

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: October 24, 2012

Reference No: 2.4b.
Action Item

From: NORMA ORTEGA
Chief Financial Officer

Prepared by: Brent 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-20956, C-20957, and C-20959 through C-20979 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-20956 - Viola Risling Ryerson

01-Hum-169-PM 18.99 - Parcels 12175-1; 12176-1 - EA 450909.

Right of Way Certification (RWC) Date: 04/01/13; Ready to List (RTL) Date: 04/15/13.

Conventional highway - widening roadway and adding guard rail. Authorizes condemnation of land in fee for a State highway, and condemnation of underlying fee for a State highway. Located near the town of Weitchpec. Assessor's Parcel Number (APNs) 533-013-014, -022, & -023.

C-20957 - Midpeninsula Regional Open Space District

04-SCI-9-PM 2.7 - Parcel 62586-1, 2 - EA 2A4309.

RWC Date: 06/03/13; RTL Date: 06/04/13. Conventional highway - Improve sight distance, upgrade existing lanes and shoulders. Authorizes condemnation of land in fee for a State highway and a permanent easement for slope purposes. Located in the city of Saratoga approximately 0.3 mile west of Redwood Gulch Road and State Route (SR) 9. APN 503-360-28.

C-20959 - San Jose Water Works, et al.

04-SCI-9-PM 6.0 - Parcel 62590-1 - EA 2A4309.

RWC Date: 06/03/13; RTL Date: 06/04/13. Conventional highway - Improve sight distance, upgrade existing lanes and shoulders. Authorizes condemnation of a permanent easement for slope purposes. Located in the city of Saratoga, approximately 0.3 mile east of Pierce Road and SR 9. APN 503-73-002.

C-20960 - Casa Grande Acquisition Corporation

04-SCI-9-PM 6.0 - Parcel 62594-1 - EA 2A4309.

RWC Date: 06/03/13; RTL Date: 06/04/13. Conventional highway - Improve sight distance, upgrade existing lanes and shoulders. Authorizes condemnation of land in fee for a State highway. Located in the city of Saratoga approximately 0.2 mile east of Congress Spring Lane and SR 9. APN not available; contiguous with APNs 503-75- 002, -019 and 203-75-001.

C-20961 - The Purdy Trust, et al.

04-SCI -152-PM 4.8 - Parcel 62533-1, -2 - EA 2A2509.

RWC Date: 05/22/2013; RTL Date: 05/24/2013. Conventional highway - Widening of existing shoulders, constructing retaining walls, overlaying existing pavement, removing trees, installing warning signs and constructing a left-turn lane on eastbound SR 152 at Watsonville Road. Authorizes condemnation of land in fee for a State highway and a permanent utility easement. Located in the unincorporated area of Santa Clara County at 8265 Watsonville Road. APN 756-35-047.

C-20962 - Marla Vierra et al.

04-Sol-12-PM 22.6 - Parcel 62183-1, 2 - EA 2A6209.

RWC Date: 01/15/2013; RTL Date: 01/15/2013. Conventional highway - Install left turn pockets and standard shoulders along State Route 12 in Rio Vista, CA. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the unincorporated area of the county of Solano near SR 12 and Azevedo Road. APN 0048-120-430.

C-20963 - Steve Salazar, Trustee of the Steve Salazar Living Trust dated December 12, 2006

07-LA-5-PM 6.3 - Parcel 80210-1, 2, 3 - EA 215959.

RWC Date: 01/04/13; RTL Date: 01/18/13. Freeway - widen Interstate 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, a permanent easement for footing purposes and a temporary easement for construction purposes. Located in the city of Santa Fe Springs at 10783 Longworth Avenue. APN 8007-037-037.

C-20964 - The City of Burbank, a municipal corporation

07-LA-5-PM 30.1 - Parcel 80292-1 - EA 1218W9.

RWC Date: 05/17/12; RTL Date: 05/23/12. Freeway - construct HOV lane and interchange modification. Authorizes condemnation of a permanent easement for railroad purposes to be conveyed to Los Angeles County Metropolitan Transportation Authority. Located in the city of Burbank at 1150 North Victory Place. APN 2462-017-904.

C-20965 - Gabriel L. Valencia, Trustee, etc., et al.

07-LA-10-PM 31.5 - Parcel 79805-1, 2 - EA 245409.

RWC Date: 05/17/11; RTL Date: 08/12/11 (Design Build - under construction).

Freeway - 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 purposes and the purpose of removing existing improvements which straddle the right of way line. Located in the city of Baldwin Park at 856 Frazier Street. APN 8559-009-035.

C-20966 - Rachele Reyes Morales, et al.

07-LA-60-PM 22.2 - Parcel 79943-1 - EA 224109.

RWC Date: 08/20/13; RTL Date: 08/28/13. Freeway - construct interchange. Authorizes condemnation of a temporary easement for construction purposes. Located in the city of Diamond Bar at 20465 Flintgate Drive. APN 8762-034-009.

C-20967 - Manuel DeLeon and Evelyn DeLeon

07-LA-60-PM 22.3 - Parcel 79947-1, 2, 3, 4, 5 - EA 224109.

RWC Date: 08/20/13; RTL Date: 08/28/13. Freeway - construct interchange. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, easements for utility purposes to be conveyed to Southern California Edison and Verizon, and an easement for utility and drainage purposes to be conveyed to the owners of Lots 1 to 99, inclusive, of Tract No. 25391 in the County of Los Angeles. Located in the city of Diamond Bar at 20489 Flintgate Drive. APN 8762-034-005.

C-20968 - Kwun Wah Chan

07-LA-60-PM 22.3 - Parcel 79948-1, 2, 3, 4, 5 - EA 224109.

RWC Date: 08/20/13; RTL Date: 08/28/13. Freeway - construct interchange. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, easements for utility purposes to be conveyed to Southern California Edison and Verizon, and an easement for utility and drainage purposes to be conveyed to the owners of Lots 1 to 99, inclusive, of Tract No. 25391 in the County of Los Angeles. Located in the city of Diamond Bar at 20503 Flintgate Drive. APN 8762-034-004.

C-20969 - Pamela J. Lyons

07-LA-60-PM 22.3 - Parcel 79949-1, 2, 3, 4, 5 - EA 224109.

RWC Date: 08/20/13; RTL Date: 08/28/13. Freeway - construct interchange. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, easements for utility purposes to be conveyed to Southern California Edison and Verizon, and an easement for utility and drainage purposes to be conveyed to the owners of Lots 1 to 99, inclusive, of Tract No. 25391 in the county of Los Angeles. Located in the city of Diamond Bar at 20509 Flintgate Drive. APN 8762-034-003.

C-20970 - Martin A. De Los Reyes and Nimfa D. De Los Reyes

07-LA-60-PM 22.3 - Parcel 79950-1, 2, 3, 4, 5 - EA 224109.

RWC Date: 08/20/13; RTL Date: 08/28/13. Freeway - construct interchange. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, easements for utility purposes to be conveyed to Southern California Edison and Verizon, and an easement for utility and drainage purposes to be conveyed to the owners of Lots 1 to 99, inclusive, of Tract No. 25391 in the county of Los Angeles. Located in the city of Diamond Bar at 20515 Flintgate Drive. APN 8762-034-002.

C-20971 - Mujahid Hussain and Kathy B. Hussain

08-SBd-15-PM 43.7 - Parcel 20966-1 - 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 and extinguishment of abutter's rights of access. Located in the city of Victorville near the northeast quadrant of the E Street Interchange. APN 0478-041-58.

C-20972 - Heirs and Devisees of Virginia B. Yeager

08-SBd-38-PM 5.30 - Parcel 22432-1, 2 - EA 0M4509.

RWC Date: 06/03/13; RTL Date: 06/28/13. Conventional highway - add left turn pockets. Authorizes condemnation of land in fee for a State highway, and a temporary easement for construction purposes. Located in the unincorporated area of Mentone at 2411 Mill Creek Road. APN 0298-293-11.

C-20973 - Ben F. Gosser, Trustee, etc., et al.

08-SBd-247-PM 3.83 - Parcel 21829-1 - EA 0F6609.

RWC Date: 09/06/13; RTL Date: 09/20/13. Conventional highway - widening to construct shoulders. Authorizes condemnation of land in fee for a State highway. Located near the town of Yucca Valley at 4224 Old Woman Springs Road. APN 0597-061-14.

C-20974 - Estate of Lucille Holland

08-SBd-247-PM 3.97 - Parcel 21832-1 - EA 0F6609.

RWC Date: 09/06/13; RTL Date: 09/20/13. Conventional highway - widening to construct shoulders. Authorizes condemnation of land in fee for a State highway. Located in the town of Yucca Valley between the northeast corner of the intersection of SR 247 and New Horizons Street, and the southeast corner of the intersection of SR 247 and Wilhart Drive. APN 0597-061-26.

C-20975 - Bernadette I. Hock, et al.

08-SBd-247-PM 7.22 - Parcel 21846-1 - EA 0F6609.

RWC Date: 09/06/13; RTL Date: 09/20/13. Conventional highway - widening to construct shoulders. Authorizes condemnation of land in fee for a State highway. Located near the town of Yucca Valley at the southwest corner of unpaved Junipero Trail. APN 0629-032-47.

C-20976 - Edward Maurice Lybeer, Trustee of the Lybeer 2006 Revocable Family Trust dated 12-21-2006

08-SBd-247-PM 7.40 - Parcel 21850-1 - EA 0F6609.

RWC Date: 09/06/13; RTL Date: 09/20/13. Conventional highway - widening to construct shoulders. Authorizes condemnation of land in fee for a State highway. Located north of the town of Yucca Valley at the northwest corner of SR 247 and Chaparral Road. APN 0629-032-10.

C-20977 - Inge Davidson, Trustee

08-SBd-247-PM 9.57 - Parcel 21881-1 - EA 0F6609.

RWC Date: 09/06/13; RTL Date: 09/20/13. Conventional highway - widening to construct shoulders. Authorizes condemnation of land in fee for a State highway. Located near the town of Yucca Valley at 121 Old Woman Springs Road. APN 0629-231-01.

C-20978 - William Bedford, et al.

10-SJ-4-PM 14.6 - Parcels 16457-1; 16485-1 - EA 0S1109.

RWC Date: 05/23/13; RTL Date: 05/24/13. Freeway - extend freeway from west end of SR 4 to Navy Drive. Authorizes condemnation of land in fee for a State highway. Located in the city of Stockton at 2345 Navy Drive. APNs 163-320-03, -04.

C-20979 - CBS Outdoor Advertising, Inc.

10-SJ-99-PM 17.5 - Parcel 16390-(A) - EA 3A1009.

RWC Date: 03/01/12; RTL Date: 06/04/12. Freeway - widen to six lanes. Authorizes condemnation of extinguishment of an easement for Signboard - CBS Outdoor Advertising, Inc. This is a post-cert parcel. Located in the city of Stockton, east of the Northbound SR 99 and the railroad crossing. APN's 173-030-19; 173-140-29.