

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: March 14-15, 2007

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 California Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolutions of Necessity C-19554 through C-19595, 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-19554 - Peter J. Burkhauser, et ux.

01-Lak-20-PM 11.58 - Parcel 11610-1 - EA 432609.

Right of Way Certification (RWC) Date: 04/01/07; Ready to List (RTL) Date: 04/15/07. Conventional highway - shoulder widening. Authorizes condemnation of land in fee for a State highway. Located near the city of Upper Lake at 1720 East Highway 20. APN 004-021-16-00.

C-19555 - Andre Maginot, Trustee, etc., et al.

03-Pla-28-PM 6.98 - Parcel 33835-1, 2 - EA 2A9409.

RWC Date: 04/01/07; RTL Date: 04/16/07. Conventional highway - rehab pavement and reconstruct drainage system. Authorizes condemnation of a permanent easement for drainage purposes and a temporary easement for construction purposes. Located in the community of Carnelian Bay at 5440 North Lake Boulevard. APN 115-010-024.

C-19556 - George T. Gibson, Trustee etc., et al.

03-Pla-28-PM 6.49 - Parcel 34174-1 - EA 2A9409.

RWC Date: 04/01/07; RTL Date: 04/16/07. Conventional highway - rehab pavement and reconstruct drainage system. Authorizes condemnation of a permanent easement for drainage purposes. Located in the community of Carnelian Bay at 5448 North Lake Boulevard. APN 115-010-023.

C-19557 - Betty Yurosek, etc., et al.

03-Pla-28-PM 7.15 - Parcel 33842-1, 2 - EA 2A9409.

RWC Date: 4/01/07; RTL Date: 04/16/07. Conventional highway - rehab pavement and reconstruct drainage system. Authorizes condemnation of a permanent easement for drainage purposes and a temporary easement for construction purposes. Located in the community of Carnelian Bay at 5920 North Lake Boulevard. APN 116-060-003.

C-19558 - Langundo LLC, a California Limited Liability Company

03-Pla-28-PM 8.08 - Parcel 34183-1 - EA 2A9409.

RWC Date: 04/01/07; RTL Date: 04/16/07. Conventional highway - rehab pavement and reconstruct drainage system. Authorizes condemnation of highway easement. Located in the community of Tahoe Vista at 215 Anderson Road. APN 117-071-025.

C-19559 - J. Paul Rosilez, et ux.

05-SLO-46-PM 34.3 - Parcel 9278-1, 2, 3, 4 - EA 330719.

RWC Date: 06/08/07; RTL Date 06/15/07. Expressway - convert two-lane highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, and easements for utility purposes to be conveyed to Southern California Gas, AT and T, and Pacific Gas and Electric. Located near the city of Paso Robles at State Route (SR) 46 and Jardine Road. APN 015-031-011.

C-19560 - Carrasco Properties, L.P., a California Limited Partnership

05-SLO-46-PM 36.8 - Parcel 9308-1, 2, 3, 4 - EA 330719.

RWC Date: 06/08/07; RTL Date: 06/15/07. Expressway - convert two-lane highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and easements for utility purposes to be conveyed to Southern California Gas, AT and T, and Pacific Gas and Electric, 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 Paso Robles at 3230 Geneseo Road. APN 015-041-013.

C-19561 - Field Valley-Country Estates LLC, a California Limited Liability Company

06-Ker-46-PM 21.75 - Parcel 85836-1, 2; 85839-1, 2 - EA 442539.

RWC Date: 07/18/08; RTL Date: 07/18/08. Expressway - construct two-lane to four-lane conventional expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and easements for utility purposes to be conveyed to Verizon and Pacific Gas and Electric. Located in the unincorporated area of Blackwells Corner near the north side of SR 46, one mile east of SR 33. APN 057-250-13.

C-19562 - Frank Reed, et ux.

06-Tul-63-PM 7.52 - Parcel 84786-1 - EA 307009.

RWC Date: 03/01/07; RTL Date: 03/01/07. Conventional highway - construct four-lane to six-lane highway 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 a temporary easement to enter the remaining ownership to remove such improvements. Located in the city of Visalia at 1127 South Mooney Boulevard. APN 095-112-010.

C-19563 - Southern California District Council of the Assemblies of God, Inc.

06-Tul-190-PM 9.31 - Parcel 84951-1A, 1B, 2, 3 - EA 337329.

RWC Date: 08/01/07; RTL Date: 08/01/07. Conventional highway - asphalt concrete overlay. Authorizes condemnation of land in fee for a State highway, a temporary easement for relocation of irrigation canal, easements for canal pipeline to be conveyed to Lower Tule River Irrigation District, together with the temporary right and temporary easement to enter the remaining ownership to sever, shore and/or remove certain improvements at or straddling the right of way line. Located in the unincorporated area of Porterville at 14435 Road 191. APN 237-102-011.

C-19564 - Dan S. Stathatos, et ux.

07-LA-138-PM 48.3 - Parcel 79402-1, 2 - EA 239609.

RWC Date: 04/18/07; RTL Date: 05/01/07. Conventional highway - reconstruct intersection. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Palmdale on the north side of Palmdale Boulevard, west of 50th Street East. APN 3023-003-023.

C-19565 - Dan and Beatrice Stathatos Family Partners, L.P., et al.

07-LA-138-PM 48.5 - Parcel 79401-1 - EA 239609.

RWC Date: 04/18/07; RTL Date: 05/01/07. Conventional highway - reconstruct intersection.

Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Palmdale at the northwest corner of Palmdale Boulevard and 50th Street East. APN 3023-003-024.

C-19566 - Chien Yi Min, et al.

07-LA-138-PM 48.6 - Parcel 79405-1, 01-01 - EA 239609.

RWC Date: 04/18/07; RTL Date: 05/01/07. Conventional highway - reconstruct intersection.

Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, underlying fee, and land in fee which is a remnant and would be of little market value. Located in the city of Palmdale at the intersection of 47th Street East and Palmdale Boulevard. APN 3023-004-008.

C-19567 - Chien Yi Min, et al.

07-LA-138-PM 48.6 - Parcel 79473-1 - EA 239609.

RWC Date: 04/18/07; RTL Date: 05/01/07. Conventional highway - reconstruct intersection.

Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Palmdale at the intersection of 47th Street East and Palmdale Boulevard. APN 3023-004-008.

C-19568 - Dan and Beatrice Stathatos Family Partners, L.P., et al.

07-LA-138-PM 48.7 - Parcel 79415-1 - EA 239609.

RWC Date: 04/18/07; RTL Date: 05/01/07. Conventional highway - reconstruct intersection.

Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Palmdale at the northeast corner of 50th Street East and Palmdale Boulevard. APN 3023-003-013.

C-19569 - MCLB, LLC

07-LA-138-PM 48.8 - Parcel 79404-1, 2 - EA 239609.

RWC Date: 04/18/07; RTL Date: 05/01/07. Conventional highway - reconstruct intersection.

Authorizes condemnation of land in fee for a State highway. Located in the city of Palmdale at the southwest corner of Palmdale Boulevard and 47th Street East. APN 3023-004-016.

C-19570 - 4BE L.P., a California Limited Partnership

07-LA-138-PM 48.8 - Parcel 79407-1, 2 - EA 239609.

RWC Date: 04/18/07; RTL Date: 05/01/07. Conventional highway - reconstruct intersection.

Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and underlying fee. Located in the city of Palmdale at the southeast corner of 47th Street East and Palmdale Boulevard. APN 3023-004-041.

C-19571 - Hoprock Palmdale, LLC, a Delaware Limited Liability Company

07-LA-138-PM 48.8 - Parcel 79478-1 - EA 239609.

RWC Date: 04/18/07; RTL Date: 05/01/07. Conventional highway - reconstruct intersection.

Authorizes condemnation of land in fee for a State highway. Located in the city of Palmdale at the southwest corner of Palmdale Boulevard and 47th Street East. APN 3023-004-017.

C-19572 - Timothy M. Valles, et al.

07-LA-138-PM 52.1 - Parcel 76334, 01-01 - EA 127219.

RWC Date: 05/15/07; RTL Date: 05/29/07. Conventional highway - widen SR 138 to four-lanes.

Authorizes condemnation of land in fee for a State highway and land in fee which is a remnant and would be of little market value. Located in the city of Palmdale, on the north side of Pearblossom Highway, between 60th Street East and Avenue T-8. APN 3050-003-014.

C-19573 - Theresa Jane Williams

07-LA-138-PM 52.1 - Parcel 76336 - EA 127219.

RWC Date: 05/15/07; RTL Date: 05/29/07. Conventional highway - widen SR 138 to four-lanes.

Authorizes condemnation of land in fee for a State highway. Located in the city of Palmdale, on the south side of Pearblossom Highway, east of Lockhart Avenue. APN 3050-003-007.

C-19574 - Trini M. Valles, Trustee, etc., et al.

07-LA-138-PM 52.1 - Parcel 76347 - EA 127219.

RWC Date: 05/15/07; RTL Date: 05/29/07. Conventional highway - widen SR 138 to four-lanes.

Authorizes condemnation of land in fee for a State highway. Located in the city of Palmdale, on the north side of Pearblossom Highway, between 60th Street East and Avenue T-8.

APN 3050-008-006.

C-19575 - Lingaiah Janumpally, et ux.

07-LA-138-PM 52.1 - Parcel 76361 - EA 127219.

RWC Date: 05/15/07; RTL Date: 05/29/07. Conventional highway - widen SR 138 to four-lanes.

Authorizes condemnation of land in fee for a State highway. Located in the city of Palmdale, on the south side of Pearblossom Highway, between Avenue T-8 and 62nd Street East.

APN 3050-009-044.

C-19576 - CJR, a General Partnership

07-LA-138-PM 52.6 - Parcel 77179-1, 2 - EA 127219.

RWC Date: 05/15/07; RTL Date: 05/29/07. Conventional highway - widen SR 138 to four-lanes.

Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Palmdale, on the north side of Pearblossom Highway, between 62nd Street East and 70th Street East. APN 3050-009-010.

C-19577 - CJR, a General Partnership

07-LA-138-PM 52.6 - Parcel 76352-1, 2 - EA 127219.

RWC Date: 05/15/07; RTL Date: 05/29/07. Conventional highway - widen SR 138 to four-lanes.

Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Palmdale, on the north side of Pearblossom Highway, between 62nd Street East and 70th Street East.

APNs 350-009-038, -039.

C-19578 - CJR Corporation

07-LA-138-PM 52.6 - Parcel 76353-1, 2 - EA 127219.

RWC Date: 05/15/07; RTL Date: 05/29/07. Conventional highway - widen SR 138 to four-lanes. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Palmdale, on the north side of Pearblossom Highway, between 62nd Street East and 70th Street East. APN 3050-009-049.

C-19579 - CJR, a General Partnership

07-LA-138-PM 52.6 - Parcel 76427-1, 2 - EA 127219.

RWC Date: 05/15/07; RTL Date: 05/29/07. Conventional highway - widen SR 138 to four-lanes. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Palmdale, on the north side of Pearblossom Highway, between 62nd Street East and 70th Street East. APN 3050-009-008.

C-19580 - Hi-Grade Materials Co.

07-LA-138-PM 52.6 - Parcel 79497-1, 2 - EA 127219.

RWC Date: 05/15/07; RTL Date: 05/29/07. Conventional highway - widen SR 138 to four-lanes. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Palmdale, on the north side of Pearblossom Highway, between 62nd Street East and 70th Street East. APN 3050-009-031.

C-19581 - Kamran Sadighpour, Trustee, etc., et al.

07-LA-138-PM 56.5 - Parcel 76222-1, 2, 3 - EA 127239.

RWC Date: 04/26/07; RTL Date: 05/10/07. Conventional highway - widen SR 138 to four-lanes. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the unincorporated area of Los Angeles County, commonly known as Littlerock, on the south side of Pearblossom Highway, east of 96th Street East. APN 3046-025-002.

C-19582 - Northdale Orchards, a General Partnership

07-LA-138-PM 56.5 - Parcel 76224-1, 2 - EA 127239.

RWC Date: 04/26/07; RTL Date: 05/10/07. Conventional highway - widen SR 138 to four-lanes. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Palmdale, on the south side of Pearblossom Highway, between 96th Street East and 106th Street East. APNs 3046-025-019, -022.

C-19583 - Northdale Orchards, a General Partnership

07-LA-138-PM 56.9 - Parcel 76225-1, 2 - EA 127239.

RWC Date: 04/26/07; RTL Date: 05/10/07. Conventional highway - widen SR 138 to four-lanes. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Palmdale, on the south side of Pearblossom Highway, between 96th Street East and 106th Street East. APN 3046-025-006.

C-19584 - San Bernardino County Flood Control District

08-SBd-15-PM 7.40 - Parcel 20288-1 - EA 377009.

RWC Date: 09/03/07; RTL Date: 10/01/07. Freeway - construct Transportation Management Center and Park and Ride Lot. Authorizes condemnation of land in fee for a State highway. Located in the city of Fontana, near the northeast corner of Interstate 15 and Victoria Street.

APN 0228-091-07.

C-19585 - Devinder Gill, et al.

08-SBd-215-PM 5.07 - Parcel 18957-1, 2 - EA 007179.

RWC Date: 12/14/06; RTL Date: 12/29/06. Freeway - widen and redesign Interstate 215. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a temporary easement for construction purposes. Located in the city of San Bernardino at the northeast corner of Orange Show Road and Interstate 215. APNs 0136-522-10, -11.

C-19586 - Sutter Amador Hospital, a California Non-Profit Public Benefit Corporation

10-Ama-88-PM 29.6 - Parcel 15568-1 - EA 499809.

RWC Date: 07/01/07; RTL Date: 07/01/07. Conventional highway - add left turn lane. Authorizes condemnation of land in fee for a State highway, underlying fee, 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, 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 unincorporated area of Pioneer at 24685 SR 88. APN 031-050-036.

C-19587 - Amador County Unified School District, a Political Subdivision of the State of California

10-Ama-88-PM 29.4 - Parcel 15565-1 - EA 499809.

RWC Date: 07/01/07; RTL Date: 07/01/07. Conventional highway - add left turn lane. Authorizes condemnation of land in fee for a State highway, underlying fee, 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, 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 unincorporated area of Pioneer at 24547 SR 88. APN 031-050-036.

C-19588 - Pioneer Elementary School District

10-Ama-88-PM 29.6 - Parcel 15566-1 - EA 499809.

RWC Date: 07/01/07; RTL Date 07/01/07. Conventional highway - add left turn lane. Authorizes condemnation of land in fee for a State highway, underlying fee, 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 unincorporated area of Pioneer at 24625 SR 88. APN 031-050-036.

C-19589 - Betty L. Richards, Trustee, etc., et al.

10-Mer-59-PM 27.5 - Parcel 15481-1 - EA 1A0709.

RWC Date: 04/01/07; RTL Date: 04/01/07. Conventional highway - new Merced River Bridge. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Merced County at SR 59. APN 042-220-012.

C-19590 - Calaveras Materials, Inc., a California corporation

10-Mer-59-PM 27.6 - Parcel 15838-1 - EA 1A0709.

RWC Date: 04/01/07; RTL Date: 04/01/07. Conventional highway - new Merced River Bridge. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Merced County at 13101 SR 59, Snelling. APN 042-200-046.

C-19591 - Genstar Western Stone Products, Inc., a corporation, et al.

10-Mer-59-PM 27.6 - Parcel 15866-1 - EA 1A0709.

RWC Date: 04/01/07; RTL Date: 04/01/07. Conventional highway - new Merced River Bridge. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Merced County at 12867 SR 59. APN 042-230-031.

C-19592 - Marcus Imberi, Trustee, etc., et al.

10-Mer-140-PM 37.03 - Parcel 15254-1 - EA 3A6609.

RWC Date: 03/01/08; RTL Date: 03/01/08. Conventional highway - Bridge replacement (BR#39-0044). Authorizes condemnation of land in fee for a State highway. Located in the city of Merced at 2267 Yosemite Parkway. APN 034-250-005.

C-19593 - B. L. Makinson, et ux.

10-Mer-140-PM 37.16 - Parcel 15275-1 - EA 3A6609.

RWC Date: 03/01/08; RTL Date: 03/01/08. Conventional highway - Bridge replacement (BR#39-0044). Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Merced at Baker Drive. APN 061-390-019.

C-19594 - Bernard J. Paradiso, Trustee

10-Mer-152-PM 21.0 - Parcel 15524-1 - EA 0H5309.

RWC Date: 04/01/07; RTL Date: 06/15/07. Expressway - install signals. Authorizes condemnation of a permanent easement. Located in the city of Los Banos at 1175 East Pacheco Boulevard. APN 026-171-017.

C-19595 - City of El Cajon

11-SD-52-PM 15.4 - Parcel 32910 - EA 10619.

RWC Date: 04/15/07; RTL Date: 04/30/07. Freeway - construct four-lane freeway. Authorizes condemnation of a permanent easement for sewer, to be conveyed to Padre Dam Municipal Water District. Located in the city of Santee near Ellsworth Circle. APNs 383-124-26, -29.