

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: August 27-28, 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-19943 through C-19956, 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-19943 - Harwood Investment Company, a Limited Partnership

01-Men-101-PM 45.8 - Parcel 11656-1 - EA 262009.

Right of Way Certification (RWC) Date: 10/01/09; Ready to List (RTL) Date: 11/15/09.

Freeway - construct four-lane freeway. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the town of Willits at 785 Railroad Avenue. Assessor's Parcel Numbers (APN)s 06-143-04, 07-050-04, and 07-060-13.

C-19944 - John Sanchez

05-Mon-101-PM 98.8 - Parcel 10440-1, 2 - EA 0161E9.

RWC Date: 09/01/08; 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, and an easement for a utility to be conveyed to Pacific Gas and Electric Company (PG & E). Located near the city of Salinas at 2895 El Camino Real North.

APN 125-251-004.

C-19945 - William K. Vogel, Trustee, etc., et al.

06-Ker-46-PM 3.24/ 4.16/ 60.83 - Parcel 85926-1A, 1B, 2, 3; 85927-1A, 1B, 2 through 16; 85930-1 - EA 353419.

RWC Date: 04/01/09; RTL Date: 04/01/09. Expressway - two-lane conventional highway to a four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for highway construction, a permanent easement for slope, an easement for utility purposes and ingress and egress to be conveyed to PG & E and Verizon, and underlying fee. Located in the unincorporated area of Kern County between San Luis Obispo County line and Keck's Road.

APNs 057-020-34, -51; 043-060-43, -52, -54; and 017-111-02.

C-19946 - F. Donald Giacomazzi, Trustee, etc., et al.

06-Kin-198-PM 22.49 - Parcel 84870-1A, 1B, 2, 3, 4, 5 - EA 3568U9.

RWC Date: 10/01/08; RTL Date: 10/01/08. Expressway - two-lane conventional highway to a four-lane expressway. Authorizes condemnation of land in fee for a State highway,

extinguishment of abutter's rights of access, a permanent easement for a utility, an easement for utility purposes to be conveyed to Southern California Edison (SCE) and Pac Bell, 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 on the north side of Lacey Boulevard between Sixth and Seventh Avenues.

APN 014-260-015.

C-19947 - Lilia Giacomazzi, et al.

06-Kin-198-PM 22.93 - Parcel 84871-1, 2, 3 - EA 3568U9.

RWC Date: 10/01/08; RTL Date: 10/01/08. Expressway - two-lane conventional highway to a 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 utility purposes to be conveyed to SCE and Pac Bell, 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 near the city of Hanford on the north side of Lacey Boulevard between Sixth and Seventh Avenues. APN 014-260-068.

C-19948 - Art De Hoop, et ux.

06-Kin-198-PM 24.1/25.1 - Parcel 84875-1A, 1B, 2, 3, 4, 5, 6 - EA 3568U9.

RWC Date: 10/01/08; RTL Date: 10/01/08. Expressway - two-lane conventional highway to a four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, an easement for ingress and egress and utility purposes to be conveyed to Mary B. Drummond, Gregory W. Ward, Martin A. Martinez, and SCE, and underlying fee. Located near the unincorporated area of Hanford near the north line of Lacey Boulevard between the 4th and 5th Avenue alignment. APNs 014-270-023, -024, -035, and -036.

C-19949 - Lilia Giacomazzi, Trustee, etc., et al.

06-Kin-198-PM 27.78 - Parcel 84881-1A, 1B, 2, 3 - EA 3568U9.

RWC Date: 10/01/08; RTL Date: 10/01/08. Expressway - two-lane conventional highway to a 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 utility purposes to be conveyed to SCE and Pac Bell, 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 1370 Lacey Boulevard. APN 014-290-032.

C-19950 - L K Ranches, a Partnership

06-Tul-198-PM 0.23 - Parcel 85187-1A, 1B, 2, 3, 4 - EA 3568U9.

RWC Date: 10/01/08; RTL Date: 10/01/08. Expressway - two-lane conventional highway to a 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 a utility to be conveyed to PG & E, and underlying fee. Located near the city of Visalia at 29553 Road 48. APN 073-120-003.

C-19951 - L K Ranches, a General Partnership

06-Tul-198-PM 0.76/1.27 - Parcel 85188-1A, 1B, 2, 3, 4, 5, 6, 7, 8, 9, 10 - EA 3568U9.

RWC Date: 10/01/08; RTL Date: 10/01/08. Expressway - two-lane conventional highway to a four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, permanent easements for utilities, an easement for a utility to be conveyed to PG & E, and underlying fee. Located near the city of Visalia south of State Route (SR) 198 between Roads 52 and 56. APN 073-120-004.

C-19952 - L K Ranches, a General Partnership

06-Tul-198-PM 1.74 - Parcel 85190-1A, 1B, 2, 3, 4, 5, 6, 7 - EA 3568U9.

RWC Date: 10/01/08; RTL Date: 10/01/08. Expressway - two-lane conventional highway to a 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 a utility to be conveyed to PG & E, and underlying fee. Located near the city of Visalia near the south side of SR 198 between Roads 56 and 60. APN 073-120-006.

C-19953 - Michael P. Allen, et ux.

08-SBd-215-PM 6.77 - Parcel 18564-1, 2 - EA 0071V9.

RWC Date: 11/01/08; RTL Date: 03/01/09. Freeway - add two high occupancy vehicle (HOV) lanes and operational improvements. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, 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. Located in the city of San Bernardino at 895 West 2nd Street. APNs 0134-331-13, -26.

C-19954 - Gerardo Reynoso, et ux.

08-SBd-215-PM 8.10 - Parcel 20574-1, 2 - EA 0071V9.

RWC Date: 11/01/08; RTL Date: 03/01/09. Freeway - add two HOV lanes and operational improvements. Authorizes condemnation of two temporary easements for construction purposes. Located in the city of San Bernardino at 970, 976, 980, and 1010 West Baseline Street. APNs 0144-232-06, -08, -11, -23.

C-19955 - Koll/Irvine Community Association, a California Corporation

12-Ora-405-PM 5.2 - Parcel 102456-1, 2, 3 - EA 0J1209.

RWC Date: 12/13/07 (construction complete). Freeway - repair failing side slope embankment, mechanically stabilized embankment wall on south side. Authorizes condemnation of three temporary easements for construction purposes. Located in the city of Costa Mesa at 3191-3199 Airport Loop Drive. APN 427-191-20.

C-19956 - Irvine Industrial Complex, a California Corporation

12-Ora-405-PM 5.2 - Parcel 102457-1 - EA 0J1209.

RWC Date: 12/13/07 (construction complete). Freeway - repair failing side slope embankment, mechanically stabilized embankment wall on south side. Authorizes condemnation of a temporary easement construction purposes. Located in the city of Costa Mesa at 3191-3199 Airport Loop Drive. APN 427-190-09.