



REPORT TO COUNCIL City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

HEARING
May 30, 2006

Honorable Mayor and
Members of the City Council

Subject: Hearing: Two Rivers Trail Project (HB66) - Conduct a Hearing on a Resolution of Necessity for acquisition of real property from land ownership interests – Two-thirds vote required

Location/Council District: The subject parcels are located along the Southern levee of the American River between Interstate 5 and Highway 160 in Council District 1 (Attachment A).

Recommendation:

Adopt a resolution: 1) Approving a Resolution of Necessity for the acquisition of the ownership interests necessary for the Two Rivers Trail Project, and 2) make the necessary findings and conduct a Hearing on a Resolution of Necessity to acquire the ownership interest in the parcels listed in Attachment B for this recreation trail project.

Contacts: Blandon Granger, Real Property Agent II, 808-5629, Janet R. Baker, Park Development Manager, 808-8234

Presenter: Rhonda Lake, Program Manager, 808-7902

Department: General Services

Division: Facilities and Real Property Management

Organization No: 3285

Summary:

On March 15, 2005, City Council directed staff to proceed with the acquisition process for the western segment of the Two Rivers Trail Project. The property interests to be acquired have been appraised and offers of just compensation have been made to the property owner; however, the acquisition has not been completed. The construction of this project requires the acquisition of the property interests described in Attachment B. This proposed Resolution of Necessity action is for one (1) ownership interest. As discussed in the background, the City has the authority to acquire these two (2) parcels by eminent domain.

Committee/Commission Action:

The Parks and Recreation Commission have been periodically updated as to the status of this project.

Background Information:

The Two Rivers Trail is an important part of a regional trail system that offers both recreation and commuter opportunities. The Two Rivers Trail Project consists of two trail segments that offer a connection from Tiscornia Park to the Sutter's Landing Regional Park. The project is planned as a Class I bike trail approximately 2.5 miles in length and located primarily on the crown of the American River's southern levee. Phase One of the trail is approximately 1.75 miles long and runs from Tiscornia Park under Interstate 5 to Highway 160 (Attachment A). This trail is an important element of the redevelopment in the Richard's Boulevard area and will also connect the Sacramento River Parkway to the American River Parkway, thereby increasing alternative transportation access to downtown employment and economic centers.

On April 18, 2006, Council approved a Resolution of Necessity for a portion of 13 parcels under 5 ownerships. At the same meeting, staff read into the record that two parcels listed in the Council report as owned by Union Pacific were to be omitted from the Resolution of Necessity because ownership of the parcels was misidentified in a preliminary title report. As a result of the misidentification, the notice of hearing required under Code of Civil Procedure, Section 1245.235 was not duly served to the property owner in time for Council action on April 18th. Those same parcels are now the subject of this report and action.

It is requested that City Council conduct a Hearing on Resolution of Necessity. The purpose of the hearing is to receive public testimony and take action on the Resolution of Necessity to acquire real property interests required for the Two Rivers Trail Project. In accordance with Government Code, Section 7267.2, an offer of just compensation has been made to the property owner. Although staff will continue to make every effort to negotiate an agreement with the owner, it is necessary to obtain a Resolution of Necessity to initiate eminent domain proceedings to move the project forward. Two-thirds vote by Council is required for adoption of the Resolution of Necessity.

The parcels of land are further described in Exhibits A and A1 of the Resolution. All Exhibits A's show the legal descriptions of the property interests being acquired. All Exhibits A1's show the plat maps for the property interest being acquired.

Financial Considerations:

There are no additional funds requested with this report. On June 7, 2005, the City Council established a Capital Improvement Project (CIP) and set aside \$142,842 in the General Fund for the Two Rivers Acquisition Reserve Fund (PN: HB67). The proposed acquisition reserve was established to cover the cost to acquire property through the condemnation process, which is not an eligible cost under the Proposition 40, River

Parkway Program, the primary funding source for the Two Rivers Trail Project (PN: HB66).

Environmental Considerations:

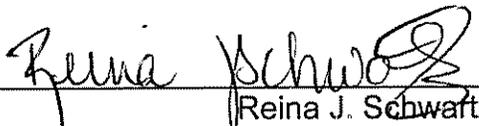
A Negative Declaration for the Two Rivers Trail Project was approved on November 8, 2005, by the Director of the Department of Parks and Recreation. Mandatory mitigation measures, as specified in the Mitigation Monitoring Plan, have been incorporated into the project plans to avoid identified impacts or to mitigate such impacts to a point where clearly no significant impacts will occur.

Policy Considerations:

The actions requested herein are consistent with Sacramento City Code, Title 3. Providing parks and recreation facilities is consistent with the City's strategic plan goal to enhance liveability in Sacramento neighborhoods' by expanding park facilities throughout the City.

Emerging Small Business Development (ESBD): None

Respectfully Submitted by: 
Cynthia Kranc
Facilities and Real Property Manager

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

Approved by: 
Robert G. Overstreet II
Director, Department of Parks & Recreation

Recommendation Approved:



RAY KERRIDGE

for City Manager

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Attachment B

Property Interests to be acquired

Parcel APN(s)	Owner	Property Interests to be Acquired (Square Feet)	Just Compensation Amount
001-0181-005 & 001-0200-009	Santa Fe Pacific Realty Corporation	Recreation Easement (31,892)	\$1,500.00

RESOLUTION NO. 2006-

Adopted by the Sacramento City Council

May 30, 2006

**RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL
PROPERTY BY EMINENT DOMAIN FOR THE TWO RIVERS TRAIL
PROJECT (PN: HB66)**

BACKGROUND

- A. The City of Sacramento intends to acquire through the exercise of the power of eminent domain the real property hereinafter identified as the "Acquisition Parcels". The Acquisition Parcels are located along the south shore of the American River between Interstate 5 and Highway 160, more specifically described in Exhibits "A & A1". The Parcels are to be taken for or in connection with the Two Rivers Trail Project.
- B. 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 interests in the real property hereinafter identified as the "Acquisition Parcels", more particularly described in Exhibits A and A1.
- Section 2. The Acquisition Parcels are to be taken for, or in connection with, the Two Rivers Trail Project.
- Section 3. The statute authorizing the City of Sacramento to acquire the Acquisition Parcels for the above-mentioned public purpose is Government Code, Section 37350.5.
- Section 4. The Acquisition Parcels are located along the south shore of the American River between Interstate 5 and Highway 160 in Sacramento, California. The property is more specifically described in the legal descriptions attached hereto as Exhibits A and depicted on the plat maps attached hereto as Exhibits A1.

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 Two Rivers Trail 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 Parcels are 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 and the leasehold interests.

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 Parcels.
- 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 Parcels.

**EXHIBITS A
AND
EXHIBITS A1**

SANTA FE PACIFIC REALTY CORPORATION

APN(s): 001-0181-005 & 001-0200-009

**LEGAL DESCRIPTIONS
AND
PLAT MAPS**

EXHIBIT A
Description for Two Rivers Trail Easement

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

All that portion of land described in deed from English Estate Company to Southern Pacific Company, recorded April 19, 1928, in Book 181 of Official Records, Page 257 in the office of the Recorder of Sacramento County, California, lying northerly of the northerly line of Richards Boulevard as described in deed dated December 11, 1945 from Southern Pacific Company to the County of Sacramento, recorded January 3, 1946, in Book 1178 of Official Records, Page 312 of said County, described as follows:

All that portion south of the following described line:

Beginning at a point on the westerly line of said land described in indenture from English Estate Company to Southern Pacific Company as said parcel is recorded in Book 2445 of Official Records, Page 199 in the office of the Recorder of Sacramento County, California, on October 11, 1950, from which the northwest corner of Parcel D as shown on that certain Parcel Map filed in the office of the Recorder of said County in Book 18 of Parcel Maps, Page 35 bears South 18° 29' 45" West, (bearing given as South 19° 07' West in said indenture), 63.07 feet, North 82° 38' 55" East, 172.27 feet, North 84° 16' 00" East, 27.13 feet; thence North 83° 06' 45" East, 36.49 feet; thence on a tangent curve to the right, having a radius of 3520.00 feet and an arc length of 381.21 feet, subtended by a chord bearing North 86° 12' 54" East, 381.02 feet; thence North 89° 19' 03" East, 147.13 feet to the easterly line of said parcel in deed from English Estate Company to Southern Pacific Company, recorded in Book 181 of Official Records, Page 257 in the office of the Recorder of Sacramento County, California, on April 9, 1928 lying northerly of the northerly line of Richards Boulevard as described in deed dated December 11, 1945 from Southern Pacific Company to the County of Sacramento, recorded January 3, 1946, in Book 1178 of Official Records, Page 312 of said County, containing 28,569.947 square feet more or less.

Exhibit A1 is to accompany this description.



EXHIBIT A
Description for Two Rivers Trail Easement

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

All that portion of Parcel 2 as described in deed dated July 29, 1959 from Bercut-Richard Packing Company to Southern Pacific Company, recorded September 14, 1959 in Book 3879 of Official Records, Page 347, Records of said County, described as follows:

A strip of land of the uniform width of twenty (20.00) feet the centerline of which is described as follows:

Beginning at a point on the westerly line of land described in indenture dated October 11, 1950 from English Estate Company to Southern Pacific Company, recorded July 15, 1953 in Book 244, Page 199 of Official Records of said County, from which the northwest corner of said parcel bears North 19° 06' 00" East, 299.84 feet; thence, from said point of beginning, South 83° 43' 00" West, 115.80 feet; thence on a curve to the left concave southerly, having a radius of 6688.00 feet and an arc length of 50.32 feet, subtended by a chord bearing South 83° 30' 04" West, 50.32 feet to the west line of said Parcel 2, containing 3,322.40 square feet, more or less.

The sidelines of said strip shall be lengthened or shortened as needed to terminate in the east and west line of the grantor.



