

# Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: January 19-20, 2011

Reference No.: 2.4b.  
Action Item

From: NORMA ORTEGA  
Chief Financial Officer

Prepared by: Brent L. Green  
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-20439 through Resolution C-20471 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-20439 - Phillip Joseph Martin, Trustee

06-Kin-41-PM 42.2 - Parcel 85889-1, 2 - EA 416009.

Right of Way Certification (RWC) Date: 04/15/11; Ready to List (RTL) Date: 06/15/11.

Conventional highway - Rehabilitate roadway and widen shoulders. Authorizes condemnation of a temporary easement for highway construction for a State highway and a permanent easement for utility purposes to be conveyed to Pacific Gas and Electric (PG & E). Located near the city of Lemoore on the east side of State Route (SR) 41, north of Hanford Armona Road.

Assessor's Parcel Number (APN) 021-020-028.

C-20440 - Douglas A. Carreiro, et ux.

06-Kin-41-PM 42.9 - Parcel 85893-1, 2 - EA 416009.

RWC Date: 04/15/11; RTL Date: 06/15/11. Conventional highway - Rehabilitate roadway and widen shoulders. Authorizes condemnation of a temporary easement for highway construction for a State highway and a permanent easement for utility purposes to be conveyed to PG & E. Located in the city of Lemoore east of SR 41, north of Lacey Boulevard (Blvd). APN 004-261-019.

C-20441 - Sammy D. Carreiro, et ux.

06-Kin-41-PM 43.0 - Parcel 85894-1, 2 - EA 416009.

RWC Date: 04/15/11; RTL Date: 06/15/11. Conventional highway - Rehabilitate roadway and widen shoulders. Authorizes condemnation of a temporary easement for highway construction for a State highway and a permanent easement for utility purposes to be conveyed to PG & E. Located near the city of Lemoore east of SR 41, north of Lacey Blvd. APN 004-261-051.

C-20442 - Ben Carreiro and Sons, a Partnership

06-Kin-41-PM 43.15 - Parcel 85895-1, 2 - EA 416009.

RWC Date: 04/15/11; RTL Date: 06/15/11. Conventional highway - Rehabilitate roadway and widen shoulders. Authorizes condemnation of a temporary easement for highway construction for a State highway and a permanent easement for utility purposes to be conveyed to PG & E. Located in the city of Lemoore at east of SR 41, north of Lacey Blvd. APN 004-261-016.

C-20443 - Sandy Rogers, et al.

06-Kin-41-PM 43.35 - Parcel 85900-1, 2 - EA 416009.

RWC Date: 04/15/11; RTL Date: 06/15/11. Conventional highway - Rehabilitate roadway and widen shoulders. Authorizes condemnation of a temporary easement for highway construction for a State highway and a permanent easement for utility purposes to be conveyed to PG & E. Located near the city of Lemoore on the east side of SR 41, north of Hanford Armona Road.

APNs 004-260-012, 013.

C-20444 - Kishor M. Balsara

06-Kin-41-PM 43.65 - Parcel 86324-1, 2 - EA 416009.

RWC Date: 04/15/11; RTL Date: 06/15/11. Conventional highway - Rehabilitate roadway and widen shoulders. Authorizes condemnation of a temporary easement for highway construction for a State highway and a permanent easement for utility purposes to be conveyed to PG & E. Located near the city of Lemoore approximately 800 feet south of Grangeville Blvd. APN 004-261-051.

C-20445 - 12990 Pacoima, a California Limited Liability Company, et al.

07-LA-5-PM 36.8- Parcel 77993-1, 2, 3 - EA 121909.

RWC Date: 12/07/09; RTL Date: 10/06/09. Freeway - construct one high occupancy vehicle (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 city of Los Angeles at 12970 and 12990 Branford Street. APNs 2629-027-036 through -067.

C-20446 - The City of Los Angeles, Department of Water and Power

07-LA-405-PM 33.0 - Parcel 79709-1 - EA 120309.

RWC Date: 06/28/11; RTL Date: Design Build. Freeway - widening for HOV lane. Authorizes condemnation of a temporary easement for construction purposes. Located in the city of Los Angeles at 121 South Church Lane. APN 4365-001-903.

C-20447 - June H. Dickens, Trustee

08-SBd-395-PM 27.6 - Parcel 21379-1 - EA 0C1219.

RWC Date: 05/13/11; RTL Date: 06/15/11. Conventional highway - widen median and shoulders, install median and shoulder rumble strips. Authorizes condemnation of land in fee for a State highway. Located near the city of Adelanto, west of Route 395 approximately one-half mile north of Shadow Mountain Road. APN 0462-671-50.

C-20448 - Seized Property, a Limited Liability Company

08-SBd-395-PM 33.7 - Parcel 21408-1 - EA 0C1219.

RWC Date: 05/13/11; RTL Date: 06/15/11. Conventional highway - widen median and shoulders, install median and shoulder rumble strips. Authorizes condemnation of land in fee for a State highway. Located near the city of Adelanto, west of Route 395, north of Macon Road. APN 0493-062-60.

C-20449 - R & R Properties, LLC, a California Limited Liability Company

08-SBd-395-PM 19.1 - Parcel 21289-1 - EA 0C1219.

RWC Date: 05/13/11; RTL Date: 06/15/11. Conventional highway - widen median and shoulders, install median and shoulder rumble strips. Authorizes condemnation of land in fee for a State highway. Located near the city of Adelanto, south of intersection of Route 395 and Egert Road. APNs 0460-171-30, -32.

C-20450 - Nancy Pham-Dinh

08-SBd-395-PM 19.2 - Parcel 21291-1 - EA 0C1219.

RWC Date: 05/13/11; RTL Date: 06/15/11. Conventional highway - widen median and shoulders, install median and shoulder rumble strips. Authorizes condemnation of land in fee for a State highway. Located near the city of Adelanto, north of the intersection of Route 395 and Egert Road. APN 0460-171-26.

C-20451 - The Malad Family Limited Partnership, a California limited partnership

08-SBd-395-PM 19.8 - Parcel 21307-1 - EA 0C1219.

RWC Date: 05/13/11; RTL Date: 06/15/11. Conventional highway - widen median and shoulders, install median and shoulder rumble strips. Authorizes condemnation of land in fee for a State highway. Located near the city of Adelanto, south of the intersection of Route 395 and Colusa Road. APN 0460-161-40.

C-20452 - Tam H. Luong, et ux.

08-SBd-395-PM 20.3 - Parcel 21317-1 - EA 0C1219.

RWC Date: 05/13/11; RTL Date: 06/15/11. Conventional highway - widen median and shoulders, install median and shoulder rumble strips. Authorizes condemnation of land in fee for a State highway. Located near the city of Adelanto, approximately one quarter mile north of the intersection of Route 395 and Colusa Road. APN 0460-151-09.

C-20453 - Homi R. Patel, et al.

08-SBd-395-PM 22.7 - Parcel 21348-1 - EA 0C1219.

RWC Date: 05/13/11; RTL Date: 06/15/11. Conventional highway - widen median and shoulders, install median and shoulder rumble strips. Authorizes condemnation of land in fee for a State highway. Located near the city of Adelanto, approximately 1,200 feet north of Route 395 and Sierra Road. APN 0460-062-15.

C-20454 - Jamshid Nowain, Trustee, etc., et al.

08-SBd-395-PM 24.5 - Parcel 21359-1 - EA 0C1219.

RWC Date: 05/13/11; RTL Date: 06/15/11. Conventional highway - widen median and shoulders, install median and shoulder rumble strips. Authorizes condemnation of land in fee for a State highway. Located near the city of Adelanto, west side of Route 395 approximately three miles south of the intersection of Route 395 and Shadow Mountain Road. APN 0460-291-66.

C-20455 - 26 Land Properties, LLC

08-SBd-395-PM 30.7 - Parcel 21394-1, 2 - EA 0C1219.

RWC Date: 05/13/11; RTL Date: 06/15/11. Conventional highway - widen median and shoulders, install median and shoulder rumble strips. Authorizes condemnation of land in fee for a State highway. Located near the city of Adelanto, north of the intersection of Route 395 and Princess Pat Mine Road. APN 0462-063-60.

C-20456 - J.J.S. & G., Limited, a California Limited Partnership

10-SJ-5-PM 22.4 - Parcel 15990-1, 2, 3, 4, 5 - EA 0E4909.

RWC Date: 01/21/11; RTL Date: 02/01/11. 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 highway construction, and an easement for public utilities to be conveyed to City of Stockton. Located in the city of Stockton at 251 Yettner Road. APN 193-060-51.

C-20457 - Makhan Singh, et ux.

10-Mer-99-PM 2.2 - Parcel 15144-1, 01-01 - EA 415809.

RWC Date: 03/17/11; RTL Date: 03/17/11. 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, extinguishment of abutter's rights of access, and excess land in fee to which the owner has consented. Located near the city of Merced at La Branza Road and SR 99. APN 075-110-008.

C-20458 - Jennifer Harris-Bliss, Trustee

10-Mer-99-PM 2.8 - Parcel 15145-1A, 1B, 01-01A, 01-01B - EA 415809.

RWC Date: 03/17/11; RTL Date: 03/17/11. 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, extinguishment of abutter's rights of access, underlying fee, and excess land in fee to which the owner has consented. Located near the city of Merced at Plainsburg Road and SR 99. APNs 075-110-006, -007.

C-20459 - Daryll P. Quaresma, Trustees, etc., et al.

10-Mer-99-PM 2.9 - Parcel 15146-1A, 1B, 1C, 01-01A, 01-01B - EA 415809.

RWC Date: 03/17/11; RTL Date: 03/17/11. 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, extinguishment of abutter's rights of access, underlying fee, and excess land in fee to which the owner has consented. Located near the city of Merced at 7096 Plainsburg Road, LeGrand. APN 075-110-004.

C-20460 - Lance C. Ioppini, et ux.

10-Mer-99-PM 3.5 - Parcel 15149-1A, 1B, 1C, 1D, 1E, 2A, 2B - EA 415809.

RWC Date: 03/17/11; RTL Date: 03/17/11. 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, extinguishment of abutter's rights of access, and underlying fee. Located near the city of Merced at Plainsburg Road, LeGrand. APN 067-180-014.

C-20461 - Michael K. Kleiber, et ux.

10-Mer-99-PM 7.2/8.1 - Parcel 15162-1; 15164-1, 2, 01-01; 15170-1A, 1B, 2, 3, 4 - EA 415709.

RWC Date: 05/31/10; RTL Date: 05/31/10. Freeway - 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, a permanent easement for roadway purposes, a permanent easement for Merced Irrigation District, temporary easements for construction purposes, excess land in fee to which the owner has consented, extinguishment of abutter's rights of access, and underlying fee. Located near the unincorporated area of Merced near the northeast corner of Worden Avenue and Arboleda Drive and the southwest corner of LeGrand Road and Arboleda Drive. APNs 067-100-040; 066-180-007; 066-130-033, -034.

C-20462 - Merced County, a Body Politic and Corporate

10-Mer-165-PM 27.90 - Parcel 14561-1 - EA 381509.

RWC Date: 04/01/11; RTL Date: 04/15/11. Conventional highway - Asphalt concrete overlay, digouts, intersection improvements and shoulder widening. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Merced County at 2738 Lander Avenue, Stevinson. APN 055-160-001.

C-20463 - Lourdes Aguilar, et al.

10-Mer-165-PM 28.3 - Parcel 14571-1A, 1B, 2 - EA 381509.

RWC Date: 04/01/11; RTL Date: 04/15/11. Conventional highway - Asphalt concrete overlay, digouts, intersection improvements and shoulder widening. Authorizes condemnation of land in fee for a State highway, a permanent easement for utility purposes to be conveyed to Merquin County Water District, and underlying fee. Located near the unincorporated area of Stevinson at the southeast corner of Lander and Second Avenues. APN 055-330-029.

C-20464 - Manuel Ramirez, et ux.

10-Mer-165-PM 28.46 - Parcel 14572-1A, 1B, 2 - EA 381509.

RWC Date: 04/01/11; RTL Date: 04/15/11. Conventional highway - Asphalt concrete overlay, digouts, intersection improvements and shoulder widening. Authorizes condemnation of land in fee for a State highway, a temporary easement for construction, and underlying fee. Located near the unincorporated area of Stevinson at 19974 West Second Avenue. APN 055-330-002.

C-20465 - Gallo Vineyards, Inc., a California Corporation

10-Mer-165-PM 28.46/29.95 - Parcel 14752-1A, 1B, 2A, 2B, 3; 14773-1A, 1B, 2 - EA 381509.

RWC Date: 04/01/11; RTL Date: 04/15/11. Conventional highway - Asphalt concrete overlay, digouts, intersection improvements and shoulder widening. Authorizes condemnation of land in fee for a State highway, a permanent easement for irrigation purposes and pipeline facilities to be conveyed to Merquin Water District, and underlying fee. Located near the unincorporated area of Stevinson at the west side of Lander Avenue (south of River Road). APNs 055-080-001, -035; 055-090-023, -031.

C-20466 - Maria E. Carbajal, et al.

10-Mer-165-PM 28.83 - Parcel 14574-1A, 1B - EA 381509.

RWC Date: 04/01/11; RTL Date: 04/15/11. Conventional highway - Asphalt concrete overlay, digouts, intersection improvements and shoulder widening. Authorizes condemnation of land in fee for a State highway and underlying fee. Located near the unincorporated area of Stevinson at 3488 Lander Avenue. APN 055-320-024.

C-20467 - Lourdes Aguilar, et al.

10-Mer-165-PM 26.97/27.22 - Parcel 14763-1, 2 - EA 381509.

RWC Date: 04/01/11; RTL Date: 04/15/11. Conventional highway - Asphalt concrete overlay, digouts, intersection improvements and shoulder widening. Authorizes condemnation of land in fee for a State highway and a permanent easement for utility purposes to be conveyed to Merquin County Water District. Located near the unincorporated area of Stevinson at the northeast corner of SR 140 and SR 165. APN 055-231-002.

C-20468 - Larry F. Argo, et ux.

10-Mer-165-PM 28.58 - Parcel 14772-1 - EA 381509.

RWC Date: 04/01/11; RTL Date: 04/15/11. Conventional highway - Asphalt concrete overlay, digouts, intersection improvements and shoulder widening. Authorizes condemnation of land in fee for a State highway. Located near the unincorporated area of Stevinson at 3488 Lander Avenue. APN 055-330-01.

C-20469 - Stevinson Water District, a Public Corporation

10-Mer-165-PM 27.65 - Parcel 15086-1A, 1B - EA 381509.

RWC Date: 04/01/11; RTL Date: 04/15/11. Conventional highway - Asphalt concrete overlay, digouts, intersection improvements and shoulder widening. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the unincorporated area of Merced County at the east side and west side of SR 165. APN N/A.

C-20470 - Merquin County Water District, a Public Corporation

10-Mer-165-PM 27.40 - Parcel 15087-1 - EA 381509.

RWC Date: 04/01/11; RTL Date: 04/15/11. Conventional highway - Asphalt concrete overlay, digouts, intersection improvements and shoulder widening. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Merced County at the east side and west side of SR 165. APN 055-177-011.

C-20471 - The City of Anaheim, California, a California Municipal Corporation

12-Ora-57-PM 13.0 - Parcel 102676-1 - EA 0F0409.

RWC Date: 03/01/11; RTL Date: 03/01/11. Freeway - add northbound lane. Authorizes condemnation of a temporary easement for construction purposes for a State highway. Located in the city of Anaheim at 1370 South Sanderson Avenue. APNs 253-631-27, -28.