

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: May 23, 2012

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-20852 through C-20867 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-20852 - HFW III, LLC

04-Son-12-PM 32.9 - Parcel 58705-3,-4,-6,-7,-8,-9 - EA 3A3309.

Right of Way Certification (RWC) Date: 06/01/2012; Ready to List (RTL) Date: 06/07/2012; Conventional highway - installing traffic signals and widening the roadway at the intersection of State Route (SR) 12 and Madrone Road in Sonoma County. Authorizes condemnation of land in fee for a State highway, a permanent drainage easement, a permanent easement to be conveyed to PG&E for utility purposes, and two temporary easements for highway construction. Located in the unincorporated area of Sonoma County at 15401 Sonoma Highway. Assessor's Parcel Number (APN) 056-012-008.

C-20853- Zelman Petaluma, LLC, a Delaware limited liability company

04-Son-101-PM 7.65 - Parcel 60981-1, 2 - EA 0A1859

RWC Date 08/01/12; RTL Date: 08/24/12. Freeway - Old Redwood Highway Interchange Project (ORHIP) - reconstruct southbound off-ramp along Route 101. Authorizes condemnation of land in fee for a State highway and a temporary easement for highway construction. Located in the city of Petaluma at 200 Stony Point Road. APNs 007-422-019, -037, -039.

C-20854 - B & V Investments, LLC, a California limited liability company

04-Son-101-PM 7.35- Parcel 60984-1, 2 - EA 0A1859.

RWC Date: 08/01/12; RTL Date: 08/24/12. Freeway - ORHIP - reconstruct southbound off-ramp along Route 101. Authorizes condemnation of land in fee for a State highway and a temporary easement for highway construction. Located in the city of Petaluma at 1370 Auto Center Drive. APN 007-412-070.

C-20855 - Chevron USA, Inc. DBA Chevron Products Co.

04-Son-101-PM 7.65- Parcel 60987-1, 2 - EA 0A1859.

RWC Date: 08/01/12; RTL Date: 08/24/12. Freeway - ORHIP - reconstruct southbound off-ramp along Route 101. Authorizes condemnation of a permanent easement for drainage purposes and a temporary easement for highway construction. Located in the city of Petaluma at 4999 North Petaluma Boulevard. APNs 007-422-034, -035, -036.

C-20856 - Raul Torrico, et al.

07-LA-10-PM 31.3 - Parcel 79791-1 - EA 245409.

RWC Date: 05/17/11; RTL Date: 08/12/11 (Design Build - under construction).

Freeway - interchange improvements. Authorizes condemnation of a temporary easement for construction purposes. Located in the city of Baldwin Park at 12760 Dalewood Street. APN 8564-002-034.

C-20857 - City of Los Angeles, a municipal corporation

07-LA-10-PM 31.3 - Parcel 79795-1, 2 - EA 245409.

RWC Date: 05/17/11; RTL Date: 08/12/11 (Design Build - under construction).

Freeway - interchange improvements. Authorizes condemnation of a permanent easement for State highway purposes, extinguishment of abutter's rights of access, and a temporary easement for construction purposes. Located in the city of Baldwin Park between Dalewood Street on the north and Ledford Street on the south. APN 8564-002-270.

C-20858 - San Gabriel Valley Water Company, a California corporation

07-LA-10-PM 31.7 - Parcel 79806-1, 2 - EA 245409.

RWC Date: 05/17/11; RTL Date: 08/12/11 (Design Build - under construction).

Freeway - interchange improvements. 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 Baldwin Park at the southwest corner of Dalewood Street and Bess Avenue. APNs 8559-009-030, -036, -037.

C-20859 - 940-970 Lakes Drive Holdings, LLC, a Maryland Limited Liability Company

07-LA-10-PM 35.4 - Parcel 79819-1, 2 - EA 1170U9.

RWC Date: 06/08/12; RTL Date: 06/15/12. Freeway - construct high occupancy vehicle (HOV) lanes and soundwalls. 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 West Covina at 940-950 Lakes Drive. APN 8474-011-028.

C-20860 - Pried Holding Company LLC, a Delaware Limited Liability Company

07-LA-10-PM 35.7 - Parcel 79822-1, 2 - EA 1170U9.

RWC Date: 06/08/12; RTL Date: 06/15/12. Freeway - construct HOV lanes and soundwalls. 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 West Covina at 195 South Glendora Avenue. APN 8474-011-046.

C-20861 - Rosewood Properties, LLC, an Alaska limited liability company, et al.

08-SBd-10-PM 26.36 - Parcel 21743-1 - EA 448129.

RWC Date: 07/01/13; RTL Date: 08/01/13. Freeway - Reconstruct interchange at Interstate 10 and Tippecanoe Avenue. Authorizes condemnation of land in fee for a State highway. Located in the city of San Bernardino at 1185 East Rosewood Drive. APN 0281-161-41.

C-20862 - Say & Seng Phonpradith

10-SJ-4-PM 15.3 - Parcel 16445-1, 16445-01-01 - EA 0S1109.

RWC Date: 01/01/13; RTL Date: 02/01/13. Freeway - extend freeway from west end of SR 4 to Navy Drive. Authorizes condemnation of land in fee for a State highway and land in fee which is a remnant and would be of little market value. Located in the unincorporated area of Stockton at 1743 West Hazelton Avenue. APN 145-140-15.

C-20863 - Vanessa Miranda

10-SJ-4-PM 15.3 - Parcel 16448-1 - EA 0S1109.

RWC Date: 01/01/13; RTL Date: 02/01/13. Freeway - extend freeway from west end of SR 4 to Navy Drive. Authorizes condemnation of land in fee for a State highway. Located in the city of Stockton at 1709 West Hazelton Avenue. APN 145-140-18.

C-20864 - Sonora Market, et al.

10-SJ-4-PM 15.3 - Parcel 16455-A - EA 0S1109.

RWC Date: 01/01/13; RTL Date: 02/01/13. Freeway - extend freeway from west end of SR 4 to Navy Drive. Authorizes condemnation of interests relating to business goodwill from the property operated on the described parcel. Located in the city of Stockton at 545 South Fresno Avenue.

C-20865 - Clear Channel Outdoor Advertising, Inc.

10-SJ-99-PM 16.3 - Parcel 16163-A - EA 3A1009.

RWC Date: 01/15/12; RTL Date: 03/30/12. Freeway - widen to six lanes. Authorizes condemnation of leasehold interest of outdoor advertising company. Located in the city of Stockton at 3206 SR 99. APN 179-560-01.

C-20866 - Frank Saunders, Trustee, etc., et al.

11-SD-805-PM 5.0 - Parcel 34846-1 - EA 2T1829.

RWC Date: 06/07/12; RTL Date: 06/14/12. Freeway - construct Direct Access Ramp. Authorizes condemnation of a temporary easement for construction purposes. Located in the city of Chula Vista at 1167 Nacion Avenue. APN 639-641-43.

C-20867 - Sylvia Perez

11-SD-805-PM 5.0 - Parcel 34847-1 - EA 2T1829.

RWC Date: 06/07/12; RTL Date: 06/14/12. Freeway - construct Direct Access Ramp. Authorizes condemnation of a temporary easement for construction purposes. Located in the city of Chula Vista at 1171 Nacion Avenue. APN 639-641-44.