TAB 43

State of California
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: October 8, 2014

Reference No: 2.4e.
Action Item

From: NORMA ORTEGA
Chief Financial Officer

Prepared by: Brent L. Green, Chief
Division of Right of Way and
Land Surveys

Subject: **RESCINDING RESOLUTION OF NECESSITY**
RESOLUTION CR-151, RESCINDING RESOLUTION C-21251

RECOMMENDATION:

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolution CR-151, rescinding Resolution of Necessity (Resolution) C-21251. In accordance with statutory requirements, the owner has been advised that the Department is requesting rescission of Resolution C-21251.

ISSUE:

On August 20, 2014, the Commission adopted Resolution C-21251. Resolution C-21251 is now being rescinded because the owner did not receive timely notice of the Commission meeting.

BACKGROUND:

Resolution C-21251 was adopted August 20, 2014, authorizing condemnation of land in fee for a State highway, and extinguishment of abutter's rights of access. However, subsequent to the adoption of Resolution C-21251, the Notice of Intent (NOI) was returned by the post office as undeliverable after several attempts. The owner did not receive timely notice of the Commission meeting. Based on the above, it is requested that Resolution C-21251 be rescinded at the October 8, 2014 Commission meeting.

CR-151 - Loren Sandvik
06-Ker-14-PM 62.2 - Parcel 4002-1 - EA 06-457112.
Right of Way Certification Date: 07/01/2015; Ready to List Date: 08/03/2015.
Expressway - convert existing two-lane to four-lane expressway. Rescinds Resolution of Necessity C-21251, adopted August 20, 2014, which Resolution authorized condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Resolution C-21251 is rescinded because the NOI was returned by the Post Office as undeliverable after several attempts. The owner did not receive timely notice of the Commission meeting. Located near the town of Inyokern at Post mile 62.2. Assessor Parcel Number 064-410-04.

TRANSPORTATION COMMISSION
RESOLUTION NO.

CR-151

CALIFORNIA TRANSPORTATION COMMISSION
RESOLUTION RESCINDING RESOLUTION OF NECESSITY NO. C-21251
ADOPTED August 20, 2014, PROJECT 06-Ker-14

RESOLVED, that the action of the California Transportation Commission taken on August 20, 2014, in adopting Resolution of Necessity No. C-21251 as to parcel 4002-1 therein, which resolution authorized condemnation of land in fee for a State Highway and extinguishment of abutter's rights of access, located in the County of Kern, 06-Ker-14, is hereby rescinded.

APPROVED AS TO FORM AND PROCEDURE

Attorney, Department of Transportation

APPROVAL RECOMMENDED

DIVISION OF RIGHT OF WAY

EXHIBIT "A"

Number
4002-1

Parcel 4002-1

For freeway purposes, that portion of the west 1/2 of the northeast 1/4 of section 22, Township 26 South, Range 38 East, Mount Diablo Meridian, also being a portion of Parcel 7 of Parcel Map No. 1981, recorded in Kern County records Parcel Map Book 12, at Page 21 on November 25, 1974, more particularly described as:

COMMENCING at the center 1/4 section corner of section 22 of said township, monumented with an aluminum pipe, 2 1/2 inches diameter, with BLM aluminum cap marked T26S R38E C 1/4 S22 1982, from which the center east 1/16 of sections 22, monumented with another aluminum pipe, 2 1/2 inches diameter, with BLM aluminum cap marked C E 1/16 C S22 1982 bears N 89°08'50" E, 1329.85 feet distant, thence along the center 1/4 section line of sections 22, 133.58 feet to the southeast corner of the land conveyed to the State of California by grant deed from Edna Irwin recorded in Kern County Official Records Book 6639 at Page 606, on March 2, 1992, and the Point of Beginning.

1) thence along the east line of said grant deed, N 17°25'47" E, 1165.50 feet;

2) thence continuing along said east line, N 14°57'08" E, 293.99 feet to the northeast corner of said lands and the north line of said Parcel 7;

3) thence along the north line of said Parcel 7, N 89°11'12" E, 48.06 feet;

4) thence S 15°16'09" W, 445.88 feet;

5) thence S 18°23'42" W, 1018.07 feet to the center 1/4 section line of said section 22;

6) thence along said centerline, S 89°08'50" W, 34.41 feet to the POINT OF BEGINNING.

Lands abutting said freeway shall have no right or easement of access, except over and across the southerly 47.66 feet of course 5 hereinabove described, maintaining the Irrevocable Offer of Dedication to Kern County for a road, 45 feet wide, per Official Records, Book 4869 at Page 1914, recorded November 21, 1974.

The basis of all bearings herein is the California Coordinate System 1983 (1991.35), Zone 5. Distances are GRID distances on said coordinate system. To convert to ground distances, divide by the combined grid factor of 0.9999013.

END OF DESCRIPTION