State of California
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

Tab 53

M e m o r a n d u m

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: March 26, 2015

Reference No: 2.4e.(1)
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-152, RESCINDING RESOLUTION C-21215

RECOMMENDATION:

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolution CR-152, rescinding Resolution of Necessity (Resolution) C-21215. In accordance with statutory requirements, the owner has been advised that the Department is requesting rescission of Resolution C-21215.

ISSUE:

On August 20, 2014, the Commission adopted Resolution C-21215. Resolution C-21215 is now being rescinded because there is a change in vesting.

BACKGROUND:

Resolution C-21215 was adopted August 20, 2014, authorizing condemnation of land in fee for a State highway, extinguishment of abutter's rights of access and underlying fee. However, prior to the adoption of Resolution C-21215, there was a change in the vesting of the property. Based on the above, it is requested that Resolution C-21215 be rescinded at the March 26, 2015 Commission meeting.

CR-152 – Nagi M. Saeed, a married man
06-Tul-65-PM 16.1 - Parcel 85909-1, 2 - EA 434019.
Right of Way Certification Date: 05/01/15; Ready to List Date: 08/01/15. Conventional highway - Widen two-lane conventional highway to four-lane expressway. Rescinds Resolution C-21215, adopted August 20, 2014, which Resolution authorized condemnation of land in fee for a State highway, extinguishment of abutter's rights of access and underlying fee. Resolution C-21215 is rescinded because of a change in vesting of the property. Located in the city of Porterville at 951 West Teapot Dome Avenue. Assessor Parcel Number 302-123-014.

TRANSPORTATION COMMISSION
RESOLUTION NO.

CR-152

CALIFORNIA TRANSPORTATION COMMISSION
RESOLUTION RESCINDING RESOLUTION OF NECESSITY NO. C-21215
ADOPTED August 20, 2014, PROJECT 06-Tul-65

RESOLVED, that the action of the California Transportation Commission taken on August 20, 2014, in adopting Resolution of Necessity No. C-21215 as to parcel 85909-1 therein, which resolution authorized condemnation of land in fee for a State Highway, located in the County of Tulare, 06-Tul-65, is hereby rescinded.

APPROVED AS TO FORM AND PROCEDURE

Attorney, Department of Transportation

APPROVAL RECOMMENDED

DIVISION OF RIGHT OF WAY

PASSED BY CTC AUG 20 2014 CALIFORNIA TRANSPORTATION COMMISSION

TRANSPORTATION COMMISSION
RESOLUTION NO.

C-21215

CALIFORNIA TRANSPORTATION COMMISSION
RESOLUTION OF NECESSITY
TO ACQUIRE CERTAIN REAL PROPERTY
OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN
HIGHWAY 06-Tul-65-PM 16.20 PARCEL 85909-1, 2
OWNER: Nagi M. Saeed, a married man

Resolved by the California Transportation Commission after notice (and hearing) pursuant to Code of Civil Procedure Section 1245.235 that it finds and determines and hereby declares that:

The hereinafter described real property is necessary for State Highway purposes and is to be acquired by eminent domain pursuant to Streets and Highways Code Section 102;

The public interest and necessity require the proposed public project, namely a State highway;

The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;

The property sought to be acquired and described by this resolution is necessary for the public project;

The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record; and be it further

APPROVED AS TO FORM AND PROCEDURE

Attorney, Department of Transportation

APPROVAL RECOMMENDED

DIVISION OF RIGHT OF WAY

RESOLVED by this Commission that the Department of Transportation be and said Department is hereby authorized and empowered;

To acquire, in the name of the People of the State of California, in fee simple absolute, unless a lesser estate is hereinafter expressly described, the said hereinafter described real property, or interests in real property, by condemnation proceeding or proceedings in accordance with the provisions of the Streets and Highways Code, Code of Civil Procedure and of the Constitution of California relating to eminent domain;

The real property or interests in real property, which the Department of Transportation is by this resolution authorized to acquire, is situated in the County of Tulare, State of California, Highway 06-Tul-65 and described as follows:

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

TITLE SHEET
(Resolution of Necessity Description)

District	County	Route	Post Mile
06	TUL	65	16.20

Project ID 0600000967

This document consists of this Title Sheet and the attached Legal Description of the parcel(s) listed below, consisting of 3 pages.

Parcels in Legal Description:					
85909-1	85909-2				

The attached real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature _____
Professional Land Surveyor
Expires 12-31-2014

PROFESSIONAL LAND SURVEYOR
MARK D. ELOWER
No. 8417
STATE OF CALIFORNIA

Date April 21, 2014

RW6-1(RONa)(New 07/2010)

Parcel 85909-1

For Freeway purposes, that portion of Parcel 1 of Parcel Map No. 3234 filed on May 16, 1985, in Book 33 of Parcel Maps at Page 36, Tulare County Recorders, lying easterly of the easterly right of way line of the California State Highway 65, said portion more particularly described as follows:

COMMENCING at Northeast Corner of Section 15, Township 22 South, Range 27 East, Mount Diablo Meridian, according to the Official U.S. Government Township Plat thereof, marked by a found 2 inch Brass Cap in well stamped "City of Porterville" said point bears South 89°51'42" East, a distance of 2639.44 feet from North Quarter Corner of said Section 15, marked by a found 2 inch Brass Cap in well stamped "City of Porterville"; THENCE (1) leaving the said corner, North 89°51'42" West, along the north line of said Section 15, a distance of 659.79 feet; THENCE (2) leaving the north line of said Section 15, South 0°25'27" West, 30.00 feet to north line of Parcel 2 of said Parcel Map No. 3234; THENCE (3) along north line of said Parcel 2, North 89°51'42" West, 293.95 feet to the TRUE POINT OF BEGINNING; THENCE (4) North 89°51'42" West, along north line of said Parcel 1, a distance of 149.98 feet to the said easterly right of way line; THENCE along said easterly right of way line the following two courses: (5) South 45°27'30" West, 70.71 feet; (6) South 0°26'30" West, 250.25 feet to the south line of said Parcel 1; THENCE (7) South 89°51'42" East, along south line of said Parcel 1, a distance of 13.00 feet; THENCE (8) leaving south line of said Parcel 1, North 0°26'30" East, 220.32 feet; THENCE (9) North 36°28'18" East, 86.46 feet; THENCE (10) North 88°25'56" East, 67.18 feet; THENCE (11) South 89°51'42" East, 69.00 feet to said east line of said Parcel 1; THENCE (12) along east line of said Parcel 1, North 0°26'30" East, 8.00 feet to the TRUE POINT OF BEGINNING.

Lands abutting said freeway shall have no right or easement of access except over and across the following described line: South 89°51'42" East, 69.00 feet of hereinabove described course (11).

The bearings and distances used in this description are on the California Coordinate System of 1983, epoch 1991.35, Zone 4. Divide distances by 0.99997010 to convert to ground distances.

Parcel 85909-2

Underlying fee interest in Avenue 128, also known as Teapot Dome Road, described as follows::

That portion of Parcel 1 of Parcel Map No. 3234 filed on May 16, 1985, in Book 33 of Parcel Maps at Page 36, Tulare County Recorders, lying easterly of the easterly right of way line of the California State Highway 65, said portion more particularly described as follows:

COMMENCING at Northeast Corner of Section 15, Township 22 South, Range 27 East, Mount Diablo Meridian, according to the Official U.S. Government Township Plat thereof, marked by a found 2 inch Brass Cap in well stamped "City of Porterville" said point bears South 89°51'42" East, a distance of 2639.44 feet from North Quarter Corner of said Section 15, marked by a found 2 inch Brass Cap in well stamped "City of Porterville"; THENCE (1) leaving the said corner, North 89°51'42" West, along the north line of said Section 15, a distance of 659.79 feet; THENCE (2) leaving the north line of said Section 15, South 0°25'27" West, 30.00 feet to north line of Parcel 2 of said Parcel Map No. 3234; THENCE (3) along north line of said Parcel 2, North 89°51'42" West, 293.95 feet to the TRUE POINT OF BEGINNING; THENCE (4) North 89°51'42" West, along north line of said Parcel 1, a distance of 149.98 feet to the said easterly right of way line; THENCE (5) North 00°25'20" East, along said easterly right of way line, a distance of 5.00 feet; THENCE (6) South 89°51'42" East, departing said easterly right of way line, a distance of 149.98 feet; (7) South 00°26'30" West, 5.00 feet to the TRUE POINT OF BEGINNING.

The bearings and distances used in this description are on the California Coordinate System of 1983, epoch 1991.35, Zone 4. Divide distances by 0.99997010 to convert to ground distances.

THIS IS TO CERTIFY that the foregoing resolution was duly passed by the California Transportation Commission at its meeting regularly called and held on the 20th day of August 2014 in the city of San Jose and that the foregoing is a full and correct copy of the original resolution. Dated this the 20th day of August 2014.

Andre Boutros

ANDRE BOUTROS, Executive Director
CALIFORNIA TRANSPORTATION COMMISSION