

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: July 23-24, 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-19930 through C-19941, 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 that 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-19930 - The Heirs and Devisees of Reg Smart, et al.

03-But-70-PM 12.75 - Parcel 035540-1 - EA 3A6319.

Right of Way Certification (RWC) Date: 11/03/08; Ready to List (RTL) Date: 11/03/08.

Expressway - widen to four lanes. Authorizes condemnation of a permanent easement for utility purposes to be conveyed to American Telephone and Telegraph. Located near the city of Oroville at Feather River Boulevard near Georgia Pacific Way.

Assessor's Parcel Number (APN) 035-340-022.

C-19931 - Jean E. Bonhomme, et ux.

04-Ala-24-PM 6.03 - Parcel 60771-1 - EA 294909.

RWC Date: 01/01/09; RTL Date: 01/01/09. Freeway - construct fourth bore for the Caldecott Tunnel. Authorizes condemnation of a permanent easement for subsurface construction and maintenance of rock bolts for a State highway. Located in the city of Oakland at 9 Bay Forest Place. APN 048H-7901-031.

C-19932 - The Pinewood Association, a California Non-profit Corporation, et al.

04-Ala-24-PM 6.03 - Parcel 60772-1 - EA 294909.

RWC Date: 01/01/09; RTL Date: 01/01/09. Freeway - construct fourth bore for the Caldecott Tunnel. Authorizes condemnation of a permanent easement for subsurface construction and maintenance of rock bolts for a State highway. Located in the city of Oakland at 72 Bay Forest Drive. APN 048H-7901-039.

C-19933 - 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. Amends Resolution C-19907, adopted May 29, 2007, which authorizes condemnation of land in fee for a State highway and underlying fee. This amendment corrects the legal description that stated a document was recorded in Merced County and should read San Joaquin County. Located near the city of Stockton at 10130 South State Route 4. APN 131-270-02.

C-19934 - The Pinewood Association, a California Non-profit Corporation, et al.

04-Ala-24-PM 6.03 - Parcel 60776-1 - EA 294909.

RWC Date: 01/01/09; RTL Date: 01/01/09. Freeway - construct fourth bore for the Caldecott Tunnel. Authorizes condemnation of a permanent easement for subsurface construction and maintenance of rock bolts for a State highway. Located in the city of Oakland at 72 Bay Forest Drive. APN 048H-7901-037.

C-19935 - Floyd D. Fortuin, Trustee, etc., et al.

04-Ala-24-PM 6.21 - Parcel 60778-1 - EA 294909.

RWC Date: 01/01/09; RTL Date: 01/01/09. Freeway - construct fourth bore for the Caldecott Tunnel. Authorizes condemnation of a permanent easement for subsurface construction and maintenance of rock bolts for a State highway. Located in the city of Oakland at 7 Woodmont Way. APN 048H-7902-008.

C-19936 - Juan C. Mancheno, Trustee, etc., et al.

04-CC-24-PM 0.0 - Parcel 60780-1 - EA 294909.

RWC Date: 01/01/09; RTL Date: 01/01/09. Freeway - construct fourth bore for the Caldecott Tunnel. Authorizes condemnation of a permanent easement for subsurface construction and maintenance of rock bolts for a State highway. Located in the city of Orinda at Old Tunnel Road. APN 265-190-008-2.

C-19937 - James Radar Lewis, et al.

04-CC-24-PM 0.25 - Parcel 60784-1 - EA 294909.

RWC Date: 01/01/09; RTL Date: 01/01/09. Freeway - construct fourth bore for the Caldecott Tunnel. Authorizes condemnation of a permanent easement for subsurface construction and maintenance of rock bolts for a State highway. Located in the city of Orinda at 1001 Fish Rish Ranch Road. APN 265-180-019.

C-19938 - William Slaughter, et ux.

06-Fre-180-PM 69.6 - Parcel 84470-1A, 1B, 2 - EA 342519.

RWC Date: 12/01/08; RTL Date: 12/15/08. Expressway - two-lane conventional to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, an easement for utility purposes to be conveyed to the County of Fresno, 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 11033 East Kings Canyon Road. APN 314-061-01.

C-19939 - Eric G. Shuklian, et ux.

06-Kin-198-PM 28.2 - Parcel 85275-1A, 1B - EA 3568U9.

RWC Date: 10/01/08; RTL Date: 10/01/08. Expressway - two-lane conventional 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 Hanford at 10222 1st Avenue. APN 016-100-068.

C-19940 - Gregory W. Ward, Trustee, etc., et al.

06-Kin-198-PM 14.98-23.74 - Parcel 84872-1A, 1B; 84873-1A, 1B - EA 3568U9.

RWC Date: 10/01/08; RTL Date: 10/01/08. Expressway - two-lane conventional 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 in the city of Hanford at 5530 East Lacey Boulevard. APNs 014-270-005, -006.

C-19941 - George C. F. Nelson, Trustee, etc., et al.

08-SBd-215-PM 8.25 - Parcel 19185-1, 2 - EA 0071V2.

RWC Date: 11/01/08; RTL Date: 03/01/09. Freeway - add two high occupancy vehicle lanes and operational improvements. 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 San Bernardino at 1344 "H" Street. APN 0145-192-55.