



CITY OF SACRAMENTO

~~23A~~ 23A

JAMES P. JACKSON  
CITY ATTORNEY

APPROVED  
BY THE CITY COUNCIL

THEODORE H. KOBAY, JR.  
ASSISTANT CITY ATTORNEY

DEPARTMENT OF LAW  
812 TENTH STREET  
SUITE 201

SACRAMENTO, CA 95814  
TELEPHONE (916) 449-5346

SEP 21 1982

OFFICE OF THE  
CITY CLERK

LELIAND J. SAVAGE  
SAMUEL L. JACKSON  
WILLIAM P. CARNAZZO  
STEPHEN B. NOCITA  
DIANE B. BALTER  
CHRISTINA PRIM  
DEPUTY CITY ATTORNEYS

FILED  
By the City Council  
Office of the City Clerk  
cont. to  
9-21-82  
SEP 14 1982

September 7, 1982

CITY MANAGER'S OFFICE  
RECEIVED  
SEP 7 1982

Honorable City Council  
City of Sacramento  
City Hall  
Sacramento, California

In re: Rescinding Resolution of Necessity for Acquisition  
of Diepenbrock Mansion Property

Members in Session:

SUMMARY

This report recommends rescission of Resolution No. 81-511 adopted July 7, 1981. The law requires payment of the owner's costs and attorney fees incurred during the pendency of the action. This cost is \$24,961.20.

BACKGROUND

On July 15, 1982, the City Attorney reported to the City Council regarding a compromise reached regarding the property located in the 24th and L Street block. A copy of that report is attached. Since condemnation of the property is inconsistent with the actions contemplated by that report, it would appear prudent to rescind the resolution of necessity to prevent increasing liability for costs and attorney fees.

It should be noted that in the event the course of action set forth in the July 15, 1982 report fails, the owner of the property would be in a position to obtain a demolition permit and to demolish the structure for which preservation is sought. The attorney for the owner was on vacation at the time this report was prepared; however, the application contemplated by the July 15, 1982 report has been filed with the City and is being processed.

FINANCIAL DATA

The source of funds for payment of the costs and attorney fees has been identified by the Redevelopment Agency. That report has been presented to the Council by the Agency.

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Honorable City Council  
September 7, 1982  
Page Two

RECOMMENDATION

The City Attorney recommends the City Council rescind Resolution No. 81-511 and authorize payment of the sum of \$24,961.20.

Respectfully submitted,

*Leliand J. Savage*  
LELIAND J. SAVAGE  
Deputy City Attorney

LJS:kn

Attachment

District #1



JAMES P. JACKSON <sup>27A</sup>  
CITY ATTORNEY  
THEODORE H. KOBEY, JR. <sup>23A</sup>  
ASSISTANT CITY ATTORNEY  
LELIAND J. SAVAGE  
SAMUEL L. JACKSON  
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DEPARTMENT OF LAW  
812 TENTH STREET SACRAMENTO, CA 95814  
SUITE 201 TELEPHONE (916) 449-5346

July 15, 1982

Honorable City Council  
City of Sacramento  
City Hall  
Sacramento, California

In re: Diepenbrock Mansion Negotiations

Members in Session:

Since March, Mike Remy, Rich Brown and myself have been meeting in an effort to resolve the problems surrounding the block bordered by 23rd Street, 24th Street, L Street and Capitol Avenue. We have reached an agreement in concept which involves the following points:

1. The Armour House would be moved to the lot located immediately west of the Diepenbrock Mansion. This move would not occur until an appropriate time. The two structures would be zoned RO at appropriate times. The church would have 18 months to conduct a good faith effort to obtain private rehabilitation and restoration of the two buildings either by sale or long term lease. The City would monitor these efforts by appropriate means. In the event that the church was unable to obtain private rehabilitation and restoration of the two buildings in the eighteen-month time period, the City would have six months afterward to attempt to obtain rehabilitation and restoration of the buildings. (The church would not be required to donate the property.) In the event that rehabilitation and restoration was not accomplished in two years, the buildings may be demolished.

2. The buildings owned by the church at 23rd Street and L Street are to remain in status quo until satisfactory arrangements are made for restoration and rehabilitation for the Armour and Diepenbrock buildings or until the expiration of two years. Status quo shall mean that the buildings are to be maintained such that tenants shall remain in the buildings. It should be noted that further investigation by the church regarding insurance problems is required before a precise agreement on the point can be reached. After acceptable arrangements are made for the Diepenbrock and Armour buildings, the church shall attempt to have the buildings at the corner of 23rd and L Streets preserved off-site. In the event the church is unable to do so, the City will be afforded an opportunity to do so.

3. The foregoing shall be included in a development agreement which shall also provide for the following:

a. Authorization for construction of a social hall compatible in appearance with the existing church structure located at 23rd and L Streets.

b. Interim parking use with mitigation measures including screening vegetation and paving including also the parking fronting on Capitol Avenue and to meet applicable parking ordinances with respect to design criteria, but not as to off street parking requirements.

c. Zoning of the church property on the block shall remain unchanged during the term of the development agreement.

d. Alley to be abandoned. Ends to remain open for access and circulation, no permanent improvements to be constructed on right of way.

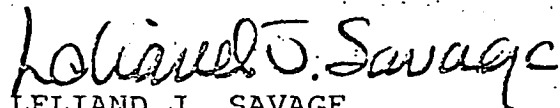
e. Term of the development agreement to be fifteen years.

4. An application for a special permit to continue the school without expansion will be part of the development agreement application.

The procedure for processing the application is contemplated to be as follows. The application shall be filed in the near future. An environmental assessment shall be accomplished. After a notice of determination is filed and the statute of limitations expires, the development agreement shall be negotiated in final form and presented for approval.

We wish to discuss two aspects of this matter with the Council in Executive Session at an early date. These aspects concern rescinding the resolution of necessity and fee arrangements for the environmental assessment.

Very truly yours,



LELIAND J. SAVAGE  
Deputy City Attorney

LJS:kn

Cc's: Walter Slipe  
Rich Brown  
Mike Remy  
Marty Van Duyn

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23A

**RESOLUTION NO. 82-667**

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

RESOLUTION RESCINDING RESOLUTION NO.  
81-511 AND AUTHORIZING THE CITY MANAGER  
TO PAY OWNER'S ATTORNEY FEES AND COSTS

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

That Resolution No. 81-511 is hereby rescinded; and,

Further resolved that the City Manager is authorized to pay  
the property owner's attorney fees and costs in the sum of  
\$24,961.20.

\_\_\_\_\_  
MAYOR

ATTEST:

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

**APPROVED**  
BY THE CITY COUNCIL

SEP 21 1982

OFFICE OF THE  
CITY CLERK



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23B

## SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

CITY MANAGER'S OFFICE  
**RECEIVED**

SEP 7 1982

Sacramento City Council  
Sacramento, California

Honorable Members in Session:

SUBJECT: Payment of Legal Fees Related to Diepenbrock Property

### SUMMARY

This report identifies available Community Development Block Grant (CDBG) funding to cover legal fees incurred by the First Baptist Church as a result of City's intent to acquire the Diepenbrock property.

### BACKGROUND

In 1981, the City denied a request to demolish the Diepenbrock property for parking purposes which had been submitted by the First Baptist Church. The denial was based on the structure's potential historic significance and neighborhood concern. As a result of this action, the City entered into negotiations for acquisition of the property and subsequently adopted a Resolution of Necessity to condemn the site. Since that time, an agreement between the Church and the City Attorney's office has been negotiated which alleviates the need for acquisition. As a result of this agreement, the City Attorney's office will be recommending that City Council rescind the Resolution of Necessity. According to legal protocol, rescission of the resolution will make the City responsible for legal expenses incurred by the Church. Those expenses amount to \$24,961.20

Staff has reviewed available funding sources to cover these legal costs and is recommending that the money be appropriated out of City Community Development Block grant funds allocated to Sacramento Heritage.

### FINANCIAL DATA

The City's Seventh Year (FY-81/82) CDBG Budget included \$50,000 for Sacramento Heritage to pursue an acquisition project. For various reason, Sacramento Heritage decided not to pursue the project, and these funds remain unused. SHRA staff understand that the \$24,961.20 is a maximum and final amount required to settle the Diepenbrock case, and is making the recommendation to utilize CDBG funds on that basis.

**FILED**

By the City Council  
Office of the City Clerk

cont. to  
9-21-82

SEP 14 1982

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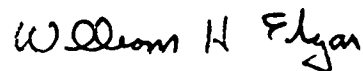
# SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

Sacramento City Council  
Sacramento, California  
Page Two

## RECOMMENDATION

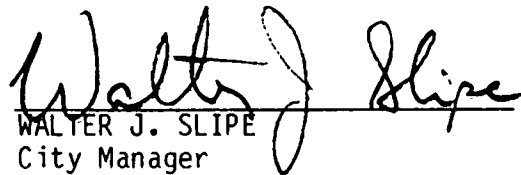
The staff recommends adoption of the attached resolution authorizing the Executive Director of the City Redevelopment Agency to appropriate Fiscal Year 81/82 CDBG funds to cover legal fees associated with the Diepenbrock negotiations.

Respectfully submitted,



WILLIAM H. EDGAR  
Executive Director

TRANSMITTAL TO COUNCIL



WALTER J. SLIPE  
City Manager

Contact Person: Trish Davey

19-14-15B

RESOLUTION

82-668

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Adopted by the City Council of the City of Sacramento on date of

AUTHORIZING THE EXECUTIVE DIRECTOR OF THE REDEVELOPMENT AGENCY TO APPROPRIATE FISCAL YEAR 81/82 CDBG FUNDS TO COVER LEGAL COSTS ASSOCIATED WITH THE DIEPENBROCK PROPERTY

BE IT RESOLVED BY THE SACRAMENTO CITY COUNCIL:

Section 1. That City Council authorize the Executive Director of the City of Sacramento Redevelopment Agency to make available an amount not to exceed \$25,000.00 out of 81/82 CDBG funds allocated to Sacramento Heritage (C-150) to cover legal costs associated with the Diepenbrock property acquisition negotiations. Authorization to appropriate and spend subject funds is dependent upon rescission of the Resolution of Necessity previously adopted for the site.

APPROVED  
BY THE CITY COUNCIL

SEP 21 1982

OFFICE OF THE  
CITY CLERK



19



CITY OF SACRAMENTO

DEPARTMENT OF LAW  
812 TENTH STREET  
SUITE 201  
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WILLIAM P. CARNAZZO  
STEPHEN B. NOCITA  
DIANE B. BALTER  
CHRISTINA PRIM  
DEPUTY CITY ATTORNEYS

June 1, 1982

Honorable City Council  
City of Sacramento  
City Hall  
Sacramento, California

In re: Diepenbrock Mansion

Members in Session:

Since I last reported to you on the referenced matter, progress has been made toward a conceptual settlement. It was necessary this week to obtain additional facts regarding the feasibility of office conversion for the Armour House. It is now necessary for Messrs. Remy and Brown to consult with their respective clients before the attorneys can meet again. I recommend that the matter be continued to June 22, 1982. At that time, if agreement has not been made, I anticipate recommending that the effort be concluded.

Very truly yours,

*Leliand J. Savage*  
LELIAND J. SAVAGE  
Deputy City Attorney

LJS:kn

APPROVED  
BY THE CITY COUNCIL

JUN 1 1982

OFFICE OF THE  
CITY CLERK

*Cont. to  
6-22-82*

FILED  
By the City Council  
Office of the City Clerk  
*Cont to  
6-29-82*  
JUN 22 1982



# CITY OF SACRAMENTO

## OFFICE OF THE CITY CLERK

915 I STREET  
CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814  
TELEPHONE (916) 448-5428

LORRAINE MAGANA  
CITY CLERK

August 20, 1982

Cora Pruett  
2915 H Street  
Sacramento, CA 95814

Dear Ms. Pruett:

I have received your letter requesting to be heard August 24, 1982 on the following matter:

P-82112 Special Permit to modify Special Permit P-9486, 2931 H Street.

Councilman Shore has requested that this matter be continued to the City Council meeting of August 31, 1982. The matter will not be heard on August 24, 1982.

However, I will keep your letter on file and present it to the City Council for the August 31, 1982 meeting.

Please be sure to attend the meeting of August 31, 1982, which will be held at 7:30 p.m., 2nd floor, Council Chamber, 915 I Street, so that you may be heard.

Sincerely,

  
Lorraine Magana  
City Clerk

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CITY CLERKS OFFICE  
CITY OF SACRAMENTO

Aug 19 11 51 AM '82

Aug. 18, 1982

Sacramento City Council  
City Hall  
915 Eye St.  
Room 203  
Sacto., Ca. 95814

Attn: Lorraine Magana

Re: P-82-112 Special Permit to modify Special Permit  
P-9486; 2931 H St., Sacto., Ca.

At the Council meeting Aug. 24, 1982, I would like to be heard.

Thank you,

*Cora Pruett*

Cora Pruett  
2915 H St.,  
Sacto., Ca. 95814