337329.

RWC: 08/01/07; RTL Date: 08/01/09. Conventional highway - AC overlay. 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 unincorporated area of Porterville at 2031 S. Newcomb Street. APN 302-080-007.

C-19493 - John D. France, et ux.

06-Tul-190-PM 14.65 - Parcel 83866-1A, 1B - EA 337329.

RWC Date: 08/01/07; RTL Date: 08/01/07. Conventional highway - AC overlay. 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 unincorporated area of Porterville at 2042 South Newcomb Street. APN 268-010-001.

C-19494 - Michael L. Smith, et ux.

06-Tul-190-PM 8.56 - Parcel 83793-1A, 1B - EA 337329.

RWC Date: 08/01/07; RTL Date: 08/01/07. Conventional highway - AC overlay. 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 unincorporated area of Porterville at 18499 Avenue 144. APN 300-110-36.

C-19495 - Morris Fruit

06-Tul-190-PM 9.78 - Parcel 83797-1A, 1B - EA 337329.

RWC Date: 08/01/07; RTL Date: 08/01/07. Conventional highway - AC overlay. 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 unincorporated area of Porterville at 19459 Avenue 14. APNs 302-040-032 through -036.

C-19496 - The Heirs and Devisees of John S. Briano, etc., et al.

06-Tul-190-PM 9.79 - Parcel 84955-1, 2, 3 - EA 337329.

RWC Date: 08/01/07; RTL Date: 08/01/07. Conventional highway - AC overlay. Authorizes condemnation of land in fee for a State highway, a temporary easement for highway construction, and a permanent easement for irrigation. Located in the unincorporated area of Porterville at the north side of SR 190 and the east side of Road 193. APNs 237-070-011, -12.

C-19497 - 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-19498 - Xochitl Perez, et al.

08-SBd-215-PM 5.49 - Parcel 19175-1 - EA 007179.

RWC Date: 10/02/06; RTL Date: 12/11/06. Freeway - widen and redesign Interstate 215. Authorizes condemnation of land in fee for a State highway. Located in the city of San Bernardino at 939 Scenic Drive. APN 0141-222-11.

C-19499 - Aileen K. Dutton

11-Imp-78-PM 12.0 - Parcel 32622-1 - EA 167889.

RWC Date: 05/25/07; RTL Date: 05/25/07. Expressway - construct four-lane expressway and interchange. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the unincorporated area of Imperial County, in the outlying area of the city of Brawley at the northeast intersection of Hovley Road and Fredericks Road. APN 037-130-19.

C-19500 - Paul T. Cameron, Trustee, etc., et al.

11-Imp-78-PM 12.55 - Parcel 32637-1, 2, 3 - EA 167889.

RWC Date: 05/25/07; RTL Date: 05/25/07. Expressway - construct four-lane expressway and interchange. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a temporary easement for construction, an easement for water delivery and power to be conveyed to Imperial Irrigation District. Located in the unincorporated area of the city of Brawley at 4698 Dogwood Road. APN 047-010-01.

C-19501 - Joseph G. Clark, et ux.

11-Imp-78-PM 12.6 - Parcel 32653-1 - EA 167889.

RWC Date: 05/25/07; RTL Date: 05/27/07. Expressway - construct four-lane expressway and interchange. Authorizes condemnation of land in fee for a State highway, mitigation area, and underlying fee. Located in the city of Brawley at the northwest corner of Shank Road and SR 111. APN 037-160-30-01.

C-19502 - Johnny H. Gibson II, et al.

11-Imp-78-PM 12.8 - Parcel 32646-1, 2 - EA 167889.

RWC Date: 05/25/07; RTL Date: 05/27/05. Expressway - construct four-lane expressway and interchange. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, an easement for ingress and egress purposes to be conveyed to ETX, Incorporated, together with the right and easement to enter the remaining ownership to server and shore certain improvements at the right of way line. Located in the city of Brawley at 4780 State Route 111. APN 047-010-17.

C-19503 - ETX, Incorporated

11-Imp-78-PM 12.9 - Parcel 32638-1 - EA 167889.

RWC Date: 05/25/07; RTL Date 05/27/06. Expressway - construct four-lane expressway and interchange. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Brawley at 4746 State Route 111.

APNs 047-010-04, -15.

C-19504 - Imperial Grain Growers, Incorporated

11-Imp-78-PM 12.9 - Parcel 32644-1, 2 - EA 167889.

RWC Date: 05/25/07; RTL Date: 05/25/07. Expressway - construct four-lane expressway and interchange. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for electrical utility purposes, together with the right and easement to enter the remaining ownership to sever and shore certain improvements at the right of way line, and 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 Brawley at 5 Shank Road. APN 047-010-13.

C-19505 - Big Valley Properties, LLC

11-Imp-78-PM 12.92 - Parcel 32659-1 - EA 167889.

RWC: 05/25/07; RTL Date 05/27/07. Expressway - construct four-lane expressway and interchange. 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 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 Brawley at 28 E. Shank Road. APNs 037-160-60, -61, -62, -65.

C-19506 - Luckey Ranch LLC, et al.

11-Imp-78-PM 13.2/14.9 - Parcel 32754-1, 2, 3, 4, 5, 6, 7 - EA 167889.

RWC Date: 05/25/07; RTL Date: 05/25/07. Expressway - construct four-lane expressway and interchange. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for highway construction, a permanent easement for drainage, 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 Brawley at the southeast corner of Shank Road and Best Road. APN 047-020-03.

C-19507 - Georges E. Argoud, Trustee, etc., et ux.

11-SD-125- offsite - Parcel 33191 - EA 003009.

RWC Date: 05/26/06. Freeway - construct a freeway. Authorizes condemnation of land in fee for replacement of county of San Diego park land acquired on SR 125, pursuant to Code of Civil Procedure Section 1240.320 and 1240.330; and pursuant to a Court Order filed on August 26, 2005 in San Diego County, People of the State of California v. County of San Diego, et al., Case No. GIC 803748-1. Located in the city of San Diego near the north side of Palm Avenue, west of Lanoa Lane. APNs 628-050-17, -53, -55.

C-19508 - Reza Agahi

12-Ora-55-PM 17.5 - Parcel 201063-1 - EA 0H2109.

RWC Date: 10/20/06; RTL Date: 11/01/06. Freeway - repair damaged and collapsed slope embankment. Authorizes condemnation of a permanent subsurface easement for wall tiebacks. Located in the city of Anaheim at 4027 East Maple Tree Drive. APN 361-031-26.

C-19509 - The Heirs and Devisees of Alice S. Langford, etc., et al.

11-Imp-78-PM 12.74 - Parcel 32642-1, 2, 3 - EA 167889.

RWC Date: 05/25/07; RTL Date: 05/25/07. Expressway - construct four-lane expressway and interchange. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction, an easement for water delivery to be conveyed to Imperial Irrigation District, together with the right and easement to enter the remaining ownership to sever and shore certain improvements at the right of way line. Located near the city of Brawley at SR 111. APN 047-010-10.

C-19510 - Matthew Lee Rutherford, Trustee, etc., et al.

11-Imp-78-PM 13.2 - Parcel 32648-1, 2 - EA 167889.

RWC Date: 05/25/07; RTL Date: 05/25/07. Expressway - construct four-lane expressway and interchange. Authorizes condemnation of a temporary easement for construction, an easement for power to be conveyed to Imperial Irrigation District, together with the right and easement to enter the remaining ownership to sever and shore certain improvements at the right of way line, 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 Brawley at the north side of Shank Road, east of Best Road. APN 037-160-21.

C-19511 - Handler Trust, et al.

11-SD-905-PM 7.2 - Parcel 31346-1A, 1B, 2 - EA 091829.

RWC Date: 01/17/05. Expressway - construct a six-lane freeway. Amends Resolution No. C-19320, adopted March 16, 2006, which authorized condemnation of land in fee for a State highway and excess land in fee to which the owner has consented. This amendment includes, with Grantor's consent, the southern remainder designated as subparcel 1B. Located in the city of San Diego at 6175 Otay Mesa Road. APNs 645-080-13; 645-090-36.