

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: July 25-26, 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-19665 through C-19682, 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 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 and located in a manner that will be most compatible with the greatest public good with the least private injury.
3. This property is necessary 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-19665 - Roger N. Hauck, et ux.

01-Hum-101-PM 57.74 - Parcel 11705-1, 2, 3, 4; 11175-1 - EA 290309.

Right of Way Certification (RWC) Date: 01/15/08; Ready to List (RTL) Date: 01/15/08.

Freeway - construct interchange and frontage road. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, a permanent easement for drainage purposes, and an easement for utility purposes to be conveyed to AT and T, and Pacific Gas and Electric. Located near the city of Fortuna at the junction of State Route (SR) 36 and SR 101. APNs 201-221-09, -10; 201-231-01; 201-232-18; 201-261-01.

C-19666 - Stephen Clark, Trustee, etc., et al.

03-Sut-99-PM 19.101 - Parcel 34257-1, 2 - EA 1A4619.

RWC Date: 11/12/07; RTL Date: 11/12/07. Expressway - construct four-lane expressway.

Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a permanent easement for drainage purposes to be conveyed to Feather Water District. Located near the city of Yuba at 9003 Graffis Road. APN 25-060-031.

C-19667 - Richard Traverso, et al.

03-Yol-50-PM 1.7 - Parcel 033560-1 - EA 388009.

RWC Date: 10/01/07; RTL Date: 11/01/07. Freeway - widen overcrossing and redesign of the eastbound ramps. Authorizes condemnation of a permanent easement for soundwall. Located in the city of West Sacramento near Hickory Way. APN 067-230-16.

C-19668 - BHG Property LLC, et al.

03-Yol-50-PM 1.8 - Parcel 033414-1, 2 - EA 388009.

RWC Date: 10/01/07; RTL Date: 11/01/07. Freeway - widen overcrossing and redesign of the eastbound ramps. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a permanent easement for soundwall footing. Located in the city of West Sacramento at 1254 Halyard Drive. APN 067-132-07.

C-19669 - First Northern Bank of Dixon, a California Corporation

03-Yol-50-PM 1.8 - Parcel 033415-1, 2, 3 - EA 388009.

RWC Date: 10/01/07; RTL Date: 11/01/07. Freeway - widen overcrossing and redesign of the eastbound ramps. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, and an easement for utility purposes to be conveyed to the City of West Sacramento. Located in the city of West Sacramento at 1300 Harbor Boulevard. APN 067-133-01.

C-19670 - Galvin, et al.

04-Son-116-PM 42.06 - Parcel 60214 - EA 283809.

RWC Date: 11/01/07; RTL Date: 11/30/07. Conventional highway - widen roadway and shoulders. Authorizes condemnation of land in fee for a State highway. Located near the city of Sonoma between Watmaugh Road and Adobe Road. APN 068-050-014.

C-19671 - James W. Gray, et ux.

06-Fre-168-PM 10.38 - Parcel 86116-1 - EA 342709.

RWC Date: 04/07/99. Freeway - four existing to six future lanes on existing alignment. Authorizes condemnation of extinguishment of abutter's rights of access. Located in the city of Clovis at 7714 Tollhouse Road. APN 558-031-40.

C-19672 - William Pearl Gray, Jr., et al.

06-Fre-168-PM 10.38 - Parcel 86117-1 - EA 342709.

RWC Date: 04/07/99. Freeway - four existing to six future lanes on existing alignment. Authorizes condemnation of extinguishment of abutter's rights of access. Located in the city of Clovis at 7832 Tollhouse Road. APN 558-031-38.

C-19673 - Mobile Home Group I, a California Limited Partnership

07-LA-10-PM 31.4 - Parcel 79134-1, 2 - EA 117079.

RWC Date: 03/06/08; RTL Date: 03/17/08. Freeway - construct one HOV lane in each direction. 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 Baldwin Park at 12767 and 12775 Garvey Avenue. APNs 8550-005-004, -005.

C-19674 - J. O. Steiny, Trustee, etc., et al.

07-LA-10-PM 31.6 - Parcel 79139-1, 2 - EA 117079.

RWC Date: 03/06/08; RTL Date: 03/17/08. Freeway - construct one HOV Lane in each direction. 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 Baldwin Park at 12905 Garvey Avenue. APN 8550-003-016.

C-19675 - West Hollywood Properties LLC

07-LA-10-PM 31.6 - Parcel 79147-1, 2 - EA 117079.

RWC Date: 03/06/08; RTL Date: 03/17/08. Freeway - construct one HOV lane in each direction. 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 Baldwin Park at 12999 East Garvey Avenue. APN 8556-023-001.

C-19676 - Fred Paris, et ux.

07-LA-10-PM 32.3 - Parcel 79427-1 - EA 117079.

RWC Date: 03/06/08; RTL Date: 03/17/08. Freeway - construct one HOV lane in each direction. Authorizes condemnation of a temporary easement for highway construction. Located in the city of Baldwin Park at 1345 Maine Street. APNs 8559-002-025, -028.

C-19677 - Rodrigo L. Gabuya, M.D., Trustee, etc., et al.

07-LA-138-PM 52.13 - Parcel 76360 - 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 unincorporated area of Los Angeles County, commonly known as Littlerock, on the south side of Pearblossom Highway east of Avenue T-8, west of Avenue U. APN 3050-009-017.

C-19678 - Rodrigo L. Gabuya, et ux.

07-LA-138-PM 52.63 - Parcel 76356 - 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 unincorporated area of Los Angeles county, commonly known as Littlerock, on the south side of Pearblossom Highway east of Avenue T-8, west of Avenue U. APN 3050-009-013.

C-19679 - Rodrigo L. Gabuya, MD., Inc., etc., et al.

07-LA-138-PM 52.63 - Parcel 76428 - 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 unincorporated area of Los Angeles county, commonly known as Littlerock, on the south side of Pearblossom Highway east of Avenue T-8, west of Avenue U. APN 3050-009-040.

C-19680 - Kenneth L. Chichester, et al.

09-Mno-395-PM 110.0 - Parcels 3755-1, 2 - EA 280109.

RWC Date: 12/01/07; RTL Date: 01/01/08. Conventional highway - construction of left turn pocket. Authorizes condemnation of land in fee for a State highway and a temporary easement for highway construction. Located in the town of Coleville at Larson Lane. APN 02-060-24.

C-19681 - Flora K. Pettipiece, et al.

09-Mno-395-PM 110.0 - Parcels 3805-1, 2 - EA 280109.

RWC Date: 12/01/07; RTL Date: 01/01/08. Conventional highway - construction of left turn pocket. Authorizes condemnation of land in fee for a State highway and a temporary easement for highway construction. Located near the town of Coleville at Larson Lane. APN 02-060-24.

C-19682 - Jackson Pendo Venture Business Park, et al.

11-SD-52-PM 16.3 - Parcel 27058 - EA 010629.

RWC Date: 01/15/08; RTL Date: 08/22/08. Freeway - construct four-lane freeway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, together with the right and easement to enter the remaining ownership to sever and shore certain improvements at the right of way line, 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 Santee at 9926 Prospect Ave. APN 384-162-34.