RESOLUTION NO. 2009-074

Adopted by the Sacramento City Council

February 10, 2009

RESOULTION 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
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Exhibit A-3: Definition of Temporary Construction Easement

Adopted by the City of Sacramento City Council on February 10, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.

Mayor Kevin Johnson

Attest:

Shirley Concolino, City Clerk

EXHIBIT A-1
Temporary Construction Easement – Legal Description

EXHIBIT A
APN 052-0111-022
TEMPORARY EASEMENT DESCRIPTION
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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.

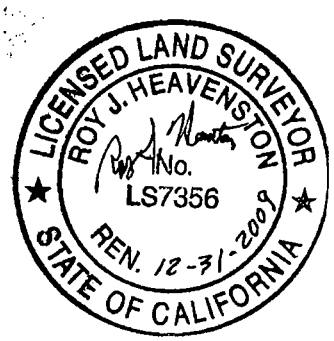

EXHIBIT A-2
Temporary Construction Easement – Plat Map

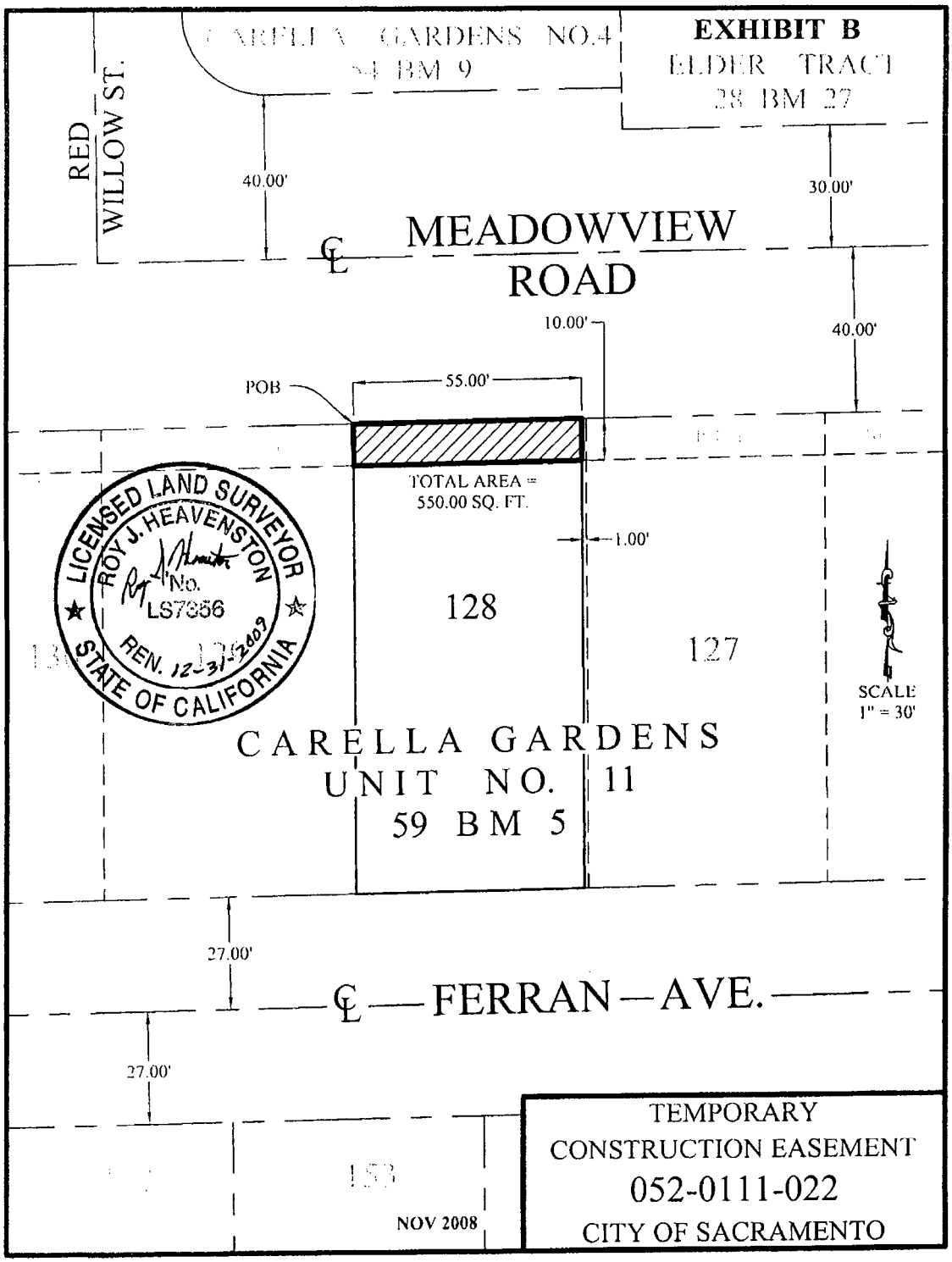

EXHIBIT A-3

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.