

Meeting Date: 10/22/2013

Report Type: Consent

Report ID: 2013-00679

Title: Update to Real Estate Procedures: Authority to Accept for Recording Certain Documents Conveying Interest or Easement in Real Property and to Determine Just Compensation

Location: Citywide

Issue: Certain procedures for processing documentation related to real property, established in prior Resolutions adopted by City Council, need to be updated to reflect the current organizational structure in the City.

Recommendation: 1) Pass a Resolution a) authorizing the Director of General Services or designee to accept for recordation all deeds or grants conveying any interest in or easement upon real property in the City; and b) repealing Resolution No. 84-537; and 2) pass a Resolution a) authorizing the Director of General Services or designee to determine just compensation for real property to be acquired for City projects; and b) repealing Resolution No. 93-255.

Contact: Ken Hancock, Real Property Agent, 808-5752, Department of General Services

Presenter: None

Department: General Services

Division: Real Estate/Asset Management

Dept ID: 13001551

Attachments:

1-Description/Analysis

2-Resolution 1

3-Resolution 2

City Attorney Review

Approved as to Form

Lan Wang

10/11/2013 2:14:41 PM

City Treasurer Review

Reviewed for Impact on Cash and Debt

Russell Fehr

10/4/2013 11:32:31 AM

Approvals/Acknowledgements

Department Director or Designee: Reina Schwartz - 10/11/2013 10:17:04 AM

Description/Analysis

Issue Detail: Beginning in FY2004/05, the Facilities and Real Property Management Division, which includes the Real Estate Services Section, was moved from the Department of Public Works to the Department of General Services. This change in organizational structure caused certain authority for documentation related to the Real Estate Services Section previously delegated to the Director of Public Works to become obsolete. However, previous Resolutions delegating authority to the Director of Public Works were never updated. This report updates the delegated authority to reflect the current organizational structure. The specific Resolutions that need updating are:

- Resolution No. 84-537, which authorized the Director of Public Works to consent to and accept for recordation all deeds or grants conveying any interest in or easements upon real property in the City; and
- Resolution No. 93-255, which authorized the Director of Public Works to determine just compensation for real property to be acquired for City projects.

Policy Considerations: The recommendation to pass a resolution authorizing the Director of General Services or designee to accept for recordation all deeds or grants conveying any interest in or easement upon real property in the City is in accordance with California Government Code 27281, which provides that the City Council may authorize one or more officers or agents to accept and consent to such deeds or grants.

Additionally, passing a resolution authorizing the Director of General Services to determine Just Compensation for real property to be acquired for City projects will streamline the business of government. Since the City Council would approve acquisition funding in a separate step, usually as a component of project funding, this process would not significantly diminish City Council control over City projects.

Economic Impacts: None

Environmental Considerations:

California Environmental Quality Act (CEQA): No environmental review is necessary because the recommendations in this report involve general policy and procedure making and are not considered to be a project in accordance with Section 15378(b)(2) of the CEQA Guidelines.

Sustainability: Not applicable

Commission/Committee Action: None

Rationale for Recommendation: With the change in organizational structure implemented in FY2004/05, the Real Estate Services Section became part of the Department of General Services. The recommendations in this report are necessary to delegate the authority for certain documentation related to the Real Estate Services Section to the Director of General Services or designee.

Financial Considerations: There are no financial considerations associated with this report.

Emerging Small Business Development (ESBD): No goods or services are being purchased as a result of this report.

RESOLUTION NO. 2013-

Adopted by the Sacramento City Council

October 22, 2013

RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES OR DESIGNEE TO ACCEPT FOR RECORDATION ALL DEEDS AND EASEMENTS TO THE CITY OF SACRAMENTO

BACKGROUND

- A. Resolution No. 84-537 authorizes the Director of Public Works to consent to and accept for recordation all deeds, or grants conveying any interest in or easements upon real property in the City of Sacramento. At the time Resolution No. 84-537 was adopted, the City’s Real Estate Services Division was within the Department of Public Works. When the Department of Public Works was reorganized in 2004, Real Estate Services was placed within the Department of General Services where it remains today. This Resolution will authorize the Director of General Services or his or her designee to consent to and accept for recordation all deeds, or grants conveying any interest in or easements upon, real property in the City of Sacramento.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Pursuant to provisions of section 27281 of the Government Code of the State of California, the Director of General Services or his or her designee is hereby authorized and empowered to consent to and accept for recordation all deeds, or grants conveying any interest in or easements upon, real property in the City of Sacramento.

Section 2. Resolution No. 84-537 is hereby repealed.

Adopted by the City of Sacramento City Council on _____, 2013 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Mayor

Attest:

Shirley Concolino, City Clerk

RESOLUTION NO. 2013-

Adopted by the Sacramento City Council

October 22, 2013

RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO DETERMINE JUST COMPENATION FOR ACQUISITION OF REAL PROPERTY FOR CITY PROJECTS

BACKGROUND

- A. Resolution No. 93-255 authorized the Director of Public Works to determine Just Compensation for real property to be acquired for City Projects. At the time Resolution No. 93-255 was adopted, the City’s Real Estate Services Division was within the Department of Public Works. When the Department of Public Works was reorganized in 2004, Real Estate Services was placed within the Department of General Services where it remains today. This Resolution will authorize the Director of General Services or his or her designee to determine Just Compensation.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The Director of General Services is authorized to determine Just Compensation for real property to be acquired for City projects.

Section 2. The determination of Just Compensation shall be made in accordance with applicable laws and regulations, and shall be based upon a real estate appraisal which has been reviewed and been found acceptable by the Real Property Supervisor, as set forth in a review memorandum specifying the nature of the review, the findings of acceptability, and the basis for such findings.

Section 3. Resolution No. 93-255 is hereby repealed.

Adopted by the City of Sacramento City Council on _____, 2013 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

MAYOR

Attest:

Shirley Concolino, City Clerk