

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: August 6, 2013

Reference No: 2.4b.
Action Item

From: STEVEN KECK
Acting 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-21077 through C-21081, C-21083 through C-21095, and C-21097 through C-21101, 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-21077 - Gary U. Eickerman and Wonetta L. Eickerman

06-Fre-180-PM R119.90 - Parcel 84562-1, 2 - EA 342539.

Right of Way Certification (RWC) Date: 11/01/14; Ready to List (RTL) Date: 12/01/14.

Expressway - Convert a two-lane conventional highway to a four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, all of those certain improvements which straddle the right of way line, and a temporary easement for removing existing improvement. Located near the city of Sanger at 15901 East Kings Canyon Road. Assessor's Parcel Number (APN) 333-021-07.

C-21078 - Tash Investments, LLC, a Nevada limited liability company

07-LA-5-PM 1.2 - Parcel 77803-1, 2, 3, 4, 01-01 - EA 215929.

RWC Date: 03/14/14; RTL Date: 03/28/14. 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, permanent easements for maintenance purposes, a temporary easement for construction purposes, and excess land in fee to which the owner has consented. Located in the city of La Mirada at 14320 Firestone Boulevard. APN 7003-006-023.

C-21079 - Clear Channel Outdoor, Inc.

07-LA-5-PM 0.70 - Parcel 80383-1 - EA 215929.

RWC Date: 03/14/14; RTL Date: 03/28/14. Freeway - widen I-5 to add HOV and mixed-flow lanes. Authorizes condemnation of leasehold interest of outdoor advertising company. Located in the city of La Mirada at 14400 Firestone Boulevard. APN 7003-007-004.

C-21080 - Kevin L. Cook and Lisa H. Cook

07-LA-405-PM 33.2 - Parcel 79960-1, 2 - EA 120309.

RWC Date: 01/11/13; RTL Date: Design-Build. Freeway - widening for HOV lane. Authorizes condemnation of a permanent tie-back easement and a temporary easement for construction purposes. Located in the city of Los Angeles at 251 South Thurston Avenue. APN 4366-014-019.

C-21081 - James S. Tomlinson and Natalie C. Khoury

07-LA-405-PM 33.2 - Parcel 79973-1, 2 - EA 120309.

RWC Date: 01/11/13; RTL Date: Design Build. Freeway - widening for HOV lane. Authorizes condemnation of a permanent tie-back easement and a temporary easement for construction purposes. Located in the city of Los Angeles at 349 South Thurston Avenue. APN 4366-015-026.

C-21083 - Brian V. Gaines, Trustee, etc., et al.

08-SBd-15-PM 44.3 - Parcel 20943-1 - EA 355569.

RWC Date: 01/03/14; RTL Date: 02/03/14. Freeway - add northbound mixed flow lane with auxiliary lane; reconstruct D and E Streets and the Stoddard Wells interchange. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located near the city of Victorville, approximately 580 feet south of the southeast quadrant of the Stoddard Wells Road interchange. APNs 0473-163-07; 0473-172-05, -07.

C-21084 - Mojave Vistas, LLC, a California Limited Liability Company

08-SBd-15-PM 43.3/43.4 - Parcels 20957-1; 20972-1 - EA 355569.

RWC Date: 01/03/14; RTL Date: 02/03/14. Freeway - add northbound mixed flow lane with auxiliary lane; reconstruct D and E Streets and the Stoddard Wells interchange. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Victorville, on the southwest side of Interstate 15 (I-15), at the corner of D Street and Tawney Ridge Lane. APN 0478-021-22.

C-21085 - Sung Jo Kim

08-SBd-138-PM 2.85 - Parcel 21560-1 - EA 3401U9.

RWC Date: 12/05/13; RTL Date: 01/06/14. Conventional highway - widen to four lanes. Authorizes condemnation of land in fee for a State highway and underlying fee in adjoining public roadway. Located in the community of Pinon Hills at the northeast corner of State Route (SR) 138 and Evergreen Road. APN 3067-351-20.

C-21086 - Harry J. Marinelli, et al.

08-SBd-138-PM 3.00 - Parcel 21562-1 - EA 3401U9.

RWC Date: 12/05/13; RTL Date: 01/06/14. Conventional highway - widen to four lanes. Authorizes condemnation of land in fee for a State highway and underlying fee in adjoining public roadway. Located in the community of Pinon Hills on the southeast corner of SR 138 and Phelan Road. APN 3067-481-05.

C-21087 - Hai Y. Cheong, et al.

08-SBd-138-PM 3.20 - Parcel 21563-1, 2 - EA 3401U9.

RWC Date: 12/05/13; RTL Date: 01/06/14. Conventional highway - widen to four lanes. Authorizes condemnation of land in fee for a State highway and underlying fee in adjoining public roadway. Located in the community of Pinon Hills on the north side of SR 138, south of Phelan Road, east of Silver Rock Road, and west of Buckwheat Road. APN 3067-521-01

C-21088 - Jose J. Saldana

08-SBd-138-PM 3.71 - Parcel 21565-1 - EA 3401U9.

RWC Date: 12/05/13; RTL Date: 01/06/14. Conventional highway - widen to four lanes. Authorizes condemnation of land in fee for a State highway and underlying fee in adjoining public roadway. Located in the community of Pinon Hills at the northeast corner of Buckwheat Road and SR 138. APN 3067-561-18.

C-21089 - Junior A. Rastall, Trustee of the R & R Trust

08-SBd-138-PM 9.55 - Parcel 21578-1, 2 - EA 3401U9.

RWC Date: 12/05/13; RTL Date: 01/06/14. Conventional highway - widen to four lanes. Authorizes condemnation of land in fee for a State highway, underlying fee in adjoining public roadway, and a permanent easement for drainage purposes. Located in the community of Pinon Hills at 5652 SR 138. APN 0351-053-10.

C-21090 - Chung Family Trust

08-SBd-138-PM 11.65 - Parcel 21592-1 - EA 3401U9.

RWC Date: 12/05/13; RTL Date: 01/06/14. Conventional highway - widen to four lanes.

Authorizes condemnation of land in fee for a State highway and underlying fee in adjoining public roadway. Located in the city of Phelan at 4747 SR 138. APN 0351-081-39.

C-21091 - George A. Okamoto

08-SBd-138-PM 2.44 - Parcel 22776-1 - EA 3401U9.

RWC Date: 12/05/13; RTL Date: 01/06/14. Conventional highway - widen to four lanes.

Authorizes condemnation of a permanent easement for drainage purposes. Located in the community of Pinon Hills, on the north side of SR 138, west of Evergreen Road and east of Oasis Road. APNs 3067-161-05, -06.

C-21092 - Southern California Edison Company, a California Corporation

08-SBd-215-PM 0.71 - Parcel 21983-1 - EA 0M94U9.

RWC Date: 06/13/12; RTL Date: 06/20/12 (under construction). Freeway - construct an HOV lane in each direction. Authorizes condemnation of a temporary railroad easement for construction purposes. Located in the city of Grand Terrace east of Interstate 215 (I-215), west of Taylor Street, and north of the northbound Iowa Avenue/La Cadena Drive off ramp. APN 1167-151-18.

C-21093 - Alfred Troy Hodges, Trustee, etc. et al.

08-SBd-215-PM 16.90 - Parcel 22501-1, 2 - EA 0K7109.

RWC Date: 07/31/14; RTL: Design-Build. Freeway - add additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/I-215 interchange and reconfigure connectors to the I-215 truck bypass lanes and auxiliary 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 unincorporated area of San Bernardino County at 18620 Cajon Boulevard. APN 0348-132-06.

C-21094 - Carlos Coronado and Reina Coronado.

08-SBd-215-PM 17.39 - Parcel 22653-01-01 - EA 0K7109.

RWC Date: 07/31/14; RTL: Design-Build. Freeway - add additional through lane in each direction on I-15 from Glen Helen Parkway to the I-15/ I-215 interchange and reconfigure connectors to the I-215 truck bypass lanes and auxiliary lanes. Authorizes condemnation of land in fee for a State highway. Located in the unincorporated area of San Bernardino County on the north side of Arrowhead Boulevard, approximately 215 feet west of Devore Boulevard. APN 0349-152-06.

C-21095 - William L. Potter and Alene Potter, Co-Trustees

11-Imp-8-PM 39.0 - Parcel 34975-1, 2, 3 - EA 263309.

RWC Date: 08/19/13; RTL Date: 08/23/13. Freeway - reconstruct interchange. Authorizes condemnation of permanent easements for access purposes, a permanent easement for slope purposes, and permanent easements for access and slope purposes to be conveyed to the city of El Centro. Located in the city of El Centro at 2002 South Dogwood Road. APN 054-041-020-000.

C-21097 - Alaskan Copper Companies, Inc., a Washington Corporation

11-SD-11-PM 0.97 - Parcel 34803-1, 2, 3, 4, 5, 6, 7, 8 - EA 056329.

RWC Date: 03/15/13; RTL Date: 03/25/13. Freeway - construct freeway to freeway connectors. Authorizes condemnation of land in fee for a State highway, underlying fee, extinguishment of abutter's rights of access, a temporary easement for construction purposes, a permanent easement for access, construction, and maintenance of drainage facilities, permanent easements for sewer purposes, a permanent easement for water line purposes, permanent easements for access and maintenance of retaining walls, abutments, and drainage facilities, and permanent easements to be conveyed to the city of San Diego and the San Diego County Sanitation District for utility purposes. Located in the city of San Diego at 1840 Dornoch Court. APNs 646-131-04; -05.

C-21098 - SANYO E & E CORPORATION

11-SD-11-PM 1.03 - Parcel 34804-1, 2, 3, 4, 5, 6, 7 - EA 056329.

RWC Date: 3/15/13; RTL Date: 3/25/13. Freeway - construct freeway to freeway connectors. Authorizes condemnation of land in fee for a State highway, underlying fee, extinguishment of abutter's rights of access, permanent easements for access and maintenance of retaining walls, abutments, footings, and drainage culverts, a permanent easement for access, construction, and maintenance of drainage facilities, a temporary easement for construction purposes, permanent easements for drainage, and permanent easements to be conveyed to the city of San Diego for access and drainage purposes. Located in the city of San Diego near Airway Road. APN 646-131-14.

C-21099 - LBA Realty Fund III-Company I, LLC, a Delaware Limited Liability Company

11-SD-11-PM 1.11 - Parcel 34805-1, 2, 3, 4, 5, 6 - EA 056329.

RWC Date: 03/15/13; RTL Date: 03/25/13. Freeway - construct freeway to freeway connectors. 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 sewer purposes, a permanent easement for water line purposes, permanent easements for access, construction, and maintenance of retaining walls, footings, and drainage culverts, and permanent easements to be conveyed to the San Diego County Sanitation District and Otay Water District for utility purposes. Located in the city of San Diego at 1855 Dornoch Court. APN 646-131-09.

C-21100 - Airway Diego, LLC, a California limited liability company

11-SD-11-PM 1.2 - Parcel 34807-1, 2, 3, 4, 5 - EA 056329.

RWC Date: 03/15/13; RTL Date: 03/25/13. Freeway - construct freeway to freeway connectors. Authorizes condemnation of land in fee for a State highway, underlying fee, extinguishment of abutter's rights of access, permanent easements for access, utility, and sewer purposes, and a permanent easement for sewer purposes to be conveyed to the San Diego County Sanitation District. Located in the County of San Diego at 10132 Airway Road. APN 646-130-60-00.

C-21101 - Sean M. Murphy

11-SD-76-PM 13.5 - Parcel 34779-1, 2, 3 - EA 257159.

RWC Date: 8/15/13; RTL Date: 8/15/13. Conventional highway - widening and realignment. Authorizes condemnation of land in fee for a State highway, underlying fee, a permanent easement for drainage purposes, and a temporary easement for construction purposes. Located in the city of Fallbrook at 2818 Pala Road. APN 123-310-60.