

RESOLUTION NO. 2004-519

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF JUN 22 2004

**ADOPTING FINDINGS IN RESPONSE TO WRITTEN
AND ORAL OBJECTIONS TO ADOPTION OF THE REDEVELOPMENT PLAN
FOR THE 65TH STREET REDEVELOPMENT PROJECT**

WHEREAS, in accordance with the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), the Redevelopment Agency of the City of Sacramento (the "Agency") prepared and submitted to the City Council of the City of Sacramento (the "City Council") a proposed Redevelopment Plan (the "Redevelopment Plan") for the 65th Street Redevelopment Project (the "Project") that would encompass the 65th Street Project Area (the "Project Area") as described in the Redevelopment Plan; and

WHEREAS, on May 25, 2004, the City Council and the Agency held a joint public hearing to consider adoption of the Redevelopment Plan; and

WHEREAS, the City Council has provided an opportunity for all persons to be heard and has considered all written comments received and all evidence and testimony presented for or against any and all aspects of the Redevelopment Plan; and

WHEREAS, Section 33363 of the Community Redevelopment Law provides that, before adopting the Redevelopment Plan, the City Council shall make written findings in response to each written objection received before or at the noticed public hearing from an affected property owner or taxing entity; and

WHEREAS, the City Council and Agency received no written objections to the Redevelopment Plan from an affected property owner or taxing entity before or at the joint public hearing on adoption of the Redevelopment Plan, but did receive at the joint public hearing written and oral objections from a resident of property adjacent to the Project Area and oral objections from a business owner within the Project Area; and

WHEREAS, the City Council desires to adopt written findings in response to the written and oral objections received at the joint public hearing prior to acting on adoption of the Redevelopment Plan;

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

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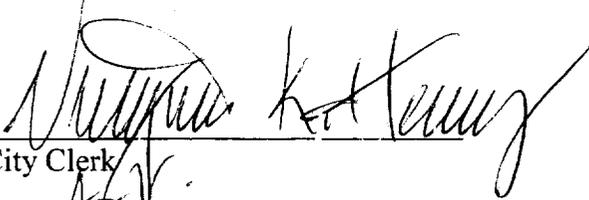
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Section 1. The City Council hereby adopts the "Written Findings in Response to Written and Oral Objections Received at the Joint Public Hearing Concerning Adoption of the Proposed Redevelopment Plan for the 65th Street Redevelopment Project," as set forth in Exhibit A, attached hereto and incorporated herein by reference.



Mayor

ATTEST:



City Clerk

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EXHIBIT A

WRITTEN FINDINGS IN RESPONSE TO
WRITTEN AND ORAL OBJECTIONS RECEIVED
AT THE JOINT PUBLIC HEARING CONCERNING
ADOPTION OF THE PROPOSED REDEVELOPMENT PLAN
FOR THE 65TH STREET REDEVELOPMENT PROJECT

Section 33363 of the Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) imposes upon a legislative body contemplating the adoption of a redevelopment plan the obligation to consider any written objections received from an affected property owner or taxing entity before or at the noticed public hearing on said plan and to adopt written findings in response to each such written objection.

On May 25, 2004, the City Council of the City of Sacramento (the "City Council") and the Redevelopment Agency of the City of Sacramento (the "Agency") held a noticed joint public hearing to consider the proposed Redevelopment Plan (the "Redevelopment Plan") for the 65th Street Redevelopment Project. No written objections to the proposed adoption of the Redevelopment Plan were received by the City Council or Agency from an affected property owner or taxing entity before or at the noticed joint public hearing. At the joint public hearing, however, the City Council and Agency did receive written and oral objections from a resident of property adjacent to the Project Area and oral objections from a business owner within the Project Area.

The following provides a summary of each of those objections, together with the findings of the City Council in response thereto.

A. Written and Oral Objections from Ms. Roxanne Fuentes (resident of 1100 64th Street, located outside the Project Area):

Letter dated May 25, 2004, objecting to the adoption of the Redevelopment Plan (the letter is attached hereto as Attachment No. 1). The following "comment" numbers are marked on Attachment No. 1 to show the correlation between the summary of objections set forth below and the specific paragraphs of the letter. Ms. Fuentes' oral objections at the joint public hearing followed the contents of her letter.

Summary of Comment #1. It is not right to use eminent domain to acquire private property.

Findings of the City Council in Response to Comment #1:

The principal purpose of the Redevelopment Plan is to provide the Agency with tools that will enable it to assist the community in alleviating adverse (blighting) conditions currently affecting the community, thereby encouraging and promoting new investment

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and reinvestment in the area and the consequent improvement and revitalization of the area for the benefit of all property owners, residents and businesses.

Eminent domain authority is one of the tools provided by the Redevelopment Plan, but it is generally a tool of last resort. The adoption of the proposed Redevelopment Plan does not, in and of itself, mean that any particular property will be acquired by condemnation. It does not amount to a decision to use eminent domain; it merely makes eminent domain authority available should the appropriate circumstance arise.

Just as is required by the City when the City exercises its eminent domain power, the Agency must follow very specific laws governing property acquisition and the use of eminent domain. These laws require the Agency to make every reasonable effort to acquire property by negotiated purchase and then, in those circumstances where eminent domain is proposed to be used, the Agency must hold a public hearing and give the property owner an opportunity to be heard, must make certain findings, must pay "just compensation" (fair market value established by appraisal) for the interest acquired and must provide relocation assistance and benefits.

Summary of Comment #2. The type of high density envisioned is misguided and will cause much traffic congestion.

Findings of the City Council in Response to Comment #2:

The Redevelopment Plan does not alter the land uses permitted within the Project Area. Land uses in the Project Area will continue to be governed by the City's General Plan, Specific Plans and zoning. As stated above, the principal purpose of the Redevelopment Plan is to provide the Agency with tools that will enable it to assist the community in alleviating adverse (blighting) conditions currently affecting the community, thereby encouraging and promoting new investment and reinvestment in the area and the consequent improvement and revitalization of the area for the benefit of all property owners, residents and businesses. The remedying of traffic and circulation problems through the improvement of existing streets is one of the ways in which the Agency may assist.

Summary of Comment #3. Every piece of open space should not be filled in.

Findings of the City Council in Response to Comment #3:

As stated above, the Redevelopment Plan does not alter the land uses permitted within the Project Area. Land uses will continue to be governed by the City's General Plan, Specific Plans and zoning. The adopted 65th Street Transit Village Plan and the proposed 65th Street Transit Village South Plan each recognize and identify parks and open space as key elements of the planning and land uses for those areas. The Redevelopment Plan would provide an additional means of implementing projects identified in those specific plans, including parks and community facilities.

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Summary of Comment #4. The field and wetland area between Ramona Avenue and the Union Pacific Railroad tracks, home to many wildlife species, should not be destroyed.

Findings of the City Council in Response to Comment #4:

As stated above, the Redevelopment Plan does not alter the land uses permitted within the Project Area. Land uses will continue to be governed by the City's General Plan, Specific Plans and zoning. At such time as any development activity is proposed for the area between Ramona Avenue and the Union Pacific Railroad tracks, that development would be subject to all applicable City standards, policies and requirements and may be subject to further environmental review and mitigation, as appropriate.

B. Oral Objections from Mr. John Hammond (business owner, Hammond Landscape & Tree, located on 65th Street within the Project Area):

Summary of Comment #1. Eminent domain should not be used to get rid of existing businesses.

Findings of the City Council in Response to Comment #1:

The principal purpose of the Redevelopment Plan is to provide the Agency with tools that will enable it to assist the community in alleviating adverse (blighting) conditions currently affecting the community, thereby encouraging and promoting new investment and reinvestment in the area and the consequent improvement and revitalization of the area for the benefit of all property owners, residents and businesses.

Eminent domain authority is one of the tools provided by the Redevelopment Plan, but it is generally a tool of last resort. The adoption of the proposed Redevelopment Plan does not, in and of itself, mean that any particular property will be acquired by condemnation. It does not amount to a decision to use eminent domain; it merely makes eminent domain authority available should the appropriate circumstance arise.

Just as is required by the City when the City exercises its eminent domain power, the Agency must follow very specific laws governing property acquisition and the use of eminent domain. These laws require the Agency to make every reasonable effort to acquire property by negotiated purchase and then, in those circumstances where eminent domain is proposed to be used, the Agency must hold a public hearing and give the property owner an opportunity to be heard, must make certain findings, must pay "just compensation" (fair market value established by appraisal) for the interest acquired and must provide relocation assistance and benefits.

Summary of Comment #2. Traffic in the area is horrendous, already hurting existing businesses, and more development will make it worse.

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Findings of the City Council in Response to Comment #2:

The Redevelopment Plan does not alter the land uses permitted within the Project Area. Land uses in the Project Area will continue to be governed by the City's General Plan, Specific Plans and zoning. As stated above, the principal purpose of the Redevelopment Plan is to provide the Agency with tools that will enable it to assist the community in alleviating adverse (blighting) conditions currently affecting the community, thereby encouraging and promoting new investment and reinvestment in the area and the consequent improvement and revitalization of the area for the benefit of all property owners, residents and businesses. The remedying of traffic and circulation problems through the improvement of existing streets is one of the ways in which the Agency may assist.

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To whom it may concern:

I am opposed to the proposed Redevelopment Plan for 65th Street and the adjacent area. I do not believe it is right to use eminent domain with the threat of condemnation to acquire private property using our property taxes. This is a slap in the face to all of the business and property owners in this area who have dutifully paid their taxes year after year, who now face the threat of losing their businesses and property with their own money. This brings to mind an anecdote involving a well known public figure. This occurred in the state of Texas before this public figure became well known. He approached a family who owned a ranch which had been in their family for generations, and at which they planned to continue on for generations. He wanted to buy their ranch for a private enterprise, but they did not want to sell at all. So he threatened them and said "if you don't sell, I'll have your property condemned." They did not sell out and he had their property condemned. To say that they dislike this person intensely is putting it mildly. This is exactly the role that the city is taking with this redevelopment proposal.

Furthermore, I believe the type of high density the city envisions for our neighborhood is misguided. It will cause so much traffic congestion in this area as to make life extremely unbearable for us. It will also spill over into the rest of East Sacramento and generally degrade the quality of life for existing residents.

I also question the idea that every piece of open space should be filled in. Most people do not like the idea of being stacked together like sardines. It has been proven that people have a higher quality of life and are healthier when they are not crowded together and there is still some open space nearby.

At previous meetings I have mentioned a field and wetland area between Ramona Avenue and the Union Pacific Railroad tracks, which is home to many wildlife species. This area should not be destroyed as it is an important urban wildlife area and an important drainage basin.

I do not support this redevelopment proposal.

Sincerely,
Roxanne Fuentez

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