

RESOLUTION NO. 2013-0072

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.

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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

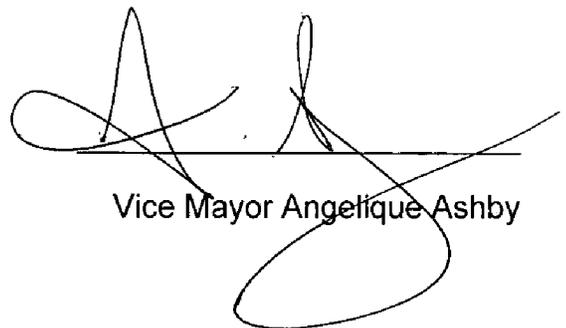
Adopted by the City of Sacramento City Council on March 5, 2013 by the following vote:

Ayes: Councilmembers Ashby, D Fong, Hansen, McCarty, Warren, and Mayor Johnson.

Noes: None.

Abstain: Member Pannell

Absent: Members Cohn and Schenirer



Vice Mayor Angelique Ashby

Attest:



Shirley Concolino, City Clerk

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;

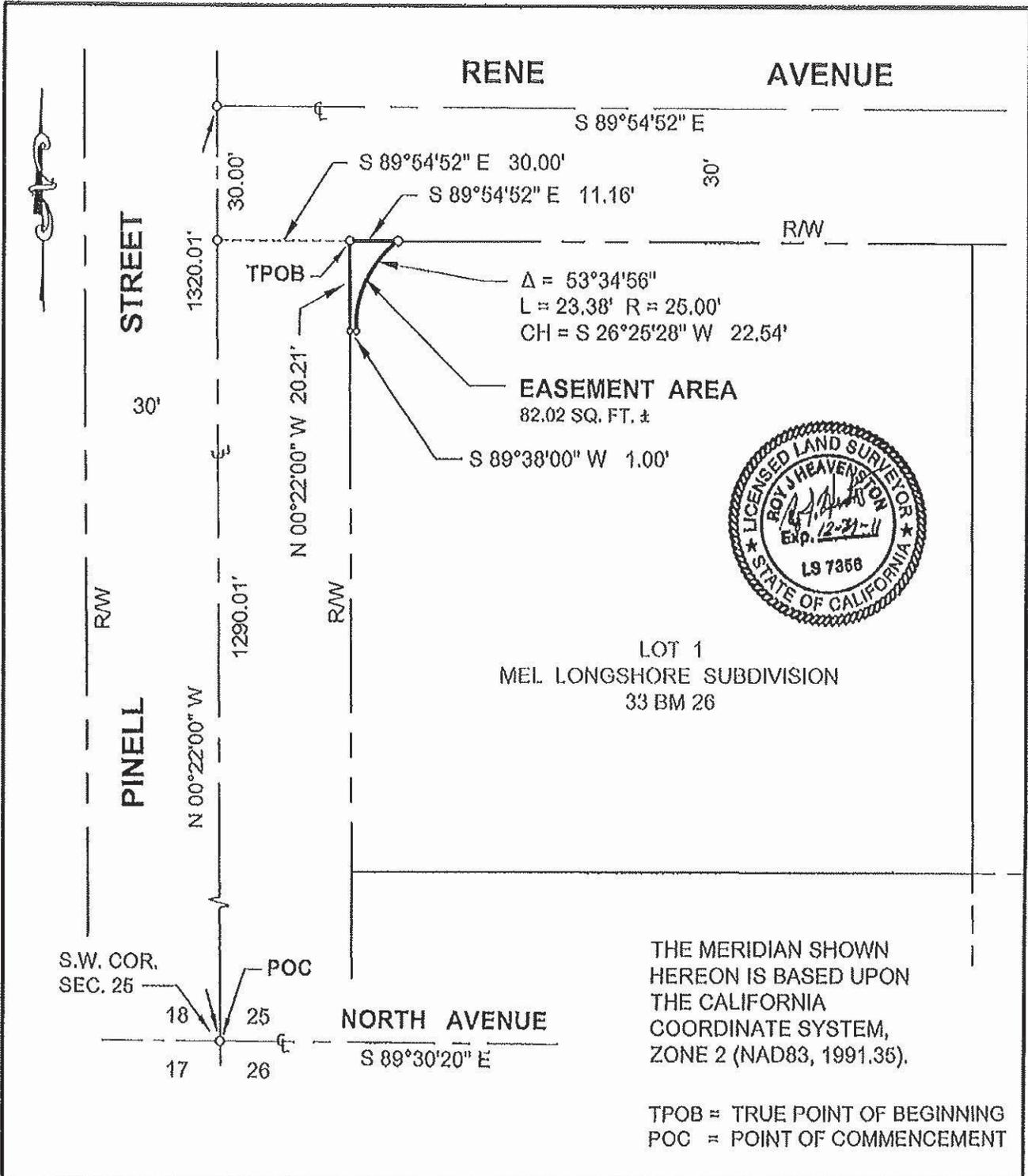
THENCE FROM SAID POINT OF COMMENCEMENT NORTHERLY ALONG THE CENTERLINE OF PINELL STREET NORTH 00°22'00" WEST, A DISTANCE OF 1290.01 FEET; THENCE SOUTH 89°54'52" EAST, A DISTANCE OF 30.00 FEET TO A POINT OF INTERSECTION OF EASTERLY LINE OF NORTH AVENUE AND THE SOUTHERLY LINE OF RENE AVENUE, SAID POINT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





<p>EXHIBIT B</p> <p>EASEMENT FOR PUBLIC PURPOSES</p> <p>4130 PINELL STREET</p> <p>APN: 238-0171-001</p>	<p>SCALE: 1" = 30'</p> <hr/> <p>DATE: 10/18/2011</p> <hr/> <p>PAGE 1 OF 1</p>
<p>CITY OF SACRAMENTO</p>	<p>STATE OF CALIFORNIA</p>

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).

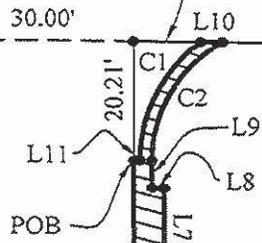


RENE - AVENUE

S 1/16
SEC 25
75 PM 32

30.00'

PINELL STREET

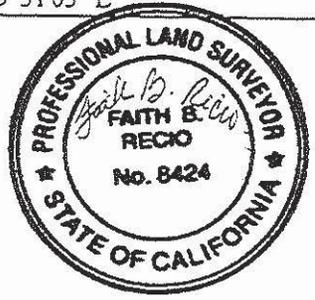


11.16'
S 89°31'03" E

127.26' S 89°31'03" E

30.00'

TOTAL AREA:
367 SQ. FT.



LOT 1
MEL LONGSHORE SUBDIVISION
33 BM 26

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

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

140.02' S 89°31'03" E

LOT 8
33 BM 26

LOT 2
33 BM 26

SCALE:
1" = 30'

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

EXHIBIT D
TEMPORARY EASEMENT
APN 238-0171-001
CITY OF SACRAMENTO

SEPT 2012