

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: June 10-11, 2009

Reference No.: 2.4b.
Action Item

From: CINDY McKIM
Chief Financial Officer

Prepared by: Timothy L. Craggs
Acting 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-20131 through C-20139 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-20131 - Yolanda Solis

05-Mon-101-PM 92.6 - Parcel 10388-1 - EA 0161E9.

Right of Way Certification (RWC) Date: 10/01/09; Ready to List (RTL) Date: 02/01/10.

Expressway - construct interchanges and operational improvements. Authorizes condemnation for a private non-exclusive right of way for utilities, maintenance, and a private road easement to be conveyed to Mary Carmen Ochoa, Silverio Mora, and Jerry L. Crawford, and extinguishment of abutter's rights of access. Located in the city of Salinas between White Street and Martines Road. Assessor's Parcel Number (APN) 113-112-006.

C-20132 - Johnny M. Lopez, Jr., et ux.

05-Mon-101-PM 92.6 - Parcel 10389-1 - EA 0161E9.

RWC Date: 10/01/09; RTL Date: 02/01/10. Expressway - construct interchanges and operational improvements. Authorizes condemnation for a private non-exclusive right of way for utilities, maintenance, and a private road easement to be conveyed to Mary Carmen Ochoa, Silverio Mora, and Jerry L. Crawford, and extinguishment of abutter's rights of access. Located in the city of Salinas between White Street and Martines Road. APN 113-112-008.

C-20133 - McDowell-Craig Office Systems, Inc.

07-LA-5-PM 2.41- Parcel 78249-1, 2 - EA 2159C9.

RWC Date: 5/12/10; RTL Date: 05/17/10. Freeway - Carmenita Interchange Improvement.

Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a temporary easement for construction and grading purposes. Located in the city of Santa Fe Springs at 13146 Firestone Boulevard. APN 7005-001-023.

C-20134 - Barry D. Hamm, Trustee

07-LA-5-PM 27.7 - Parcel 78411-1 - EA 1786A9.

RWC Date: 05/21/09; RTL Date: 05/29/09. Freeway - modify interchange and realign ramps.

Authorizes condemnation of extinguishment of abutter's rights of access. Located in the city of Glendale at 1600 Flower Street. APN 5627-008-021.

C-20135 - Stephen R. Lima, et al.

10-SJ-5-PM 22.4- Parcel 15991-1 - EA 0E4909.

RWC Date: 09/15/09; RTL Date: 03/04/10. Freeway - modify and reconstruct interchange.

Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of San Joaquin County at 6006 South French Camp Road. APN 193-020-32.

C-20136 - Woodbridge Realty Advisors II, LLC, a California Limited Liability Company, et al.

10-SJ-5-PM 22.4 - Parcel 15994-1, 2, 3, 4 - EA 0E4909.

RWC Date: 09/15/09; RTL Date: 03/04/10. Freeway - modify and reconstruct interchange.

Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary construction easement, and underlying fee. Located in the city of Stockton at 367 West Yettner Road. APN 193-060-37.

C-20137 - Teichert Land Co., a California Corporation

10-SJ-5-PM 22.5 - Parcel 16000-1, 2, 3, 4, 5 - EA 0E4909.

RWC Date: 09/15/09; RTL Date: 03/04/10. Freeway - modify and reconstruct interchange.

Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, permanent easements for public utilities to be conveyed to the City of Stockton. Located in the city of Stockton at 217 Val Dervin Parkway. APN 193-360-21.

C-20138 - Jerry Moore, Trustee, etc., et al.

10-SJ-5-PM 22.5- Parcel 15993-1 - EA 0E4909.

RWC Date: 09/15/09; RTL Date: 03/04/10. Freeway - modify and reconstruct interchange.

Authorizes condemnation of land in fee for a State highway. Located in the city of Stockton at 5769 French Camp Road. APN 193-020-36.

C-20139 - Marvin L. Oates, Trustee, etc., et al.

10-SJ-5-PM 22.5 - Parcel 15998-1, 2 - EA 0E4909.

RWC Date: 09/15/09; RTL Date: 03/04/10. Freeway - modify and reconstruct interchange.

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 the City of Stockton. Located in the city of Stockton at 234 Frank West Circle. APN 193-360-24.