

# **Tab 55**

**Yellow Replacement Item  
(for Resolution C-21344 only)**

**Reference No.: 4.4**

**RESOLUTIONS OF  
NECESSITY**

1 TRANSPORTATION COMMISSION  
RESOLUTION NO.

2 **C-21344**

3 CALIFORNIA TRANSPORTATION COMMISSION  
RESOLUTION OF NECESSITY  
4 TO ACQUIRE CERTAIN REAL PROPERTY  
OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN  
HIGHWAY 06-Fre-99-PM 25.30 PARCEL 86961-1, 2, 3, 4  
5 OWNER: Ray Roeder, Trustee of the Ray Roeder Living Trust UAD  
09/15/1988

6 Resolved by the California Transportation Commission after  
7 notice (and hearing) pursuant to Code of Civil Procedure Section  
8 1245.235 that it finds and determines and hereby declares that:

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

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

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

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

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

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

24 APPROVED AS TO FORM AND PROCEDURE

APPROVAL RECOMMENDED

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

8 The real property or interests in real property, which the  
9 Department of Transportation is by this resolution authorized to  
10 acquire, is situated in the County of Fresno, State of California,  
11 Highway 06-Fre-99 and described as follows:

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REPLACEMENT  
YELLOW

**TITLE SHEET**  
(Resolution of Necessity Description)

District	County	Route	Post Mile
06	FRE	99	25.30

Project ID 0612000287

This document consists of this Title Sheet and the attached Legal Description of the parcel(s) listed below, consisting of 4 pages.

Parcels in Legal Description:					
86961-1	86961-2	86961-3	86961-4		

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

Signature Mark D. Elower  
Professional Land Surveyor  
Expires 12-31-2016



Date June 15, 2015

**Parcel 86961-1**

For freeway purposes, that portion of Lot 37 of Winterton Tract, according to the map thereof recorded in Book 3, Page 21 of Record of Surveys, Fresno County Records, lying southwesterly of the southwesterly right-of-way line of North Parkway Drive and northeasterly of the following described line:

BEGINNING at a point on the West line of the Southeast quarter of Section 24, Township 13 South, Range 19 East, Mount Diablo Meridian and Base Line, said point being South  $00^{\circ}37'59''$  West, 428.89 feet along said West line from the Center quarter-section corner of said Section 24, said corner being found as a 4 ½ inch iron pipe filled with concrete per Corner Record No. 3013, filed in the Fresno County Surveyor's Office; THENCE (1) South  $41^{\circ}03'36''$  East, 3070.37 feet to a point on the northeasterly right-of-way line of North Parkway Drive, last said point being South  $87^{\circ}09'46''$  East, 2043.74 feet from the South quarter-section corner of said Section 24, last said corner being found as a ¾ inch iron pipe with nail inside, flush in pavement, untagged, at the northwest edge of a sewer manhole cover, with corner ties per Corner Record No. 4789, filed in the Fresno County Surveyor's Office.

Lands abutting said freeway shall have no right or easement of access thereto.

The bearings and distances used in this description are on the California Coordinate System of 1983, Epoch 2007, Zone 4. Divide distances by 0.99993543 to obtain ground distances.

**Parcel 86961-4**

A temporary easement for the construction of State freeway facilities upon, over and across that portion of Lot 37 of Winterton Tract, according to the map thereof recorded in Book 3, Page 21 of Record of Surveys, Fresno County Records, included within a strip of land 10 feet wide, the northeasterly sideline of which is described as follows:

BEGINNING at a point on the West line of the Southeast quarter of Section 24, Township 13 South, Range 19 East, Mount Diablo Meridian and Base Line, said point being South  $00^{\circ}37'59''$  West, 428.89 feet along said West line from the Center quarter-section corner of said Section 24, said corner being found as a  $4\frac{1}{2}$  inch iron pipe filled with concrete per Corner Record No. 3013, filed in the Fresno County Surveyor's Office; THENCE (1) South  $41^{\circ}03'36''$  East, 3070.37 feet to a point on the northeasterly right-of-way line of North Parkway Drive, last said point being South  $87^{\circ}09'46''$  East, 2043.74 feet from the South quarter-section corner of said Section 24, last said corner being found as a  $\frac{3}{4}$  inch iron pipe with nail inside, flush in pavement, untagged, at the northwest edge of a sewer manhole cover, with corner ties per Corner Record No. 4789, filed in the Fresno County Surveyor's Office.

The sidelines of said strip of land shall be prolonged or shortened so as to begin at the North line of said Lot 37 and to terminate at the East line of said Lot 37.

The bearings and distances used in this description are on the California Coordinate System of 1983, epoch 2007, Zone 4. Divide distances by 0.99993543 to convert to ground distances.

Rights to the above described temporary easement shall cease and terminate on May 31, 2018. Said rights may also be terminated prior to the above date by STATE upon notice to OWNER.

**Parcel 86961-2**

A temporary easement for the construction of State freeway facilities upon, over and across that portion of said Lot 37 described as follows:

BEGINNING at a point on the North line of said Lot 37, last said point being North 89°02'30" West, 40.34 feet along said North line from the point of intersection of said North line with hereinabove described course (1); THENCE (1) South 00°10'29" West, 22.15 feet; THENCE (2) North 89°42'45" West, 12.22 feet; THENCE (3) South 00°10'29" West, 32.40 feet; THENCE (4) North 89°49'31" West, 79.92 feet to the West line of said Lot 37; THENCE (5) along last said West line, North 00°46'36" East, 55.78 feet to said North line; THENCE (6) along said North line, South 89°02'30" East, 91.56 feet to the POINT OF BEGINNING.

The bearings and distances used in this description are on the California Coordinate System of 1983, epoch 2007, Zone 4. Divide distances by 0.99993543 to convert to ground distances.

Rights to the above described temporary easement shall cease and terminate on May 31, 2018. Said rights may also be terminated prior to the above date by STATE upon notice to OWNER.

**Parcel 86961-3**

A temporary easement for the construction of State highway facilities upon, over and across that portion of said Lot 37 described as follows:

COMMENCING at the southerly terminus of hereinabove described course (5); THENCE (1) along the West line of said Lot 37, South 00°46'36" West, 1238.32 feet to the South line of said Lot 37; THENCE (2) along said South line, South 89°41'42" East, 78.20 feet

**Parcel 86961-3 (continued)**

to the TRUE POINT OF BEGINNING; THENCE (3) continuing along said South line, South 89°41'42" East, 48.10 feet; THENCE (4) North 02°00'00" West, 115.00 feet; THENCE (5) North 88°24'44" West, 35.12 feet; THENCE (6) South 04°26'26" West, 115.99 feet to the TRUE POINT OF BEGINNING.

The bearings and distances used in this description are on the California Coordinate System of 1983, epoch 2007, Zone 4. Divide distances by 0.99993543 to convert to ground distances.

Rights to the above described temporary easement shall cease and terminate on May 31, 2018. Said rights may also be terminated prior to the above date by STATE upon notice to OWNER.

YELLOW  
REPLACEMENT  
ITEM