

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: March 12-13, 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-19818 through C-19844, 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-19818 - Earl E. King, Trustee, etc., et al.

03-But-99-PM 7.4 - Parcel 034235-1, 2 - EA 3A2709.

Right of Way Certification (RWC) Date: 04/01/08; Ready to List (RTL) Date: 04/01/08.

Conventional highway - widen to five lanes. Authorizes condemnation of a permanent easement for State highway, a permanent easement for highway purposes to be conveyed to City of Gridley, and 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 Gridley at 1672 State Highway 99. APN 102-22-014.

C-19819 - Sonoma Vineyard Estates, a Limited Liability Company

04-Son-116-PM 44.18 - Parcel 60228-1, 2, 3, 4 - EA 283809.

RWC Date: 09/01/08; RTL Date: 12/15/08. Conventional highway - correct curve and widen shoulders. Authorizes condemnation of land in fee for a State highway, a permanent easement for drainage, a permanent utility easement to be conveyed to Pacific Gas and Electric (PG & E), and a permanent utility easement to be conveyed to Pacific Bell Telephone Company, doing business as AT and T California. Located in the city of Sonoma at 5750 Stage Gulch Road.

APNs 142-042-020, -021.

C-19820 - Timothy Owen Leneave, et ux.

05-Mon-101-PM 92.4 - Parcel 10361 - EA 0161E9.

RWC Date: 09/01/08; RTL Date: 01/01/09. Conventional highway - construct interchanges and operational improvements. 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 an easement to enter the remaining ownership to remove such improvements. Located in the unincorporated area of Prunedale at 504 El Camino Real. APN 113-082-019.

C-19821 - John Tresch, Trustee, etc., et al.

05-Mon-101-PM 92.4 - Parcel 10362 - EA 0161E9.

RWC Date: 09/01/08; RTL Date: 01/01/09. Conventional highway - construct interchanges and operational improvements. 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 an easement to enter the remaining ownership to remove such improvements. Located in the unincorporated area of Prunedale at 590 El Camino Real North. APN 113-082-022.

C-19822 - Hildebrand & Sons Trucking, Inc.

05-Mon-101-PM 92.6 - Parcel 10364-1 - EA 0161E9.

RWC Date: 09/01/08; RTL Date: 01/01/09. Conventional highway - construct interchanges and operational improvements. Authorizes condemnation of land in fee for a State highway. Located in the city of Salinas near Harrison Road. APNs 113-091-008, -009, -010.

C-19823 - Chet Louis Shackelford, et ux.

05-Mon-101-PM 92.6 - Parcel 10374 - EA 0161E9.

RWC Date: 09/01/08; RTL Date: 01/01/09. Conventional highway - construct interchanges and operational improvements. 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 an easement to enter the remaining ownership to remove such improvements. Located in the unincorporated area of Prunedale at 632 El Camino Real. APN 113-101-011.

C-19824 - Jack A. Ferrasci, Trustee, etc., et al.

05-Mon-101-PM 91.7 - Parcel 10393-1 - EA 0161E9.

RWC Date: 09/01/08; RTL Date: 01/01/09. Conventional highway - construct interchanges and operational improvements. Authorizes condemnation of a permanent easement for access to freeway, 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 Harrison Road and Espinosa Road. APN 113-151-003.

C-19825 - Eberle Vineyards, a Joint Venture, et al.

05-SLO-46-PM 32.8 - Parcel 9272-1, 2 - EA 330719.

RWC Date: 06/08/07. Conventional highway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, a permanent easement for utility, an easement for utility relocation to be conveyed to AT and T California, 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 Paso Robles, just east of State Route (SR) 46 and Mill Road. APN 025-431-048.

C-19826 - Denken Farms, a California Limited Partnership

06-Fre-180-PM 66.30 - Parcel 84408-1A, 1B, 2, 3; 84411-1A, 1B, 2, 3, 4 - EA 342519.

RWC Date: 12/01/08; RTL Date: 12/15/08. Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, underlying fee, a permanent easement for public street and utility, and an easement for utility purposes to be conveyed to Pacific Bell Telephone Company, doing business as AT and T California, PG & E, and Verizon. Located near the city of Sanger near Highway 180 and DeWolf Avenue intersection. APNs 313-082-13, -14.

C-19827 - Reginald Walter Baker, et ux.

06-Fre-180-PM 68.54 - Parcel 84447-1, 2 - EA 342519.

RWC Date: 12/01/08; RTL Date: 12/15/08. Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement, 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 underlying fee. Located in the city of Sanger at 9931 East Kings Canyon Road. APN 314-050-07.

C-19828 - Leon E. Tirapelle, et ux.

06-Fre-180-PM 69.35 - Parcel 84468-1A, 1B, 2 - EA 342519.

RWC Date: 12/01/08; RTL Date: 12/15/08. Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for public street and utility, 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 to be conveyed to PG & E and Verizon. Located near the city of Sanger at 10776 Kings Canyon Road. APN 314-120-09.

C-19829 - Edward Matthew Rose, Trustee, etc., et al.

06-Fre-180-PM 70.71 - Parcel 84489-1A, 1B, 2, 3 -EA 342519.

RWC Date: 12/01/08; RTL Date: 12/15/08. Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for public street and utility, underlying fee, and an easement for utility purposes to be conveyed to PG & E and Verizon. Located near the city of Sanger at 12150 East Kings Canyon Road. APN 313-030-14.

C-19830 - Sidney M. Anderson, et ux.

06-Fre-180-PM 72.21 - Parcel 84527-1A, 1B, 2 - EA 342519.

RWC Date: 12/01/08; RTL Date: 12/15/08. Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for public street and utility, underlying fee, and an easement for utility purposes to be conveyed to PG & E and Verizon. Located near the city of Sanger at the northwest corner of Highway 180 and Quality Avenue intersection. APN 314-043-18.

C-19831 - Villagomez Farms, Inc., a California Corporation

06-Fre-180-PM 72.20 - Parcel 84528-1A, 1B, 2, 3 - EA 342519.

RWC Date: 12/01/08; RTL Date: 12/15/08. Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for public street and utility, an easement for private 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 to be conveyed to Pacific Bell Telephone Company, doing business as AT and T California, PG & E, and Verizon. Located near the city of Sanger at the southwest corner of Highway 180 and Quality Avenue intersection. APN 314-070-06.

C-19832 - Daniel Danell, Trustee, etc., et al.

06-Kin-198-PM 22.5 - Parcel 84865-1 - EA 3568U9.

RWC Date: 10/01/08; RTL Date: 10/01/08. Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near the city of Hanford at 10130 Seventh Avenue. APN 016-070-005.

C-19833 - Maria Odelta Pereira, Trustee, etc., et al.

06-Kin-198-PM 23.1 - Parcel 84867-1, 2, 3, 4, 5 - EA 3568U9.

RWC Date: 10/01/08; RTL Date: 10/01/08. Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for utility, an easement for access to be conveyed to Draxler Land Company, and underlying fee. Located near the city of Hanford at 6165 Lacey Boulevard. APNs 016-070-062, -063.

C-19834 - Richard M. Dooley, Trustee, etc., et al.

06-Kin-198-PM 28.2 - Parcel 84885-1A, 1B - EA 3568U9.

RWC Date: 10/01/08; RTL Date: 10/01/08. Expressway - two-lane conventional highway to four-lane expressway. 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 underlying fee. Located near the city of King City at the southeast corner of Lacey Boulevard and 1 1/2 Avenue. APN 016-100-048.

C-19835 - Barbara J. Cleeton, Trustee, etc., et al.

06-Kin-198-PM 27.8 - Parcel 85173-1A, 1B, 2 - EA 3568U9.

RWC Date: 10/01/08; RTL Date: 10/01/08. Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for utility, 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 underlying fee. Located near the city of Hanford at 1521 Lacey Boulevard. APN 016-100-002.

C-19836 - Draxler Land Company, a California Corporation

06-Kin-198-PM 23.1 - Parcel 85175-1, 2 - EA 3568U9.

RWC Date: 10/01/08; RTL Date: 10/01/08. Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for utility, and underlying fee. Located near the city of King City at 6335 Lacey Boulevard. APN 016-070-096.

C-19837 - Charles W. Bakker, Trustees, etc., et ux.

06-Tul-198-PM 1.74 - Parcel 84898-1A, 1B - EA 3568U9.

RWC Date: 10/01/08; RTL Date: 10/01/08. Expressway - two-lane conventional highway to four-lane expressway. 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 underlying fee. Located near the city of Visalia at the northwest corner of SR 198 and Road 60. APNs 073-130-014, -023.

C-19838 - Charles W. Bakker, Trustee, etc., et al.

06-Tul-198-PM 2.27 - Parcel 84899-1A, 1B - EA 3568U9.

RWC Date: 10/01/08; RTL Date: 10/01/08. Expressway - two-lane conventional highway to four-lane expressway. 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 underlying fee. Located near the city of Visalia at the northwest corner of SR 198 and Road 60. APN 073-080-008.

C-19839 - Bakker Dairy, a General Partnership

06-Tul-198-PM 2.27 - Parcel 84900-1A, 1B - EA 3568U9.

RWC Date: 10/01/08; RTL Date: 10/01/08. Expressway - two-lane conventional highway to four-lane expressway. 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 underlying fee. Located near the city of Visalia at the northwest corner of SR 198 and Road 60. APN 073-080-007.

C-19840 - Alvin Luchessa, Trustee, etc., et al.

10-Sta-132-PM 11.39 - Parcel 15645-1, 2 - EA 0L0809.

RWC Date: 06/30/08; RTL Date: 06/30/08. Conventional highway - left pocket extension. Authorizes condemnation of land in fee for a State highway and underlying fee. Located near the city of Modesto in the unincorporated area of Stanislaus County at 4145 Maze Boulevard. APN 007-022-017.

C-19841 - Fred A. Luchessa

10-Sta-132-PM 11.39 - Parcel 15646-1 - EA 0L0809.

RWC Date: 06/30/08; RTL Date: 06/30/08. Conventional highway - left pocket extension. Authorizes condemnation of land in fee for a State highway and underlying fee. Located near the city of Modesto in the unincorporated area of Stanislaus County at 4149 Maze Boulevard. APN 007-022-018.

C-19842 - Wasim Asghar, et ux.

10-SJ-88-PM 4.3 - Parcel 15756-1 - EA 0G3209.

RWC Date: 06/30/08; RTL Date: 06/30/08. Conventional highway - realign offset intersection and widen for left-turn channelization. Authorizes condemnation of land in fee for a State highway, together with the right and easement to enter the remaining ownership to sever and shore certain improvements at the right of way line. Located near the city of Stockton at 9824 East Waterloo Road. APN 089-060-27.

C-19843 - Windsor Park Condominiums Maintenance Corporation, on behalf of all the Homeowners

11-SD-15-PM 14.9 - Parcel 32970-1, 2 - EA 2T0921.

RWC Date: 01/31/08; RTL Date: 03/01/08. Freeway - south segment, managed lanes. Authorizes condemnation of a permanent easement for soundwall footing purposes, a temporary easement for construction of soundwall, 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 city of San Diego at 10272 Maya Linda Road. APN 341-210-35-00.

C-19844 - Orozco Ranch and Investments, LLC

11-SD-125-PM 9.9 - Parcel 33297 - EA 003009.

RWC Date: 11/16/07. Freeway - SR 125 Connector. Authorizes condemnation of a permanent easement for overhead electrical. Located in the city of Bonita between Summit Meadows Drive and San Miguel Road. APN 585-100-19.