

RESOLUTION NO. 2007-076

Adopted by the Redevelopment Agency
of the City of Sacramento

December 18, 2007

ADOPTION OF RESOLUTION OF NECESSITY AUTHORIZING ACQUISITION BY EMINENT DOMAIN OF CERTAIN PROPERTIES LOCATED IN THE MERGED DOWNTOWN SACRAMENTO REDEVELOPMENT AREA: ASSESSOR'S PARCEL NUMBERS 006-0096-005, -006, -007, -008, -009; and 006-0098-006, -008, -022, -024.

BACKGROUND

- A. The Redevelopment Agency of the City of Sacramento (Agency) intends to implement a redevelopment project to eliminate blight on the 700 block of K Street and the 800 block of K Street in the Merged Downtown Sacramento Redevelopment Area ("Project"). This is a public use.
- B. In connection with the Project, Agency intends to acquire interests in certain real property (described in Exhibit 1) for planning and implementation purposes pursuant to Code of Civil Procedure section 1240.110, to carry out and make effective the principal purpose pursuant to Code of Civil Procedure section 1240.120, and in furtherance of redevelopment pursuant to Health and Safety Code sections 33000, et seq.
- C. After meetings and discussions with the property owners and their attorneys, the Agency has been unable to negotiate a purchase of the subject properties.
- D. It is a necessity, therefore, to acquire all properties by eminent domain.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO RESOLVES AS FOLLOWS:

- Section 1. After due consideration of the facts presented, the findings, including the environmental findings regarding this action, as stated in this resolution and the staff report, are approved.
- Section 2. There has been compliance by the Agency with the requirements of the California Environmental Quality Act.
- Section 3. The Redevelopment Agency is authorized to acquire County of Sacramento assessor's parcel numbers 006-0096-005, -006, -007, -008, -009; and 006-0098-024, -006, -008, -022 (more particularly described in Exhibit 1) and exercise the power of eminent domain for the public use set forth in this Resolution in accordance with the California Constitution, Code of Civil Procedure sections 1230.020, et seq., particularly sections 1240.010, 1240.030, 1240.110 and 1240.120, and pursuant to California Community Redevelopment

Law, Health and Safety Code sections 33000, et seq., more particularly section 33391.

Section 4. The property to be acquired consists of all of the property identified in Exhibit 1, attached and incorporated herein by reference, including the map. Exhibit 1 includes legal descriptions of the property and the map depicting the location of the property.

Section 5. The public purpose for which the parcels are to be acquired is redevelopment, and more specifically the reuse of the parcels for more intensified commercial mixed-use development within the merged Downtown Sacramento Redevelopment Project area; to eliminate blighted conditions including mixed and shifting uses, obsolete, aged and deteriorated buildings, incompatible and uneconomic land uses; and to increase economic opportunities for the community.

Section 6. On November 23, 2007, there was mailed a Notice of Hearing on the Intent of the Agency to Adopt a Resolution of Necessity for acquisition of the real property described in Exhibit 1 by eminent domain. The Notice of Hearing was mailed, in accordance with Code of Civil Procedure section 1245.235, to all persons whose names appear on the last equalized County Assessment Roll as having an interest in the property described in Exhibit 1, and to the address appearing on that Roll. The Notice of Hearing advised those persons of their right to be heard on the matters referred to in the Notice pursuant to and consistent with Code of Civil Procedure sections 1240.030 and 1245.230, on the date and at the time and place stated in the Notice.

Section 7. The hearing set out in the Notice of Hearing was held on December 18, 2007, at the time and place stated in the Notice, and all interested parties were given an opportunity to be heard. The hearing was then closed.

Based upon the evidence presented, this Agency, by a vote of two-thirds or more of its members, further FINDS, DETERMINES, DECLARES, AND RESOLVES each of the following:

- a. The public interest and necessity requires the removal of the blighting influence of these underutilized and blighted properties;
- b. The acquisition, demolition, where necessary, and reuse of these properties is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
- c. The property described in Exhibit 1 is necessary for the proposed project; and
- d. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of and summary of the basis for the amount established as just compensation, has been made to each of the owners of record of the subject properties, and such owners have been given a reasonable opportunity to consider, reject, or accept such offers.

- e. All conditions and statutory requirements necessary to exercise the power of eminent domain (“the right to take”) to acquire the property for the Project have been complied with by the Agency.
- f. The taking of said real property for redevelopment purposes, to eliminate blight and the underutilization of land, and related uses, is authorized by sections 33000, 33020, 33021, 33342, 33391, and 33392 of the Health and Safety Code and are public uses.

Section 8. Some or all of the real property to be acquired is subject to easements and rights-of-way appropriated to existing public uses. The legal descriptions of these easements and rights-of-way are on file with the Agency and describe the general location and extent of the easements and rights-of-way with sufficient detail for reasonable identification. In the event the Project will not unreasonably interfere with or impair the continued use of the easements and rights-of-way, as they now exist or may reasonably be expected to exist in the future, the Agency is authorized to acquire the real property subject to such existing public use(s) pursuant to section 1240.510 of the Code of Civil Procedure.

Section 9. Some or all of the real property to be acquired is subject to easements and rights-of-way appropriated to existing public uses. To the extent that the Project will unreasonably interfere with or impair the continued use of the easements and rights-of-way, as they now exist or may reasonably be expected to exist in the future, the Agency finds and determines that the Project is a more necessary public use than said existing easements or rights-of-way. Agency is authorized to acquire the real property appropriated to such existing public use(s) pursuant to section 1240.610 of the Code of Civil Procedure. Staff is further authorized to make such improvements to the real property being acquired as it determines is reasonably necessary to mitigate any adverse impact upon the existing public use.

Section 10. The City Manager, acting as the designated authority for the Redevelopment Agency, and/or its designated legal counsel, is authorized and empowered to institute and prosecute to conclusion actions in eminent domain to acquire in fee the property described in Exhibit 1 and to take any action necessary or desirable for such purposes in accordance with California eminent domain law, including the right to correct any errors or make non-material changes in the legal description of the real property deemed necessary for the conduct of the condemnation proceedings or any other proceedings or transactions required to acquire the property. The City Manager and/or counsel is authorized to make such security deposits as may be required by order of the court, to permit the Agency to take possession of and use said real property at the earliest possible time. The City Manager and/or counsel is further authorized to reduce or modify the extent of interests or property to be acquired so as to reduce the compensation payable in the action where such change would not substantially impair the construction or operation for the project for which the property is being acquired.

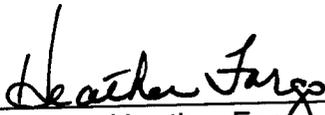
Adopted by the Redevelopment Agency of the City of Sacramento on December 18, 2007 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: None.



Heather Fargo, Chair

Attest:



Shirley Concolino, Secretary