

# Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: January 29, 2014

Reference No: 2.4b.  
Action Item

From: STEVEN KECK  
Acting Chief Financial Officer

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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-21165 through C-21178, 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. The 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-21165 - Rikuo Corporation, a California Corporation

08-SBd-58-PM R25.82 - Parcel 22823-1, 2, 3 - EA 043519.

Right of Way Certification (RWC) Date: 04/15/14; Ready to List (RTL) Date: 05/15/14.

Expressway - realign and widen State Route (SR) 58 to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and permanent easements for State highway purposes. Located in the unincorporated area of Hinkley between Valley Wells Road and Locust Street.

Assessor's Parcel Numbers (APN) 0494-122-03, -04; 0494-311-18; 0494-312-23.

C-21166 - Dorothy A. Ohai

08-SBd-58-PM R26.38 - Parcel 22832-1, 2 - EA 043519.

RWC Date: 04/15/14; RTL Date: 05/15/14. Expressway - realign and widen SR 58 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 State highway purposes. Located in the unincorporated area of Hinkley at 36644 and 36620 Hinkley Road. APNs 0494-312-19, -20, -21.

C-21167 - Reynolds Ohai

08-SBd-58-PM R26.38 - Parcel 22833-1, 2, 3 - EA 043519.

RWC Date: 04/15/14; RTL Date: 05/15/14. Expressway - realign and widen SR 58 to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for State highway purposes, and a temporary easement for construction purposes. Located in the unincorporated area of Hinkley at 36658 Hinkley Road. APN 0494-312-17.

C-21168 - Reynolds Ohai

08-SBd-58-PM R 26.52 - Parcel 22836-1 - EA 043519.

RWC Date: 04/15/14; RTL Date: 05/15/14. Expressway - realign and widen SR 58 to four-lane expressway. Authorizes condemnation of a permanent easement for State highway purposes. Located in the unincorporated area of Hinkley, south of SR 58 on Hinkley Road. APNs 0494-312-32; 0494-201-04.

C-21169 - Pacific Gas and Electric Company

08-SBd-58-PM R26.53 - Parcel 22839-1, 2 - EA 043519.

RWC Date: 04/15/14; RTL Date: 05/15/14. Expressway - realign and widen SR 58 to four-lane expressway. Authorizes condemnation of permanent easements for State highway purposes and extinguishment of abutter's rights of access. Located in the unincorporated area of Hinkley at 36717 Hinkley Road. APN 0494-201-39.

C-21170 - Pacific Gas and Electric Company

08-SBd-58-PM R26.42 - Parcel 22849-1 - EA 043519.

RWC Date: 04/15/14; RTL Date: 05/15/14. Expressway - realign and widen SR 58 to four-lane expressway. Authorizes condemnation of a permanent easement for State highway purposes. Located in the unincorporated area of Hinkley at 36275 Hinkley Road. APN 0494-031-64.

C-21171 - Pacific Gas and Electric Company

08-SBd-58-PM R26.89 - Parcel 22850-1 - EA 043519.

RWC Date: 04/15/14; RTL Date: 05/15/14. Expressway - realign and widen SR 58 to four-lane expressway. Authorizes condemnation of a permanent easement for State highway purposes and extinguishment of abutter's rights of access. Located in the unincorporated area of Hinkley approximately 1,300 feet south of SR 58 on Serra Road. APN 0494-201-01.

C-21172 - Molly Hwang, et al.

08-SBd-58-PM R27.60 - Parcel 22854-1, 2, 3 - EA 043519.

RWC Date: 04/15/14; RTL Date: 05/15/14. Expressway - realign and widen SR 58 to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and permanent easements for State highway purposes. Located in the unincorporated area of Hinkley approximately 0.3 mile south of SR 58 on Mountain View Road. APN 0494-251-09.

C-21173 - Pacific Gas and Electric Company

08-SBd-58-PM R28.60 - Parcel 22858-1, 2, 3 - EA 043519.

RWC Date: 04/15/14; RTL Date: 05/15/14. Expressway - realign and widen SR 58 to four-lane expressway. Authorizes condemnation of permanent easements for State highway purposes and extinguishment of abutter's rights of access. Located in the unincorporated area of Hinkley approximately 0.3 mile south of SR 58 on Summerset Road. APN 0494-241-01.

C-21174 - Michael D. Hanify, et al.

08-SBd-58-PM R30.64 - Parcel 22874-1 - EA 043519.

RWC Date: 04/15/14; RTL Date: 05/15/14. Expressway - realign and widen SR 58 to four-lane expressway. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Hinkley at 36511 Lenwood Road. APN 0497-231-01.

C-21175 - BNSF Railway Company

08-SBd-58-PM R30.49 - Parcel 22875-1, 2, 3 - EA 043519.

RWC Date: 04/15/14; RTL Date: 05/15/14. Expressway - realign and widen SR 58 to a four-lane expressway. Authorizes condemnation of temporary easements for highway construction, and a permanent easement for right of way. Located in the unincorporated area of Hinkley near Lenwood Road, north side of SR 58. APN 0497-231-35.

C-21176 - Pacific Gas and Electric Company

08-SBd-58-PM R28.98 - Parcel 22921-1 - EA 043519.

RWC Date: 04/15/14; RTL Date: 05/15/14. Expressway - realign and widen SR 58 to four-lane expressway. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the unincorporated area of Hinkley at 36611 Anson Avenue. APN 0494-241-06.

C-21177 - Pacific Gas and Electric Company

08-SBd-58-PM R26.32 - Parcel 23041-1, 2 - EA 043519.

RWC Date: 04/15/14; RTL Date: 05/15/14. Expressway - realign and widen SR 58 to four-lane expressway. Authorizes condemnation of a permanent easement for State highway purposes and a temporary easement for construction purposes. Located in the unincorporated area of Hinkley at 21564 Hinkley Road. APNs 0494-312-13, -15.

C-21178 – BNSF Railway Company

10-SJ-4-PM 17.9 - Parcel 16476-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 – EA 0S1109.

RWC Date: 05/24/13; RTL Date: 05/29/13. Freeway – extend freeway. Authorizes condemnation of temporary easements for construction purposes, permanent easement for aerial and footing areas. Located in the city of Stockton at west end of SR 4 to Port of Stockton Expressway. APNs 163-310-01, -02.