Approved on Consent Calendar 03-20-14

State of California
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

Memorandum

TAB 50

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: March 20, 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-21179 through C-21188, and Resolutions C-21191 through C-21203, 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-21179 - William L. Courtney, M.D.
01-Men-01-PM 38.26/38.7 - Parcel 12122-1, 2 - EA 474809.
Right of Way Certification (RWC) Date: 06/08/11; Ready to List (RTL) Date: 06/29/11. Conventional highway - realign roadway. Authorizes condemnation of a permanent easement for highway purposes and a temporary easement for construction purposes. Located at 1990 South Highway 1 in Mendocino County.
Assessor Parcel Number (APN)s 126-150-01 and 126-160-05.

C-21180 - The Thelma Irene Gragnani 2012 Family Trust, et al
06-Mad-99-PM 7.51 - Parcel 86541-1, 2, 3, 4, 5, 6 - EA 471009.
RWC Date: 03/01/12; RTL Date: Under Construction. Freeway - Modify Interchange at Avenue 12 and State Route (SR) 99. Amends Resolution No. C-20671, adopted December 14, 2011, which authorized condemnation of land in fee for a State highway, a temporary easement for removing existing irrigation facilities, a permanent easement for Madera Irrigation District and Pacific Gas & Electric, easements for irrigation and utility to be conveyed to Madera Irrigation District and Pacific Gas & Electric. This amendment is needed because the basin has been moved out of the easement area, previously condemned parcel, to another location of the owner's land. Located in the city of Madera at 28462 Borden Street. APN 047-050-021.

withdrawn prior to CTC meeting

C-21181 - Patricia D. Ault, et al.
06-Tul-65-PM 15.70 - Parcel 85866-1, 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, 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 Company. Located in the city of Porterville at SR 65 and Avenue 124. APN 302-124-001.

C-21182 - Jack Griggs, Incorporated
06-Tul-65-PM 16.50 - Parcel 86136-1,2,3,4 - 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, a temporary easement for construction purposes, an easement for utility purposes to be conveyed to Southern California Edison Company, and underlying fee. Located in the city of Porterville at 952 Teapot Dome Road. APN 268-130-013.

C-21183 - Mark E. Myles
06-Fre-168-PM 29.2 - Parcel 86873-1,2 - EA 0M0509.
RWC Date: 05/07/14; RTL Date: 09/05/14. Freeway - Realign curve. Authorizes condemnation of land in fee for a State highway and underlying fee. Located near the city of Prather at SR 168, south of Auberry Road. APN 118-580-17.

C-21184 - The Arenas Sisters 2012 Revocable Trust, Mary Arenas, Trustee, Alvina Arenas, Trustee, Lupe Arenas, Trustee and Margaret K. Arenas, Trustee
06-Fre-180-KP R120.0 - Parcel 84563-1, 2, 3, 4 - EA 342539.
RWC Date: 11/01/14; RTL Date: 12/01/14. Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of a permanent easement for county road and utility purposes, easements for utility purposes and a private access road to be conveyed to Free Water Irrigation District. Located near the city of Sanger at 16018 East Kings Canyon Road. APN 333-081-27.

C-21185- Ruby L. Pierce
06-Fre-180-KP R122.50 - Parcel 84584-1; 84584-01-01 - 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, land in fee which is a remnant and would have little market value. Located near the city of Sanger at 17439 East Kings Canyon Road. APN 333-170-18.

C-21186 - Sonny J. Pierce and Ruby L. Pierce
06-Fre-180-KP R122.50 - Parcel 84585-1, 2, 3 - 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, temporary easements for highway construction and removing improvements which straddle the right of way line. Located near the city of Sanger at 17439 East Kings Canyon Road. APN 333-190-35.

C-21187 - James M. Spitze and Betty Jean Spitze
06-Fre-180-KP R126.10 - Parcel 84637 - 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 and extinguishment of abutter's rights of access. Located near the city of Sanger on the south side of SR 180. APN 333-100-45.

C-21188 - Pamela Lynn Malone
06-Fre-180-KP R120.60 - Parcel 86016-1, 2; 86016-01-01 - 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, excess land in fee to which the owner has consented. Located in the city of Sanger at 16348 East Trimmer Springs Road. APN 333-140-38.

C-21191 - La Mirada Metrocenter Associates, a California general partnership
07-LA-5-PM 0.20 - Parcel 80204-1 - EA 215929.
RWC Date: 03/14/14; RTL Date: 03/28/14. Freeway - widen Interstate 5 to add high occupancy vehicle and mixed-flow lanes. Authorizes condemnation of a temporary easement for construction purposes. Located in the city of La Mirada near the intersection of Trojan Way and Firestone Boulevard. APN 7001-014-034.

C-21192 - Renaissance Perinatal Medical Group, a California Corporation, et al.
08-SBd-18-PM 111.1 - Parcel 22896-1 - EA 0Q2309.
RWC Date: 02/02/15; RTL Date: 04/01/15. Conventional highway - signalize the intersection and include American with Disabilities Act (ADA) requirements. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Phelan, at the intersection of SR 18 and Sheep Creek Road. APN 3101-371-02.

C-21193 - Palmdale Road Commercial Associates, a California General Partnership
08-SBd-18-PM 110.8 - Parcel 22897-1, 2 - EA 0Q2309.
RWC Date: 02/02/15; RTL Date: 04/01/15. Conventional highway - signalize the intersection and include ADA requirements. Authorizes condemnation of land in fee for a State highway and a permanent easement for utility purposes. Located in the unincorporated area of Phelan, at the intersection of SR 18 and Sheep Creek Road. APN 3101-401-01.

Withdrawn at the CTC meeting

C-21194 - Raymond H. Pearce and Cynthia A. Pearce
08-SBd-58-PM R26.33 - Parcel 22830-1, 2, 01-01 - 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 drainage purposes, and excess land in fee to which the owner has consented. Located in the unincorporated area of Hinkley at 36524 Hinkley Road. APN 0494-312-26.

Withdrawn at the CTC meeting

C-21195 - Raymond Harry Pearce, a married man
08-SBd-58-PM R26.34 - Parcel 22831-1, 2, 3, 01-01 - 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 drainage purposes, and excess land in fee to which the owner has consented. Located in the unincorporated area of Hinkley at 36586 Hinkley Road. APN 0494-312-27.

C-21196 - Marvin Dean Brommer, Trustee, etc., et al.
08-SBd-58-PM R30.22 - Parcel 22863-1, 01-01 - 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 excess land in fee to which the owner has consented. Located in the unincorporated area of Hinkley at the southwest corner of Lenwood Road and interim SR 58. APNs 0497-192-01, -02, -12, -13; 0497-031-12.

C-21197 - William J. Bolin, Trustee, etc., et al.
08-SBd-58-PM R30.48 - Parcel 22871-1, 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 36310 Lenwood Road. APN 0497-031-13.

C-21198 - Marvin Dean Brommer, Trustee, etc., et al.
08-SBd-58-PM R30.47 - Parcel 22876-1, 01-01 - 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 excess land in fee to which the owner has consented. Located in the unincorporated area of Hinkley on the west side of Lenwood Road, approximately 200 feet north of interim SR 58. APN 0497-192-01.

C-21199 - Rifky Hanna and Lydia Hanna
08-SBd-58-PM R30.47 - Parcel 22877-1, 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 on the east side of Lenwood Road, approximately 600 feet north of interim SR 58.
APN 0497-192-07.

withdrawn at the ate meeting

C-21200 - Raymond Harry Pearce
08-SBd-58-PM R26.28 - Parcel 23039-1 - 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 the east side of Locust Street.
APN 0494-312-28.

C-21201 - David C. Cortopassi and Heide S. Cortopassi, Trustees of the David C. and Heide S. Cortopassi Family Trust u/a dated September 15, 2001
10-SJ-88-PM 7.5 - Parcel 14637-1 - EA 0A8309.
RWC Date: 05/01/14; RTL Date: 05/20/14. Conventional highway - upgrade bridge approach, guardrail, and extend culverts. Authorizes condemnation of an easement for utility purposes to be conveyed to San Joaquin County Flood Control and Water Conservation District. Located in the unincorporated area of Stockton at 11055 SR 88. APN 063-110-24.

C-21202 - Janice K. Furstenfeld
11-SD-15-PM 5.1 - Parcel 35001-1 - EA 2T1909.
RWC Date: 04/01/14; RTL Date: 08/01/14. Freeway - improve SR 15 from Adams Avenue to Camino Del Rio South. Authorizes condemnation of a permanent soil nail easement. Located in the city of San Diego at 4744 Terrace Drive. APN 440-541-12.

C-21203 - Meyuhas Family Trust, et al.
11-SD-15-PM 5.1 - Parcel 35003-1 - EA 2T1909.
RWC Date: 04/01/14; RTL Date: 08/01/14. Freeway - improve SR 15 from Adams Avenue to Camino Del Rio South. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of San Diego at 4004-4006 Terrace Court. APN 440-500-29.