



CITY OF SACRAMENTO

DEPARTMENT OF PUBLIC WORKS

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ENGINEERING DIVISION

THOMAS M. FINLEY
Engineering Division Manager

CITY MANAGER'S OFFICE
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APR 17 1985

April 9, 1985

City Council
Sacramento, California

Honorable Members In Session:

SUBJECT: Acquiring the Necessary Parcel for Widening Franklin Boulevard between Brookfield Drive and Mack Road

SUMMARY

It is requested that the City Council adopt the Resolution of Necessity to acquire a parcel necessary for the widening of Franklin Boulevard between Brookfield Drive and Mack Road.

BACKGROUND INFORMATION

The City is proposing to widen Franklin Boulevard between Brookfield Drive and Mack Road. Three properties must be acquired on the west side of Franklin Boulevard.

Two of the owners will sell their parcels to the City through normal negotiations. The other parcel is in bankruptcy court and the owners cannot sell the parcel without court approval. Therefore, to acquire the parcel so that this project can be completed in a timely manner, it will be necessary to exercise the City's power of Eminent Domain.

FINANCIAL

The City Council has approved \$18,855 in the Public Works Budget from Major Street Construction funds (2-09-3132-2484-4813, to acquire the parcel. The amount set aside for Big-Mack Duplexes, Ltd., a California Limited Partnership is \$8,680.

APPROVED
BY THE CITY COUNCIL

APR 25 1985

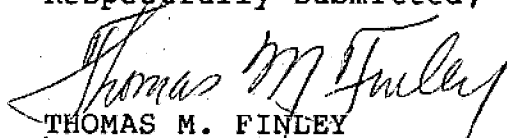
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City Council
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RECOMMENDATION

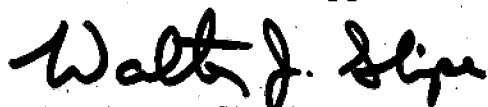
It is recommended that the Resolution of Necessity for Acquisition of the parcel be adopted.

Respectfully submitted,



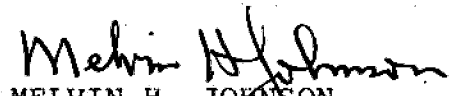
THOMAS M. FINLEY
Engineering Division Manager

Recommendation Approved:



WALTER J. SLIPE
City Manager

Approved:



MELVIN H. JOHNSON
Director of Public Works

EF:yg
Attachments

April 23rd, 1985
District No. 7

April 23, 1985
CITY COUNCIL OF THE CITY OF SACRAMENTO

In the Matter of The Widening of)
Franklin Boulevard and Brookfield) ENGINEER'S REPORT
Drive South to Mack Road)
City Project No. 2484)

A Public Hearing is scheduled for this date pertaining to the acquisition of a parcel necessary for the widening of Franklin Boulevard and Brookfield Drive south to Mack Road.

This proposed project has been undertaken due to the following facts and will provide the following benefits:

1. That the City Council approved the Community Plan for Southgate in November, 1965.
2. That on September 28, 1984, the Director of Public Works declared the project to be categorically exempt from filing an environmental impact report.
3. That in order for the City of Sacramento to widen said Franklin Boulevard requires the acquisition of additional right-of-way described as City Project Parcel No. 9729-2.
4. That the right-of-way necessary to widen Franklin Boulevard and Brookfield Drive south to Mack Road will be a partial take and no structures are being acquired, therefore, no homeowner or business will be required to move.

5. That on March 19, 1985, the City Council adopted the Resolution Authorizing Giving Notice of Intent to Adopt Condemnation Resolution to acquire said Parcel.

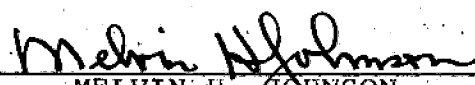
6. That on March 20, 1985, the City Clerk mailed, by certified mail, a notice of a Hearing to be held on April 23, 1985 for the adoption of the Resolution Authorizing Acquisition of Property By Exercise of the Power of Eminent Domain to the owner of said Parcel.

7. That the final day for receiving written request to appear and be heard by the Council was April 16, 1985.

8. That no written protests have been received by the City Clerk prior to April 16, 1985.

It is recommended that the Hearing be closed and the attached Resolution Authorizing Acquisition of Property by Exercise of the Power of Eminent Domain be adopted.

EXECUTED THIS 23RD DAY OF APRIL, 1985.



MELVIN H. JOHNSON
DIRECTOR OF PUBLIC WORKS

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RESOLUTION NO. 85-304

Adopted by The Sacramento City Council on date of

APRIL 23RD, 1985

RESOLUTION OF NECESSITY: ACQUISITION OF
PARCEL 9729-2 FOR THE PROPOSED FUTURE
WIDENING OF FRANKLIN BOULEVARD AND
BROOKFIELD DRIVE SOUTH TO MACK ROAD

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO,
TWO-THIRDS OF ALL MEMBERS OF SAID COUNCIL VOTING IN FAVOR
THEREOF:

1. That the City of Sacramento intends to acquire through the exercise of the power of eminent domain the real property or interests in real property hereinafter described as Parcel 9729-2 (herein referred to as the "Subject Parcel").

2. That the City of Sacramento intends to acquire the Subject Parcel in fee simple absolute unless a lesser estate is expressly specified in the description of said parcel.

3. That the Subject Parcel is to be taken for the following public use: building site for widening of Franklin Boulevard and Brookfield Drive south to Mack Road.

4. That the statute or statutes authorizing the City of Sacramento to acquire the Subject Parcel for the above-mentioned public purposes are as follows: Government Code, Section 37350.5.

5. That the Subject Parcel is generally located in the vicinity of Franklin Boulevard and Brookfield Drive south to Mack Road.

6. That the City Council declares that it has found and determined each of the following:

a. The public interest and necessity require the parcel for the future widening of Franklin Boulevard and Brookfield Drive south to Mack Road.

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b. The parcel is 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 future widening of Franklin Boulevard and Brookfield Drive south to Mack Road.

7. That the City of Sacramento, a municipal corporation, its appropriate officers, employees and agents, are hereby authorized and empowered:

a. To acquire in fee simple in the name of the City of Sacramento, a municipal corporation, the Subject Parcel by condemnation in accordance with the provisions of the Eminent Domain Law of the State of California.

b. To prepare, file and prosecute in the appropriate court, such proceedings in eminent domain as are necessary for the acquisition of the Subject Parcel; and,

c. To deposit the probable amount of compensation, as fixed by the City Council in accordance with law, with the Clerk of the appropriate court and to make application to said court for an order permitting the City of Sacramento to take immediate possession and use of the Subject Parcel.

8. The Subject Parcel, being the real property or interest therein which the City is by this Resolution authorized to acquire is situated in the City of Sacramento, State of California, and described as follows:

EXHIBIT "A"

Parcel 9729-2

A portion of Parcel A as shown and so designated on that certain parcel map filed in the Office of the Recorder of Sacramento County, California in Book 40 of Parcel Maps, at Page 34, more particularly described as follows:

Commencing at the northeast corner of said Parcel A being also a point in the centerline of Franklin Boulevard, thence coincident with the northerly boundary of said Parcel A South $68^{\circ} 02' 30''$ West 37.27 feet to the true point of beginning; thence from said true point of beginning, coincident with the westerly right-of-way line of Franklin Boulevard South $14^{\circ} 59' 08''$ East 419.27 feet to a point of cusp being also a point hereinafter referred to as Point "A"; thence leaving said westerly right of way line along the arc of a 1693.00 foot radius curve to the left, said arc being subtended by a chord bearing North $19^{\circ} 09' 16''$ West 44.76 feet; thence North $19^{\circ} 54' 42''$ West 150.00 feet; thence, along the arc of a 1807.00 foot radius curve to the right, said arc being subtended a chord bearing North $16^{\circ} 22' 49''$ West 222.62 feet to a point in the northerly boundary of aforementioned Parcel A; thence coincident with said northerly boundary North $68^{\circ} 02' 30''$ East 21.71 feet to the point of beginning, and containing an area of 0.143 acre more or less and;

Commencing at the southeast corner of said Parcel A being also a point in the centerline of Franklin Boulevard; thence coincident with the northeasterly boundary of said Parcel A North $16^{\circ} 14' 52''$ West 52.08 feet to the northerly line of that drainage easement described in Book 4522 Official Records, Page 722 and Book 730523 Official Records, Page 352 recorded in the Office of said County Recorder; thence, leaving said northeasterly boundary of Parcel A South $89^{\circ} 59' 10''$ West 38.54 feet to the true point of beginning; thence from said true point of beginning South $89^{\circ} 59' 10''$ West 27.56 feet; thence, North $62^{\circ} 38' 16''$ East 26.67 feet to a point on the westerly right-of-way line of said Franklin Boulevard being a point hereinafter referred to as Point "B"; thence, coincident with said right-of-way line, South $16^{\circ} 14' 52''$ East 12.76 feet to the point of beginning and containing an area of 0.004 acre more or less.

Together with an easement for slope purposes on, over and across a strip of land the uniform width of ten (10) feet the northeasterly line thereof beginning at the aforementioned Point B; thence coincident with the westerly right-of-way line of said Franklin Boulevard to the aforementioned Point "A"; along the arc of a 1693.00 foot radius curve to the left, said arc being subtended by a chord bearing North 19° 09' 16" West 44.76 feet; thence North 19° 54' 42" West 150.00 feet; thence, along the arc of a 1807.00 foot radius curve to the right, said arc being subtended by a chord bearing North 16° 56' 29" West 187.28" feet to a point in the southerly line of that drainage easement described in Book 4522, Official Records, Page 722 and Book 730523, Official Records, Page 352, records of said County, being also the point of termination.

Also together with an easement for slope purposes on, over and across a strip of land the uniform width of five (5) feet, the southeasterly line thereof begins at the aforementioned Point "B" thence South 62° 38' 16" West 26.67 feet to the point of termination.

Also together with all existing easements lying within the above described land. The sidelines of the above described easements shall begin and end on the boundary lines of the Grantor herein.

MAYOR

ATTEST:

CITY CLERK