

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: September 9-10, 2009

Reference No.: 2.4b.  
Action Item

From: CINDY McKIM  
Chief Financial Officer

Prepared by: Tony Tavares  
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-20173 through C-20191, and C-20194 through C-20196 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-20173 - Christine Sanagustin, et al.

07-LA-405-PM 38.4 - Parcel 79615-1, 2, 3 - EA 120309.

Right of Way Certification (RWC) Date: 06/28/11; Ready to List (RTL) Date: Design build. Freeway - widen for high occupancy vehicle (HOV) lane. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for footing purposes, and a temporary easement for construction purposes. Located in the city of Los Angeles at 15480 Del Gado Drive. Assessor's Parcel Number (APN) 2280-002-022.

C-20174 - Homer J. Fox, Trustee, etc., et al.

05-SLO-101-PM 0.5/0.6 - Parcel 11112-1; 11113-1 - EA 445909

RWC Date: 11/01/09; RTL Date: 12/15/09. Freeway - widen and replace bridges, construct auxiliary lanes and bicycle path. Authorizes condemnation of a temporary easement for construction purposes for a State highway. Located near the unincorporated community of Nipomo, south of the intersection of State Route (SR) 101 and SR 166. APN 090-341-039.

C-20175 - Betty Tomoko Shibuya, Trustee, etc., et al.

07-LA-5-PM 2.34 - Parcel 77068-1, 01-01, 02-01 - EA 2159C9.

RWC Date: 06/14/10; RTL Date: 06/17/10. Freeway - Carmenita Interchange Improvement. Authorizes condemnation of land in fee for a State highway and land in fee which is a remnant and would be of little market value. Located in the city of Santa Fe Springs at 13400 Firestone Boulevard. APN 7005-014-051.

C-20176 - 15510 S. Carmenita Associates, L.P., a California Limited Partnership

07-LA-5-PM 2.05 - Parcel 78256-1, 2, 3, 4 - EA 2159C9.

RWC Date: 06/14/10; RTL Date: 06/17/10. Freeway - Carmenita Interchange Improvement. Authorizes condemnation of a permanent easement for a State highway, permanent easements for utility purposes to be conveyed to Southern California Edison (SCE), and a temporary easement for construction and grading purposes. Located in the city of Santa Fe Springs at 15510 South Carmenita Road. APN 7005-014-054.

C-20177 - Liberty Vegetable Oil Company, a Corporation

07-LA-5-PM 2.05 - Parcel 78257-1, 2, 3, 4 - EA 2159C9.

RWC Date: 06/14/10; RTL Date: 06/17/10. Freeway - Carmenita Interchange Improvement. Authorizes condemnation of a permanent easement for a State highway, permanent easements for utility purposes to be conveyed to SCE, and a temporary easement for construction and grading purposes. Located in the city of Santa Fe Springs at 15306 Carmenita Road. APN 7005-014-053.

C-20178 - Gilbert-Blank, a General Partnership

07-LA-5-PM 1.98 - Parcel 77059-1, 2 - EA 2159C9.

RWC Date: 06/14/10; RTL Date: 06/17/10. Freeway - Carmenita Interchange Improvements. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a temporary easement for construction and grading purposes. Located in the city of Santa Fe Springs at 13711 Freeway Drive. APN 8069-015-055.

C-20179 - Eddie Hanson

08-SBd-58-PM 1.76 - Parcel 21031-1 - EA 0E8509.

RWC Date: 06/30/10; RTL Date: 06/30/10. Conventional highway - widen and provide five-foot median and standard shoulders, and install rumble strips. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of San Bernardino County known as Kramer Junction, approximately three miles west of the intersection of SR 58 and SR 395. APN 0492-251-31.

C-20180 - Heirs and Devisees of Edith H. Elliget, Trustee, etc., et al.

08-SBd-58-PM 1.81 - Parcel 21034-1 - EA 0E8509.

RWC Date: 06/30/10; RTL Date: 06/30/10. Conventional highway - widen and provide five-foot median and standard shoulders, and install rumble strips. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of San Bernardino County known as Kramer Junction, approximately three miles west of the intersection of SR 58 and SR 395. APN 0492-251-05.

C-20181 - Kyong S. Lee, et al.

08-SBd-58-PM 1.83 - Parcel 21035-1 - EA 0E8509.

RWC Date: 06/30/10; RTL Date: 06/30/10. Conventional highway - widen and provide five-foot median and standard shoulders, and install rumble strips. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of San Bernardino County known as Kramer Junction, approximately three miles west of the intersection of SR 58 and SR 395. APN 0492-251-06.

C-20182 - Gertrude Marguerite Underman, Trustee, etc. et al.

08-SBd-58-PM 7.61 - Parcel 21072-1 - EA 478609.

RWC Date: 06/30/10; RTL Date: 06/30/10. Conventional highway - widen and provide five-foot median and standard shoulders, and install rumble strips. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of San Bernardino County known as Kramer Junction, approximately one and a half miles east of the intersection of SR 58 and SR 395. APN 0492-141-07.

C-20183 - Dale E. McMihelk, et ux.

10-Cal-26-PM 0.9 - Parcel 15593-1 - EA 2A4209.

RWC Date: 03/30/10; RTL Date: 04/01/10. Conventional highway - pavement rehabilitation and curb correction. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the unincorporated area of Calaveras County known as Mokelumne Hill at 10281 Highway 26. APN 050-016-141.

C-20184 - James M. Dellamonica, Sr., Trustee, etc., et al.

10-Cal-26-PM 2.55 - Parcel 15620-1 - EA 2A4209.

RWC Date: 03/30/10; RTL Date: 04/01/10. Conventional highway - pavement rehabilitation and curb correction. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Valley Springs at 7850 Cabernet Street. APN 050-016-123.

C-20185 - Pleasant Huston III, et ux.

10-Cal-26-PM 2.86 - Parcel 15623-1 - EA 2A4209.

RWC Date: 03/30/10; RTL Date: 04/01/10. Conventional highway - pavement rehabilitation and curb correction. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Valley Springs at 8513 South Highway 26. APN 050-012-092.

C-20186 - Michael L. Schiada, et ux.

10-Cal-26-PM 2.86 - Parcel 15624-1 - EA 2A4209.

RWC Date: 03/30/10; RTL Date: 04/01/10. Conventional highway - pavement rehabilitation and curb correction. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Valley Springs at 8360 Rosalie Lane. APN 050-053-005.

C-20187 - Joseph Posadas, Trustee, etc., et al.

10-Cal-26-PM 2.92 - Parcel 15625-1 - EA 2A4209.

RWC Date: 03/30/10; RTL Date: 04/01/10. Conventional highway - pavement rehabilitation and curb correction. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Valley Springs at 8383 Highway 26. APN 050-012-061.

C-20188 - Larry R. Sisk, et ux.

10-Cal-26-PM 2.92 - Parcel 15626-1 - EA 2A4209.

RWC Date: 03/30/10; RTL Date: 04/01/10. Conventional highway - pavement rehabilitation and curb correction. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Valley Springs at 8363 Rosalie Lane. APN 050-053-012.

C-20189 - Richard L. Jones

10-Cal-26-PM 2.98 - Parcel 15627-1 - EA 2A4209.

RWC Date: 03/30/10; RTL Date: 04/10/10. Conventional highway - pavement rehabilitation and curb correction. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Valley Springs at 8363 Highway 26. APN 050-012-062.

C-20190 - The Singh Property Management Company, et al.

11-SD-76-PM 8.0 - Parcel 33129-1, 2, 3 - EA 080109.

RWC Date: 07/15/09; RTL Date: 07/15/09. Conventional highway - construct four-lane conventional Highway. Authorizes condemnation of land in fee for a State highway, temporary easements for construction purposes, and underlying fee. Located in the city of Oceanside at 5780 Mission Avenue. APN 157-150-60.

C-20191 - East Vista Way Partners, LLC

11-SD-76-PM 9.3 - Parcel 33134-1, 2 - EA 080109.

RWC Date: 07/15/09; RTL Date: 07/15/09. Conventional highway – construct four-lane conventional highway. Authorizes condemnation of land in fee for a State highway, a temporary easement for construction purposes, and underlying fee. Located in the unincorporated area of Bonsall at 3462 East Vista Way. APN 126-260-15-00.

C-20194 - The Pappas Living Trust, et al.; Behzab Hemmati (Lessee)

11-SD-76-PM 12.0 - Parcel 33165-1 - EA 080109.

RWC Date: 07/15/09; RTL Date: 07/15/09. Conventional highway - construct four-lane conventional highway. Authorizes condemnation of land in fee for a State highway. Located in the town of Bonsall at 5574 Mission Road. APN 126-230-50.

C-20195 - Marron Bros. Construction Inc., a California Corporation

11-SD-76-PM 8.9 - Parcel 33131-1, 2, 3 - EA 080109

RWC Date: 07/15/09; RTL Date: 07/15/09. Conventional highway - construct four-lane conventional highway. Authorizes condemnation of land in fee for a State highway, a permanent drainage easement, and a temporary easement for construction purposes. Located in the city of Oceanside, east of Melrose Drive and west of East Vista Way. APN 170-020-25.

C-20196 - Kevin Gano, et ux.

10-Cal-26-PM 1.4 - Parcel 15603-1 - EA 2A4209.

RWC Date: 03/30/10; RTL Date: 04/01/10. Conventional highway - pavement rehabilitation and curb correction. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Valley Springs at 9738 Highway 26. APN 050-015-006.