

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: December 10, 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-21290, C-21291, C-21293 through C-21295, and C-21298 through C-21303 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-21290 - GF Land Company, LP, a California Limited Partnership, et al

06-Fre-180-PM 74.44 - Parcel 84558-1, 2; 84559-1, 2, 3, 4, 5, 6, 01-01 - EA 342539.

Right of Way Certification (RWC) Date: 01/15/15; Ready to List (RTL) Date: 02/02/15.

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 permanent easement for a county road to be conveyed to County of Fresno, easements for utility purposes to be conveyed to Free Water Irrigation District, Pacific Gas and Electric and Verizon, private vehicle easement to be conveyed to Assessor Parcel Number (APN) 333-081-32, and land in fee which is a remnant and would be of little market value. Located in the unincorporated area of County of Fresno at north of State Route (SR) 180, and west of Smith Road. (APN) 333-081-28, 29, 37; 333-021-49.

C-21291 - GF Land Company, LP, a California Limited Partnership

06-Fre-180-PM 74.44 - Parcel 84633-1, 2, 3 - EA 342539.

RWC Date: 01/15/15; RTL Date: 02/02/15. 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 permanent easement for a county road, and an easement for private vehicle access to be conveyed to APNs 333-081-32, 333-081-27, 333-021-49 and 333-081-28, 29, 37. Located in the unincorporated area of County of Fresno at 1218 Frankwood Avenue. APN 333-100-29.

C-21293 - The Estate of Helen Julia Hill

06-Ker-14-PM 61.0 - Parcel 4009-1, 2 - EA 06-457119.

RWC Date: 07/01/15; RTL Date: 08/03/15. Expressway - convert existing two-lane conventional highway to four-lane expressway. Authorizes condemnation of lands in fee for a State highway, and extinguishment of abutter's rights of access. Located near the unincorporated area of Inyokern at Post mile 61.0. APN 064-173-20.

C-21294 - Atherton, Barbara

06-Ker-14-PM 60.7 - Parcel 4016-1 - EA 06-457119.

RWC Date: 07/01/15; RTL Date: 08/03/15. Expressway - convert existing two-lane conventional highway 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 unincorporated area of Inyokern near the Intersection of Route 14/178E. APN 064-173-25.

C-21295 - David Earl Brinkmann

06-Ker-14-PM 59.3 - Parcel 4020-1, 2 - EA 06-457119.

RWC Date: 07/01/15; RTL Date: 08/03/15. Expressway - convert existing 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 a temporary easement for highway construction. Located near the unincorporated area of Inyokern about one mile south of the Route 14/178E intersection. APN 341-020-29.

C-21298 - Moorteza Moortezaghholi and Laura Moortezaghholi

07-LA-10-PM 39.8 - Parcel 80492-1 - EA 1193U9.

RWC Date: 12/15/14; RTL Date: 01/02/15. Freeway - widen Interstate 10 to add high occupancy vehicle lanes. Authorizes condemnation of a permanent easement for utility purposes to be conveyed to Southern California Edison Company. Located in the city of Covina at 20740 East Via Verde Street. APN 8448-018-024.

C-21299 - Summit Valley Materials, Inc., a California Corporation

08-SBd-138-PM R19.3 - Parcel 22909-1 - EA 0Q3009.

RWC Date: 04/15/15; RTL Date: 05/01/15. Conventional highway - realign and construct a two lane paved section of SR 138. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the unincorporated area of San Bernardino east of Interstate 15, bisected by SR 138. APN 0357-111-64.

C-21300 - Alonzo Heathcock

08-SBd-247-PM 11.20 - Parcel 23084-1 - 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 on SR 247, north of Montara Road. APN 0629-281-27.

C-21301 - Penny L. Wagner

08-SBd-247-PM 11.40 - Parcel 23087-1 - 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 at 1474 Old Woman Springs Road. APN 0629-281-55.

C-21302 - Loren York and Virginia York, et al.

10-Ama-49-PM 3.6 - Parcel 16622-1A, 1B - EA 0W3609.

RWC Date: 05/15/15; RTL Date: 06/19/15. Expressway - Install traffic signals and intersection improvements. Authorizes condemnation of land in fee for a State highway, and underlying fee. Located in the city of Jackson at 106 French Bar Road. APN 020-382-010.

C-21303 - SCIF Redhill, LLC, a Delaware Limited Liability Company

12-Ora-405-PM 8.4 - Parcel 102820-1 - EA 0N5409.

RWC Date: 04/25/15; RTL Date: 05/01/15. Freeway - Stabilize embankment in Red Hill Avenue on the south side of Interstate 405. Authorizes condemnation of a temporary easement for construction and utility relocation purposes. Located in the city of Costa Mesa at 3190 Pullman Street. APNs 427-212-01, -02.