

Memorandum

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To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: May 21, 2014

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-21204 through C-21210, 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-21204 - Nuong Hong Vu

06-Fre-180-PM R123.20 - Parcel 84595-1, 2, 7, 01-01, 01-02, 01-03 - EA 342539.

Right of Way Certification (RWC) Date: 11/01/14; Ready to List (RTL) Date: 12/01/14.

Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for highway construction, an easement for county road to be conveyed to County of Fresno, land in fee which is a remnant and would have little market value, all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements. Located in the city of Sanger at 83 North Piedra Road. Assessor Parcel Number (APN) 333-17-026.

C-21205 - Patricia H. Baun, as Trustee of the Patricia H. Baun 2003 Revocable Survivor's Trust, under Declaration of Trust dated April 26, 2000

06-Fre-180-PM 74.82 - Parcel 86021-1 - EA 342539.

RWC Date: 11/01/14; RTL Date: 12/01/14. Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of easement for a fronted frontage road.

Located in the town of Sanger at Oliver Avenue and Highway 180. APN 333-140-02.

C-21206 - Trust/Knapp Ranch Co., a California General Partnership

06-Tul-65-PM 15.75 - Parcel 85876-1, 2 - EA 434019.

RWC Date: 05/01/15; RTL Date: 08/01/15. Conventional highway - Widen two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, an easement for utility purposes to be conveyed to

Southern California Edison Company. Located near the city of Porterville at the northeast corner of State Route 65 and Avenue 124. APN 302-122-12.

C-21207 - Shadi Investments LLC

07-LA-5-PM 1.1 - Parcel 77796 -1, 2, 3, 4, 5, 6, 7, 8, 01-01 - EA 215929.

RWC Date: 06/16/14; RTL Date: 06/16/14. Freeway - widen Interstate 5 (I-5) to add high occupancy vehicle (HOV) and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, permanent easements for maintenance and drainage purposes, a temporary easement for construction purposes, a permanent sewer easement to be conveyed to the City of La Mirada, a permanent gas line easement to be conveyed to Southern California Gas Company, permanent easements for utility purposes to be conveyed to Southern California Edison Company, and excess land in fee to which the owner has consented. Located in the city of La Mirada at 16410 Valley View Avenue. APN 7003-006-020.

C-21208 - Venado Vista Investment, LLC, a California Limited Liability Company

07-LA-5-PM 1.27 - Parcel 77802-1, 2, 3, 4 - EA 215929.

RWC Date: 06/16/14; RTL Date: 06/16/14. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of a permanent easement for drainage purposes, temporary easements for construction purposes, and a permanent easement for telephone utility purposes to be conveyed to Verizon. Located in the city of La Mirada at 14251 Firestone Boulevard. APN 7001-013-100.

C-21209 - City of La Mirada, a California Municipal Corporation

07-LA-5-PM 0.20 - Parcel 79834-1 - EA 215929.

RWC Date: 06/16/14; RTL Date: 06/16/14. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway. Located in the city of La Mirada adjacent to and west of 14815 Firestone Boulevard. APN 7001-016-910.

C-21210 - 16680 La Mirada, LTD, a Texas Limited Partnership

07-LA-5-PM 1.0 - Parcel 79862-1, 2, 3, 4, 5, 6, 7, 8 - EA 215929.

RWC Date: 06/16/14; RTL Date: 06/16/14. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, a permanent easement for drainage purposes, a temporary easement for construction purposes, a permanent sewer easement to be conveyed to the

City of La Mirada, a permanent water system easement to be conveyed to Suburban Water Systems, a permanent gas line easement to be conveyed to Southern California Gas Company, and permanent easements for utility purposes to be conveyed Southern California Edison Company. Located in the city of La Mirada at 16680 Valley View Avenue. APN 7003-006-017.