

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: February 13-14, 2008

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-19804 through C-19816, 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 have 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-19804 - Lori Giannini, Trustee, etc., et al.

05-Mon-101-PM 92.4 - Parcel 10358-1, 2 - EA 0161E9.

Right of Way Certification (RWC) Date: 09/01/08; Ready to List (RTL) Date: 01/01/09.

Expressway - construct interchanges and operational improvements. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for utilities to be conveyed to Pacific Gas and Electric Company, 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 Salinas at 617 El Camino Real. APN 113-071-005.

C-19805 - Frederick J. Donson, et ux.

07-LA-10-PM 31.4 - Parcel 79137-1, 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 12819 Garvey Avenue. APN 8550-003-018.

C-19806 - Group IV Pomona Properties, Ltd., a California Limited Partnership

07-LA-10-PM 31.4 - Parcel 79182-1, 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 12836 Dalewood Street. APN 8564-003-009.

C-19807 - Swaranjit Nijjar

07-LA-10-PM 31.4 - Parcel 79183-1, 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 Dalewood Street, west of Nolina Avenue. APN 8564-003-020.

C-19808 - Group IX BP Properties, LP, A California Limited Partnership

07-LA-10-PM 31.5 - Parcel 79180-1, 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 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 12912 Dalewood Street. APN 8564-003-017.

C-19809 - N.P.I. Dingchang Group, a California Corporation

07-LA-10-PM 31.6 - Parcel 79142-1, 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 12943 Garvey Avenue. APN 8556-023-007.

C-19810 - Group X Rosemead Properties, LP, a California Limited Partnership

07-LA-10-PM 31.6 - Parcel 79181-1, 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 12844 Dalewood Street. APN 8564-003-019.

C-19811 - City of Los Angeles Department of Water and Power

09-Iny-395-PM 117.8/122.4 - Parcels 3820-1, 2, 3, 4, 5, 6, 8, 9, 10, 11; 3821-1, 2, 3, 4, 5, 6, 7; 3822-1, 2, 3; 3823-1, 2, 3; 3824-1; 3828-1; 3934-1 - EA 258019.

RWC Date: 04/01/08; RTL Date: 06/01/08. Conventional highway - widen shoulders, asphalt concrete overlay. Authorizes condemnation of permanent easements for State highway, permanent easements for drainage, and an easement for utility purposes to be conveyed to Southern California Edison. Located near the city of Bishop from Barlow Lane to Sawmill Road. APNs 10-060-21, -25, -36; 10-120-08, -09; 10-510-04; and 11-400-05.

C-19812 - Coleman Foley, Jr.

10-SJ-4-PM 8.76 - Parcel 15953-1A, 1B - EA 283209.

RWC Date: 05/01/08; RTL Date: 06/01/08. Conventional highway - pavement rehabilitation. Authorizes condemnation of land in fee for a State highway and underlying fee. Located near the city of Stockton at 10130 South State Route (SR) 4. APN 131-100-05.

C-19813 - Berniece L. Silva, Trustees, etc., et al.

10-SJ-4-PM 8.8 - Parcel 14801-1A, 1B, 2 - EA 283209.

RWC Date: 05/01/08; RTL Date: 06/01/08. Conventional highway - pavement rehabilitation. Authorizes condemnation of land in fee for a State highway, a temporary easement for highway construction purposes, and underlying fee. Located near the city of Stockton at the north side of SR 4 and east of the South Whiskey Slough Road intersection. APN 131-400-05.

C-19814 - Berniece L. Silva, Trustees, etc., et al.

10-SJ-4-PM 10.3 - Parcel 14806-1A, 1B, 2, 3, 4, 5, 6, 7 - EA 283209.

RWC Date: 05/01/08; RTL Date: 06/01/08. Conventional highway - pavement rehabilitation. Authorizes condemnation of land in fee for a State highway, a temporary easement for highway construction, an easement for drainage canal and/or box culverts to be conveyed to Woods Irrigation District, and underlying fee. Located near the city of Stockton at 6489 West SR 4. APN 131-260-05.

C-19815 – Ison, Inc., a California Corporation; George Vierra (Lessee)

10-SJ-4-PM 10.3 - Parcel 14807-1A, 1B, 2 - EA 283209.

RWC Date: 05/01/08; RTL Date: 06/01/08. Conventional highway - pavement rehabilitation.

Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, and underlying fee. Located near the city of Stockton at 4594 Inland Drive.

APN 131-270-04.

C-19816 - John Robert Sanguinetti, et al.

10-SJ-4-PM 11.5 - Parcel 14811-1A, 1B, 2, 3 - EA 283209.

RWC Date: 05/01/08; RTL Date: 06/01/08. Conventional highway - pavement rehabilitation.

Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, easements for irrigation ditch to be conveyed to Woods Irrigation District, and underlying fee. Located near the city of Stockton at 4850 South Maybeck Road.

APN 162-050-01.