



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2671
www.CityofSacramento.org

PUBLIC HEARING
February 10, 2009

Honorable Mayor and
 Members of the City Council

**Title: Resolution of Necessity: Meadowview Road Fence Improvements Project
 (T15065600) – Two Thirds Vote Required**

Location/Council District: South side of Meadowview Road, between Amherst Street and 24th Street, Council District 8

Recommendation: 1) conduct a Hearing on Resolutions of Necessity and make the necessary findings to acquire the real property interests in the parcels listed in Attachment A for the Meadowview Road Fence Improvements Project; and 2) adopt Resolutions of Necessity for the acquisition of the temporary construction easement interests necessary for the Meadowview Road Fence Improvements Project.

Contacts: Marianne Wetzel, Supervisor, Real Estate Services Section, 808-6270; Tim Mar, Supervising Engineer, 808-7531

Presenter: Marianne Wetzel, Supervisor, Real Estate Services Section, 808-6270

Department: General Services and Transportation

Division: Facilities and Real Property Management; Engineering Services

Organization No: 13001551 and 15001131

Description/Analysis

Issues: The Meadowview Community is a primarily residential neighborhood located in the south area of Sacramento. Some areas have fallen into disrepair and the community has a strong desire to restore these areas back to good condition. The Meadowview Development Committee (MDC) and the Sacramento Housing and Redevelopment Agency (SHRA) in conjunction with the Meadowview Community developed the Meadowview Urban Design Plan (MUDP) in August 2003, which proposes streetscape enhancements along both Meadowview Road and 24th Street. Among the various streetscape improvements identified in the urban design plan, the rehabilitation of the dilapidated wood fence on the south side of Meadowview Road between Amherst Street and 24th Street has been identified as the primary emphasis for the Meadowview Road Fence Improvements Project ("Project"). Construction of

the Project requires the City to obtain access and the right to construct from 73 property owners along the identified stretch of Meadowview Road. As of the date this report was prepared, the City of Sacramento had acquired rights of access and construction on 69 out of the 73 properties by obtaining a *Permission to Enter and Construct* agreement from each of those property owners. In order to maintain the Project schedule, this report recommends adopting Resolutions of Necessity to obtain a temporary construction easement (real property right) from each of the four (4) ownerships that have not signed the *Permission to Enter and Construct* agreement.

Policy Considerations: The statute authorizing the City of Sacramento to acquire the subject parcels for the Project is Government Code section 37350.5. A written offer of just compensation, as required under Government Code section 7267.2, has been made to the owners or representatives of the owners of record. This action is consistent with legal requirements for the acquisition of private property for public projects.

Rationale for Recommendation: Acquisition of the subject property interests is necessary for the construction of the Project. Contract bidding and construction cannot take place until the City has obtained the right of possession over all of these property interests.

The proposed Resolutions of Necessity attached to this report contain the findings required by California Eminent Domain Law. Importantly, the Mayor and City Council must find:

1. The public interest and necessity require the Project;
2. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least public injury;
3. The property interests are necessary for the Project; and
4. Prior to making the above findings and determinations the offer required by section 7267.2 of the Government Code was made to the owners of record of the property interests to be acquired.

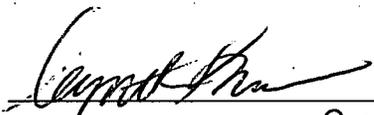
Environmental Considerations:

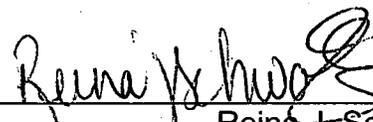
California Environmental Quality Act (CEQA): Environmental Planning Services of the Development Services Department has reviewed the Project and has determined that the Project is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Sections 15302(b) and 15303 (e) of the CEQA Guidelines.

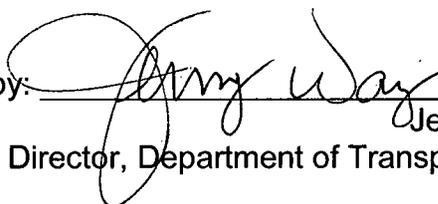
Sustainability Considerations: None

Financial Considerations: The adoption of the proposed Resolutions of Necessity is not expected to have any long-term financial impact on the City of Sacramento. The City is required to pay \$250 to the owner of each of the four parcels involved as just compensation for the right to use their property for temporary construction purposes. Sufficient SHRA Block Grant funding (Fund 2700) is available in the Meadowview Road Fence Improvements Project (T15065600) to fund the total compensation in the amount of \$1,000.

Emerging Small Business Development (ESBD): No goods or services are being purchased as a result of this report.

Respectfully Submitted by: 
Cynthia Kranc
Facilities and Real Property Manager

Approved by: 
Reina J. Schwartz
Director, Department of General Services

Approved by: 
Jerry Way
Director, Department of Transportation

Recommendation Approved:


Ray Kerridge
City Manager

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BACKGROUND INFORMATION:

The Meadowview Development Committee (MDC) and the Sacramento Housing and Redevelopment Agency (SHRA) in conjunction with the Meadowview Community developed the Meadowview Urban Design Plan (MUDP) in August 2003. Shortly thereafter, the design and planning aspects of constructing a masonry wall from Amherst Street to 24th Street along the south side of Meadowview Road ("Project Area") were undertaken. An overview of the Project Area is included within this document as "Attachment B". Due to overwhelming support from the Meadowview Community, it was determined that the existing fence along the south side of Meadowview Road was in such disrepair that something had to be done to not only create an appealing thoroughfare but also a safer area. In the past, storms have blown down fences, exposing swimming pools and other hazards to the public, while at the same time exposing property to potential vandalism and/or burglary. Furthermore, as Meadowview Road continues to grow as a major arterial surface street for vehicular traffic, the potential for serious damage to property as a result of vehicular accidents also increases. The decision to replace the existing dilapidated fence with a masonry sound wall was the culmination of a collaborative effort between the MDC, SHRA and the Meadowview Community to find a way to alleviate all of the issues addressed above.

Meadowview Road is an east-west arterial street with two travel lanes in each direction and a center two-way left turn lane. The area is mainly residential with a concentration of offices and businesses at the major intersections. Over the years, portions of the existing wood fence have been damaged and rebuilt by adjacent property owners, resulting in a non-uniform stretch of fencing, which in turn, leads to a general run-down appearance. Residents have also raised safety concerns over vehicles crashing through the existing wooden fence and into their yards.

The construction of the proposed six-foot-tall masonry wall will consist of split face concrete blocks accented by concrete masonry pilasters with brick veneer and finished with a pre-cast concrete cap. The proposed wall will be similar to the existing wall at the southwest corner of Brookfield Drive and Franklin Boulevard. A rendering of the final appearance of the masonry wall has been included in this document as Attachment "D" for reference. The end result of the project will be a very aesthetically pleasing masonry wall spanning the southerly portion of Meadowview Road between Amherst Street and 24th Street, greatly enhancing the look of the neighborhood while at the same time providing a much needed safety barrier between property and traffic.

Construction of the Project requires the City to obtain access and the right to construct over 73 parcels held by 72 separate ownerships. As of the date this report was prepared, the City of Sacramento had reached agreement to enter and construct from 69 parcels held by 68 ownerships. These 68 property owners felt that the Meadowview Road Fence Replacement Project was a benefit to their property and to the community as a whole, and therefore were willing to enter into a *Permission to Enter and Construct* agreement.

In an attempt to further negotiate for the acquisition of property interests from those property owners who had not yet willingly allowed the City access to their properties, the City of Sacramento made offers to each of the property owners for the right to access the properties identified below in the form of a Temporary Construction Easement (TCE). The offers were based on a Just Compensation approved by the Director of General Services. The offer letters, made in accordance with Government Code section 7267.2, are incorporated into this report by reference and are available for review at the City Clerk's Office located at 915 I Street, Sacramento, CA 95814 (Historic City Hall).

The property owners of the property interests identified below were also sent notices informing them of the City of Sacramento's intent to conduct a Hearing on Resolutions of Necessity and to make the necessary findings to acquire the real property interests necessary for the Project. The notices, required under Code of Civil Procedure section 1245.235, are incorporated into this report by reference and are available for review at the City Clerk's Office located at 915 I Street, Sacramento, CA 95814 (Historic City Hall).

The property interests to be acquired in the City of Sacramento are as follows:

Benny and Verna Ruiz; APN (portion of) 052-0111-022: This parcel is located on the stretch of Meadowview Road between Amherst Street and 19th Street. The project requires the acquisition of a 550 square foot temporary construction easement on this property. This acquisition will have a temporary minimal impact on the continued occupancy of this residential property. Visual reference to the Ruiz property is incorporated into this document as "Attachment C – Page 1 of 2".

Cecil and Barbara Cropp; APN (portion of) 052-0111-016: This parcel is located on the stretch of Meadowview Road between Amherst Street and 19th Street. The project requires the acquisition of a 600 square foot temporary construction easement from this property. This acquisition will have a temporary minimal impact on the continued occupancy of this residential property. Visual reference to the Ruiz property is incorporated into this document as "Attachment C – Page 1 of 2".

Herman and Lois Osby; APN (portion of) 052-0072-010: This parcel is located on the stretch of Meadowview Road between Manorside Drive and 22nd Street. The project requires the acquisition of a 600 square foot temporary construction easement from this property. This acquisition will have a temporary minimal impact on the continued occupancy of this residential property. Visual reference to the Ruiz property is incorporated into this document as "Attachment C – Page 2 of 2".

Larry and Marie McNally; APN (portion of) 052-0072-009: This parcel is located on the stretch of Meadowview Road between Manorside Drive and 22nd Street. The project requires the acquisition of a 600 square foot temporary construction easement from this property. This acquisition will have a temporary minimal impact on the

continued occupancy of this residential property. Visual reference to the Ruiz property is incorporated into this document as "Attachment C – Page 2 of 2".

Acquisition of the temporary construction easements from subject property owners is necessary for the construction of the Project. Contract bidding and construction cannot take place until the City has obtained the right to possession over all of these property interests.

The proposed Resolutions of Necessity contain the findings required by California Eminent Domain Law:

1. The public interest and necessity require the Project;
2. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least public injury;
3. The property interests are necessary for the Project; and
4. Prior to making the above findings and determinations the offer required by section 7267.2 of the Government Code was made to the owners of record of the property interests to be acquired.

The basis for these findings is as follows:

FINDING 1: The Public Interest and Necessity Require the Project:

During the planning stages of the Meadowview Urban Design Plan (MUDP), information was obtained from property owners relating to traffic conditions on the Meadowview Road. These property owners stated that numerous accidents have occurred in which vehicles travelling in an easterly direction on Meadowview Road have driven through the existing fence and into one or more property owner's backyard. Fortunately, none of these incidents has resulted in death or injury. Furthermore, the condition of the existing wooden fence is such that even a mild storm has the ability to blow down various portions, if not the entire fence. For example, the storm which passed through in January of 2008 blew down several sections of fencing exposing properties to the public, some of which had pools. The possibility of the fence collapsing poses an immediate hazard due to the location of an elementary school in the middle of the Project Area. There are several properties along the project area with pools in the back yard, and should the fence blow down, one or many swimming pools would be exposed to the general public, especially to children walking to and from school. Sacramento City Code section 9.16.090 states: *Every person in possession of land upon which is situated a swimming pool who fails to either securely cover the pool when it is not in use or to adequately fence the area adjacent so that the pool is made inaccessible to children is guilty of an infraction. (Prior code § 26.01.048)* The Project's undertaking will accommodate 1) the need for a much more protective

barrier between vehicular traffic and homes, and 2) the necessity to create a safer path to and from school for children in the neighborhood.

The Project is consistent with the MUDP goals and objectives including the revitalization of Meadowview Road and the protection of property adjacent to it. Therefore, the public interest and necessity require this Project be completed.

FINDING 2: The Project is Planned or Located in the Manner that Will Be Most Compatible with the Greatest Public Good and the Least Private Injury:

The Meadowview Fence Improvements Project faced several challenges in terms of its design and overall public benefit. The first issue that arose was the debate over the type of replacement structure that would be erected. The debate came down to whether a wooden fence, consistent in style and height, would be sufficient as a replacement of the existing fence. However, when the expected lifetime of a replacement fence was weighed against the cost of its construction, the wooden fence was deemed to be inferior to a masonry wall primarily for two reasons. The first is that a masonry wall is composed of concrete, and therefore carries with it a much longer expected lifetime along with a much smaller expected maintenance cost over the years. The second is the additional safety aspect a masonry wall offers as opposed to a wooden fence. Should a severe storm pass through the area, there is a chance that parts of the wooden fence would be blown over. This is of great concern, since many safety issues arise when properties along this stretch of road have exposed yards at the rear of the property. One issue is the possibility that a swimming pool could be exposed to the general public, most notably to children, increasing the potential for injury up to and including death. Another issue is the potential for vandalism and/or burglary of properties exposed as a result of a downed fence. Lastly, a wooden fence is no match for the impact of a vehicular accident. Accidents in which vehicles have literally gone through the existing wooden fences and into property owner's back yards have been documented, and the issue was one of the main concerns of the Meadowview Community when developing the MUDP. A masonry wall would be considered an excellent barrier between traffic and property, thus ensuring an immediate benefit to the property owners along the Project Area compared to the unproven safety a wooden replacement fence would offer against a vehicular impact.

A benefit that would arise out of the Project's undertaking is the protection of pedestrians walking along Meadowview Road. Of the 73 privately-held properties, 6 have gates that the property owners use for access to and from Meadowview Road. While the property owners may have used these gates over the years, these same property owners have violated City Code in order to drive their vehicles in-to and out-of the rear of their property. Though no citations have been issued for this practice, the violation is documented under City Code section 10.12.020, which states: *The driver of a vehicle shall not drive within any sidewalk area or any parkway, except at a permanent or temporary driveway.* No permanent or temporary driveways exist along

the south side of Meadowview Road between Amherst Street and 24th Street. In the circumstance involving the Meadowview properties, the owners with gate access were driving up the curb and over a sidewalk to enter upon or exit from their property, which is a violation of the above-mentioned City Code. The nature of these access gates is of particular importance in relation to the safety of pedestrians walking along this corridor. Not only would the construction of a masonry wall enhance the safety of the pedestrians in the area, but it would also alleviate any potential liability assumed by the property owner for a violation of City Code, or worse yet, an injury or fatality caused by the use of one of these gates.

The support of the majority of the property owners affected by this project is an excellent indicator of the overall benefit to the public as evidenced by their willingness to sign the *Permission to Enter and Construct* document. Roughly 95% of the owners involved were strongly supportive of the City's decision to erect a masonry wall. The 5% that have not supported the project are owners with gates at the rear of their properties. While it is understandable that these property owners have used this access for some time and feel that they are being injured by the Project, it can be argued that the use of these gates has been a violation of City Code, even though they have not been cited. The use of the gate at the rear of the property could be construed as putting the public at-large in danger due to the fact that it would require the property owner to drive over a sidewalk and onto a heavily travelled thoroughfare in order to access Meadowview Road.

In measuring the public benefit versus private injury, the City had to determine whether the property owners were being injured in such a way that their injury outweighed the overall public benefit. In this particular circumstance, the City could not consider the loss of gate access at the rear of the property as a detriment to the property owner, since the use of the gate for vehicular access to and from Meadowview Road is a violation of City Code. Therefore, the public benefit of this project, primarily due to the enhancement of public safety and the augmented aesthetic quality of this stretch of road, greatly outweighed the aspects of private injury. Thus, the determination was made that the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

FINDING 3: The Property Interests are Necessary for the Project:

The proposed masonry wall will be situated entirely within City of Sacramento Right-of-Way. However, in order to construct the masonry wall, permission to enter upon the property owners' land in order to construct had to be obtained. Therefore, a *Permission to Enter and Construct* document was circulated to all the property owners affected by the project. Out of a total of 73 property owners, 69 willingly signed the *Permission to Enter and Construct* document. A temporary construction easement (TCE) has to be obtained from the remaining four property owners affected by the project who have not signed the *Permission to Enter and Construct* document. The

TCE will allow City contractors to use a small portion of each property owner's land as a staging area for the construction of the wall. The construction workers need both sides of the wall to complete construction, thus, without the TCE's the wall could not be built. Also, by placing the proposed masonry wall completely on City Right-of-Way, there will be a need to extend each property's side-fencing all the way to the masonry wall – roughly two to four feet in length. This extension of side-fencing will be as similar as possible, in both appearance and quality, to the existing side-fencing on each respective property owners' land. Without the TCE's, the extension of the side-fencing would also be impossible. The Project requires TCE's ranging from 50 to 60 feet in width and 10 feet in depth to provide working space and access in order to construct the Project.

The estimated timeframe for the construction of the Project is approximately 12 months once ground is broken. Prudence dictates that the schedule of a construction project of this magnitude allow some cushion for unexpected delays. In order to provide the property owners with ample notice and the least inconvenience the TCE's have a 4 week duration from the time that each property owner is notified, in writing, of impending construction, within the 12 month project time-line.

FINDING 4: The Offers Required by Government Code Section 7267.2 Have Been Made:

City of Sacramento staff has been working with the property owners who have not agreed to the project and offers for the temporary construction easements (TCE's) have been made. These formal offers were subsequently rejected by each of the property owners.

ATTACHMENT A

Real Property Interests to be Acquired

Parcel APN(s) (portions of)	Owner	Property Interests to be Acquired (Square Feet)	Just Compensation Amount
052-0111-022	Benny and Verna Ruiz	Temporary Construction Easement (550 sq. ft.)	\$250.00
052-0111-016	Cecil and Barbara Cropp	Temporary Construction Easement (600 sq. ft.)	\$250.00
052-0072-010	Herman and Lois Osby	Temporary Construction Easement (600 sq. ft.)	\$250.00
052-0072-009	Larry and Marie McNally	Temporary Construction Easement (600 sq. ft.)	\$250.00

Attachment B Overview of Project Location



**ATTACHMENT C – Page 1 of 2
Location Map**



**ATTACHMENT C – Page 2 of 2
Location Map**



ATTACHMENT "D"

**MEADOWVIEW ROAD FENCE IMPROVEMENTS PROJECT
BEFORE AND AFTER RENDERINGS**



RESOLUTION NO. 2009-XXXX

Adopted by the Sacramento City Council
February 10, 2009

**RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL
PROPERTY BY EMINENT DOMAIN FOR THE MEADOWVIEW ROAD
FENCE IMPROVEMENTS PROJECT
(RUIZ – APN (portion of): 052-0111-022)**

BACKGROUND

- A. The Meadowview Development Committee (MDC) and the Sacramento Housing and Redevelopment Agency (SHRA) in conjunction with the Meadowview Community developed the Meadowview Urban Design Plan (MUDP) in August 2003, which proposes streetscape enhancements along both Meadowview Road and 24th Street.
- B. The Meadowview Road Fence Improvements Project is designed to greatly enhance not only the public safety along but also the aesthetic appearance of the south-side of Meadowview Road between Amherst Street and 24th Street.
- C. The City of Sacramento intends to acquire through the exercise of the power of eminent domain certain real property interests owned by Benny and Verna G. Ruiz, commonly referred to as a portion of Assessor Parcel Number 052-0111-022, hereinafter identified as the "Acquisition Parcel" more specifically described in Exhibits "A-1, A-2, A-3." The Acquisition Parcel is to be taken for or in connection with the Meadowview Road Fence Improvements Project.
- D. The statute authorizing the City of Sacramento to acquire the subject parcels for the above-mentioned public purpose is Government Code section 37350.5. An offer as required under Government Code section 7267.2 has been made to the owners or representatives of the owners of record.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

- Section 1. The City of Sacramento intends to acquire, through the exercise of the power of eminent domain, the interest in the real property hereinafter identified as the "Acquisition Parcel", more particularly described in Exhibits "A-1, A-2, A-3."

- Section 2. The Acquisition Parcel is to be taken for, or in connection with the Meadowview Road Fence Improvements Project.
- Section 3. The statute authorizing the City of Sacramento to acquire the Acquisition Parcel for the above-mentioned public purpose is Government Code section 37350.5.
- Section 4. The Acquisition Parcel is more specifically described in the legal description attached hereto as "A-1", depicted on the plat map attached hereto as "A-2", and defined in "A-3."
- Section 5. City Council declares that it has found and determined each of the following:
- a. The public interest and necessity require this project known as the Meadowview Road Fence Improvements Project.
 - b. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
 - c. The Acquisition Parcel is needed for the Project.
 - d. The offer statement and summary of appraisal required under Government Code section 7267.2, has been made or provided to the owner or representatives of the owners of record.
 - e. The notice required under Code of Civil Procedure section 1245.235, has been duly served by first class mail to the fee owners of the properties.
- Section 6. The City of Sacramento, a municipal corporation, its appropriate officers, employees and agents, are hereby authorized and empowered to:
- a. Acquire in the name of the City of Sacramento, a municipal corporation, the Acquisition Parcel.
 - b. Prepare, file and prosecute in the appropriate court, such proceedings in eminent domain as necessary for the acquisition of the real property interest.
 - c. Deposit the probable amount of just compensation as fixed by the Director of General Services in accordance with law, in the State Condemnation Fund and to make application to said court for an order permitting the City of Sacramento to take immediate possession and use of the Acquisition Parcel.

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Exhibit A-1: Legal Description of Temporary Construction Easement

Exhibit A-2: Plat Map of Temporary Construction Easement

Exhibit A-3: Definition of Temporary Construction Easement

EXHIBIT A-1
Temporary Construction Easement – Legal Description

EXHIBIT A
APN 052-0111-022
TEMPORARY EASEMENT DESCRIPTION
Page 1 of 1

All that certain real property situated in the City of Sacramento, County of Sacramento, State of California, described as follows:

Parcel 1

All that Portion of Lot 128, as shown on the official plat of "Carella Gardens Unit No. 11" in Book 59 of Maps, Map No. 5, filed in the office of the Recorder of said county, described as follows:

Beginning at a point on the Southerly line of Meadowview Road, said point also being the Northwest corner of said Lot 128; thence from said Point of Beginning along the Northerly line of said lot Easterly, 55.00 feet to the Easterly line of said Portion of Lot 28 as described in Book 711101 or Official Deeds Page 237, recorded in the Office of the Recorder of said county; thence along said Easterly line, Southerly, 10.00 feet; thence parallel with said Northerly line to the Westerly line of said lot, Westerly 55.00 feet; thence along the Westerly line of said lot, Northerly, 10.00 feet, to the Point of Beginning, containing 550.00 square feet, more or less.



EXHIBIT A-2
Temporary Construction Easement – Plat Map

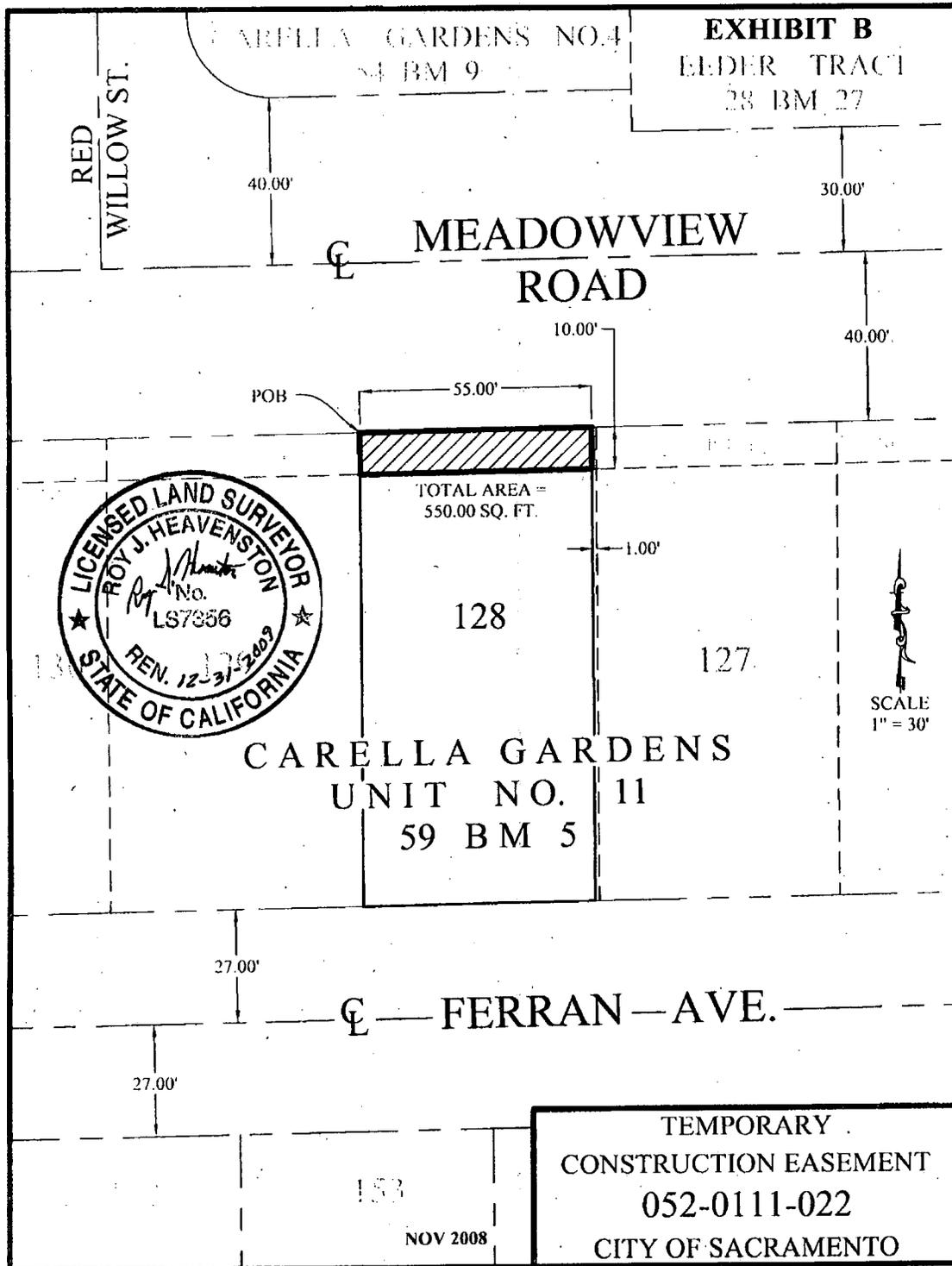


EXHIBIT A-3

Temporary Construction Easement – Description

A temporary construction easement for purposes of construction, reconstruction, installation, improvement, repair, inspection, expansion, and maintenance of a masonry wall, together with all necessary appurtenant structures on, over, across, and under all that real property identified in Exhibit A-1. The easement shall commence upon the City's written notification to Grantor of City's intent to proceed with construction on Grantor's property, and shall be effective for a four (4) week period, such period not to extend beyond March 1, 2010.

RESOLUTION NO. 2009-XXXX

Adopted by the Sacramento City Council
February 10, 2009

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR THE THE MEADOWVIEW ROAD FENCE IMPROVEMENTS PROJECT (CROPP – APN (portion of): 052-0111-016)

BACKGROUND

- A. The Meadowview Development Committee (MDC) and the Sacramento Housing and Redevelopment Agency (SHRA) in conjunction with the Meadowview Community developed the Meadowview Urban Design Plan (MUDP) in August 2003, which proposes streetscape enhancements along both Meadowview Road and 24th Street.
- B. The Meadowview Road Fence Improvements Project is designed to greatly enhance not only the public safety along but also the aesthetic appearance of the south-side of Meadowview Road between Amherst Street and 24th Street.
- C. The City of Sacramento intends to acquire through the exercise of the power of eminent domain certain real property interests owned by Cecil and Barbara Cropp, commonly referred to as a portion of Assessor Parcel Number 052-0111-016, hereinafter identified as the “Acquisition Parcel” more specifically described in Exhibits “A-1, A-2, A-3.” The Acquisition Parcel is to be taken for or in connection with the Meadowview Road Fence Improvements.
- D. The statute authorizing the City of Sacramento to acquire the subject parcel for the above-mentioned public purpose is Government Code section 37350.5. An offer as required under Government Code section 7267.2 has been made to the owners or representatives of the owners of record.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City of Sacramento intends to acquire, through the exercise of the power of eminent domain, the interest in the real property hereinafter identified as the “Acquisition Parcel”, more particularly described in Exhibits “A-1, A-2, A-3.”
- Section 2. The Acquisition Parcel is to be taken for, or in connection with the Meadowview Road Fence Improvements Project.

Section 3. The statute authorizing the City of Sacramento to acquire the Acquisition Parcel for the above-mentioned public purpose is Government Code section 37350.5.

Section 4. The Acquisition Parcel is more specifically described in the legal description attached hereto as "A-1", depicted on the plat map attached hereto as "A-2", and defined in "A-3."

Section 5. City Council declares that it has found and determined each of the following:

- a. The public interest and necessity require this project known as the Meadowview Road Fence Improvements Project.
- b. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
- c. The Acquisition Parcel is needed for the Project.
- d. The offer statement and summary of appraisal required under Government Code section 7267.2, has been made or provided to the owner or representatives of the owners of record.
- e. The notice required under Code of Civil Procedure section 1245.235, has been duly served by first class mail to the fee owners of the properties.

Section 6. The City of Sacramento, a municipal corporation, its appropriate officers, employees and agents, are hereby authorized and empowered to:

- a. Acquire in the name of the City of Sacramento, a municipal corporation, the Acquisition Parcel.
- b. Prepare, file and prosecute in the appropriate court, such proceedings in eminent domain as necessary for the acquisition of the real property interest.
- c. Deposit the probable amount of just compensation as fixed by the Director of General Services in accordance with law, in the State Condemnation Fund and to make application to said court for an order permitting the City of Sacramento to take immediate possession and use of the Acquisition Parcel.

Table of Contents:

- Exhibit A-1: Legal Description of Temporary Construction Easement
- Exhibit A-2: Plat Map of Temporary Construction Easement
- Exhibit A-3: Definition Temporary Construction Easement

EXHIBIT A-1
Temporary Construction Easement – Legal Description

EXHIBIT A
APN 052-0111-016
TEMPORARY EASEMENT DESCRIPTION
Page 1 of 1

All that certain real property situated in the City of Sacramento, County of Sacramento, State of California, described as follows:

Parcel 1

All that portion of Lot 125, as shown on the official plat of "Carella Gardens Unit No. 11" in Book 59 of Maps, Map No. 5, filed in the office of the Recorder of said county, described as follows:

Beginning at a point on the Southerly line of Meadowview Road, said point also being the Northwest corner of said Lot 125; thence from said Point of Beginning along the Northerly line of said lot to the Northeast corner of said lot, Easterly, 60.00 feet; thence along the Easterly line of said lot, Southerly, 10.00 feet; thence parallel with said Northerly line to the Westerly line of said lot, Westerly 60.00 feet; thence along the Westerly line of said lot, Northerly, 10.00 feet, to the Point of Beginning, containing 600.00 square feet, more or less.



EXHIBIT A-2
Temporary Construction Easement – Plat Map

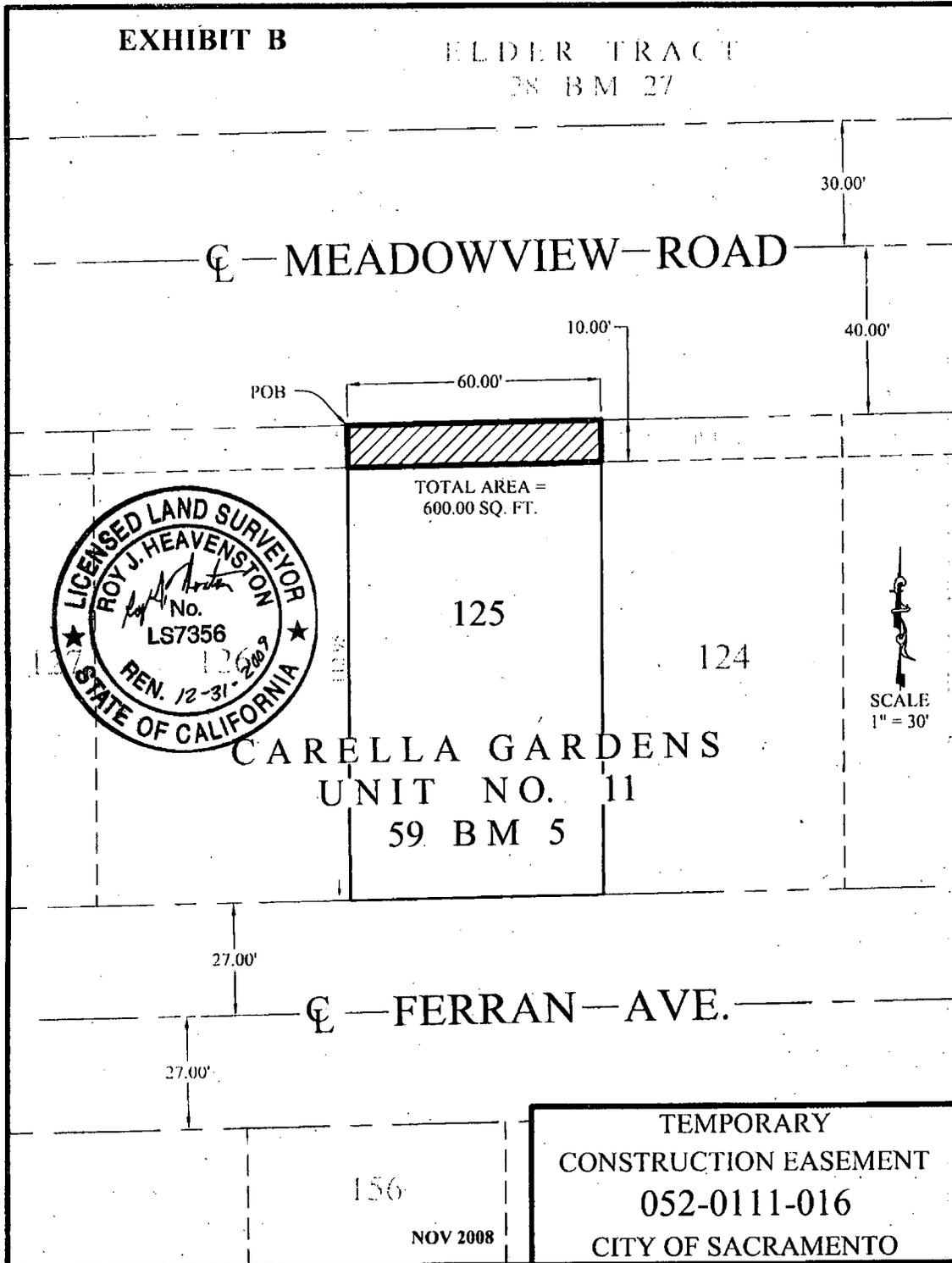


EXHIBIT A-3

Temporary Construction Easement – Description

A temporary construction easement for purposes of construction, reconstruction, installation, improvement, repair, inspection, expansion, and maintenance of a masonry wall, together with all necessary appurtenant structures on, over, across, and under all that real property identified in Exhibit A-1. The easement shall commence upon the City's written notification to Grantor of City's intent to proceed with construction on Grantor's property, and shall be effective for a four (4) week period, such period not to extend beyond March 1, 2010.

RESOLUTION NO. 2009-XXXX

Adopted by the Sacramento City Council
February 10, 2009

**RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL
PROPERTY BY EMINENT DOMAIN FOR THE THE MEADOWVIEW
ROAD FENCE IMPROVEMENTS PROJECT (OSBY – APN (portion of):
052-0072-010)**

BACKGROUND

- A. The Meadowview Development Committee (MDC) and the Sacramento Housing and Redevelopment Agency (SHRA) in conjunction with the Meadowview Community developed the Meadowview Urban Design Plan (MUDP) in August 2003, which proposes streetscape enhancements along both Meadowview Road and 24th Street.
- B. The Meadowview Road Fence Improvements Project is designed to greatly enhance not only the public safety along but also the aesthetic appearance of the south-side of Meadowview Road between Amherst Street and 24th Street.
- C. The City of Sacramento intends to acquire through the exercise of the power of eminent domain certain real property interests owned by Herman and Lois Osby, commonly referred to as a portion of Assessor Parcel Number 052-0072-010, hereinafter identified as the "Acquisition Parcel" more specifically described in Exhibits "A-1, A-2, A-3." The Acquisition Parcel is to be taken for or in connection with the Meadowview Road Fence Improvements Project.
- D. The statute authorizing the City of Sacramento to acquire the subject parcel for the above-mentioned public purpose is Government Code section 37350.5. An offer as required under Government Code section 7267.2 has been made to the owners or representatives of the owners of record.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

- Section 1. The City of Sacramento intends to acquire, through the exercise of the power of eminent domain, the interest in the real property hereinafter identified as the "Acquisition Parcel", more particularly described in Exhibits "A-1, A-2, A-3"
- Section 2. The Acquisition Parcel is to be taken for, or in connection with the Meadowview Road Fence Improvements Project.

Section 3. The statute authorizing the City of Sacramento to acquire the Acquisition Parcel for the above-mentioned public purpose is Government Code section 37350.5.

Section 4. The Acquisition Parcel is more specifically described in the legal description attached hereto as "A-1", depicted on the plat map attached hereto as "A-2", and defined in "A-3."

Section 5. City Council declares that it has found and determined each of the following:

- a. The public interest and necessity require this project known as the Meadowview Road Fence Improvements Project.
- b. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
- c. The Acquisition Parcel is needed for the Project.
- d. The offer statement and summary of appraisal required under Government Code section 7267.2, has been made or provided to the owner or representatives of the owners of record.
- e. The notice required under Code of Civil Procedure section 1245.235, has been duly served by first class mail to the fee owners of the properties.

Section 6. The City of Sacramento, a municipal corporation, its appropriate officers, employees and agents, are hereby authorized and empowered to:

- a. Acquire in the name of the City of Sacramento, a municipal corporation, the Acquisition Parcel.
- b. Prepare, file and prosecute in the appropriate court, such proceedings in eminent domain as necessary for the acquisition of the real property interest.
- c. Deposit the probable amount of just compensation as fixed by the Director of General Services in accordance with law, in the State Condemnation Fund and to make application to said court for an order permitting the City of Sacramento to take immediate possession and use of the Acquisition Parcel.

Table of Contents:

- Exhibit A-1: Legal Description of Temporary Construction Easement
- Exhibit A-2: Plat Map of Temporary Construction Easement
- Exhibit A-3: Definition of Temporary Construction Easement

EXHIBIT A-1
Temporary Construction Easement – Legal Description

EXHIBIT A
APN 052-0072-010
TEMPORARY EASEMENT DESCRIPTION
Page 1 of 1

All that certain real property situated in the City of Sacramento, County of Sacramento, State of California, described as follows:

Parcel 1

All that portion of Lot 89, as shown on the official plat of "Meadowview Manor Unit No. 2" in Book 57 of Maps, Map No. 10, filed October 2, 1959, in the office of the Recorder of said county, described as follows:

Beginning at a point on the Southerly line of Meadowview Road, said point also being the Northwest corner of said Lot 89; thence from said Point of Beginning along the Northerly line of said lot to the Northeast corner of said lot, Easterly, 60.00 feet; thence along the Easterly line of said lot, Southerly, 10.00 feet; thence parallel with said Northerly line to the Westerly line of said lot, Westerly 60.00 feet; thence along the Westerly line of said lot, Northerly, 10.00 feet, to the Point of Beginning, containing 600.00 square feet, more or less.



EXHIBIT A-2
Temporary Construction Easement – Plat Map

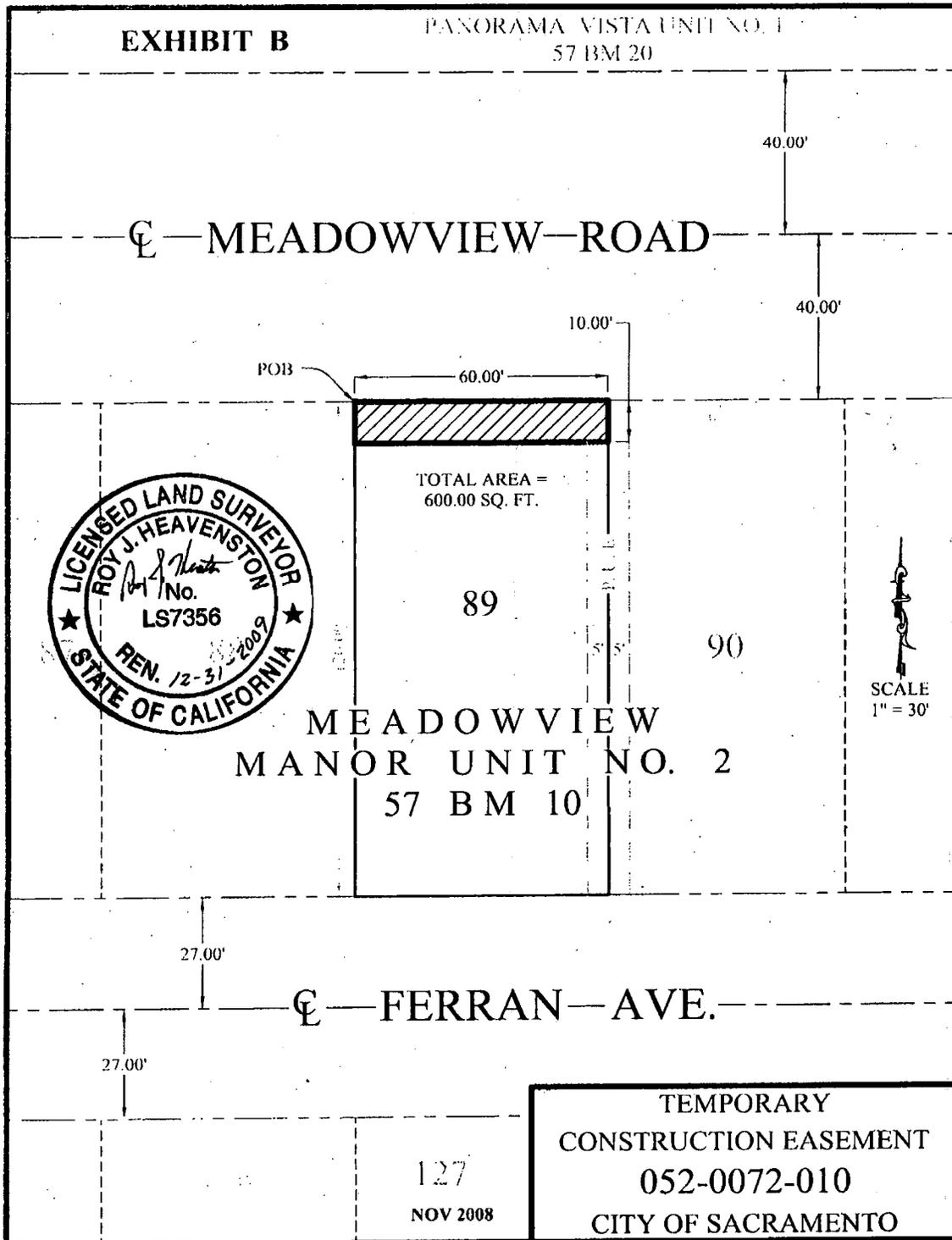


EXHIBIT A-3

Temporary Construction Easement – Description

A temporary construction easement for purposes of construction, reconstruction, installation, improvement, repair, inspection, expansion, and maintenance of a masonry wall, together with all necessary appurtenant structures on, over, across, and under all that real property identified in Exhibit A-1. The easement shall commence upon the City's written notification to Grantor of City's intent to proceed with construction on Grantor's property, and shall be effective for a four (4) week period, such period not to extend beyond March 1, 2010.

RESOLUTION NO. 2009-XXXX

Adopted by the Sacramento City Council
February 10, 2009

**RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL
PROPERTY BY EMINENT DOMAIN FOR THE MEADOWVIEW ROAD
FENCE IMPROVEMENTS PROJECT
(McNALLY – APN (portion of): 052-0072-009)**

BACKGROUND

- A. The Meadowview Development Committee (MDC) and the Sacramento Housing and Redevelopment Agency (SHRA) in conjunction with the Meadowview Community developed the Meadowview Urban Design Plan (MUDP) in August 2003, which proposes streetscape enhancements along both Meadowview Road and 24th Street.
- B. The Meadowview Road Fence Improvements Project is designed to greatly enhance not only the public safety along but also the aesthetic appearance of the south-side of Meadowview Road between Amherst Street and 24th Street.
- C. The City of Sacramento intends to acquire through the exercise of the power of eminent domain certain real property interests owned by Larry D. and Marie I. McNally, commonly referred to as a portion of Assessor Parcel Number 052-0072-009, hereinafter identified as the "Acquisition Parcel" more specifically described in Exhibits "A-1, A-2, A-3." The Acquisition Parcel is to be taken for or in connection with the Meadowview Road Fence Improvements Project.
- D. The statute authorizing the City of Sacramento to acquire the subject parcels for the above-mentioned public purpose is Government Code section 37350.5. An offer as required under Government Code section 7267.2 has been made to the owners or representatives of the owners of record.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

- Section 1. The City of Sacramento intends to acquire, through the exercise of the power of eminent domain, the interest in the real property hereinafter identified as the "Acquisition Parcel", more particularly described in Exhibits "A-1, A-2, A-3."
- Section 2. The Acquisition Parcel is to be taken for, or in connection with the Meadowview Road Fence Improvements Project.

Section 3. The statute authorizing the City of Sacramento to acquire the Acquisition Parcel for the above-mentioned public purpose is Government Code section 37350.5.

Section 4. The Acquisition Parcel is more specifically described in the legal description attached hereto as "A-1", depicted on the plat map attached hereto as "A-2", and defined in "A-3."

Section 5. City Council declares that it has found and determined each of the following:

- a. The public interest and necessity require this project known as the Meadowview Road Fence Improvements Project.
- b. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
- c. The Acquisition Parcel is needed for the Project.
- d. The offer statement and summary of appraisal required under Government Code section 7267.2, has been made or provided to the owner or representatives of the owners of record.
- e. The notice required under Code of Civil Procedure section 1245.235, has been duly served by first class mail to the fee owners of the properties.

Section 6. The City of Sacramento, a municipal corporation, its appropriate officers, employees and agents, are hereby authorized and empowered to:

- d. Acquire in the name of the City of Sacramento, a municipal corporation, the Acquisition Parcel.
- e. Prepare, file and prosecute in the appropriate court, such proceedings in eminent domain as necessary for the acquisition of the real property interest.
- f. Deposit the probable amount of just compensation as fixed by the Director of General Services in accordance with law, in the State Condemnation Fund and to make application to said court for an order permitting the City of Sacramento to take immediate possession and use of the Acquisition Parcel.

Table of Contents:

Exhibit A-1: Legal Description of Temporary Construction Easement

Exhibit A-2: Plat Map of Temporary Construction Easement

Exhibit A-3: Definition of Temporary Construction Easement

EXHIBIT A-1
Temporary Construction Easement – Legal Description

EXHIBIT A
APN 052-0072-009
TEMPORARY EASEMENT DESCRIPTION
Page 1 of 1

All that certain real property situated in the City of Sacramento, County of Sacramento, State of California, described as follows:

Parcel 1

All that portion of Lot 88, as shown on the official plat of “Meadowview Manor Unit No. 2” in Book 57 of Maps, Map No. 10, filed October 2, 1959, in the office of the Recorder of said county, described as follows:

Beginning at a point on the Southerly line of Meadowview Road, said point also being the Northwest corner of said Lot 88; thence from said Point of Beginning along the Northerly line of said lot to the Northeast corner of said lot, Easterly, 60.00 feet; thence along the Easterly line of said lot, Southerly, 10.00 feet; thence parallel with said Northerly line to the Westerly line of said lot, Westerly 60.00 feet; thence along the Westerly line of said lot, Northerly, 10.00 feet, to the Point of Beginning, containing 600.00 square feet, more or less.



EXHIBIT A-2

Temporary Construction Easement – Plat Map

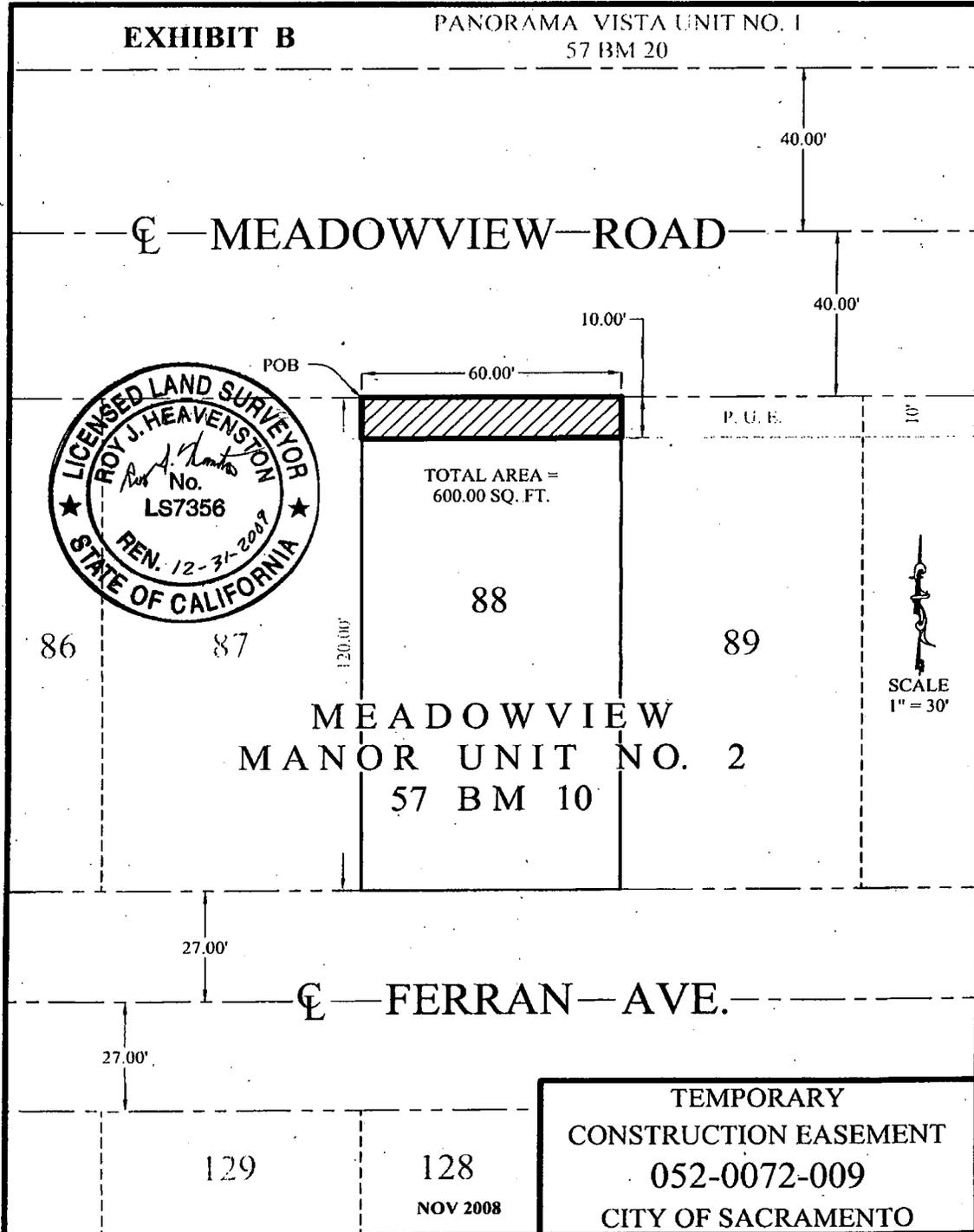


EXHIBIT A-3

Temporary Construction Easement – Description

A temporary construction easement for purposes of construction, reconstruction, installation, improvement, repair, inspection, expansion, and maintenance of a masonry wall, together with all necessary appurtenant structures on, over, across, and under all that real property identified in Exhibit A-1. The easement shall commence upon the City's written notification to Grantor of City's intent to proceed with construction on Grantor's property, and shall be effective for a four (4) week period, such period not to extend beyond March 1, 2010.