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DEPARTMENT
OF UTILITIES

ENGINEERING
SERVICES DIVISION

CITY OF SACRAMENTO
CALIFORNIA

August 28, 2002

1395 35th AVENUE
SACRAMENTO, CA
95822-2911

PH 916-264-1400
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City Council
Sacramento, California

CONTINUED
FROM 9/10/02
TO 10/24/02

Honorable Members in Session:

SUBJECT: HEARING ON RESOLUTION OF NECESSITY TO ACQUIRE SEWER, WATER AND DRAINAGE LINE EASEMENTS ON PORTIONS OF APNs: 001-0210-039 & 040 FOR THE SACRAMENTO RIVER WATER TREATMENT PLANT SEWER EXTENSION PROJECT (PN: ZH61); TWO-THIRDS VOTE REQUIRED

LOCATION AND COUNCIL DISTRICT: 325 North 5th Street in Council District 1

RECOMMENDATION:

This report recommends that City Council:

- A. Conduct a hearing on Resolution of Necessity and make the necessary findings to acquire two (2) sewer, water and drainage line easements on portions of APNs: 001-0210-039 & 040, located at 325 North 5th Street.
- B. Adopt the attached Resolution of Necessity for these acquisitions.

CONTACT PERSONS: Gary Reents, Engineering Division Manager, 264-1433
Candace McGahan, Supervising Engineer, 264-1416
Rhonda R. Lake, Real Property Agent, 264-7902

FOR COUNCIL MEETING OF: September 10, 2002

SUMMARY:

The purpose of this hearing is to receive public testimony and take action on the Resolution of Necessity to acquire certain interests in real property required for construction of the Sacramento River Water Treatment Plant (SRTWP) Sewer Extension Project. An offer of just compensation has been made to the property owners. To insure that the acquisition process does not delay



CITY OF SACRAMENTO
DEPARTMENT
OF UTILITIES

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FAXED 9-05-02

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9-10-02

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CITY CLERK'S OFFICE
CITY OF SACRAMENTO
SEP 9 3 52 PM '02

September 3, 2002

City Council of Sacramento
City Clerk
915 I Street, Room 300
Sacramento, CA 95814-2700

To: City Clerk
From: Don Rosa

RE: Resolution of Necessity
APN: 225-0220-014 & 077
RES FILE: ACQ-01-14-00

I hereby request to be heard on September 10, 2002 at the City Council Meeting to be held at 2:00pm in the City Council Chambers.

Attached is a statement of the conditions that are pertinent to the property. The statement outlines my questionable concerns.

I am including my phone and fax number and would appreciate being notified of any change in the agenda or hearing date.

Thank you.



Don Rosa

(916) 682-6961
FAX (916) 681-7178

Cc: Gary Livaich
Desmond, Nolan, Liviach & Cunningham

September 3, 2002

TO: Sacramento City Council
915 I Street
Sacramento, CA 95814-2700

From: Don Rosa
Property Owner

RE: San Juan Road Drainage Project (PN: P433)
Hearing Date: September 10, 2002.
RES File: ACQ-01-14-00
APN: 225-0220-14 & 07

Members of the City Council,

I am a third generation native of the Natomas area. My family has been farming in Natomas for well over 70 years. We are taxpayers and consider ourselves solid members of the community. We are opposed to the City Council adopting this resolution of eminent domain for several reasons. It is a "take" from a county property owner to benefit the property developer on the city limit side of San Juan Road.

The property in question is located in the County of Sacramento, not the City, south of San Juan Road and east of El Centro Road. The housing development by River West Investments that has prompted this action is north of San Juan Road in the City of Sacramento.

This action is based on the premise that the road must be widened, and in order to do so the existing Reclamation District 1000 drainage ditch must be relocated.

According to the letter from the City of Sacramento Real Estate Services, the provisions of the California Code of Civil Procedure, Section 1240.030, provides that the power of eminent domain may be exercised to acquire property for a proposed project if the following conditions are met:

a) The public interest and necessity require the project.

I challenge this necessity. The housing development is fully built out, and has been sold out for over one year. The road has been repaved and appears to be handling the traffic with no problem. Remember, there is no development south of San Juan, either to the west or east. There are other streets into the project that appear to be the main arteries.

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

I challenge this condition with the utmost concern. The developer was allowed to build his houses right up to the shoulder of San Juan Road. His dedication of property was minimal. Was this done to increase the developer's profits, increase the city's tax base, or was it an oversight by planning? At any rate, this is causing us a great amount

of private injury, not only in the loss of farmable land but also in reducing the size of the parcels. It is also taking approximately 1½ acres, or several thousand feet of frontage along San Juan Road.

We lost over 5 acres for the city's flood control project four years ago under the threat of eminent domain on this very property. In addition, we have had property taken on two other occasions so both the airport could be protected and city development could proceed from floodplain protection. We were not involved in the planning of this development and street requirements imposed by the city and/or its staff. It seems to me this action is being taken to keep the developer from having the "least private injury," not us!!

With the city and county holding hearings on the "Natomas Joint Vision," it is apparent that there is a safety factor involved and it has been brought up in the workshops and hearings. It has to do with safety and the problems of urban development upon farming practices. It would seem more appropriate to place the drainage underground in order to eliminate potential accidental injury and loss of life. Other options for public safety should be considered. Open canals are only an invitation to young children and teens to get into trouble. I was raised in Natomas and have seen the tragic results from both open drainage ditches and high-speed traffic on country roads. We are already experiencing the many problems of urban encroachment on our agricultural properties.

c) The property sought to be acquired is necessary for the project.

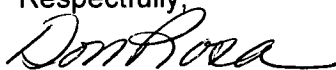
It has already been pointed out above that this project is not necessary until further development occurs south of San Juan Road. This property is located in the county. The city should have required the additional property to come from within the city limits, or the developers, side of the road.

There is a flaw in our local planning. At no time were we ever consulted before the housing project was approved. But I understand this was a contingency of approval. Why has it taken over 3 years to finally get around to it? Perhaps, it is just not necessary? I am tiring quickly of being a political pawn in Natomas. The harassment to us just never seems to end.

There are also significant consequences with the temporary construction easement. Not only is the area too large, but also the resolution does not allow for property restoration, crop damage, or a method of permanently identifying the easement line. It does not address timing for cropping plans. The use of the irrigation pump, which pumps water from the canal, is essential to our livelihood. There is also an issue with egress and ingress to the permanent easement area and a valuation issue, which is not part of this discussion.

Please give serious consideration when voting on this resolution based on the information outlined above.

Respectfully,



Don Rosa

Cc: Gary Liviach (Desmond, Nolan, Livaich & Cunningham)