

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: December 5-6, 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-20981 through C-20988 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 has 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-20981 - The City of Burbank, a municipal corporation

07-LA-5-PM 29.6 - Parcel 79722 -1, 2 - EA 1218W9.

Right of Way Certification (RWC) Date: 05/17/12; Ready to List (RTL) Date: 05/23/12.

Freeway - construct high occupancy vehicle (HOV) lane and interchange modification.

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 Burbank at West Burbank Boulevard and South Front Street.

Assessor's Parcel Number (APN) 2449-037-900.

C-20982 - Southern California Edison Company, a corporation

07-LA-5-PM 6.5 - Parcel 80017-1 - EA 215959.

RWC Date: 02/04/13; RTL Date: 02/18/13. Freeway - widen Interstate 5 to add HOV and mixed-flow lanes. Authorizes condemnation of a temporary easement for construction purposes.

Located in the city of Downey near 11301 Dollison Drive. APN 8019-033-800.

C-20983 - Juan Tanaka and Samantha Tanaka

07-LA-60-PM 22.3 - Parcel 79951-1, 2, 3, 4, 5 - EA 224109.

RWC Date: 08/15/13; RTL Date: 08/23/13. Freeway - construct interchange. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, easements for utility purposes to be conveyed to Southern California Edison and Verizon, and an easement of utility and drainage purposes to be conveyed to the owners of Lots 1 to 99, inclusive, of Tract No. 25391 in the County of

Los Angeles. Located in the city of Diamond Bar at 20521 Flintgate Drive. APN 8762-034-001.

C-20984 - Leonard A. Sigdestad

08-SBd-15-PM R14.15 - Parcel 22548-1 - EA 0K7109.

RWC Date: 07/31/14; RTL Date: Design-Build. Freeway - add additional through lane in each direction on Interstate 15 (I-15) from Glen Helen Parkway to the I-15/Interstate 215 (I-215) interchange and reconfigure connectors to the I-215 truck bypass lanes and auxiliary lanes.

Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of San Bernardino County south of Cajon Boulevard east of Kenwood Avenue. APN 0349-115-01.

C-20985 - Southern California Gas Company, a Corporation

08-SBd-15-PM R15.51 - Parcel 22607-1 - EA 0K7109.

RWC Date: 07/31/14; RTL Date: Design-Build. Freeway - add additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/I-215 interchange and reconfigure connectors to the I-215 truck bypass lanes and auxiliary lanes. Authorizes condemnation of land

in fee for a State highway and extinguishment of abutter's rights of access. Located in the unincorporated area of San Bernardino County at the north side of Cajon Boulevard, west of Kenwood Avenue. APN 0349-062-48.

C-20986 - JP Preferred, LLC, an Alaska limited liability company

08-SBd-215-PM 17.2/17.46 - Parcel 22514-1, 2 - EA 0K7109.

RWC Date: 07/31/14; RTL Date: Design-Build. Freeway - add additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/I-215 interchange and reconfigure connectors to the I-215 truck bypass lanes and auxiliary lanes. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of San Bernardino County at the south side of Old Cajon Boulevard, west of Devore Road. APN 0349-174-03.

C-20987 - Jerjis J. Denno and Shatha Denno

08-SBd-215-PM 17.27 - Parcel 22515-1 - EA 0K7109.

RWC Date: 07/31/14; RTL Date: Design-Build. Freeway - add additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/I-215 interchange and reconfigure connectors to the I-215 truck bypass lanes and auxiliary lanes. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of San Bernardino County south of Old Cajon Boulevard, west of Devore Road. APN 0349-174-02.

C-20988 - Al M. Plies, et al.

08-SBd-215-PM 17.35 - Parcel 22517-1 - EA 0K7109.

RWC Date: 07/31/14; RTL Date: Design-Build. Freeway - add additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/I-215 interchange and reconfigure connectors to the I-215 truck bypass lanes and auxiliary lanes. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of San Bernardino County south of Old Cajon Boulevard, west of Devore Road. APN 0349-174-01.