



City of Sacramento City Council

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

Meeting Date: 3/5/2013

Report Type: Public Hearing

Title: Resolution of Necessity: McClellan Heights Infrastructure Project T15016000 (2/3 Vote Required) (Noticed 01-14-13 and 02-08-13)

Report ID: 2013-00112

Location: Pinell Street between Bell Avenue and North Avenue, District 2

Recommendation: Conduct a Public hearing on Resolutions of Necessity and upon conclusion 1) make the required findings to acquire the real property interests in the described parcels for the McClellan Heights Infrastructure Project; 2) pass a Resolution of Necessity to acquire a portion of APN: 252-0025-024 (2000 North Avenue) necessary for the McClellan Heights Infrastructure Project; and 3) pass a Resolution of Necessity to acquire a portion of APN: 238-0171-001 (4126 and 4130 Pinell Street) necessary for the McClellan Heights Infrastructure Project.

Contact: Jan Ebert, Real Property Agent, (916) 808-1968; William Sinclair, Program Manager, (916) 808-1905, General Services Department

Presenter: Jan Ebert, Real Property Agent, (916) 808-1968; William Sinclair, Program Manager, (916) 808-1905, General Services Department

Department: General Services

Division: Real Estate/Asset Management

Dept ID: 13001551

Attachments:

- 01-Description/Analysis
- 02-Background
- 03-Attachment A-Project Location
- 04-Attachment B-Map
- 05-Attachment C-Map
- 06-Resolution
- 07-Exhibit A APN 238 0171 001-Legal Description
- 08-Exhibit B APN 238 0171 001-Easement Map
- 09-Exhibit C APN-238-0171-001-Temporary Easement Legal Description
- 10- Exhibit D for APN-238-0171-001-Temporary Easement Map
- 11-Resolution
- 12-Exhibit A APN-252-0025-024- Legal Description
- 13- Exhibit B APN-252-0025-024-Easement Map
- 14- Exhibit C for APN-252-0025-024-Temporary Easement Legal Description
- 15-Exhibit D for APN-252-0025-024-Temporary Easement Map

City Attorney Review

Approved as to Form
Gerald Hicks
2/27/2013 12:30:42 PM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
2/19/2013 9:19:57 AM

Approvals/Acknowledgements

Department Director or Designee: Reina Schwartz - 2/25/2013 10:29:11 AM

Description/Analysis

Issue: Construction of the McClellan Heights Infrastructure Project (T15016000) requires the acquisition of real property rights, primarily rights of entry and temporary construction easements, from 67 property owners along Pinell Street and North Avenue. As of the date this report was prepared, the City had not reached agreement to obtain the required interests from two of the property owners. Statutory offers have been made to both of these property owners and negotiations are continuing. In order to maintain the Project schedule, this report recommends adopting Resolutions of Necessity for these properties.

Policy Considerations: The statute authorizing the City to acquire a portion of 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 property owners or representatives of the owners of record. This action is consistent with legal requirements for the acquisition of private property for public projects.

Economic Impacts: None.

Environmental Considerations:

California Environmental Quality Act (CEQA): The Community Development Department, Environmental Planning Services Division has reviewed the Project and has determined that the Project is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303 (d) of the CEQA Guidelines.

Sustainability: None.

Commission/Committee Action: None.

Rationale for Recommendation: Construction of the Project requires the acquisition of real property rights from 67 property owners along Pinell Street and North Avenue. As of the date this report was prepared, the City had not reached agreement to purchase the required interests from two property owners. In order to maintain the Project schedule, this report recommends adopting Resolutions of Necessity for these properties.

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

- The public interest and necessity require the Project;
- The Project is planned or located in the manner that will be most compatible with the greatest public good and the least public injury;
- The property interests are necessary for the Project; and
- 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.

Financial Considerations: The City is required to pay to pay a total of \$1,000 as just compensation to obtain the property rights necessary to complete the Project. Funding will be provided by the McClellan Heights Infrastructure Project (T15016000, Fund 2001, Sacramento Transportation Sales Tax Fund). Sufficient funding exists in the project to obtain the necessary property rights.

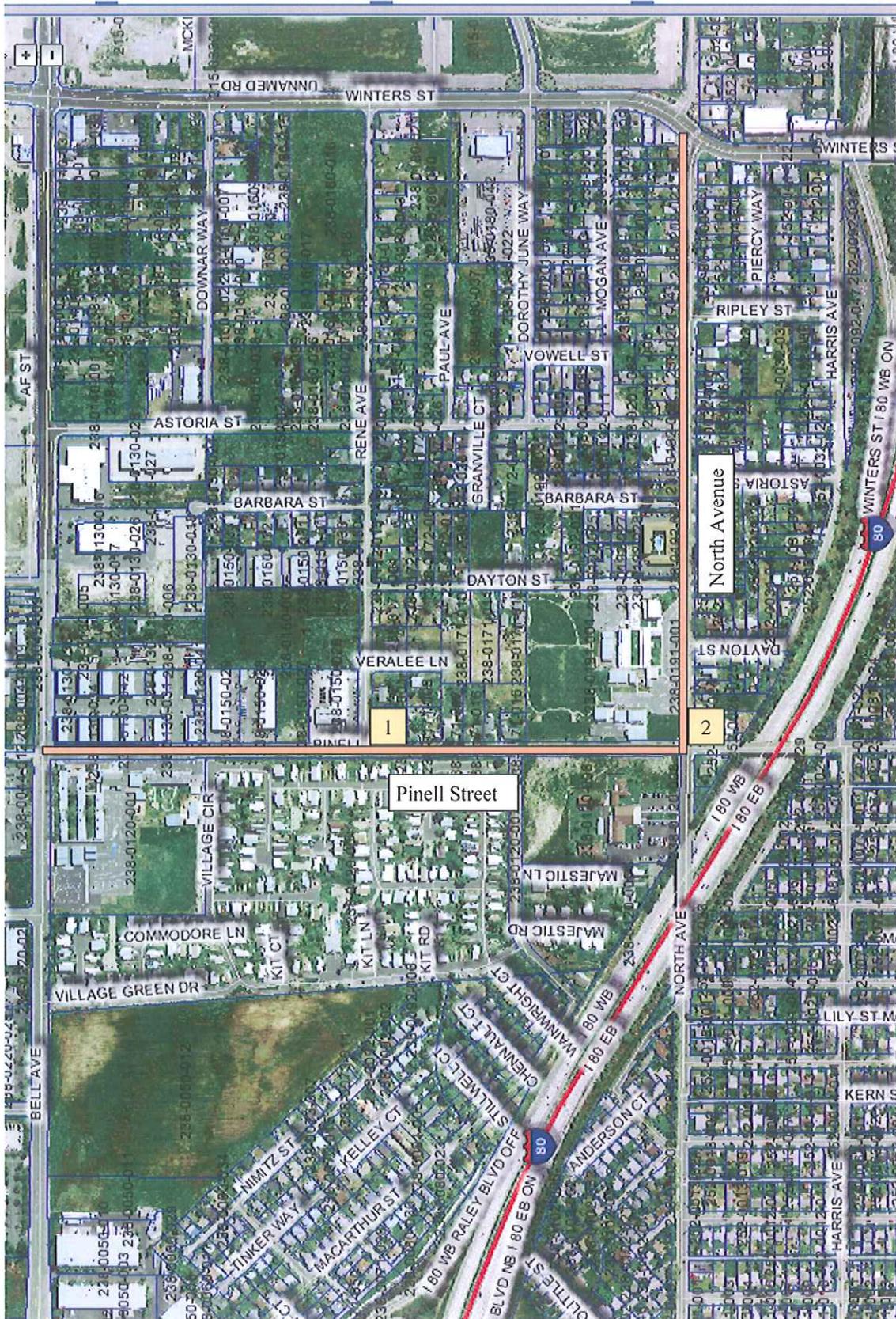
Emerging Small Business Development (ESBD): No goods or services are being purchased as a result of this report.

Background

McClellan Heights is primarily a residential neighborhood, with no frontage improvements, located in the north area of Sacramento. A number of fences, gates and mailboxes installed by property owners encroach upon the City right-of-way. The McClellan Heights Infrastructure Project involves constructing frontage improvements (sidewalks, planters, street lights, and curb ramps) on Pinell Street and North Avenue, that will provide a walkable path and increase pedestrian safety, to the particular benefit of students of the nearby elementary and high schools. The curb ramps shall comply with State and Federal accessibility standards and will be constructed at all cross streets on Pinell Street and North Avenue.

The City needs to acquire real property rights (Easements with Rights of Entry) from 67 property owners along Pinell Street and North Avenue to be able to remove fences, gates and mailboxes encroaching upon the City right-of-way, and relocate them to the correct property lines.

Attachment A - Project Location



1-APN-238-0171-001 - 4126 & 4130 Pinell Street

2-APN-252-0025-024 - 2000 North Avenue

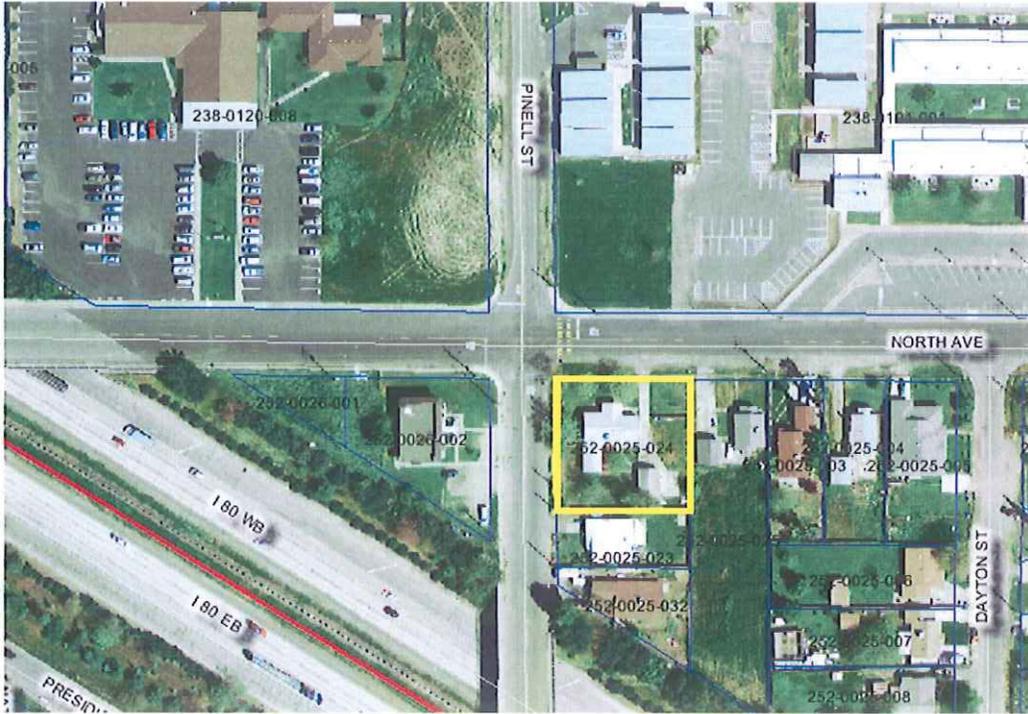
ATTACHMENT B

APN: 238-0171-001 – 4126 & 4130 Pinell St



ATTACHMENT C

APN: 252-0025-024 – 2000 North Ave



RESOLUTION NO. 2013-XXXX

Adopted by the Sacramento City Council
March 5, 2013

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR THE McCLELLAN HEIGHTS INFRASTRUCTURE PROJECT (PHYLLIS PETERSON – Portion of APN: 238-0171-001 – 4126 and 4130 Pinell Street)

BACKGROUND

- A. McClellan Heights is primarily a residential neighborhood, with no frontage improvements, located in the north area of Sacramento. A number of fences, gates and mailboxes that property owners have installed of their own accord encroach upon the City right-of-way. The McClellan Heights Infrastructure Project involves constructing frontage improvements (sidewalks, planters, street lights, and curb ramps), that will provide a walkable path and increase pedestrian safety, to the particular benefit of students of the nearby elementary and high schools.
- B. The fence, gate, and mailbox at 4126 and 4130 Pinell Street are in the City's right-of-way. Acquisition of the subject property interests is necessary to remove the encroachments, reinstall the fence, gate, and mailbox inside the property line, construct driveway conforms, sidewalks, and a curb ramp for the completion of the McClellan Heights Infrastructure Project (T15016000). The acquisition is the minimum take that will allow the project to reinstall fences for security and privacy purposes, construct sidewalks and curb ramps to enhance the pedestrian safety, and not decrease the subject property interests and livability.
- C. The City of Sacramento intends to acquire through the exercise of the power of eminent domain certain real property interests owned by Phyllis Peterson, 4126 and 4130 Pinell Street, commonly referred to as a portion of Assessor Parcel Number 238-0171-001, hereinafter identified as the "Acquisition Parcel" more specially described in Exhibits A, B, C, and D. The Acquisition Parcel is to be taken for or in connection with the McClellan Heights Infrastructure 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, B, C, and D.
- Section 2. The “Acquisition Parcel” is to be taken for, or in connection with, the McClellan Heights Infrastructure 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 Exhibit A and C, depicted on the plat map attached hereto as Exhibit B and D.
- 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 McClellan Heights Infrastructure 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 representative 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 or Fed Ex 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 and to construct driveway conforms, sidewalks and a curb ramp in the City right of way, and relocate the fencing, gate, mailbox, and other encroachments to the subject property line.

- c. Deposit the probable amount of just compensation as fixed by the Director of Public Works 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 and B - Legal Description and Plat Map for Permanent Easement

Exhibit C and D - Legal Description and Plat Map for Temporary Construction Easement

[Back to Report Table of Contents](#)

EXHIBIT A

LEGAL DESCRIPTION

APN: 238-0171-001

EASEMENT FOR PUBLIC PURPOSES

PAGE 1 OF 1

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF NORTH AVENUE AND THE CENTERLINE OF PINELL STREET, SAID POINT BEING THE SOUTHWESTERLY CORNER OF SECTION 25, AS SHOWN ON THE OFFICIAL "MAP OF SURVEY AND SUBDIVISION OF RANCHO DEL PASO" RECORDED MARCH 4, 1911 IN BOOK "A" OF SURVEYS, MAP NO. 94, OFFICIAL RECORDS OF SACRAMENTO COUNTY;

THENCE FROM SAID POINT OF COMMENCEMENT NORTHERLY ALONG THE CENTERLINE OF PINELL STREET NORTH 00°22'00" WEST, A DISTANCE OF 1290.01 FEET; THENCE SOUTH 89°54'52" EAST, A DISTANCE OF 30.00 FEET TO A POINT OF INTERSECTION OF EASTERLY LINE OF NORTH AVENUE AND THE SOUTHERLY LINE OF RENE AVENUE, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE FROM SAID TRUE POINT OF BEGINNING, ALONG THE SOUTHERLY RIGHT OF WAY LINE OF RENE AVENUE SOUTH 89°54'52" EAST, A DISTANCE OF 11.16 FEET; THENCE 23.38 FEET ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 53°34'56", SUBTENDED BY A CHORD BEARING SOUTH 26°25'28" WEST, A CHORD DISTANCE OF 22.54 FEET; THENCE SOUTH 89°38'00" WEST, A DISTANCE OF 1.00 FOOT TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF PINELL STREET; THENCE ALONG THE EASTERLY RIGHT OF WAY LINE OF PINELL STREET NORTH 00°22'00" WEST, A DISTANCE OF 20.21 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING AN AREA OF 82.02 SQUARE FEET, MORE OR LESS.

THE MERIDIAN SHOWN HEREON IS BASED UPON THE CALIFORNIA COORDINATE SYSTEM, ZONE 2 (NAD83, 1991.35).

10-18-11



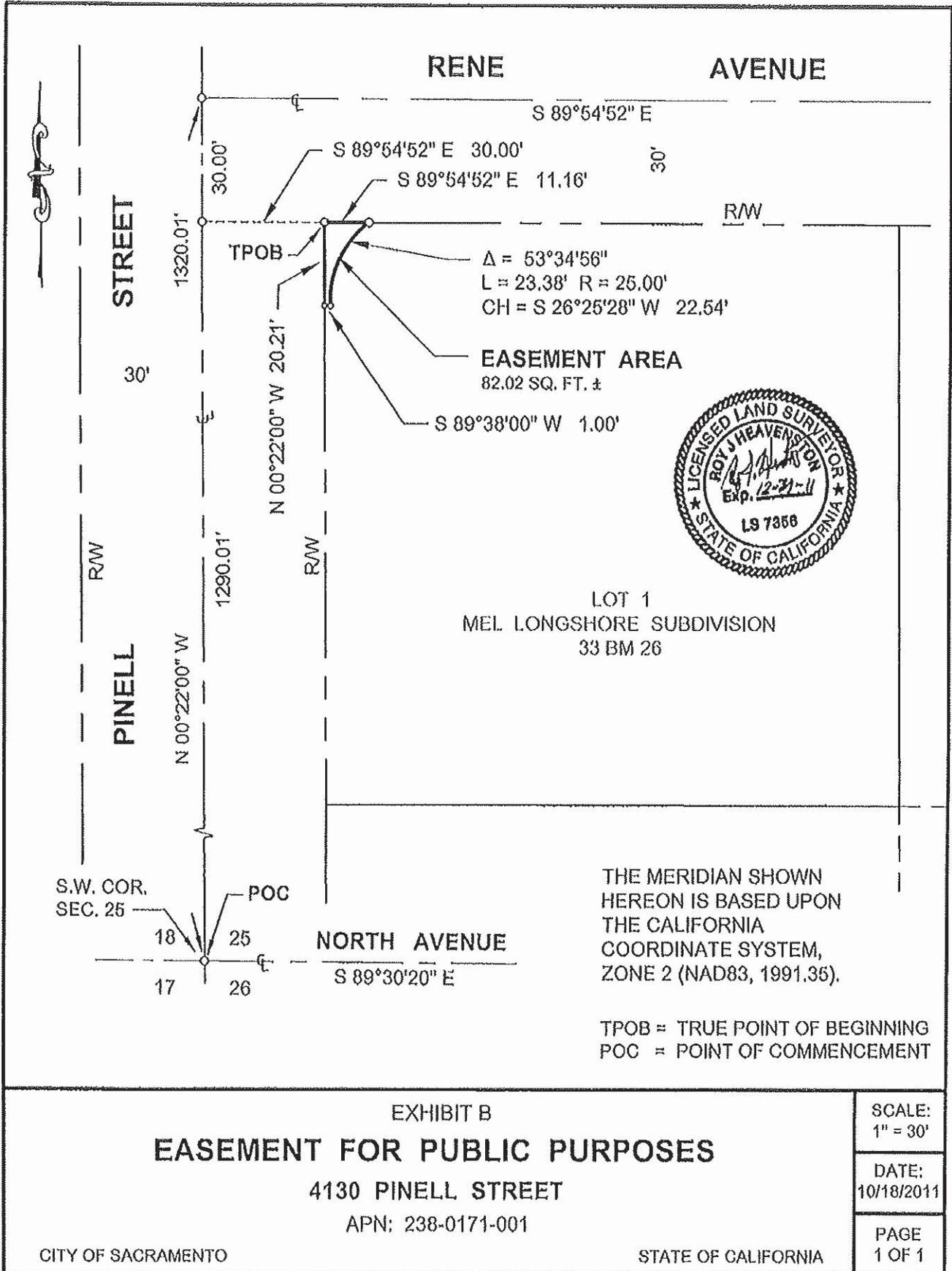


Exhibit "C"

TEMPORARY EASEMENT

LEGAL DESCRIPTION

APN: 238-0171-001

Page 1 of 1

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

A portion of Lot 1, as shown on the "Map of Mel Longshore Subdivision No. 1" in Book 33 of Maps, Page 26 filed July 8, 1952 in the office of the Recorder in the County of Sacramento described as follows:

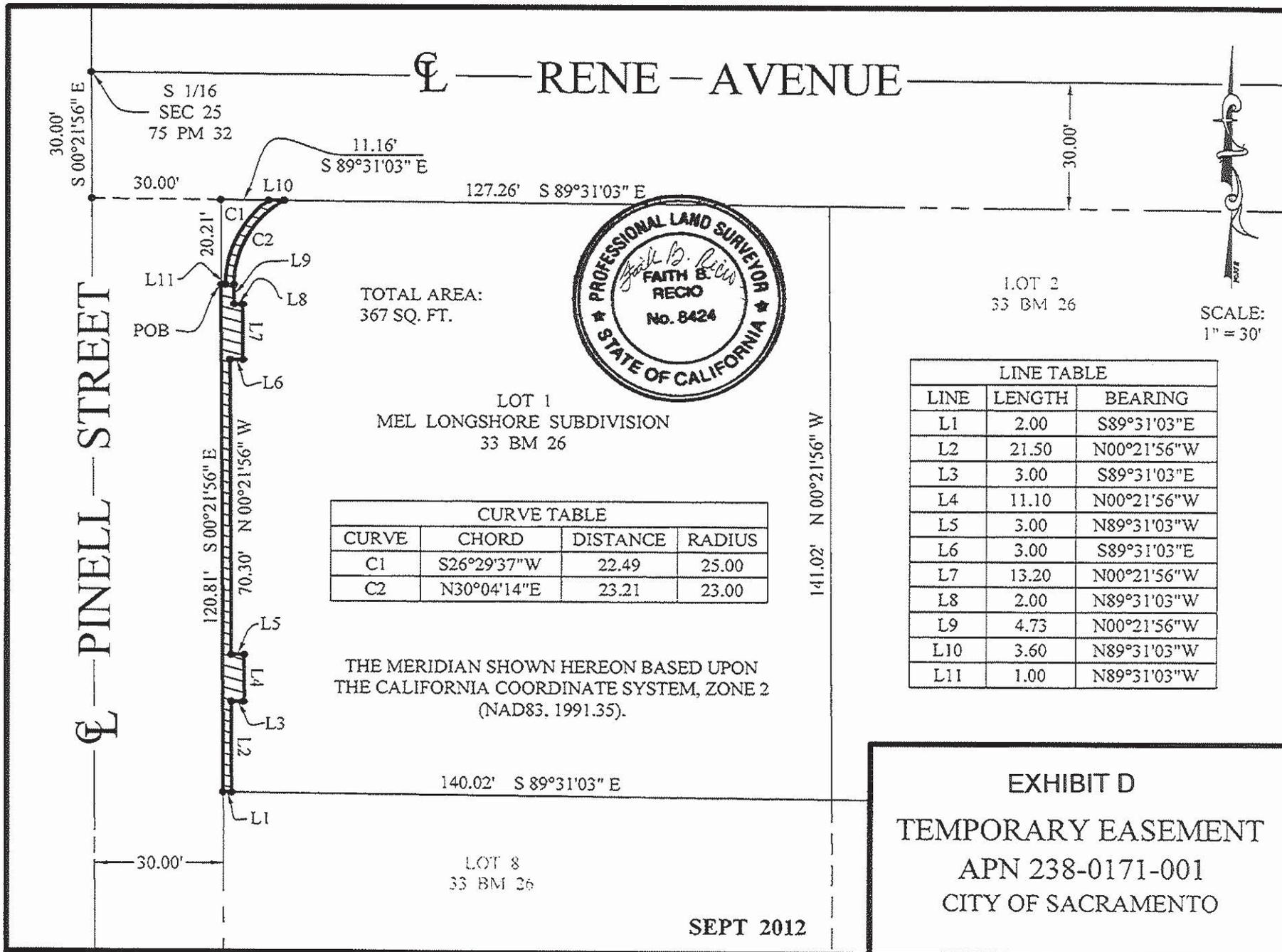
Beginning at a point on the west line of said Lot 1, which bears the following three (3) courses from the intersection of the centerline of Rene Avenue and the centerline of Pinell Street said intersection being also the South 1/16 corner of Section 25 as said section is shown on the official "Map of Survey and Subdivision of Rancho Del Paso" in Book A of Surveys, Page 94 in the office of said recorder;

- (1) Thence along the centerline of Pinell Street, South 00°21'56" East, 30.00 feet;
- (2) Thence parallel with the centerline of Rene Avenue, to the northwest corner of said Lot 1, South 89°31'03" East, 30.00 feet;
- (3) Thence along the west line of said Lot 1, South 00°21'56" East, 20.21 feet;

Thence from said Point of Beginning continuing along said west line to the south line of said Lot 1, South 00°21'56" East, 120.81 feet; thence along said south line, South 89°31'03" East, 2.00 feet; thence on a line parallel with and 2.00 feet easterly of the west line of said Lot 1 to the south line of an access driveway, North 00°21'56" West, 21.50 feet; thence on a line parallel with the south line of said Lot 1, South 89°31'03" East, 3.00 feet; thence to the north line of said access driveway, North 00°21'56" West, 11.10 feet; thence North 89°31'03" West, 3.00; thence to the south line of an access driveway, North 00°21'56" West, 70.30 feet; thence South 89°31'03" East, 3.00 feet; thence to the north line of said access driveway, North 00°21'56" West, 13.20 feet; thence North 89°31'03" West, 2.00 feet; thence North 00°21'56" West, 4.73 feet; thence along a curve to the right having a radius of 23.00 feet, subtended by a chord bearing North 30°04'14" East, 23.21 feet to the north line of said Lot 1; thence along said north line, South 89°31'03" West, 3.60 feet; thence along a curve to the left having a radius of 25.00 feet, subtended by a chord bearing South 26°29'37" West, 22.49 feet; thence North 89°31'03" West, 1.00 feet to the Point of Beginning, containing 367 square feet, more or less.

The Meridian shown hereon based upon the California Coordinate System, Zone 2 (NAD83, 1991.35).





TOTAL AREA:
367 SQ. FT.



CURVE TABLE			
CURVE	CHORD	DISTANCE	RADIUS
C1	S26°29'37"W	22.49	25.00
C2	N30°04'14"E	23.21	23.00

LINE TABLE		
LINE	LENGTH	BEARING
L1	2.00	S89°31'03"E
L2	21.50	N00°21'56"W
L3	3.00	S89°31'03"E
L4	11.10	N00°21'56"W
L5	3.00	N89°31'03"W
L6	3.00	S89°31'03"E
L7	13.20	N00°21'56"W
L8	2.00	N89°31'03"W
L9	4.73	N00°21'56"W
L10	3.60	N89°31'03"W
L11	1.00	N89°31'03"W

THE MERIDIAN SHOWN HEREON BASED UPON
THE CALIFORNIA COORDINATE SYSTEM, ZONE 2
(NAD83, 1991.35).

SCALE:
1" = 30'

RESOLUTION NO. 2013-XXXX

Adopted by the Sacramento City Council
March 5, 2013

**RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY
EMINENT DOMAIN FOR THE McCLELLAN HEIGHTS INFRASTRUCTURE
PROJECT
(YODEKO CHANTHANARM – Portion of APN: 252-0025-024 - 2000 North Avenue)**

BACKGROUND

- A. McClellan Heights is primarily a residential neighborhood, with no frontage improvements, located in the north area of Sacramento. A number of fences, gates, and mailboxes that property owners have installed of their own accord encroach upon the City's right-of-way. The McClellan Heights Infrastructure Project (T15016000) involves constructing frontage improvements (sidewalks, planters, street lights, and curb ramps), that will provide a walkable path and increase pedestrian safety, to the particular benefit of students of the nearby elementary and high schools.
- B. The fence and mailbox at 2000 North Avenue are in City's right-of-way. Acquisition of the subject property interests is necessary to construct driveway conforms, construct sidewalks and a curb ramp for the completion of the Project. The acquisition is the minimum take that will allow the project to construct sidewalks and curb ramps to enhance pedestrian safety, and not decrease the subject property interests and livability.
- C. The City of Sacramento intends to acquire through the exercise of the power of eminent domain certain real property interests owned by Yodeko Chanthanarm, 2000 North Avenue, commonly referred to as a portion of Assessor Parcel Number 252-0025-024, hereinafter identified as the "Acquisition Parcel" more specially described in Exhibits A, B, C, and D. The Acquisition Parcel is to be taken for or in connection with the McClellan Heights Infrastructure 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, B, C, and D.

- Section 2. The “Acquisition Parcel” is to be taken for, or in connection with the McClellan Heights Infrastructure 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.
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- a. The public interest and necessity require this project known as the McClellan Heights Infrastructure 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 representative 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 or Fed Ex 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 and to construct driveway conforms, a curb ramp in the City right of way, and relocate the fencing, mailbox, and other encroachments to the subject property line.

- c. Deposit the probable amount of just compensation as fixed by the Director of Public Works 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 and B - Legal Description and Plat Map for Permanent Easement

Exhibit C and D - Legal Description and Plat Map for Temporary Construction Easement

EXHIBIT "A"
EASEMENT
LEGAL DESCRIPTION
APN: 252-0025-024
Page 1 of 1

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

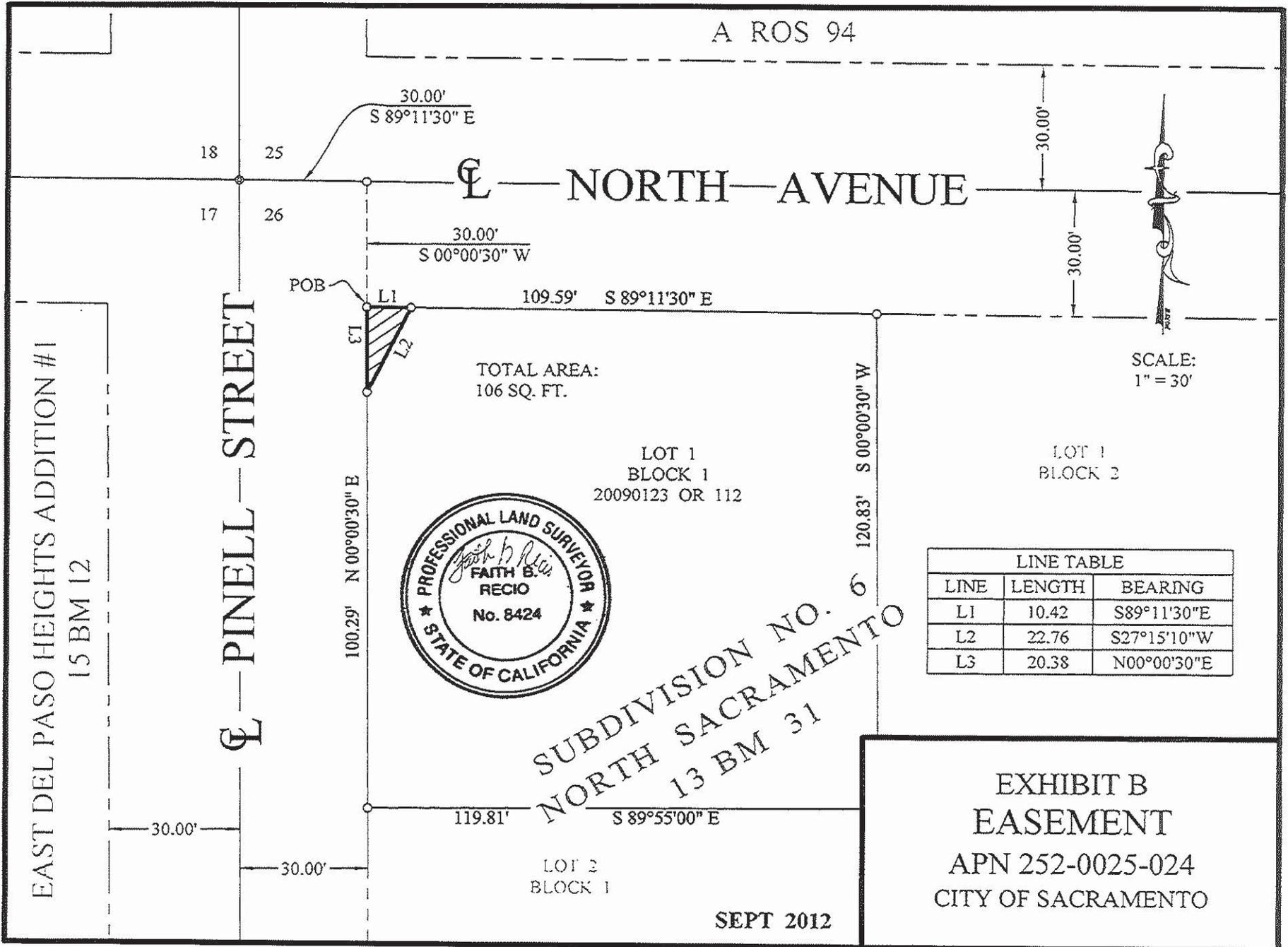
A portion of the west 120.00 feet of Lot 1, Block 1 as described in Book 20090123, Official Records, Page 112 filed in the office of the Recorder in the County of Sacramento described as follows:

Beginning at a point on the northwest corner of Lot 1, Block 1 as shown on the "Plat of Subdivision No. 6 North Sacramento" in Book 13 of Maps, Page 31 filed in the office of said county recorder which bears the following two (2) courses from the intersection of the centerline of North Avenue and the centerline of Pinell Street;

- (1) Thence along the centerline of North Avenue, South 89°11'30" East, 30.00 feet;
- (2) Thence parallel with the centerline of Pinell Street, to the northwest corner of said Lot 1, South 00°00'30" West, 30.00 feet;

Thence from said Point of Beginning along the north line of said Lot 1, South 89°11'30" East, 10.42 feet; thence South 27°15'10" West, 22.76 feet to the west line of said Lot 1; thence along said west line North 00°00'30" East, 20.38 feet to the Point of Beginning, containing 106 square feet, more or less.





[Back to Report Table of Contents](#)

Exhibit "C"
 TEMPORARY EASEMENT
 LEGAL DESCRIPTION
 APN: 252-0025-024
 Page 1 of 1

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

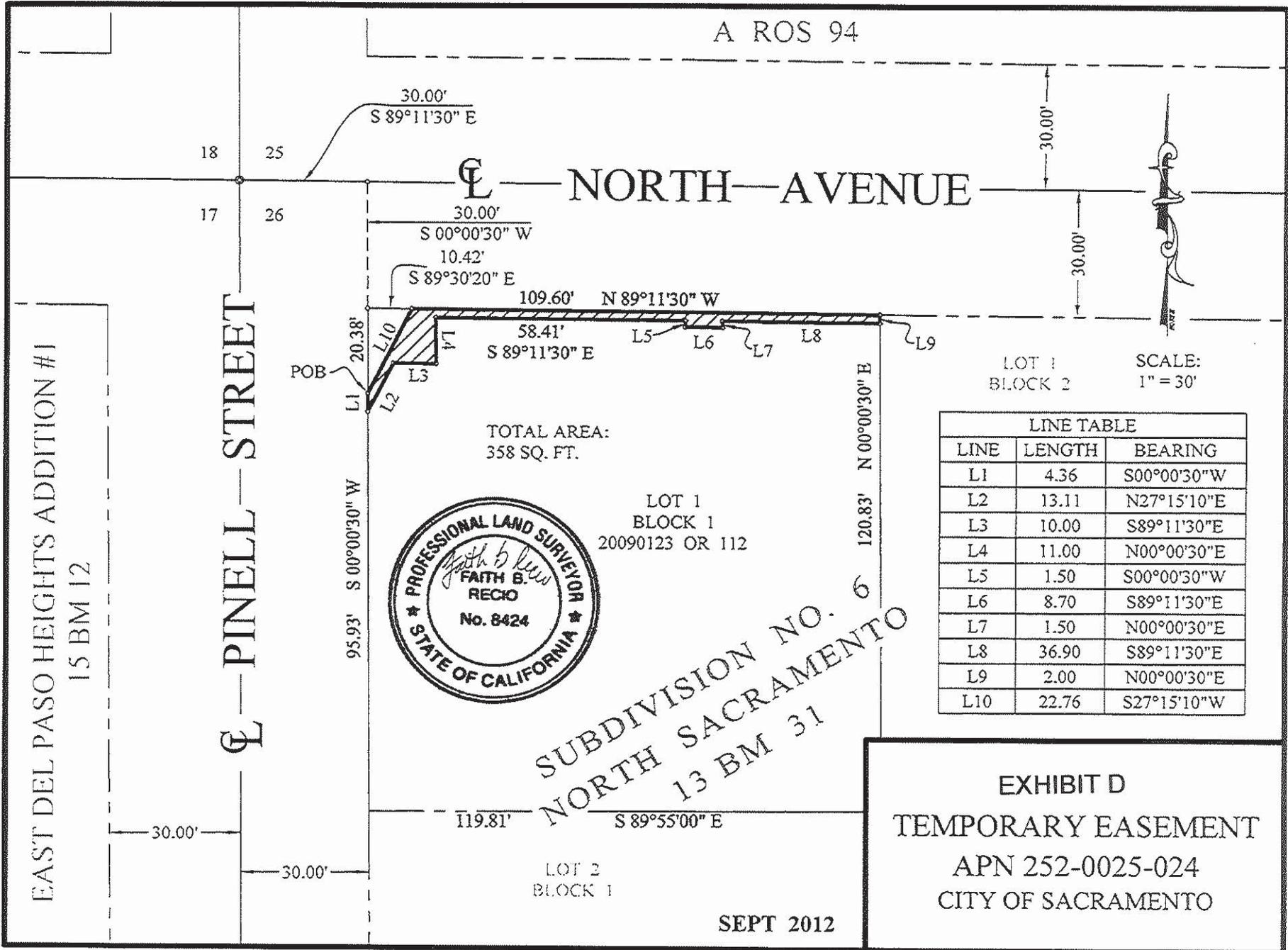
A portion of the west 120.00 feet of Lot 1, Block 1 as described in Book 20090123, Official Records, Page 112 filed in the office of the Recorder in the County of Sacramento described as follows:

Beginning at a point on the west line of Lot 1, Block 1 as shown on the "Plat of Subdivision No. 6 North Sacramento" in Book 13 of Maps, Page 31 filed in the office of said county recorder which bears the following three (3) courses from the intersection of the centerline of North Avenue and the centerline of Pinell Street;

- (1) Thence along the centerline of North Avenue, South 89°11'30" East, 30.00 feet;
- (2) Thence parallel with the centerline of Pinell Street to the northwest corner of Lot 1, South 00°00'30" West, 30.00 feet;

(3) Thence along the west line of said Lot 1, South 00°00'30" West, 20.38 feet; Thence from said Point of Beginning continuing along the west line of said Lot 1, South 00°00'30" West, 4.36 feet; thence North 27°15'10" East, 13.11 feet to a line parallel with and 13.00 feet southerly of the north line of said Lot 1; thence along said parallel line South 89°11'30" East, 10.00 feet to a line parallel with the west line of said Lot 1; thence along said parallel line North 00°00'30" East, 11.00 feet; thence South 89°11'30" East, 58.41 feet to the west line of an access driveway; thence South 00°00'30" West, 1.50 feet; thence South 89°11'30" East, 8.70 feet to the east line of said access driveway; thence North 00°00'30" East, 1.50 feet; thence South 89°11'30" East, 36.90 feet to the east line of said Lot 1; thence along said east line North 00°00'30" East, 2.00 feet to the north line of said Lot 1; thence along the north line of said Lot 1, North 89°11'30" West, 109.60 feet; thence South 27°15'10" East, 22.76 feet to the Point of Beginning, containing 358 square feet, more or less.





LINE TABLE		
LINE	LENGTH	BEARING
L1	4.36	S00°00'30"W
L2	13.11	N27°15'10"E
L3	10.00	S89°11'30"E
L4	11.00	N00°00'30"E
L5	1.50	S00°00'30"W
L6	8.70	S89°11'30"E
L7	1.50	N00°00'30"E
L8	36.90	S89°11'30"E
L9	2.00	N00°00'30"E
L10	22.76	S27°15'10"W

EXHIBIT D
TEMPORARY EASEMENT
 APN 252-0025-024
 CITY OF SACRAMENTO