

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: September 24-25, 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-19959 through C-19994, 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-19959 - Penny L. Watson

03-Nev-49-PM 10.8 - Parcel 34909-1 - EA 2A6909.

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

Expressway - two-lane conventional highway to a four-lane expressway, construct left turn lane and frontage road. Authorizes condemnation of land in fee for a State highway and land in fee, which is a remnant and would have little market value. Located near the city of Grass Valley at 14317 Highway 49. Assessor's Parcel Number (APN) 23-310-07.

C-19960 - Wayne G. Lee, Trustee, etc., et al.

05-Mon-101-PM 94.4 - Parcel 10414-1 - 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 State highway purposes. Located in the unincorporated area of Prunedale at 17560 Orchard Lane.

APN 125-022-019.

C-19961 - Union Pacific Railroad Company

05-SB-101-PM 26.6 - Parcel 10600-1, 2, 3 - EA 0M1409.

RWC Date: 01/19/09; RTL Date: 02/25/09. Freeway - modifications and relocation of off-ramp. Authorizes condemnation of a temporary easement for structure construction, a permanent easement for aerial easement over tracks, and an easement for public road purposes (structure easement) to be conveyed to the City of Goleta. Located in the city of Goleta near Hollister Avenue and State Route (SR) 101 overcrossing. APN 079-010-005.

C-19962 - John De Jong Dairy, Inc., a California Corporation

06-Kin-198-PM 25.6/26.1 - Parcel 84878-1A, 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, permanent easements for utility purposes, an easement for private vehicle access to be conveyed to Dairy One, and underlying fee. Located in the unincorporated area of Hanford at 3742 Lacey Boulevard. APN 014-280-013.

C-19963 - John De Jong Dairy, Inc., a California Corporation

06-Kin-198-PM 24.6/25.1 - Parcel 85178-1A, 1B, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 - 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 utility and irrigation purposes, an easement for private vehicle access to be conveyed to Corcoran Irrigation District, and underlying fee.

Located in the unincorporated area of Hanford at 3742 Lacey Boulevard.

APNs 016-080-026, -027, -028.

C-19964 - Narciso Rodriguez

06-Kin-198-PM 23.6 - Parcel 86221-1A, 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, easements for private vehicle access to be conveyed to Alvey Adams, AT SMA - Cameron Family Limited Partnership, Santiago Rodriguez, Corcoran Irrigation District, and underlying fee. Located near the unincorporated area of Hanford at 5939 Lacey Boulevard. APN 016-080-041.

C-19965 - Frank Pereira, et al.

06-Tul-198-PM 1.7 - Parcel 84897-1A, 1B - 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, and underlying fee. Located near the city of Visalia at 5784 Avenue 296. APN 073-130-026.

C-19966 - U-Store-It L.P.

08-SBd-215-PM 8.0 - Parcel 17870-1, 2, -01 - 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, and excess land in fee to which the owner has consented. Located in the city of San Bernardino at 1158 North "H" Street. APNs 0140-011-11, -12, -13, -14, -15, -24.

C-19967 - Josefina Pardo

08-SBd-215-PM 7.60 - Parcel 17914-1, 2 - EA 0071V9.

RWC Date: 11/01/08; RTL Date: 03/01/09. Freeway - add two HOV lanes and operational improvements. Authorizes condemnation of extinguishment of abutter's rights of access and a temporary easement for construction purposes. Located in the city of San Bernardino at 854 West 8th Street. APN 0140-191-30.

C-19968 - U-Store-It L.P.

08-SBd-215-PM 9.48 - Parcel 20700-1 - EA 007199.

RWC Date: 11/01/08; RTL Date: 02/01/09. Freeway - add two HOV lanes and operational improvements. Authorizes condemnation of land in fee for a State highway. Located in the city of San Bernardino at 1451 West 23rd Street. APN 0148-181-07.

C-19969 - Kenneth L. Renfroe, Trustee, etc., et al.

08-SBd-215-PM 6.8 - Parcel 18798-1 - 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 and extinguishment of abutter's rights of access. Located in the city of San Bernardino at the northwest corner of Waters Street and Interstate 215 (I-215). APN 0134-331-20.

C-19970 - Los Angeles SMSA Limited Partnership, a California Limited Partnership

08-SBd-215-PM 7.02 - Parcel 18801-1 - 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. Located in the city of San Bernardino 500 feet north of the northwest corner of 3rd and "I" Street. APN 0134-162-08.

C-19971 - Salvador Rodriguez, et al.

08-SBd-215-PM 7.42 - Parcel 18811-1 - 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. Located in the city of San Bernardino at 857 West 7th Street. APN 0134-011-23.

C-19972 - BNSF Railway Company

08-SBd-215-PM 7.69 - Parcel 19162-1, 2, 3 - EA 0071V9.

RWC Date: 11/01/08; RTL Date: 03/01/09. Freeway - add two HOV lanes and operational improvements. Authorizes condemnation of an aerial easement for State highway purposes, extinguishment of abutter's rights of access to and from the freeway viaduct, and two temporary easements for construction purposes. Located in the city of San Bernardino at the 9th Street Bridge and I-215. APN 0132-092-14.

C-19973 - Aratex Services Inc., a Delaware Corporation

08-SBd-215-PM 8.3 - Parcel 19177-1, 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 1328 North "H" Street. APNs 0145-192-12, -57, -60.

C-19974 - Ali Fawaz

08-SBd-215-PM 8.0 - Parcel 19179-1, 2 - EA 0071V9.

RWC Date: 11/01/08; RTL Date: 03/01/09. Freeway - add two HOV lanes and operational improvements. Authorizes condemnation of land in fee for a State highway, underlying fee and a temporary easement for construction purposes. Located in the city of San Bernardino at 799 West Baseline Street. APN 0140-013-26.

C-19975 - Hari Krishna, Inc.

08-SBd-215-PM 8.1 - Parcel 19182-1 - EA 0071V9.

RWC Date: 11/01/08; RTL Date: 03/01/09. Freeway - add two HOV lanes and operational improvements. Authorizes condemnation of a temporary easement for construction purposes. Located in the city of San Bernardino at 794 West Baseline Street. APNs 0145-222-07, -31.

C-19976 - Kenneth L. Renfroe, Trustee, etc., et al.

08-SBd-215-PM 6.6 - Parcel 19604-1, 2, 3 - EA 0071V9.

RWC: 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, a permanent easement for footing purposes, and a permanent easement for drainage purposes. Located in the city of San Bernardino at 895 West Rialto Avenue. APN 0136-011-39.

C-19977 - Kenneth L. Renfroe, Trustee, etc., et al.

08-SBd-215-PM 6.7 - Parcel 19614-1, 2, 3 - 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, a permanent easement of footing purposes, a permanent easement for drainage purposes, and underlying fee. Located in the city of San Bernardino at 101 North "I" Street. APNs 0134-331-23, -24.

C-19978 - IN-N-OUT Burger, Inc.

08-SBd-215-PM 6.7 - Parcel 19618-1, 2 - EA 0071V9.

RWC Date: 11/01/07; 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 a temporary easement for construction purposes. Located in the city of San Bernardino at 190 North "H" Street. APN 0134-337-10.

C-19979 - Deepak M. Shah

08-SBd-215-PM 6.7 - Parcel 19619-1, 2 - EA 0071V9.

RWC Date: 11/01/08; RTL Date: 03/01/09. Freeway - add two HOV lanes and operational improvements. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the city of San Bernardino at 797 West 2nd Street. APNs 0134-263-03-15, -16.

C-19980 - City of San Bernardino Municipal Water Department

08-SBd-215-PM 7.6 - Parcel 19631-1, 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 between West 8th Street and West 9th Street. APN 0140-191-41.

C-19981 - Toby T. Potter

08-SBd-215-PM 9.69 - Parcel 19980-1, 3 - EA 444079.

RWC Date: 11/01/08; RTL Date: 02/01/09. Freeway - replace 27th Street overcrossing, construct ramps, improve local streets. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the city of San Bernardino at 1298 27th Street. APN 0148-092-16.

C-19982 - Jose Pedro Molina, et ux.

08-SBd-215-PM 9.70- Parcel 19981-2 - EA 444079.

RWC Date: 11/01/08; RTL Date: 02/01/09. Freeway - replace 27th Street overcrossing, construct ramps, improve local streets. Authorizes condemnation of a temporary easement construction purposes. Located in the city of San Bernardino at 1297 West Alexander Avenue.
APN 0148-092-17.

C-19983 - Mike Fischer, et ux.

08-SBd-215-PM 9.67 - Parcel 19983-1 - EA 444079.

RWC Date: 11/01/08; RTL Date: 02/01/09. Freeway - replace 27th Street overcrossing, construct ramps, improve local streets. Authorizes condemnation of land in fee for a State highway. Located in the city of San Bernardino south of 27th Street and west of Miramonte Drive.
APN 0148-133-18.

C-19984 - Alberto Cardenas, et ux.

08-SBd-215-PM 9.65 - Parcel 20469-1, 2 - EA 444079.

RWC Date: 11/01/08; RTL Date: 02/01/09. Freeway - replace 27th Street overcrossing, construct ramps, improve local streets. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the city of San Bernardino at 1297 West 27th Street. APN 0148-141-20.

C-19985 - Mike Fischer

08-SBd-215-PM 9.62 - Parcel 20470-1, 2 - EA 444079.

RWC Date: 11/01/08; RTL Date: 02/01/09. Freeway - replace 27th Street overcrossing, construct ramps, improve local streets. 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 1355 West 26th Street. APN 0148-134-27.

C-19986 - Steven Tsu-Pong Wuo, et ux.

08-SBd-215-PM 9.23 - Parcel 20474-1, 2 - EA 007199.

RWC Date: 11/01/08; RTL Date: 02/01/09. Freeway - add two HOV lanes and operational improvements. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the city of San Bernardino at 1188 West Highland Avenue. APN 0148-221-05.

C-19987 - Morcos Azer, Trustee, etc., et al.

08-SBd-215-PM 9.22 - Parcel 20475-1 - EA 007199.

RWC Date: 11/01/08; RTL Date: 02/01/09. Freeway - add two HOV lanes and operational improvements. Authorizes condemnation of a temporary easement for construction purposes. Located in the city of San Bernardino south of Highland Avenue east of I-215.
APN 0144-021-26.

C-19988 - MBP-CA Associates, LLC

08-SBd-215-PM 9.84 - Parcel 20478-1, 2, 3, 4 - EA 444079.

RWC Date: 11/01/08; RTL Date: 02/01/09. Freeway - replace 27th Street overcrossing, construct ramps, improve local streets. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent retaining wall easement, and a temporary easement for construction purposes. Located in the city of San Bernardino at 2700 North Little Mountain Drive. APNs 0148-381-01 through 07.

C-19989 - GT Partnership, a Texas General Partnership

08-SBd-215-PM 8.77 - Parcel 20604-1, 2 - EA 0071V9.

RWC Date: 11/01/08; RTL Date: 03/01/09. Freeway - add two HOV lanes and operational improvements. Authorizes condemnation of 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 1796 North "I" Street. APN 0144-101-06.

C-19990 - BNSF Railway Company

08-SBd-215-PM 8.08 - Parcel 20627-1, 2, 3 - EA 0071V9.

RWC Date: 11/01/08; RTL Date: 03/01/09. Freeway - add two HOV lanes and operational improvements. Authorizes condemnation of an aerial easement for State highway purposes, extinguishment of abutter's rights of access to and from the freeway viaduct, and two temporary easements for construction purposes. Located in the city of San Bernardino at the Baseline Street Bridge and I-215. APN 0132-092-14.

C-19991 - BNSF Railway Company

08-SBd-215-PM 8.22/8.85 - Parcel 20628-1, 2, 3, 4, 5, 6, 7, 8 - EA 0071V9.

RWC Date: 11/01/08; RTL Date: 03/01/09. Freeway - add two HOV lanes and operational improvements. Authorizes condemnation of two aerial easements for State highway purposes, extinguishment of abutter's rights of access to and from the freeway viaduct, and six temporary easements for construction purposes. Located in the city of San Bernardino at 16th Street Bridge and I-215. APN 0132-092-14.

C-19992 - BNSF Railway Company

08-SBd-215-PM 9.93/10.07 - Parcels 20693-1, 2, 3; 20694-1, 2, 3 - EA 444079.

RWC Date: 11/01/08; RTL Date: 02/01/09. Freeway - replace 27th Street overcrossing, construct ramps, improve local streets. Authorizes condemnation of two aerial easements for State highway purposes, extinguishment of abutter's rights of access to and from the freeway viaduct, and four temporary easements for construction purposes. Located in the city of San Bernardino north of Cajon Boulevard south of I-215. APNs 0148-123-01; 0268-142-11, -23.

C-19993 - BNSF Railway Company

08-SBd-215-PM 9.39 - Parcel 20699-1, 2, 3, 4 - EA 007199.

RWC Date: 11/01/08; RTL Date: 02/01/09. Freeway - add two HOV lanes and operational improvements. Authorizes condemnation of two aerial easements for State highway purposes, extinguishment of abutter's rights of access to and from the freeway viaduct, and two temporary easements for construction purposes. Located in the city of San Bernardino west of I-215 at Highland Avenue and Cajon Boulevard. APN 0144-061-44.

C-19994 - BNSF Railway Company

08-SBd-215-PM 9.02 - Parcel 20697-1, 2, 3 - EA 007199.

RWC Date: 11/01/08; RTL Date: 02/01/09. Freeway - add two HOV lanes and operational improvements. Authorizes condemnation of an aerial easement for State highway purposes, extinguishment of abutter's rights of access to and from the freeway viaduct, and two temporary easements for construction purposes. Located in the city of San Bernardino west of I-215 at Massachusetts Avenue, north of 19th Street. APN 0144-061-44.