

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: June 11, 2013

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-21064 through C-21076, 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 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-21064 - Peter G. Lofting and Amy Skezas

04-Son-101-PM 1.5 - Parcel 62170-1, 2, 3 - EA 264099.

Right of Way Certification (RWC) Date: 05/01/14; Ready to List (RTL) Date: 05/01/14.

Conventional highway - Reconstruction and Realignment of Route 101 at the San Antonio Curve.

Authorizes condemnation of easements for utility purposes to be conveyed to PG&E, AT&T,

North Marin Water District, and a temporary easement for Highway Construction. Located near the city of Petaluma at 4775 Redwood Highway South.

Assessor's Parcel Number (APN) 019-330-013.

C-21065 - Carson Dominguez Properties, L.P., a Delaware limited partnership

07-LA-5-PM 0.20 - Parcel 77035-1, 2, 3, 4, 01-01; 79833-1, 2, 3, 4, 01-01 - EA 215929.

RWC Date: 03/14/14; RTL Date: 03/28/14. 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, extinguishment of abutter's rights of access, temporary easements for construction purposes, permanent easements for footing and maintenance purposes, and excess land in fee to which the owner has consented. Located in the city of La Mirada at 14815 Firestone Boulevard.

APNs 7001-016-002; 7001-017-024.

C-21066 - 16433 Valley View Property Co., a California general partnership

07-LA-5-PM 1.4 - Parcel 77610-1, 2, 3, 4, 5, 6, 01-01, 01-02 - EA 215929.

RWC Date: 03/14/14; RTL Date: 03/28/14. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, temporary easements for construction purposes, a permanent easement for maintenance purposes, an easement 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 Cerritos at 16433 Valley View Avenue.

APN 6003-013-001.

C-21067 - 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: 04/03/14; RTL Date: 04/17/14. Freeway - rehabilitate Interstate 710. Authorizes condemnation of temporary easements for construction purposes, permanent aerial easements, leasehold interests of outdoor advertising company. Located in the city of Commerce at 4940 Sheila Street. APN 5243-014-803, 5244-035-803 & 6332-001-801.

C-21068 - Thrifty Oil Company, a California corporation

08-SBd-10-PM 26.33 - Parcel 21742-1 - EA 448129.

RWC Date: 09/03/13; RTL Date: 09/04/13. Freeway - Reconstruct interchange at Interstate 10 and Tippecanoe Avenue. Authorizes condemnation of land in fee for a State highway. Located in the city of San Bernardino at 1945 South Tippecanoe Avenue. APN 0281-152-43

C-21069 - John P. Barter, et al.

08-SBd-15-PM 45.1 - Parcel 20926-1, 2, 3, 4 - EA 355569.

RWC Date: 01/03/14; RTL Date: 02/03/14. Freeway - add northbound mixed flow lane with auxiliary lane; reconstruct D and E Streets and the Stoddard Wells interchange. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a permanent easement for slope purposes. Located in the city of Victorville, east of the Frontage Road, north of the existing Stoddard Wells Road interchange. APN 0472-182-08.

C-21070 - Joem Nam Chung

08-SBd-138-PM 10.20 - Parcel 21540-1, 2 - EA 3401U9.

RWC Date: 12/05/13; RTL Date: 01/06/14. Conventional highway - widen to four lanes. Authorizes condemnation of land in fee for a State highway and underlying fee in adjoining public roadway. Located near the community of Pinion Hills, near the southwest corner of State Route (SR) 138 and Mountain Shadow Manor. APN 0351-061-07.

C-21071 - Ryan Earl Barnes, as trustee of the Barnes Irrevocable Trust

08-SBd-138-PM 12.90 - Parcel 21554-1, 2 - EA 3401U9.

RWC Date: 12/05/13; RTL Date: 01/06/14. Conventional highway - widen to four lanes. Authorizes condemnation of land in fee for a State highway, underlying fee in adjoining public roadway and a temporary easement for construction purposes. Located in the town of Phelan at 4014 SR 138. APN 0351-251-18.

C-21072 - Jason S. Lee, et al.

08-SBd-138-PM 2.90 - Parcel 21561-1 - EA 3401U9.

RWC Date: 12/05/13; RTL Date: 01/06/14. Conventional highway - widen to four lanes. Authorizes condemnation of land in fee for a State highway and underlying fee in adjoining public roadway. Located in the community of Pinon Hills at 1998 SR 138. APN 3067-351-21.

C-21073 - Floyd M. Coe, Jr. and Valerie G. Coe

08-SBd-138-PM 4.10 - Parcel 21570-1 - EA 3401U9.

RWC Date: 12/05/13; RTL Date: 01/06/14. Conventional highway - widen to four lanes. Authorizes condemnation of land in fee for a State highway and underlying fee in adjoining public roadway. Located in the community of Pinon Hills at 2778 SR 138. APNs 3067-571-07, -08.

C-21074 - Joem Nam Chung

08-SBd-138-PM 10.20 - Parcel 21582-1 - EA 3401U9.

RWC Date: 12/05/13; RTL Date: 01/06/14. Conventional highway - widen to four lanes. Authorizes condemnation of land in fee for a State highway and underlying fee in adjoining public roadway. Located near the community of Pinion Hills, near the southwest corner of SR 138 and Mountain Shadow Manor. APN 0351-061-07.

C-21075 - Son Suk Rhee, et al

08-SBd-138-PM 12.40 - Parcel 21595-1 - EA 3401U9.

RWC Date: 12/05/13; RTL Date: 01/06/14. Conventional highway - widen to four lanes. Authorizes condemnation of land in fee for a State highway and underlying fee in adjoining public roadway. Located near the community of Pinion Hills, on the northerly side of SR 138, south of Rancho Del Garto and north of Dyer-Fulp Road. APN 0351-081-33.

C-21076 - Tony Backmoon Lee and Jinny Jin Lee

08-SBd-138-PM 6.70 - Parcel 22013-1 - EA 3401U9.

RWC Date: 12/05/13; RTL Date: 01/06/14. Conventional highway - widen to four lanes.

Authorizes condemnation of land in fee for a State highway and underlying fee in adjoining public roadway. Located in the community of Pinon Hills at the southeast corner of SR 138 and SR 2.

APN 3037-341-02.