

# Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: October 8, 2013

Reference No.: 2.4a.(1)  
Action Item

From: STEVEN KECK  
Acting Chief Financial Officer

Prepared by: Brent L. Green  
Chief  
Division of Right of Way and  
Land Surveys

Subject: **RESOLUTION OF NECESSITY - APPEARANCE**

## **RECOMMENDATION:**

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolution of Necessity (Resolution) C-21107 summarized on the following page. This Resolution is for a transportation project on Interstate 5 located in District 7, in Los Angeles County.

## **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, which are:

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 acquire the property in compliance with Government Code Section 7267.2 has been made to the owner of record.

In this case, the property owner is contesting the Resolution and has requested a written appearance before the Commission. The property owner's only objection is to the amount of the Department's offer and is compensation related. At the request of the property owner, their objection to the Resolution has been submitted in writing to be made part of the official record of the Commission meeting, in lieu of a personal appearance before the Commission. The owner's objection is included as Attachment A.

**BACKGROUND:**

Discussions have taken place with the owner, who has been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which the owner may subsequently be entitled. Adoption of the Resolution will not interrupt the Department's efforts to secure an equitable settlement. In accordance with statutory requirements, the owner has been advised that the Department is requesting the Resolution at the Commission's October 8, 2013 meeting. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-21107 - International Satellite Promotions, Inc., a California Corporation

07-LA-5-PM 1.40 - Parcel 77611-1, 2, 3, 4, 01-01 - EA 215929.

Right of Way Certification Date: 03/14/14; Ready to List Date: 03/28/14. Freeway - widen Interstate 5 to add high occupancy vehicle and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, permanent easements for footing and maintenance purposes, a temporary easement for access road and construction purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Santa Fe Springs at 14111 Freeway Drive. Assessor Parcel Number 7001-012-031.

Attachment A – Owner's Written Objection dated September 5, 2013

PETERSON LAW GROUP

PROFESSIONAL CORPORATION  
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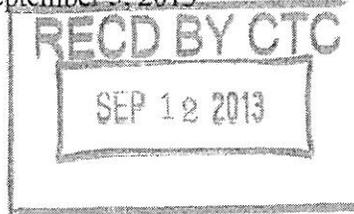
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9/12/13 1:00pm  
Received in etc  
Delivered to Right of  
Way  
Copied to Stephen  
Mollet

*Via Federal Express*

September 5, 2013

California Transportation Commission  
P.O. Box 942873  
Mail Station 52  
Sacramento, CA 94273-0001



Re: State of California Department of Transportation  
Proposed acquisition of 14111 Freeway Drive, Santa Fe Springs, CA 90670  
Assessor's Parcel No. 7001-012-031

Honorable Commissioners:

We represent International Satellite Promotions, Inc. ("International Satellite Promotions"), with respect to the property the State of California Department of Transportation ("State") proposes to acquire at 14111 Freeway Drive in Santa Fe Springs, California (the "Premises"). We request this letter be made a part of the record and noted as an objection only to the amount offered. We do not intend to appear at the hearing.

International Satellite Promotions is the owner and lessor of the Premises and certain furniture, fixtures and equipment located on and in the Premises.

International Satellite Promotions objects to the proposed acquisition on the basis that the amount offered was insufficient. International Satellite Promotions reserves the right to seek greater compensation.

Very truly yours,

John S. Peterson

JSP:bfm

Attachment A