

# Memorandum

# TAB 50

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: October 19-20, 2016

Reference No: 2.4e.  
Action Item  
**REPLACEMENT ITEM**

From: NORMA ORTEGA  
Chief Financial Officer

Prepared by: Jennifer S. Lowden, Chief  
Division of Right of Way and  
Land Surveys

Subject: **RESCINDING RESOLUTIONS OF NECESSITY**

## **RECOMMENDATION:**

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolutions of Necessity (Resolution) CR-154 through CR-158, rescinding Resolutions C-21412, C-21413, C-21415, C-21416, and C-21390. In accordance with statutory requirements, the owners have been advised that the Department is requesting rescission of Resolutions C-21412, C-21413, C-21415, C-21416, and C-21390, as summarized on the following pages.

## **ISSUE:**

On December 9, 2015 and January 20, 2016 the Commission adopted Resolutions C-21412, C-21413, C-21415, C-21416, and C-21390. Subsequent to the adoption of these Resolutions, funding for the project had been withdrawn. As such, the Department was informed to cancel all activities associated with the project, including condemnation. Therefore the condemnation lawsuits that were filed under the authority of the adopted Resolutions were dismissed, and the Department is now rescinding the Resolutions per direction from our Regional Legal Office.

## **BACKGROUND:**

Resolutions C-21412, C-21413, C-21415, C-21416, and C-21390 were adopted on December 9, 2015 and January 20, 2016 for Segment 13 of the State Route (SR) 138 widening project in Los Angeles County. These Resolutions authorized condemnation of land in fee for a State highway and underlying fee. The condemnation lawsuits that were filed under the authority of these adopted Resolutions have been dismissed. Therefore, it is requested that these Resolutions be rescinded at the October 19-20, 2016 Commission meeting.

CR-154 - Elizabeth Frances Loucks, et al.

07-LA-138-PM 67.6 - Parcel 76651-1 - EA 286309.

Right of Way Certification (RWC) Date: 07/14/17; Ready to List (RTL) Date: 07/28/17.

Conventional highway - widen conventional highway. Rescinds Resolution of Necessity C-21412, adopted January 20, 2016, which Resolution authorized condemnation of land in fee for a State highway and underlying fee. Resolution C-21412 is rescinded because the condemnation lawsuit that was filed under the authority of the adopted Resolution has been dismissed. Located in the town of Llano on the north side of SR 138, east of 198<sup>th</sup> Street East and west of Largo Vista Road. Assessor Parcel Numbers (APNs) 3083-008-001, -002.

CR-155 - Gabriel Tejero and Josefina M. Tejero

07-LA-138-PM 67.6 - Parcel 76655-1 - EA 286309.

RWC Date: 07/14/17; RTL Date: 07/28/17. Conventional highway - widen conventional highway. Rescinds Resolution of Necessity C-21413, adopted January 20, 2016, which Resolution authorized condemnation of land in fee for a State highway and underlying fee. Resolution C-21413 is rescinded because the condemnation lawsuit that was filed under the authority of the adopted Resolution has been dismissed. Located in the town of Llano on the north side of SR 138, east of 198<sup>th</sup> Street East and west of Largo Vista Road. APN 3083-008-017.

CR-156 - James C. Hurst and Laila A. Hurst

07-LA-138-PM 67.1 - Parcel 76662-1 - EA 286309.

RWC Date: 07/14/17; RTL Date: 07/28/17. Conventional highway - widen conventional highway. Rescinds Resolution of Necessity C-21415, adopted January 20, 2016, which Resolution authorized condemnation of land in fee for a State highway and underlying fee. Resolution C-21415 is rescinded because the condemnation lawsuit that was filed under the authority of the adopted Resolution has been dismissed. Located in the town of Llano on the south side of SR 138, east of 195<sup>th</sup> Street East and west of 198<sup>th</sup> Street East. APN 3083-010-003.

CR-157 - Maria E. Godecka

07-LA-138-PM 67.6 - Parcel 76672-1; 76673-1; 76674-1 - EA 286309.

RWC Date: 07/14/17; RTL Date: 07/28/17. Conventional highway - widen conventional highway. Rescinds Resolution of Necessity C-21416, adopted January 20, 2016, which Resolution authorized condemnation of land in fee for a State highway and underlying fee. Resolution C-21416 is rescinded because the condemnation lawsuit that was filed under the authority of the adopted Resolution has been dismissed. Located in the town of Llano on the south side of SR 138, east of 198<sup>th</sup> Street East and west of Largo Vista Road. APNs 3083-010-022, -023, -024.

CR-158 - Nick Nikodinov, et al.

07-LA-138-PM 66.6 - Parcel 76680-1 - EA 286309.

RWC Date: 07/14/17; RTL Date: 07/28/17. Conventional highway - widen conventional highway. Rescinds Resolution of Necessity C-21390, adopted December 9, 2015, which Resolution authorized condemnation of land in fee for a State highway and underlying fee. Resolution C-21390 is rescinded because the condemnation lawsuit that was filed under the authority of the adopted Resolution has been dismissed. Located in the town of Llano on the south side of SR 138, east of 190<sup>th</sup> Street East, and west of 195<sup>th</sup> Street East. APN 3083-011-008.