



REPORT TO COUNCIL City of Sacramento

915 I Street, Sacramento, CA 95814-2671
[www. CityofSacramento.org](http://www.CityofSacramento.org)

Public Hearing
December 13, 2005

Honorable Mayor and
Members of the City Council

Subject: 65th Street and Broadway Detention Basin Project (PN:WJ76)

Location/Council District:

The 65th Street and Broadway Detention Basin Project is located one parcel east of the intersection of 65th Street and Broadway adjacent to Redding Avenue. It is located in Council District 6. (See location map-Attachment 1)

Recommendation:

Staff recommends that the City Council adopt the attached resolutions adopting the Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Plan, the Declaration of Official Intent of City of Sacramento to Reimburse Certain Expenditures From Proceeds of Obligation, and the Resolution of Necessity to acquire by eminent domain fee title to Assessor Parcel Number (APN) 015-0091-044 (3.21 ± Net Acres) and APN 015-0091-045 (3.74 ± Net Acres) for the 65th Street and Broadway Detention Basin Project (PN:WJ76).

Contact: Bill Sinclair, Real Property Agent III, 808-1905; David L. Brent, Engineering Manager, 808-1420; Andy Hunt, Supervising Engineer, 808-1408

Presenters: Bill Sinclair, 808-1905

Gary A. Reents, 808-1433

Department: Utilities

Division: Engineering Services

Organization No: 3332

Summary:

The 65th Street and Broadway Detention Basin Project is proposed to be constructed on property located east of the intersection of 65th Street and Broadway. The property consists of 2 adjacent parcels (Assessor Parcel Numbers 015-9091-044 and 045) totaling approximately 6.95 net acres. The proposed detention basin will provide significant public health and safety benefits through the reduction of flooding, by allowing for more effective management of storm events and reducing impacts to the City's storm water system during storms. The project also has been designed to include public recreational opportunities. The appraised amount for the real estate acquisition of Assessor Parcel Numbers 015-9091-044 and 045 is \$1,515,000.

Subject to City Council approval, City staff anticipates borrowing up to \$4 million from the California Infrastructure and Economic Development Bank (I-Bank) to help finance the detention basin project. Adoption of the attached resolution declaring the City's official intent to reimburse expenditures related to this Project from proceeds of a financing obligation is recommended so that the City will be able to be reimbursed for costs associated with this Project from future loan proceeds.

Committee/Commission Action: None.

Background Information:

Following major flooding in 1986, the City Council adopted Resolution 93-164, directing staff to master plan drainage basins in areas experiencing the most severe flood control problems. The area that would be served by the project is part of Drainage Basin 31, which has experienced significant flooding. A Master Plan Study for flood control improvements in Drainage Basin 31 was completed in May 1999, dividing Drainage Basin 31 into multiple improvement phases. Two of the component phases of the Drainage Basin 31 Master Plan that have been completed are the Sump 31 outfall through the California State University at Sacramento (CSUS) campus and the Sump 31 Reconstruction Project.

This location has been identified as a potential regional detention basin site since 1999. In 2002, the project's scope consisted of acquiring only the 3.74 ± acre parcel known as APN 015-0091-045. The parcel was appraised, and offers were made, but negotiations were not successful. On August 27, 2002, the City Council approved Resolution 2002-572 adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the project, and Resolution 2002-573 adopting the Resolution of Necessity to acquire the single parcel. Due to an oversight in process, the Resolution of Necessity was rescinded by the City Council on October 29, 2002. Shortly thereafter, in order to provide for multiple public uses, the project was redesigned to allow public recreational uses to be incorporated into the design. Revising the project to serve public recreational needs, in addition to flood control, required acquisition of the adjacent 3.21± acre parcel known as Assessor Parcel No. 015-0091-044, which is under the same ownership as Assessor Parcel No. 015-0091-045.

A new Mitigated Negative Declaration and new Mitigation Reporting Plan were prepared. During the environmental analysis process, it was determined that the site was impacted by vernal pools that were not discovered in the first analysis of the site. The resulting Federal permitting process delayed the re-appraisal of the subject parcels by approximately two years.

Both properties were re-appraised in 2005 and the property owners have been provided written offers for the amount determined to be just compensation, based on the fair market value determined by the City's appraisal, in accordance with Section 7267.2 of the Government Code. The City's offers have not been accepted. In order to meet the project construction schedule, staff recommends that the City Council adopt the Resolution of Necessity to initiate the eminent domain process for acquisition. Staff will continue efforts to reach an agreement with the property owners during this process.

California Code of Civil Procedure Section 1245.230 requires that a Resolution of Necessity contain the following findings:

1. The public interest and necessity require the project for the following reasons:
 - a. The proposed project is a component of the Drainage Basin 31 Master Plan, which was undertaken to develop facilities to alleviate flooding in the

approximately 940 acre drainage basin. Construction of this project will reduce flooding and thereby protect the public health, safety and welfare and reduce property damage, by providing capacity to detain storm water runoff during storm events, then returning the detained flows to the stormwater system after the peak has passed. This will reduce flooding by capturing storm water runoff that otherwise could not enter the stormwater system during peak storm events, and also will reduce surcharges to the stormwater system during storm events.

- b. The City's master plan studies of Drainage Basin 31 compared the following alternative strategies for reducing flooding and providing enhanced drainage capacities during storm events: (1) Enlarging all existing pipes and pumping plants in the basin; (2) Adding a very large central detention basin; or (3) Adding local and regional detention at strategic locations, including the regional detention basin planned for this location. The City's studies showed that the third option, when combined with the improvements to Sump 31 noted above, outperformed the other options by providing more timely and effective flood control, and would cost millions of dollars less.
 - c. The City's master plan studies did not analyze substituting individual on-site stormwater controls on developing properties for the above strategies. Because the Drainage Basin 31 area is close to buildout, the relatively small fraction of undeveloped acreage that remains - and could still be developed with onsite storm water runoff controls - is not large enough to provide significant drainage and flood control benefits to the area. Moreover, much of this area is planned for Transit Oriented Development, a space-intensive concept that does not leave significant undeveloped areas for on-site storm water management facilities.
 - d. Incorporating public recreational improvements into the proposed project will provide needed recreational opportunities in the project area, and will provide for multiple public uses of the site when it is not being used for storm water detention.
2. The project is planned and located in the manner that will be the most compatible with the greatest public good and the least private injury for the following reasons:
- a. Past studies of the City's drainage systems have consistently shown that detention basins are most effective when they are located close to the areas with the most significant flooding, because this reduces the distance that excess storm water must be diverted to the detention basin, increasing hydraulic efficiency and reducing facility costs. The location proposed for this project is the most favorable of the alternative locations considered for a regional detention basin in this area, because the area of most significant flood-related property damage is just a few hundred feet to the west, at 65th and Broadway, and the area with the deepest and most frequent street flooding is located slightly farther to the west.
 - b. Other potential regional detention basin sites in the general area that were considered by staff were: (1) the Hiram Johnson High School playfields; (2) the Tahoe-Tallac Baseball Fields and adjacent driving range; and (3) Tahoe Park. All three of these potential alternate sites were farther away from the most significant flood risk centers, and therefore were less hydraulically effective to use and more costly. In addition, the Tahoe-Tallac location sits on relatively high

ground, requiring many vertical feet of excavation simply to lower the site to the point where additional excavation could be useful for stormwater storage.

- c. In addition to being less effective from a functional standpoint, these three alternate sites are already fully developed for active use. To excavate any of these sites for a regional detention facility would put the active-use facilities out of service for a significant time period, and likely would permanently reduce the available space for these active uses. By contrast, the proposed detention basin location is vacant land, with no current or recent use, public or private. As such, construction of the detention basin facilities in this location will result in the least private and public injury. In addition, by including public recreational improvements in the project, using this site for the detention basin will serve the public good by adding public recreational acreage to this area rather than reducing it.
3. The property sought to be acquired is necessary for the project for the following reasons:
- a. This location has been identified in City studies as the preferred site for construction of a regional storm water detention facility to reduce flooding in the project area.
 - b. Location of the facility on this property will allow public recreational improvements to be incorporated into the proposed project, further increasing the benefits of the project in this location.
 - c. As noted above, locating the proposed project on this property instead of possible alternative locations will provide the greatest public benefit with the least disruption to private and public uses.

Financial Considerations:

It is anticipated that the 65th Street and Broadway Detention Basin Project (PN:WJ76) will be financed from proceeds received from the anticipated I-Bank loan in the amount of \$4 million dollars. Staff will return to the City Council at a later date for approval of the loan.

Prior to approval of the loan, the City may be incurring costs associated with this project, including costs related to acquisition of the parcels discussed in this report. If the City would like to be reimbursed for these costs from future loan proceeds, it must declare its official intent to use the proceeds to reimburse these costs. The declaration, in order to be compliant with Treasury Regulations Section 1.150 2 which governs the use of bond proceeds to reimburse costs paid prior to the issuance of bonds, must be adopted no later than 60 days after the cost to be reimbursed is incurred. This declaration is attached.

The detention basin project is located fully within the 65th Redevelopment Project Area, and the Redevelopment Agency staff has indicated its willingness to recommend the allocation of future tax increment revenue to the City to repay the loan. A separate "Cooperative Agreement" specifying the terms of this financial assistance will be brought to the City Council and the Redevelopment Agency for consideration at a later date. It is anticipated that there will be sufficient tax increment flow to cover the annual debt payments to the state I-Bank.

Environmental Considerations:

The City of Sacramento, Development Services Department, Environmental Planning Services, has determined that the project, as proposed, will not have a significant impact to the environment; therefore, a Mitigated Negative Declaration has been prepared. In compliance with Section 15070(B)1 of the California Environmental Quality Act (CEQA) Guidelines, the City has incorporated mandatory mitigation measures into the project plans to avoid identified impacts or to mitigate such impacts to a point where clearly no significant impacts will occur. These mitigation measures are included in Exhibit A (Mitigation Reporting Plan) and address impacts to Air Quality, Biological, Hazards, Noise, Aesthetics, Light, and Glare, and Cultural Resources.

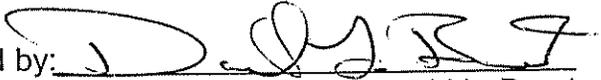
The Mitigated Negative Declaration was available for public review during the period of Thursday, August 21, 2003 through Friday, September 19, 2003. One comment letter from the California State Department of Transportation was received during the public review period. The comment related to verification of the truck haul routes for exporting dirt off-site, using state facilities, and the requirement of a Transportation Management Plan. The comment will be addressed through the City's contract process by requiring the contractor to work with the City and the Department of Transportation on a Transportation Management Plan for any soil excavated off site via the State Highway System.

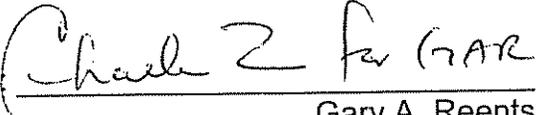
Policy Considerations:

The actions requested, herein, are consistent with Sacramento City Code, title 3, and are consistent with the City of Sacramento's Strategic Plan goal for enhancing and preserving the neighborhoods.

Emerging Small Business Development (ESBD):

As no services or supplies are being purchased there are no ESBD issues.

Respectfully Submitted by: 
David L. Brent
Engineering Manager

Approved by: 
Gary A. Reents
Director of Utilities

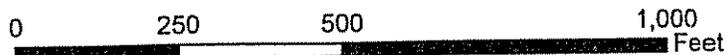
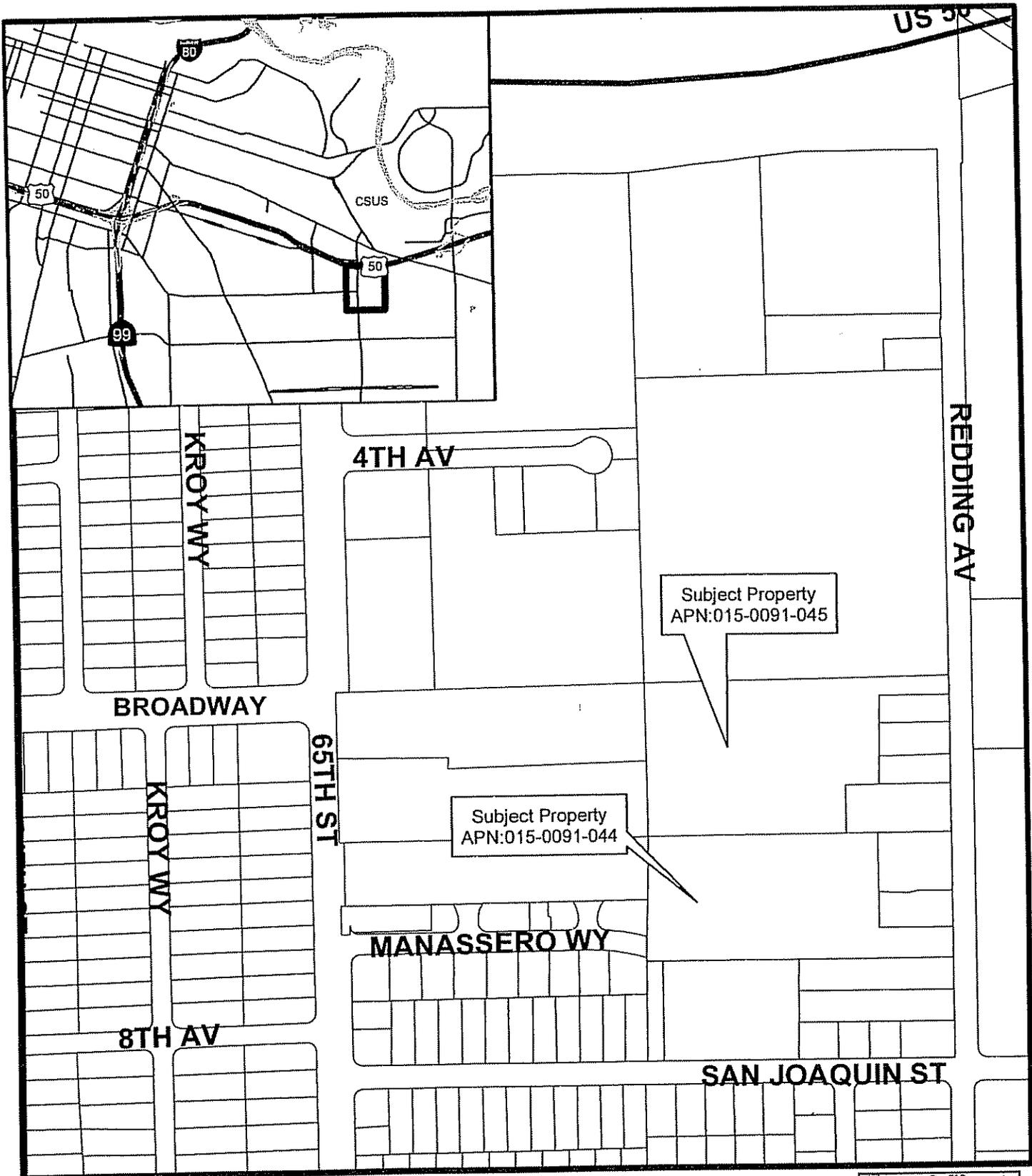
Recommendation Approved:


ROBERT P. THOMAS
City Manager

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ATTACHMENT 1



Attachment 2

APN	Owners	Property Interests to be Acquired (Square Feet)	Just Compensation Amount
274-0091-044 & 045	Rudolph Steiner, Trust, Eric L. Gragg and Angela J. Gragg, Jung Yi Chen, Robert W. Dillon and Jennifer C. Dillon	6.95 combined net acres to be purchased in Fee	\$1,515,000.00

RESOLUTION NO.
Adopted by the Sacramento City Council

**RESOLUTION ADOPTING THE NEGATIVE DECLARATION AND
MITIGATION REPORTING PLAN FOR THE 65th STREET AND
BROADWAY DETENTION BASIN PROJECT (PN: WJ76).**

BACKGROUND

- A. The Environmental Coordinator has prepared and circulated for public review, in accordance with the California Environmental Quality Act, a Mitigated Negative Declaration for the above identified project ("Project");
- B. The Project Mitigated Negative Declaration finds that the proposed Project will not have a significant effect on the environment provided that mitigation measures are added to the Project;
- C. In accordance with Section 21081.6 of the California Public Resources Code, the Environmental Coordinator has prepared a Mitigation Reporting Plan, attached hereto as Exhibit A, for ensuring compliance and implementation of the mitigation measures as prescribed in the Initial Study for the Project.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE STAFF REPORT AND
OTHER EVIDENCE AND INFORMATION PRESENTED AT THE HEARING OF THIS
MATTER, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. The City Council finds and determines that the recitals set forth above are true.
- Section 2. The City Council has considered the Project Mitigated Negative Declaration together with the comments received during the public review period.
- Section 3. The City Council finds and determines on the basis of the record as a whole, including the Initial Study and comments received, that there is no substantial evidence that the Project, including the identified mitigation measures, will have a significant effect on the environment, and that the Mitigated Negative Declaration reflects the independent judgment and analysis of the City of Sacramento and the Sacramento City Council. Materials constituting the record of proceedings upon which this decision is based are on file with the Sacramento City Clerk, Historic City Hall, 915 I Street, 1st Floor, Sacramento, CA 95814.
- Section 4. The City Council adopts the Mitigated Negative Declaration and Mitigation Reporting Plan for the 65th Street & Broadway Detention Basin Project.

EXHIBIT A

65th & Broadway Detention Basin Mitigation Reporting Plan

In January 1989, Assembly Bill 3180 went into effect requiring the City to monitor all mitigation measures included in this Negative Declaration. For this project, mitigation reporting will be performed by the City of Sacramento Utilities Department in accordance with the monitoring and reporting program developed by the City to implement AB 3180.

This Mitigation Reporting Plan is being prepared by the Planning and Building, Environmental Planning Services, 2101 Arena Blvd, Suite 200, Sacramento, CA 95834, (916) 264-5375, pursuant to the California Environmental Quality Guidelines, Section 21081.

The Utilities Department will submit its completed Reporting Plan to the Environmental Planning Services for inclusion in the annual report to the City Council.

Project Number: CIP # WK06

Project Name: 65th & Broadway Detention Basin

Project Location: The project is located between 65th Street and Redding Avenue, north of San Joaquin Street on parcels 015-0091-045 and -044 in the East Broadway Community.

Project Description: The City of Sacramento, Department of Utilities proposes to acquire APN 015-0091-045 to construct an approximate 5.1-acre joint use detention basin/park and APN 015-0091-044 to construct a park. The proposed park uses include both active and passive uses such as picnic area, soccer fields and playground. The project site is located between 65th Street and Redding Avenue and north of San Joaquin Street.

MITIGATION REPORTING PROGRAM CHECKLIST FOR THE 65th & BROADWAY DETENTION BASIN SUBSEQUENT NEGATIVE DECLARATION (CIP# WK06)

Mitigation Measure	Reporting Milestone	Reporting/Responsible Party	VERIFICATION OF COMPLIANCE	
			Initials	Date
AIR QUALITY				
AQ-1: The contractor shall enclose, cover, or water twice daily all soil piles.	During construction	Dept. of Utilities and Contractor		
AQ-2: The contractor shall water exposed soil with adequate frequency to keep soil moist at all times.	During construction	Dept. of Utilities and Contractor		
AQ-3: The contractor shall water all haul roads twice daily.	During construction	Dept. of Utilities and Contractor		
AQ-4: The contractor shall cover load of all haul/dump trucks securely.	During construction	Dept. of Utilities and Contractor		

Mitigation Measure	Reporting Milestone	Reporting/Responsible Party	VERIFICATION OF COMPLIANCE		
			Initials	Date	Remarks
BIOLOGICAL					
BR-1: A Section 10 or Section 7 Consultation with U.S. Fish and Wildlife Service shall be conducted prior to any construction activities, including grading.	Prior to construction	Dept. of Utilities			
BR-2: Vernal pool crustaceans shall be mitigated for by meeting the following: a. <u>Preservation component:</u> For every acre of habitat directly or indirectly affected, at least two vernal pool credits will be dedicated within a Service-approved ecosystem preservation bank, or, based on Service evaluation of site-specific conservation values, three acres of vernal pool habitat may be preserved on the project site or on another non-bank site as approved by the Service. b. <u>Creation component:</u> For every acre of habitat directly affected, at least one vernal pool creation credit will be dedicated within a Service-approved habitat mitigation bank,	Prior to construction	Dept. of Utilities			

Resolution of Necessity for Purchasing Detention Basin property at Broadway and 65th Street

<p>or, based on Service evaluation of site-specific conservation values, two acres of vernal pool habitat will be created and monitored on the project site or on another non-bank site as approved by the Service.</p>	<table border="1"> <tr> <th>Bank</th> <th>Non-Bank</th> </tr> <tr> <td>2:1</td> <td>3:1</td> </tr> <tr> <td>1:1</td> <td>2:1</td> </tr> </table>	Bank	Non-Bank	2:1	3:1	1:1	2:1	<p>Preservation Creation</p>	<p>c. Mitigation ratios for non-bank mitigation may be adjusted to approach those for banks if the Service considers the conservation value of the non-bank mitigation area to approach that of Service-approved mitigation banks.</p>	<p>Prior to and during construction</p>	<p>Dept. of Utilities and Contractor</p>	<p>Prior to construction</p>	<p>Dept. of Utilities and Contractor</p>	<p>Prior to construction</p>	<p>Dept. of Utilities</p>
Bank	Non-Bank														
2:1	3:1														
1:1	2:1														
<p>BR-3: Adequate fencing shall be placed and maintained by a biologist around any avoided (preserved) vernal pool habitat to prevent impacts from vehicles. The USFWS shall determine the distance of the fencing around the site.</p>				<p>Prior to and during construction</p>	<p>Dept. of Utilities and Contractor</p>	<p>Prior to construction</p>	<p>Dept. of Utilities and Contractor</p>	<p>Prior to construction</p>	<p>Dept. of Utilities</p>						
<p>BR-4: All on-site construction personnel shall receive instruction regarding the presence of listed species and the importance of avoiding impacts to these species and their habitat.</p>				<p>Prior to and during construction</p>	<p>Dept. of Utilities and Contractor</p>	<p>Prior to construction</p>	<p>Dept. of Utilities and Contractor</p>	<p>Prior to construction</p>	<p>Dept. of Utilities</p>						
<p>BR-5: Verification of the vernal pools shall be coordinated with the U.S. Army</p>				<p>Prior to and during construction</p>	<p>Dept. of Utilities and Contractor</p>	<p>Prior to construction</p>	<p>Dept. of Utilities and Contractor</p>	<p>Prior to construction</p>	<p>Dept. of Utilities</p>						

<p>Corps of Engineers.</p>				
<p>BR-6: If the vernal pools are considered jurisdictional Waters of the U.S., the City shall apply and obtain the proper permits for filling of the wetlands. Any mitigation measures developed by the U.S. Army Corps of Engineers for filling of the vernal pools shall be followed.</p>	<p>Prior to construction</p>	<p>Dept. of Utilities</p>		
<p>BR-7: If the vernal pools are not considered jurisdictional Waters of the U.S., the City shall coordinate with U.S. Fish and Wildlife Service to conduct the Section 10 process under the Endangered Species Act.</p>	<p>Prior to construction</p>	<p>Dept. of Utilities</p>		

Mitigation Measure	Reporting Milestone	Reporting/Responsible Party	VERIFICATION OF COMPLIANCE		
			Initials	Date	Remarks
HAZARDS					
H-1: When removed, the waste material shall be disposed of at a permitted facility that accepts asbestos-containing materials.	Prior to construction	Dept. of Utilities and Contractor			
H-2: The City of Sacramento, Department of Utilities shall contact the County of Sacramento Environmental Management Department for an underground storage tank removal permit and for oversight of tank removal.	Prior to construction	Dept. of Utilities and Contractor			
H-3: Soil and/or groundwater samples shall be taken during the removal of the underground storage tank to determine the extent of contamination, if any. 1. If contamination is found, removal of the contamination, remediation or any other requirements as directed by the County of Sacramento Environmental Management Department shall be completed to the County's satisfaction. 2. The Department of Utilities shall request a Closure Letter from the County of Sacramento Environmental Management	Prior to construction	Dept. of Utilities and Contractor			

Resolution of Necessity for Purchasing Detention Basin property at Broadway and 65th Street

<p>Department after completion of all steps to the satisfaction of the County of Sacramento.</p>					
<p>H-4: If a domestic water well is encountered during construction activities or during site surveys, the County of Sacramento Environmental Management Department shall be contacted to obtain the proper permit for removal of the water well.</p>	<p>During construction</p>	<p>Dept. of Utilities and Contractor</p>			
<p>H-5: A Phase II groundwater investigation shall be conducted to determine whether groundwater has been impacted. A Phase II groundwater investigation shall only be conducted if groundwater on the site is to be used or is encountered during construction.</p>	<p>Prior to construction</p>	<p>Dept. of Utilities and Contractor</p>			
<p>H-6: If the groundwater is found contaminated, the County of Sacramento Environmental Management Department shall be contacted and remediation shall be completed to the satisfaction of the County.</p>	<p>Prior to construction</p>	<p>Dept. of Utilities and Contractor</p>			
<p>H-7: If the groundwater beneath the project site is found to be contaminated and has been remediated, the City of Sacramento, Department of Utilities shall request a "closure letter" from the County of Sacramento Environmental Management Department.</p>	<p>Prior to construction</p>	<p>Dept. of Utilities and Contractor</p>			

Resolution of Necessity for Purchasing Detention Basin property at Broadway and 65th Street

<p>H-8: Coordination with the Sacramento-Yolo Mosquito and Vector Control District shall be done to ensure mosquitoes and vectors do not become a problem at the site.</p>	<p>During and after construction</p>	<p>Dept. of Utilities</p>		
<p>H-9: Periodic vegetation management at the site shall be conducted as determined by the Sacramento-Yolo Mosquito and Vector Control District.</p>	<p>After construction</p>	<p>Dept. of Utilities</p>		

Mitigation Measure	Reporting Milestone	Reporting/Responsible Party	VERIFICATION OF COMPLIANCE		
			Initials	Date	Remarks
NOISE					
N-1: All of the park improvements in the southeastern portion of the project site shall be placed as close to the detention basin as possible and as far away from the existing residences to the east.	Prior to construction	Dept. of Parks and Recreation			
N-2: An eight-foot tall soundwall shall be installed along the northern and eastern borders of the southeastern portion of the project site (see Attachment E for more details).	Prior to and during construction	Dept. of Parks and Recreation			

Mitigation Measure	Reporting Milestone	Reporting/Responsible Party	VERIFICATION OF COMPLIANCE		
			Initials	Date	Remarks
AESTHETICS, LIGHT & GLARE					
ALGR-1: Any proposed sports field lighting shall be designed to face the play fields and away from the residences.	Prior to construction	Dept. of Parks and Recreation			

Mitigation Measure	Reporting Milestone	Reporting/Responsible Party	VERIFICATION OF COMPLIANCE		
			Initials	Date	Remarks
CULTURAL RESOURCES					
CR-1: If subsurface archaeological or historical remains are discovered during construction, work in the area shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.	During construction	Dept. of Utilities and Contractor			
CR-2: If human burials are encountered, all work in the area shall stop immediately and the Sacramento County Coroner's office shall be notified immediately. If the remains	During construction	Dept. of Utilities and Contractor			

<p>are determined to be Native American in origin, both the Native American Heritage Commission and any identified descendants must be notified and recommendations for treatment solicited (CEQA Section 15064.5); Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and 5097.98.</p>					
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RESOLUTION NO.
Adopted by the Sacramento City Council

**RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL
PROPERTY BY EMINENT DOMAIN FOR THE 65th STREET AND
BROADWAY DETENTION BASIN PROJECT (PN: WJ76).**

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 "Subject Parcels". The Subject Parcels are located one parcel east of the intersection of 65th Street and Broadway adjacent to Redding Avenue more specifically described in Exhibits "A & B". The Subject Parcels are to be taken for or in connection with the 65th Street and Broadway Detention Basin 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 Section 7267.2 of the Government Code has been made to the owners or representatives of the owners of record.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE STAFF REPORT
AND OTHER EVIDENCE AND INFORMATION PRESENTED AT THE HEARING OF
THIS MATTER, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. The City Council finds and determines that the recitals set forth above are true.
- Section 2. The public interest and necessity requires the land acquisition for the project known as the 65th Street and Broadway Detention Basin Project. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury. The Subject Parcels are needed for the project, and an offer under Section 7267.2 of the Government Code has been made to the owners or representatives of the owners of record.
- Section 3. That the City of Sacramento, a municipal corporation, its appropriate officers, employees and agents, are authorized and empowered to:
 - a. Acquire in the name of the City of Sacramento, a municipal corporation, the Subject Parcels.

- b. Prepare, file and prosecute in the appropriate court, such proceedings in eminent domain as necessary for the acquisition of the Subject Parcels.
- 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 Subject Parcels.

Section 4 That the City, by this resolution is authorized to acquire certain real property situated in the County of Sacramento, State of California, and described in the attached legal descriptions marked EXHIBIT "A" and diagrammed in the corresponding attachment EXHIBIT "B".

Basin Property at Broadway and 65th Street

EXHIBIT A

LEGAL DESCRIPTION

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

PARCEL 1:

Parcel 1, as shown on that certain Parcel Map entitled, "Por. Lot 10 Map of A.B. Davis Homestead Farm 2 B.M. 2", recorded in Book 42 of Parcel Maps, at Page 5, records of said County.

PARCEL 2:

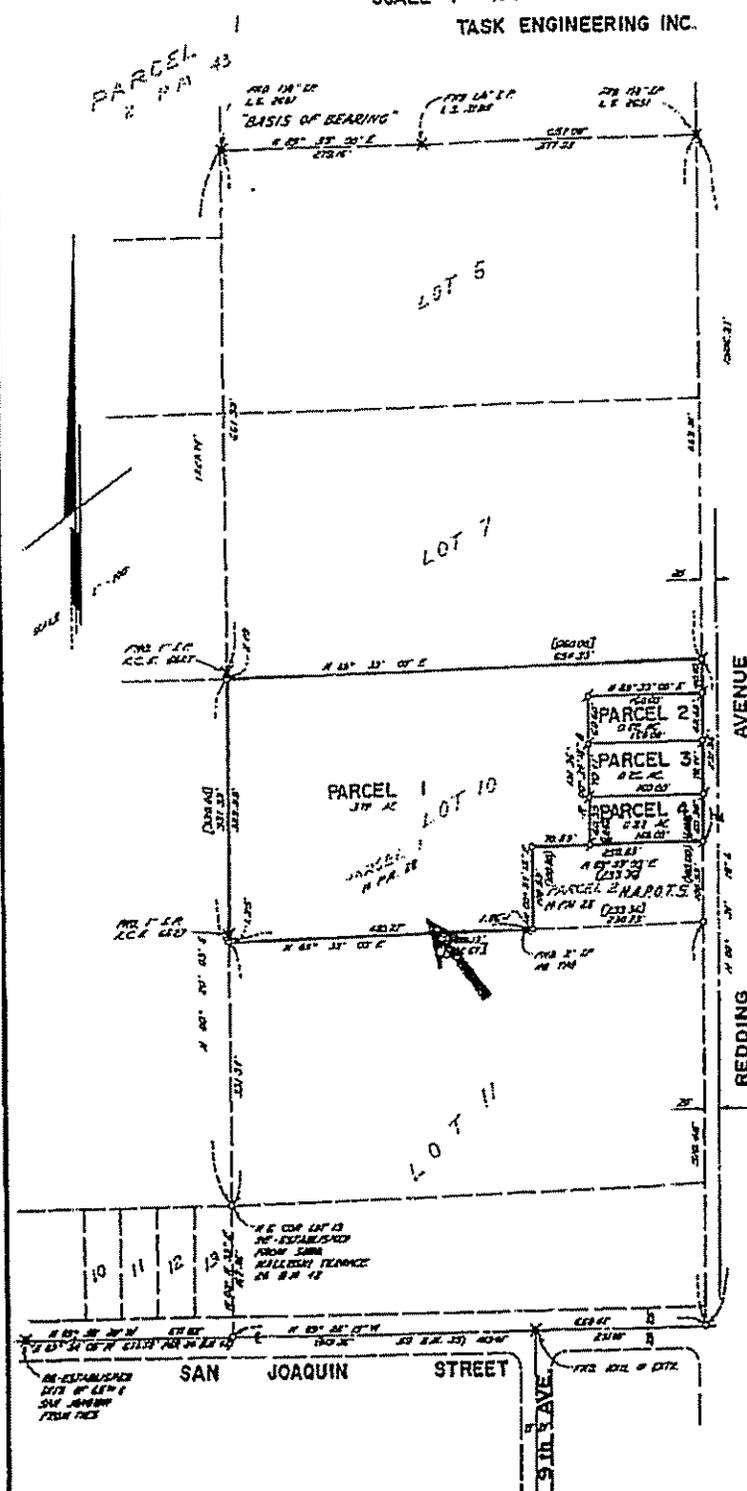
Parcel 3, as shown on that certain Parcel Map entitled, "Por. Lot 11 Map of A.B. Davis Homestead Farm 2 B.M. 2", recorded in Book 42 of Parcel Maps, at Page 6, records of said County.

Assessor's Parcel No: 015-0091-044 and 045

PARCEL MAP
 FOR LOT 10 MAP OF A.B. DAVIS
 HOMESTEAD FARM
 2 B.M. 2

EXHIBIT B
 Page 1 of 2

CITY OF SACRAMENTO CALIFORNIA
 SCALE 1" = 100'
 JULY, 1978
 TASK ENGINEERING INC.



OWNER'S CERTIFICATE:
 THE UNDERSIGNED HEREBY CONSENT TO THE PREPARATION AND RECORDING OF THIS MAP
 Alfred C. Reskeen
 William Henry Reskeen Jr.
 Edwin Charles Reskeen
 Ethel J. Reskeen
 Lewis Mae Young
 Patricia E. Reskeen

NOTARY CERTIFICATE
 STATE OF CALIFORNIA)
 COUNTY OF SACRAMENTO)
 ON THIS 10th DAY OF JULY, 1978, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY APPEARED ALFRED C. RESKEEN, WILLIAM HENRY RESKEEN JR., EDWIN CHARLES RESKEEN, ETHEL J. RESKEEN, LEWIS MAE YOUNG, AND PATRICIA E. RESKEEN, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME
 IN WITNESS WHEREOF I HAVE HEREON SET MY HAND AND AFFIXED MY OFFICIAL SEAL, THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN



ENGINEER'S CERTIFICATE:
 THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AT THE REQUEST OF ERIC GRAGG IN JUNE 1978. I HEREBY STATE THAT THE PARCEL MAP PROCEDURES OF THE LOCAL AGENCY HAVE BEEN COMPLIED WITH AND THAT THIS PARCEL MAP CONFORMS TO THE APPROVED TENTATIVE MAP AND THE CONDITIONS OF THE APPROVAL THEREOF WHICH WERE REQUIRED TO BE FULFILLED PRIOR TO THE FILING OF THE PARCEL MAP



CITY ENGINEER'S CERTIFICATE:
 THIS MAP CONFORMS WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE

CLERK'S CERTIFICATE:
 I HEREBY CERTIFY THAT THE CITY COUNCIL OF THE CITY OF SACRAMENTO HAS APPROVED THIS PARCEL MAP ENTITLED FOR LOT 10 MAP OF A.B. DAVIS HOMESTEAD FARM 2 B.M. 2
 Annice Rogers 8/2/78
 CLERK

RECORDER'S CERTIFICATE:
 FILED THIS 1st DAY OF Sept. 1978
 AVENUE, IN BOOK 427 OF PARCEL MAPS
 AT PAGE 5 AT THE REQUEST OF TASK ENGINEERING.
 TITLE TO THE LAND ENCLOSED IN THIS PARCEL MAP BEING LISTED AS PER CERTIFICATE NO. 917 ON FILE AT THIS OFFICE.
 Action: Alvin V. Rodda
 COUNTY RECORDER
 BY: Kenneth B. King

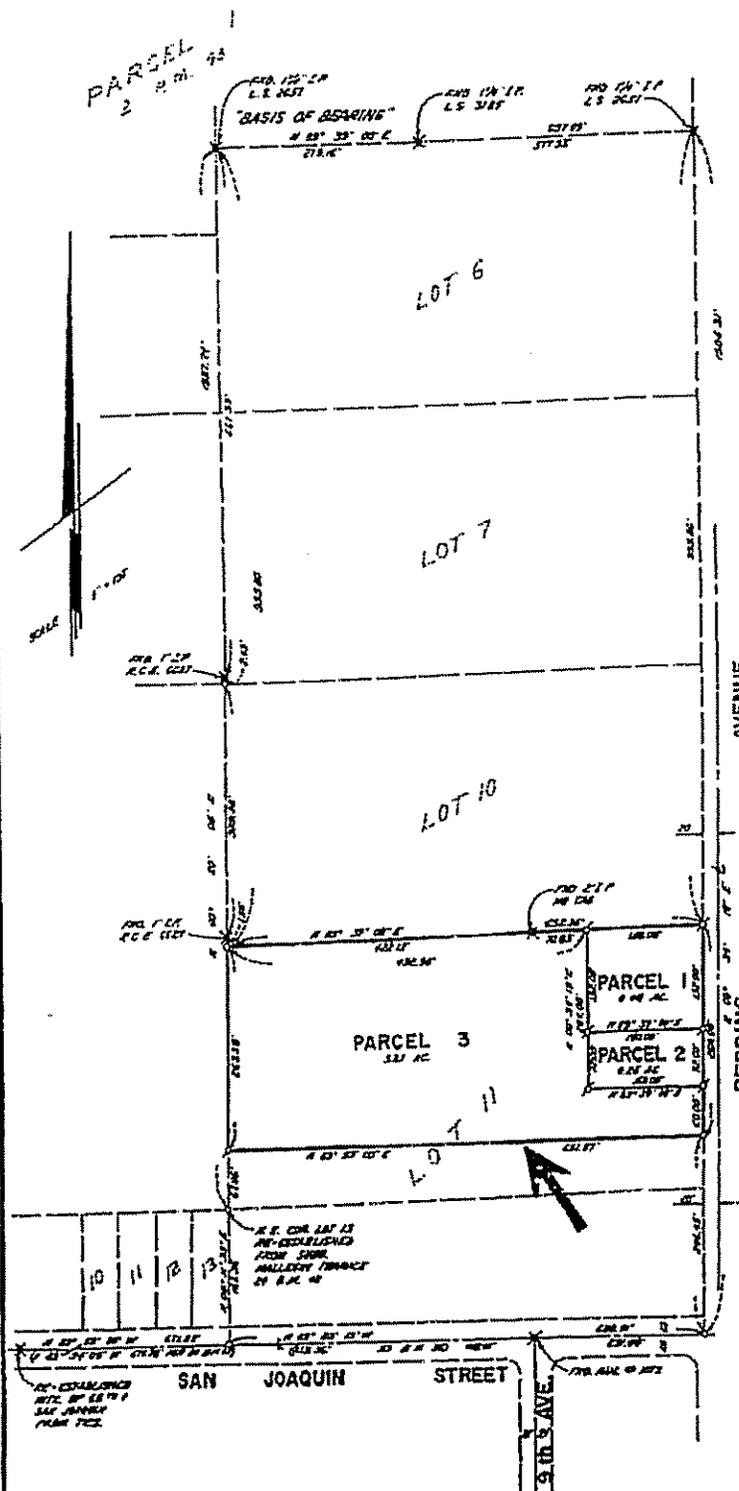
- LEGEND:**
- SET SURV. NEAR HYDRAULIC CAP STAMPED L.S. 3652
 - FOUND MONUMENT AS NOTED
 - DIMENSION POINT
 - RECORD AS SHOWN
 - RECORD PER 14 P.P., 28

BASIS OF BEARINGS:
 THE BASIS OF BEARINGS FOR THIS SURVEY IS IDENTICAL TO THAT PARCEL MAP FILED IN THE SACRAMENTO COUNTY RECORDER'S OFFICE IN BOOK 2 OF PARCEL MAPS AT PAGE 43, AND WAS ESTABLISHED FROM MONUMENTS AS SHOWN HEREON.

Basin Property at Broadway and 65th Street

PARCEL MAP
 POR. LOT 11 MAP OF A. B. DAVIS
 HOMESTEAD FARM
 2 B.M. 2
 CITY OF SACRAMENTO CALIFORNIA
 SCALE 1" = 100'
 TASK ENGINEERING INC.

EXHIBIT B
 Page 2 of 2



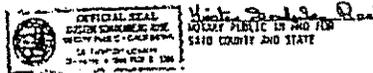
OWNER'S CERTIFICATE:
 THE UNDERSIGNED HEREBY CONSENT TO THE PREPARATION AND RECORDING OF THIS MAP

Charles E. Davis
 CHARLES E. DAVIS
 DOMENICO SPAGAROTTO
 DOMENICO SPAGAROTTO
Katherine O. Davis
 KATHERINE O. DAVIS
Elizabeth Spagarotto
 ELIZABETH SPAGAROTTO

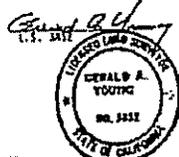
NOTARY CERTIFICATE:
 STATE OF CALIFORNIA)
 COUNTY OF SACRAMENTO)

ON THIS 11th DAY OF JULY, 1978, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY APPEARED CHARLES E. DAVIS, KATHERINE O. DAVIS, AND DOMENICO SPAGAROTTO AND ELIZABETH SPAGAROTTO, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

IN WITNESS WHEREOF I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL, THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.



SURVEYOR'S CERTIFICATE:
 THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AT THE REQUEST OF ARIC GRASS IN JUNE 1978. I HEREBY STATE THAT THE PARCEL MAP PRECEDENCES OF THE LOCAL AGENCY HAVE BEEN COMPLIED WITH AND THAT THIS PARCEL MAP CONFORMS TO THE APPROVED TECHNICIAN'S MAP AND THE CONDITIONS OF APPROVAL THEREOF WHICH WERE REQUIRED TO BE FULFILLED PRIOR TO THE FILING OF THE PARCEL MAP.



CITY ENGINEER'S CERTIFICATE:
 THIS MAP CONFORMS WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE.

[Signature]
 CITY ENGINEER

CITY CLERK'S CERTIFICATE:
 I HEREBY CERTIFY THAT THE CITY COUNCIL OF THE CITY OF SACRAMENTO HAS APPROVED THIS PARCEL MAP ENTITLED POR. LOT 11 MAP OF A. B. DAVIS HOMESTEAD FARM 2 B.M. 2

[Signature]
 CITY CLERK

139791
RECORDER'S CERTIFICATE:
 FILED THIS 13th DAY OF JULY 1978 AT 10:42 AM IN BOOK 429 OF PARCEL MAPS AT PAGE 6 AT THE REQUEST OF TASK ENGINEERING.

FILED TO THE LAND INCLUDED IN THIS PARCEL MAP BEING RECORDED AS PER CERTIFICATE NO. 918 ON FILE AT THIS OFFICE.

Alvin V. Rodda
 COUNTY CLERK
 BY: *[Signature]*
 DEPUTY

- LEGEND:**
- SEE 3/1" NEAR PLASTIC CAP
 - STAMPED L.S. 1978
 - FOUND MONUMENT AS NOTED
 - DIMENSION PRESENT
 - RECORD AS SHOWN

BASES OF BEARING:
 THE BASIS OF BEARINGS FOR THIS SURVEY IS IDENTICAL TO THAT PARCEL MAP FILED IN THE SACRAMENTO COUNTY RECORDER'S OFFICE IN BOOK 2 OF PARCEL MAPS AT PAGE 43, AND WAS ESTABLISHED FROM MONUMENTS AS SHOWN THEREON.

RESOLUTION NO.
Adopted by the Sacramento City Council

**DECLARATION OF OFFICIAL INTENT
OF CITY OF SACRAMENTO
TO REIMBURSE CERTAIN EXPENDITURES
FROM PROCEEDS OF OBLIGATION**

BACKGROUND

- A. The City of Sacramento ("City") intends to acquire land and construct a storm water detention basin in the 65th Street Redevelopment Area (the "Project").
- B. The City anticipates that it may pay certain expenditures (the "Reimbursement Expenditures") in connection with the Project prior to incurring indebtedness for the purpose of financing costs associated with the Project on a long-term basis.
- C. The City reasonably expects that a financing arrangement (Obligation") in an amount not expected to exceed 4 Millions Dollars (\$4,000,000.00) will be entered into and that certain proceeds of such Obligation, if entered into, will be used to reimburse the Reimbursement Expenditures.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

- Section 1. The City Council finds and determines that the recitals set forth above are true.
- Section 2. This declaration is made solely for purposes of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations, and does not bind the City to make any expenditure, incur any indebtedness, or proceed with the Project.
- Section 3. The City hereby declares its official intent to use proceeds of the Obligation, if entered into, to reimburse itself for Reimbursement Expenditures.
- Section 4. All of the Reimbursement Expenditures defined herein were made no earlier than 60 days prior to the date of this declaration. The City will allocate proceeds of the Obligation, if entered into, to pay Reimbursement Expenditures within eighteen (18) months after the later of the date the

original expenditure is paid or the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid.

Section 5. This declaration shall be effective on and after the date of adoption of this Resolution.