

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: January 22, 2015

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-21305, C-21307 through C-21315 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-21305 - Rein A. Plakk

04-Nap-121-PM 9.4 - Parcel 62904 - EA 2A3209.

Right of Way Certification (RWC) Date: 04/01/16; Ready to List (RTL) Date: 04/01/16.

Conventional highway - Sarco Creek Bridge Replacement. Authorizes condemnation of land in fee for a State highway, underlying fee, a permanent easement for slope and channel, and a temporary easement for construction. Located in the unincorporated area of Napa County at 1954 Silverado Trail. Assessor Parcel Number (APN) 049-190-001.

C-21307- Halstead Family Credit Trust

06-Fre-99-PM 25.7 - Parcel 86953-1, 01-01 - EA 2HT109.

RWC Date: 08/07/15; RTL Date: 08/08/15. Freeway – State Route (SR) 99 alignment for High Speed Rail. 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 have little market value. Located in the city of Fresno at 3397 North Parkway Drive. APN 433-060-12, 13, 14.

C-21308 - Vitthal F.Patel and Indira V. Patel, et al.

06-Fre-99-PM 25.8 - Parcel 86959-1, 2, 3, 4 - EA 2HT109.

RWC Date: 08/07/15; RTL Date: 08/08/15. Freeway - SR 99 alignment for High Speed Rail. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a temporary easement for construction of a brick wall, an easement for pipeline facilities to be conveyed to Fresno Irrigation District, and leasehold interest of outdoor advertising company. Located near the city of Fresno near the west side of Parkway Drive between Dakota and Shields Avenue. APN 433-070-05.

C-21309 - Allan H. Dean, Successor Trustee of The Dean Family Living Trust, et al.

06-Fre-99-PM 25.20 - Parcel 86963-1 - EA 2HT109.

RWC Date: 08/07/15; RTL Date: 08/08/15. Freeway - SR 99 alignment for High Speed Rail. Authorizes condemnation of extinguishment of abutter's rights of access, and leasehold interest of outdoor advertising company. Located in the city of Fresno at the west side of Parkway Drive and north of West Shields Avenue. APN 433-032-05, 09.

C-21310 - Casa De Campo, LLC, a Limited Liability Company

06-Fre-99-PM 24.20 - Parcel 86973-1, 01-01 - EA 2HT109.

RWC Date: 08/07/15; RTL Date: 08/08/15. Freeway - SR 99 realignment for High Speed Rail. 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 city of Fresno at 2345 North Parkway Drive. APN 442-090-04.

C-21311 - Somphet Southa and Loommany Thanh Southa, et al.

06-Fre-180-PM 76.74 - Parcel 84603-A - EA 342539.

RWC Date: 01/15/15; RTL Date: 02/02/15. Expressway two-lane conventional highway to four-lane expressway. Authorizes condemnation of access easement. Located in the unincorporated area of county of Fresno at 18044 E. Kings Canyon Road. APN 333-231-17.

C-21312 - Michael Paul Shoffner, Trustee

06-Fre-180-PM 78.04 - Parcel 84631-1, 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, and two permanent easements for a public road to be conveyed to the County of Fresno. Located in the unincorporated area of County of Fresno at 19342 East Kings Canyon Road. APN 333-460-28, 333-100-33.

C-21313 - Michael Paul Shoffner, Trustee

06-Fre-180-PM 78.11 - Parcel 84632-1, 2 - 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, and a permanent easement for a public road to be conveyed to the County of Fresno. Located in the unincorporated area of County of Fresno at 19342 East Kings Canyon Road. APN 333-460-29.

C-21314 - RMC Pacific Materials, Inc., a Delaware Corporation

06-Fre-180-PM 78.23 - Parcel 84635-1, 2, 3 - EA 342539.

RWC Date: 11/01/14; RTL Date: 12/01/14. Expressway - two-lane conventional highway to four-lane expressway. Authorizes condemnation of extinguishment of abutter's rights of access, and easements for utility purposes to be conveyed to Pacific Gas and Electric and Verizon. Located near the city of Sanger at the north side of SR 180 at Alta Main Canal. APN 332-100-32, 44.

C-21315 - Carson Successor Agency, a public body

07-LA-405-PM 9.0 - Parcel 80267-1, 2 - EA 4Y7009.

RWC Date: 03/27/15; RTL Date: 04/27/15. Freeway - Paint Steel Bridge Structure. Authorizes condemnation of temporary easements for ingress, egress and construction purposes. Located in the city of Carson at 2403 East 223rd Street. APN 7315-012-900.