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**APPROVED**  
BY THE CITY COUNCIL

FEB 22 1994

OFFICE OF THE  
CITY CLERK

DEPARTMENT OF  
PUBLIC WORKS  
  
ENGINEERING DIVISION

**CITY OF SACRAMENTO**  
CALIFORNIA

927 TENTH STREET  
ROOM 200  
SACRAMENTO, CA  
95814-2700

PH 916-264-7120  
FAX 916-264-7903

CONSTRUCTION SECTION  
640 BERKUT DRIVE  
SUITE B  
SACRAMENTO, CA  
95814-0131

PH 916-264-5282  
FAX 916-264-7276

January 14, 1994

City Council  
Sacramento, California

Honorable Members In Session:

**SUBJECT: INTERSECTION IMPROVEMENTS AT THE SOUTHWEST CORNER OF  
FRUITRIDGE ROAD AND FRANKLIN BOULEVARD (PN:TJ81) - HEARING ON  
RESOLUTION OF NECESSITY FOR ACQUISITION OF ONE PERMANENT  
EASEMENT**

**LOCATION/COUNCIL DISTRICT:** The project is located at the southwest corner of  
Fruitridge Road and Franklin Boulevard in Council  
District 5.

**RECOMMENDATION:**

This report recommends that the City Council:

- Conduct a hearing for a Resolution of Necessity to acquire one permanent easement for the Fruitridge Road/Franklin Boulevard Intersection Improvement Project.
- Adopt the attached Resolution of Necessity for this acquisition.

**CONTACT PERSON:**

Bruce Alei, Acting Real Property Supervisor, 264-  
5055.

**FOR COUNCIL MEETING OF:**

February 22, 1994

City Council

Fruitridge Road/Franklin Blvd. Intersection Improvements (TJ81) - Hearing on Resolution of Necessity

January 14, 1994

**SUMMARY:**

The intersection of Fruitridge Road and Franklin Boulevard has been identified by the Transportation Division as a site in need of turn lane capacity improvements, and general safety modifications, including curb, gutter, sidewalk, and traffic signal relocation.

Negotiations for the acquisition of this property have been unsuccessful. A Resolution of Necessity to initiate the eminent domain procedure is necessary to ensure timely property acquisition for the construction of this project. Staff will continue to meet with owners to discuss acquisitions and to resolve concerns. Two-thirds vote by the Council is required for adoption of this resolution.

**COMMITTEE/COMMISSION ACTION:**

None.

**BACKGROUND INFORMATION:**

On June 18, 1993, the project was approved under a categorical exemption to the requirements of a Negative Declaration and on September 9, 1993, the Director of Public Works established just compensation for the acquisition of the parcel to be acquired as a permanent easement. The amount of just compensation is the full amount of the fair market appraisal of the parcel.

All owners have been provided a written offer for the full amount determined as just compensation.

Adoption of this Resolution of Necessity will enable the City to use the power of eminent domain to acquire the easement needed for construction of this project, should negotiations fail. If Council does not take this action and negotiations fail with one or more property owners, the project cannot be constructed as proposed.

**FINANCIAL CONSIDERATIONS:**

Originally, funding for this project was to come entirely from Measure A. It was later realized that this project was eligible for State-Local Transportation Partnership Program Funds. The application was sent in and approved by Caltrans. Preliminary estimates

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Fruitridge Road/Franklin Blvd. Intersection Improvements (TJ81) - Hearing on Resolution of  
Necessity  
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indicate that the City will be reimbursed 10%-15% of the construction estimate stated on the original application, which was \$405,475. Measure A funding has been appropriated in the amount of \$600,000.

**POLICY CONSIDERATIONS:**

This action is consistent with legal requirements for the acquisition of private property for public projects including the requirements specified in Sections 7267.2 and 37350.5 of the Government Code of the State of California.

Public interest and necessity require the project. The project is located in the manner that will be most compatible with the greatest public good and the least private injury, and the permanent easement is necessary for the project.

**MBE/WBE:**

None. No goods or services are being purchased.

Respectfully submitted,



WALT UEDA  
Special Services Division Manager

**RECOMMENDATION APPROVED:**



WILLIAM H. EDGAR  
City Manager

**APPROVED:**



MICHAEL KASHIWAGI  
Deputy Director of Public Works

EF:nl  
RE2-32.RN.C  
Attachment

**RESOLUTION NO. 94-100**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**APPROVED**  
BY THE CITY COUNCIL

FEB 22 1994

OFFICE OF THE  
CITY CLERK

**RESOLUTION OF NECESSITY  
ACQUISITION OF ONE PARCEL  
FOR INTERSECTION IMPROVEMENTS  
AT THE SOUTHWEST CORNER OF FRUITRIDGE ROAD  
AND FRANKLIN BOULEVARD  
(PN:TJ81)**

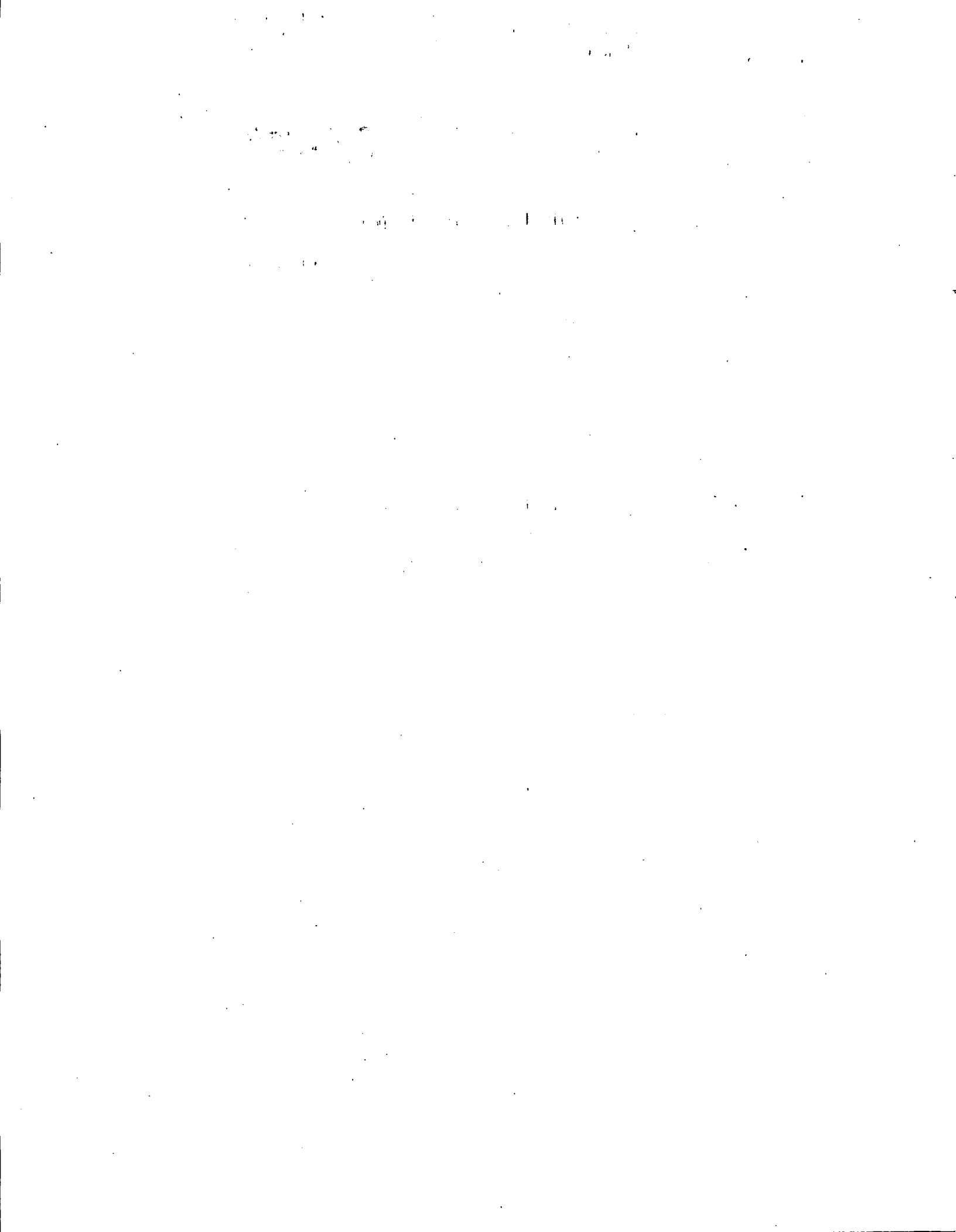
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO, TWO-THIRDS OF ALL MEMBERS OF SAID COUNCIL VOTING IN FAVOR THEREOF:

1. That the City of Sacramento intends to acquire through the exercise of the power of eminent domain an interest in real property hereinafter identified as the "Subject Parcel", more particularly described in paragraph seven.
2. That the Subject Parcel is to be taken for, or in connection with, intersection improvements at Fruitridge Road and Franklin Boulevard.
3. That the statute authorizing the City of Sacramento, a municipal corporation to acquire the Subject Parcel for the above mentioned public purposes is Government Code, Section 37350.5.
4. That the Subject Parcel is generally at the southwest corner of Fruitridge Road and Franklin Boulevard.
5. That the City Council declares that it has found and determined each of the following:
  - a. Public interest and necessity require the project.
  - b. The proposed project is planned in the manner that will be most compatible with the greatest public good and the least private injury.
  - c. The Subject Parcel is necessary for the proposed project.

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_



- d. The offer required under Section 7267.2 of the Government Code has been made to the owners of record or representatives of the owners of record.
6. That the City of Sacramento, a municipal corporation, its appropriate officers, employees and agents, are hereby authorized and empowered:
- a. To acquire in the name of the City of Sacramento, a municipal corporation, the Subject Parcel by condemnation in accordance with the provisions of the Eminent Domain Law of the State of California. Said parcel shall be acquired in the interests and for the purposes shown in paragraph seven.
  - b. To prepare, file and prosecute in the appropriate court, such proceedings in eminent domain as are necessary for the acquisition of the Subject Parcel:
  - c. To deposit the probable amount of compensation, as fixed by the City Council in accordance with law, with the California State Compensation Fund.
  - d. To make application to a court of competent jurisdiction for an order permitting the City of Sacramento to take immediate possession and use of the Subject parcel.
7. The Subject Parcel (ACQ-7379-01), being an easement for public road and public utilities which the City by this proposed resolution is authorized to acquire, is situated in the City Of Sacramento, County of Sacramento, State of California, and described as follows:

<u>RPS FILE</u>	<u>OWNER</u>	<u>PARCEL NUMBER</u>
ACQ-7379-01 (Permanent Easement)	Rose M. Pepe, Patricia D. De Stefano, Anthony V. De Stefano, Angelo J. De Stefano, and Robert J. De Stefano, as their separate property, as tenants in common, each as to receiving a 20% undivided interest.	Portion of AP:025-0091-012

All that portion of Lot 187 of City Farms No. 4, according to the official plat thereof, filed in the office of the County Recorder of Sacramento County, California, on March 6, 1926, in Book 18 of Maps, Map No. 60, described as follows:

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Beginning at the intersection of the Westerly line of Franklin Boulevard and the South line of Fruitridge Road, as shown on said plat, located the following two (2) courses and distances from the Northeast corner of said Lot 187: (1) along the North line of said Lot 187 and the center line of said Fruitridge Road South 89° 33' 00" West 40.65 feet and (2) South 10° 43' 00" East 25.41 feet; thence from said point of beginning, along the Westerly line of said Franklin Boulevard, South 10° 43' 00" East 22.94 feet; thence South 79° 24' 21" West 9.85 feet; thence North 10° 35' 39" West 4.00 feet; thence along the arc of a curve to the left having a radius of 25 feet and being subtended by a chord bearing North 42° 30' 46" West 32.01 feet to a point on the South line of said Fruitridge Road; thence along said South line North 89° 33' 00" East 27.54 feet to the point of beginning, containing 317 square feet, more or less.

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MAYOR

ATTEST:

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CITY CLERK

GR:nl  
RE2-32RN.C

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DATE ADOPTED: \_\_\_\_\_