

Memorandum

TAB 39

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: February 22-23, 2012

Reference No: 2.4b.
Action Item
REPLACEMENT 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-20724 through C-20730, C-20732, C-20733, C-20735 through C-20737 and C-20739 through C-20761 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 have 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-20724 - Ballantree Estates Homeowners Association

05-Mon-101-PM 101.2 - Parcel 11510-1, 2 - EA 315809.

Right of Way Certification (RWC) Date: 04/02/12; Ready to List (RTL) Date: 04/02/12.

Expressway - partial conversion of expressway to freeway and construct new interchange at San Juan Road. Authorizes condemnation of an easement for private road, ingress & egress to be conveyed to Ballantree Estate Homeowners Association. Located in the city of Aromas, near San Juan Road and US-101. Assessor's Parcel Number (APN) 141-131-019.

C-20725 - Ronnie Mekealian, et ux.

06-Fre-180-PM R116.40 - Parcel 84531-1, 2, 3 - EA 342529.

RWC Date: 12/01/12; RTL Date: 12/15/12. Expressway - two-lane conventional to four-lane expressway on existing alignment. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for road purposes to be conveyed to the County of Fresno, easements for private vehicle access to be conveyed to Dominic Tirapelle and Shara Tirapelle, husband and wife, as community property, as to Parcel Two, Cameron S. Holman and Heather S. Holman, husband and wife as joint tenants, Rob Johnson and Holly Johnson, husband and wife as joint tenants, and Consolidated Irrigation District, a Public Irrigation District. Located near the city of Sanger at 46 South Quality Avenue. APN 314-070-10.

C-20726 - Leon Tirapelle, et ux.

06-Mad-99-PM 7.48 - Parcel 86523-1 - EA 471009.

RWC Date: 05/01/12; RTL Date: 05/01/12. Freeway - Avenue 12 Interchange - Modify Interchange. Authorizes condemnation of land in fee for a State highway. Located in the city of Madera at 11812 Road 29. APN 047-100-017.

C-20727 - Britschgi Real Estate Investment Company, L.P., a California Limited Partnership, et al.

06-Tul-63-PM 3.1 - Parcel 86584-1, 2, 3, 4, 5, 6 - EA 0K5409.

RWC Date: 02/01/12; RTL Date: 03/15/12. Conventional highway - Realign intersection and install signal. Authorizes condemnation of land in fee for a State highway, easements for electrical and utility purposes to be conveyed to Southern California Edison (SCE), Comcast and AT & T, and underlying fee. Located in the city of Tulare at the northwest corner of State Highway 63 and Avenue 256. APN 149-040-016.

C-20728 - Painted Acres, LP, a California Limited Partnership, et al.

06-Tul-63-PM 2.8/3.1 - Parcel 86585-1, 2, 3, 4, 5, 6, 7 - EA 0K5409.

RWC Date: 02/01/12; RTL Date: 03/15/12. Conventional highway - Realign intersection and install signal. Authorizes condemnation of land in fee for a State highway, easements for electrical and utility purposes to be conveyed to SCE, Comcast and AT & T, and underlying fee. Located in the city of Tulare at the southwest corner of State Highway 63 and Avenue 256 (Oakdale Avenue). APNs 149-050-074, -019.

C-20729 - Larry D. Owsley, et ux.

06-Tul-216-PM 2.29 - Parcel 86492-1 - EA 430709.

RWC Date: 04/01/12; RTL Date: 04/15/12. Conventional highway - widen and realignment of Houston Avenue. Authorizes condemnation of land in fee for a State highway. Located in the city of Visalia at 3631 East Houston Avenue. APN 103-330-050.

C-20730 - David Passmore, et ux.

06-Tul-216-PM 2.47/2.88 - Parcel 86497-1, 2 - EA 430709.

RWC Date: 04/01/12; RTL Date: 04/15/12. Conventional highway - widen and realignment of Houston Avenue. Authorizes condemnation of land in fee for a State highway, and underlying fee. Located in the city of Visalia on State Route (SR) 216 from Lovers Lane to McAuliff Street. APN 103-350-041.

C-20731 - Hugo Schaak, et ux.

Pulled due to pending issues reflected in the change list.

C-20732 - Castlewood Partners, Inc., a California Corporation

06-Tul-216-PM 2.73 - Parcel 86502-1, 2 - EA 430709.

RWC Date: 04/01/12; RTL Date: 04/15/12. Conventional highway - widen and realignment of Houston Avenue. Authorizes condemnation of land in fee for a State highway, and underlying fee. Located in the city of Visalia at 3944 Houston Avenue. APN 103-360-054.

C-20733 - Castlewood Partners, Inc., a California Corporation

06-Tul-216-PM 2.73 - Parcel 86503-1, 2 - EA 430709.

RWC Date: 04/01/12; RTL Date: 04/15/12. Conventional highway - widen and realignment of Houston Avenue. Authorizes condemnation of land in fee for a State highway, and underlying fee. Located in the city of Visalia at East Houston Avenue. APN 103-020-053.

C-20734 - Manuel Samaniego, et ux.

Pulled as not required for the project and reflected in the change list.

C-20735 - Carlos G. Flores and Mary A. Flores, Trustees of the Carlos G. and Mary A. Flores Living Trust dated January 23, 2009

07-LA-5-PM 5.0 - Parcel 77722-1, 2, 3, 01-01 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. 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, extinguishment of abutter's rights of access, a temporary easement for construction purposes, a permanent easement for footing purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 12413 Arlee Avenue. APN 8024-020-011.

C-20736 - Juan Luis Diaz

07-LA-5-PM 4.5 - Parcel 77740-1, 2, 01-01 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 12023 Adoree Street. APN 8047-003-020.

C-20737 - California Cities Water Company, Inc., a California corporation

07-LA-5-PM 4.2 - Parcel 77744-1, 2, 3, 4, 5 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, permanent easements for footing purposes, and temporary easements for construction purposes. Located in the city of Norwalk south of Metro Center Drive. APNs 8047-007-082, -083.

C-20738 - Humberto Vazquez, et ux.

Pulled as owners signed contract.

C-20739 - Bethesda Romanian Pentecostal Church, a California corporation

07-LA-5-PM 4.5 - Parcel 78979-1, 2 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the city of Norwalk at 12129 Adoree Street. APN 8047-005-025.

C-20740 - Steve Castro, et ux.

07-LA-5-PM 4.6 - Parcel 78989 -1, 2, 3 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for footing purposes, and a temporary easement for construction purposes. Located in the city of Norwalk at 11899 Lyndora Street. APN 8048-017-024.

C-20741 - The Bank of New York Mellon fka The Bank of New York, as Trustee for the Certificateholders of CWABS Inc., Asset-Backed Certificates, Series 2007-BC1

07-LA-5-PM 4.8 - Parcel 78999-1, 2, 3 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for footing purposes, and a temporary easement for construction purposes. Located in the city of Norwalk at 11837 Lyndora Street. APN 8048-016-011.

C-20742 - The heirs or devisees of Peter L. Stenderup, Jr., deceased, etc., et al.

07-LA-5-PM 3.6 - Parcel 79899-1, 2 - EA 215939.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation permanent easement for State highway purposes and a temporary easement for construction purposes. Located in the city of Santa Fe Springs at 12606 East Rosecrans Avenue. APN 8082-001-011.

C-20743 - Joel Martinez, et al.

07-LA-5-PM 5.8 - Parcel 80029-1, 2, 3, 01-01 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for footing purposes, a temporary easement for construction purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 11402 Asmussen Avenue. APN 8018-002-026.

C-20744 - Ezequiel Mendez, et ux.

07-LA-5-PM 5.8 - Parcel 80037-1, 2, 3 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, a permanent easement for aerial utility purposes to be conveyed to SCE, and a temporary easement for construction purposes. Located in the city of Norwalk at 11528 Thomas Place. APN 8018-006-047.

C-20745 - The Maximiliano and Maria Paz Living Trust, UTD, April 2, 2008, Maximiliano L. Paz and Maria E. Paz, Trustees

07-LA-5-PM 5.4 - Parcel 80038 -1, 2 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow 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 Norwalk at 11819 Jersey Avenue. APN 8018-012-026.

C-20746 - Miguel Diaz, et ux.

07-LA-5-PM 5.2 - Parcel 80042 -1, 2 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the city of Norwalk at 11640 Hercules Street. APN 8023-015-008.

C-20747 - Walter Flores, et al.

07-LA-5-PM 4.87 - Parcel 80045-1, 2 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow 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 Norwalk at 12483 Arlee Avenue. APN 8024-021-011.

C-20748 - County of Los Angeles, a body politic and corporate

07-LA-5-PM 4.5 - Parcel 80050-1, 2; 80051-1, 2 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway and temporary easements for construction purposes. Located in the city of Norwalk at 12819-12827 Norwalk Boulevard. APNs 8047-005-901, -902.

C-20749 - BYC Leader Venture LLC, a California limited liability company

07-LA-5-PM 4.4 - Parcel 80074-1, 2 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the city of Norwalk at 12200 Civic Center Drive. APN 8047-007-186.

C-20750 - Yvonne Arroyo, a married woman as her sole and separate property

07-LA-5-PM 4.0 - Parcel 80163 -1, 2, 3, 01-01 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of permanent easement for footing purposes, extinguishment of abutter's rights of access, a temporary easement for construction purposes, a permanent easement for aerial utility purposes to be conveyed to SCE, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 13403 Markdale Avenue. APN 8047-008-021.

C-20751 - Stephen P. Hanlan, et ux.

07-LA-5-PM 4.0 - Parcel 80164-1, 2, 3, 01-01 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of permanent easement for footing purposes, extinguishment of abutter's rights of access, a permanent easement for aerial utility purposes to be conveyed to SCE, a temporary easement for construction purposes, and land in fee which is a remnant and would be of little market value. Located in the city of Norwalk at 13407 Markdale Avenue. APN 8047-008-022.

C-20752 - California Cities Water Company, Inc., a California corporation

07-LA-5-PM 4.2 - Parcel 80195-1, 2, 3, 4, - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for footing purposes, and temporary easements for construction purposes. Located in the city of Norwalk south of Metro Center Drive. APN 8047-007-803.

C-20753 - Norwalk Village Corporation, a California Corporation

07-LA-5-PM 3.0 - Parcel 80256-1 - EA 215949.

RWC Date: 03/09/12; RTL Date: 03/23/12. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of a temporary easement for construction purposes. Located in the city of Norwalk at 13000 to 13030 Firestone Boulevard. APN 7005-001-018.

C-20754 - Wal-Mart Real Estate Business Trust, a Delaware Statutory Trust

07-LA-10-PM 33.3 - Parcel 79812-1, 2 - EA 1170U9.

RWC Date: 04/06/12; RTL Date: 04/17/12. Freeway - construct HOV lanes and soundwalls. 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 Baldwin Park at 3250 Big Dalton Avenue. APNs 8460-006-029, -043.

C-20755 - Rodolfo A. Andres, et al.

07-LA-138-PM 63.94 - Parcel 76549-1 - EA 127279.

RWC Date: 05/06/11; RTL Date: 05/12/11. Conventional Highway - widen conventional highway. Authorizes condemnation of land in fee for a State highway. Located in the town of Llano south of Pearblossom Highway, east of 165th Street East. APN 3036-023-032.

C-20756 - Andrew K. Morita, et al.

08-SBd-10-PM 26.38 - Parcel 21770-1, 01-01 - EA 448129.

RWC Date: 07/01/13; RTL Date: 08/01/13. Freeway - Reconstruct interchange at Interstate 10 and Tippecanoe Avenue. 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 city of San Bernardino at 1184 East Laurelwood Drive. APN 0281-151-17.

C-20757 - James E. Blincoe, Trustee

10-SJ-99-PM 16.7 - Parcel 16139-1, 2, 3, 4, 5 - EA 3A1009.

RWC Date: 03/01/12; RTL: 03/30/12. Freeway - widen to six lanes. Amends Resolution No. C-20649, adopted October 26, 2011, which authorized condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. This Amendment is necessary to include temporary construction easements. Located in the city of Stockton at 2431 South Mariposa Road. APNs 171-300-03, -12, -13, -14, -16, -17, -18.

C-20758 - Gorham Family Limited Partnership

10-SJ-99-PM 16.5 - Parcel 16175-1, 2 - EA 3A1009.

RWC Date: 03/01/12; RTL: 03/30/12. Freeway - widen to six lanes. Authorizes condemnation of land in fee for a State highway and a temporary easement for highway construction. Located in the city of Stockton at 3033 South SR 99, West Frontage Road. APN 179-100-11.

C-20759 - Cooper Family Trust

11-SD-805-PM 4.8 - Parcel 34728-1 - EA 2T1829.

RWC Date: 09/12/12; RTL Date: 09/14/12. Freeway - construct Direct Access Ramp. Authorizes condemnation of land in fee for a State highway. Located in the city of Chula Vista at 1298 Raven Avenue. APN 620-651-01.

C-20760 - Francisco Javier Briseno

11-SD-805-PM 4.8 - Parcel 34729-1 - EA 2T1829.

RWC Date: 09/12/12; RTL Date: 09/14/12. Freeway - construct Direct Access Ramp. Authorizes condemnation of land in fee for a State highway. Located in the city of Chula Vista near East Palomar Street and Raven Avenue. APN 620-651-02.

C-20761 - John D. Hammer and Luke San Agustin

11-SD-805-PM 4.8 - Parcel 34730-1 - EA 2T1829.

RWC Date: 09/12/12; RTL Date: 09/14/12. Freeway - construct Direct Access Ramp. Authorizes condemnation of land in fee for a State highway. Located in the city of Chula Vista at 1254 Oleander Avenue. APNs 620-651-31, -01, -02.