

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: January 8, 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-20991, C-20992, C-20998 through C-21000, and C-21004 through C-21017 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-20991 - J. W. Silveira, Barbara O. Silveira, & William J. Silveira

03-ED-89-PM 13.3 - Parcel 35669-1, 2 - EA 1A8429.

Right of Way Certification (RWC) Date: 11/01/13; Ready to List (RTL) Date: 11/01/13.

Conventional highway - drainage improvements and curve corrections. Authorizes condemnation of land in fee for a State highway and a temporary easement for highway construction. Located in the city of South Lake Tahoe near Emerald Bay Road.

Assessor's Parcel Number (APN) 018-300-04.

C-20992 - Santa Clara County Parks and Recreation Department

04-SCI-152-PM 2.6, 2.9 - 62530-1, 2, 3, 4, 5, 6, 7; 62531-1; 62532-1 - EA 2A2509.

RWC Date: 05/22/2013- RTL Date: 05/24/2013. Conventional highway - Widening of existing shoulders, constructing retaining walls, overlaying existing pavement, removing trees, installing warning signs, and constructing a left-turn lane on eastbound State Route (SR) 152 at Watsonville Road. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and five permanent easements for Soil Nail Wall purposes. Located in the unincorporated area of Santa Clara County near Mt. Madonna County Park, Hecker Pass Rd, Watsonville. APN 756-33-001, 756-34-004, & 756-33-001.

C-20998 - Yuan Jiun Lee, et al.

07-LA-5-PM 6.3 - Parcel 79983-1, 2, 3, 4, 5, 01-01 - EA 215959.

RWC Date: 02/04/13; RTL Date: 02/18/13. 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, permanent easements for footing and maintenance purposes a temporary easement for construction purposes, a permanent easement for utility purposes to be conveyed to Southern California Edison, Verizon and AT&T, and land in fee which is a remnant and would be of little market value. Located in the city of Santa Fe Springs at 10805 Orr and Day Road. APN 8017-001-035.

C-20999 - Yasunori Henry Murata, Successor Trustee, etc., et al.

07-LA-5-PM 6.5 - Parcel 80014-1, 2, 3, 4, 5, 6, 7 - EA 215959.

RWC Date: 02/04/13; RTL Date: 02/18/13. 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 temporary easements for construction purposes. Located in the city of Downey at 11000 Florence Avenue, 11143 Dollison Drive, and 10700 Studebaker Road. APNs 8019-033-013, -016, -017.

C-21000 - Yasunori Henry Murata, Successor Trustee, etc., et al.

07-LA-5-PM 6.5 - Parcel 80016 -1, 2, 3 - EA 215959.

RWC Date: 02/04/13; RTL Date: 02/18/13. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of permanent easements for footing and maintenance purposes, and a temporary easement for construction purposes. Located in the city of Downey at 11111 Florence Avenue. APN 8019-033-025.

C-21004 - Ignacio Gamboa, et al.

08-SBd-215-PM 16.31 - Parcel 22475-1, 2 - EA 0K7109.

RWC Date: 07/31/14; RTL Date: Design Build. Freeway - add one additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/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 city of San Bernardino at 18950 Cajon Boulevard. APN 0348-141-21.

C-21005 - Sean S. Lee and Iris S. Lee

08-SBd-215-PM 16.84 - Parcel 22498-1, 2 - EA 0K7109.

RWC Date: 07/31/14; RTL Date: Design Build. Freeway - add one additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/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 city of San Bernardino at 18642 Cajon Boulevard. APN 0348-132-09.

C-21006 - Mary Rene Larriba, et al.

08-SBd-215-PM 17.23 - Parcel 22512-1, 2 - EA 0K7109.

RWC Date: 07/31/14; RTL Date: Design Build. Freeway - add one additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/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. Located in the unincorporated area of San Bernardino county at the northeast corner of Devore Road and Cajon Boulevard, south of Meyers Street. APNs 0349-169-02, -04, -06, -07, -08.

C-21007 - Steven Edward Owen, Trustee, etc., et al.

08-SBd-215-PM 17.40 - Parcel 22521-1 - EA 0K7109.

RWC Date: 07/31/14; RTL Date: Design Build. Freeway - add one additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/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. Located in the unincorporated area of San Bernardino county at the north side of Cajon Boulevard, west of Devore Road. APNs 0349-153-10, -11.

C-21008 - Frank M. Ashe

08-SBd-215-PM 17.51 - Parcel 22524-1, 01-01 - EA 0K7109.

RWC Date: 07/31/14; RTL: Design Build. Freeway - add one additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/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 land in fee which is a remnant and would be of little market value. Located in the unincorporated area of San Bernardino county at the south side of Taft Avenue, west of Cajon Boulevard. APN 0349-173-31.

C-21009 - Carl Calvin Moore

08-SBd-215-PM 17.14 - Parcel 22527-1, 01-01 - EA 0K7109.

RWC Date: 07/31/14; RTL Date: Design Build. Freeway - add one additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/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 and land in fee which is a remnant and would be of little market value. Located in the unincorporated area of San Bernardino county at the southeast corner of Parker Street and Dement Street. APN 0349-166-04.

C-21010 - ACF Disposition, LLC, et al.

08-SBd-215-PM 17.19 - Parcel 22529-1 - EA 0K7109.

RWC Date: 07/31/14; RTL Date: Design Build. Freeway - add one additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/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. Located in the unincorporated area of San Bernardino county at 18544 Parker Street. APN 0349-166-11.

C-21011 - Connie C. Anderson, Trustee, etc., et al.

08-SBd-215-PM 17.16 - Parcel 22650-1 - EA 0K7109.

RWC Date: 07/31/14; RTL Date: Design Build. Freeway - add one additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/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. Located in the unincorporated area of San Bernardino county at 18552 Parker Street. APN 0349-166-13.

C-21012 - Stacy Marie Wendler

08-SBd-215-PM 17.47 - Parcel 22658-1 - EA 0K7109.

RWC Date: 07/31/14; RTL Date: Design Build. Freeway - add one additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/I-215 interchange and reconfigure connectors to the I-215 truck bypass lanes and auxiliary lanes. Authorizes condemnation of a temporary easement for construction purposes. Located in the unincorporated area of San Bernardino county at 18181 Cajon Boulevard. APN 0349-173-32.

C-21013 - WWAK Partners, LLC

10-SJ-4-PM 14.6 - Parcel 16467-1 - EA 0S1109.

RWC Date: 05/23/13; RTL: 05/24//13. Freeway - extend freeway from west end of SR 4 to Navy Drive. Authorizes condemnation of land in fee for a State highway. Located in the city of Stockton at 2313 Navy Drive. APN 163-320-05.

C-21014 - LKQ of Stockton, Inc., a California Corporation

10-SJ-4-PM 14.7 - Parcel 16474-1, 2, 3, 4, 5, 6, 7, 8 - EA 0S1109

RWC Date: 05/23/13 - RTL Date: 05/24/13. Freeway - extend freeway from west end of SR 4 to Navy Drive. Authorizes condemnation of a permanent easement for aerial highway, extinguishment of abutter's rights of access, temporary easements for construction purposes, and a permanent easement for roadway purposes. Located in the city of Stockton at 2041 Navy Drive. APN 163-310-015.

C-21015 - Brian Carl Vestyck

11-SD-76-PM 14.2 - Parcel 34791-1, 2 - EA 257159.

RWC Date: 05/31/2013; RTL Date: 05/31/2013. Conventional highway - major widening. Authorizes condemnation of extinguishment of abutter's rights of access, a permanent easement for drainage, and underlying fee within an existing State highway. Located in the city of Fallbrook at 4081 Limber Pine Road. APN 124-462-07.

C-21016 - Felrose J. Mabunay and Ma. Cora Mabunay, Trustees

11-SD-76-PM 14.2 - Parcel 34792-1 - EA 257159.

RWC Date: 05/31/2013; RTL Date: 05/31/2013. Conventional highway - major widening. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and condemnation of underlying fee within an existing State highway. Located in the city of Fallbrook at 4082 Limber Pine Road. APN 124-462-08.

C-21017 - Orange County Flood Control District

12-Ora-91-PM 8.8 - Parcel 102792-1 - EA 0C5609.

RWC Date: 04/30/13; RTL Date: 04/30/13. Freeway - provide an auxiliary lane from northbound SR 55 to Tustin Avenue off-ramp. Authorizes condemnation of a temporary easement for construction purposes. Located in the city of Anaheim near the Santa Ana River. APN 360-184-01.