

# Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: October 8, 2014

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-21276 through C-21278 and C-21282 through C-21289 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. The 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-21276 - Leo P. Oliver, as Trustee of The Leo P. Oliver Living Trust dated June 13, 2007

06-Fre-180-PM 74.87 - Parcel 84571-1, 2, 3, 4 - EA 342539.

Right of Way Certification (RWC) Date: 11/01/14; Ready to List (RTL) Date: 12/01/14.

Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, permanent easements for state highway purposes and for a county road to be relinquished to the county of Fresno, and a temporary easement for removing certain improvements which straddle the right of way line. Located in the unincorporated area of the county of Fresno at the northwest corner of State Route (SR) 180 at Oliver Avenue.

Assessor Parcel Number (APN) 333-140-36.

C-21277 - Leo P. Oliver, as Trustee of The Leo P. Oliver Living Trust dated June 13, 2007

06-Fre-180-PM 75.00 - Parcel 84575; 84575-01-01 - EA 342539.

RWC Date: 11/01/14; RTL Date: 12/01/14. Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway,

extinguishment of abutter's rights of access, and land in fee which is a remnant and would be little market value. Located in the unincorporated area of the county of Fresno at the northeast corner of SR 180 and Trimmer Springs Road. APN 333-140-16, 17.

C-21278 - Lucille Miller, as Surviving Trustee of the Leo P. Miller and Lucille Miller Revocable Living Trust

06-Fre-180-PM 76.68 - Parcel 84602-1, 2 - EA 342539.

RWC Date: 11/01/14; RTL Date: 12/01/14. Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and an easement for a frontage road to be conveyed to Fresno County. Located near the city of Sanger at the north side of SR 180 at Alta Main Canal. APN 333-231-20.

C-21282 - Loren Sandvik

06-Ker-14-PM 62.2 - Parcel 4002-1 - EA 06-457112.

RWC Date: 07/01/15; RTL Date: 08/03/15. Expressway - convert existing two-lane to four-lane expressway. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near the town of Inyokern at Post mile 62.2. APN 064-410-04.

C-21283 - CBS Outdoor, LLC

07-LA-5-PM 0.60 - Parcel 79843-A - EA 215929.

RWC Date: 10/31/14; RTL Date: 11/26/14. Freeway - widen Interstate 5 to add high occupancy vehicle and mixed flow lanes. Authorizes condemnation of leasehold interest of outdoor advertising company. Located in the city of La Mirada at 14620 East Firestone Boulevard. APN 7003-008-013.

C-21284 - Denise M. Griggs, Administrator of the Estate of Ulysses S. Griggs, Jr.

07-LA-405-PM 32.57 - Parcel 80297-1, 2 - EA 120309.

RWC Date: 09/26/14; RTL Date: Design-Build. Freeway - widen Interstate 5 to add High Occupancy Vehicle lane. Authorizes condemnation of a permanent tieback easement and a temporary easement for construction purposes. Located in the city of Los Angeles at 375 Dalkeith Avenue. APN 4366-015-033.

C-21285 - President and Fellows of Harvard College

08-SBd-138-PM R17.4/R17.6 - Parcel 22914-1, 2 - EA 0Q3009.

RWC Date: 04/15/15; RTL Date: 05/01/15. Conventional highway - realign and construct two-lane paved section of SR 138. Authorizes condemnation of land in fee for a State highway, extinguishment of abutters rights of access, and a temporary easement for construction purposes. Located in the unincorporated area of West Cajon Valley in San Bernardino County on SR 138. APN 0351-151-03.

C-21286 - Allen J. Andra

08-SBd-247-PM 11.10 - Parcel 23082-1 - EA 0G9009.

RWC Date: 06/01/15; RTL Date: 06/15/15. Conventional highway - Insert rumble strips and upgrade shoulders. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Landers in San Bernardino County at SR 247 north of Allen Lane. APN 0629-271-20.

C-21287 - Estate of Karena A. Musial

08-SBd-247-PM 11.25 - Parcel 23085-1 - EA 0G9009.

RWC Date: 06/01/15; RTL Date: 06/15/15. Conventional highway - Insert rumble strips and upgrade shoulders. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Landers in San Bernardino County at 1390 Old Woman Springs Road. APNs 0629-281-56, -57.

C-21288 - Michael J. Kanuch and Happy Kanuch

08-SBd-247-PM 11.35 - Parcel 23086-1 - EA 0G9009.

RWC Date: 06/01/15; RTL Date: 06/15/15. Conventional highway - Insert rumble strips and upgrade shoulders. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Landers in San Bernardino County at 1424 Old Woman Springs Road. APN 0629-281-29.

C-21289 - San Bernardino County Fire Protection District

08-SBd-247-PM 11.85 - Parcel 23098-1 - EA 0G9009.

RWC Date: 06/01/15; RTL Date: 06/15/15. Conventional highway - Insert rumble strips and upgrade shoulders. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of Landers in San Bernardino County, west of SR 247 near the northwest corner of Jesse Road. APN 0629-291-67.