

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: September 24-25, 2003

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 (Department) recommends the California Transportation Commission adopt Resolutions of Necessity C-18835 through C-18846. 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-18835 - Pentz Property Partnership

03-Butte-99-PM 23.8-Parcel 033277-1,2,3,4,5,6,7,8 - EA: 3822U9 - Certification Date: 10/01/03 - RTL Date: 10/01/2003 - (Freeway - construct a four-lane expressway and interchange). Authorizes condemnation of land in fee for a State highway, seven easements for drainage. Located near the city of Chico at intersection of Highway 99 and Durham - Pentz Road.

C-18836 - Don Collins Buick, Inc., a California Corporation

04-Mrn-101-KP 16.6-Parcel 54604-A - EA: 226152 - Certification Date: 01/04/2003 - RTL Date: 01/04/2003 - (Freeway - construct HOV lane). Authorizes condemnation of tenant's machinery and equipment. Located in the city of San Rafael at 502 Francisco Boulevard West.

C-18837 - County of Contra Costa

04-CC-80-KP 21.2-Parcel 57140-1 - EA: 013052 - Certification Date: 12/31/2003 - RTL Date: 12/31/2003 - (Freeway - create a vista point). Authorizes condemnation of land in fee for a State highway. Located near the town of Crockett near the new Carquinez interchange and bridge.

C-18838 - Dennis L. Buckley and Anna M. Buckley, Trustees, et al.

04-CC-80-PM 11.5-Parcel 59361-1 - EA: 263702 - Certification Date: 10/01/2003 - RTL Date: 10/01/2003 - (Freeway - HOV lane gap closure). Authorizes condemnation of land in fee for a State highway. Located in the town of Rodeo at 848 California Street.

C-18839 - William C Cutting, Trustee, etc., et al.

06-Fre-180-KP 104.1-Parcel 84844-1,2 - EA: 342439 - Certification Date: 02/01/04 - (Freeway - construct six-lane freeway on new alignment with provision for future additional lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access and an easement for pipeline facilities to be conveyed to Fresno Irrigation District. Located near the unincorporated area of Fresno at 527 North Temperance.

C-18840 - Norma D. Leonard

06-Fre-180-KP R105.0-Parcel 84852-1,2 (84852-01-01) - EA: 342439 - Certification Date: 02/01/04 - (Freeway - construct six-lane freeway on new alignment with provision for future additional lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for freeway construction and land in fee which is a remnant and would have little market value. Located near the unincorporated area of Fresno at Kings Canyon and Temperance.

C-18841 - Joseph E. White, et al.

06-Ker-58-PM 112.3-Parcel 3641-1; 3642-1 - EA: 484009 - Certification Date: 12/01/03 - (Maintenance station expansion). Authorizes condemnation of land in fee for a maintenance station. Located in the Town of Mojave near northeast corner of K Street and Nadeau Street.

C-18842 - Roger E. White, et ux.

06-Ker-58-PM 112.3-Parcel 3644-1 - EA: 484009 - Certification Date: 12/01/03 - (Maintenance station expansion). Authorizes condemnation of land in fee for a maintenance station. Located in the Town of Mojave at southwest corner of Mono Street and the second alley west of K Street.

C-18843 - Joseph E. White, et al.

06-Ker-58-PM 112.29-Parcel 3645-1 - EA: 484009 - Certification Date: 12/01/03 - (Maintenance station expansion). Authorizes condemnation of Land in fee for a maintenance station. Located in the Town of Mojave at 2200 Mono Street.

C-18844 - Helen Melchior

07-LA-405-KP 44.2-Parcel 76914-1, 2, 3, 4, 01-01 - EA: 1178U9 - Certification Date: 06/26/03 - RTL Date: 06/30/03 - (Freeway – 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 permanent easement for footing purposes, two temporary easements for construction purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Culver City at 4058 Globe Avenue.

C-18845 - Manfred Gerger, et al.

07-LA-405-KP 43.5-Parcel 77107-1,2 - EA: 1178U9 - Certification Date: 06/26/03 - RTL Date: 06/30/03 - (Freeway - widen existing Freeway and construct HOV 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 city of Culver City at 4341 Sawtelle Boulevard.

C-18846 - Los Angeles County Flood Control District

07-LA-405-KP 46.2-Parcel 76886-1, 2 - EA: 1178U9 - Certification Date: 06/26/03 - RTL Date: 06/30/03 - (Freeway - widen existing Freeway and construct HOV lanes). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter’s rights of access, and a permanent easement for drainage purposes. Located in the city of Los Angeles at the Sepulveda/Westwood Channel.