

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 12-13, 2007

Reference No.: 2.4b.  
Action Item

From: CINDY McKIM  
Chief Financial Officer

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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-19763 through C-19789, 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-19763 Coleman Foley, et ux.

04-Ala-84-PM 22.7 - Parcel 59900-1 - EA 172409.

Right of Way Certification (RWC) Date: 06/01/06. Expressway - reconstruction. Amends Resolution Number C-19274, adopted March 16, 2006, which authorized condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. This amendment changes the legal description. While the construction plans contain a passage underneath the highway that leads to an access opening, the legal description did not give the property owner the right to use said facilities to access their remaining lands. Located near the city of Livermore at State Route (SR) 84 and the intersection at Kalthoff Common. APN 950-0007-004.

C-19764 - Catherine Foley, et al.

04-Ala-84-PM 20.7 - Parcel 60047-1, 4, 5, 6 - EA 172409.

RWC Date: 06/01/06. Expressway - reconstruction. Amends Resolution Number C-19277, adopted March 16, 2006, which authorized condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, temporary easements for construction, and permanent easements for slope and drainage purposes. This amendment changes the legal description. While the construction plans contain a passage underneath the highway that leads to an alternative access opening, the legal description did not give the property owner the right to use said facilities to access their remaining lands. Located near the town of Sunol between Vallecitos Road and Kalthoff Common. APN 096-0360-001-06.

C-19765 - Catherine Foley, et al.

04-Ala-84-PM 21.4 - Parcel 60048-1, 2, 3, 4, 5, 6, 7, 8, 9, 10 - EA 172409.

RWC Date: 06/01/06. Expressway - reconstruction. Amends Resolution Number C-19278, adopted March 16, 2006, which authorized condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, temporary easements for construction, and permanent easements for slope and drainage purposes. This amendment changes the legal description. While construction plans contain a passage underneath the highway that leads to an alternative access opening, the legal description did not give the property owner the right to use said facilities to access their remaining lands. Located near the town of Sunol between Vallecitos Road and Kalthoff Common. APN 096-0360-003-02.

C-19766 - Coleman Foley, Inc.

04-Ala-84-PM 22.2 - Parcel 60050-1, 2, 3 - EA 172409.

RWC Date: 06/01/06. Expressway - reconstruction. Amends Resolution Number C-19275, adopted March 16, 2006, which authorized condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction and a permanent easement for slope and drainage. This amendment changes the legal description. While the construction plans contain a passage underneath the highway that leads to an alternative access opening, the legal description did not give the property owner the right to use said facilities to access their remaining lands. Located near the town of Sunol between Vallecitos Road and Kalthoff Common. APN 950-0007-005-01.

C-19767 - Sterling Vineyards, Inc., a Delaware Corporation

04-Nap-121-PM 1.71 - Parcel 60191-1, 2, 3, 4 - EA 444209.

RWC Date: 04/01/08; Ready to List (RTL) Date: 04/01/08. Conventional highway - curve correction and widening. Authorizes condemnation of land in fee for a State highway, underlying fee, and permanent easements for utility purposes. Located near the city of Napa at the intersection of SR 121 and Duhig Road. APN 047-080-058.

C-19768 - Di Rosa Preserve; Sterling Vineyards Inc., a Delaware Corporation (Lessee)

04-Nap-121-PM 1.71 - Parcel 60192-1, 2 - EA 444209.

RWC Date: 04/01/08; RTL Date: 04/01/08. Conventional highway - curve correction and widening. Authorizes condemnation of land in fee for a State highway, a permanent easement for utility purposes and underlying fee. Located in the city of Napa at 5200 Sonoma Highway. APN 047-080-059.

C-19769 - Dennis McLeod, et al.

04-Son-12-PM 29.95 - Parcel 60253-1 - EA 219869.

RWC Date: 05/01/08; RTL Date: 05/15/08. Conventional highway - reconstruct intersections. Authorizes condemnation of land in fee for a State highway. Located in the city of Glen Ellen at 100 Bonnie Way. APN 053-220-054.

C-19770 - Sonoma Land Trust

04-Son-12-PM 30.70 - Parcel 60423-1 - EA 219869.

RWC Date: 05/01/08; RTL Date: 05/15/08. Conventional highway - reconstruct intersection. Authorizes condemnation of land in fee for a State highway. Located in the city of Glen Ellen at 13165 Sonoma Highway. APN 053-120-016.

C-19771 - Sonoma Land Trust

04-Son-12-PM 30.70 - Parcel 60426-1 - EA 219869.

RWC Date: 05/01/08; RTL Date: 05/15/08. Conventional highway - reconstruct intersections. Authorizes condemnation of land in fee for a State highway. Located in the city of Glen Ellen at 13255 Sonoma Highway. APN 053-120-019.

C-19772 - Enxco Development Corporation

04-Sol-12-PM 18.77 - Parcel 60885-1 - EA 0T1019.

RWC Date: 03/01/08; RTL Date: 04/01/08. Conventional highway - pavement rehabilitation. Authorizes condemnation of land in fee for a State highway. Located near the city of Rio Vista between Olsen Road and Birds Landing Road. APN 0048-050-250.

C-19773 - Barry Waldie, et ux.

04-Sol-12-PM 20.51 - Parcel 60891-1, 2, 3 - EA 0T1019.

RWC Date: 03/01/08; RTL Date: 04/01/08. Conventional highway - pavement rehabilitation. Authorizes condemnation of a permanent easement for State highway purposes, an easement for utility purposes, and a temporary easement for construction purposes. Located near the city of Rio Vista at 7187 State Highway 12. APN 0048-100-570.

C-19774 - Gloria A. Felder, Trustee, etc., et al.

04-Sol-12-PM 20.57 - Parcel 60892-1, 2 - EA 0T1019.

RWC Date: 03/01/08; RTL Date: 04/01/08. Conventional highway - pavement rehabilitation. Authorizes condemnation of a permanent easement for State highway purposes and an easement for utility purposes. Located in the city of Rio Vista at 7249 State Highway 12. APN 0048-100-560.

C-19775 - Douglas C. McClure, et al.

04-Ala-880-PM 27.6 - Parcel 61335-1, 2 - EA 165429.

RWC Date: 06/01/08; RTL Date: 06/30/08. Freeway - Seismic retrofit of the High Street Overhead Bridge. Authorizes condemnation of temporary easements for highway construction. Located in the city of Oakland at 4417 Oakport Street. APN 034-2295-009-03.

C-19776 - Richard L. Minkel (Lessee)

05-SLO-101-PM 28.33 - Parcel 8832-1(A) - EA 402809.

RWC Date: 02/26/07; RTL Date: 03/15/07. Conventional highway - interchange improvements. Authorizes condemnation of business property rights associated with lost anticipated business revenue. Located in the city of Atascadero at 7000 El Camino Real. APN 030-212-021.

C-19777 - Mohinder Singh Poonia, et ux.

06-Fre-180-PM 68.48 - Parcel 84446-1A, 1B, 2, 4, 5 - EA 342519.

RWC Date: 12/01/08; RTL: 12/15/08. Expressway - two-lane conventional to four-lane expressway on existing alignment. Authorizes condemnation of land in fee for a State highway, a permanent easement for road purposes, 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, underlying fee, and an easement for utility purposes. Located in the city of Sanger at Highway 180 and McCall Avenue intersection. APN 314-110-07.

C-19778- Poonia Farms, Inc., a California corporation

06-Fre-180-PM 68.54 - Parcel 84452 - EA 342519.

RWC Date: 12/01/08; RTL: 12/15/08. Expressway - two-lane conventional to four-lane expressway on existing alignment. Authorizes condemnation of land in easement for a State highway. Located in the city of Sanger at Highway 180 and McCall Avenue intersection. APN 314-050-87.

C-19779- Poonia Farms, Inc., a California corporation

06-Fre-180-PM 68.66 - Parcel 84454-1A, 1B, 2 - EA 342519.

RWC Date: 12/01/08; RTL Date: 12/15/08. Expressway - two-lane conventional to four-lane expressway on existing alignment. Authorizes condemnation of land in fee for a State highway, underlying fee, extinguishment of abutter's rights of access, a permanent easement for road 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 Sanger at Highway 180 and McCall Avenue intersection. APNs 314-050-88, -89.

C-19780 - Rosario Scalia, et ux.

06-Fre-180-PM 67.54 - Parcel 84431 - EA 342519.

RWC Date: 12/01/08; RTL: 12/15/08. Expressway - two-lane conventional to four-lane expressway on existing alignment. Authorizes condemnation of land in easement for a State highway. Located in the city of Sanger at 131 North Highland. APN 313-030-35.

C-19781 - Millwood Ranch Company, Ltd.

06-Ker-166-PM 14.85 - Parcel 85736-1A, 1B, 1C, 2 - EA 322109.

RWC Date: 04/18/08; RTL Date: 04/18/08. Conventional highway - asphalt concrete overlay and shoulder widening. Authorizes condemnation of land in fee for a State highway, a temporary easement for highway construction and traffic detour, and underlying fee. Located in the city of Bakersfield at SR 166 between Old River Road. APN 239-320-026.

C-19782 - Ralph C. Seline, Trustee, etc., et al.

07-LA-10-PM 31.7 - Parcel 79150-1, 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, together with the right and easement to enter the remaining ownership to sever and shore certain improvements at the right of way line, and a temporary easement for construction purposes. Located in the city of Baldwin Park at 13061 Garvey Avenue. APN 8556-022-013.

C-19783 - Ralph C. Seline, Trustee, etc., et al.

07-LA-10-PM 31.7 - Parcel 79536-1, 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 the right and easement to enter the remaining ownership to sever and shore certain improvements at the right of way line, and a temporary easement for construction purposes. Located in the city of Baldwin Park at 13065 Garvey Avenue. APN 8556-022-014.

C-19784 - Verlon Starkey, et al.

10-Sta-132-PM 15.2 - Parcel 15381-1, 2 - EA 3A6509.

RWC Date: 02/15/08; RTL Date: 02/28/08. Conventional highway - rehabilitation and intersection improvements. 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 Modesto at 401 14th Street. APN 106-018-006.

C-19785 - G & K Enterprises, LLC, a California Limited Liability Company

10-Sta-132-PM 14.7 - Parcel 15374-1, 2 - EA 3A6509.

RWC Date: 02/15/08; RTL Date: 02/28/08. Conventional highway - rehabilitation and intersection improvements. 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 Modesto at 621 Ninth Street. APN 106-011-009.

C-19786 - Duane A. Thompson, et ux.

10-Sta-132-PM 16.0 - Parcel 15386-1, 2 - EA 3A6509.

RWC Date: 02/15/08; RTL Date: 02/28/08. Conventional highway - rehabilitation and intersection improvements. Authorizes condemnation of land in fee for a State highway, and a temporary easement for construction purposes. Located in the city of Modesto at 1234 Yosemite Boulevard. APN 035-003-043.

C-19787 - Lockeford Ventures, LLC, a California Limited Liability Company

10-Sta-132-PM 16.0 - Parcel 15387-1, 2 - EA 3A6509.

RWC Date: 02/15/08; RTL Date: 02/28/08. Conventional highway - rehabilitation and intersection improvements. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the city of Modesto at 1316 Yosemite Boulevard. APN 035-025-001.

C-19788 - Jaswant Bains, Trustee etc., et al.

03-Sut-99-PM 17.3 - Parcel 034247-1 - EA 1A4619.

RWC Date: 01/15/08; RTL Date: 01/15/08. Expressway - construct a four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and future use in fee to which the owner has consented. Located near the city of Yuba City at 10981 Garden Highway. APN 25-180-013.

C-19789 - County of Mono, a political subdivision of the State of California

09-Mno-395-PM 114.67 - Parcel 3751-1 - EA 280109.

RWC Date: 12/01/07; RTL Date: 03/01/08. Conventional highway - construct left turn pockets and right turn deceleration lanes on Highway 395. Authorizes condemnation of land in fee for a State highway. Located near the town of Coleville at Topaz Lane. APN 01-110-01.