

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 11-12, 2002

Reference No.: 2.4b.  
Action Item

From: ROBERT L. GARCIA  
Chief Financial Officer

Prepared by: Brice D. Paris  
Division Chief  
Right of Way

Ref: **RESOLUTIONS OF NECESSITY**

## **ISSUE:**

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 project.
2. The project is planned to provide the greatest public good with the least private injury.
3. This property is required 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.

## **RECOMMENDATION:**

The Department of Transportation recommends the California Transportation Commission adopt Resolutions of Necessity C-18654 through C-18724. Discussions have taken place with all 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 owner 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 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-18654 - Barry D. Parkinson, et al.

01-Lak-20-KP 20.09- Parcel 10908 - EA: 296202 - Certification Date: 01/01/03 - RTL Date: 01/01/03 - Continuous left turn lane (Conventional Highway). Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Nice at 2435 E. Highway 20.

C-18655 - Donald R. McKernan

01-Lak-20-PM 20.50- Parcel 10921 - EA: 296202 - Certification Date: 01/01/03 - RTL Date: 01/01/03- Continuous Left Turn Lane (Conventional Highway). Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Nice at the intersection of Hwy 20 and Glenn Street.

C-18656 - Celestine Jordan, et al.

01-Lak-20-KP 20.76- Parcel 11040 - EA: 296209 - Certification Date: 01/01/03 - RTL Date: 01/01/03- Continuous Left Turn Lane (Conventional Highway). Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Nice between Sayre Avenue and the Nice/Lucerne Cutoff. APN: 031-171-06.

C-18657 - Anetha Baxter Kouns,Trustee, et al.

01-Lak-20-KP 21.32- Parcel 11192 - EA: 296202 - Certification Date: 01/01/03 - RTL Date: 01/01/03- Continuous Left Turn Lane (Conventional Highway). Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Nice near the intersection of Hwy 20 and Lakeshore Extension. APN: 32-064-05.

C-18658 - Mary Frances Goerndt

01-Lak-20-KP 21.52- Parcel 11060-EA: 296202, Certification Date: 01/01/03 - RTL Date: 01/01/03 -Continuous Left Turn Lane (Conventional Highway). Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Nice at 3206 Lakeshore Blvd. APN: 032-242-57,59.

C-18659 - Myrtle Gustafson, Trustee, et al.

01-Lak-20-KP 21.64- Parcel 11066 - EA: 296202 - Certification Date: 01/01/03 - RTL Date: 01/01/03 - Continuous left turn lane (Conventional Highway). Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Nice at 3256 Lakeshore Blvd. APN added.

C-18660 - Roland R. Willis, Sr. & Lan Fong Willis

01-Lak-20-KP 21.70- Parcel 11074 - EA: 296202 - Certification Date: 01/01/03 - RTL Date: 01/01/03- Continuous Left Turn Lane (Conventional Highway). Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Nice at 3284 E. Highway 20.

C-18661 - Big Valley Lumber Co., Inc, et al.

02-Las-299-PM 2.0- Parcel 12637 - EA: 310209 - Certification Date: 10/01/02 - RTL Date: 10/01/02 - Roadway rehabilitation (Conventional Highway). Authorizes condemnation of land in fee for a State highway, located near the town of McArthur between Day Road and County Road No. 407. APN 001-250-18.

C-18662 - Micron Technology Inc.

04-SCL-101-PM 39.87- Parcel 58318-1,2 - EA: 4874G2 - Certification Date: 01/01/03 - RTL Date: 02/01/03- Modify Interchange (Freeway). Authorizes condemnation of land in fee, extinguishment of abutter's rights, a permanent easement for utility, located in the city of San Jose at 2125 O'Nel Drive.

C-18663 - Santa Clara Valley Water District

04-SCL-101-PM 40.19- Parcel 58311-1,2,4 - EA: 4874G2 - Certification Date: 01/01/03 - RTL Date: 02/01/03 - Modify a highway interchange (Freeway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction and a permanent easement for utility located in the city of San Jose at the intersection of the Guadalupe River and the east side of Highway 101.

C-18664 - Agilent Technologies Inc.

04-SCL-101-PM 40.18- Parcel 59176 - EA: 4874G2 - Certification Date: 01/01/03 - RTL Date: 02/01/03- Modify Interchange (Freeway). Authorizes condemnation of a permanent easement for utility, located in the city of San Jose between Orchard Parkway and Atmel Way.

C-18665 - S.J. Amoroso Properties

04-SCL-101-PM 40.40- Parcel 58308-1,2,3,4 - EA: 4874G2 - Certification Date: 01/01/03 - RTL Date: 02/01/03 - Modify a highway interchange (Freeway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights, an easement for utilities, a temporary easement for construction, and an easement for a fire hydrant, located in the city of San Jose at 2504 Seaboard Ave.

C-18666 - Lam Truong, et al.

06-Fre-180-KP R102.7- Parcel 84836, 84836-A - E.A. 342439 - Certification Date: 2/01/04 - RTL Date: 3/01/04 (Freeway – 4 lanes existing widen to 6 future R/W alignment). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, underlying fee in existing public roadway, located near the city of Fresno, California at 6055 East Harvey Avenue.

C-18667 Marc Tri Lee

06-FRE-180-KP R102.7- Parcel 84837 - EA: 342439 - Certification Date: 2/01/04 - RTL Date: 3/01/04 (Freeway – 4 lanes existing widen to 6 future R/W alignment). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, together with all of

those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements, underlying fee in public road, located in the city of Fresno, California at 6134 and 6170 East Belmont Avenue.

C-18668 - Fancher Creek Properties, LLC

06-Fre-180-KP R103.1- Parcel 84841, 84841-A - E.A: 342439 - Certification Date: 2/01/04 - RTL Date: 3/01/04 (Freeway - 4 lanes existing widen to 6 future R/W alignment). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, underlying fee in existing public roadway, located near the city of Fresno, California at the northwest corner of Armstrong and Belmont Avenues.

C-18669 - Fancher Creek Properties, LLC, et al.

06-Fre-180-KP R103.4- Parcel 84842-1,2,3; 84842-A - E.A: 342439 - Certification Date: 2/01/04 - RTL Date: 3/01/04 (Freeway - 4 lanes existing widen to 6 future R/W alignment). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, together with all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements, underlying fee in public road, located near the city of Fresno, California at the southwest corner of Armstrong and Belmont Avenues.

C-18670 - Frank Sorrenti, et ux

06-Fre-180-KP R103.7- Parcel 84843 - EA: 342439 - Certification Date: 2/01/04 - RTL Date: 3/01/04 (Freeway - 4 lanes existing widen to 6 lanes future R/W alignment). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located in the city of Fresno, California on Belmont between Fowler and Temperance Avenues.

C-18671 - Canyon Country Enterprises

07-LA-14-PM 35.3 - Parcel 77939-1,2,3,4,5,6 - EA: 4E2409 - Certification Date: 1/03 - RTL Date: 1/03 (Freeway Check Dam Installation and Mitigation Project). Authorizes condemnation of two temporary easements for ingress and egress purposes, a permanent easement for drainage purposes, two temporary easements for construction purposes, a permanent conservation easement, located in the unincorporated area of Los Angeles County known as Canyon Country at 14320 Soledad Canyon Road, Canyon Country, CA.

C-18672 - Nohammad Mayet, et al.

07-LA-405-KP 42.6 - PM 26.5 - Parcel 76848 - EA: 1178U9 - Certification Date: 6/03 (Widen existing Freeway and construct HOV lanes). Authorizes condemnation of land in fee for a State highway, located in the city of Culver City at 11425 McDonald Street.

C-18673 - Casa De Vida Apartments, Ltd., a California Limited Partnership

07-LA-405-KP 45.9- Parcel 76923 - EA: 1178U9 - Certification Date: 6/03 (Widen existing Freeway and construct HOV lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located in the city of Los Angeles at 3450 Sawtelle Blvd.

C-18674 - John Camacho, et ux

07-LA-405-KP 42.9/43.0 - Parcel 76859-1,2,01-01 - EA: 1178U9 - Certification Date: 6/03 - (Widen existing Freeway and construct HOV lanes). Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, land in fee which is a remnant and would be of little market value, located in the city of Culver City, at 4910 Purdue Avenue.

C-18675 - Rafael Carrion & Lucia Carrion

07-LA-405-KP 43.8- Parcel 76861-1,2,01-01 - EA: 1178U9 - Certification Date: 6/03 (Widen existing Freeway and construct HOV lanes). Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, land in fee which is a remnant and would be of little market value, located in the city of Culver City at 4342 Huntley Avenue.

C-18676 - Steven L. Sloca

07-LA-405-KP 43.8- Parcel 76863-1-2 - EA: 1178U9 - Certification Date: 6/03 (Widen existing Freeway and construct 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, located in the city of Culver City at 4334 Huntley Avenue.

C-18677 - Jack Gard

07-LA-405-KP 43.8 - Parcel 76864-1,2,3 - EA: 1178U9 - Certification Date: 6/03 (Widen existing Freeway and construct HOV lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for highway purposes, a permanent easement for footing purposes, located in the city of Culver City at 4330 Huntley Avenue.

C-18678 - Stephen Connell, et ux

07-LA-405-KP 43.8 - Parcel 78203-1,2 - EA: 1178U9 - Certification Date: 6/03 - (Widen existing Freeway and construct HOV lanes). Authorizes condemnation of land in fee for a State highway, a temporary easement for highway purposes, located in the city of Culver City at 4346 Huntley Avenue.

C-18679 - The Ludwig Family Trust

08-SBd-15-KP 54.3- Parcel 17653-1 - EA: 370209 - Certification Date: 12/12/02 - RTL Date: 01/03 (Freeway-Reconstruct interchange and widen overcrossing to six lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located in the city of Hesperia at the south side of Main Street.

C-18680 - Edward A. Coles

08-SBd-15-KP 54.5- Parcel 19284-1- EA: 370209 - Certification Date: 12/12/02 - RTL Date: 01/03 (Freeway-Reconstruct interchange and widen overcrossing to six lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located in the city of Hesperia at 9065 Mariposa Road.

C-18681 - Hesperia Danube Land Company

08-SBd-15-KP 54.6 - KP 54.68 - Parcels 17661-1 and 18328-1- EA: 370209 - Certification Date: 12/12/02 - RTL Date: 01/03 (Freeway-Reconstruct interchange and widen overcrossing to six lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located in the city of Hesperia at the east side of Mariposa Road and 1/4 mile south of Main Street.

C-18682 - K & K Partnership

08-SBd-15-KP 54.7- Parcel 17654-1,01-01- EA: 370209 - Certification Date: 12/12/02 - RTL Date: 01/03 (Freeway-Reconstruct interchange and widen overcrossing to six lanes). 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 be of little market value, located in the city of Hesperia at the south side of Main Street.

C-18683 - The Ludwig Family Trust

08-SBd-15-KP 54.7- Parcel 18327-1- EA: 370209 - Certification Date: 12/12/02 - RTL Date: 01/03 (Freeway-Reconstruct interchange and widen overcrossing to six lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located in the city of Hesperia at the south side of Main Street.

C-18684 - Tosco Operating Company, Inc.

08-SBd-15-KP 54.8- Parcel 17655-1- EA: 370209 - Certification Date: 12/12/02 - RTL Date: 01/03 (Freeway - Reconstruct interchange and widen overcrossing to six lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located in the city of Hesperia at the north side of Main Street.

C-18685 - Jorad Partnership

08-SBd-15-KP 54.8- Parcel 17662-1- EA: 370209 - Certification Date: 12/12/02 - RTL Date: 01/03 (Freeway-Reconstruct interchange and widen overcrossing to six lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located in the city of Hesperia at Mariposa Road 460 feet from the southwest corner of Main Street & Mariposa Road.

C-18686 - Equilon Enterprises LLC

08-SBd-15-KP 55.0- Parcel 17663-1- EA: 370209- Certification Date: 12/12/02 - RTL Date: 01/03 (Freeway-Reconstruct interchange and widen overcrossing to six lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located in the city of Hesperia at the southwest corner of Main Street and Mariposa Road.

C-18687 - In N Out Burgers, Inc.

08-SBd-15-KP 55.0- Parcel 17664-1,2- EA: 370209 - Certification Date: 12/12/02 - RTL Date: 01/03 (Freeway- Reconstruct interchange and widen overcrossing to six lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line, a temporary easement for construction purposes, located in the city of Hesperia at 13704 Main Street.

C-18688 - The Ludwig Family Trust

08-SBd-15-KP 55.02- Parcel 17656-1- EA: 370209 - Certification Date: 12/12/02 - RTL Date: 01/03 (Freeway-Reconstruct interchange and widen overcrossing to six lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located in the city of Hesperia at the south side of Main Street.

C-18689 - C. Douglas Gorgen

08-SBd-15-KP 55.20- Parcel 17665-1- EA: 370209 - Certification Date: 12/12/02 - RTL Date: 01/03 (Freeway- Reconstruct interchange and widen overcrossing to six lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located in the city of Hesperia near Main Street and Mariposa Road.

C-18690 - Edward A. Coles

08-SBd-15-KP 54.46- Parcel 17658-1- EA: 370209 - Certification Date: 12/12/02 - RTL Date: 01/03 (Freeway-Reconstruct interchange and widen overcrossing to six lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, all of those 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 Hesperia at 9067 Mariposa Road.

C-18691 - John C. Podsadecki

08-SBd-62-PM 7.3 - Parcel 17613-1 - EA: 359029 - Certification Date: 3/03 - RTL Date: 5/03 (Conventional Highway, shoulder widening and realignment). Authorizes the condemnation of a permanent utility easement to be conveyed to Southern California Edison, located in the unincorporated area of Morongo Valley at the North side of Route 62, approximately 300 meters North of Scholl Drive.

C-18692 - Djuna Lynn Baker

08-SBd-210-KP 29.82R - Parcel 18125-1 - EA: 443919 - Certification Date: 02/03 - RTL Date: 04/15/03 (Construct new six lane Freeway). Authorizes condemnation of land in fee for a State highway, located in the city of Rialto at 1948 North Alice Avenue.

C-18693 - Rialto Properties 1

08-SBd-210-KP 30.02R- Parcel 18141-1,2,3 - EA: 443929 - Certification Date: 02/01/03 - RTL Date: 03/03/03 (Construct new six lane Freeway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, two temporary easements for construction purposes, located in the city of Rialto at the northwest corner of Riverside & Highland Avenues.

C-18694 - Pierre Piponniau, et ux

08-SBd-210-KP 30.02R - Parcel 18288-1,2 - EA: 443929 - Certification Date: 02/01/03 - RTL Date: 03/03/03 (Freeway Interchange Project). Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, located in the city of Rialto, at the northwest corner of Riverside Avenue and Highland Avenue.

C-18695 - Rialto Properties 1

08-SBd-210-KP 30.04R- Parcel 18139-1,2 - EA: 443929 - Certification Date: 02/01/03 - RTL Date: 03/03/03 (Construct new six lane Freeway). Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, located in the city of Rialto at the northwest corner of Riverside & Highland Avenues.

C-18696 - Rialto Properties 1, et al.

08-SBd-210-KP 30.04R- Parcel 18140-1,2,3 - EA: 443929 - Certification Date: 02/01/03 - RTL Date: 03/03/03 (Construct new six lane Freeway). Authorizes condemnation of land in fee for a State highway, two temporary easements for construction purposes, located in the city of Rialto at the northwest corner of Riverside & Highland Avenues.

C-18697 - Robert and Renee Tepper, Trustees of the Tepper Family Trust

08-SBd-210-KP 30.05R - Parcel 19304-1 - EA: 443929 - Certification Date: 02/01/03 - RTL Date: 03/03/03 (Freeway Interchange Project). Authorizes condemnation of land in fee for a State highway, located in the city of Rialto at the southwest corner of Riverside Avenue and Easton Street.

C-18698 - Westminster Rialto, LLC

08-SBd-210-KP 30.05R - Parcel 19305-1 - EA: 443929 - Certification Date: 02/01/03 - RTL Date: 03/03/03 (Freeway Interchange Project). Authorizes condemnation of land in fee for a State highway, located in the city of Rialto at 1850 North Riverside Avenue.

C-18699 - A.B. Steward II, Inc., a California Corporation

08-SBd-210-KP 30.08R - Parcel 18126-1 - EA: 443929 - Certification Date: 02/01/03 - RTL Date: 03/03/03 (Freeway Interchange Project). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, located in the city of Rialto at northwest corner of Easton & Riverside Avenues.

C-18700 - Casa de Barbera, Inc., a California Corporation

08-SBd-210-KP 30.08R - Parcel 18127-1,2 - EA: 443929 - Certification Date: 02/01/03 - RTL Date: 03/03/03 (Freeway Interchange Project). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, located in the city of Rialto, west of Riverside Avenue, 175' north of Easton Avenue.

C-18701 - Rexford Title, Inc.

08-SBd-210-KP 30.11R - Parcel 18130-1,2,01-01 - EA: 443929 - Certification Date: 02/01/03 - RTL Date: 03/03/03 (Freeway Interchange Project). Authorizes condemnation of land in fee for a State highway, land in fee which is a remnant and would be of little market value, located in the city of Rialto at the northeast corner of Riverside Avenue and Easton Street.

C-18702 - John and Dora Boruchin, Trustees

08-SBd-210-KP 30.12R - 30.48R - Parcel 18133-1,2,3,4,5,6,01-01 - EA: 443929 - Certification Date: 02/01/03 - RTL Date: 03/03/03 (Construct new six lane Freeway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, three temporary easements for construction purposes, two permanent easements for utility purposes, land in fee which is a remnant and would be of little market value, located in the city of Rialto at the northeast corner of Highland & Riverside Avenues.

C-18703 - Rialto Medical Building, a California Limited Partnership

08-SBd-210-KP 30.17R - Parcel 19049-1,2 - EA: 443929 - Certification Date: 2/01/03 - RTL Date: 03/03/03 (Freeway Interchange Project). Authorizes condemnation of land in fee for a State highway, located in the city of Rialto at 1851 North Riverside Avenue.

C-18704 - Roman Catholic Bishop of San Bernardino

08-SBd-210-KP 30.41R - Parcel 18128-1,2,3,4,01-01 - EA: 443929 - Certification Date: 02/01/03 - RTL Date: 03/03/03 (Construct new six lane Freeway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, temporary easement for construction purposes, land in fee which is a remnant and would be of little market value, located in the city of Rialto at the southwest corner of Highland and Sycamore Avenues.

C-18705 - John and Dora Boruchin, Trustees

08-SBd-210-KP 30.50R- Parcel 18132-1,2 - EA: 443929 - Certification Date: 02/01/03 - RTL Date: 03/03/03 (Construct new six lane Freeway). Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, located in the city of Rialto at the northeast corner of Galway Street and Sycamore Avenue.

C-18706 - Subhi A. Milbes, et al.

08-SBd-210-KP 30.61R- Parcel 18142-1,2,01-01,01-02,01-03 - EA: 443929 - Certification Date: 02/01/03 - RTL Date: 03/03/03 (Construct new six lane Freeway). 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 be of little market value, located in the city of Rialto at the northeast corner of Highland and Sycamore Avenues.

C-18707 - Smithers Family Limited Partnership

08-SBd-210-KP 32.69R - Parcel 18154-1,01-01 - EA: 443919 - Certification Date: 02/03 - RTL Date: 04/15/03 (Construct new six lane Freeway). Authorizes condemnation of land in fee for a State highway, land in fee which is a remnant and would be of little market value, located in the unincorporated area of San Bernardino at 2350 West Washington Avenue.

C-18708 Charles Parish, et ux

10-Mer-99-KP 43.02- Parcel 14595 - EA: 316969 - Certification Date: 3/01/03 - RTL Date: 3/01/03 (Freeway - four existing to six future on R/W Alignment). Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Merced County at 5760 Highway 99, Livingston, CA.

C-18709 Serafim Aguiar Jr.

10-Mer-99-KP 43.02- Parcel 14725- EA: 316969 - Certification Date: 3/01/03 - RTL Date: 3/01/03 (Freeway - four existing to six future on R/W Alignment). Authorizes condemnation of land in fee for a State highway, located in the unincorporated area of Merced County at 5678 Arena Way, Livingston, CA.

C-18710 - James H. Bass, et ux

10-Mer-99-KP 45.9- Parcel 14466-1,2 - EA: 316969 - Certification Date: 3/01/03 - RTL Date: 3/01/03 (Freeway - four existing to six future on R/W Alignment). Authorizes condemnation of land in fee for a State highway, an easement for utility purposes to be conveyed to Evans Telephone Company, extinguishment of abutter's rights of access, together with the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line, located near the city of Livingston at 6492 Dwight Way.

C-18711 Richard Lira

10-MER-140-KP 57.0- Parcel 14721, 14721A - EA: OC9409 - Certification Date: 12/01/02 - RTL Date: Minor (Conventional Highway – east bound lane addition). Authorizes condemnation of land in fee for a State highway, located in the city of Merced at 1115 X Street.

C-18712 - Cecilia Gonsalves

10-SJ-120-KP 15.8- Parcel 14288, 14288A - EA: 0A7409 - Certification Date: 12/01/02 - RTL Date: 2/01/03 (Conventional Highway – AC overlay and widen shoulder). Authorizes condemnation of land in fee for a State highway, together with 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 near the city of Ripon at Northwest corner of State Highway 120 and N. Ripon Road.

C-18713 - David B. Beary, et ux

10-SJ-120-KP 18.4- Parcel 14310, 14310A - EA: 0A7409 - Certification Date: 12/01/02 - RTL Date: 2/01/03 (Conventional Highway – AC overlay and widen shoulder). Authorizes condemnation of land in fee for a State highway, located in the city of Ripon at 17459 E. State Highway 120, Ripon, CA 95366.

C-18714 - Union Pacific Railroad Company, a Utah Corporation

10-SJ-120-KP 18.6- Parcel 14313- EA: 0A7409 - Certification Date: 12/01/02 - RTL Date: 12/01/02 (Conventional Highway). Authorizes condemnation of a permanent easement for right of way, located near the city of Manteca near State Highway 120 at French Camp Road.

C-18715 - Kenneth W. Grace

10-SJ-120-KP 24.9- Parcel 14352- EA: 0A7409 - Certification Date: 12/01/02 - RTL Date: 12/01/02 (Conventional Highway- AC Overlay and widen shoulder). Authorizes condemnation of land in fee for a State highway, located near the city of Escalon at 23487 E. State Highway 120.

C-18716 - Helen Petrogeines Trust "A", et al.

11-Imp-7-KP 2.5- Parcel 31314-1,2,3,4 - EA: 068009 - Certification Date: 5/1/03 - Four lane Highway (Expressway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, three permanent easements for drainage, access, and utilities, the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line, located near the city of Calexico, north of State Route 98, south of Heber Road, and west of the Alamo River. APN: 059-140-07.

C-18717 - Charles E. Nilson, et ux

11-Imp-7-KP 8.23- Parcel 31320-1,2,3,4,5 - EA 068009 - Certification Date: 05/01/03 - Four lane highway (Expressway). Authorizes condemnation of land in highway easement for State highway purposes, extinguishment of abutter's rights of access, a permanent easement for construction and maintenance of canals and utilities, the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line and a temporary easement for construction, located in the unincorporated area of the County of Imperial at the SW corner of McCabe Road and Orchard Road, APN # 055-190-73-01 & 055-190-74-01.

C-18718 - Advanced Electromagnetics, Inc.

11-SD-52-KP 24.8 - Parcel 27015 - EA: 010619 - Certification Date: 04/15/03 - Construct four lane freeway (Freeway). Authorizes condemnation of a leasehold interest in land and excess land owned in fee by the State for a State highway, located in the city of Santee at 9307 Mission Gorge Road.

C-18719 - Robert Stewart, et al.

11-SD-52-KP 26.1- Parcel 27041 - EA: 010619 - Certification Date: 04/15/03 - Construct four lane freeway (Freeway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line, located in the city of Santee at 9830 Prospect Ave.

C-18720 - County of San Diego

11-SD-125-KP 16.1- Parcel 32146-1,2 - EA: 003009 - Certification Date: 7/18/00 - Construct eight lane freeway and interchange with HOV provisions (Freeway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for highway construction, located in the unincorporated area of San Diego County known as Bonita, North of San Miguel Road and East of Conduit Road., APN: 585-100-21.

C-18721 - Otto Rollin, Jr.

11-SD-125-KP 16.1- Parcel 32147-A,B - EA: 003009 - Certification Date: 7/18/00 - Construct eight lane freeway and interchange with HOV provisions (Freeway). Authorizes condemnation of land in fee for a State highway, excess land in fee to which the owner has consented, located in the unincorporated area of San Diego County known as Bonita at 3245 Dairy Road, Bonita CA.

C-18722 - County of San Diego

11-SD-125-KP 16.9- Parcel 32149-1,2,3 - EA: 003009 - Certification Date: 7/18/00 - Construct eight lane freeway and interchange with HOV provisions (Freeway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, two permanent slope easements, located in the unincorporated area of San Diego County known as Bonita, North of San Miguel Road and East of Conduit Road., APN: 590-110-07 & 08, 590-060-16 & 18.

C-18723 - County of San Diego

11-SD-125-KP 17.9- Parcel 32153-1,2,3 - EA: 003009 - Certification Date: 7/18/00 - Construct eight lane freeway and interchange with HOV provisions (Freeway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, one permanent road easement, one permanent slope easement, located in the unincorporated area of San Diego County known as Bonita, North of San Miguel Road and South of Quarry Road.,APN: 586-050-34 & 49, 586-060-11.

C-18724 - Cynthia Miyagawa (Woodward)

11-SD-125-KP 17.9- Parcel 32163-1,2 - EA: 003009 - Certification Date: 07/18/00 - Eight lane Freeway and Interchange with HOV provisions (Freeway). Authorizes condemnation of permanent easements for highway right of way and slope, and the right and easement to enter upon the remaining ownership to sever, shore and remove certain improvements, located in the unincorporated area of San Diego County known as Bonita at 5775 Quarry Road, Bonita CA.

C-18725 - John Reed Munn, et al.

10-Ama-49-KP R7.750- Parcel 15280-1, 2, 3, 4 - EA: 049939 - Certification Date: 12/01/02 (Expressway new alignment) Amends Resolution No. C-18642, adopted October 3, 2002, which authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for sewer line construction, an easement for utility purposes to be conveyed to City of Sutter Creek, located near the City of Sutter Creek near Sutter-Ione Road. This Amendment revises the legal description for subparcel 2.

*Tab #38  
(2.4b)*

LAW OFFICES OF  
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JOHN S. PETERSON  
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OF COUNSEL  
RICHARD LASKIN

*Via Facsimile and U.S. Mail*

December 2, 2002

Lou Valle  
Senior Acquisition Agent  
State of California  
Department of Transportation  
3337 Michelson Drive, Suite 380  
Irvine, CA 92612-8894

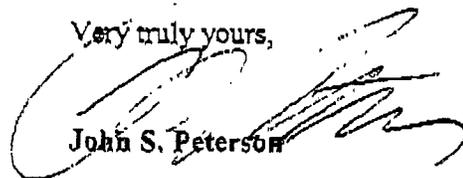
Re: Hearing on Resolution of Necessity  
Date: December 11-12, 2002  
Property: San Bernardino Assessor's Parcel Numbers  
("APN") 0264-391-02, 0264-391-04 and 0264-391-07

Dear Mr. Valle:

In response to our telephone discussion of December 2, 2002 this is to memorialize that we do not intend to appear at the time of the CTC's hearing to consider the resolution of necessity and we will not be making any presentation at the time of the hearing. It is our objective to have our letter dated November 21, 2002 be made part of the record and for you to incorporate our letter into the record at the time of the hearing. We do not by our letter seek to delay Cal Trans' consideration of the acquisition of the property.

With this letter it is our understanding that the CTC will proceed with consideration of adoption of the resolution of necessity for the acquisition of the subject property at the time and place previously noticed on December 11-12, 2002. If this not the case, please notify us immediately as my client is seeking clarity of position vis-à-vis Cal Trans' acquisition of the subject property.

Very truly yours,



John S. Peterson

JSP:apv

cc: Brad Gluckstein  
Peter Becronis

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TELEPHONE (213) 236-9720  
FACSIMILE (213) 236-9724

November 21, 2002

*Via Express Mail*

Executive Director  
California Transportation Commission  
P.O. Box 942873  
Sacramento, CA 94273-0001

Re: Statement of Objections  
Hearing on Resolution of Necessity  
Date: December 11-12, 2002  
Property: San Bernardino County Assessor's Parcel Numbers  
("APN") 0264-391-02, 0264-391-04 and 0264-391-07

Ladies and Gentlemen:

This letter and Statement of Objection is submitted on behalf of the owners of the above-referenced property ("subject property").

This letter constitutes Objections to be included in the record and considered at the hearing on the Resolution of Necessity for the acquisition of the subject property set for December 11-12, 2002. This letter also sets forth grounds upon which the adoption of the Resolution of Necessity is opposed.

The owners of the property: (i) set forth the following objections to the adoption of the Resolution of Necessity as it relates to the subject property; and (ii) specifically challenge California Transportation Commission's ("Cal Trans") right and power to acquire the subject property on the following grounds:

1. Cal Trans has failed to fully and properly comply with the California Environmental Quality Control Act ("CEQA") and environmental laws which must necessarily be complied with prior to the time of adoption of a Resolution of Necessity and commencement of an action in eminent domain based thereon. The EIR for the project does not specifically address the impacts resulting from the subject taking.

2. An offer required by law for all interests acquired has not been made.

3. The governing board (the "Board") which will be adopting the Resolution of Necessity is not operating freely and independently to the extent that it is compelled to adopt the Resolution of Necessity at this time to fulfill provisions of a Pre-existing Plan and other

Executive Director  
California Transportation Commission  
November 21, 2002  
Page 2

contractual commitments and mandates incumbent upon it. Therefore the Board is unable to exercise the required discretion in the adoption of the Resolution of Necessity.

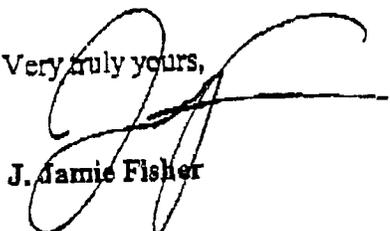
4. The adoption of the Resolution of Necessity is influenced by bad faith and gross abuse of discretion, as defined by the law. Therefore, it is impossible for the Board to find and determine that the public interest and necessity require the proposed project or the acquisition of the subject property, or that the proposed project is planned and located in a matter most compatible with the greatest public good and least private injury.

5. The Board, in acting to adopt the Resolution of Necessity at this time without compliance with the foregoing matters, is not authorized by statute to exercise the power of eminent domain and cannot commence an eminent domain proceeding to acquire the subject property.

6. The scope of proposed acquisition includes uses which are not authorized by law, and which are not allowed as a basis for the exercise of the power of eminent domain.

The owners object to the adoption of the Resolution of Necessity and any consequential eminent domain action on the grounds stated herein and upon such further grounds as may be legally justified and set forth at time of trial herein.

Very truly yours,



J. Jamie Fisher

JIF:apv