



City Council Report

915 I Street, 1st Floor

Sacramento, CA 95814

www.cityofsacramento.org

File ID: 2017-00593

May 30, 2017

Public Hearing Item 20

**Title: Resolution of Necessity: Ramona Avenue Extension Project (T15018400)
[Two-Thirds Vote Required] {Noticed 04/24/2017}**

Location: Districts 3 and 6

Recommendation: Pass Resolution of Necessity: 1) determining that the public interest and necessity require the acquisition of certain property interests by eminent domain for the Ramona Avenue Extension Project (T15018400); 2) authorizing the City Attorney or his designee to commence eminent domain proceedings; 3) authorizing the City Attorney or his designee to file a motion for an order of prejudgment possession; and 4) authorizing the City Manager or his designee to take the necessary budget and accounting actions regarding the Federal Capital Grants Fund (Fund 3703) to properly account for this transaction.

Contact: William Shunk, Associate Civil Engineer, (916) 808-2986; Nick Theocharides, Engineering Services Manager, (916) 808-5065, Department of Public Works

Presenter: William Shunk, Associate Civil Engineer, (916) 808-2986, Department of Public Works

Attachments:

- 1-Description/Analysis
- 2-Resolution of Necessity
- 3-Easement for Public Right-of-Way
- 4-Temporary Construction Easement
- 5-Quitclaim Deed

Description/Analysis

Issue Detail: The Ramona Avenue Extension Project (“Project”) will improve pedestrian and vehicular connectivity to the north and south of U.S. Highway 50 (“Highway 50”) with an extension of Ramona Avenue from Brighton Avenue to Folsom Boulevard. The Project was first identified in the Southeast Area Transportation Study which was approved by City Council in 1999, and has been referenced as a necessary project in subsequent agreements and studies including a Memorandum of Understanding with the California State University, Sacramento (“CSUS”) in 2008, the 65th Street Station Area Study in 2010, and the City’s 2035 General Plan (2015).

Final Project plans have been prepared and the Project is ready to go to construction, pending bidding and City Council approval of the construction contract. Caltrans has been delegated oversight for the Project from the Federal Highway Administration (“FHWA”), and Caltrans will authorize the City to construct the Project once all necessary property rights are secured. One of the remaining property interests for the City to acquire is from 2910 Ramona Avenue, owned by the Sacramento Area League of Associated Muslims (“SALAM”). The specific property interests (“Acquisition Property”) to be acquired from SALAM are a 19,412-square foot Right-of-Way Easement (“ROW Easement”), a 1,596-square foot Temporary Construction Easement (“TCE”), and a quitclaim of SALAM’s parking easement (“Parking Easement”) on property owned by the Sacramento Regional Transit District (“Regional Transit”). The Acquisition Property is described in further detail below and in the proposed Easement Deed, TCE Deed, and Quitclaim Deed, attached to the Resolution as Exhibits A, B, and C.

The City has engaged in good faith negotiations with SALAM for approximately 8 months without agreement. The Project is programmed with \$3,642,000 in federal funding that is programmed for FY2017/18. Further delay of the Project could limit future regional funding opportunities until the Project funding is expended. To enable the City to complete the Project, staff recommends that the City Council adopt a resolution of necessity to begin the eminent domain process.

Policy Considerations: The action requested supports the City’s General Plan goals of improving system connectivity. It removes a significant automotive, pedestrian, and bicycling barrier from Ramona Avenue to Folsom Boulevard and the CSUS campus.

Economic Impacts: None.

Environmental Considerations:

California Environmental Quality Act (“CEQA”) / National Environmental Policy Act (“NEPA”): On June 12, 2012, City Council approved an Environmental Impact Report (SCH#2011072031) with Resolution 2012-178 for the Ramona Avenue Extension Project (T15018400) in accordance with CEQA, and an Environmental Assessment in accordance with NEPA.

Sustainability: The Project will create a convenient and safe bicycle and pedestrian connection from future student housing south of Folsom Boulevard to the CSUS campus, the University/65th Street Light Rail Station, and commercial properties on Folsom Boulevard. This connection will encourage active transportation which will reduce greenhouse gas emissions, and is consistent with the transit oriented development identified for Folsom Boulevard in the 65th Street Station Area study.

Commission/Committee Action: None.

Rationale for Recommendation: Acquisition of the Acquisition Property is necessary for construction of the Project. Contract bidding and construction cannot take place until the City has obtained the property interests mentioned in this report.

Financial Considerations: The Project (T15018400) has a total budget of \$8,894,167. To date, \$5,371,558 has been expended and as of April 17, 2017, the unobligated balance is \$3,522,609. Compensation to SALAM for the Acquisition Property will come from this unobligated balance.

There are no General Funds planned or allocated for this Project.

Local Business Enterprise (LBE): LBE requirements do not apply to the action requested by this report as there are no contracting provisions associated with this action.

Background: The Project will improve pedestrian and vehicular connectivity to the north and south of Highway 50 with an extension of Ramona Avenue from Brighton Avenue to Folsom Boulevard. The Project will construct a new, two-lane roadway that includes bicycle lanes in both directions and a separated sidewalk with landscaping adjacent to northbound traffic. The extension will require a new at-grade crossing with Union Pacific Railroad (“UPRR”) facilities and the construction of a retaining wall underneath Highway 50.

A new signalized intersection will be constructed at the northern end of the Project on Folsom Boulevard, just to the east of existing flood gates and the Brighton Railroad Underpass. The

northern leg of this intersection is being constructed to accommodate the future southern entrance to CSUS as identified in CSUS' Master Plan. The existing pedestrian path from the Brighton Railroad Underpass to the existing flood gates will be reconstructed to meet Americans with Disabilities Act ("ADA") standards, and sidewalk gap closures will be constructed on Folsom Boulevard where sidewalk does not currently exist. At the southern end of the Project, the existing Ramona Avenue and Brighton Avenue intersection will be replaced with a three-legged roundabout to accommodate the extension of Ramona Avenue.

The Project was first identified in the Southeast Area Transportation Study which was approved by City Council in 1999. The extension of Ramona Avenue was cited in the study as a key improvement to enhance pedestrian and vehicular connectivity to the north and south of Highway 50 adjacent to the CSUS campus. In 2008, the City entered into a Memorandum of Understanding with CSUS that established the extension of Ramona Avenue as a necessity for CSUS' future development plans south of Highway 50.

The Project was identified in the 65th Street Station Area Study which was adopted by City Council on October 26, 2010. The transit oriented development ("TOD") desired in the 65th Street Station Area Study requires a convenient north-south connection for shoppers, employees, students, and residents across the existing pedestrian and vehicular barrier that is created by Highway 50, light rail, and heavy rail facilities running parallel to Folsom Boulevard. The new access provided by the extension of Ramona Avenue was identified as a key TOD catalyst for the landlocked properties immediately south of Highway 50. The TOD benefits of the extension are already being realized with the approval of "The Crossings" (P15-061) student housing project located on 2920 Ramona Avenue, and the Sacramento Center for Innovation Specific Plan which has identified redevelopment standards for the land immediately east of the extension for innovative businesses and clean technology industries.

The Project is programmed with \$1,000,000 in federal Congestion Mitigation and Air Quality ("CMAQ") funding and \$2,642,000 in federal Regional Surface Transportation Program ("RSTP") funding for the construction phase of work. Caltrans has been delegated oversight for the Project from the FHWA, and will release the CMAQ and RSTP funds to the City once all Caltrans requirements have been met. One of the requirements for receipt of funding from Caltrans is that the City must acquire all necessary property rights required to construct the Project. One of the remaining property interests for the City to acquire is from 2910 Ramona Avenue, owned by SALAM.

The property owned by SALAM ("SALAM Parcel") consists of a wedge-shaped vacant parcel. SALAM acquired the SALAM Parcel as a donation in 2003. The westerly border is adjacent to UPRR tracks and the northerly border is approximately the drip line of the elevated Regional Transit light rail tracks. The parcel immediately north of the SALAM Parcel and under the

elevated tracks is owned by Regional Transit, but SALAM currently has an easement over this area for parking purposes (although there is currently no parking lot within the easement area).

The SALAM Parcel has been vacant for approximately 14 years. SALAM desires to construct an international student center on the SALAM Parcel, but there are several barriers to development. First, access to the SALAM Parcel is currently only available via an unimproved section of Brighton Avenue that is 650 feet off the nearest improved road. Second, the SALAM Parcel lies in a low spot and has been the subject of seasonal flooding in the past. Third, there are no utilities servicing the SALAM Parcel. Fourth, the City's Environmental Impact Report for the Project identified environmentally sensitive areas, including seasonal wetlands with sensitive habitat, within the SALAM Parcel limits. And fifth, the original grant from Southern Pacific Railroad contains a requirement to build an 8-foot-high sound wall on both sides of the track if the SALAM Parcel is developed for commercial or residential uses.

As previously mentioned and described in further detail in Section (B) below, the City's proposed acquisition is for a permanent ROW Easement to allow for construction of the Ramona Avenue extension, a TCE along the west side of the ROW Easement for construction related activities, and a quitclaim of SALAM's Parking Easement on the adjacent Regional Transit property. The City has engaged in good faith negotiations with SALAM for approximately 8 months, but an agreement has yet to be reached regarding the amount of compensation for the Acquisition Property.

Pursuant to California Code of Civil Procedure section 1245.235, SALAM was sent a notice on April 24, 2017, informing it of the City's intent to conduct a hearing regarding the proposed acquisition of the Acquisition Property by eminent domain.

Findings Required to Support Adoption of Resolution of Necessity

The City Council must adopt a resolution of necessity prior to exercising the power of eminent domain. (California Code of Civil Procedure, § 1240.040.) Pursuant to California Code of Civil Procedure section 1245.230, a resolution of necessity must contain certain findings. These findings are supported as follows:

A. A general statement of the public use for which the property is to be taken and a reference to the statute that authorizes the public entity to acquire the property by eminent domain.

The public use for which the Acquisition Property is to be taken is the following:

The Project will provide new public access for automobiles, pedestrians, and bicyclists to Folsom Boulevard near the CSUS campus. This new connection will increase accessibility to the CSUS campus, improve mobility for pedestrians and bicyclists, expand access to existing transit facilities on Folsom Boulevard, and offer an alternative travel path around the Power Inn Road/Howe Avenue/Folsom Boulevard intersection. As mentioned above, the SALAM Parcel is currently vacant. The Project will greatly benefit the SALAM Parcel by providing improved road access to the parcel. Additionally, because there is currently no public use of the SALAM Parcel, the City's Project will not unreasonably interfere with or impair public use of the parcel.

The following statutes and constitutional section authorize the City to acquire the Acquisition Property by eminent domain:

- Article I, Section 19 of the California Constitution.
- California Government Code sections 37350.5 and 40404.
- California Streets and Highways Code section 10102.
- California Code of Civil Procedure sections 1240.010, 1240.110, 1240.120, 1240.510 and 1240.610.

B. A description of the general location and extent of the property to be taken, with sufficient detail for reasonable identification.

The SALAM Parcel's address is 2910 Ramona Avenue but it is located at the westerly termination of unimproved Brighton Avenue, south of Highway 50 and east of UPRR's Fresno Subdivision Main Line. The Assessor's Parcel Number (APN) is 015-0033-009.

The required ROW Easement is a curved area across the top of the SALAM Parcel that is approximately 44 feet deep on the westerly border, expanding to about 117 feet deep on the easterly border, for a total permanent ROW Easement acquisition of 19,412 square feet (approximately 0.45 acres). The City's road extension will encompass the entire ROW Easement area, as shown in the map included in Exhibit A. SALAM will have use of the ROW Easement area to the same extent that the general public has use of the road.

The TCE area is 10 feet to the west of the ROW Easement area and totals 1,596 square feet (approximately 0.04 acres). The TCE will be needed for 12 months from the date the TCE is recorded, with an option to extend the term of the TCE for up to 12 additional months if necessary (but the City's entire use of the TCE will be completed within seven years of the taking of property). As described in further detail in Exhibit B, the TCE area will be used for the contractor to construct the Project. During the time period of the TCE, construction material and equipment may be stored on this property, but the City does not anticipate such storage at this time. Additionally, excavation may occur within the TCE area, but the City anticipates such excavation would be minimal and related to achieving grading consistency between the right-

of-way area and the rest of the SALAM property. Finally, the City is not currently aware of any driveways existing within the TCE area that the City's project would need to accommodate.

The Acquisition Property also includes SALAM's quitclaim of an existing Parking Easement on the Regional Transit parcel (APN 015-0033-008) immediately north of the SALAM Parcel, totaling 22,581 square feet (approximately 0.52 acres), as described in Exhibit C attached to the Resolution. To the City's knowledge, SALAM has never used the Parking Easement area for vehicle parking. The Parking Easement area is currently vacant.

The proposed deeds for the Acquisition Property, which include legal descriptions and maps of the Acquisition Property, are set forth in Exhibits A, B, and C attached to the Resolution.

C. A declaration that the governing body of the public entity has found and determined each of the following:

(1) The public interest and necessity require the proposed project.

The confluence of Highway 50, light rail, and UPRR rail facilities within the vicinity of the Project creates a formidable north-south transportation barrier. The resulting land and transportation development around this barrier have created significant access constraints and indirect connections in the roadway network. This has limited the City's ability to capitalize on existing transit amenities on Folsom Boulevard and develop the land to its full potential as identified in the Southeast Area Transportation Study (1999), 65th Street Station Area Study (2010), and the City's 2035 General Plan (2015).

The extension of Ramona Avenue will provide a convenient north-south connection across this barrier and correct some of the deficiencies in the existing roadway network. The Project supports the Smart Growth principles adopted by the City Council (Resolution 2001-805) and the SACOG Smart Growth policies as incorporated in the 2035 Metropolitan Transportation Plan. The Project will develop a walkable street with easy access to transit that encourages a mix of land uses and expands the range of housing options available in the area. Sidewalks and bike lanes along the extension will enhance the practicality of walking and biking in the area and support the transformation of the CSUS campus into a destination campus that is functionally integrated with the Sacramento community.

Due to the above-mentioned deficiencies in the existing roadway network, the public interest and necessity require this Project.

(2) The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

The Project provides significant public benefits including:

- Improved vehicular, pedestrian, and bicycle circulation as stipulated in the Southeast Area Transportation Study (1999), 65th Street Station Area Study (2010), and the 2035 General Plan (2015).
- Improved emergency vehicle access and reduced response times to commercial and residential areas along Ramona Avenue, Brighton Avenue, and Cucamonga Avenue.
- Encourages transit oriented development adjacent to existing transit facilities, the CSUS campus, and the Folsom Boulevard commercial corridor.
- Provides a direct, multi-modal connection from CSUS to the future Sacramento Center for Innovation.

During environmental review of the Project, multiple alternatives, including a no-build alternative, an extension of Ramona Avenue through the 7300 Folsom Boulevard cul-de-sac, and an extension of Ramona Avenue between 7400 and 7500 Folsom Boulevard were considered. These alternatives were not selected because they either did not satisfy the intent to provide a direct connection to CSUS, were infeasible or cost prohibitive because of the grade difference between the existing ground and railroad tracks, or resulted in an intersection on Folsom Boulevard that could create safety issues and unacceptable traffic operations.

In analyzing the public benefit versus private injury, City staff assessed whether SALAM would be injured in such a way that its injury outweighed the overall public benefit. In this circumstance, City staff found that the SALAM Parcel (which is currently vacant) is difficult to develop without the City's extension of Ramona Avenue. Furthermore, development is hindered by flooding, environmentally sensitive areas, UPRR sound barrier requirement, and lack of utilities. While the usable area of the SALAM Parcel will be smaller after the Project, it will have direct frontage to Ramona Avenue, the ability to connect to new utilities constructed with the Project, and excellent positioning between the CSUS campus and future housing developments. Thus, the City's Project will significantly increase the value of the remaining SALAM Parcel and make it more feasible to develop within the remaining SALAM Parcel.

Given that the SALAM Parcel and the general public will significantly benefit from the Project (as described above) primarily due to the improved transportation network and emergency vehicle access, the public benefit of the Project greatly outweighs the aspects of private injury. Thus, the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

(3) The property described in the resolution is necessary for the proposed project.

Any alignment of Ramona Avenue that crosses underneath Highway 50 must traverse the Acquisition Property. During the City's approximately 5 year design process, every effort has been made with the design of the Project to minimize impacts to the Acquisition Property while meeting necessary design and safety standards.

Disruptions to the SALAM Parcel are anticipated to be minimal since it is a vacant parcel, however every effort will be made to minimize disruptions to the SALAM Parcel during construction.

(4) That either the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner cannot be located with reasonable diligence.

The City made an initial offer as required by Government Code section 7267.2 to SALAM on October 5, 2016 for acquisition of a permanent ROW Easement, TCE, and quitclaim of the Parking Easement. The offer was based on an appraised value for the Acquisition Property obtained from an independent appraiser and was made in accordance with Government Code section 7267.2. The City's formal offer was rejected by SALAM and SALAM submitted a counter offer on January 23, 2017. The City made a second offer to SALAM on March 23, 2017, but SALAM also rejected this offer. The City and SALAM have engaged in numerous conversations over the approximately 8 month negotiation period, but no agreement has been reached to date.

RESOLUTION NO.

Adopted by the Sacramento City Council

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR RAMONA AVENUE EXTENSION PROJECT (T15018400) (APN 015-0033-009)

BACKGROUND

- A. The City of Sacramento's Ramona Avenue Extension Project (the "Project") requires the acquisition of a permanent right-of-way easement and temporary construction easement from property located at 2910 Ramona Avenue which is owned by the Sacramento League of Associated Muslims (SALAM), and also quitclaim of SALAM's parking easement located on adjacent property owned by the Sacramento Regional Transit District (collectively referred to herein as the "Acquisition Property").
- B. The City seeks to acquire a permanent right-of-way easement concerning 19,412 square feet of SALAM's property. The legal description and plat maps that describe this right-of-way easement are set forth in **Exhibit A** attached to this Resolution. The City's Ramona Avenue road extension will lie within the right-of-way easement area, and such road will greatly benefit the SALAM property. The right-of-way easement is for the construction, improvement, use, operation, repair, replacement, rehabilitation, and maintenance of public right of way and associated uses on, over, across, and under the right-of-way easement area, as described in the right-of-way easement deed attached to the City's initial offer from October 5, 2016.
- C. The City also seeks to acquire a temporary construction easement for 1,596 square feet of SALAM's property. The legal description and plat maps that describe this temporary construction easement are set forth in **Exhibit B** to this Resolution. This temporary construction easement is for purposes of construction, reconstruction, installation, improvement, repair, inspection, expansion, and maintenance of public right-of-way, highways, roadways, services, utilities, landscape improvements, and necessary appurtenant structures on, over, across, and under the temporary construction easement area, as described in the temporary construction easement deed attached to the City's initial offer from October 5, 2016. The temporary construction easement would be for a period of twelve months with an option for an additional twelve month period that will be used within seven years of the taking of property. During the time period of the temporary construction easement, construction material and equipment may be stored on this property, but the City does not anticipate such storage at this time. Additionally, excavation may occur within the TCE area, but the City anticipates such excavation would be minimal and related to achieving grading consistency between the right-of-way area and the rest of the SALAM property. Finally, the City is not currently aware of any driveways existing within the TCE area that the City's project would need to accommodate.

- D. The City also seeks a quitclaim deed from SALAM concerning a parking easement in favor of SALAM for an adjacent parcel of property owned by the Sacramento Regional Transit District. The legal description and plat maps that describe this parking easement to be quitclaimed are set forth in **Exhibit C** attached to this Resolution.
- E. As described in greater detail in the accompanying Staff Report, the Project will provide new public access for automobiles, pedestrians, and bicyclists to Folsom Boulevard near the CSUS campus. This new connection will increase accessibility to the CSUS campus, improve emergency vehicle access and response times, improve mobility for pedestrians and bicyclists, expand access to existing transit facilities on Folsom Boulevard, and offer an alternative travel path around the Power Inn Road/Howe Avenue/Folsom Boulevard intersection.
- F. The City Council has established a Capital Improvement Program for the Project (further identified as City Project No. T15018400). City staff completed a preliminary feasibility study that identified potential alternatives to extend Ramona Avenue from Brighton Avenue to Folsom Boulevard including a no-build alternative, an extension of Ramona Avenue through the 7300 Folsom Boulevard cul-de-sac, and an extension of Ramona Avenue between 7400 and 7500 Folsom Boulevard. These alternatives were not selected because they either did not satisfy the intent to provide a direct connection to the California State University, Sacramento (CSUS) campus, were infeasible or cost prohibitive because of the grade difference between the existing ground and railroad tracks, or resulted in an intersection on Folsom Boulevard that could create safety issues and unacceptable traffic operations.
- G. For the aforementioned reasons, it is desirable and necessary for the City of Sacramento to acquire property interests in the Acquisition Property, which are more particularly described in Exhibits A, B and C, which exhibits are attached hereto and made a part hereof by this reference.
- H. The City of Sacramento is vested with the power of eminent domain to acquire all real property interest by virtue of Article I, Section 19 of the California Constitution; California Government Code sections 37350.5 and 40404; California Streets and Highways Code section 10102; and California Code of Civil Procedure sections 1240.010, 1240.110, 1240.120, 1240.510 and 1240.610.
- I. Pursuant to California Code of Civil Procedure section 1245.235, the City of Sacramento has provided the owner of the Acquisition Property, SALAM, a "Notice of Hearing Regarding Intent to Adopt Resolution of Necessity to Acquire Property by Eminent Domain" informing the owner of the date and time any interested person can be heard before the City Council on the following matters, and that the City Council will give consideration to testimony on the following matters prior to deciding whether or not to adopt the proposed Resolution of Necessity to commence eminent domain proceedings:

- 1) Whether the public interest and necessity require the Project;

- 2) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
 - 3) Whether the property sought to be acquired is necessary for said Project;
 - 4) Whether the offer required by California Government Code section 7267.2 has been made to the owner of record.
- J. Pursuant to the provisions of California Government Code section 7267.2, the City of Sacramento made an initial offer on October 5, 2016 to the owner of record to acquire the Acquisition Property for just compensation, and the City of Sacramento provided the owner of record with an appraisal summary statement.
- K. All the findings and conclusions made by the City Council pursuant to this Resolution are based upon substantial evidence in the entire record before the City Council, including without limitation information in the accompanying Staff Report, and are not based solely on the information provided in this Resolution.
- L. Prior to taking action, the City Council has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including each of the Project-related documents relevant to the adoption of this Resolution, the Staff Report to City Council, and all oral and written evidence presented to City Council during all meetings and hearings.
- M. The City Council has duly considered all pertinent information presented to it on the issue before it, and specifically whether: (1) the public interest and necessity require the Project; (2) the Project is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury; and (3) the Acquisition Property is necessary for the Project.
- N. All other legal prerequisites to the adoption of the Resolution have occurred.

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

- Section 1. The above recitals are true and correct and are matters on which these findings are based.
- Section 2. The City of Sacramento intends to acquire property interests in the Acquisition Property for, or in connection with, the above-described Project, a public use.
- Section 3. The statutory and constitutional provisions authorizing the City of Sacramento to acquire the Acquisition Property for the above-mentioned public use are Article I, Section 19 of the California Constitution; California Government Code sections 37350.5 and 40404; California Streets and Highways Code section 10102; and California Code of Civil Procedure sections 1240.010, 1240.110, 1240.120, 1240.510 and 1240.610.
- Section 4. The property interests the City seeks to acquire in the Acquisition Property are specifically described in Exhibits A, B, and C attached hereto, which

include legal descriptions and plat maps of the desired property interests.

- Section 5. The public interest and necessity require the Project.
- Section 6. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
- Section 7. The taking of the permanent right-of-way easement, temporary construction easement, and quitclaim of the parking easement, as more particularly described in Exhibits A, B, and C, is necessary for the Project.
- Section 8. If any portion of the area of the Acquisition Property has been appropriated to some public use, the public uses to which it is to be applied by the City, as described above and in the attached Staff Report, are more necessary and paramount public uses, pursuant to California Code of Civil Procedure section 1240.610, or alternatively, will not unreasonably interfere with or impair the continuance of the public use as it then exists or may reasonably be expected to exist in the future, pursuant to California Code of Civil Procedure section 1240.510.
- Section 9. The offer required by California Government Code section 7267.2 was made to the owner of record on October 5, 2016.
- Section 10. The notice of hearing required under California Code of Civil Procedure section 1245.235 has been duly served on the fee owner of the Acquisition Property.
- Section 11. While continuing to make every reasonable effort to acquire the Acquisition Property by negotiation, the City Attorney of the City of Sacramento or his duly authorized designee is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the Acquisition Property and to take such action as may be deemed advisable or necessary in connection therewith.
- Section 12. The City Attorney of the City of Sacramento or his duly authorized designee is hereby authorized to obtain an order for prejudgment possession in said action and obtain issuance of a warrant to the State Treasury Condemnation Fund, in the amount determined by the Court to be so deposited, as a condition to the right of immediate possession.
- Section 13. The City Manager is authorized to take the necessary budget and accounting actions regarding the Federal Capital Grants fund (Fund 3703) to properly account for this transaction.

Exhibits:

Exhibit A: Legal description and plat maps for Easement for Public Right-of-Way

Exhibit B: Legal description and plat maps for Temporary Construction Easement

Exhibit C: Legal description and plat maps for the parking easement for which the City seeks a quitclaim from the property owner

RECORDING REQUESTED BY
AND FOR THE BENEFIT OF
CITY OF SACRAMENTO
NO FEE DOCUMENT
Govt Code 27383

WHEN RECORDED MAIL TO

CITY OF SACRAMENTO
Real Estate Services
915 I Street, 2nd Floor
Sacramento, California 95814

NO TRANSFER TAX DUE per R&T Code 11922
Grantee is a Government Agency

SPACE ABOVE THIS LINE FOR RECORDER'S USE

ACQE-09-09-02

RESS File #

09-5008943

Escrow #

015-0033-009

Portion of APN

EASEMENT FOR PUBLIC RIGHT OF WAY

SACRAMENTO AREA LEAGUE OF ASSOCIATED MUSLIMS, a non-profit tax exempt religious organization (Grantor)

hereby grants to

CITY OF SACRAMENTO, a municipal corporation (Grantee)

an easement for the construction, improvement, use, operation, repair, replacement, rehabilitation, and maintenance of public right of way and associated uses on, over, across, and under all that real property situated in the City of Sacramento, County of Sacramento, State of California, described as follows:

SEE ATTACHED LEGAL DESCRIPTION MARKED AS EXHIBIT 'A'
AND DIAGRAMED IN THE CORRESPONDING PLAT MAP ATTACHED AS EXHIBIT 'B'

The Grantor(s), for themselves, and their successors and assigns, hereby waive any claim for any and all severance damages to their remaining property contiguous to the right-of way hereby conveyed by reason of the location, construction, or maintenance of said public right of way.

**SACRAMENTO AREA LEAGUE OF ASSOCIATED
MUSLIMS, a non-profit tax exempt religious organization**

Dated: _____

By: _____

Print Name: _____

Title: _____

Dated: _____

By: _____

Print Name: _____

Title: _____

EXHIBIT "A"

APN: 015-0033-009

RIGHT OF WAY

All that property situate in the County of Sacramento, State of California, being a portion of the lands described in the GRANT DEED to Sacramento Area League of Associated Muslims recorded on December 31, 2003 in Book 20031231, at Page 1111, Official Records of Sacramento County, more particularly described as follows:

Commencing at a 6"x6" Concrete Monument with a Cut "X" at the intersection of the easterly right-of-way line of Southern Pacific Railroad, said right-of-way of Southern Pacific Railroad being 100' wide, and the northerly line of Folsom Boulevard as shown on the Record of Survey filed June 25, 1968 in Book 26 of Surveys, at Page 17, Sacramento County Records; thence along said easterly right-of-way line, South 32°35'24" East, 1740.82 feet to a 1 1/4" Iron Pipe with tag stamped RCE 25924 marking the most westerly corner of PARCEL 1 as shown on the Record of Survey filed November 6, 1979 in Book 34 of Surveys, at Page 34, Sacramento County Records; thence leaving said easterly right-of-way line and along the westerly line of said PARCEL 1, North 03°05'24" West, 317.39 feet to the **Point of Beginning**, said point being South 03°05'24" East, 110.69 feet along said westerly line from the south line of Brighton Avenue as shown on said Record of Survey; thence leaving said westerly line, North 81°29'36" West, 43.30 feet to the beginning of a curve concave to the northeast, having a radius of 499.70 feet and a chord bearing North 69°38'39" West, 205.21 feet; thence northwesterly through a central angle of 23°41'54", 206.68 feet along said curve to said easterly right-of-way line; thence along said easterly right-of-way line, North 32°35'24" West, 44.02 feet to the northerly line of the property in said GRANT DEED and the beginning of a non-tangent curve concave to the north, having a radius of 699.97 feet and a chord bearing South 87°58'36" East, 146.78 feet; thence along said northerly line the following three (3) courses:

- 1) easterly through a central angle of 12°02'12", 147.05 feet along said curve,

- 2) North $86^{\circ}00'18''$ East, 84.83 feet to the beginning of a curve concave to the south, having a radius of 982.96 feet and a chord bearing North $86^{\circ}37'39''$ East, 21.35 feet and
- 3) easterly through a central angle of $01^{\circ}14'41''$, 21.35 feet along said curve to said westerly line of said PARCEL 1.

thence along said westerly line, South $03^{\circ}05'24''$ East, 117.03 feet to the **Point of Beginning**.

Containing 19,412 square feet or 0.45 acres, more or less.

Bearings, distances and stationing used in the above descriptions are based upon the California Coordinate System of 1983, epoch 1997.30, Zone (2). Distances are in US Survey feet, multiply the distances shown above by 1.00004 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company, Inc., by me, or under my direction, in conformance with the Professional Land Surveyors Act.

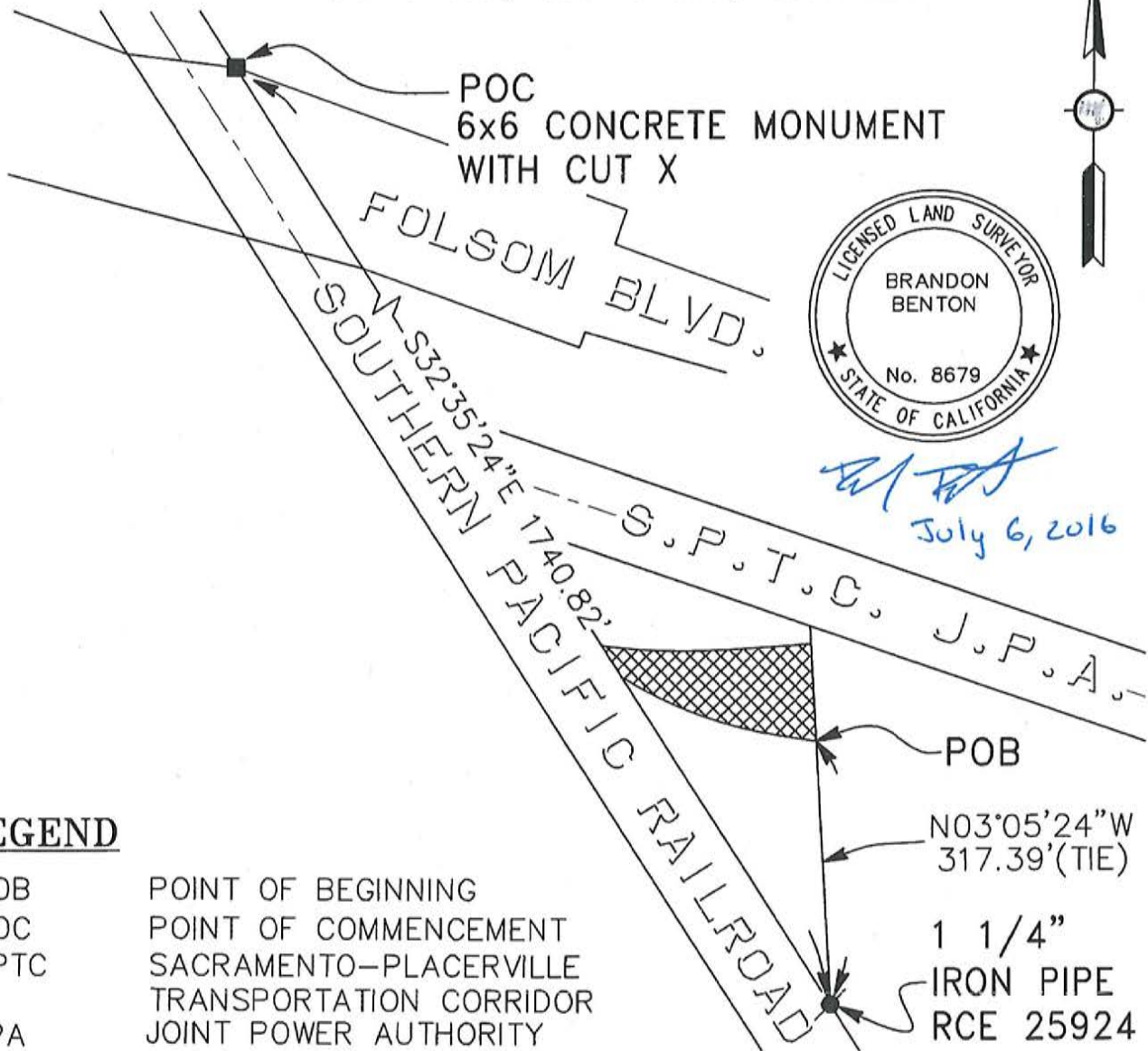


Brandon Benton, LS 8679



July 6, 2016
Date

PORTION SECTION 15
T. 8 N., R. 5 E., M.D.M.



[Signature]
July 6, 2016

LEGEND

POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
SPTC	SACRAMENTO-PLACERVILLE TRANSPORTATION CORRIDOR
JPA	JOINT POWER AUTHORITY
CB	CHORD BEARING
CH	CHORD

Bearings and distances shown are based on the California Coordinate System of 1983, Epoch 1997.30 Zone 2. Distances are in US survey feet unless otherwise noted. Multiply distances shown by 1.00004 to obtain ground level distances.

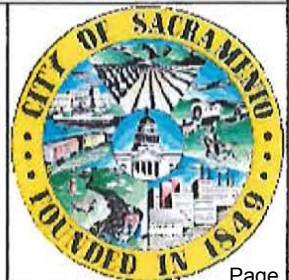
SHEET 1 OF 2



Mark
Thomas &
Company
Inc.

Scale None
Date 07-06-2016
Drawn By ECK
Checked By BGB

EXHIBIT B
SACRAMENTO AREA LEAGUE
OF ASSOCIATED MUSLIMS
APNs 015-0033-009
PLAT TO ACCOMPANY LEGAL DESCRIPTION
IN THE CITY OF SACRAMENTO
SACRAMENTO COUNTY, CALIFORNIA



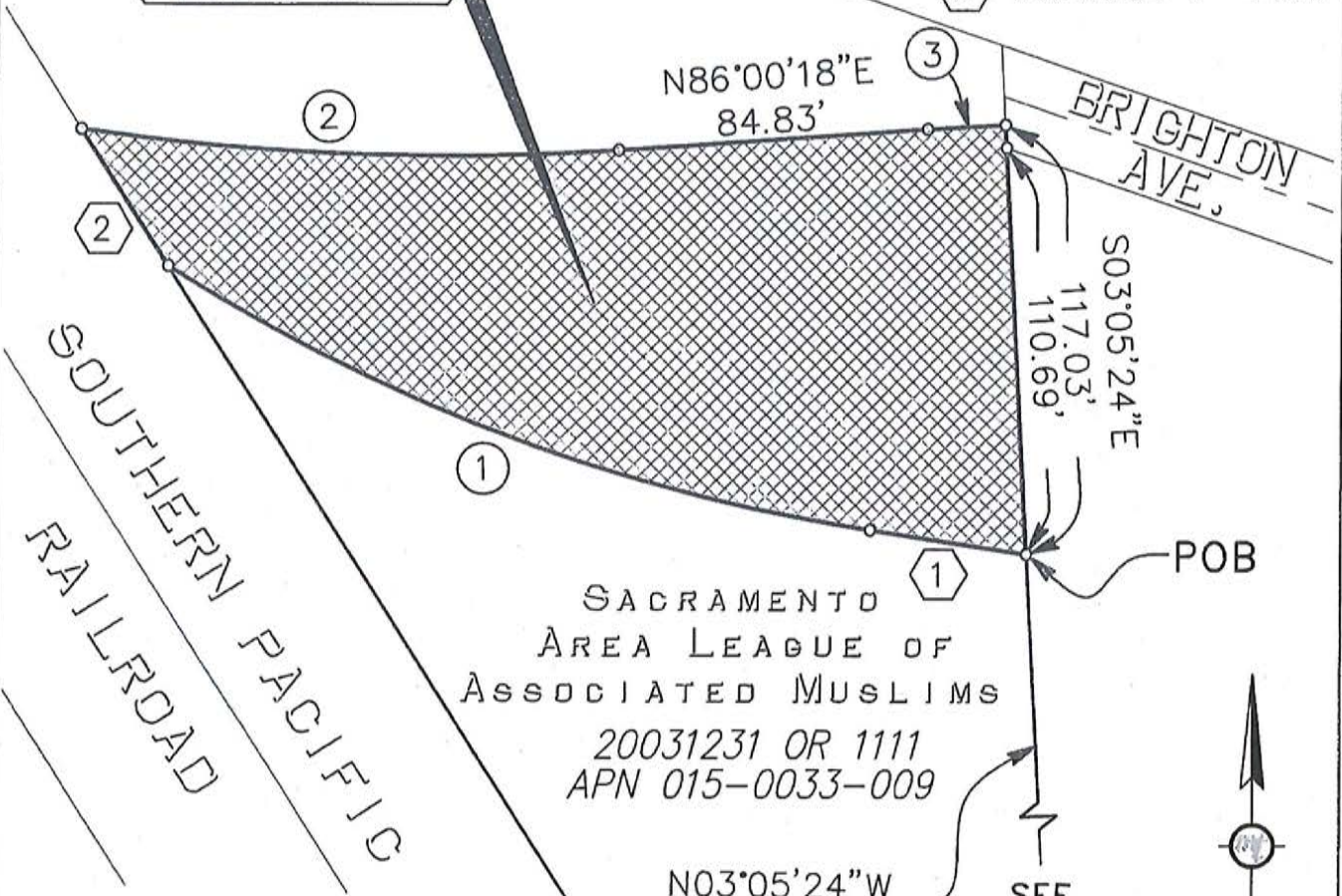
POR. SEC. 15
T. 8 N., R. 5 E., M.D.M.

LINE TABLE

- ① N81°29'36"W 43.30'
- ② N32°35'24"W 44.02'

RIGHT-OF-WAY

0.45± Acres
19,412± SQ FT



CURVE TABLE

①	②	③
R=499.70'	R=699.97'	R=982.96'
L=206.68'	L=147.05'	L=21.35'
Δ = 23°41'54"	Δ = 12°02'12"	Δ = 01°14'41"
CB=N69°38'39"W	CB=S87°58'36"E	CB=N86°37'39"E
CH=205.21'	CH=146.78'	CH=21.35'

FEET 0 25 50 100

SHEET 2 OF 2



Mark
Thomas &
Company
Inc.

Scale 1"=50'
Date 07-06-2016
Drawn By ECK
Checked By BGB

EXHIBIT B
SACRAMENTO AREA LEAGUE
OF ASSOCIATED MUSLIMS
APNs 015-0033-009
PLAT TO ACCOMPANY LEGAL DESCRIPTION
IN THE CITY OF SACRAMENTO
SACRAMENTO COUNTY, CALIFORNIA



RECORDING REQUESTED BY
AND FOR THE BENEFIT OF
CITY OF SACRAMENTO
NO FEE DOCUMENT
Govt Code 27383

WHEN RECORDED MAIL TO

CITY OF SACRAMENTO
Real Estate Services
915 I Street, 2nd Floor
Sacramento, California 95814

NO TRANSFER TAX DUE per R&T Code 11922
Grantee is a Government Agency

SPACE ABOVE THIS LINE FOR RECORDER'S USE

ACQE-09-09-02

RESS File #

09-5008943

Escrow #

015-0033-009

Portion of APN

TEMPORARY CONSTRUCTION EASEMENT

SACRAMENTO AREA LEAGUE OF ASSOCIATED MUSLIMS, a non-profit tax exempt religious organization, hereby grants to the **CITY OF SACRAMENTO, a municipal corporation**, a temporary easement for purposes of construction, reconstruction, installation, improvement, repair, inspection, expansion, and maintenance of public right-of-ways, highways, roadways, services, utilities, landscape improvements, and necessary appurtenant structures on, over, across, and under all that real property situated in the City of Sacramento, County of Sacramento, State of California, described as follows:

SEE ATTACHED LEGAL DESCRIPTION MARKED EXHIBIT 'A'
AND DIAGRAMED IN THE CORRESPONDING PLAT MAP ATTACHED AS EXHIBIT 'B'

The Temporary Construction Easement (TCE) shall commence as of the date this TCE is recorded and shall last for a period of twelve (12) months.

**SACRAMENTO AREA LEAGUE OF ASSOCIATED
MUSLIMS, a non-profit tax exempt religious organization**

Dated: _____

By: _____

Print Name: _____

Title: _____

Dated: _____

By: _____

Print Name: _____

Title: _____

EXHIBIT "A"

APN: 015-0033-009

TEMPORARY CONSTRUCTION EASEMENT

All that property situate in the County of Sacramento, State of California, being a portion of the lands described in the GRANT DEED to Sacramento Area League of Associated Muslims recorded on December 31, 2003 in Book 20031231, at Page 1111, Official Records of Sacramento County, more particularly described as follows:

Commencing at a 6"x6" Concrete Monument with a Cut "X" at the intersection of the easterly right-of-way line of Southern Pacific Railroad, said right-of-way of Southern Pacific Railroad being 100' wide, and the northerly line of Folsom Boulevard as shown on the Record of Survey filed June 25, 1968 in Book 26 of Surveys, at Page 17, Sacramento County Records; thence along said easterly right-of-way line, South 32°35'24" East, 1740.82 feet to a 1 1/4" Iron Pipe with tag stamped RCE 25924 marking the most westerly corner of PARCEL 1 as shown on the Record of Survey filed November 6, 1979 in Book 34 of Surveys, at Page 34, Sacramento County Records; thence leaving said easterly right-of-way line and along the westerly line of said PARCEL 1, North 03°05'24" West, 317.39 feet to a point, said point being South 03°05'24" East, 110.69 feet along said westerly line from the south line of Brighton Avenue as shown on said Record of Survey; thence leaving said westerly line, North 81°29'36" West, 43.30 feet to the beginning of a curve concave to the northeast, having a radius of 499.70 feet and a chord bearing North 69°38'39" West, 205.21 feet; thence northwesterly through a central angle of 23°41'54", 206.68 feet along said curve to said easterly right-of-way line and the **Point of Beginning**; thence along said easterly right-of-way line, South 32°35'24" East, 22.52 feet to the beginning of a non-tangent curve concave to the north, having a radius of 509.70 feet and a chord bearing South 68°34'44" East, 150.54 feet; thence leaving said easterly right-of-way line, southeasterly through a central angle of 16°59'05", 151.10 feet along said curve; thence North 14°03'10" East, 10.00 feet to the beginning of a non-tangent curve concave to the northeast, having a radius of 499.70 feet and a chord bearing North 67°26'40" West, 167.52

feet; thence northwesterly through a central angle of $19^{\circ}17'56''$, 168.31 feet along said curve to the **Point of Beginning**.

1,596 square feet or 0.04 acres, more or less.

Bearings, distances and stationing used in the above descriptions are based upon the California Coordinate System of 1983, epoch 1997.30, Zone (2). Distances are in US Survey feet, multiply the distances shown above by 1.00004 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company, Inc., by me, or under my direction, in conformance with the Professional Land Surveyors Act.

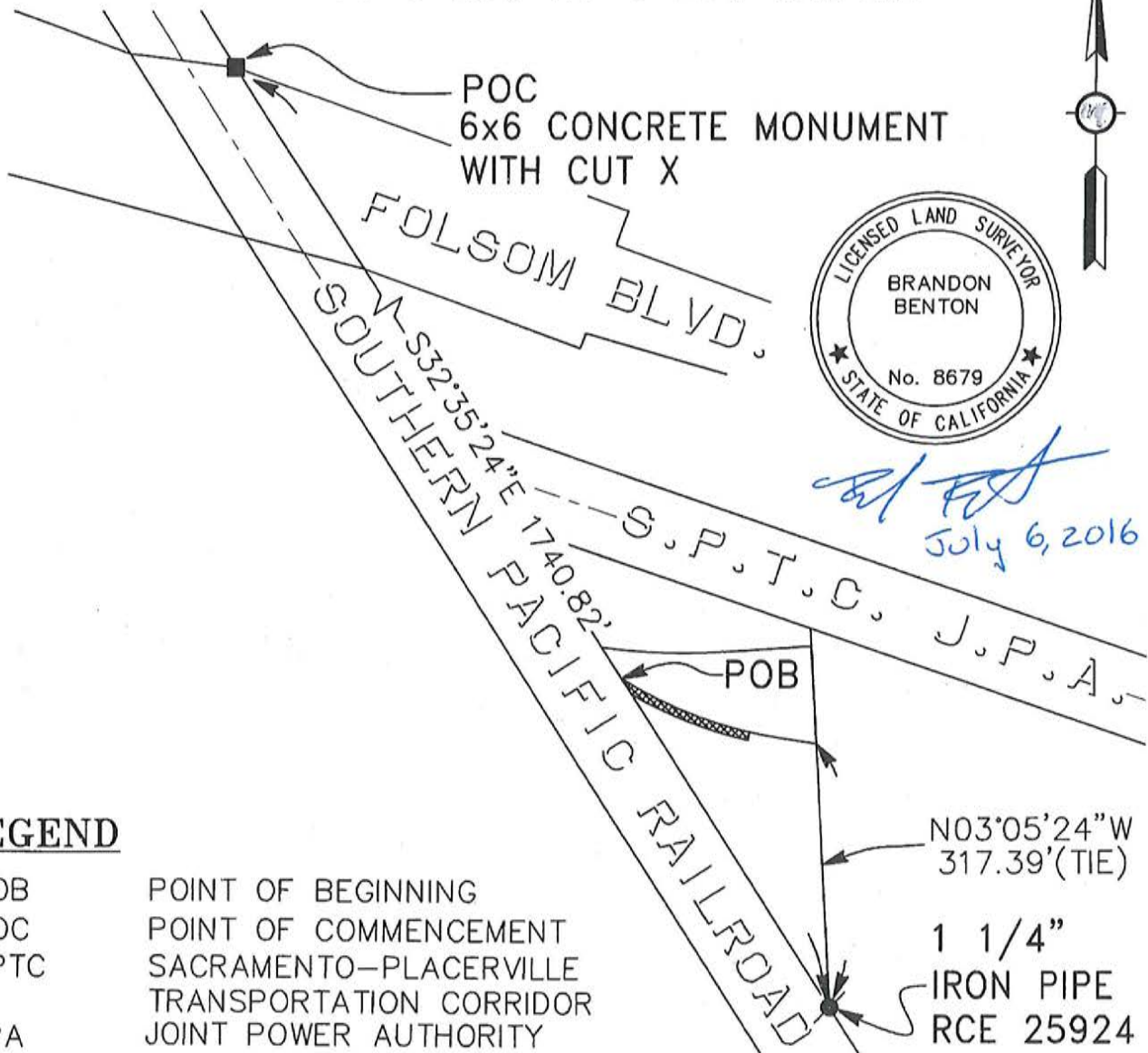


Brandon Benton, LS 8679



July 6, 2016
Date

PORTION SECTION 15
T. 8 N., R. 5 E., M.D.M.



LEGEND

POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
SPTC	SACRAMENTO-PLACERVILLE TRANSPORTATION CORRIDOR
JPA	JOINT POWER AUTHORITY
CB	CHORD BEARING
CH	CHORD

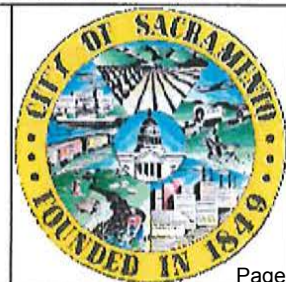
Bearings and distances shown are based on the California Coordinate System of 1983, Epoch 1997.30 Zone 2. Distances are in US survey feet unless otherwise noted. Multiply distances shown by 1.00004 to obtain ground level distances.

SHEET 1 OF 2

 Mark
Thomas &
Company
Inc.

Scale None
Date 07-06-2016
Drawn By ECK
Checked By BGB

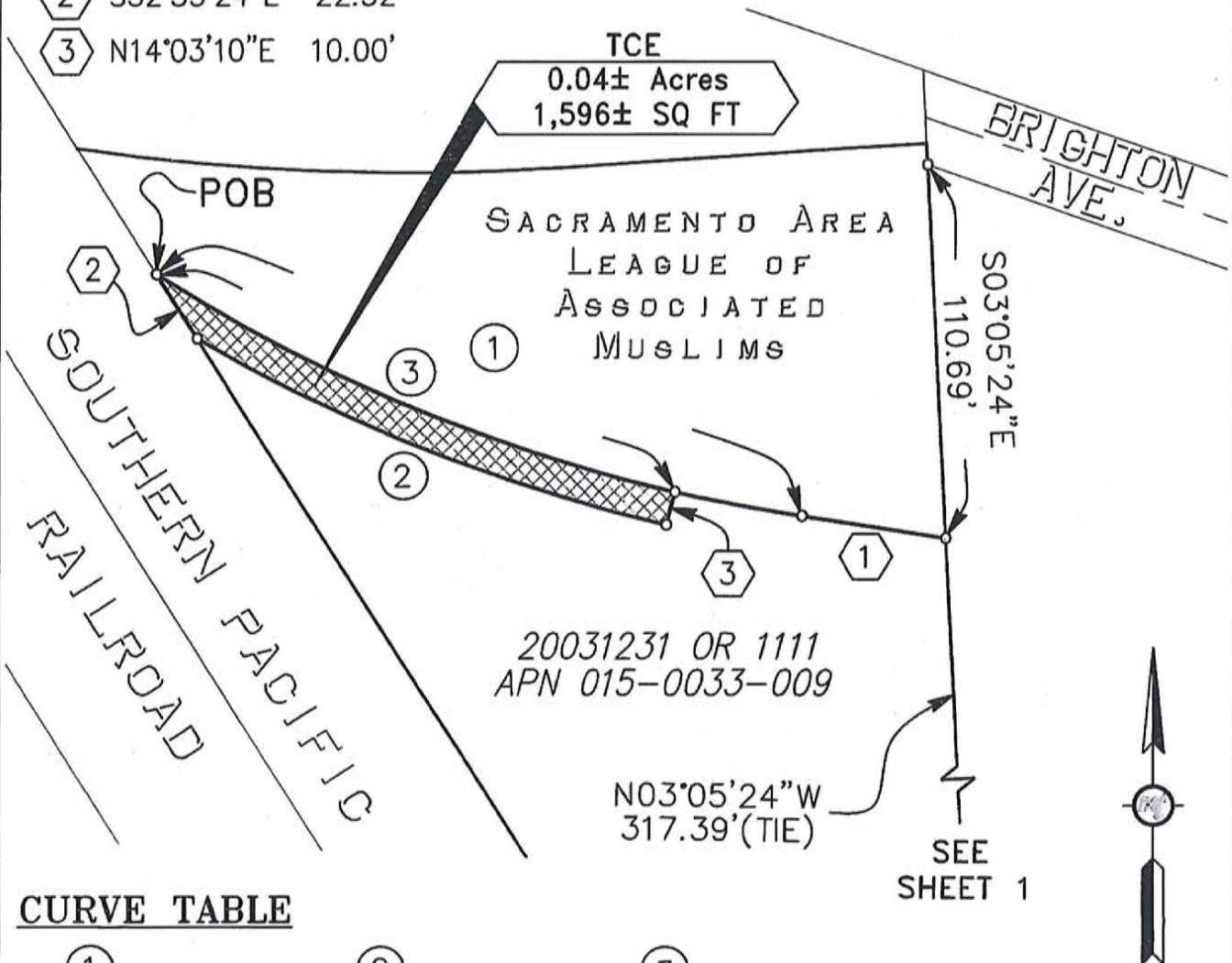
EXHIBIT B
SACRAMENTO AREA LEAGUE
OF ASSOCIATED MUSLIMS
APNs 015-0033-009
PLAT TO ACCOMPANY LEGAL DESCRIPTION
IN THE CITY OF SACRAMENTO
SACRAMENTO COUNTY, CALIFORNIA



POR. SEC. 15
T. 8 N., R. 5 E., M.D.M.

LINE TABLE

- ① N81°29'36"W 43.30'
- ② S32°35'24"E 22.52'
- ③ N14°03'10"E 10.00'



CURVE TABLE

①	②	③
R=499.70'	R=509.70'	R=499.70'
L=206.68'	L=151.10'	L=168.31'
Δ = 23°41'54"	Δ = 16°59'05"	Δ = 19°17'56"
CB=N69°38'39"W	CB=S68°34'44"E	CB=N67°26'40"W
CH=205.21'	CH=150.54'	CH=167.52'

FEET 0 25 50 100

SHEET 2 OF 2

Mark
Thomas &
Company
Inc.

Scale 1"=50'
Date 07-06-2016
Drawn By ECK
Checked By BGB

EXHIBIT B
SACRAMENTO AREA LEAGUE
OF ASSOCIATED MUSLIMS
APNs 015-0033-009
PLAT TO ACCOMPANY LEGAL DESCRIPTION
IN THE CITY OF SACRAMENTO
SACRAMENTO COUNTY, CALIFORNIA



RECORDING REQUESTED BY
AND FOR THE BENEFIT OF

CITY OF SACRAMENTO

NO FEE DOCUMENT
Govt Code 27383

WHEN RECORDED MAIL TO:

SACRAMENTO REGIONAL TRANSIT DISTRICT
1400 29th Street
Sacramento, California 95816

SPACE ABOVE THIS LINE FOR RECORDER'S USE

ACQE-09-09-02
RESS File #

015-0033-008
Portion of APN

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the **SACRAMENTO AREA LEAGUE OF ASSOCIATED MUSLIMS, a non-profit tax exempt religious organization**, hereby remises, releases and quitclaims to the **SACRAMENTO REGIONAL TRANSIT DISTRICT**, all of its rights, title, and interest in the easement reservation described in the Individual Grant Deed recorded on December 14, 1987 in Book 19871214 at Page 1272 in the Recorder’s Office of the County of Sacramento.

SACRAMENTO AREA LEAGUE OF ASSOCIATED MUSLIMS, a non-profit tax exempt religious organization

Dated: _____

By: _____
Print Name: _____
Title: _____

Dated: _____

By: _____
Print Name: _____
Title: _____