

RESOLUTION NO. 2004-059
ADOPTED BY THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO

ON DATE OF

NOV 23 2004

**RESOLUTION OF NECESSITY TO USE EMINENT DOMAIN TO ACQUIRE
PROPERTY LOCATED AT**

Assessors Parcel Number

251 0122 002

Address

3739 Marysville Blvd.

WHEREAS, the Redevelopment Agency of the City of Sacramento ("Agency") has adopted Del Paso Heights Redevelopment Plan ("Redevelopment Plan") and a Five Year Implementation Plan ("Implementation Plan") for the Del Paso Heights Project Area ("Project Area");

WHEREAS, among the 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

WHEREAS, the subject property is located at the intersection of Marysville Boulevard and Grand Avenue and the Del Paso Heights five-year Implementation Plan identifies this as a key intersection for implementation of the Marysville Boulevard Urban Design Plan, which Plan sets a comprehensive set of guidelines for commercial design and streetscape improvements;

WHEREAS, the subject property is vacant and subject to regulatory agency orders to characterize and cleanup soil and groundwater contamination;

WHEREAS, by its Resolution No. 2001-012 adopted on February 6, 2001, the Agency has authorized the purchase of, and determined the amount of just compensation for, that certain real property located at

Assessors Parcel Number

251 0122 002

Address

3739 Marysville Blvd.

and more specifically described in the legal description attached to this resolution as Attachment "A" (the "Subject Parcels"), which purchase is for the express purpose implementing the Marysville Boulevard Urban Design Plan;

WHEREAS, the Agency has, through its counsel, engaged a qualified appraiser who has prepared an appraisal of the fair market value of the Subject Parcel;

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WHEREAS, the Agency has engaged in serious negotiations with the owner of the Subject Parcel for the purpose of purchasing the Subject Parcel, which negotiations have not resulted in a negotiated purchase and sale of the Subject Parcel; and

WHEREAS, the Subject Parcel is properly zoned and situated for redevelopment, and there are no other sites in the Project Area which would be as compatible with the greatest public good and the least private injury as the Subject Parcel for the following reasons, among others:

- (a) The Del Paso Heights Redevelopment Project Area lacks an adequate supply of land for quality commercial development, and would benefit from better use of underused property; and
- (b) The Marysville Boulevard Urban Design Plan identifies the intersection proximate to the Subject Parcel as the key intersection for implementation of the "Town Center strategy," which strategy includes commercial design guidelines that are not met by the Subject Parcel's current condition.

BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO:

Section 1: The above statements are true and correct.

Section 2: The Redevelopment Agency is empowered to acquire the Subject Parcel by eminent domain pursuant to Health and Safety Code Section 33391.

Section 3: The public purpose for which the Subject Parcels are to be acquired is redevelopment, and more specifically for implementation of the Marysville Boulevard Urban Design Plan within the Del Paso Heights Redevelopment Project Area to eliminate blight, to complete environmental clean, and to better use an under-used property.

Section 4: For the foregoing reasons, the Redevelopment Agency of the City of Sacramento finds and determines that:

- (a) The public interest and necessity requires the Marysville Boulevard Urban Design Plan, for the foregoing reasons;
- (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 Subject Parcel is necessary for the proposed project; and
- (d) A resolution approving the appraisal of the property and authorizing the Executive Director to purchase the property has been adopted; purchase offers have been made to the owner of record of the Subject Parcel, as required by; Section 7267.2 of the Government Code; such owner of the Subject Parcel has been given reasonable opportunity to consider, reject or accept such offers.

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Section 5: While continuing to make every reasonable effort to expeditiously acquire the Subject Parcel by negotiation, the Executive Director is authorized:

- (a) to acquire in the name of the Agency, the Subject Parcel;
- (b) to institute and prosecute to conclusion one or more actions in eminent domain to acquire the Subject Parcel and to take action necessary or desirable for such purpose in accordance with applicable law; and
- (c) to deposit the probable amount of just compensation, as fixed by the Executive Director in accordance with law, with the State Treasury, as the case may be, and to make application to the court for an order permitting the Agency to take immediate possession and use of the Subject Parcel.

[Signature]

CHAIR

ATTEST:

SHIRLEY CONCOLINO

SECRETARY

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EXHIBIT A

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

Lots 2 and 3, in Block 16, East Del Paso Heights, according to the official plat thereof, filed in the office of the Recorder of Sacramento County, California, on August 8, 1912, in Book 13 of Maps, Map No. 32. "

EXCEPTING THEREFROM the following:

Beginning at the Northeast corner of said Lot 3, South 01 ° 47' 00" East 34.75 feet; thence South 08° 22' 30" West 91.25 feet; thence South 89° 02' 30" West 10.13 feet; thence North 08° 22' 30" East 92.00 feet; thence North 0° 47' 00" East 4.30 feet; thence curving to the left on an arc of a 20.00 feet radius said arc being subtended by a chord bearing North 46° 22' 15" West 28.08 feet; thence South 89° 02' 30" West 77.29 feet; thence North 01 ° 47' 00" West 10.00; thence North 89° 02' 30" East 107.00 feet to the point of beginning.

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