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DEPARTMENT OF  
PUBLIC WORKS

CITY OF SACRAMENTO  
CALIFORNIA

1231 I STREET, 2<sup>nd</sup> Floor  
SACRAMENTO, CA 95814-2700

DEVELOPMENT SERVICES DIVISION

PH. (916) 264-7995  
FAX (916) 264-8450

October 8, 2001

City Council  
Sacramento, California

Honorable Members in Session:

AG 2001-194

**SUBJECT: APPROVAL OF SUPPLEMENT TO THE SUBDIVISION IMPROVEMENT AGREEMENT FOR RIVER VIEW UNIT 1 VILLAGE A RELATING TO FUNDING FOR ACQUISITION OF OFF-SITE REAL PROPERTY BY EMINENT DOMAIN (P98-079)**

**LOCATION/COUNCIL DISTRICT:**

North Natomas – South of San Juan Road and East of the West Drainage Canal.  
Council District 1

**RECOMMENDATION:**

This report recommends the City Council approve the attached resolution relating to a supplement to the Subdivision Improvement Agreement for River View Unit 1 Village A.

**CONTACT PERSONS:**

Fritz Buchman, Senior Engineer, 264-7493  
Bob Robinson, Supervising Surveyor, 264-8970

**FOR COUNCIL MEETING OF:** October 30, 2001

**SUMMARY:**

On July 18, 2001, the City Council approved a Final Map and Subdivision Improvement Agreement for River View Unit 1 Village A. The Subdivider, Gateway South, LLC, is required under the terms of the agreement to construct improvements that necessitate dedication of easements on land not belonging to the Subdivider. The Subdivider's negotiations to acquire these easements from the property owner have reached an impasse, and the Subdivider has requested that the City initiate proceedings to acquire the necessary easements through eminent domain proceedings, pursuant to Government Code Section 66462.5.

City Council  
Supplement to the Subdivision Improvement Agreement For River View Unit 1 Village A  
October 8, 2001

The supplement to the Subdivision Improvement before the City Council requires the Subdivider to pay all costs associated with the acquisitions and to waive the 120-day time limit to commence eminent domain proceedings imposed by the above-referenced Government Code section. The supplement to the Subdivision Improvement Agreement requires approval by the City Council, as did the original agreement. See Exhibit "A-1" through "A-3" for project location.

**COMMITTEE/COMMISSION ACTION:**

None.

**BACKGROUND INFORMATION:**

On July 18, 2001, the City Council approved a Final Map and Subdivision Improvement Agreement for River View Unit 1 Village A. The Subdivider, Gateway South, LLC, is required under the terms of the agreement to construct roadway improvements that necessitate dedication of easements on land belonging to Mr. & Mrs. Donald Rosa and the Rosa Testamentary Trust. The improvements are necessary to provide a safe roadway of adequate capacity to serve the residents within the River View PUD.

The Subdivider has been unable to acquire necessary off-site easements for the roadway improvements and has requested that the City acquire the easements through eminent domain proceedings, pursuant to Government Code Section 66462.5.

**FINANCIAL CONSIDERATIONS:**

All costs are being paid by the Subdivider, Gateway South, LLC, A California Limited Liability Company.

**ENVIRONMENTAL CONSIDERATIONS:**

On July 27, 2000, the City Planning Commission adopted a Notice of Decision ratifying the Negative Declaration and approving the Mitigation Monitoring Plan for this project.

**POLICY CONSIDERATIONS:**

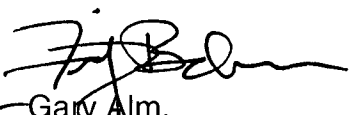
Pursuant to Government Code Section 66462.5, approval of a Final Subdivision Map cannot be refused because a subdivider is unable to obtain dedications necessary to install off-site improvements. However, the aforementioned section provides that the local jurisdiction may initiate eminent domain proceedings to acquire the necessary dedications within 120 days of Final Subdivision Map approval at the Subdivider's cost. In the supplement to the Subdivision Improvement Agreement before the City Council, the Subdivider waives the 120-day time limit, as the City is unable to meet this time frame, and agrees to pay all costs associated with the necessary acquisition.

City Council  
Supplement to the Subdivision Improvement Agreement For River View Unit 1 Village A  
October 8, 2001

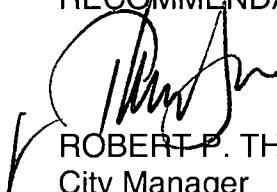
**ESBD CONSIDERATIONS:**

City Council adoption of the attached resolution is not affected by City policy related to the ESBD Program.

Respectfully submitted,

  
for Gary Alm,  
Manager, Development Services

RECOMMENDATION APPROVED:

  
ROBERT P. THOMAS  
City Manager

Approved:  
  
Michael Kashiwagi  
Director of Public Works

FB/pt

T:\Council\p98-079 River View #1\ Village A Agreement Condemnation Supplement ccltr.doc

SAN JUAN ROAD

35' ESMT FOR PUBLIC HIGHWAY  
OR ROAD PURPOSES TO SAC. COUNTY  
PER 264 O.R. 394

RIGHT-OF-WAY

25' R/W

LOT 2  
NATOMAS RIVERSIDE SUBDIVISION NO. 2

15 B.M. 41

225-0220-014

SACRAMENTO COUNTY, CALIFORNIA

RIGHT-OF-WAY  
LOT 2 - 15 B.M. 41

SCALE: 1"=50'



18 16  
21 22

N35°48'45" W  
43.02' (ME)

EL CENTRO ROAD

CIVIL ENGINEER  
WOOD RODGERS INC.  
2201 G ST. #1008 SACRAMENTO, CA 95816  
PHONE: (916) 241-1700

EXHIBIT "A-2"  
Depiction of Drainage Easement

**DRAINAGE EASEMENT**

**LOTS 1 & 2 - 15 B.M. 41**

SACRAMENTO COUNTY, CALIFORNIA



SCALE: 1"=200'

GRANT TO SAC COUNTY  
PER 980422 O.R. 1239

**LOT 1**  
**NATOMAS RIVERSIDE SUBDIVISION NO. 2**  
**15 B.M. 41**  
**225-0220-077**

**JUAN ROAD**  
**SAN**

DRAINAGE EASEMENT

35' ESMT FOR PUBLIC HIGHWAY  
OR ROAD PURPOSES TO SAC. COUNTY  
PER 264 O.R. 394

**LOT 2**  
**NATOMAS RIVERSIDE SUBDIVISION NO. 2**  
**15 B.M. 41**  
**225-0220-014**

25' R/W

**EL CENTRO ROAD**

15  
22  
18  
21

N32°55'22" W  
46.35'(TIE)

CIVIL ENGINEERING  
REGISTERED

**WOOD-RODGERS INC.**

3301 O ST. #1008 SACRAMENTO, CA 95816  
PHONE (916) 341-7700



EXHIBIT "A-3"

Depiction of Construction Easement

TEMPORARY CONSTRUCTION EASEMENT

LOTS 1 & 2 - 15 B.M. 41

SACRAMENTO COUNTY, CALIFORNIA



SCALE: 1"=200'

GRANT TO SAC COUNTY  
PER 980422 O.R. 1239

LOT 1  
NATOMAS RIVERSIDE SUBDIVISON NO. 2  
15 B.M. 41  
225-0220-077

JUAN ROAD  
SAN

35' ESMT FOR PUBLIC HIGHWAY  
OR ROAD PURPOSES TO SAC. COUNTY  
PER 264 O.R. 394

TEMPORARY CONSTRUCTION  
EASEMENT

LOT 2  
NATOMAS RIVERSIDE SUBDIVISON NO. 2  
15 B.M. 41  
225-0220-014

25' R/W

EL CENTRO ROAD

15  
22  
16  
21

N17°02'38" W  
86.69' (TIE)

WOOD RODGERS INC.

WOOD RODGERS INC.

3301 G ST. FROM SACRAMENTO, CA 95816  
PHONE (916) 341-7700

**RESOLUTION NO. 2001-718**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**APPROVING SUPPLEMENT TO THE SUBDIVISION IMPROVEMENT AGREEMENT FOR RIVER VIEW UNIT 1 VILLAGE A (P98-079)**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:**

1. The City Manager and City Clerk are authorized and directed to execute on behalf of the City of Sacramento that certain supplement to the Subdivision Improvement Agreement for River View #1 Village between the City and Gateway South, LLC, to provide for the acquisition of easements necessary to install improvements required pursuant to the original Subdivision Improvement Agreement
2. The City Clerk is authorized and directed to record the above-mentioned agreement in the official records of Sacramento County.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

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**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_