

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: February 25-26, 2004

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-18891 through C-18902. 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-18891 - R.D. Beacon

01-Men-1-KP 54.08-Parcel 11295 - EA: 310109 - Certification Date: 05/01/04 - RTL Date: 05/01/04 - (Conventional highway - replace bridge #10-123). Authorizes condemnation of land in fee for a State highway. Located in the town of Elk near the south approach to Greenwood Creek Bridge.

C-18892 - Kermit E. Carter, Jr., et al.

01-Men-1-KP 54.12-Parcel 11296 - EA: 310109 - Certification Date: 05/01/04 - RTL Date: 05/01/04 - (Conventional highway - replace bridge #10-123). Authorizes condemnation of land in fee for a State highway. Located in the town of Elk at the south approach to Greenwood Creek Bridge on Highway 1.

C-18893 - Union Pacific Railroad

06-Tul-198-KP 36.5-Parcel 84665-1, 2 - EA: 339309 - Certification Date: 01/01/04 - RTL Date: 01/01/04 - (Conventional highway - AC overlay and widen). Authorizes condemnation of land in fee for a State highway and underlying fee in street. Located near the city of Lemon Cove near the northwest corner of State Route 198 and Avenue 300 in Tulare County.

C-18894 - Frank D. Coombs, et al.; Viacom Outdoor Advertising, (Lessee)

06-Fre-180-KP 87.9-Parcel 84739-1A, 1B - EA: 303709 - Certification Date: 07/01/04 - (Conventional highway - widen shoulders, signalization, channelization and raise profile). Authorizes condemnation of land in fee for a State highway, all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements, and underlying fee in street. Located in the city of Fresno at 2510 West Whitesbridge Road.

C-18895 - Mary L. Lewis, et al.

06-Fre-180-KP 87.9-Parcel 84740-1A, 1B - EA: 303709 - Certification Date: 07/01/04 - RTL Date: 07/01/04 - (Conventional highway - widen shoulders, signalization, channelization and raise profile). Authorizes condemnation of land in fee for a State highway and underlying fee in street. Located in the city of Fresno near Hughes Avenue.

C-18896 - Galleria Park Partners, LLC, a Delaware Limited Liability Co.

07-LA-405-KP 62.7-Parcel 79060 - EA: 201209 - Certification Date: 02/15/04 - RTL Date: 03/15/04 - (Freeway - Gap Closure Project with Flyunder Structure). Authorizes condemnation of a permanent aerial easement for State highway purposes and extinguishment of abutter's rights of access to the State freeway viaduct. Located in the city of Los Angeles at 15301 Ventura Boulevard.

C-18897- Pil Sun Chun, et al.

08-Riv-79-KP 3.65- Parcel 18054-1 - EA: 438119 - Certification Date: 03/01/04 - RTL Date: 04/05/04 - (Conventional highway - construct a new "T" intersection). Authorizes condemnation of land in fee for a State highway. Located in the town of Aguanga at the intersection of State Route 79 and State Route 371.

C-18898 - Sun Chor Gong and Betty Gong as Trustees, etc., et al.

10-SJ-99-KP 31.0 / 37.4-Parcel 15210-1, 2, 3, 4 - EA: 445609 - Certification Date: 04/01/04 - RTL Date: 04/01/04 - (Freeway) - Authorizes condemnation of land in fee for a State highway and two permanent easements for public utilities. Located in the city of Stockton at 3928 E. Hammer Lane.

C-18899 - Joe. A. Freitas Jr., et al.

10-SJ-120-KP 10.8-Parcel 14837 - 1, 2, A - EA: 0A7509 - Certification Date: 03/01/04 - RTL Date: 03/01/04 - (Conventional highway - install traffic signals and improve intersection geometrics). Authorizes condemnation of land in fee for a State highway and a temporary construction easement. Located in the city of Manteca at 2189 East Yosemite Avenue.

C-18900 - Joe A. Freitas Jr., Trustee, etc., et al.

10-SJ-120-KP 10.8-Parcels 14838-1, 2, A; 14839-1, 2, A - EA: 0A7509 - Certification Date: 03/01/04 - RTL Date: 03/01/04 - (Conventional highway - install traffic signals and improve intersection geometrics). Authorizes condemnation of land in fee for a State highway and a temporary construction easement. Located in the city of Manteca at 2201 & 2233 East Yosemite Avenue.

C-18901 - Michael P. Madzier, et al.; Bernard Jerald Madzier; Terry Miller (Lessee).

10-SJ-120-KP 10.9-Parcel 14849-1, 2, A - EA: 0A7509 - Certification Date: 3/01/04 - RTL Date: 03/01/04 - (Conventional highway - install traffic signals and improve intersection geometrics). Authorizes condemnation of land in fee for a State highway, a temporary construction easement, and 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 in the city of Manteca at 10200 East Highway 120.

C-18902 - Timothy J. Spencer, Trustee, etc., et al.

10-SJ-120-KP 11.0-Parcel 14850-1, 2, A - EA: 0A7509 - Certification Date: 03/01/04 - RTL Date: 03/01/04 - (Conventional highway - install traffic signals and improve intersection geometrics). Authorizes condemnation of land in fee for a State highway and a temporary construction easement. Located in the city of Manteca, in and near Manteca from 0.3KM west to 0.2KM east of Austin Road.