

RESOLUTION NO. 2013-0073

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.
- 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, 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

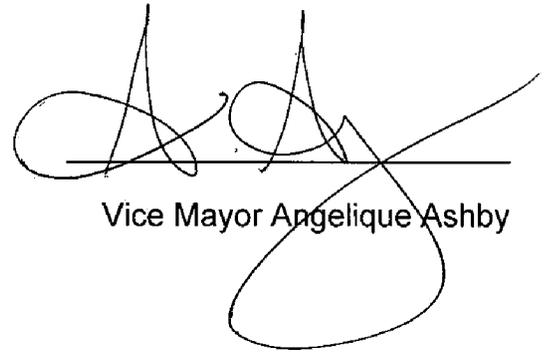
Adopted by the City of Sacramento City Council on March 5, 2013 by the following vote:

Ayes: Councilmembers Ashby, D Fong, Hansen, McCarty, Pannell, 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"
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 $89^{\circ}11'30''$ East, 30.00 feet;
- (2) Thence parallel with the centerline of Pinell Street, to the northwest corner of said Lot 1, South $00^{\circ}00'30''$ West, 30.00 feet;

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



A ROS 94

18
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17
26

30.00'
S 89°11'30" E

— NORTH — AVENUE

30.00'
S 00°00'30" W

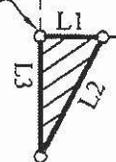
30.00'

30.00'



SCALE:
1" = 30'

POB



109.59' S 89°11'30" E

TOTAL AREA:
106 SQ. FT.

LOT 1
BLOCK 1
20090123 OR 112

LOT 1
BLOCK 2

120.83' S 00°00'30" W

LINE TABLE		
LINE	LENGTH	BEARING
L1	10.42	S89°11'30"E
L2	22.76	S27°15'10"W
L3	20.38	N00°00'30"E



SUBDIVISION NO. 6
NORTH SACRAMENTO
13 BM 31

119.81' S 89°55'00" E

LOT 2
BLOCK 1

EXHIBIT B
EASEMENT
APN 252-0025-024
CITY OF SACRAMENTO

SEPT 2012

EAST DEL PASO HEIGHTS ADDITION #1
15 BM 12

— PINELL — STREET

30.00'

30.00'

100.29' N 00°00'30" E

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.



A ROS 94

18 25
17 26

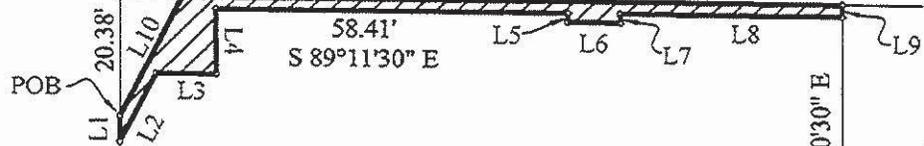
NORTH AVENUE

30.00'
30.00'



EAST DEL PASO HEIGHTS ADDITION #1
15 BM 12

PINELL STREET



TOTAL AREA:
358 SQ. FT.

LOT 1
BLOCK 1
20090123 OR 112



SUBDIVISION NO. 6
NORTH SACRAMENTO
13 BM 31

LOT 1
BLOCK 2

SCALE:
1" = 30'

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

LOT 2
BLOCK 1

SEPT 2012