

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: February 24-25, 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-20279 through C-20281 and C-20283 through C-20309 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-20279 - Bank of America, N.T., & S.A., a National Banking Association

03-ED-50-PM 78.6 - Parcel 32916-1, 2 - EA 436019.

RWC Date: 06/01/10; Ready to List (RTL) Date: 06/01/2010.

Conventional highway - add curb, gutter, sidewalk, and bike lane. Authorizes condemnation of fee, and a permanent easement for non-motorized use and utility purposes, to be conveyed to the City of South Lake Tahoe. Located in the city of South Lake Tahoe at 3344 Lake Tahoe Boulevard. Assessor's Parcel Number (APN) 027-361-14.

C-20280 - International Land Group, a California Corporation

03-ED-50-PM 78.4 - Parcel 32917-1, 2 - EA 436019.

RWC Date: 06/01/2010; RTL Date: 06/01/10. Conventional highway - add curb, gutter, sidewalk, and bike lane. Authorizes condemnation of permanent easements for non-motorized use and utility purposes to be conveyed to the City of South Lake Tahoe. Located in the city of South Lake Tahoe at 3284 Lake Tahoe Boulevard. APNs 027-170-02, -15.

C-20281 - Roman Catholic Bishop of Sacramento, a Corporation sole

03-ED-50-PM 77.9 - Parcel 32919-1, 2, 3 - EA 436019.

RWC Date: 06/01/2010; RTL Date: 06/01/10. Conventional highway - add curb, gutter, sidewalk, and bike lane. Authorizes condemnation of underlying fee and permanent easements for non-motorized use and utility purposes to be conveyed to the City of South Lake Tahoe. Located in the city of South Lake Tahoe at 1037 Lyons Avenue. APN 026-190-02.

C-20282 - Withdrawn prior to meeting.

C-20283 - Bruce H. Callander and Barbara R. Callander, Trustees

03-ED-50-PM 77.5 - Parcel 34875-1 - EA 436019.

RWC Date: 06/01/2010; RTL Date: 06/01/10. Conventional highway - add curb, gutter, sidewalk, and bike lane. Authorizes condemnation of an easement for non-motorized use and utility purposes to be conveyed to the City of South Lake Tahoe. Located in the city of South Lake Tahoe at 987 Edgewood Circle. APN 026-221-53-10.

C-20284 - 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 on State Highway 41 in Kings County. APN 042-150-068.

C-20285 - Otani Properties, a California Limited Partnership

07-LA-5-PM 2.25 - Parcel 77064-1-6, 01-01, 02-01, 03-01, 04-01 - 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, temporary easements for construction purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Santa Fe Springs at 13521 Freeway Drive. APNs 8069-016-016, -019.

C-20286 - Industrial Threaded Products, Inc., a California Corporation

07-LA-5-PM 2.05- Parcel 78260-1, 2 - 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 the right and easement to enter the remaining ownership to sever and shore certain improvements at the right of way line, 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 13580 Firestone Boulevard. APN 7005-014-025.

C-20287 - Paul G. Angelos, a married man as his sole and separate property

07-LA-5-PM 2.20 - Parcel 78265-1-9, 01-01, 02-01, 03-01, 04-01, 05-01 - 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, temporary easements for construction purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Santa Fe Springs at 3500 Excelsior Drive. APN 8069-016-010.

C-20288 - Los Angeles County Metropolitan Transportation Authority

07-LA-5-PM 45.2 - Parcel 79715-1, 2, 3 - EA 4H2409.

RWC Date: 02/16/10; RTL Date: 11/08/10. Freeway - replace drainage pipes. Authorizes condemnation of land in a permanent drainage easement for State highway purposes and two temporary easements for construction purposes. Located in the city of Los Angeles, east of Interstate 5, south of Sierra Highway. APN 2601-002-902.

C-20289 - Norma Ramos, et al.

07-LA-138-PM 54.56 - Parcel 76277-1, 2 - EA 127229.

RWC Date: 04/29/10; RTL Date: 05/17/10. Conventional highway - widen conventional highway. Authorizes condemnation of a land in fee for a State highway, underlying fee, and a temporary easement for construction purposes. Located in the unincorporated area of Littlerock at 7715 Pearblossom Highway. APN 3049-018-013.

C-20290 - Southern California District Council of The Assemblies of God, a California Corporation

07-LA-138-PM 55.05 - Parcel 76293-1, 2 - 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, underlying fee, and a temporary easement for construction purposes. Located in the unincorporated area of Littlerock at 8257 Pearblossom Highway. APN 3049-022-007.

C-20291 - Sandra Marina Herring and Pedro Arturo Herring

07-LA-138-PM 54.56 - Parcel 76315-1 - 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 8016 Pearblossom Highway. APN 3049-029-010.

C-20292 - Nicolas F. Garcia, et ux.

07-LA-138-PM 54.06 - Parcel 76364-1 - 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 at 7651 Pearblossom Highway. APN 3050-014-038.

C-20293 - Los Angeles County Flood Control District

07-LA-405-PM 25.2 - Parcel 79514-1, 2, 3 - EA 241309.

RWC Date: 05/11/10; RTL Date: 06/17/10. Freeway - add auxiliary lane. Authorizes condemnation of permanent aerial easement for State highway purposes and two temporary easements for construction purposes. Located in the city of Culver City, near Centinela Avenue and Bristol Parkway. APN 4134-016-904.

C-20294 - Howard Hughes Center Property Owners Association, etc., et al.

07-LA-405-PM 25.2 - Parcel 79537-1, 2, 3 - EA 241309.

RWC Date: 05/11/10; RTL Date: 06/17/10. Freeway - add auxiliary lane. Authorizes condemnation of permanent aerial easements for State highway purposes, and a temporary easement for construction purposes. Located in the city of Culver City, along Center Drive West, south of Bristol Parkway. APNs 4134-016-014, -015.

C-20295 - Los Angeles County Flood Control District

07-LA-405-PM 25.2 - Parcel 79538-1 - EA 241309.

RWC Date: 05/11/10; RTL Date: 06/17/10. Freeway - add auxiliary lane. Authorizes condemnation of a permanent easement for State highway purposes. Located in the city of Culver City near Centinela Avenue and Bristol Parkway. APN 4134-018-900.

C-20296 - Ben Espinosa, et al.

10-Mer-99-PM 8.8 - Parcel 15179-1 - 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 and extinguishment of abutter's rights of access. Located in the city of Merced at 2900 South State Highway 99. APN 066-120-015.

C-20297 - Marino Brothers Ranches, a California General Partnership

10-Mer-99-PM 9.4 - Parcel 15180-1 - 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 and extinguishment of abutter's rights of access. Located in the city of Merced at the southeast corner of State Route 99 and Mariposa Road, approximately 4 1/2 miles south of the city of Merced. APNs 066-120-010, -011, -059.

C-20298 - Budget Finance Company, a California Corporation

10-Mer-99-PM 10.0 - Parcel 15188-1 - 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 town of Merced at 3895 McHenry Road.

APN 066-110-012.

C-20299 - Ferro Rentals, LLC

10-Mer-152-PM 21.6 - Parcel 15557-1, 2 - EA 0H7009.

RWC Date: 03/30/10; RTL Date: 04/15/10. Conventional highway - install traffic signals and lighting. Authorizes condemnation of a permanent easement for right of way for traffic signals and intersection improvements for a State highway and a temporary easement for highway construction. Located in the city of Los Banos at 1711 East Pacheco Boulevard.

APN 083-130-014.

C-20300 - Vincent P. Rotondaro as Successor Co-Trustee of the Frank Rotondaro 1993 Trust, etc., et al.

10-Mer-152-PM 21.6 - Parcel 15636-1, 2 - EA 0H7009.

RWC Date: 03/30/10; RTL Date: 04/15/10. Conventional highway - install traffic signals and lighting. Authorizes condemnation of a permanent easement for right of way for traffic signals and intersection improvements for a State highway and a temporary easement for highway construction. Located in the city of Los Banos at 1704 East Pacheco Boulevard. APN 428-122-03.

C-20301 - Solari Properties, L.P., a California Limited Partnership, et al.

10-SJ-26-PM 5.3 - Parcel 15669-1 - 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 9889 East Finkbohner Road. APN 103-020-01.

C-20302 - Daniel Evans, et al.

10-SJ-26-PM 5.5 - Parcel 15670-1 - 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 10962 East Highway 26. APN 103-020-003.

C-20303 - Charles Leubner, et ux.

10-SJ-26-PM 5.8 - Parcel 15675-1 - 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 2365 N. Beecher Road. APN 103-020-08.

C-20304 - John Robert Benson, as Trustee of the Henrietta Benson Trust, etc., et al.

11-Imp-78-PM 11.5 - Parcel 32663-1, 2, 3, 4, 5 - EA 167899.

RWC Date: 04/02/10; RTL Date: 04/09/10. Expressway - construct four-lane expressway (Stage 3). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, underlying fee, and permanent easements for a public road, powerline, irrigation delivery, and irrigation drainage to be conveyed to Imperial County, Imperial Irrigation District, and adjacent private landowners. Located near the city of Brawley at the northwest corner of Hovley Road and Fredericks Road. APN 037-130-042.

C-20305 - Phillip J. Salisbury, as Trustee, etc., et al.

11-Imp-78-PM 11.4 - Parcel 32665-1, 2, 4, 5 - EA 167899.

RWC Date: 04/02/10; RTL Date: 04/09/10. Expressway - construct four-lane expressway (Stage 3). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for a public road, an easement for construction, maintenance and/or use of a canal to be conveyed to Imperial Irrigation District, a temporary easement for construction purposes, and excess land in fee to which the owner has consented. Located near the city of Brawley at the northwest corner of Hovley Road and Fredericks Road. APN 037-130-20.

C-20306 - David M. Korrey, as trustee of the Stafford Edward Hannon and Fluvia F. Hannon Trust, etc., et al.

11-Imp-78-PM R10.4/10.9 - Parcels 32666-1, 2, 3; 32667-1, 2 - EA 167899.

RWC Date: 04/02/10; RTL Date: 04/09/10. Expressway - construct four-lane expressway (Stage 3). Authorizes condemnation of permanent easements for a drainage canal to be conveyed to Imperial Irrigation District for a State highway and temporary easements for construction purposes. Located in the city of Brawley near Fredricks Road and Brandt Road. APNs 037-130-022, -023.

C-20307 - Heirs and Devisees of Aileen K. Dutton, etc.,

11-Imp-78-PM 11.8 - Parcel 34423-1, 2 - EA 167899.

RWC Date: 04/02/10; RTL Date: 04/09/10. Expressway - construct four-lane expressway (Stage 3). Authorizes condemnation of underlying fee for a State highway, extinguishment of abutter's rights of access, and a permanent power line easement for construction, operating, and maintaining underground and/or overhead power lines to be conveyed to Imperial Irrigation District. Located near the city of Brawley near the northeast corner of Hovley Road and Fredericks Road. APN 037-130-051.

C-20308- David M. Korrey, as trustee of the Stafford Edward Hannon and Fluvia F. Hannon Trust, etc., et al.

11-Imp-78-PM R 9.8/10.2 - Parcel 32671-1 - EA 167899.

RWC Date: 04/02/10; RTL Date: 04/09/10. Expressway - construction four-lane expressway (Stage 3). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Brawley near Fredricks Road and Kalin Road. APN 046-010-001.

C-20309 - Sam M. Motoike, Trustee, etc., et al.

10-SJ-26-PM 5.7 - Parcel 15671-1 - 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 11176 E. Highway 26. APN 103-020-04.