

RESOLUTION NO. 2007-070

Adopted by the Redevelopment Agency
of the City of Sacramento

December 11, 2007

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.

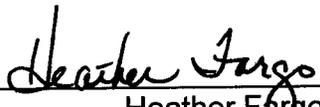
Adopted by the Redevelopment Agency of the City of Sacramento on December 11, 2007 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: None.



Heather Fargo, Chair

Attest:



Shirley Concolino, Secretary