

RESOLUTION NO. 2005-916

Adopted by the Sacramento City Council

December 13, 2005

ACQUIRING 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".

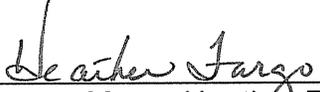
Adopted by the City of Sacramento City Council on December 13, 2005 by the following vote:

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

Noes: None.

Abstain: None.

Absent: None.



Mayor Heather Fargo

Attest:



Shirley Concolino, City Clerk

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

Basin Property at Broadway and 65th Street

PARCEL MAP

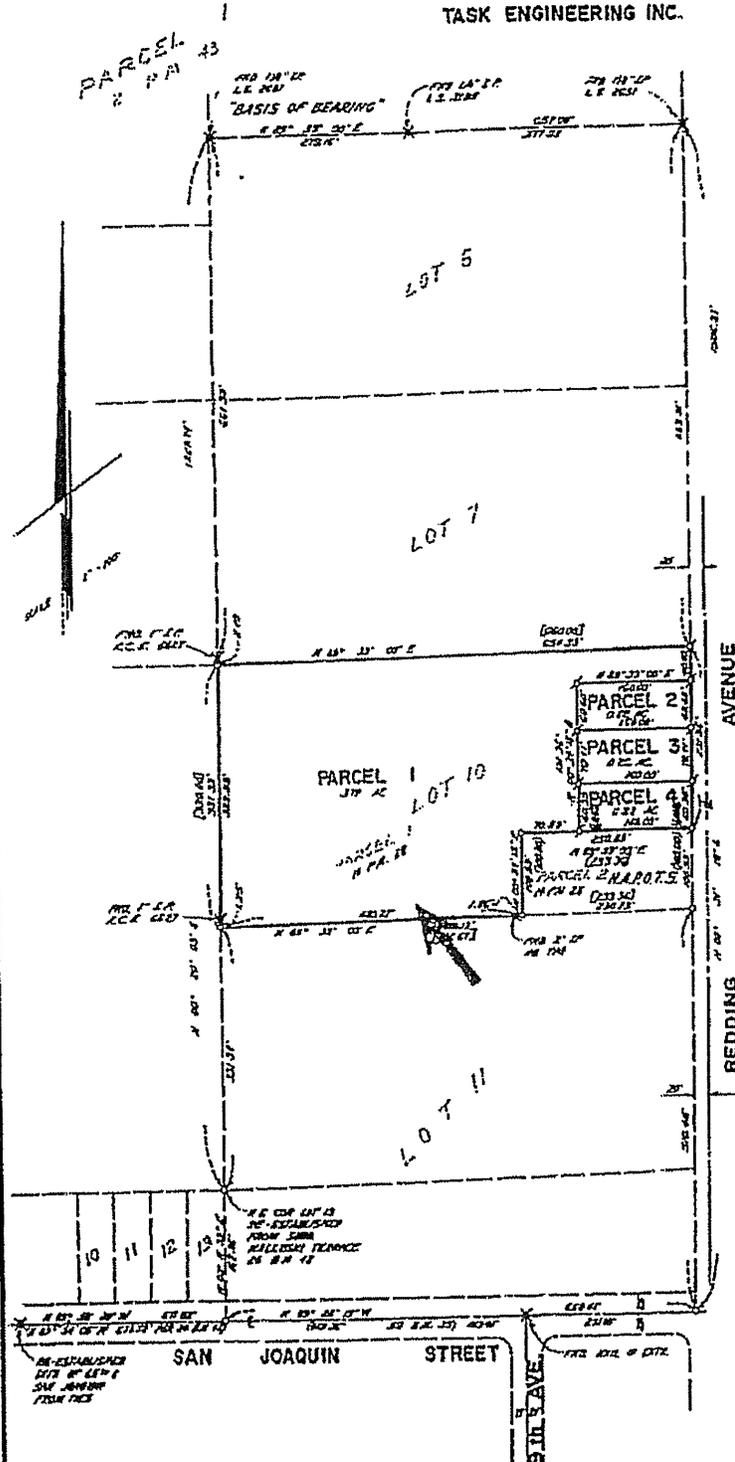
POR. LOT 10 MAP OF A.B. DAVIS
HOMESTEAD FARM
2 B.M. 2

CITY OF SACRAMENTO CALIFORNIA
SCALE 1" = 100'
JULY, 1978

TASK ENGINEERING INC.

EXHIBIT B

Page 1 of 2



OWNER'S CERTIFICATE:

THE UNDERSIGNED HEREBY CONSENT TO THE PREPARATION AND RECORDING OF THIS MAP

Alfred C. Bensen
ALFRED C. BENSEN
PUBLIC ENGINEER

William Henry Bensen
WILLIAM HENRY BENSEN JR.
PUBLIC ENGINEER

Alfred Charles Bensen
ALFRED CHARLES BENSEN
PUBLIC ENGINEER

Ernest J. Bensen
ERNEST J. BENSEN
PUBLIC ENGINEER

Harold W. Young
HAROLD W. YOUNG
PUBLIC ENGINEER

Stanley E. Bensen
STANLEY E. BENSEN
PUBLIC ENGINEER

NOTARY CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF SACRAMENTO

ON THIS 13th DAY OF JULY, 1978, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY APPEARED ALFRED C. BENSEN, WILLIAM HENRY BENSEN JR., ALFRED CHARLES BENSEN, STANLEY E. BENSEN, HAROLD W. YOUNG, AND ERNEST J. BENSEN, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME

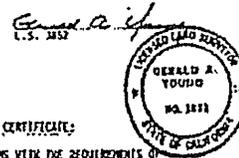
IN WITNESS WHEREOF I HAVE HEREON SET MY HAND AND AFFIXED MY OFFICIAL SEAL, THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN

Walter S. ...
NOTARY PUBLIC IN AND FOR
SAID COUNTY AND STATE



RECORDER'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 GAGG 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 GENERAL 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

Eric Gagg
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 10 MAP OF A.B. DAVIS HOMESTEAD FARM 2 B.M. 2

Ann Marie ...
CITY CLERK

139790

RECORDER'S CERTIFICATE:

FILED THIS 13th DAY OF JULY, 1978 AT 10:00 AM IN BOOK 122 OF PARCEL MAPS AT PAGE 1 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.

Alvin V. Rodda
COUNTY RECORDER

Harold W. Young
NOTARY

LEGEND:

- SEE SURV. BEARING & PLASTIC TAP STAMPED L.S. 3052 ----- B
- FOUND MONUMENT AS NOTED ----- X
- DIMENSION POINT ----- O
- RECORD AS SHOWN ----- C
- RECORD PER 14 P.M. 70 ----- E 3

BASES 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 47. THIS WAS ESTABLISHED FROM MONUMENTS AS SHOWN HEREON.

Basin Property at Broadway and 65th Street

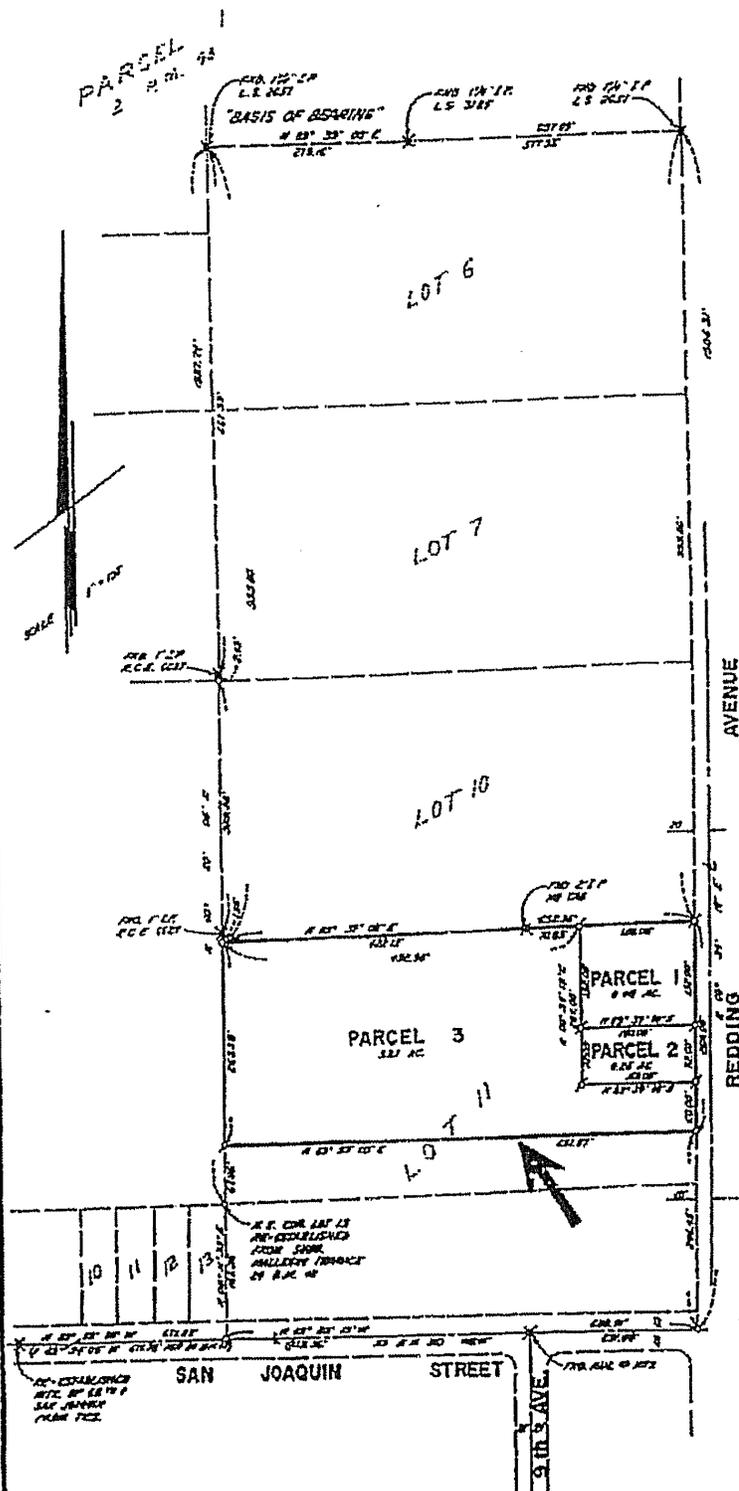
PARCEL MAP

POR. LOT 11 MAP OF A.B. DAVIS
HOMESTEAD FARM
2 B.M. 2

CITY OF SACRAMENTO CALIFORNIA
SCALE 1" = 100' JULY, 1978
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
 DOMESTIC PARTNER

Katherine O. Davis
 KATHERINE O. DAVIS
 DOMESTIC PARTNER

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 CROCIPO SPADAROTTO AND ELIZABETH SPADAROTTO, 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 HEREIN SET MY HAND AND AFFIXED MY OFFICIAL SEAL, THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

OFFICIAL SEAL
 NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

Walter S. ...
 WALTER S. ...

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 ERIC GRACE IN JUNE 1978. I HEREBY STATE THAT THE PARCEL MAP PRECEDENTS OF THE LOCAL AGENCY HAVE BEEN COMPLIED WITH AND THAT THIS PARCEL MAP CONFORMS TO THE APPROVED NEGATIVE MAP AND THE CONDITIONS OF APPROVAL THEREOF WHICH WERE REQUIRED TO BE FULFILLED PRIOR TO THE FILING OF THE PARCEL MAP.

Ernest A. Young
 ERNEST A. YOUNG
 80, 2432
 STATE OF CALIFORNIA

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

...
 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

...
 CITY CLERK

139791
RECORDER'S CERTIFICATE:
 FILED THIS 11th DAY OF JULY, 1978 AT 10:42 A.M. IN BOOK 424 OF PARCEL MAPS AT PAGE 66 AT THE REQUEST OF TASK ENGINEERING.

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

Alvin V. Rodda
 ALVIN V. RODDA
 REC'D

LEGEND:
 SEE 3/77 REBAR W/PLASTIC CAP STAMPED L.S. 1977
 FOUND POINTMENT RE MARKED
 DIMENSION POINT
 RECORD AS SHOWN

BASES 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 POINTS AS SHOWN HEREON.