



**Sacramento
Housing &
Redevelopment
Agency**

**REPORT TO
REDEVELOPMENT AGENCY
City of Sacramento**

**915 I Street, Sacramento, CA 95814-2671
www.CityofSacramento.org**

Public Hearing
December 11, 2007

Honorable Chair and Members of the Board

Title: Vacant Portions of Various Properties within Del Paso Nuevo VI

Location/Council District: Del Paso Heights Redevelopment Area/District 2

Recommendation: Conduct a public hearing and upon conclusion 1) adopt a **Redevelopment Agency Resolution** of Necessity to acquire vacant portions of seven properties by eminent domain in the event that continuing negotiations do not result in a voluntary sale and 2) adopt a **Redevelopment Agency Resolution** authorizing the Executive Director or her designee to execute a services contract to provide final subdivision map, improvement plans, and construction services to complete Del Paso Nuevo Phase VI.

Contact: Lisa Bates, Deputy Executive Director, 440-1330, Christine Weichert, Assistant Director, Housing and Community Development, 440-1353

Presenters: Christine Weichert, Assistant Director, Housing and Community Development

Department: Sacramento Housing and Redevelopment Agency

Description/Analysis

Issue: Del Paso Nuevo is a 154-acre master planned neighborhood within the Del Paso Heights Redevelopment Area of the City of Sacramento (see Attachment 1). It was one of six homeownership development projects nationwide to receive a major funding award by the U.S. Department of Housing and Urban Development (HUD) in 1997. The Sacramento Housing and Redevelopment Agency (Agency) also received an Economic Development Initiative (EDI) grant and Section 108 loan guarantees for development of the

Resolution of Necessity to Acquire Vacant Portions of Various Properties within Del Paso Nuevo

area. Upon full build out, the project will accommodate over 320 new housing units.

The purpose of the Del Paso Nuevo Project is to create homeownership opportunities by using New Urbanism planning principles to create a sustainable community with a mixture of land uses and public facilities.

Project Status

The three completed phases of Del Paso Nuevo produced 77 single-family homes sold to new homeowners, two new parks, and major street and utility infrastructure improvements. The construction of an additional 176 single-family homes (phases IV and V) is currently underway and is anticipated to be complete within 18 months. Phase VI will allow the Agency to complete our commitment to build 300 new homes in Del Paso Nuevo. The acquisition of properties for this phase is nearly complete. However, portions of seven properties are still required to obtain the right-of-way needed to build street improvements (see Attachment 2). Without this access, construction of several new homes can not occur. Only vacant land or portions of the rear of parcels are proposed for acquisition, and all parcels with structures in place will continue to have adequate backyard space.

Current Acquisition Efforts

On March 15, 2005 the Redevelopment Agency of the City of Sacramento (Agency) authorized the Executive Director to take actions necessary to complete the voluntary sale and purchase of 40 parcels for the development of Del Paso Nuevo Phase VI (Project) at a purchase price not substantially greater than the appraised amount determined to be just compensation. Shortly thereafter, purchase offers were sent to the owners for the parcels needed.

In April of 2007, eleven properties remained outstanding. By late August 2007, new purchase offers were sent to each of the property owners for right-of-way access only. Since these offers were made, four additional properties have been purchased. To date, the Agency has acquired 31 parcels within Phase VI through voluntary sale.

After two years of negotiating, the project has reached a critical point. Portions of seven remaining parcels are needed for the right-of-way improvements for the Project to proceed. As can be seen from the Preliminary Lotting map (see Attachment 3), failure to acquire these properties will make this Project infeasible to develop. A summary of the parcels needed is as follows:

Resolution of Necessity to Acquire Vacant Portions of Various Properties within Del Paso Nuevo

- Vacant Lots:
 - Parcel 250-0150-007, along South Avenue;
 - Parcel 250-0150-009, 650 South Avenue;
 - Parcel 250-0150-014, along South Avenue
 - Parcel 250-0150-040, 3550 Taylor Street

- Lots with structures where vacant portions of the underlying parcel is needed for the project:
 - Parcel 250-0150-008, 628 South Avenue, Single Family Home
 - Parcel 250-0150-032, 763 Hayes Avenue, Multi-Family Units
 - Parcel 250-0150-044, 620 South Avenue, Church

On or about August 31, 2007, the owners of the seven properties (three owned by the same entity) were noticed of hearings before the Del Paso Heights Redevelopment Advisory Committee, Sacramento Housing and Redevelopment Commission and City Council regarding the intent to request authorization for a resolution of necessity to use eminent domain to acquire the property. The owners notified are as follows:

- Parcel 250-0150-007, 008 and 009 – Estate of King Louis Narcisse
- Parcel 250-0150-014 – John C. Aceves
- Parcel 250-0150-032 – James and Diana Casey
- Parcel 250-0150-040 – Charles E. Scales
- Parcel 250-0150-044 – Assemblies De Iglesias Christianas, Inc.

Committee/Commission Action: *Del Paso Heights Redevelopment Advisory Committee (RAC):* At its November 8, 2007 meeting, the RAC adopted a motion recommending approval of the attached resolutions. The votes were as follows:

AYES: Painter, Sample, Thao, Perry, Scoggins, Ward

NOES: None.

ABSENT: Grigas, Joe, Robinson

Sacramento Housing and Redevelopment Commission Action: At its meeting on November 14, 2007, the Sacramento Housing and Redevelopment Commission considered the staff recommendation for this item. The votes were as follows:

AYES: Burruss, Chan, Fowler, Hoag, Otto, Piatkowski, Stivers.

NOES: None.

ABSENT: Coriano, Dean, Gore, Shah.

Resolution of Necessity to Acquire Vacant Portions of Various Properties within Del Paso Nuevo

Policy Considerations: The action recommended in this report authorizes the Agency to use its eminent domain powers to acquire vacant portions of various properties for the Del Paso Nuevo Project.

Pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Sacramento County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the Board on the following matters:

- (a) Whether the public interest and necessity require the Project;
- (b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (c) Whether the property sought to be acquired is necessary for the Project;
- (d) Whether the offer required by Government Code section 7267.2 has been made to the owners of record.

Pursuant to the provisions of section 7267.2 of the Government Code of the State of California, the SHRA made offers to the owner or owners of record on or about August 31, 2007 to acquire the Subject Property for just compensation.

Environmental Considerations: The proposed actions are furtherance of the Del Paso Nuevo Project, which was analyzed in accordance with the California Environmental Quality Act (CEQA) and for which a Negative Declaration was adopted. Per CEQA Guidelines Sections 15162 and 15163, no further environmental documentation is required at this time. An Environmental Assessment and a Finding of No Significant Impact was made pursuant to the National Environmental Policy Act (NEPA) for the Del Paso Nuevo Project, and this action is considered a continuing project under NEPA.

Rationale for Recommendation: Throughout the property acquisition phase, the Agency has responded to owner concerns and will continue to respond to any additional concerns and offer settlement in the form of a purchase agreement. The Agency has provided fair market value offers as determined by an independent appraiser and met individually with owners on several occasions. In addition, as required by law, the Agency has offered to reimburse the property owner(s) for reasonable costs incurred (a maximum of \$5,000) for an appraisal conducted by an independent appraiser of their choice. The Agency remains committed to make every reasonable effort to negotiate mutually satisfactory purchase terms; however, to avoid costly project delays, the Agency is endeavoring to ensure that it will have timely possession and ownership of the properties needed for development. Once the Agency has rights to all of the properties, a contract with Carter and Burgess, Inc. will be executed to provide a

Resolution of Necessity to Acquire Vacant Portions of Various Properties within Del Paso Nuevo

final subdivision map, improvement plans, and construction services. Carter and Burgess, Inc. is very familiar with the Del Paso Nuevo project as they have been involved since the beginning. They are currently under contract to complete the tentative subdivision map for Project.

Financial Considerations: This report recommends that authority be given to the Agency to take all steps necessary to purchase the portions of properties needed to complete the Project in the Del Paso Heights Redevelopment Area. Staff is requesting authorization to execute a contract with Carter and Burgess, Inc. for a final subdivision map, improvement plans, and construction services. Funds for these purposes have already been allocated to this Project. Staff anticipates requesting future budget authority for construction of the public improvements allowing the sale of 68 finished lots to the homebuilder.

M/WBE Considerations: The items discussed in this report have no M/WBE impact, therefore, M/WBE considerations do not apply.

Respectfully Submitted by: 
ANNE M. MOORE
Executive Director

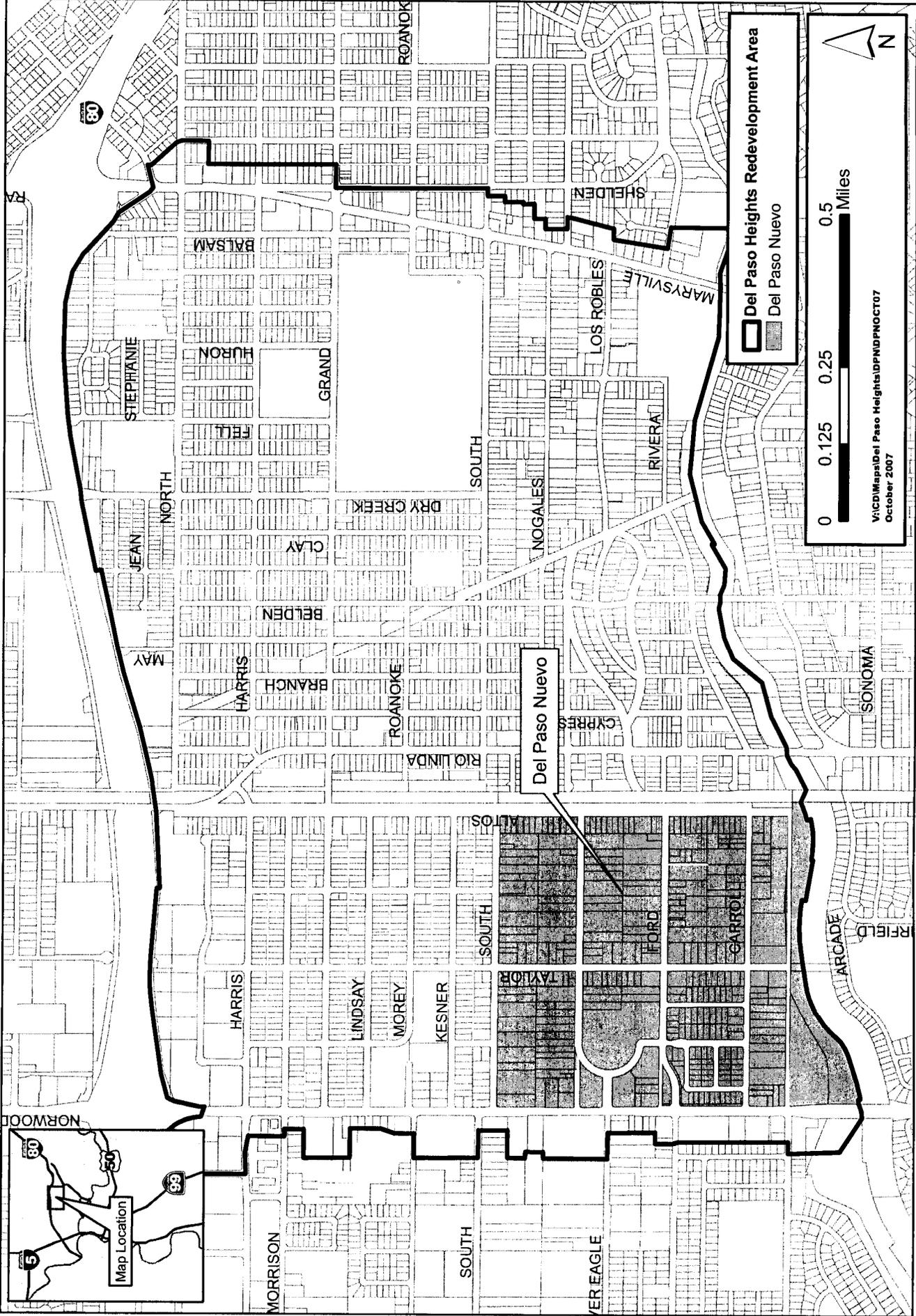
Recommendation Approved:


RAY KERRIDGE
City Manager

Table of Contents

Report	pg. 1
Attachments	
1 Site and Location Map	pg. 6
2 Phase VI Parcel Map	pg. 7
3 Phase VI Proposed Lotting Scenario	pg. 8
4 Legal Description	pg. 9
5 Resolution of Necessity	pg. 12
6 Resolution for Contract	pg. 15

Del Paso Nuevo Del Paso Heights Redevelopment Area



VICID/Maps/Del Paso Heights/DPND/PNOCT07
October 2007

Del Paso Nuevo Phase 6

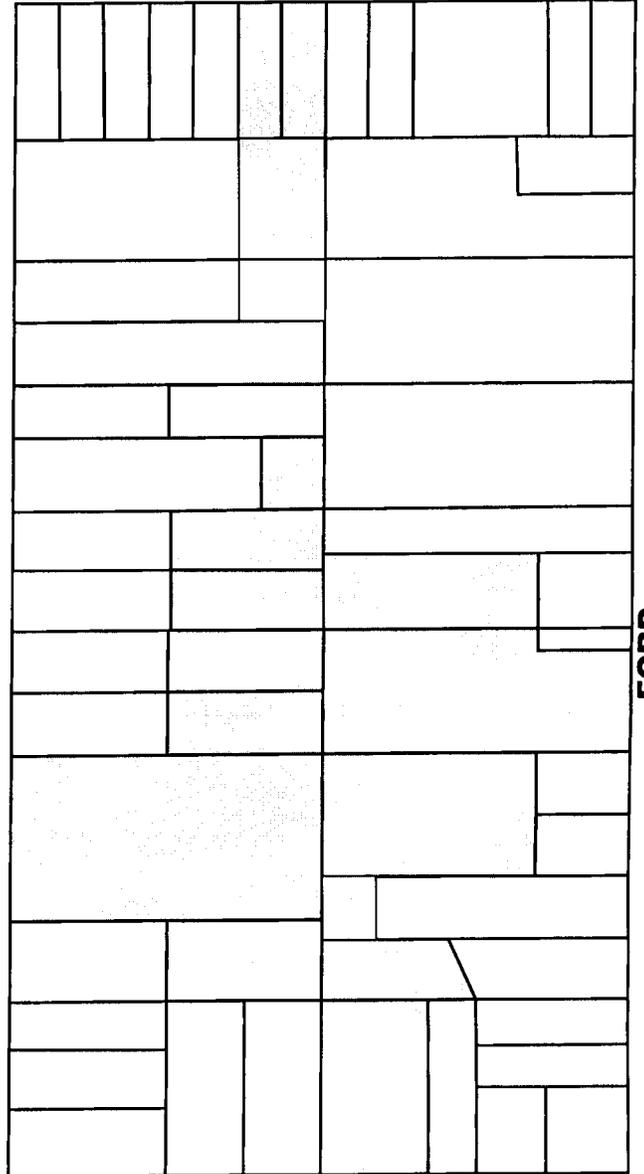
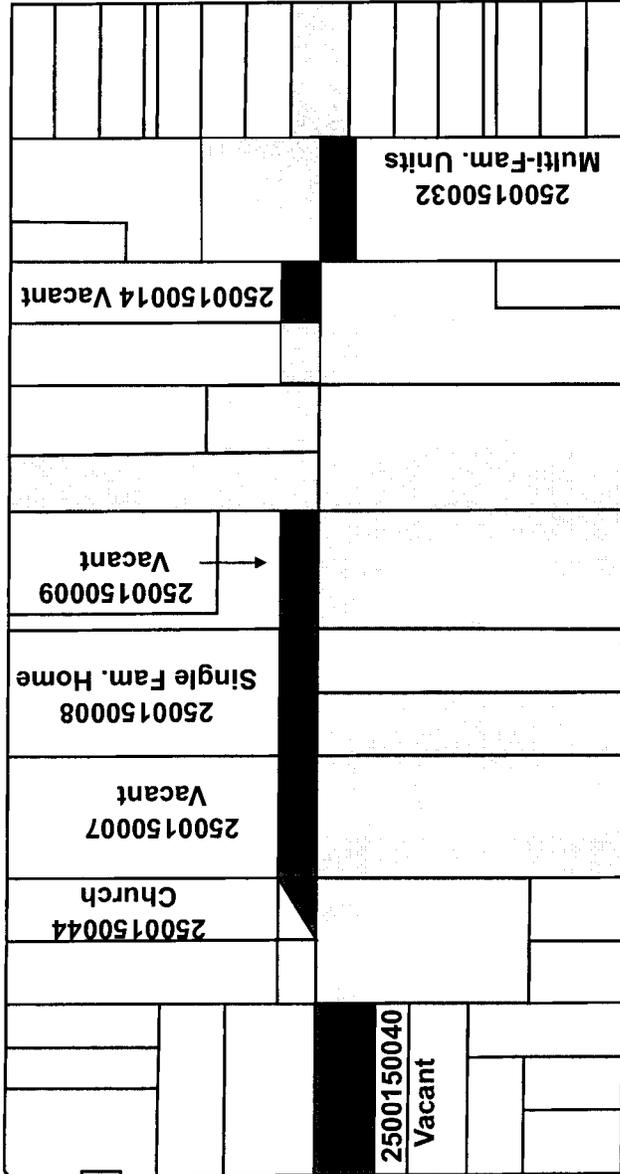
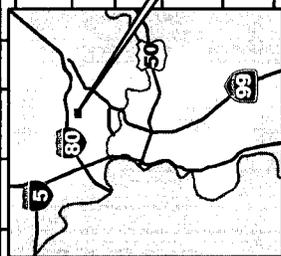
SOUTH

ALTOS

HAYES

FORD

TAYLOR



Parcels
 Agency Owned
 To Be Acquired

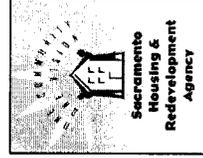
0 100 Feet
 North
Map prepared from Del Paso Nuevo Phase 6 Plan

Phase 6

Proposed
Lotting Summary

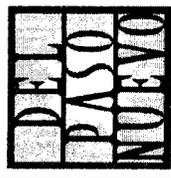
45' X 100' Lots
(Minimum, Typ.) 68

TOTAL 68



October 30, 2007

Carter Burgess



**LEGAL DESCRIPTIONS
FOR RESOLUTION OF NECESSITY**

The land referred to in this Report is situated in the State of California, City of Sacramento, County of Sacramento, and is described as follows:

Portion of APN 250-0150-007

A parcel of land located in a portion of real property conveyed by deed, recorded in Book 19890203, Page 9999, in the Office of the Recorder of Sacramento County, being Lot 19, Block 33 of the Amended Plat of West Del Paso Heights, filed in the Office of the Recorder of Sacramento County, on December 5, 1911 in Book 12 of Maps, Map No. 52, described as follows:

Beginning at the southeast corner of said deed parcel, thence from said POINT OF BEGINNING and coincident with the southerly boundary of said deed parcel South 89°03' 03" West 132.04 feet to the southwest corner of said deed parcel; thence coincident with the westerly boundary of said deed parcel North 01° 45' 03" West 7.84 feet; thence leaving said westerly boundary along the arc of a non-tangent 320.50 foot radius curve right, from the beginning of said curve the radius point of which bears South 17° 06' 29" East, with an arc distance of 90.39 feet, through a central angle of 16° 09' 32"; thence tangent to last said curve North 89° 03' 03" East 42.66 feet to a point on the easterly boundary of said deed parcel; thence coincident with said easterly boundary South 01°45' 09" East 20.50 feet to the Point of Beginning.

Containing 2,332 square feet.

Portion of APN 250-0150-008

A parcel of land located in a portion of real property conveyed by deed, recorded in Book 66-04-05 Page 36, in the Office of the Recorder of Sacramento County, being a portion of Lot 18, Block 33 of the Amended Plat of West Del Paso Heights, filed in the Office of the Recorder of Sacramento County, on December 5, 1911, in Book 12 of Maps, Map No. 52, described as follows:

The southerly 20.50 feet thereof when measured 20.50 feet northerly of and at right angles of the southerly line thereof.

Containing 2,707 square feet.

Portion of APN 250-0150-009

A parcel of land located in a portion of real property conveyed by deed, recorded in Book 72-01-26 Page 465, in the Office of the Recorder of Sacramento County, being a portion of Lot 17, Block 33 of the Amended Plat of West Del Paso Heights, filed in the Office of the Recorder of Sacramento County, on December 5, 1911, in Book 12 of Maps, Map No. 52, described as follows:

The southerly 20.50 feet thereof when measured 20.50 feet northerly of and at right angles of the southerly line thereof.

Containing 2,707 square feet.

Portion of APN 250-0150-014

A parcel of land located in a portion of real property conveyed by deed, recorded in Book 941213 Page 1011, in the Office of the Recorder of Sacramento County, being a portion of Lot 15, Block 33 of the Amended Plat of West Del Paso Heights, filed in the Office of the Recorder of Sacramento County, on December 5, 1911, in Book 12 of Maps, Map No. 52, described as follows:

The southerly 20.50 feet thereof when measured 20.50 feet northerly of and at right angles of the southerly line thereof.

Containing 1,353 square feet.

Portion of APN 250-0150-032

A parcel of land located in a portion of real property conveyed by deed, recorded in Book 940729 Page 0569, in the Office of the Recorder of Sacramento County, being a portion of Lot 31, Block 33 of the Amended Plat of West Del Paso Heights, filed in the Office of the Recorder of Sacramento County, on December 5, 1911, in Book 12 of Maps, Map No. 52, described as follows:

The northerly 20.50 feet thereof when measured 20.50 feet southerly of and at right angles of the northerly line thereof.

Containing 2,707 square feet.

Portion of APN 250-0150-040

A parcel of land located in a portion of real property conveyed by deed, recorded in Book 19851008, Page 1039, in the Office of the Recorder of Sacramento County, being a portion of Lot 23, Block 33 of the Amended Plat of West Del Paso Heights, filed in the Office of the Recorder of Sacramento County, on December 5, 1911 in Book 12 of Maps, Map No. 52, described as follows:

Beginning at the northeast corner of said deed parcel, thence from said POINT OF BEGINNING and coincident with the easterly boundary of said deed parcel South 01°44' 57" East 62.51 feet; thence leaving said easterly boundary along the arc of a nontangent 320.50 foot radius curve to the right, from the beginning of said curve the radius point of which bears North 01° 00' 02" West, with an arc distance of 0.29 feet, through a central angle of 00° 03' 04"; thence South 89° 03' 03" West 163.96 feet; thence along the arc of 21.50 foot radius curve to the left, with an arc distance of 34.07 feet, through a central angle of 90° 47' 50" to a point of tangency on the easterly right of way line of Taylor Street having an easterly half width of 30.00 feet; thence leaving said right of way line and perpendicular thereto South 88° 15' 13" West 30.00 feet to a point on the centerline of said Taylor Street; thence coincident therewith North 01° 44' 47" West 84.31 feet; thence leaving said centerline and perpendicular thereto North 88° 15' 13" East 30.00 feet to a point on said easterly right of way line being also on the northerly boundary of said deed parcel; thence leaving said easterly right of way line and coincident with said northerly deed line North 89° 03' 03" East 186.05 feet to the Point of Beginning.

Containing 14,260 square feet.

It is presumed that ownership of said parcel extends to the centerline of the street, and that the sidelines of said parcel within the street right of way are perpendicular to said centerline.

Portion of APN 250-0150-044

A parcel of land located in a portion of real property conveyed by deed, recorded in Book 19961127, Page 0978, in the Office of the Recorder of Sacramento County, being a portion of Lot 20, Block 33 of the Amended Plat of West Del Paso Heights, filed in the Office of the Recorder of Sacramento County, on December 5, 1911 in Book 12 of Maps, Map No. 52, described as follows:

Beginning at the southeast corner of said deed parcel, thence from said POINT OF BEGINNING and coincident with the southerly boundary of said deed parcel South 89° 03' 03" West 23.70 feet; thence leaving said southerly boundary along the arc of a nontangent 320.50 foot radius curve right, from the

Attachment 4

beginning of said curve the radius point of which bears South 21° 33' 10" East, with an arc distance of 24.86 feet, through a central angle of 04° 26' 41", to a point on the easterly boundary of said deed parcel; thence coincident with said easterly boundary South 01° 45' 03" East 7.84 feet to the Point of Beginning.

Containing 97 square feet.

RESOLUTION NO. _____

Adopted by the Redevelopment Agency of the City of Sacramento

ON DATE OF

**ADOPTION OF RESOLUTION OF NECESSITY AUTHORIZING ACQUISITION BY
EMINENT DOMAIN OF CERTAIN PROPERTIES LOCATED IN DEL PASO NUEVO
PHASE VI**

BACKGROUND

- A. The Redevelopment Plan (“Redevelopment Plan”) for the Del Paso Heights Redevelopment Project Area (“Project Area”) was adopted by the City Council of the City of Sacramento on May 12, 1970, by City Ordinance No. 2884 and amended on August 5, 1970 by City Ordinance No. 2913, Fourth Series and amended on May 21, 1985 by City Ordinance No. 85-047, Fourth Series.
- B. The Redevelopment Agency is vested with the power of eminent domain to acquire real property for the Project pursuant to Section 308 of the Del Paso Heights Redevelopment Plan, as amended, within the project area by eminent domain for twelve (12) years, expiring on July 2, 2012 (Cal. Health & Safety Code Section 33333.2)
- C. Three goals of the Redevelopment Plan for the Project Area are:
 - (a) To improve the neighborhood environment and image;
 - (b) To eliminate blighted and blighting conditions; and
 - (c) To increase and develop the supply of affordable housing;
- D. The Agency adopted the Del Paso Heights Five Year Implementation Plan for the Project Area on June 17, 2003;
- E. The Del Paso Heights Implementation Plan identifies the Del Paso Nuevo Project area as a key housing development site, which site includes all of the real property which is the subject of this resolution;
- F. On March 15, 2005, the Redevelopment Agency of the City of Sacramento approved Resolution No. 2005-019, to establish the amount of just compensation for the express purpose of developing Del Paso Nuevo for the following properties (the “Parcels”):

<u>ADDRESS</u>	<u>APN</u>
South Avenue	250-0150-007
628 South Avenue	250-0150-008
650 South Avenue	250-0150-009
South Avenue	250-0150-014
763 Hayes Avenue	250-0150-032
3550 Taylor Street	250-0150-040
620 South Avenue	250-0150-044

- G. The Agency has, through its counsel, engaged a qualified appraiser who has prepared an appraisal of the fair market value of the Parcels;
- H. The Agency has engaged in negotiations with the owners of the Subject Parcels for the purpose of purchasing the Subject Parcels, which negotiations have heretofore proven futile and without effect; and
- I. Pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Sacramento County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the Board on the following matters:
- (a) Whether the public interest and necessity require the Project;
 - (b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
 - (c) Whether the property sought to be acquired is necessary for the Project;
 - (d) Whether the offer required by Government Code section 7267.2 has been made to the owners of record.
- J. Pursuant to the provisions of section 7267.2 of the Government Code of the State of California, the SHRA made offers to the owner or owners of record on or about August 31, 2007 to acquire the Subject Property for just compensation;
- K. The SHRA has satisfied the provisions and complied with all requirements of the California Environmental Quality Act ("CEQA") and National Environmental Policy Act ("NEPA") for the Project.
- L. A Statement of Proceedings was recorded pursuant to California Health and Safety Code section 33373(c) in Book 20070822, page 1320 on August 22, 2007 in the Office of the County Recorder for the County of Sacramento.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO RESOLVES AS FOLLOWS:

Section 1: The above statements are true and correct.

Section 2: The Redevelopment Agency is empowered to acquire the Parcels by eminent domain pursuant to Health and Safety Code Section 33391.

Section 3: The public purpose for which the Subject Parcels is to be acquired is redevelopment, and more specifically the assembly of parcels for development of the Del Paso Nuevo Project within the Del Paso Heights Redevelopment Project Area to eliminate blight, to better utilize underutilized parcels, and to provide a new affordable homeownership community.

Section 4: For the foregoing reasons, the Redevelopment Agency finds and determines that:

- (a) The public interest and necessity requires the Del Paso Nuevo project, which will include new and upgraded infrastructure, new homes and removal of the blighting influence of underutilized property;
- (b) The Del Paso Nuevo 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 Subject Parcels are necessary for the proposed project; and
- (d) Just compensation has been established for the Parcels by Resolution No. 2005-019; offers have been made to the owner of record of the Parcels, as required by Section 7267.2 of the Government Code; and such owner of the Parcels has been given reasonable opportunity to consider, reject or accept such offers.

Section 5: While continuing to make every reasonable effort to expeditiously acquire the Parcels by negotiation, the Executive Director is authorized to institute and prosecute to conclusion an action in eminent domain to acquire the Parcels and to take any action necessary or desirable for such purpose in accordance with California eminent domain law.

RESOLUTION NO. _____

ADOPTED BY THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO

ON DATE OF

DEL PASO NUEVO: AUTHORIZATION TO EXECUTE A SERVICES CONTRACT WITH CARTER AND BURGESS, INC.

BACKGROUND:

1. The Redevelopment Agency of the City of Sacramento ("Agency") has adopted the Del Paso Heights Redevelopment Plan ("Redevelopment Plan") and an "Implementation Plan" for the Del Paso Heights Redevelopment Project Area ("Project Area")
2. The Project will assist in the elimination of blight in that it will eliminate nonconforming uses and will develop underutilized parcels of real property. The Project is consistent with the goals and objectives of the Redevelopment Plan and the Implementation Plan. A goal of the Redevelopment Plan, as stated in the Implementation Plan, is to complete the development of Del Paso Nuevo, reduce the number of vacant infill lots and increase homeownership.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO RESOLVES AS FOLLOWS:

- Section 1. The Executive Director, or her designee, is authorized to execute a services contract with Carter and Burgess, Inc. ("Carter Burgess") to provide final map, improvement plans and construction services to complete Del Paso Nuevo Phase VI, once all properties are acquired for terms not to exceed \$300,000.