



APPROVED
BY THE CITY COUNCIL

JUL 7 1987

OFFICE OF THE
CITY CLERK

9

DEPARTMENT OF
PUBLIC WORKS

ENGINEERING DIVISION

THOMAS M. FINLEY
ENGINEERING DIVISION MANAGER

CITY OF SACRAMENTO
CALIFORNIA

927 TENTH STREET
ROOM 200
SACRAMENTO, CA
95814-2705

916-449-8220

CONSTRUCTION SECTION
640 BERCUT DRIVE
SUITE B
SACRAMENTO, CA
95814-0131

916-449-5282

July 7, 1987

CITY MANAGER'S OFFICE
RECEIVED
JUN 30 1987

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Authorizing Giving of Notice of Intent to Adopt Condemnation Resolution (PN:9928) - Extension of Rosin Court from Northgate Boulevard West to Provide Access to Sutter West Business Park

SUMMARY

It is requested that the City Council adopt the attached resolution authorizing the City Clerk to notify the property owner of a hearing to be held on August 11, 1987, regarding the adoption of the Resolution of Necessity to acquire his property.

BACKGROUND

When the City Council approved the tentative map for Sutter West Business Park, one of the conditions of approval was that the developer obtain access to Northgate Boulevard as the subdivision was land locked. This condition also stated that in the event the developer was unable to obtain the right-of-way to Northgate Boulevard from the adjacent property owner, the City would use its power of eminent domain to acquire it. The developer has been unable to acquire the right-of-way, and has asked that the City obtain it. An agreement with the developer provides for payment for the right-of-way and all related acquisition costs incurred by the City.

On May 26, 1987 the Council established just compensation, based on an appraisal prepared by an M.A.I. appraiser for the right-of-way to extend Rosin Court from Northgate Boulevard to the proposed subdivision, and on June 8, 1987 the amount of just compensation was offered to the owner of the property. For whatever reason, he has not accepted our offer. Thus, we are required to exercise our power of eminent domain.

City Council
Notice of Intent: Acquisition of Parcel
Extension of Rosin Court from Northgate
West to Proposed Sutter West Business Park
July 7, 1987
Page 2

The parcel to be acquired is a partial take through unimproved land and will not require any relocation of persons or businesses. City staff will continue to negotiate with the owner to acquire the right-of-way until such time as the hearing is held.

FINANCIAL DATA

Funds to acquire the right-of-way will be deposited with the City by the developer of Sutter West Business Park, Sacramento Investment II, Ltd. in accordance with Agreement 86214, authorized May 26, 1987 by Resolution No. 87-410.

No City funds are being used to acquire the right-of-way.

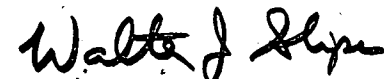
RECOMMENDATION

It is recommended that the attached resolution entitled, "Resolution Authorizing Giving Of Notice Of Intent To Adopt Condemnation Resolution" be adopted.


Respectfully submitted.


THOMAS M. FINLEY
Engineering Division Manger

Recommendation Approved:


WALTER J. SLIPE
City Manager

Approved:


MELVIN H. JOHNSON
Director of Public Works

EF:dek
RE2-23.D
06.2587.3

July 7, 1987
District No. 1

Attachment

City Council
Office of Finance: Administration of Public
Administration of Public Works
Office of Finance: Administration of Public
July 7, 1987
Page 2

The parcel to be acquired is a portion of a parcel through which a right-of-way will
not require any relocation of persons or businesses. City staff will continue
to negotiate with the owner to acquire the right-of-way with such time as the
Boarding is held.

FINANCIAL DATA

Plans to acquire the right-of-way will be deposited with the City of the
Developer of the West Business Park, Sacramento Investment II, Ltd. in
accordance with Agreement 8018, authorized May 28, 1987 by Resolution No.
87-110.

The City funds are being used to acquire the right-of-way.

CONCLUSION

It is recommended that the Boarding resolution entitled, "Resolution
authorizing Office of Finance to Acquire Right-of-Way" be
adopted.

Respectfully submitted,

THOMAS A. BROWN
Engineering Division Manager

Approved:

Recommended by:

DAVID W. BROWN
Director of Public Works

DAVID W. BROWN
City Manager

July 7, 1987
District No. 1

July 7, 1987
District No. 1
of 2007 2

Attest:

RESOLUTION NO. 87-537

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

APPROVED
BY THE CITY COUNCIL

JUL 7 1987

OFFICE OF THE
CITY CLERK

RESOLUTION AUTHORIZING GIVING OF NOTICE
OF INTENT TO ADOPT CONDEMNATION RESOLUTION:

ACQUISITION OF ONE PARCEL FOR RIGHT-OF-WAY
FOR THE EXTENSION OF ROSIN COURT FROM
NORTHGATE BOULEVARD WEST TO SUTTER WEST BUSINESS PARK (PN:9928)

Recitals:

A. It has been recommended to the City Council that a certain parcel of property be acquired by the City for public use by this exercise of the power of eminent domain.

B. The City desires to afford the owner of such parcel the opportunity to appear and be heard at a public hearing concerning those matters specified in Section 1245.235 of the Code of Civil Procedure.

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

1. That the City Council announces its intent to adopt the attached resolution, marked Exhibit A;
2. That the City Clerk is hereby authorized and directed to give the notice of said intention as required by Section 1245.235 of the Code of Civil Procedure; and
3. That said notice shall provide that the City Council shall hold the hearing required by Section 1245.235 of the Code of Civil Procedure at the regular Council meeting to be held at 7:30 P.M. on August 11, 1987, in the City Council Chambers and that the request to appear and be heard at said hearing shall be filed in writing in the office of the City Clerk not later than 5:00 P.M. on August 4, 1987.

MAYOR

ATTEST:

CITY CLERK

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

RESOLUTION OF NECESSITY
ACQUISITION OF PARCEL
FOR RIGHT-OF-WAY FOR THE EXTENSION OF
ROSIN COURT FROM NORTHGATE BOULEVARD WEST TO
PROVIDE ACCESS TO SUTTER WEST BUSINESS PARK (PN:9928)

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 interest in real property hereinafter described as Parcel 9928-01, (herein referred to as the "Subject Parcel").

2. That the City of Sacramento intends to acquire the Subject Parcel in fee simple absolute as expressly specified in the description of said Parcel.

3. That the Subject Parcel is to be taken for the following public uses in connection with the extension of Rosin Court from Northgate Boulevard West to provide access to Sutter West Business Park.

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 Codes, Section 37350.5.

5. That the Subject Parcel is generally located west of Northgate Boulevard south of Interstate 80 and north of Turnstone Drive.

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

a. The public interest and necessity requires the construction of the extension of Rosin Court between Northgate Boulevard and Sutter West Business Park.

b. The property to be acquired is planned or 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 extension of Rosin Court from Northgate Boulevard to provide access to Sutter West Business Park.

d. The offer required under Section 7267.2 of the Government Code has been made to the owner of record.

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

EXHIBIT "A"

RESOLUTION OF THE CITY OF SACRAMENTO
ACQUISITION OF LAND
FOR RIGHT-OF-WAY FOR THE EXTENSION OF
ROBIN COURT FROM NORTHEAST BOWLING WEST TO
PROVIDE ACCESS TO SUTTER WEST BUSINESS PARK (P. 928-01)

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO, (P. 928-01) AND
MEMBER 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 of interest in real property
hereinafter described as Parcel 928-01, (P. 928-01) for the purpose of
Parcel 1.

2. That the City of Sacramento intends to acquire the subject parcel in
fee simple absolute as expressly specified in the description of said parcel.

3. That the subject parcel is to be taken for the following public use
in connection with the extension of Robin Court from Northeast Bowling West
to provide access to Sutter West Business Park.

4. That the statute of statutes authorizing the City of Sacramento to
acquire the subject parcel for the above mentioned public purposes and to
follows: Government Codes, Section 8330.2.

5. That the subject parcel is generally located west of Interstate
Boulevard south of Interstate 80 and north of Turstone Drive.

6. That the City Council desires that it be found and determined that
of the following:

1. The public interest and necessity require the construction of the
extension of Robin Court between Northeast Boulevard and Sutter West
Business Park.

2. The property to be acquired is planned to be located in the manner
that will be most compatible with the greatest public good and the
best public utility.

3. The subject parcel is necessary for the extension of Robin Court
from Northeast Boulevard to provide access to Sutter West Business
Park.

4. The offer acquired under Section 8330.2 of the Government Code
has been made for the owner of record.

7. That the City of Sacramento, a municipal corporation, do appropriate
officers, employees and agents, be 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 proceeding in eminent domain as are necessary for the acquisition of the Subject Parcel.

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:

Parcel 9928-01 (Robert C. Cook)
A Portion of APN 250-0010-019,059

All that portion of fractional Section 18, T. 9N., R. 5E., M.D.B. & M. situate in the City of Sacramento, County of Sacramento, State of California and being a portion of that certain Parcel of land described in that certain Grant Deed to Robert C. Cook filed in the office of the Recorder of said County and State in Book 4624 of Official Records, Page 317 and being a strip of land 60.00 feet in width, the centerline of said strip being more particularly described as follows:

Beginning at a point on the west line of said Fractional Section 18, which point bears North 00° 07' 08" West 680.57 feet along said West line from the West one-quarter corner of said fractional Section 18; thence, from said point of beginning South 80° 30' 43" East 213.77 feet; thence, along the arc of a curve to the right having a radius of 800.00 feet, said arc being subtended by a chord bearing South 76° 03' 22" East 124.30 feet; thence, South 71° 36' 01" East 950.41 feet; thence, along the arc of a curve to the left, having a radius of 700.00 feet, said arc being subtended by a chord bearing North 79° 03' 33" East 686.00 feet; thence, North 49° 43' 07" East 22.29 feet to a point which bears North 40° 16' 53" West 55.00 feet along the northwesterly prolongation of the southwesterly line of that certain parcel of land described in that certain Grant Deed to McDonald's, a Delaware Corporation, filed in said Recorder's office in Book 790309 of Official Records, Page 565 and being the point of ending.

MAYOR

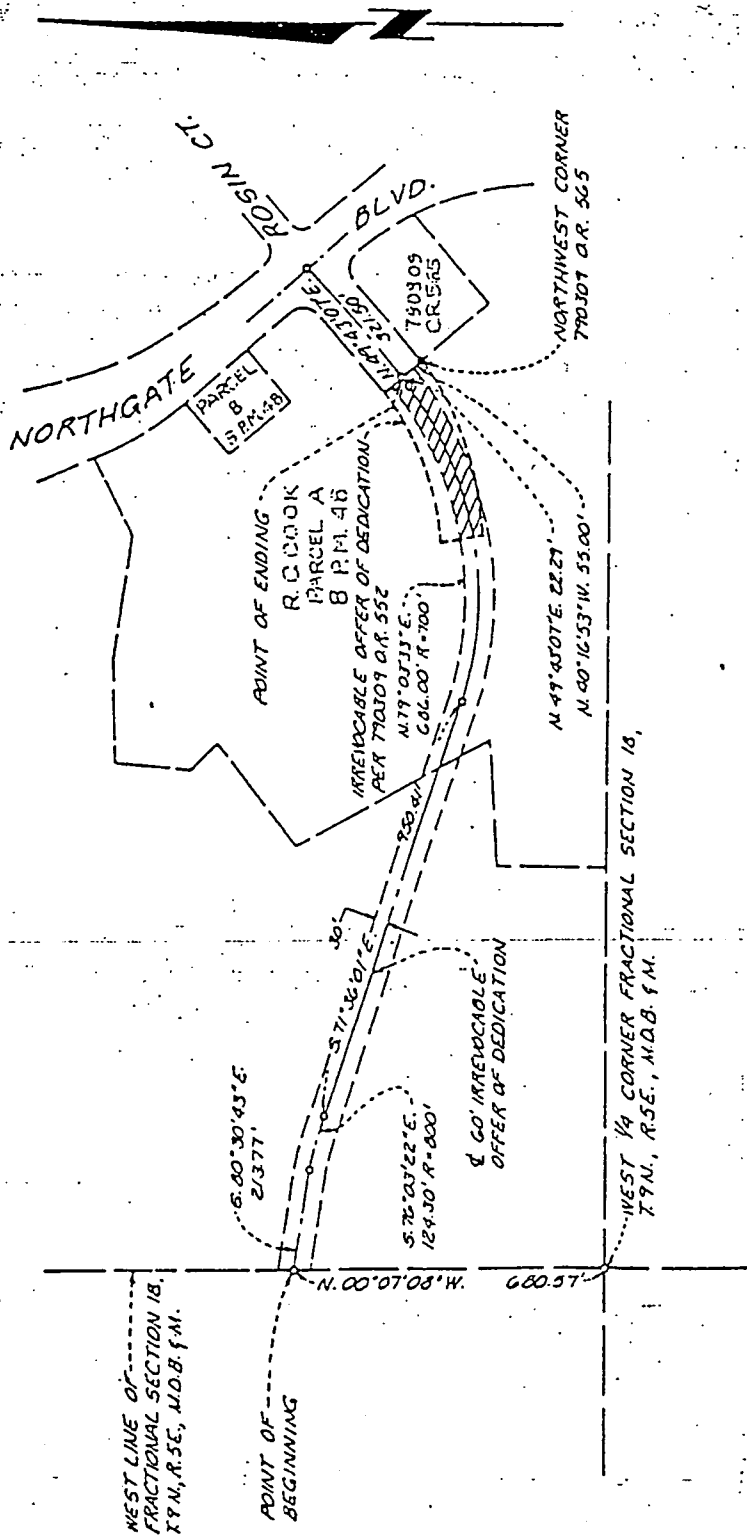
ATTEST:

CITY CLERK

Parcel Map

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TOTAL AREA REQUIRED FOR RIGHT OF WAY	2.793 AC
AREA PREVIOUSLY DEDICATED TO RIGHT OF WAY USE	.495 AC
NET AREA REQUIRED FOR RIGHT OF WAY	2.298 AC



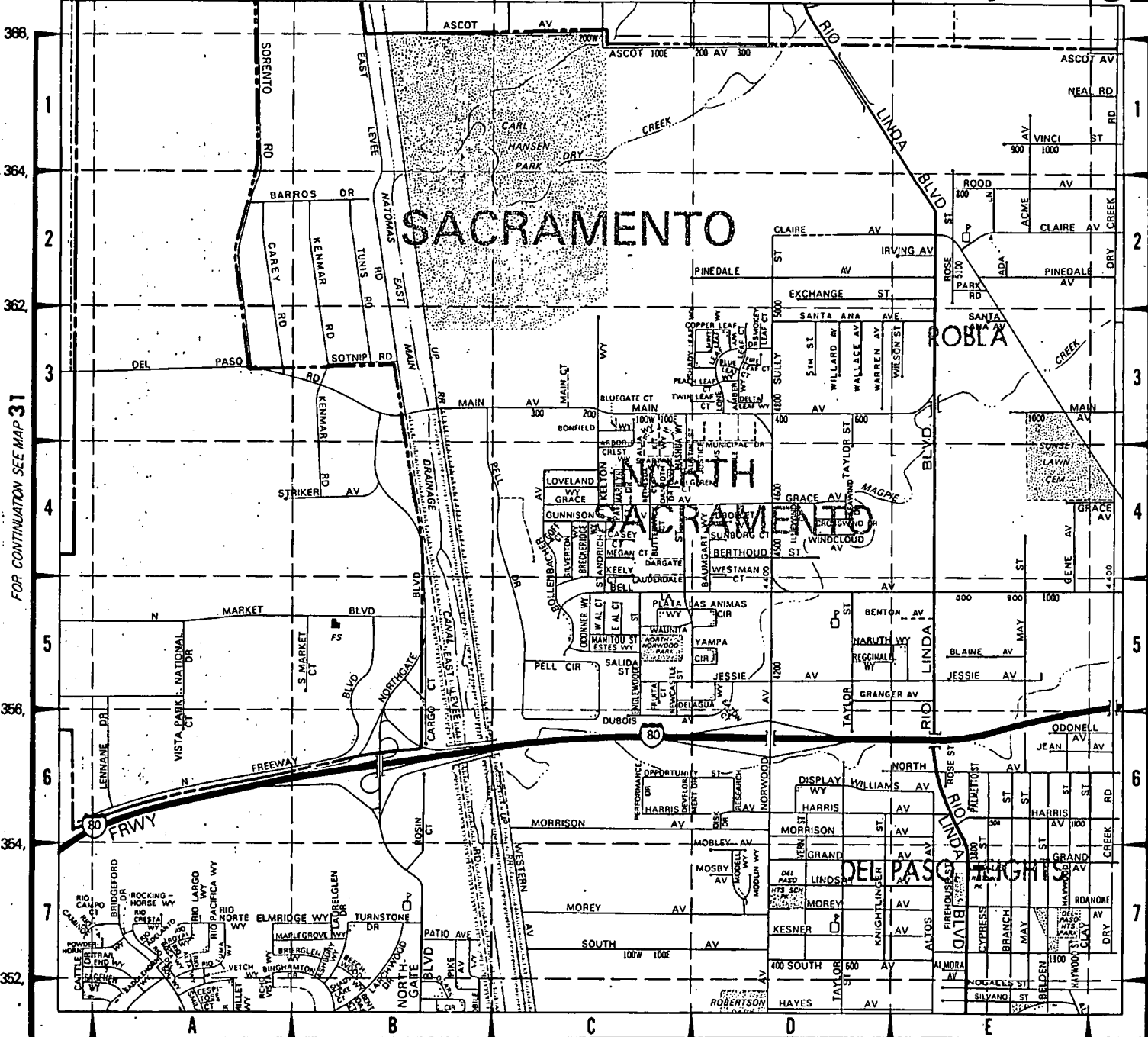
A.P.N. 250-0010-019, 059

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FOR CONTINUATION SEE MAP 8

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FOR CONTINUATION SEE MAP 31

FOR CONTINUATION SEE MAP 35

SACRAMENTO, CA

EXHIBIT "A"

2,145,

2,148,

FOR CONTINUATION SEE MAP 34

2,157,

2,160,

