

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: May 7, 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-21045 through C-21061, and C-21063, 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-21045 – The Heirs and Devisees of Estate of Helen M. George

02-Sha-299-PM 32.3 - Parcel 13907 -1, 2, 3 - EA. 360709.

Right of Way Certification (RWC) Date: 05/01/13; Ready to List (RTL) Date: 05/01/13.

Conventional highway - roadway rehabilitation. Authorizes condemnation of land in fee for a State highway, underlying fee, and two permanent drainage easements. Located on the south side of existing Highway 299, east of Old Alturas Road, near the community of Bella Vista in Shasta County. Assessor's Parcel Number (APN) 305-220-004.

C-21046 - Raymond Majauskas and Pamela Majauskas

04-Mrn-101-PM 27.4 - Parcel 62439-1, 2, 3, 4 - EA 264099.

RWC Date: 05/01/14; RTL Date: 05/01/14. Expressway - upgrading the existing expressway to an access-controlled freeway and correct the San Antonio Curve. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, an easement for water pipeline facilities to be conveyed to North Marin Water District, and temporary easements for highway construction. Located in the unincorporated area of Marin County near San Antonio Road and Highway 101. APN 125-130-14.

C-21047 - Mac5 Properties, LLC, a California Limited Liability Company

07-LA-5-PM 1.27 - Parcel 77613-1, 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, permanent easements for footing and maintenance purposes, a temporary easement for 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 16105 Valley View Avenue. APN 7001-012-032.

C-21048 - Youn Suk Park and Yeun Sil Park

07-LA-5-PM 6.3 - Parcel 77675-1, 2, 3, 4, 5, 6, 7, 8, 01-01 - EA 215959.

RWC Date: 06/14/13; RTL Date: 06/28/13. Freeway - widen I-5 to add HOV 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 construction purposes, easements for utility purposes to be conveyed to Southern California Edison Company, Verizon, Charter and AT&T, and excess land in fee to which the owner has consented. Located in the city of Santa Fe Springs at 10821 Orr and Day Road. APN 8017-001-038.

C-21049 - Frances Earhart, et al.

07-LA-5-PM 6.3 - Parcel 77676-1, 2, 3, 4, 5, 01-01 - EA 215959.

RWC Date: 06/14/13; RTL Date: 06/28/13. Freeway - widen I-5 to add HOV 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 construction purposes, and excess land in fee to which the owner has consented. Located in the city of Santa Fe Springs at 10825 Orr and Day Road. APN 8017-001-034.

C-21050 - City of Burbank, a municipal corporation

07-LA-5-PM 30.6 - Parcel 79779-1, 2 - EA 1218W9.

RWC Date: 05/17/12; RTL Date: 05/23/12. Freeway - construct HOV and interchange modification. Authorizes condemnation of a permanent easement for State highway purposes, extinguishment of abutter's rights of access, and an easement for footing purposes to be conveyed to Los Angeles County Metropolitan Transportation Authority. Located in the city of Burbank near San Fernando Boulevard adjacent to the railroad corridor. APNs 2462-017-903; 2464-018-903.

C-21051 - Bernard Perlin, Trustee, etc., et al.

07-LA-5-PM 1.2 - Parcel 77792-1, 2, 01-01 - 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, a temporary easement for construction purposes, and land in fee which is a remnant and would be of little market value. Located in the city of La Mirada at 14210 Firestone Boulevard. APN 7003-006-001.

C-21052 - CRI Properties, LLC, a California limited liability company

07-LA-5-PM 0.0 - Parcel 79831-1, 2, 01-01 - 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, extinguishment of abutter's rights of access, a temporary easement for construction purposes, and excess land in fee to which the owner has consented. Located in the city of La Mirada at 14949 Firestone Boulevard. APN 7001-018-005.

C-21053 - Maier, Bojarsky & Zeman, a co-partnership

07-LA-5-PM 6.5 - Parcel 80013-1, 2, 3, 4 - EA 215959.

RWC Date: 06/14/13; RTL Date: 06/28/13. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, permanent easements for footing and maintenance purposes, and a temporary easement for construction purposes. Located in the city of Downey at 10780 Fairford Avenue. APN 8019-033-006.

C-21054 - City of Los Angeles

07-LA-405-PM 36.7 - Parcel 79692-1, 2, 3 - EA 120309.

RWC Date: 08/21/13; RTL Date: Design-Build. Freeway - widen Interstate 405 (I-405) to add HOV lane. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for slope purposes, and a temporary easement for construction purposes. Located in the city of Los Angeles southeasterly of Skirball Center Drive, adjacent to I-405. APN 4378-001-900.

C-21055 - JJB Real Estate LLC, a California Limited Liability Company

08-SBd-15-PM 43.5 - Parcel 20954-1 - 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. Located in the city of Victorville near 16951 D Street. APN 0478-021-11.

C-21056 - JJB Real Estate LLC, a California Limited Liability Company

08-SBd-15-PM 43.6 - Parcel 20960-1 - 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 extinguishment of abutter's rights of access. Located in the city of Victorville at 16951 D Street. APN 0478-031-21.

C-21057 - Rizwan M. Azam, et al.

08-SBd-15-PM 43.8 - Parcel 20963-1, 2 - 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 temporary easement for construction purposes. Located in the city of Victorville adjacent to, and east of the northeast quadrant of the E Street interchange. APN 0478-033-01.

C-21058 - Milana IV, LLC, a California Limited Liability Company

08-SBd-15-PM 43.5 - Parcel 20970-1, 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 temporary easement for construction purposes. Located in the city of Victorville at 16397 South D Street. APN 0478-044-40.

C-21059 - The Estate of Gloria Escalera

08-SBd-138-PM 3.80 - Parcel 21566-1 - 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 unincorporated area of San Bernardino county, known as Pinon Hills, 500 feet east of Buckwheat Road, on the north side of State Route (SR) 138. APN 3067-561-21.

C-21060 - The Estate of Fred Escalera

08-SBd-138-PM 3.9 - Parcel 21567-1 - 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 unincorporated area of San Bernardino county, known as Pinon Hills, 1,500 feet east of Buckwheat Road, on the north side of SR 138. APN 3067-571-03.

C-21061 - Hee Jung Chun

08-SBd-138-PM 12.61 - Parcel 21597-1 - 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 unincorporated area of San Bernardino county, known as Pinon Hills at 4235 SR 138. APNs 0351-091-28, -32.

C-21063 - Denise M. Leonhardt

08-SBd-215-PM 16.24 - Parcel 22606-1, 2 - EA 0K7109.

RWC Date: 07/31/14; RTL: Design-Build. Freeway - add additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/Interstate 215 (I-215) interchange and reconfigure connectors to the I-215 truck bypass lanes and auxiliary lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and a temporary easement for construction purposes. Located in the unincorporated area of San Bernardino county at 18985 and 18999 Cajon Boulevard. APNs 0348-141-23, -24.