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DEPARTMENT
OF UTILITIES

ENGINEERING
SERVICES DIVISION

CITY OF SACRAMENTO
CALIFORNIA

1395 35th AVENUE
SACRAMENTO, CA
95822-2911

October 11, 2002

APPROVED

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City Council
Sacramento, California

OCT 29 2002

OFFICE OF THE
CITY CLERK

Honorable Members in Session:

SUBJECT: RESOLUTION RESCINDING RESOLUTION OF NECESSITY ADOPTED TO ACQUIRE PARCEL FOR THE 65TH AND BROADWAY DETENTION BASIN PROJECT (PN:WJ76)

LOCATION AND COUNCIL DISTRICT:

The 65th and Broadway Detention Basin Project is located in the East Broadway Community Area east of the 65th Street and Broadway intersection in Council District 6 (see Exhibit "A" for project location).

RECOMMENDATION:

Staff recommends that the City Council:

- Adopt the attached Resolution to rescind the Resolution of Necessity that was adopted by the City Council on August 27, 2002 (Resolution No. 2002-573).

CONTACT PERSON: Bill Sinclair, Real Property Agent, 264-1905

FOR THE COUNCIL MEETING OF: October 29, 2002

SUMMARY:

The City Council on August 27, 2002, adopted a Resolution of Necessity in order to initiate the eminent domain process to acquire a parcel consisting of approximately 3.74 acres for the 65th and Broadway Detention Basin Project. The Resolution of Necessity must be rescinded due to an inadvertent procedural error, in that there was a failure to serve the City's offer to buy the property on all owners of record per applicable legal requirements.



CITY OF SACRAMENTO
DEPARTMENT
OF UTILITIES

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COMMITTEE/COMMISSION ACTION: None.

BACKGROUND INFORMATION:

The 65th and Broadway Detention Basin Project is located east of the intersection of 65th Street and Broadway. The proposed detention basin will allow for more effective management of storm events and reduce impacts to the storm water system during storms. The property needed for the project consists of approximately 3.74 net acres, and has several owners of record. The subject property was appraised and, after the City's offer to acquire the property for the City's appraised value was not accepted, the City Council adopted a Resolution of Necessity to acquire the property by eminent domain. City staff subsequently determined that it inadvertently failed to serve the City's offer to all owners of record, as required by applicable Code of Civil Procedure and Government Code requirements. It is necessary to rescind the Resolution of Necessity to correct this error.

FINANCIAL CONSIDERATIONS:

The City's appraised value for the subject property was \$271,000. City staff may update this appraisal before a new offer is made in accordance with applicable legal requirements.

ENVIRONMENTAL CONSIDERATIONS:

A Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the 65th & Broadway Detention Basin Project were adopted by the City Council on August 27, 2002 prior to adoption of the prior Resolution of Necessity. Rescinding the Resolution of Necessity does not require any additional environmental review.

POLICY CONSIDERATIONS:

The City Council action recommended in this report is necessary to comply with legal requirements for the acquisition of private property for public projects.

ESBD CONSIDERATIONS:

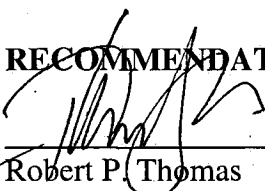
No goods or services are being purchased.

Respectfully submitted,



Gary A. Reents
Engineering Services Manager

RECOMMENDATION APPROVED:



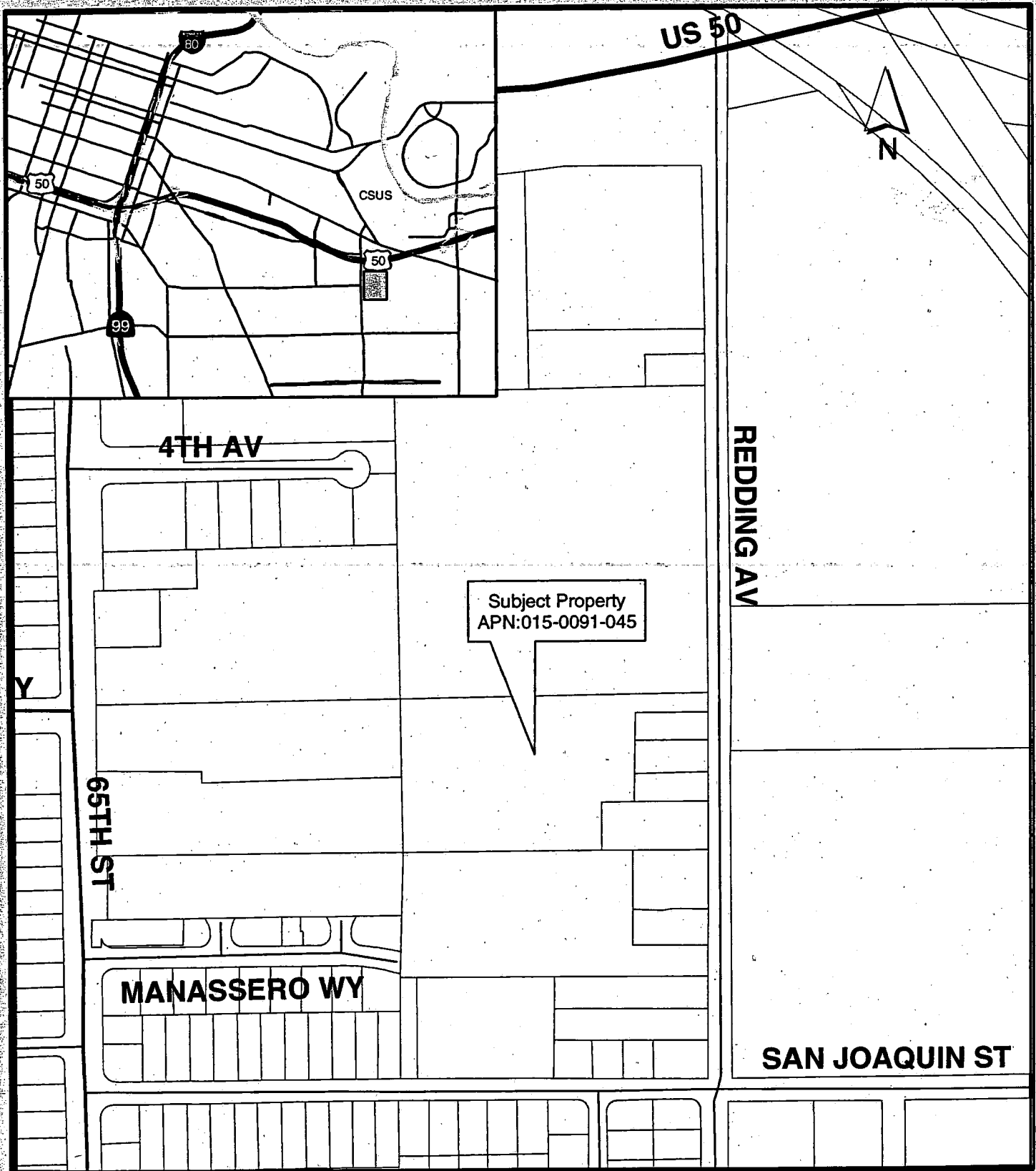
Robert P. Thomas
City Manager

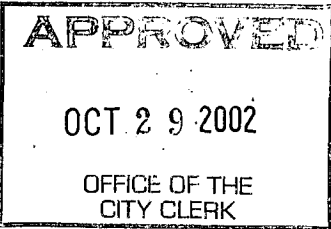
APPROVED:



for Jim Sequeira
Director of Utilities

EXHIBIT A





RESOLUTION NO. 2002-718

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION RESCINDING THE RESOLUTION OF NECESSITY ADOPTED TO ACQUIRE PARCEL FOR THE 65TH STREET AND BROADWAY DETENTION BASIN PROJECT (PN:WJ76)

BE IT RESOLVED BY THE SACRAMENTO CITY COUNCIL THAT:

The Resolution of Necessity adopted by the City Council on August 27, 2002, Resolution No. 2002-573, is hereby rescinded and set aside.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO _____

DATE ADOPTED _____