

Memorandum

TAB 51

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: June 25, 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-21211 through C-21241 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-21211- William Harold Holley and Louise M. Holley, et al.

06-Fre-180-PM 76.55 - Parcel 84596-1 - 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 a permanent easement for a county road, 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 82 North Piedra Road.

Assessor Parcel Number (APN) 333-231-08.

C-21212 - Robert R. Gutierrez and Robyn P. Gutierrez

06-Fre-180-PM 76.55 - Parcel 84599-1, 2, 3, 4, 5, 01-01 - EA 342539.

RWC Date: 11/01/14; 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, permanent easements for county roads, an easement for irrigation purposes to be conveyed to Kings River Water District, 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 17750 East Lone Oak Road. APN 333-190-12.

C-21213 - Doreen Tibbals, et al

06-Ker-14-PM 60.8 - Parcel 4017-1 - EA 457119.

RWC Date: 07/01/15; RTL Date: 08/03/15; Expressway - convert existing two-lane to four-lane expressway. Authorizes condemnation of extinguishment of abutter's rights of access. Located near the town of Inyokern at Post mile 60.8. APN 064-173-27.

C-21214 - Amy M. Miller, a married woman, as her sole and separate property

06-Tul-65-PM 17.30 - Parcel 85882-1, 2, 3 - 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, a temporary easement for removing existing improvements, extinguishment of abutter's rights of access, and underlying fee. Located in the city of Porterville at the northwest corner of State Highway 65 and Avenue 136. APN 268-110-006.

C-21215 - Nagi M. Saeed, a married man

06-Tul-65-PM 16.20 - Parcel 85909-1, 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, and underlying fee. Located in the city of Porterville at 951 West Teapot Dome Avenue. APN 302-123-014.

C-21216 - Fruit Growers Supply Company, a California Corporation

06-Tul-65-PM 17.40 - Parcel 86137-1, 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, and underlying fee. Located in the city of Porterville at 934 West Scranton Avenue. APNs 268-110-021,-022.

C21217- Nagi M. Saeed, a married man

06-Tul-65-PM 16.20 - Parcel 86331-1, 2, 3 - 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 lands in fee for a State highway, extinguishment of abutter's rights of access, and underlying fee. Located in the city of Porterville at 951 West Teapot Dome Avenue. APN 302-123-015.

C-21218 - 14241 Firestone, L.P., a Nevada limited partnership

07-LA-5-PM 1.27 - Parcel 77791-1, 2, 3, 4, 5, 6, 7, 8, 9 - EA 215929.

RWC Date: 06/01/15; RTL Date: 08/29/15. 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, extinguishment of abutter's rights of access, a temporary easement for construction purposes, permanent easements for footing, drainage, and maintenance purposes, a telephone system easement to be conveyed to Verizon, and underlying fee. Located in the city of La Mirada at 14241 East Firestone Boulevard. APN 7001-013-099.

C-21219 - 16700 Valley View L.P., a California limited partnership

07-LA-5-PM 1.4 - Parcel 77799 -1, 2, 3, 4, 5, 6, 7, 8 - EA 215929.

RWC Date: 06/01/15; RTL Date: 08/29/15. Freeway - widen I-5 to add HOV and mix-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 to Southern California Edison Company. Located in the city of La Mirada at 16700 Valley View Avenue. APN 7003-006-016.

C-21220 - Los Angeles County Flood Control District, a body corporate and politic

07-LA-5-PM 0.40 - Parcel 79835-1 - EA 215929.

RWC Date: 06/01/15; RTL Date: 08/29/15. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of a permanent easement for state highway purposes and extinguishment of abutter's rights of access. Located in the city of La Mirada at intersection of Firestone Boulevard and Trojan Way. APN 7001-014-900.

C-21221 - Dale Y. Chung, Trustee, etc., et al.

07-LA-5-PM 0.40 - Parcel 79838-1, 2 - EA 215929.

RWC Date: 06/01/15; RTL Date: 08/29/15. Freeway - widen I-5 to add HOV and mixed-flow lanes. 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 La Mirada at 14765 Firestone Boulevard. APN 7001-014-036.

C-21222 - Amada America, Inc., f/k/a U.S. Amada, Ltd.

07-LA-5-PM 0.1 - Parcel 79896-1, 2, 3, 4, 5 - EA 215929.

RWC Date: 06/01/15; RTL Date: 08/29/15. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, temporary easements for construction purposes, and easements for drainage purposes to be conveyed to the City of Buena Park. Located in the city of Buena Park at 7025 Firestone Boulevard. APN 066-020-20.

C-21223 - Capstar Radio Operating Company, A Delaware corporation

07-LA-5-PM 0.20 - Parcel 80205-1 - EA 215929.

RWC Date: 06/01/15; RTL Date: 08/29/15. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of a temporary easement for construction purposes. Located in the city of La Mirada at 16800 Trojan Way. APN 7001-015-017.

C-21224 - Jesus Orozco

07-LA-10-PM 39.8 - Parcel 79743-1, 2, 3 - EA 1193U9.

RWC Date: 05/23/14; RTL Date: 05/30/14. Freeway - widen Interstate 10 (I-10) to add HOV lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, and an easement for utility purposes to be conveyed to Southern California Edison. Located near the city of Covina at 20720 East Via Verde Street. APN 8448-018-023.

C-21225 - R C & C Services, Inc., a California corporation

07-LA-10-PM 39.7 - Parcel 79824-1 - EA 1193U9.

RWC Date: 05/23/14; RTL Date: 05/30/14. Freeway - widen I-10 to add HOV lanes. Authorizes condemnation of a temporary easement for construction purposes. Located in the city of Covina at 1067 Park View Drive. APN 8448-019-049.

C-21226 - The Society for the Advancement of Material and Process Engineering (International), a California corporation

07-LA-10-PM 39.2 - Parcel 79825-1, 2, 3, 4 - EA 1193U9.

RWC Date: 05/23/14; RTL Date: 05/30/14. Freeway - widen I-10 to add HOV lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for sign purposes, a permanent easement for access, ingress and egress purposes, and a temporary easement for construction purposes. Located in the city of Covina at 1161 Park View Drive. APN 8448-019-039.

C-21227 - Century National Properties, Inc., a California corporation

07-LA-10-PM 39.2 - Parcel 79826-1, 2, 3, 4, 5 - EA 1193U9.

RWC Date: 05/23/14; RTL Date: 05/30/14. Freeway - widen I-10 to add HOV lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for drainage purposes, a permanent easement for access, ingress and egress purposes, a permanent water line easement to be conveyed to Valencia Heights Water Company, and a temporary easement for construction purposes. Located in the city of Covina at Park View Drive, south of Holt Avenue and north of I-10. APN 8448-019-040.

C-21228 - Jaipaul M. Swamidass, Trustee, etc., et al.

07-LA-10-PM 39.7 - Parcel 80358-1 - EA 1193U9.

RWC Date: 05/23/14; RTL Date: 05/30/14. Freeway - widen I-10 to add HOV lanes. Authorizes condemnation of a permanent easement for soil nail purposes. Located in the city of San Dimas adjacent to and west of 1036 Via Romales. APN 8448-025-036.

C-21229 - Park View Owners, LLC, a California limited liability company

07-LA-10-PM 39.2 - Parcel 80362-1 - EA 1193U9.

RWC Date: 05/23/14; RTL Date: 05/30/14. Freeway - widen I-10 to add HOV lanes. Authorizes condemnation of a temporary easement for construction purposes. Located in the city of Covina at 1067 Park View Drive. APN 8448-019-048.

C-21230 - Philip C. Kennedy, Trustee, etc., et al.

07-LA-10-PM 39.1 - Parcel 80368 -1, 2 - EA 1193U9.

RWC Date: 05/23/14; RTL Date: 05/30/14. Freeway - widen I-10 to add HOV vehicle lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, and 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 Covina at 21436 East Covina Hills Road. APN 8448-010-014.

C-21231 - Noel Aparicio and Ruth M. Aparicio

07-LA-60-PM 22.2 - Parcel 79945-1 - EA 224109.

RWC Date: 12/15/14; RTL Date: 12/22/14. Freeway - construct interchange. Authorizes condemnation of a temporary easement for construction purposes. Located in the city of Diamond Bar at 20475 Flintgate Drive. APN 8762-034-007.

C-21232- Manuel DeLeon and Evelyn DeLeon

07-LA-60-PM 22.3 - Parcel 79947-1, 2, 3, 4, 5 - EA 224109.

RWC Date: 12/15/14; RTL Date: 12/22/14. Freeway - construct interchange. Amends Resolution No. C-20967, adopted October 24, 2012, which authorized 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 for utility and drainage purposes to be conveyed to the owners of Lots 1-99, inclusive, of Tract No. 25391 in the County of Los Angeles. This Amendment extends the expiration date of sub-parcel 79947-5, a temporary construction easement, from 06/24/15 to 06/30/17. Located in the city of Diamond Bar at 20489 Flintgate Drive. APN 8762-034-005.

C-21233 - Kwun Wah Chan

07-LA-60-PM 22.3 - Parcel 79948-1, 2, 3, 4, 5 - EA 224109.

RWC Date: 12/15/14; RTL Date: 12/22/14. Freeway - construct interchange. Amends Resolution No. C-20968, adopted October 24, 2012, which authorized 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 for utility and drainage purposes to be conveyed to the owners of Lots 1-99, inclusive, of Tract No. 25391 in the County of Los Angeles. This Amendment extends the expiration date of sub-parcel 79948-5, a temporary construction easement, from 06/24/15 to 06/30/17. Located in the city of Diamond Bar at 20503 Flintgate Drive. APN 8762-034-004.

C-21234 - Pamela J. Lyons and Christopher Lyons

07-LA-60-PM 22.3 - Parcel 79949-1, 2, 3, 4, 5 - EA 224109.

RWC Date: 12/15/14; RTL Date: 12/22/14. Freeway - construct interchange. Amends Resolution No. C-20969, adopted October 24, 2012, which authorized 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 for utility and drainage purposes to be conveyed to the owners of Lots 1-99, inclusive, of Tract No. 25391 in the County of Los Angeles. This Amendment extends the expiration date of sub-parcel 79949-5, a temporary construction easement, from 06/24/15 to 06/30/17. Located in the city of Diamond Bar at 20509 Flintgate Drive. APN 8762-034-003.

C-21235 - Martin A. De Los Reyes and Nimfa D. De Los Reyes

07-LA-60-PM 22.3 - Parcel 79950-1, 2, 3, 4, 5 - EA 224109.

RWC Date: 12/15/14; RTL Date: 12/22/14. Freeway - construct interchange. Amends Resolution No. C-20970, adopted October 24, 2012, which authorized 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 for 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. This Amendment extends the expiration date of sub-parcel 79950-5, a temporary construction easement, from 06/24/15 to 06/30/17. Located in the city of Diamond Bar at 20515 Flintgate Drive. APN 8762-034-002.

C-21236 - Juan Tanaka and Samantha Tanaka

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

RWC Date: 12/15/14; RTL Date: 12/22/14. 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 for utility and drainage purposes to be conveyed to the owners of Lots 1-99, 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-21237 - Grand Diamond Bar Properties, LLC, a California limited liability company

07-LA-60-PM R24.3 - Parcel 80327-1, 2, 3, 5 - EA 255109.

RWC Date: 01/02/14; RTL Date: 03/04/14. Freeway - construct a new onramp. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easements for footing and maintenance purposes, and a temporary easement for construction purposes. Located in the city of Diamond Bar at 525-527 Grand Avenue. APNs 8719-020-006, -007.

C-21238 - The Burlington Northern and Santa Fe Railway Company, a Delaware corporation

07-LA-710-PM 22.3 - Parcel 78404-1, 2; 78405-1, 2; 78406-1, 2 - EA 202129.

RWC Date: 05/26/14; RTL Date: 06/02/14. Freeway - rehabilitate Interstate 710. Authorizes condemnation of temporary easements for construction purposes, permanent aerial easements, and leasehold interests of outdoor advertising company. Located in the city of Commerce at 4940 Sheila Street. APN 5243-014-803, 5244-035-803 and 6332-001-801.

C-21239 - Leopold Eduardo Wenzel, Trustee, etc., et al.

08-SBd-10-PM 26.32 - Parcel 21741-1 - EA 448129.

RWC Date: 01/23/14; RTL Date: 01/24/14. Freeway - Reconstruct interchange at I-10 and Tippecanoe Avenue. Authorizes condemnation of land in fee for a State highway. Located in the city of San Bernardino at 1915 South Tippecanoe Avenue. APN 0281-152-42.

C-21240 - Tom Gwin and Laura Gwin

08-SBd-215-PM 16.42 - Parcel 22481-1, 2, 3 - EA 0K7109.

RWC Date: 07/31/14; RTL: 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. Amends Resolution Number C-21030, adopted March 5, 2013, which authorized condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a temporary easement for construction purposes. This amendment is to correct an administrative error in that the Resolution did not include Code of Civil Procedure Section 1240.510 in that a portion of the property is being acquired for a compatible use; to add an additional sub-parcel 22481-3 which is a permanent easement for utility purposes to be conveyed to Southern California Edison Company. Located in the unincorporated area of San Bernardino county at 18900 Cajon Boulevard. APN 0348-141-06.

C-21241 - Hooshpack Development, Inc., a California corporation

08-SBd-247-PM 10.40 - Parcel 23074-1 - EA 0G9009.

RWC Date: 05/04/15; RTL Date: 06/01/15. Conventional highway - Insert rumble strips and upgrade shoulders. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Landers at State Route 247 between Napa Street and Reche Road. APNs 0629-251-02, -03, -04, -05.