

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: January 13, 2010

Reference No.: 2.4b.  
Action Item

From: NORMA ORTEGA  
Chief Financial Officer

Prepared by: Tony Tavares  
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-20251 through C-20278 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-20251 - Berrenda Mesa Water District

06-Ker-46-PM 16.5 - Parcel 86068-1, 2 - EA 442529.

Right of Way Certification (RWC) Date: 03/19/10; Ready to List (RTL) Date: 06/14/10.

Expressway – two-lane conventional highway to four-lane expressway. 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 Pacific Gas and Electric, and Verizon. Located near the unincorporated area of Lost Hills, west of Bitterwater Road, which is west of State Route (SR) 33 near the north side of SR 46. Assessor's Parcel Number (APN) 057-190-31.

C-20252 - NHM Development Group, LLC

06-Kin-41-PM 15.57 - Parcel 86152-1 - EA 415909.

RWC Date: 08/25/10; RTL Date: 09/25/10. Freeway - asphalt concrete overlay and shoulder widening. Authorizes condemnation of land in fee for a State highway. Located in the city of Kettleman in Kings County. APN 042-150-068.

C-20253 - Vend Catering Supply, Inc., et al. (Lessee)

07-LA-5-PM 2.11- Parcel 77065-A - EA 2159C9.

RWC Date: 06/14/10; RTL Date: 06/17/10. Freeway - Carmenita Interchange Improvement. Authorizes condemnation of lessee's leasehold interest for a State highway. Located in the city of Santa Fe Springs at 13560 Firestone Boulevard. APN 7005-014-046.

C-20254 - Jack In The Box Inc., a Delaware corporation, successor by merger to Foodmaker, Inc., a Delaware corporation

07-LA-5-PM 2.47 - Parcel 77072-1, 2, 3, 4, 5, 6, 01-01 - EA 2159C9.

RWC Date: 06/14/10; RTL Date: 06/17/10. Freeway - Carmenita Interchange Improvement. Authorizes condemnation of land in fee for a State highway, 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, a permanent easement for footing purposes, a permanent easement for drainage purposes to be conveyed to the City of Norwalk, a permanent easement for maintenance purposes, two temporary easements for construction and grading purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 13369 Firestone Boulevard. APN 8070-027-004.

C-20255 - Lowe's HIW, Inc., a Washington Corporation

07-LA-5-PM 2.55 - Parcel 77074-1, 2, 3, 4, 5, 6, 7, 8, 9, 10 - EA 2159C9.

RWC Date: 06/14/10; RTL Date: 06/17/10. Freeway - Carmenita Interchange Improvement. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for highway purposes, two permanent retaining wall footing easements, two permanent easements for drainage purposes, two temporary easement for construction and grading purposes, a permanent easement for maintenance purposes, and a permanent easement for utility purposes to be conveyed to Verizon. Located in the city of Norwalk at 14873 Carmenita Road. APNs 8070-027-001, -010, -012; 8070-013-028, -029.

C-20256 - CBS Outdoor Inc., (Lessee)

07-LA-5-PM 2.75 - Parcel 77075A - EA 2159C9.

RWC Date: 06/14/10; RTL Date: 06/17/10. Freeway - Carmenita Interchange Improvement. Authorizes condemnation of signboard lease. Located in the city of Norwalk near 114736 Dinard Avenue. APN 8078-013-027.

C-20257 - Alfred Lee Zeigler, Trustee, etc., et al.

07-LA-138-PM 54.56 - Parcel 76287-1, 2 - EA 127229.

RWC Date: 04/29/10; RTL: 05/17/10. Conventional highway - widen conventional highway. Authorizes condemnation of land in fee for a State highway, underlying fee, and a temporary easement for construction purposes. Located in the unincorporated area of Littlerock, on Pearblossom Highway west of 82nd Street East. APNs 3049-020-020, -022.

C-20258 - Keppel Union School District

07-LA-138-PM 55.05 - Parcel 76310-1 - EA 127229.

RWC Date: 04/29/10; RTL Date: 05/17/10. Conventional highway - widen conventional highway. Authorizes condemnation of a temporary easement for construction purposes for a State highway. Located in the unincorporated area of Littlerock at 8244 Pearblossom Highway. APN 3049-027-904.

C-20259 - Mansour Salamati, et ux.

07-LA-138-PM 54.06 - Parcel 76365-1 - EA 127229.

RWC Date: 04/29/10; RTL Date: 05/17/10. Conventional highway - widen conventional highway. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the unincorporated area of Littlerock near Pearblossom Highway at 77th Street East. APN 3050-014-052.

C-20260 - Thomas O. Gillis, et ux.

10-Cal-26-PM 0.9 - Parcel 15594-1 - EA 2A4209.

RWC Date: 07/01/10; RTL Date: 07/15/10. Conventional highway - pavement rehabilitation and curb correction. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the unincorporated area of Calaveras County at 10382 Highway 26, Valley Springs. APN 050-016-149.

C-20261 - Joseph Gerald Rodgers

10-Cal-26-PM 1.2 - Parcel 15601-1 - EA 2A4209.

RWC Date: 07/01/10; RTL Date: 07/15/10. Conventional highway - pavement rehabilitation and curb correction. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the unincorporated area of Calaveras County at the northeast corner of Highway 26 and Warren Road. APN 050-016-055.

C-20262 - Ratto Properties, L.P., a California Limited Partnership

10-Cal-26-PM 2.3 - Parcel 15614-1 - EA 2A4209.

RWC Date: 07/01/10; RTL Date: 07/15/10. Conventional highway - pavement rehabilitation and curb correction. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the unincorporated area of Calaveras County at 8867 Highway 26, Valley Springs. APN 050-055-008.

C-20263 - Kenneth Nolan Cook, et ux.

10-Cal-26-PM 2.8 - Parcel 15622-1 - EA 2A4209.

RWC Date: 07/01/10; RTL Date: 07/15/10. Conventional highway - pavement rehabilitation and curb correction. Authorizes condemnation of land in fee for a State highway and underlying fee. Located near the town of Valley Springs at 8544 Highway 26. APN 050-053-004.

C-20264 - Mitchel G. Friday, et al.

10-Cal-26-PM 3.0 - Parcel 15629-1 - EA 2A4209.

RWC Date: 07/01/10; RTL Date: 07/15/10. Conventional highway - pavement rehabilitation and curb correction. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the unincorporated area of Calaveras County at 8189 S. Highway 26, Valley Springs, California. APN 050-012-074.

C-20265 - Curtis Longwith, et al.

10-Cal-26-PM 2.4 - Parcel 15895-1 - EA 2A4209

RWC Date: 07/01/10; RTL Date: 07/15/10. Conventional highway - pavement rehabilitation and curb correction. Authorizes condemnation of land in fee for a State Highway and underlying fee. Located near the town of Valley Springs at 8892 S. Highway 26. APN 050-015-042.

C-20266 - Brady DeLaurenti, et ux.

10-Cal-26-PM 2.9 - Parcel 16117-1 - EA 2A4209.

RWC Date: 07/01/10; RTL Date: 07/15/10. Conventional highway - pavement rehabilitation and curb correction. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the unincorporated area of Calaveras County at 191 Melissa Way, Valley Springs. APN 050-012-093.

C-20267 - The Pacific Telephone and Telegraph Company, a California Corporation

10-Mer-99-PM 7.4 - Parcel 15167-1 - EA 415709.

RWC Date: 01/02/10; RTL Date: 01/02/10. Conventional highway - four-lane expressway to six-lane freeway on eight-lane freeway right of way alignment. Authorizes condemnation of land in fee for a State highway. Located in the city of Merced at the northeast corner of SR 99 and Le Grand Road. APN 066-130-028.

C-20268 - Salvador Munoz Gonzalez, et al.

10-Mer-99-PM 8.4 - Parcel 15173-1 - EA 415709.

RWC Date: 01/02/10; RTL Date: 01/02/10. Conventional highway - four-lane expressway to six-lane freeway on eight-lane freeway right of way alignment. Authorizes condemnation of land in fee for a State highway. Located in the city of Merced at 3237 Pioneer Road. APN 066-120-055.

C-20269 - Victorio Reyes, et ux.

10-Mer-99-PM 8.7 - Parcel 16010-1 - EA 415709.

RWC Date: 01/02/10; RTL Date: 01/02/10. Conventional highway - four-lane expressway to six-lane freeway on eight-lane freeway right of way alignment. Authorizes condemnation of land in fee for a State highway. Located in the city of Merced at 3076 S. SR 99. APN 066-120-22.

C-20270 - Mary L. Conchite, Trustee

10-SJ-26-PM 5.7 - Parcel 15672-1 - EA 0E9309.

RWC Date: 03/30/10; RTL Date: 04/01/10. Conventional highway - install continuous two-way left turn lane. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Stockton at 11276 East SR 26. APN 103-020-05.

C-20271 - Lydia G. Cedillo, Successor Trustee

10-SJ-26-PM 5.7 - Parcel 15673-1 - EA 0E9309.

RWC Date: 03/30/10; RTL Date: 04/01/10. Conventional highway - install continuous two-way left turn lane. Authorizes condemnation of land in fee for a State highway and underlying fee.

Located in the city of Stockton at 11326 East SR 26. APN 103-020-06.

C-20272 - R. Scott Pritchett, et ux.

10-SJ-26-PM 5.8 - Parcel 15674-1 - EA 0E9309

RWC Date: 03/30/10; RTL Date: 04/01/10. Conventional highway - install continuous two-way left turn lane. Authorizes condemnation of land in fee for a State highway and underlying fee.

Located near the town of Linden, in the city of Stockton, at 11388 East SR 26. APN 103-020-07.

C-20273 - Cedarhill Estates Homeowners Association, a California Non-Profit Mutual Benefit Corporation

12-Ora-57-PM 19.4 - Parcel 102649-1, 2, 3 - EA 0F0329.

RWC Date: 01/18/10; RTL Date: 01/18/09. Freeway - SR 57 northbound widening. 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 Fullerton at 2851 Rolling Hills Drive. APN 337-371-46.

C-20274 - California Brea Partners, L.P., a Delaware Limited Partnership

12-Ora-57-PM 19.9 - Parcel 102657-1, 2 - EA 0F0329.

RWC Date: 01/18/10; RTL Date: 01/18/10. Freeway - SR 57 northbound widening. Authorizes condemnation of a permanent easement for footing purposes and a temporary easement for constructions purposes. Located in the city of Brea at 835 East Imperial Highway.

APN 319-102-25.

C-20275 - Mercury Casualty Company, a California Corporation

12-Ora-57-PM 20.1- Parcel 102658-1, 2 - EA 0F0329.

RWC Date: 01/18/10; RTL Date: 01/18/10. Freeway - SR 57 northbound widening. 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 Brea at 1698 Greenbriar Lane.

APN 319-102-26.

C-20276 - Union Oil Company of California, a California Corporation

12-Ora-57-PM 20.6 - Parcel 102660-1, 2 - EA 0F0329.

RWC Date: 01/18/10; RTL Date: 01/18/10. Freeway - SR 57 northbound widening. Authorizes condemnation of a permanent easement for highway purposes and a temporary easement for construction purposes. Located in the city of Brea, north of Birch Street, south of Lambert Road.

APN - Not applicable (N/A).

C-20277 - Union Oil Company of California, a California Corporation

12-Ora-57-PM 20.6 - Parcel 102673-1 - EA 0F0329.

RWC Date: 01/18/10; RTL Date: 01/18/10. Freeway - SR 57 northbound widening. Authorizes condemnation of a temporary easement for construction purposes. Located in the city of Brea,

north of Birch Street, south of Lambert Road, west of SR 57. APN - N/A.

C-20278 - James K. Smith, Trustee, etc., et al.

10-SJ-26-PM 6.1 - Parcel 15678-1 - EA 0E9309.

RWC Date: 03/30/10; RTL Date: 04/01/10. Conventional highway - install continuous two-way left turn lane. Authorizes condemnation of land in fee for a State highway and underlying fee.

Located in the city of Stockton at 11818 East SR 26. APN 103-180-23.