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# CITY OF SACRAMENTO

August 5th, 1980

REAL ESTATE AND STREET ASSESSMENTS DIVISION  
915 I STREET  
CITY HALL ROOM 207  
SACRAMENTO, CALIFORNIA 95814  
TELEPHONE (916) 449-5626

CITY MANAGER'S OFFICE  
**RECEIVED**  
AUG 1 1980  
IRVIN E. MORAES  
REAL ESTATE SUPERVISOR

City Council  
Sacramento, California

Honorable Members In Session:

SUBJECT: Hearing on Acquisition of 3 Parcels of Land For  
the Sacramento River Parkway

SUMMARY

The Hearing on the Resolution of Necessity for the acquisition of 3 parcels of land for the Sacramento River Parkway has been set for this date. One property owner has requested to be heard on this matter. (See attached Engineer's Report)

BACKGROUND INFORMATION

The acquisition of these parcels is an essential part of the Sacramento River Parkway as described in the final Environmental Report adopted July 20th, 1976.

FINANCIAL DATA

Funds are available in the 1980-81 Park Development Fund.

RECOMMENDATION

It is recommended that the Resolution of Necessity for acquisition be adopted.

Respectfully submitted,

R. H. Parker  
City Engineer

Recommendation Approved

Walter J. Slipe  
City Manager

**APPROVED**  
BY THE CITY COUNCIL

SEP 16 1980

OFFICE OF THE  
CITY CLERK

RHP:CGP:bd  
Attachment  
File #1145

September 16, 1980  
DISTRICT NO. 8

## RESOLUTION NO. 80-610

Adopted by The Sacramento City Council on date of

September 16, 1980

RESOLUTION OF NECESSITY: ACQUISITION OF  
PARCELS 1145-1 THROUGH 1145-3, SACRAMENTO  
RIVER PARKWAY

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 the real property or interest in real property hereinafter described as Parcels 1145-1 through 1145-3, (hereinafter referred to as the "Subject Parcels").

2. That the City of Sacramento intends to acquire the Subject Parcels in fee simple absolute unless a lesser estate is expressly specified in the description of said parcels.

3. That the Subject Parcels are to be taken for the following public use: Parkway purposes

4. That the statute or statutes authorizing the City of Sacramento to acquire the Subject Parcels for the above-mentioned public purposes are as follows: Government Code, Section 37350.5.

5. That the Subject Parcels are generally located on the east side of the Sacramento River adjacent to Riverside Boulevard in the vicinity of 43rd Avenue.

6. That the City Council declares that it has found and determined each of the following:

a. The public interest and necessity require the parcels for Sacramento River Parkway.

b. The parcels are located in the manner that will be most compatible with the greatest public good and the least private injury.

c. The Subject Parcels are necessary for the Sacramento River Parkway.

7. That the City of Sacramento, a municipal corporation, its appropriate officers, employees and agents, are hereby authorized and empowered:

a. To acquire in fee simple in the name of the City of Sacramento, a municipal corporation, the Subject Parcels by condemnation in accordance with the provisions of the Eminent Domain Law of the State of California.

**APPROVED**  
BY THE CITY COUNCIL

SEP 16 1980

OFFICE OF THE  
CITY CLERK

b. To prepare, file and prosecute in the appropriate court, such proceedings in eminent domain as are necessary for the acquisition of the Subject Parcels; and,

c. To deposit the probable amount of compensation, as fixed by the City Council in accordance with law, with the Clerk of the appropriate court and to make application to said court for an order permitting the City of Sacramento to take immediate possession and use of the Subject Parcels.

8. The Subject Parcels, being the real property or interests therein which the City is by this resolution authorized to acquire are situated in the City of Sacramento, State of California, and described as follows:

Parcels 1145-1 and 1145-2

All that certain real property, situate, lying and being in the City of Sacramento, County of Sacramento, State of California, particularly described as follows:  
A tract of land containing 0.756 acres, and a tract of land containing 0.931 acres, located North of the North line of Riverside Road, as said tracts are shown and so designated on the Record of Survey "Property of Mary S. Fortado, Antone Pimentel and Walter Fong, Portion of Swamp Land Survey No. 205", recorded in the office of the Recorder of Sacramento County, March 4, 1953, in Book 9 of Surveys, Map No. 40.

Parcel 1145-3

All that certain real property situate, lying and being in the City of Sacramento, County of Sacramento, State of California, particularly described as follows:  
All that portion of Swamp Land Survey No. 207, located in Sections 26 and 27, Township 8 North, Range 4 East, M. D. B. & M., described as follows:  
Beginning at a point on the East or left bank of the Sacramento River, said point being the most Northerly corner of the parcel designated "Mary Anna Richardson 96.524 Acres (Gross)", on that certain Record of Survey entitled "Property of Mary Anna Richardson Located in Swamp Land Surveys Nos. 205 and 158", recorded in the office of the Recorder of Sacramento County in Book 13 of Surveys, Map No. 16; thence from said point of beginning upstream along the East or left bank of the Sacramento River, following the meanderings thereof, the following two (2) courses and distances: North 34° 47' 00" East 227.79 feet; and thence North 26° 44' 05" East 192.64 feet; thence North 69° 06' 05" East 334.23 feet to an old one inch iron pipe monument; thence South 51° 43' 04" East 2130.15 feet to a 1-1/4 inch iron pipe monument tagged "L. S. 2651" set in the Northwesterly boundary of South Land Park Hills Unit No. 6, the official plat of which is recorded in the office of the Recorder of Sacramento County in Book 37 of Maps, Map No. 32 and which monument is set at a point formerly occupied by a three inch iron pipe monument set on the boundary line established by that certain Agreement executed by S. Masuhara, also known as Shigeichi Masuhara, and others, and the Northwesterly boundary

of said South Land Park Hills Unit No. 6, South 25° 45' 00" West 61.34 feet to the most Westerly corner of Lot H, as said lot is shown and so designated on said plat of South Land Park Hills Unit No. 6; thence continuing along the Northwesterly boundary of said South Land Park Hills Unit No. 6 and the Southwesterly production thereof South 25° 00' 00" West 1345.48 feet to an old three inch capped iron pipe monument set at an angle point in the Northeasterly boundary of the 96.524 acre tract shown on the aforementioned Record of Survey and which three inch capped iron pipe monument is specifically shown on said Record of Survey; thence North 34° 17' 35" West 2679.04 feet along the Northeasterly boundary of the aforesaid 96.524 acre tract shown on said Record of Survey, said line marked (in part) by an electric pole line, to a 1-1/4 inch iron pipe monument tagged "RE 2675" set on the Southeasterly side of Riverside Boulevard; thence continuing North 34° 17' 35" West 170.81 feet along the Northeasterly boundary of the 96.524 acre tract shown on the aforementioned Record of Survey to the point of beginning, containing 53.696 acres, more or less, and being the tract of land designated "Clara Machado 53.697 Acres" on that certain Record of Survey recorded in the office of the Recorder of Sacramento County on March 3, 1960, in Book 15 of Surveys, Map No. 37.

EXCEPTING THEREFROM all that portion known as South Land Park Hills Unit No. 31 according to the official map thereof filed in the office of the County Recorder, Sacramento County, California, on July 12, 1961, in Book 66 of Maps, at page 5.

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MAYOR

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CITY CLERK

MAX H. HOSEIT, PROF. CORP.  
HERMAN L. KOELEWYN

HOSEIT & KOELEWYN  
ATTORNEYS AT LAW  
2020 MARCONI AVENUE  
SACRAMENTO, CALIFORNIA 95821  
(916) 922-8823

TIMBER COVE LODGE  
3411 LAKE TAHOE BLVD.  
SOUTH LAKE TAHOE, CALIFORNIA  
(916) 541-6722

August 21, 1980

REPLY TO SACRAMENTO

Office of the City Clerk  
City of Sacramento  
915 I Street  
City Hall, Room 203  
Sacramento, CA 95814

Attention: Ms. Lorraine Magana

Re: HKM, a partnership, Parcel No. 029-010-10 & 11

Dear Ms. Magana:

Reference is made to your letter dated August 1, 1980. On behalf of HKM, a partnership, I object to the acquisition of said property by the City.

Sincerely yours

  
MAX H. HOSEIT

Mh:bam

RECEIVED  
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CITY OF SACRAMENTO

AUG 22 12 57 PM '80

*Prospect Properties, Inc.*

8859 Country Creek Drive, P. O. Box 108 Orangevale, CA 95662 (916) 969-1218

RECEIVED  
CITY CLERKS OFFICE  
CITY OF SACRAMENTO  
SEP 4 10 50 AM '80

September 3, 1980

Office of the City Clerk  
915 "I" Street  
Sacramento, CA 95814

Attention: Lorraine Magana

Re: County Parcel No. 029-021-12

Gentlemen:

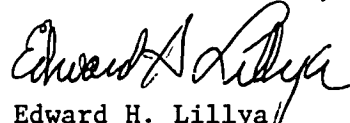
Thank you for advising me of the second postponement until September 16, 1980 of the hearing concerning the acquisition of additional park property.

We have no quarrel with the City's right to take desirable property for park purposes when it is necessary, as long as the owners are appropriately compensated. The property should be used for recreational purposes by either public or private parties, and we trust your real estate department will take this into consideration when determining the fair value.

Unfortunately, I will be on vacation on September 16 and will be unable to attend the hearing.

Very truly yours,

PROSPECT PROPERTIES, INC.



Edward H. Lillya  
President

EHL:sh

AUGUST 5TH, 1980  
CITY COUNCIL OF THE CITY OF SACRAMENTO

In the Matter of the )  
Sacramento River Parkway )

ENGINEER'S REPORT

A Public Hearing is scheduled for this date pertaining to the acquisition of three parcels of property for a portion of the Sacramento River Parkway.


This proposed Parkway has been undertaken due to the following facts and will provide the following benefits:

1. That the City Council approved the final Environmental Impact Report for the Sacramento River Master Plan on July 20, 1976.
2. That the Master Plan calls for the construction of a parkway and bikeway between Miller Park and Seymour Park along the Sacramento River for the enjoyment of the general public.
3. That these parcels, known as County Parcel Nos. 029-021-12, 029-010-10 and 11, City Project Parcel Nos. 1145-1, 1145-2 and 1145-3, have historically been used by the general public for years as access to the Sacramento River for fishing and hiking.
4. That on July 2, 1980, the City Council adopted the Resolution of Necessity to acquire said Parcel Nos. 1145-1, 1145-2 and 1145-3.
5. That on July 3, 1980, the City Clerk mailed by certified mail, notices of a Hearing to be held on August 5th, 1980 for the adoption of the Resolution Authorizing Acquisition of Property by Exercise of the Power of Eminent Domain to all the known owners of said Parcel Nos. 1145-1, 1145-2 and 1145-3.
6. That the final day for receiving written requests to appear and be heard by the Council was July 29th, 1980.



7. That Edward H. Lillya, President of Prospect Properties, Inc., 8859 Country Creek Drive, Orangevale, owner of Parcel 1145-3, has requested to be heard on the matter of the taking of this parcel.

Executed this 5th day of August, 1980.

A handwritten signature in black ink, appearing to read 'R. H. Parker', written over a horizontal line.

R. H. PARKER  
CITY ENGINEER