

## **RESOLUTION NO. 2006-391**

Adopted by the Sacramento City Council

May 30, 2006

### **NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR THE TWO RIVERS TRAIL PROJECT (PN: HB66)**

#### **BACKGROUND**

- A. The City of Sacramento intends to acquire through the exercise of the power of eminent domain the real property hereinafter identified as the "Acquisition Parcels". The Acquisition Parcels are located along the south shore of the American River between Interstate 5 and Highway 160, more specifically described in Exhibits "A & A1". The Parcels are to be taken for or in connection with the Two Rivers Trail Project.
- B. The statute authorizing the City of Sacramento to acquire the subject parcels for the above-mentioned public purpose is Government Code, Section 37350.5. An offer as required under Government Code, Section 7267.2 has been made to the owners or representatives of the owners of record.

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

- Section 1. The City of Sacramento intends to acquire, through the exercise of the power of eminent domain, the interests in the real property hereinafter identified as the "Acquisition Parcels", more particularly described in Exhibits A and A1.
- Section 2. The Acquisition Parcels are to be taken for, or in connection with, the Two Rivers Trail Project.
- Section 3. The statute authorizing the City of Sacramento to acquire the Acquisition Parcels for the above-mentioned public purpose is Government Code, Section 37350.5.
- Section 4. The Acquisition Parcels are located along the south shore of the American River between Interstate 5 and Highway 160 in Sacramento, California. The property is more specifically described in the legal descriptions attached hereto as Exhibits A and depicted on the plat maps attached hereto as Exhibits A1.

Section 5. City Council declares that it has found and determined each of the following:

- a. The public interest and necessity require this project known as The Two Rivers Trail Project.
- 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 Acquisition Parcels are needed for the project.
- d. The offer statement and summary of appraisal required under Government Code, Section 7267.2, has been made or provided to the owner or representatives of the owners of record.
- e. The notice required under Code of Civil Procedure, Section 1245.235, has been duly served by first class mail to the fee owners of the properties and the leasehold interests.

Section 6. The City of Sacramento, a municipal corporation, its appropriate officers, employees and agents, are hereby authorized and empowered to:

- a. Acquire in the name of the City of Sacramento, a municipal corporation, the Acquisition Parcels.
- b. Prepare, file and prosecute in the appropriate court, such proceedings in eminent domain as necessary for the acquisition of the real property interest.
- c. Deposit the probable amount of just compensation, as fixed by the Director of General Services in accordance with law, in the State Condemnation Fund and to make application to said court for an order permitting the City of Sacramento to take immediate possession and use of the Acquisition Parcels.

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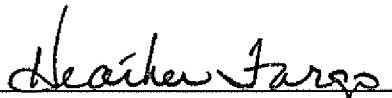
Adopted by the City of Sacramento City Council on May 30, 2006 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell Sheedy, Tretheway, Waters, and Mayor Fargo.


Noes: None.

Abstain: None.

Absent: None.

  
\_\_\_\_\_  
Mayor, Heather Fargo

Attest:

  
\_\_\_\_\_  
Shirley Concolino, City Clerk

EXHIBITS A  
AND  
EXHIBITS A1

**SANTA FE PACIFIC REALTY CORPORATION**

APN(s): 001-0181-005 & 001-0200-009

LEGAL DESCRIPTIONS  
AND  
PLAT MAPS

**EXHIBIT A**  
Description for Two Rivers Trail Easement

All that certain real property situated in the City of Sacramento, County of Sacramento, State of California, described as follows:

All that portion of land described in deed from English Estate Company to Southern Pacific Company, recorded April 19, 1928, in Book 181 of Official Records, Page 257 in the office of the Recorder of Sacramento County, California, lying northerly of the northerly line of Richards Boulevard as described in deed dated December 11, 1945 from Southern Pacific Company to the County of Sacramento, recorded January 3, 1946, in Book 1178 of Official Records, Page 312 of said County, described as follows:

All that portion south of the following described line:

Beginning at a point on the westerly line of said land described in indenture from English Estate Company to Southern Pacific Company as said parcel is recorded in Book 2445 of Official Records, Page 199 in the office of the Recorder of Sacramento County, California, on October 11, 1950, from which the northwest corner of Parcel D as shown on that certain Parcel Map filed in the office of the Recorder of said County in Book 18 of Parcel Maps, Page 35 bears South 18° 29' 45" West, (bearing given as South 19° 07' West in said indenture), 63.07 feet, North 82° 38' 55" East, 172.27 feet, North 84° 16' 00" East, 27.13 feet; thence North 83° 06' 45" East, 36.49 feet; thence on a tangent curve to the right, having a radius of 3520.00 feet and an arc length of 381.21 feet, subtended by a chord bearing North 86° 12' 54" East, 381.02 feet; thence North 89° 19' 03" East, 147.13 feet to the easterly line of said parcel in deed from English Estate Company to Southern Pacific Company, recorded in Book 181 of Official Records, Page 257 in the office of the Recorder of Sacramento County, California, on April 9, 1928 lying northerly of the northerly line of Richards Boulevard as described in deed dated December 11, 1945 from Southern Pacific Company to the County of Sacramento, recorded January 3, 1946, in Book 1178 of Official Records, Page 312 of said County, containing 28,569.947 square feet more or less.

Exhibit A1 is to accompany this description.



**EXHIBIT A**  
Description for Two Rivers Trail Easement

All that certain real property situated in the City of Sacramento, County of Sacramento, State of California, described as follows:

All that portion of Parcel 2 as described in deed dated July 29, 1959 from Bercut-Richard Packing Company to Southern Pacific Company, recorded September 14, 1959 in Book 3879 of Official Records, Page 347, Records of said County, described as follows:

A strip of land of the uniform width of twenty (20.00) feet the centerline of which is described as follows:

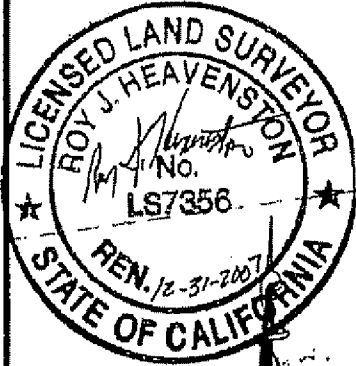
Beginning at a point on the westerly line of land described in indenture dated October 11, 1950 from English Estate Company to Southern Pacific Company, recorded July 15, 1953 in Book 244, Page 199 of Official Records of said County, from which the northwest corner of said parcel bears North 19° 06' 00" East, 299.84 feet; thence, from said point of beginning, South 83° 43' 00" West, 115.80 feet; thence on a curve to the left concave southerly, having a radius of 6688.00 feet and an arc length of 50.32 feet, subtended by a chord bearing South 83° 30' 04" West, 50.32 feet to the west line of said Parcel 2, containing 3,322.40 square feet, more or less.

The sidelines of said strip shall be lengthened or shortened as needed to terminate in the east and west line of the grantor.



001-0181-005 doc

EXHIBIT A1



AMERICAN RIVER

NW CORNER OF LAND DESCRIBED IN INDENTURE FROM ENGLISH ESTATE CO. TO SOUTHERN PACIFIC CO. PER 2445 O.R. 199

BK 3879, PG 347  
PARCEL 2

001-0200-009  
SANTA FE SOUTHERN  
PACIFIC COMPANY

PARCEL NO. 6  
26 OS 28

SCALE:  
1" = 50'

225.86'

234.04'  
N 19°06'00" E 299.84'

TOTAL AREA = 3,322.40 SQ. FT

AMERICAN RIVER FLOOD CONTROL DISTRICT  
422 O.R. 477

L=50.32'  
R=6688.00'  
S 83°30'04" W 50.32'

POINT OF BEGINNING

37.68'  
67.93'  
S 83°43'00" W 115.80

001-0200-036  
HENDERSON  
ENTERPRISE L.P.

PLAT MAP  
TWO RIVERS TRAIL  
CITY OF SACRAMENTO  
SANTA FE SOUTHERN PACIFIC CO.  
APN 001-0181-005

AUG 2005

EXHIBIT A1

