

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: September 19-20, 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 (Resolution) C-19687 through C-19711, 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-19687 - Pacific Gas and Electric Company, et al.

03-Pla-65-PM 12.1 - Parcel 34136-1, 2 - EA 333809.

Right of Way Certification (RWC) Date: 07/01/08; Ready to List (RTL) Date: 07/01/08.

Expressway - construct four-lane expressway. 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 unincorporated area of Placer County near Industrial Drive.

APN 021-290-014.

C-19688 - Yuba City Unified School District

03-Sut-99-PM 17.3 - Parcel 34246-1 - 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. Located near the city of Yuba City at Central Avenue. APN 25-190-027.

C-19689 - Campus Plaza Associates, a California General Partnership

03-Yol-50-PM 1.2 - Parcel 033416-1, 2, 3, 4, 5 - 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, temporary easements for construction purposes, an easement for utility purposes to be conveyed to the city of West Sacramento, and extinguishment of abutter's rights of access. Located in the city of West Sacramento at 1250 Harbor Boulevard. APN 067-133-02-1.

C-19690 - Ryder Truck Rentals, Inc., a Florida Corporation

03-Yol-50-PM 1.7 - Parcel 033423-1 - EA 388009.

RWC Date: 10/01/07; RTL Date: 11/01/07. Freeway - widen overcrossing and redesign of the eastbound ramps. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of West Sacramento at 2599 Evergreen Avenue. APN 67-200-002.

C-19691 - Daniel J. Scotti, et al.

03-Yol-50-PM 1.2 - Parcel 33412-1 - EA 388009.

RWC Date: 10/01/07; RTL Date: 11/01/07. Freeway - widen overcrossing and redesign of the eastbound ramps. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and extinguishment of a private easement for Pacific, Gas and Electric Company. Located in the city of West Sacramento at 2661 Evergreen Avenue. APN 067-120-031.

C-19692 - William Lee Arnold Living Trust 2002

06-Tul-63-PM 22.5 - Parcel 85827-1, 2, 3 - EA 0C8209.

RWC Date: 11/01/07; RTL Date: 01/05/08. Conventional highway - install signals at intersection of State Route 63 and Avenue 408. Authorizes condemnation of land in fee for a State highway, a permanent easement, and a permanent easement for utility purposes. Located in the city of Cutler at the southeast corner of Highway 63 and Avenue 408. APN 032-150-041.

C-19693 - Agustin Ramos, et ux.

07-LA-10-PM 31.4 - Parcel 79151-1, 2 - EA 117079.

RWC Date: 03/06/08; RTL Date: 03/17/08. Freeway - construct one High Occupancy Vehicle (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 12806 Dalewood Street. APN 8564-008-036.

C-19694 - Victor Martinez, Trustee, etc., et al.

07-LA-10-PM 31.6 - Parcel 79138-1, 2 - EA 117079.

RWC Date: 3/06/08; 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 12843 Garvey Avenue. APN 8550-003-017.

C-19695 - Altman's Baldwin Park Properties, a California Corporation

07-LA-10-PM 31.6 - Parcel 79140-1, 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 12991 Garvey Avenue. APNs 8550-003-014, -015, -036.

C-19696 - Chu Wei Ching Wu, et al.

07-LA-10-PM 31.6 - Parcel 79143-1, 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 12953 Garvey Avenue. APN 8556-023-006.

C-19697 - Paul Lopez, Jr., et al.

07-LA-10-PM 31.6 - Parcel 79144-1, 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 12957 and 12961 Garvey Avenue. APNs 8556-023-004, -005.

C-19698 - Jorge A. Villalobos, et ux.

07-LA-10-PM 32.0 - Parcel 79160-1, 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 13209 Garvey Avenue. APNs 8556-021-012, -013.

C-19699 - Michael DuPont, et ux.

07-LA-10-PM 32.0 - Parcel 79163-1, 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, 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 construction purposes. Located in the city of Baldwin Park at 13247 Garvey Avenue. APN 8556-021-015.

C-19700 - David John Altmanshofer, Trustee, etc., et al.

07-LA-10-PM 32.0 - Parcel 79200-1 - 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 and extinguishment of abutter's rights of access. Located in the city of Baldwin Park at 1201 Baldwin Park Boulevard. APN 8559-006-004.

C-19701 - VCC Alameda, LLC / Meruelo Baldwin Park, LLC, et al.

07-LA-10-PM 32.7 - Parcel 79165-1, 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 13916 Garvey Avenue. APNs 8555-018-002, -003.

C-19702 - Remedios Villescas, et al.

07-LA-10-PM 32.7 - Parcel 79169-1, 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 1622 Vineland Avenue. APN 8558-027-004.

C-19703 - Wal-Mart Real Estate Business Trust, a Delaware Statutory Trust

07-LA-10-PM 33.3 - Parcel 79393-1, 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 3250 Big Dalton Avenue. APNs 8460-006-028, -029.

C-19704 - Devinder Gill, et al.

08-SBd-215-PM 5.07 - Parcel 18957-3 - EA 007179.

RWC Date: 12/14/06. Freeway - widen and redesign Interstate 215. Authorizes condemnation of a temporary easement for construction purposes. Located in the city of San Bernardino at northeast corner of Orange Show Road and Interstate 215. APNs 0136-522-10, -11.

C-19705 - Paresh J. Patel, et al.

08-SBd-215-PM 7.29 - Parcel 19798-1, 2, 01-01 - EA 0071A9.

RWC Date: 11/01/08; RTL Date: 02/01/09. Freeway - add two HOV lanes and operational improvements. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, and excess land in fee to which the owner has consented. Located in the city of San Bernardino at 606 North H Street. APN 0134-012-26.

C-19706 - Plaza Las Palmas LLC

11-SD-15-PM 30.8 - Parcel 32956 - EA 2T0819.

RWC Date: 10/09/07; RTL Date: 01/25/08. Freeway - bridge widening. Authorizes condemnation of a permanent easement for wall footing and drainage. Located in the city of Escondido near the intersection of Highway 15 and Valley Parkway. APN 232-131-26.

C-19707 - Cameron Brothers Construction Co., et al.

11-SD-52-PM 17.2 - Parcel 28014 - EA 010629.

RWC Date: 01/15/08; RTL Date: 08/22/08. Freeway - construct new four-lane freeway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, 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 8712 North Magnolia. APNs 384-280-8, -10.

C-19708 - Prospect Center, GP

11-SD-52-PM 16.4 - Parcel 27056 - EA 010629.

RWC Date: 01/15/08; RTL Date: 08/22/08. Freeway - construct new four-lane freeway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, 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 10020 Prospect Avenue. APN 384-162-30.

C-19709 - Prospect Industrial, LTD

11-SD-52-PM 16.4 - Parcel 32635 - EA 010629.

RWC Date: 01/15/08; RTL Date: 08/22/08. Freeway - construct new four-lane freeway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, 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 9962 Prospect Avenue. APN 384-162-41.

C-19710 - Bragg Family Trust 04-22-82

11-SD-125-PM 6.4 - Parcel 32102 - EA 232309.

RWC Date: 01/27/05. Freeway - construct eight-lane freeway and an interchange. Authorizes condemnation of extinguishment of abutter's rights of access. Located in the city of Chula Vista at Otay Lakes Road, West of Eastlake Parkway. APN 595-322-18.

C-19711 - Eastlake Village Marketplace, LLC

11-SD-125-PM 6.4 - Parcel 33177 - EA 232309.

RWC Date: 01/27/05. Freeway - construct eight-lane freeway and an interchange. Authorizes condemnation of extinguishment of abutter's rights of access. Located in the city of Chula Vista at North side of Otay Lakes Road. APN 595-072-12.