

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: January 25, 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-20689 through C-20703, C-20705 through C-20707, C-20709 through C-20719, and Resolution C-20721 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 have 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-20689 – Avenue 7 Partners, LLC, a California Limited Liability Company

06-Mad-99-PM 1.30 - Parcel 86456-1, 2, 4, 5, 6 - EA 442629.

Right of Way Certification (RWC) Date: 03/01/12; Ready to List (RTL) Date: 03/01/12.

Freeway - widen four-lane to six-lane. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, a permanent easement for drainage purposes, an easement for a private road to be conveyed to Coluta Properties, LLC, and a utility easement to be conveyed to AT & T. Located in the city of Madera at State Route (SR) 99 and Avenue 9.

Assessor's Parcel Numbers (APN) 048-190-004, -005, -033 through 035, -039, -042.

C-20690 - Coluta Property, LLC, a California Limited Liability Company

06-Mad-99-PM 1.75 - Parcel 86629-1, 2 - EA 442629.

RWC Date: 03/01/12; RTL Date: 03/01/12. Freeway - widen four-lane to six-lane. Authorizes condemnation of a permanent easement for utility purposes to be conveyed to AT & T for a State highway and a temporary easement for construction purposes. Located in the city of Madera at SR 99 and Avenue 9. APN 048-270-003.

C-20691 - Judith L. Kausen, Trustee, et al.

06-Tul-216-PM 2.54 - Parcel 86499-1 - EA 430709.

RWC Date: 04/01/12; RTL Date: 04/15/12. Conventional highway - widen and realignment of Houston Avenue. Authorizes condemnation of land in fee for a State highway. Located in the city of Visalia at 3835 East Houston. APN 103-120-006.

C-20692 - Enrique V. Mendoza, et ux.

07-LA-5-PM 3.18- Parcel 77088-1 - EA 215939.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen Interstate (I) -5 to add high occupancy vehicle (HOV) and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway. Located in the city of Norwalk at 12943 Firestone Boulevard. APN 8046-004-060.

C-20693 - Abel Guandique, et al.

07-LA-5-PM 3.18 - Parcel 77093-1, 2, 3, 4, 5, 01-01 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. 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, a temporary easement for construction purposes, permanent easements for drainage and maintenance purposes, a permanent easement for sewer purposes to be conveyed to the City of Norwalk, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 12909 Firestone Boulevard. APN 8046-004-044.

C-20694 - Violet Peeler

07-LA-5-PM 3.18 - Parcel 77096-1, 2, 3, 4, 5, 6, 7, 01-01 - EA 215939.

RWC Date: 03/09/12; RTL Date: 03/23/12. 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, a temporary easement for construction purposes, permanent easements for maintenance and drainage purposes, a permanent easement for sewer purposes to be conveyed to the City of Norwalk, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 12873 Firestone Boulevard. APN 8046-004-047.

C-20695 - Ramon Bueno

07-LA-5-PM 3.18 - Parcel 77098 -1, 2, 3, 4, 5, 01-01 - EA 215939.

RWC Date: 03/09/12; RTL Date: 03/23/12. 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, a temporary easement for construction purposes, permanent easements for maintenance and drainage purposes, a permanent easement for sewer purposes to be conveyed to the City of Norwalk, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 12861 Firestone Boulevard. APN 8046-004-049.

C-20696 - Ramon Bueno

07-LA-5-PM 5.5 - Parcel 77656-1 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. 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 Norwalk at 11615 Allard Street. APN 8018-013-011.

C-20697 - First Bank D/B/A First Bank Mortgage, et al.

07-LA-5-PM 5.5 - Parcel 77657-1, 2, 3, 01-01 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. 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, a temporary easement for construction purposes, a permanent easement for aerial utility purposes to be conveyed to Southern California Edison, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 11835 Dollison Drive. APN 8018-013-009.

C-20698 - Robert Peter Lopez, et al.

07-LA-5-PM 5.7 - Parcel 77686 -1, 2 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed flow lanes. Authorizes condemnation of a permanent highway easement and a temporary easement for construction purposes. Located in the city of Norwalk at 11426 Mondon Avenue. APN 8016-017-019.

C-20699 - Pedro Gallegos Vega, et ux.

07-LA-5-PM 5.7 - Parcel 77687-1, 2 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed flow lanes. Authorizes condemnation of a permanent highway easement and a temporary easement for construction purposes. Located in the city of Norwalk at 11434 Mondon Avenue. APN 8016-017-020.

C-20700 - Carol A. Lopez, as Trustee, etc., et al.

07-LA-5-PM 5.0 - Parcel 77716-1, 2, 3, 01-01 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. 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, a permanent easement for footing purposes, a temporary easement for construction purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 12323 Arlee Avenue. APN 8024-020-005.

C-20701 - Edwin Crismundo, et ux.

07-LA-5-PM 5.0 - Parcel 77721-1, 2, 3, 01-01 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. 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, a temporary easement for construction purposes, a permanent easement for footing purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 12409 Arlee Avenue. APN 8024-020-010.

C-20702 - Amaya Family Trust dated 08-23-93

07-LA-5-PM 4.6 - Parcel 77732-1, 2, 01-01 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. 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, a temporary easement for construction purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 12629 Zeus Avenue. APN 8047-002-005.

C-20703 - Raul Guerrero, et ux.

07-LA-5-PM 4.6 - Parcel 77739-1 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway and land in fee which is a remnant that would be of little market value. Located in the city of Norwalk at 12733 Paddison Avenue. APN 8047-002-014.

~~C-20704 - Ralph Robles~~

Pulled.

C-20705 - Patricia D. Salazar, et ux.

07-LA-5-PM 4.40-Parcel 77768-1, 2 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed flow lanes. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the city of Norwalk at 12112 Union Street. APN 8048-030-005.

C-20706 - Carmenita Property, LLC, a California Limited Liability Company

07-LA-5-PM 2.34 - Parcel 78325-1, 2, 3, 4, 5, 6, 7 - EA 2159C9.

RWC Date: 06/30/10; RTL Date: 06/30/10. Freeway - Carmenita interchange improvement. Authorizes condemnation of a permanent easement for State highway purposes, permanent easements for footing, drainage and maintenance purposes, temporary easements for construction, grading, and removal of improvements which straddle the right of way line. Located in the city of Santa Fe Springs at 15401-15421 Carmenita Road. APN 7005-004-024.

C-20707 - Gustavo Llamas, et ux.

07-LA-5-PM 4.40 - Parcel 79044 -1, 2 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed flow lanes. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the city of Norwalk at 12116 Union Street. APN 8048-030-006.

C-20708 - Alphonso Roberson, et ux.

Pulled

C-20709 - Romeo Santos

07-LA-5-PM 4.0 - Parcel 80053-1, 2, 01-01 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 13516 Delavan Avenue. APN 8056-002-003.

C-20710 - Aurelio Ferrer, et al.

07-LA-5-PM 5.4 - Parcel 80065-1, 2, 3, 4, 01-01 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. 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 land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 11541 Beaty Avenue. APN 8018-016-020.

C-20711 - Thanh The Nguyen, et al.

07-LA-5-PM 4.87 - Parcel 80067-1, 2 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. 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 Norwalk at 12479 Arlee Avenue. APN 8024-021-010.

C-20712 - Francisco Larios, et ux.

07-LA-5-PM 4.6 - Parcel 80070-1, 2, 01-01 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 12721 Paddison Avenue. APN 8047-002-012.

C-20713 - Roman Montano, et al.

07-LA-5-PM 4.0 - Parcel 80085-1, 2, 3, 4, 01-01 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. 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, a temporary easement for construction purposes, a permanent easement for footing purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 13510 Delavan Avenue. APN 8056-002-002.

C-20714 - Goldenpark, LLC, a California limited liability company, subject to proceedings pending in the bankruptcy court where a petition for relief was filed

07-LA-5-PM 4.2 - Parcel 80194-1, 2, 3 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed flow lanes. Authorizes condemnation of a permanent easement for footing purposes for a State highway and temporary easements for construction purposes. Located in the city of Norwalk at 13111 Sycamore Drive. APN 8047-007-009.

C-20715 - William E. Geisreiter, Trustee, etc., et al.; Coreland Companies (Lessee); WKS Corporation dba El Pollo Loco (Lessee)

08-SBd-10-PM 26.28 - Parcel 21759-1, 2 - EA 448109.

RWC Date: 07/01/13; RTL Date: 08/01/13. Freeway - reconstruct interchange at I-10 and Tippecanoe Avenue. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the city of San Bernardino at 1066 East Harriman Place. APN 0281-081-23.

C-20716 - Nazmul Huq

08-SBd-10-PM 26.35 - Parcel 21764-1 - EA 448109.

RWC Date: 07/01/13; RTL Date: 08/01/13. 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 1175 East Laurelwood Drive. APN 0281-152-03.

C-20717 - Mohinder Singh, et al.

08-SBd-10-PM 26.38 - Parcel 21768-1 - EA 448109.

RWC Date: 07/01/13; RTL Date: 08/01/13. 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 1185 East Laurelwood Drive. APN 0281-152-04.

C-20718 - Say Phonpradith, et ux.

10-SJ-4-PM 15.3 - Parcel 16445-1, 01-01 - EA 0S1109.

RWC Date: 01/01/13; RTL Date: 02/01/13. Freeway - extend freeway from west end of SR 4 to Navy Drive. Authorizes condemnation of land in fee for a State highway and land in fee which is a remnant that would be of little market value. Located in the unincorporated area of Stockton at 1743 West Hazelton Avenue. APN 145-140-15.

C-20719 - Miguel M. Samson, Jr.

10-SJ-4-PM 15.3 - Parcel 16447-1, 01-01 - EA 0S1109.

RWC Date: 01/01/13; RTL Date: 02/01/13. Freeway - extend freeway from west end of SR 4 to Navy Drive. Authorizes condemnation of land in fee for a State highway, and land in fee which is a remnant that would be of little market value. Located in the unincorporated area of Stockton at 1717 West Hazelton Avenue. APN 145-140-17.

~~C-20720 - 27164 Ortega Highway Associates, a California General Partnership, etc., et al.~~

~~Pulled~~

C-20721 - Stroscher Ranch, a California General Partnership, et al.

12-Ora-5/74-PM 9.7/0.0 - Parcel 102506-1, 2, 3, 4, 5 - EA 0E3109.

RWC Date: 05/15/12; RTL Date: 06/01/12. Freeway - reconstruct interchange at I-5 and SR 74. Authorizes condemnation of land in fee for a State highway, temporary easements construction purposes, and a temporary easement for removal of existing improvements which straddle the right of way line. Located in the city of San Juan Capistrano at 26942 Ortega Highway. APNs 124-160-47, -49, -53, -54; 668-242-12.