

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: May 28-29, 2008

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-19872 through C-19901, C-19903 through C-19915, 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 proposed project.
2. The proposed project is planned and located in a manner that will be most compatible with the greatest public good and 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-19872 - Jerry Hays, et ux.

03-But-70-PM 12.00 - Parcel 034845-1 - EA 3A6319.

Right of Way Certification (RWC) Date: 07/15/08; Ready to List (RTL) Date: 07/15/08.

Expressway - widen to four lanes. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near the city of Oroville at 4655 Pacific Heights Road. Assessor's Parcel Number (APN) 035-480-025.

C-19873 - James R. Bartel, et al.

03-But-70-PM 12.00 - Parcel 034846-1 - EA 3A6319.

RWC Date: 07/15/08; RTL Date: 07/15/08. Expressway - widen to four lanes. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near the city of Oroville at 4629 Pacific Heights Road. APN 035-480-062.

C-19874 - Thomas A. Turk, et ux.

03-But-70-PM 12.00 - Parcel 034848-1 - EA 3A6319.

RWC Date: 07/15/08; RTL Date: 07/15/08. Expressway - widen to four lanes. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near the city of Oroville near the intersection of Pacific Heights Road and Stuart Court. APN 035-480-053.

C-19875 - Pacific Heights Industrial Complex, a California Limited Partnership, et al.

03-But-70-PM 12.00 - Parcel 034849-1 - EA 3A6319.

RWC Date: 07/15/08; RTL Date: 07/15/08. Expressway - widen to four lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and 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 Oroville at 4577 Pacific Heights Road. APN 035-480-052.

C-19876 - S & S Property Investment Group, LP, a California Limited Partnership, et al.; Stott Outdoor Advertising (Lessee)

03-But-70-PM 12.16 - Parcel 034850-1 - EA 3A6319.

RWC Date: 07/15/08; RTL Date: 07/15/08. Expressway - widen to four lanes. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near the city of Oroville at 4559 Pacific Heights Road. APN 035-480-020.

C-19877 - S & S Property Investment Group, LP, a California Limited Partnership; Stott Outdoor Advertising (Lessee)

03-But-70-PM 12.16 - Parcel 034851-1 - EA 3A6319.

RWC Date: 07/15/08; RTL Date: 07/15/08. Expressway - widen to four lanes. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near the city of Oroville at 4531 Pacific Heights Road. APN 035-480-044.

C-19878 - S & S Property Investment Group, LP, a California Limited Partnership

03-But-70-PM 12.41 - Parcel 034853-1, 2, 3 - EA 3A6319.

RWC Date: 07/15/08; RTL Date: 07/15/08. Expressway - widen to four lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, and a permanent easement for utility purposes to be conveyed to Pacific Gas and Electric (PG & E). Located near the city of Oroville near the intersection of Pacific Heights Road and Stuart Court. APN 035-480-030.

C-19879 - Jack Phelps, et ux.

03-But-70-PM 12.41 - Parcel 034854-1, 2, 3, 4 - EA 3A6319.

RWC Date: 07/15/08; RTL Date: 07/15/08. Expressway - widen to four lanes. 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 utility purposes to be conveyed to PG & E and a permanent easement for drainage purposes to be conveyed to Butte County. Located near the city of Oroville near the intersection of Pacific Heights Road and Georgia Pacific Way. APN 35-480-028.

C-19880 - Natural Concepts Inc., a California Corporation

03-But-70-PM 12.75 - Parcel 034855-1, 2, 3, 4 - EA 3A6319.

RWC Date: 07/15/08; RTL Date: 07/15/08. Expressway - widen to four lanes. 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 utility purposes to be conveyed to PG & E and a permanent easement for drainage purposes to be conveyed to Butte County. Located near the city of Oroville at 4360 Pacific Heights Road. APNs 035-480-054, -055.

C-19881 - Jack Phelps, et ux.

03-But-70-PM 12.75 - Parcel 034857-1, 2, 3 - EA 3A6319.

RWC Date: 07/15/08; RTL Date: 07/15/08. Expressway - widen to four lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, and a permanent easement for utility purposes to be conveyed to PG & E. Located near the city of Oroville at 4302 Pacific Heights Road. APN 035-480-038.

C-19882 - Mathews Readymix LLC, a California Limited Liability Company, et al.

03-But-70-PM 12.75 - Parcel 034858-1, 2, 3 - EA 3A6319.

RWC Date: 07/15/08; RTL Date: 07/15/08. Expressway - widen to four lanes. 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 PG & E. Located near the city of Oroville at 4290 Pacific Heights Road. APN 035-340-044.

C-19883 - S & S Property Investment Group, LP, a California Limited Partnership

03-But-70-PM 12.41 - Parcel 035034-1, 2, 3 - EA 3A6319.

RWC Date: 07/15/08; RTL Date: 07/15/08. Expressway - widen to four lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, and a permanent easement for utility purposes to be conveyed to PG & E. Located near the city of Oroville at 4444 Pacific Heights Road. APNs 035-480-006, -007.

C-19884 - Aimee Thungc-Drake, et ux.

03-But-99-PM 12.9 - Parcel 035437-1, 2 - EA 366909.

RWC Date: 07/15/08; RTL Date: 07/15/08. Conventional highway - asphalt concrete overlay and widen shoulders. Authorizes condemnation of permanent easements for utility purposes to be conveyed to PG & E. Located near the town of Biggs at 5185 Highway 99. APN 029-170-015.

C-19885 - S & S Property Investment Group, LP, a California Limited Partnership, et al.

03-But-70-PM 12.41 - Parcel 035505- 1, 2 - EA 3A6319.

RWC Date: 07/15/08; RTL Date: 07/15/08. Expressway - widen to four lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a permanent easement for utility purposes to be conveyed to PG & E. Located near the city of Oroville near the intersection of Pacific Heights Road and Georgia Pacific Way. APN 035-480-022.

C-19886 - Brian Masunaga, et al.

03-Pla-65-PM 23.18 - Parcel 33584-1, 2, 3, 4, 5, 6 - EA 333809.

RWC Date: 07/01/08; RTL Date: 07/01/08. Expressway - construct four-lane expressway. Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, permanent easements for utility purposes to be conveyed to PG & E, excess land in fee to which the owner has consented, extinguishment of abutter's rights of access, and underlying fee. Located in the town of Sheridan at 5120 Riosa Road. APN 019-120-043.

C-19887 - Henry T. Jewell, Trustee, etc., et al.

05-Mon-101-PM 92.4 - Parcel 10360 - 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 unincorporated area of Prunedale at 592 El Camino Road. APN 113-082-003.

C-19888 - Marvins Martins, Trustee, etc., et al.

05-Mon-101-PM 92.5 - Parcel 10363-1, 2, 3 - 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, extinguishment of abutter's rights of access, a permanent easement for maintenance, together with all those certain improvements that 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 600 El Camino Real. APNs 113-091-005, -007.

C-19889 - Marvins Martins, Trustee, etc., et al.

05-Mon-101-PM 92.5 - Parcel 10366 - 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 unincorporated area of Prunedale at 600 El Camino Real. APN 113-092-001.

C-19890 - Omar I. Bobadilla, et ux.

05-Mon-101-PM 94.2 - Parcel 10403-1, 2 - EA 0161E9.

RWC Date: 09/01/08; RTL Date: 01/01/09. Conventional highway - construct interchanges and operational improvements. Authorizes condemnation of land for a temporary easement for highway construction, a permanent easement for public roadway, 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 on Reese Circle directly adjacent to the east side of State Route (SR) 101. APN 125-014-006.

C-19891 - Michael R. McNamara, et ux.

05-Mon-101-PM 98.2 - Parcel 10455-1 - 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, extinguishment of abutter's rights of access, and excess land in fee to which the owner has consented. Located in the city of Salinas at 19057 Oak Heights Drive. APN 125-341-026.

C-19892 - Robert P. Taylor

05-Mon-101-PM 94.4 - Parcel 10996-1, 2 - EA 0161E9.

RWC Date: 09/01/08; RTL Date: 01/01/09. Conventional highway - construct interchanges and operational improvements. Authorizes condemnation of land for a temporary easement for highway construction, a permanent easement for public roadway, 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 Pesante Road directly adjacent to the east side of SR 101. APN 125-071-018.

C-19893 - Gregory L. Shankle, Trustee, etc., et al.

05-Mon-101-PM 92.6 - Parcel 11067-1 - 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, 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 San Miguel Road and Prunedale North Road. APN 127-013-001.

C-19894 - Michael S. George, et ux.

06-Fre-180-PM 66.34 - Parcel 84410-1A, 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, 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 a permanent easement for private vehicle access to be conveyed to Abelardo and Adelaide Arenas, their heirs or successors, Lester H. and Judy H. Leas, their heirs or successors and John William and Evelyn Preis, their heirs or successors. Located near the city of Fresno at 7797 East Kings Canyon Road. APN 313-420-23.

C-19895 - Estes Investments, LLC, A California Limited Liability Company

06-Fre-180-PM 71.53 - Parcel 84502-1A, 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, together with the right and easement to enter the remaining ownership to sever and shore certain improvements at the right of way line, underlying fee, a permanent highway easement to be conveyed to the County of Fresno, and an easement for irrigation purposes to be conveyed to Fresno Irrigation District. Located near the unincorporated area of Fresno County at 77 South Academy Avenue. APNs 314-063-23, -24.

C-19896 - Dairy One Limited Partnership, a California Limited Partnership

06-Kin-198-PM 26.6/27.1 - Parcel 84879-1A, 1B, 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, 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, permanent easements for utility purposes to be conveyed to Southern California Edison and AT & T, and a permanent easement private vehicle access to be conveyed to John De Jong Dairy. Located near the city of Hanford at 9120 Second Avenue. APNs 016-070-062, -063.

C-19897 - Frank C. Lawrence, Trustee, etc., et al.

06-Tul-198-PM 1.27 - Parcel 84894-1A, 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, and underlying fee. Located near the unincorporated area of Tulare County near the northeast corner of SR 198 and Road 56. APN 073-130-028.

C-19898 - Delores Jean Gonsalves, et al.

06-Kin-198-PM 26.6 - Parcel 85181-1A, 1B, 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, 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, permanent easements for utility purposes to be conveyed to Southern California Edison, and a permanent easement for private vehicle access to be conveyed to John Visser, et ux. Located near the city of Hanford at 2501 Lacey Boulevard. APN 016-090-004.

C-19899 - ESS VRS Owner LLC

07-LA-10-PM 31.4 - Parcel 79132-1, 2 - EA 117079.

RWC Date: 03/21/08; RTL Date: 03/27/08. 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 12737 Garvey Avenue. APN 8550-005-031.

C-19900 - D. LAXMI, Inc., a California Corporation

07-LA-10-PM 31.6 - Parcel 79146-1, 01-01 - 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 excess land in fee to which the owner has consented. Located in the city of Baldwin Park at 12971 Garvey Avenue. APN 8556-023-020.

C-19901 - Heirs and Devisees of Lucien W. Armour

08-SBd-62-PM 29.33 - Parcel 20479-1 - EA 0E1109.

RWC Date: 07/01/08; RTL Date: 07/01/08. Conventional highway - widen roadway to add two-way left turn lanes and shoulders. Authorizes condemnation of land in fee for a State highway. Located in the city of Twentynine Palms at 70620 Twentynine Palms Highway. APNs 0614-271-03, -12.

C-19902 - Resolution withdrawn.C-19903 - 70805 29 Palms Highway, LLC, et al.

08-SBd-62-PM 29.59 - Parcel 20485-1 - EA 0E1109.

RWC Date: 07/01/08; RTL Date: 07/01/08. Conventional highway - widen roadway to add two-way left turn lanes and shoulders. Authorizes condemnation of land in fee for a State highway. Located in the city of Twentynine Palms at 70805 Twentynine Palms Highway. APN 0614-263-08.

C-19904 - Suzanne C. Aplanalp Living Trust

08-SBd-62-PM 29.66 - Parcel 20486-1 - EA 0E1109.

RWC Date: 07/01/08; RTL Date: 07/01/08. Conventional highway - widen roadway to add two-way left turn lanes and shoulders. Authorizes condemnation of land in fee for a State highway.

Located in the city of Twentynine Palms at 70855 Twentynine Palms Highway.

APN 0614-263-09.

C-19905 - City of San Bernardino, a Municipal Corporation

08-SBd-215-PM 8.10 - Parcel 17925-1, 01-01 - EA 0071V9.

RWC Date: 11/01/08; RTL Date: 03/01/09. 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, and excess land in fee to which the owner has consented. Located in the city of San Bernardino at 1208 North "H" Street. APN 0145-221-09.

C-19906 - Louis Vierra, Trustee, etc., et al.

10-SJ-4-PM 9.88 - Parcel 14804-1A, 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 north of SR 4, east of Inland Drive. APNs 131-190-07, -09.

C-19907 - Rena T. Vierra, Trustee

10-SJ-4-PM 10.3 - Parcel 14808-1A, 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 SR 4. APN 131-270-02.

C-19908 - Stockton Port Property, LLC, a California Limited Liability Company

10-SJ-4-PM 11.5/11.9 - Parcel 14810-1A, 1B, 2, 3, 4, 5 - 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, temporary easements for construction purposes, permanent easements for irrigation purposes to be conveyed to Woods Irrigation District, and underlying fee. Located near the city of Stockton at 3450 South Woodsbro Road. APN 131-360-12.

C-19909 - Stockton Port Property, LLC, a California Limited Liability Company

10-SJ-4-PM 11.9/12.4 - Parcel 14813-1A, 1B 2, 3, 4 - 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, temporary easements for construction purposes, a permanent easement for irrigation purposes to be conveyed to Woods Irrigation District, and underlying fee. Located near the city of Stockton, north of SR 4 between Woodsbro and Daggett Roads. APN 162-040-13.

C-19910 - Larry D'Alonzo, et ux.

10-SJ-4-PM 12.6- Parcel 14817-1; 14970-1 - 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 4080 West SR 4 and 3901 South Wilhoit Road.

APNs 162-050-11, -10.

C-19911 - August Mazzanti, Trustee, et al.

10-SJ-4-PM 11.9 - Parcel 15452-1, 2 - EA 283209.

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

Authorizes condemnation of a permanent easement for irrigation purposes to be conveyed to Woods Irrigation District and a temporary easement for construction purposes. Located near the city of Stockton at 4496 West SR 4. APNs 162-050-03, -04.

C-19912 - George N. Vierra, et ux.

10-SJ-4-PM 9.3 - Parcel 15650-1A, 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 8181 West SR 4. APNs 131-190-10, -11.

C-19913 - Jim Pellegrini, Trustee, etc., et al.

10-SJ-88-PM 4.4 - Parcel 15757-1 - 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. Located near the city of Stockton at 9886 East Waterloo Road. APN 089-060-40.

C-19914 - Bette Kelly, Trustee, etc., et al.

10-SJ-88-PM 4.4 - Parcel 15761-1, 2 - 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. Located near the city of Stockton at 10221 East Baker Road. APN 089-060-38.

C-19915 - Union Pacific Railroad

10-Sta-132-PM 15.0/16.8 - Parcel 15375-1,2 - EA 3A6509.

RWC Date: 04/01/08; RTL Date: 04/02/08. 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 402 Ninth Street.

APN N/A.