

RESOLUTION NO. 2006-262

Adopted by the Sacramento City Council

April 18, 2006

ACQUIRING 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 & B". 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 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 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 B.

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 B.

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 Section 7267.2 of the Government Code has been made or provided to the owner or representatives of the owners of record.
- e. The notice required under 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.

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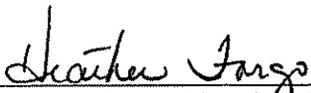
Adopted by the City of Sacramento City Council on April 18, 2006 by the following vote:

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

Noes: None.

Abstain: None.

Absent: Councilmember Sheedy.



Mayor Heather Fargo

Attest:



Shirley Concolino, City Clerk

EXHIBITS A
AND
EXHIBITS B

BELL MARINE CO. INC.

APN: 001-0070-025 & 026

LEGAL DESCRIPTIONS
AND
PLAT MAPS

EXHIBIT A
LEGAL DESCRIPTION

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 3 as described in Book 830504 of Official Records, Page 744, described as follows:

Beginning at the southeast corner of said Parcel 3, said point being on the southerly line of a 1.884 acre tract of land as described in Book 537 of Official Records, Page 127, located North 64° 25' 10" West 32.24 feet, North 54° 54' 54" West 172.80 feet, and North 59° 10' 50" West 206.31 feet from the southeast corner of said 1.884 acre tract; thence from said point of beginning, coincident with said southerly line North 64° 49' 20" West 276.01 feet; thence North 77° 06' 35" West 116.41 feet to the center line of 10th Street produced; thence coincident with said center line North 19° 07' 00" East 74.47 feet; thence along a curve to the right concave southerly having a radius of 776.36 feet and an arc length of 273.21 feet, subtended by a chord bearing South 68° 32' 42" East 271.80 feet; thence South 58° 27' 47" East 121.46 feet to the easterly line of said Parcel 3; thence coincident with said easterly line, South 19° 07' 00" West 53.76 feet to the point of beginning containing 26,662.353 square feet, more or less.



EXHIBIT B



SCALE.
1"=100'

AMERICAN RIVER

R=776.36'
Δ=20°09'48"
L=273.21'
S 68°32'42"E 271.80'

COUNTY RECREATION EASEMENT
BK 840216 O.R. 436

BK 830504 O.R. 0744
PARCEL 3

N 19°07'00"E
74.47'

S 58°27'47"E 121.46'

N 77°06'35"W
116.41'

S 19°07'00"W 53.76'

N 64°49'20"W 276.01'

TOTAL DESCRIBED AREA=
26,662.353 SQ. FT.
0.6121 ACRES

BK 830504 O.R. 0744
PARCEL 2

BK 3442 OR 178

POINT OF BEGINNING

SE CORNER 1.884 ACRE
BK 537 O.R. PG 127

N 54°54'10"W 172.80'
BK 3507 O.R. 633



BK 960910 O.R. 0618

CL 10TH STREET

PLAT MAP
TWO RIVERS TRAIL
CITY OF SACRAMENTO

OCTOBER 2005

EXHIBIT A

LEGAL DESCRIPTION

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 Book 830504 of Official Records, Page 744, described as follows:

A strip of land 20 feet wide, the centerline of which is described as follows:

Beginning at a point on the easterly line of said Parcel 2, from which the southeast corner of said Parcel 2 bears South 20° 58' 30" West 57.10 feet, said corner also the southeast corner of a 1.884 acre tract of land as described in Book 537 of Official Records, Page 127, from which a concrete monument set on the centerline of 12th Street as shown on a record of survey in Book 4 of Surveys, Map No 6, Sacramento County Records bears South 20° 58' 30" West 711.95 feet, South 53° 35' 44" East 39.71 feet, and South 19° 0' 26" West 41.41 feet; thence, from said point of beginning, along a curve to the right concave northeasterly having a radius of 3200.00 feet and an arc length of 239.94 feet, subtended by a chord bearing North 60° 34' 18" West 239.88 feet; thence North 58° 27' 47" West 170.00 feet to the westerly line of said Parcel 2 containing 8198.70 square feet, more or less.

The sidelines of said strip shall be lengthened or shortened as to begin and terminate in the easterly and westerly lines of said Parcel 2.



AMERICAN RIVER



SCALE:
1"=80'

COUNTY RECREATION EASEMENT
BK 840216 O.R. 436

TOTAL DESCRIBED AREA=
8,198.70 SQ. FT.

BK. 830504 O.R. 0744
PARCEL 2

BK. 830504 O.R. 0744
PARCEL 3

BK. 3442 O.R. 176

N 58°27'47"W 170.00'

R=3200'
Δ=4°17'46"
L=239.94'
N 60°34'18"W 239.88'

20' 10"

POINT OF BEGINNING

SE CORNER 1884 ACRE
BK 537 O.R. PG 127

S 20°58'30"W
57.10'

BK. 3507 O.R. 633



S 20°58'30"W 711.95'

S 53°35'44"E 39.71'

CL 12TH ST

S 19°05'26"W 41.41'

MONUMENT PER
4 O S 6

PLAT MAP
TWO RIVERS TRAIL
CITY OF SACRAMENTO

OCTOBER 2005

**EXHIBITS A
AND
EXHIBITS B**

CAPITOL STATION 65 LLC

APNs: 001-0020-003,034,036,044 & 045

**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 Parcel No. 9 as shown on that certain Record of Survey filed in the office of the Recorder of Sacramento County, California, on October 30, 1968, in Book 26 of Surveys, Map No. 28, described as follows:

All that portion south of the following described line:

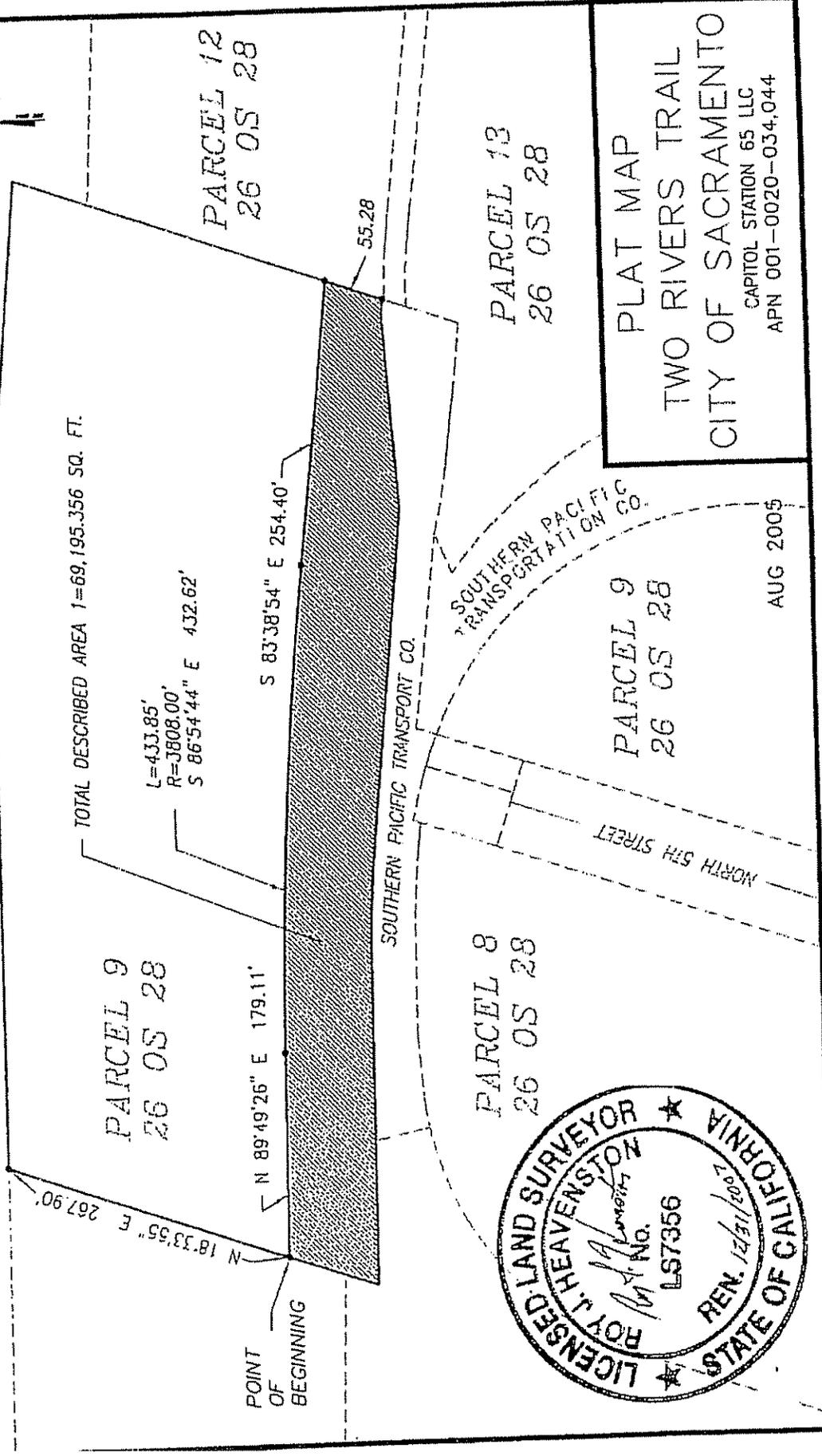
Beginning at a point on the westerly line of said Parcel from which the northwest corner of said Parcel bears North 18° 33' 55" East, 267.90 feet; thence North 89° 49' 26" East, 179.11 feet; thence on a curve to the right having a radius of 3808.00 feet and an arc length of 433.85 feet, subtended by a chord bearing South 86° 54' 44" East, 432.62 feet; thence South 83° 38' 54" East, 254.40 feet to the east line of said Parcel, containing 69,195.356 square feet more or less.



EXHIBIT B

AMERICAN RIVER

SCALE:
1" = 120'



PLAT MAP
TWO RIVERS TRAIL
CITY OF SACRAMENTO
CAPITOL STATION 65 LLC
APN 001-0020-034,044

AUG 2005



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 12 as shown on that certain Record of Survey filed in the office of the Recorder of Sacramento County, California, on October 30, 1968, in Book 26 of Surveys, Map No. 28, 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 easterly line of said Parcel No. 12 from which the northeast corner of said Parcel bears North 18° 29' 45" East, 319.04 feet; thence from said point of beginning on a curve to the left, having a radius of 2356.00 feet and an arc length of 347.91 feet, subtended by a chord bearing North 78° 56' 03" West, 347.59 feet; thence North 83° 09' 53" East, 362.82 feet to a point on the westerly line of said Parcel said point lying distant thereon 46.72 feet from the southwesterly corner of said Parcel, containing 14,218 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.

1.



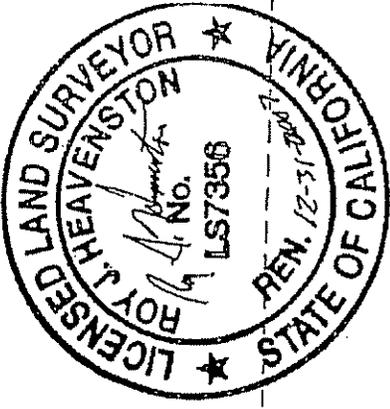


EXHIBIT B

AMERICAN RIVER

R/W LINE PER DEED
CAPITAL STATION 65
TO CO. OF SACRAMENTO
BK 441 O.R. PG 103

SCALE.
1" = 100'

PARCEL 12
26 OS 28

N 83°09'53" W 362.82'

L=347.91'
R=2356.00'
N 78°56'03" W 347.59'

10' 20'

46.72'

SOUTHERN PACIFIC TRANSPORT CO.

TOTAL AREA= 14.218 SQ. FT.

PARCEL 13
26 OS 28

PARCEL 14
26 OS 28

POINT
OF
BEGINNING

PLAT MAP
TWO RIVERS TRAIL
CITY OF SACRAMENTO
CAPITOL STATION 65 LLC
APN 001-0020-003

AUG 2005

**EXHIBITS A
AND
EXHIBITS B**

DEMICHELI TRUST

APNs: 001-0070-022 & 039

**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 and designated "Part 2" in the deed from William H Basler and wife to Pacific Gas and Electric Company dated April 3, 1926 and recorded in Book 64 of Official Records, Page 350, Sacramento County Records, described as follows:

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

Commencing at a point on the northeast corner of said Part 2, from which the intersection of the centerline of 16th Street with the centerline of North B Street bears South 19° 23' 30" West, 1105.5 feet and South 0° 52' 15" West, 2398.0 feet; thence, from said point of commencement, along the easterly line of said Part 2, South 19° 23' 30" West 161.26 feet to the True Point of Beginning; thence from said point of beginning on a curve to the left concave southwesterly, having a radius of 393.22 feet and an arc length of 51.72 feet, subtended by a chord bearing North 37° 19' 25" West, 51.68 feet to a point on the westerly line of said Part 2 said point lying distant thereon 150.02 feet from the northwest corner of said Part 2, containing 1,033 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.



EXHIBIT B

AMERICAN RIVER



POINT OF COMMENCEMENT

NORTHEAST CORNER



SCALE: 1" = 50'

TOTAL AREA=1,033 SQ FT

001-0070-003
COUNTY OF SACRAMENTO

SOUTHERN PACIFIC
TRANSPORT CO.

001-0070-009
DEMICHELI FAMILY TRUST

'PART 2'
64 O.R. 350

001-0070-029
HART ENTERPRISES L.P.

001-0070-005
HART ENTERPRISES L.P.

TRUE POINT OF BEGINNING

150.02'

L=51.72'

R=393.22'

N 37°19'25" W 51.68'

S 19°23'30" W 161.26'

10'

20'

PLAT MAP
TWO RIVERS TRAIL
CITY OF SACRAMENTO
DEMICHELI FAMILY TRUST
APN 001-0070-022, 038, 039

AUG 2005

**EXHIBITS A
AND
EXHIBITS B**

GROVE INVESTMENT COMPANY

APNs: 001-0200-033 & 038

**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 those lands designated "Southern Pacific Company" as shown on that certain Record of Survey filed in the office of the Recorder of Sacramento County, California, on October 30, 1968, in Book 26 of Surveys, Map No. 28, described as follows:

Beginning at the most northerly corner of Parcel No. 10, as shown on said Record of Survey, said corner being identical with the most easterly corner of that portion of 5th Street vacated and abandoned by City of Sacramento Ordinance No. 2680, recorded in the Office of said Recorder, in Book 6608-30 of Official Records, at page 563; thence, from said point of beginning, along the southerly line of said lands, along a curve to the left having a radius of 312.72 feet and an arc length of 43.98 feet, subtended by a chord bearing North 72° 17' 03" West, 43.94 feet; thence North 76° 18' 45" West, 36.20 feet; thence South 18° 29' 45" West, 6.92 feet; thence North 84° 29' 55" West, 27.86 feet; thence along a curve to the left having a radius of 842.78 feet and an arc length of 84.66 feet, subtended by a chord bearing North 87° 22' 35" West, 84.62 feet; thence South 89° 44' 45" West, 75.00 feet; thence South 85° 16' 26" West, 64.14 feet; thence along a curve to the left having a radius of 276.84 feet and an arc length of 17.81 feet, subtended by a chord bearing South 79° 53' 05" West, 17.81 feet to the most easterly corner of Parcel "D", as said parcel is shown on that Parcel Map filed in the Office of said Recorder, in Book 18 of Parcel Maps, at Page 35; thence leaving said southerly line, along the easterly line of said Parcel "D", North 12° 07' 11" West, 50.00 feet to the northerly line of said lands; thence, leaving said easterly line, and along said northerly line, North 89° 48' 45" East, 161.31 feet; thence along a curve to the right having a radius of 1009.75 feet and an arc length of 101.43 feet, subtended by a chord bearing South 87° 18' 35" East, 101.39 feet; thence South 84° 25' 25" East, 300.33 feet; thence North 85° 54' 35" East, 172.83 feet; thence South 83° 22' 58" East, 14.19 feet; thence leaving said northerly line, South 18° 29' 45" West, 22.88 feet to a point in the northerly boundary of Parcel No. 13 as shown on said Record of Survey and in the southerly line of said lands; thence, along the northerly boundary of said Parcel No. 13, and the southerly line of said lands, South 18° 29' 45" West, 49.73 feet; thence along a curve to the left having a radius of 1465.01 feet and an arc length of 39.08 feet, subtended by a chord bearing North 83° 47' 39" West, 39.08 feet to a point of reverse curve; thence along a curve to the right having a radius of 583.14 feet and an arc length of 21.20 feet, subtended by a chord bearing North 83° 31' 01" West, 21.20 feet; thence North 82° 28' 31" West, 68.67 feet; thence along a curve to the right having a radius of 481.15 feet and an arc length of 61.19 feet,

subtended by a chord bearing North $78^{\circ} 49' 56''$ West, 61.15 feet; thence, leaving said northerly boundary and said southerly line, along a non-tangent line, North $83^{\circ} 27' 58''$ West, 173.72 feet; thence South $18^{\circ} 29' 45''$ West, 18.66 feet, containing 30,885.033 square feet, more or less

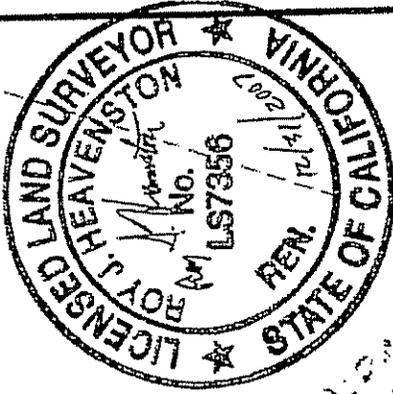
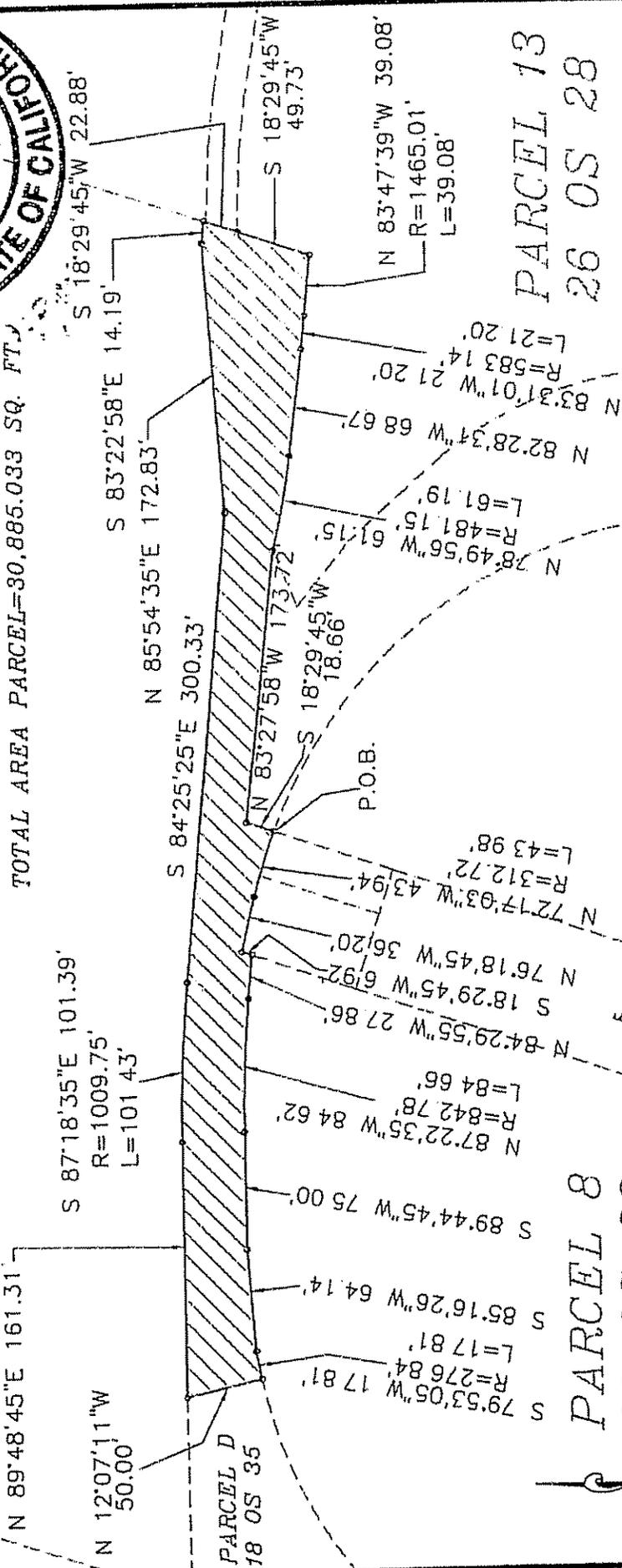


EXHIBIT B

PARCEL 9
26 OS 28

TOTAL AREA PARCEL=30,886.033 SQ. FT.



PARCEL 13
26 OS 28

PARCEL 10
26 OS 28

PARCEL 8
26 OS 28

PLAT MAP

TWO RIVERS TRAIL
CITY OF SACRAMENTO
APN 001-0200-033

FEB. 2006



SCALE:
1"=100'

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 5th Street vacated and abandoned by the City of Sacramento Ordinance No 2680, recorded in the Office of the Recorder of Sacramento County in Book 6608-30 of Official Records, at Page 563, as shown on that certain Record of Survey filed in the office of said Recorder, on October 30, 1968, in Book 26 of Surveys, Map No. 28, described as follows:

Beginning at the most northerly corner of Parcel 10 as shown on said Record of Survey, said corner being identical with the most easterly corner of that portion of said 5th Street vacated and abandoned; thence from said point of beginning, South 18° 29' 45" West, 82.87 feet; thence North 71° 30' 15" West, 30.00 feet; thence North 18° 29' 45" East, 83.13 feet to a non-tangent curve; thence along a curve to the right with a radius of 312.72 feet and an arc length of 30.00 feet, subtended by a chord bearing South 71° 00' 17" East, 30.00 feet, containing 2,497.201 square feet, more or less.



EXHIBIT B



PARCEL 9
26 OS 28

S 71°00'17"E 30 00'
R=312.72'
L=30 00'

TOTAL AREA=2,497.201 SQ FT

POB

N 18°29'45"E 83.13'

S 18°29'45"W 82.87'

N 71°30'15"W
30.00'

PARCEL 8
26 OS 28

PARCEL 10
26 OS 28

NORTH 5TH STREET

SCALE:
1"=50'

PLAT MAP
TWO RIVERS TRAIL
CITY OF SACRAMENTO

FEB 2006

**EXHIBITS A
AND
EXHIBITS B**

ICE BEAR INC.

APNs: 001-0200-025 & 037

**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 located in Parcel D as said parcel is shown on that certain Parcel Map filed in the office of the Recorder of said County in Book 18 of Parcel Maps, Page 35 in the office of the Recorder of Sacramento County, on July 9, 1974, described as follows:

All that portion northerly of the following described line:

Beginning at a point on the northwesterly line of said Parcel D from which the northwest corner of said Parcel D bears South 84° 16' 00" West, 35 74 feet; thence, from said point of beginning, South 79° 11' 53" East, 19.25 feet; thence on a tangent curve to the left, having a radius of 2100.00 feet and an arc length of 420.53 feet, subtended by a chord bearing South 84° 56' 05" East, 419.82 feet; thence North 89° 19' 42" East, 12.38 feet to a point on the most easterly line of said Parcel D, said point lying distant thereon 28.00 feet from the most easterly corner of said Parcel D, containing 13,736.790 square feet, more or less.



EXHIBIT B

001-0200-009
SANTA FE SOUTHERN
PACIFIC CO.

SCALE.
1" = 80'



A.R.F.C.D. R/W AS PER O.R. BK 422 PG 477

NORTHWEST CORNER

S 84°16'00" W 35.74'

P.O.B.

S 79°11'53" E 19.25'

L=420.53'
R=2100.00'
S 84°56'05" E 419.82'

28.00'

EASTERLY CORNER
N 89°19'42" E 12.38'

PARCEL 8
26 OS 28

TOTAL AREA = 13,736.790 SQ. FT.

18 PM 35
PARCEL 'D'

18 PM 35
PARCEL 'C'

001-0020-044
CAPITAL STATION 65

SOUTHERN PACIFIC TRANSPORT
EASEMENT BK904-18 OR PG 105

PLAT MAP
TWO RIVERS TRAIL
CITY OF SACRAMENTO
ICE BEAR, INC.
APN 001-0200-025, 037

AUG 2005