

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 10-11, 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-20007 through C-20024 and C-20026 through C-20036 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-20007 - Windsor Mill Properties, LLC, a California Limited Liability Company

01-Men-101-PM 45.94 - Parcel 11657-1 - 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. Located in the town of Willits at 661 Railroad Avenue.

Assessor's Parcel Numbers (APN)s 06-143-05; 06-062-25; 07-050-05; 07-040-16; and 07-040-14.

C-20008 - William H. McPherson, et al.

03-Nev-49-PM 10.2 - Parcel 35556-1 - EA 2A6909

RWC Date: 01/01/09; RTL Date: 01/01/09. Expressway - widen to 4 lanes, construct left turn lane and frontage road. Authorizes condemnation of land in fee for a State highway. Located near the city of Grass Valley at Braemar Park Way. No APN is currently assigned to the subject parcel.

C-20009 - Rio Mesa Land Company, LLC, a California limited liability company, et al.

05-Mon-1-PM 100.6 - Parcel 10751-1, 2, 3, 4, 5 - EA 315929.

RWC Date: 11/14/08; RTL Date: 01/01/09. Conventional highway - construct new interchange. 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 private road and slope and easements for public utilities to be conveyed to Pacific Gas & Electric and Pacific Bell. Located in the town of Moss Landing near Salinas Road and Highway 1. APN 117-072-004.

C-20010 - Humberto Gonzalez, et ux.

05-Mon-101-PM 94.2 - Parcel 10401-1 - EA 0161E9.

RWC Date: 10/1/09; RTL Date: 02/01/10. Conventional highway - construct interchange. Authorizes condemnation of land in fee for a State highway. Located near the city of Salinas near Pesante Road and Reese Circle. APN 125-014-004.

C-20011 - Siegfried Matt, Trustee, etc., et al.

05-Mon-101-PM 98.8 - Parcel 10467-1 - EA 0161E9.

RWC Date: 05/01/09; RTL Date: 02/01/10. Conventional highway - construct interchange. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Salinas at Highway 101 across from Crazy Horse Drive. APN 127-211-009.

C-20012 - Ben Chirco, et al.

05-Mon-101-PM 94.4 - Parcel 11022 - EA 0161E9.

RWC Date: 10/1/09; RTL Date: 02/01/10. Conventional highway - construct interchange. Authorizes condemnation of extinguishment of abutter's rights of access for a State highway. Located near the city of Salinas near Pesante Road and Reese Circle. APN 133-021-005.

C-20013 - William J. Wade, Trustee, etc., et al.

05-Mon-101-PM 85.5 - Parcel 10881-1, 2, 3 - EA 349509.

RWC Date: 08/01/09; RTL Date: 10/01/09. Conventional highway - reconstruct interchange.

Authorizes condemnation of land for a permanent easement for public road purposes to be relinquished to the City of Salinas, a temporary easement for construction purposes, 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 just south of John Street interchange to south of Airport Boulevard interchange. APN 003-696-013.

C-20014 - Dalbir Singh, et al.

06-Fre-180-PM 71.52 - Parcel 84501 - EA 342519.

RWC Date: 12/01/08; RTL Date: 01/15/09. Expressway - two-lane conventional highway to

four-lane expressway. Authorizes condemnation of land in fee for a State highway. Located in the city of Sanger at 12950 East Kings Canyon Road. APN 314-031-58.

C-20015 - The City of Los Angeles, A Municipal Corporation

07-LA-5-PM 32.7 - Parcel 77830-1, 2 - EA 121819.

RWC Date: 12/16/08; RTL Date: 12/23/08. Freeway - construct one high occupancy vehicle

(HOV) lane in each direction. Authorizes condemnation of a permanent easement for footing purposes and a temporary easement for construction purposes. Located in the area of Sun Valley in the city of Los Angeles at Arminta Street and DeGarmo Avenue. APN 2405-016-901.

C-20016 - Los Angeles County Flood Control District

07-LA-5-PM 32.7 - Parcel 77863-1, 2, 3, 4 - EA 121819.

RWC Date: 12/16/08; RTL Date: 12/23/08. 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, a permanent easement for footing purposes, and a permanent easement for maintenance purposes. Located in the area of Sun Valley in the city of Los Angeles at Burbank Channel from Hollywood Way to Lanark Street. APNs 2403-025-900; 2403-026-900.

C-20017 - Rosy E. Gonzalez

07-LA-5-PM 36.5 - Parcel 77879-1 - EA 121819.

RWC Date: 12/16/08; RTL Date: 12/23/08. Freeway - construct one HOV lane in each direction.

Authorizes condemnation of a temporary easement for construction purposes. Located in the area of Sun Valley in the city of Los Angeles at 12330 Thelma Street. APN 2631-009-052.

C-20018 - Central Mortgage Company, etc., et al.

07-LA-5-PM 36.2 - Parcel 77880-1 - EA 121819.

RWC Date: 12/16/08; RTL Date: 12/23/08. Freeway - construct one HOV lane in each direction.

Authorizes condemnation of a temporary easement for construction purposes. Located in the area of Sun Valley in the city of Los Angeles at 12100 Art Street. APN 2634-037-023.

C-20019 - Los Angeles County Flood Control District

07-LA-5-PM 36.4 - Parcel 77973-1 - EA 121909.

RWC Date: 01/15/09; RTL Date: 01/29/09. Freeway - construct one HOV lane in each direction. Authorizes condemnation of a permanent easement for highway purposes and extinguishment of abutter's rights of access. Located in the area of Arleta in the city of Los Angeles at Tujunga Wash. APN 2629-031-900.

C-20020 - Branford 5, LLC, A California Limited Liability Company

07-LA-5-PM 36.7 - Parcel 77993-1, 2, 3 - EA 121909.

RWC Date: 01/15/09; RTL Date: 01/29/09. 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, a permanent easement for drainage purposes, and a permanent easement for utility purposes to be conveyed to the City of Los Angeles Department of Water and Power. Located in the area of Pacoima in the city of Los Angeles at 12970 and 12990 Branford Street. APN 2629-027-011.

C-20021 - Kasandra Rodriguez, et al.

07-LA-5-PM 37.1 - Parcel 78286-1, 2 - EA 121909.

RWC Date: 01/15/09; RTL Date: 01/29/09. Freeway - construct HOV lane in each direction. Authorizes condemnation of a permanent easement for footing purposes and a temporary easement for construction purposes. Located in the city of Los Angeles at 13111 Mineola Street. APN 2626-017-016.

C-20022 - Rito Salazar, et ux.

07-LA-5-PM 37.5 - Parcel 78291-1 - EA 121909.

RWC Date: 01/15/09; RTL Date: 01/29/09. Freeway - construct one HOV lane in each direction. Authorizes condemnation of a temporary easement for construction purposes. Located in the area of Arleta in the city of Los Angeles at 13289 Sunburst Street. APN 2622-014-031.

C-20023 - Rubia Morales

07-LA-5-PM 37.6 - Parcel 78295-1, 2, 3, 01-01 - EA 121909.

RWC Date: 01/15/09; RTL Date: 01/29/09. Freeway - construct HOV lane in each direction. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for footing purposes, a temporary easement for construction purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Los Angeles at 13339 Bonanza Street. APN 2622-013-041.

C-20024 - Los Angeles County Flood Control District

07-LA-5-PM 32.2 - Parcel 78715-1, 2, 3, 4 - EA 121819.

RWC Date: 12/16/08; RTL Date: 12/23/08. 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, a permanent easement for footing purposes, a permanent easement for maintenance purposes, and a temporary easement for construction purposes. Located in the area of Sun Valley in the city of Los Angeles at the Burbank Channel from Cohasset Street to Hollywood Way. APN 2403-025-901.

C-20025 - Withdrawn.

C-20026 - Los Angeles County Flood Control District

07-LA-5-PM 33.1 - Parcel 79502-1 - EA 121819.

RWC Date: 12/16/08; RTL Date: 12/23/08. Freeway - construct one HOV lane in each direction. Authorizes condemnation of a permanent easement for maintenance purposes. Located in the area of Sun Valley in the city of Los Angeles at the Burbank Channel from Lanark Street and extending northerly approximately 690 feet. APN 2403-025-901.

C-20027 - The City of Los Angeles, A Municipal Corporation,

07-LA-170-PM 20.3 - Parcel 78876-1 - EA 121909.

RWC Date: 01/15/09; RTL Date: 01/29/08. Freeway - construct one HOV lane in each direction. Authorizes condemnation of a permanent easement for highway purposes and extinguishment of abutter's rights of access. Located in the area of Sun Valley in the city of Los Angeles north of Sharp Avenue at the Tujunga Spreading Grounds. APN 2634-004-905.

C-20028 - The City of Los Angeles, A Municipal Corporation

07-LA-170-PM 20.2 - Parcel 79484-1, 2 - EA 121909.

RWC Date: 01/15/09; RTL Date: 01/29/09. 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, and a temporary easement for construction purposes. Located in the area of Sun Valley in the city of Los Angeles north of Sheldon Street at the Tujunga Spreading Grounds. APN 2634-004-911.

C-20029 - Tristar Holding, LLC, a Limited Liability Company, et al.

08-SBd-215-PM 8.43 - Parcel 19161-1, 01-01 - EA 0071V9.

RWC Date: 12/12/08; RTL Date: 06/30/09. 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 1400 North "H" Street. APNs 0145-151-17, -19; 0145-151-20.

C-20030 - Ness Holdings, LLC

08-SBd-215-PM 6.66 - Parcel 19607-1, 2, 3 - EA 0071V9.

RWC Date: 12/12/08; RTL Date: 06/30/09. 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 temporary easement for construction purposes. Located in the city of San Bernardino at 815 West Rialto Avenue. APN 0136-011-46.

C-20031 - Hillwood Enterprises, L.P., et al.

08-SBd-215-PM 10.81 - Parcel 20526-1 - EA 444079.

RWC Date: 11/14/08; RTL Date: 04/01/09. Freeway - replace 27th Street overcrossing, construct ramps, improve local streets. 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 near University Parkway and Cajon Boulevard. APN 0148-011-39.

C-20032 - Hillwood Enterprises, L.P., et al.

08-SBd-215-PM 10.85 - Parcel 20527-1 - EA 444079.

RWC Date: 11/14/08; RTL Date: 04/01/09. Freeway - replace 27th Street overcrossing, construct ramps, improve local streets. Authorizes condemnation of a permanent easement for drainage purposes to be conveyed to the City of San Bernardino. Located in the city of San Bernardino near University Parkway and Cajon Boulevard. APN 0148-011-40.

C-20033 - Joseph A. McGrath

08-SBd-215-PM 8.0 - Parcel 20577-1 - EA 0071V9.

RWC Date: 12/12/08; RTL Date: 06/30/09. 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 995 West Baseline Street. APN 0139-092-12.

C-20034 - David Christopher Gellerman

10-Cal-26-PM 2.67 - Parcel 15621-1 - EA 2A4209.

RWC Date: 03/03/09; RTL Date 03/17/09. Conventional highway - pavement rehabilitation. 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, and underlying fee. Located in the city of Valley Springs at 8562 Penrod Road. APNs 050-054-006, -007.

C-20035 - Heritage Capital L.P., a California Limited Partnership

10-Mer-99-PM 16.4 - Parcel 15882-1, 2 - EA 0K0209.

RWC Date: 12/01/08; RTL Date: 02/15/08. Conventional highway - replace bridges. 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, a temporary easement for construction purposes, and underlying fee. Located in the city of Merced at Black Rascal Bridge. APN 059-330-005.

C-20036 - Caesar J. Muratore, Trustee, etc., et al.

10-Mer-99-PM 16.4 - Parcel 15883-1, 2 - EA 0K0209.

RWC Date: 12/01/08; RTL Date: 02/15/09. Conventional highway - replace bridges. Authorizes condemnation of land in fee for a State Highway, a temporary easement for construction purposes, and underlying fee. Located in the city of Merced at Black Rascal Bridge. APN 059-330-006.