



10.3

**DEPARTMENT OF
PUBLIC WORKS**

TECHNICAL SERVICES
REAL ESTATE SERVICES

APPROVED
CITY OF SACRAMENTO THE CITY COUNCIL
CALIFORNIA

MAY 26 1998

OFFICE OF THE
CITY CLERK

915 "I" STREET
ROOM 200
SACRAMENTO, CA
95814-2700
PH 916-264-5710
FAX 916-264-8250

May 13, 1998

City of Sacramento
Honorable Members in Session

**SUBJECT: HEARING ON RESOLUTION OF NECESSITY FOR ACQUISITION OF REAL
PROPERTY INTERESTS FOR RT/POWER INN GRADE SEPARATION
(PN:TM21) TWO-THIRDS VOTE REQUIRED**

LOCATION/COUNCIL DISTRICT: 3000 Power Inn Road located in Council
District No. 6

RECOMMENDATION:

This report recommends that City Council:

- Conduct a hearing for a Resolution of Necessity to acquire the following real property interests affected by the project:

Two permanent easements and two temporary easements affecting Weyerhaeuser Company, a Washington Corporation's property (APN: 079-0270-018)

- Adopt the attached Resolution of Necessity for acquisition of these property interests.

CONTACT PERSONS: **Bruce J. Alei, Real Estate Technical Manager, 264-5055**

FOR THE COUNCIL MEETING OF: May 26, 1998

SUMMARY:

The Power Inn/RT Grade Separation Project is a joint City and Regional Transit project. The project will separate motorists from the railroad tracks by lowering Power Inn

City Council

Hearing on Resolution of Necessity for Acquisition of Real Property Interests
RT/Power Inn Grade Separation (TM21)

May 13, 1998

Road underneath the existing railroad tracks. Bridges would be constructed to carry heavy rail, light rail and pedestrian traffic over Power Inn Road.

The purpose of this hearing is to receive public testimony and take action on the Resolution of Necessity to acquire certain real property interests required for construction of the RT/Power Inn Grade Separation Project that has been approved by the City Council. An offer has been made to Weyerhaeuser Company, however, an agreement has not been reached at this time.

There are several outstanding issues the City is negotiating with the property owner regarding access and compensation. If these issues are not resolved in a timely fashion, eminent domain may become necessary to keep the project on schedule and to avoid construction delay penalties. Staff will continue to make every effort to reach agreement and resolve any outstanding issues with the property owners. Two-thirds vote by council is required.

BACKGROUND INFORMATION:

In September 1995, the City Council approved a cooperative agreement with Regional Transit to jointly sponsor and fund this project.

On April 7, 1998 City Council adopted a resolution that:

- Certified the Final Environmental Impact Report (FEIR) for the project;
- Adopted the Finding of Fact and Mitigation Monitoring Plan;
- Approved the Power Inn/RT Grade Separation Project and the four lane detour, immediately west of the site alternative (Preferred Alternative in EIR); and
- Directed staff to proceed with final design of the Project and to take other necessary steps, as needed, to implement the project.

Project Need/Benefits

- The project will improve vehicular and rail safety by eliminating a grade crossing and eliminating rail/vehicle intersection
- Pedestrian safety is enhanced by construction of a bridge to carry pedestrians across Power Inn Road at the railroad tracks. This bridge will connect retail

City Council

Hearing on Resolution of Necessity for Acquisition of Real Property Interests
RT/Power Inn Grade Separation (TM21)

May 14, 1998

businesses on the west side of Power Inn Road with the light rail station on the east side of Power Inn Road.

- Striped on-street bike lanes will be installed through the project site and will allow for a future extension to the south when Power Inn Road is widened in the future.
- In conjunction with future improvement at Folsom Boulevard and Power Inn Road, the project will improve traffic circulation in the growing Power Inn Road Corridor. The grade separation has been designed to accommodate the widening of Power Inn Road to six lanes. The widening of Power Inn road is currently the 2nd highest priority project in the Transportation Program Guide. Power Inn Road currently handles almost 40,000 vehicles per day and experiences substantial congestion throughout the day. Light rail trains, which cross on average every 7.5 minutes, cause traffic on Power Inn Road to stop when the crossing gates are closed. This situation will be eliminated with the grade separation.

The property needed for this project consists of a permanent road right-of-way; a permanent easement for above and below ground utilities, wall footings, and retaining wall system; a temporary roadway easement; and a temporary construction easement. An independent appraisal was made on the property interests involved and the full amount of the appraisal was established as just compensation. The owner has been provided a written offer for the full amount of just compensation. In order to allow construction to proceed in a timely manner, staff recommends that the Council adopt the Resolution of Necessity to enable the City to use the power of eminent domain for acquisition of the parcels should it become necessary.

FINANCIAL CONSIDERATIONS:

The project is being funded by a combination of City and Regional Transit funds. The estimated total project cost, including all design, right-of-way and construction costs, is \$10,750,000. Other funding sources including the State Transportation Program (STP) have been recommended for additional project funds.

ENVIRONMENTAL CONSIDERATIONS:

On April 7, 1998 Council certified the Environmental Impact report for the project; adopted the findings of fact and Mitigation Monitoring Plan; and approved the Power Inn/RT Grade Separation Project and the four lane detour, immediately west of the site alternative (preferred alternative in the EIR).

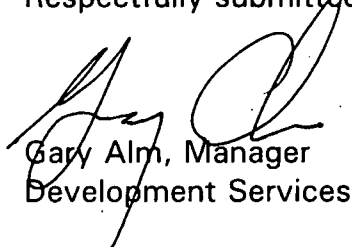
City Council
Hearing on Resolution of Necessity for Acquisition of Real Property Interests
RT/Power Inn Grade Separation (TM21)
May 13, 1998

POLICY CONSIDERATIONS:

This action is consistent with legal requirements for the acquisition of private property for public projects.

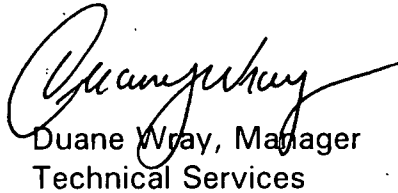
MBE/WBE: None. No goods or services are being purchased.

Respectfully submitted,



Gary Alm, Manager
Development Services

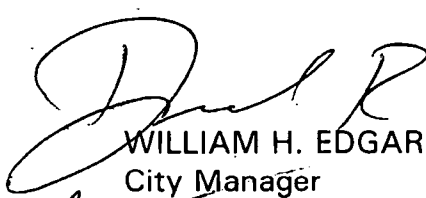
Approved:



Duane Wray, Manager
Technical Services

RECOMMENDATION APPROVED:

Approved:



WILLIAM H. EDGAR
City Manager



Michael Kashiwagi
Director of Public Works

6:\PW\Shared\RealProp\TM21 RT POWER INN GRADECRPT CONDEM WEYER.doc

APPROVED
BY THE CITY COUNCIL

MAY 26 1998

OFFICE OF THE
CITY CLERK

RESOLUTION NO. 98-205

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY BY EMINENT DOMAIN FOR THE RT/POWER INN GRADE SEPARATION PROJECT (PN:TM21)

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

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 identified as the "Subject Easements", more particularly described in paragraph 7.
2. That the Subject Easements are to be taken for, or in connection with, the RT/Power Inn Grade Separation Project. The project is described in detail in the Environmental Impact Report certified by the City Council on April 7, 1998, and is on file with the City Clerk.
3. That the statutes authorizing the City of Sacramento to acquire the Subject Parcels for the above-mentioned public purpose are Government Code Section 37350.5, and Code of Civil Procedure, Section 1240.125.
4. That the four Subject Easements are located adjacent to Power Inn Road in Sacramento, California and are more specifically described in paragraph 7.
5. That the City Council declares that it has found and determined each of the following: The public interest and necessity require this project, and the acquisition of the Subject Easements is needed for this project.
 - a. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

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FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

- b. The Subject Easements are necessary for the project.
 - c. The offer required under Section 7267.2 of the Government Code has been made to the owners or representative 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 to:
- a. Acquire in the name of the City of Sacramento, a municipal corporation, the Subject Easements.
 - b. Prepare, file and prosecute in the appropriate court, such proceedings in eminent domain as are necessary for the acquisition of the Subject Easements.
 - c. Deposit the probable amount of compensation, as fixed by the Director of Public Works 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 Easements.
7. That the City, by this resolution is authorized to acquire certain real property or interests in real property situated in the County of Sacramento, State of California, and described as follows:

SEE ATTACHED LEGAL DESCRIPTIONS MARKED EXHIBIT 'A' AND DIAGRAMED IN THE CORRESPONDING ATTACHMENT EXHIBIT 'B'.

MAYOR

ATTEST:

CITY CLERK

Attachments: Exhibit A
Exhibit B

6

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

LEGAL DESCRIPTION

ROAD RIGHT OF WAY

That certain real property situated in Section 15, Township 8 North, Range 5 East, Mount Diablo Base and Meridian, and in the County of Sacramento, State of California, being more particularly described as follows:

Commencing at the Northeast Corner of the Southeast Quarter of said Section 15; thence South 00°24'00" West along the Easterly line of said Section 15 a distance of 216.40 feet; thence leaving said section line North 89°39'25" West a distance of 40.91 feet to the True Point of Beginning for this described Road Right of Way; thence continuing North 89°39'25" West a distance of 13.70 feet; thence North 00°29'06" West a distance of 148.72 feet; thence North 00°21'10" East a distance of 134.34 feet; thence South 03°43'55" East of 223.61 feet; thence South 00°24'00" West a distance of 60.00 feet to the aforementioned point of beginning. Containing 2,569 square feet a little more or less.



SOUTHERN PACIFIC RAILROAD

ABANDONED BRIGHTON AVENUE

CO. OF SACRAMENTO UTILITY EASEMENT BK. 3495, PG. 647

EASEMENT FOR INGRESS & EGRESS NEW RAMONA COLONY RM. BK. 2, PG. 8

N00°21'10"E 134.34'

LOT 32 RAMONA COLONY

0.06 ACRES 2,569 SQUARE FEET

RIGHT OF WAY

PROPERTY OF WEYERHAEUSER APN 079-027-003

SECTION LINE

S03°43'55"E 223.61'

1/4 CORNER

POINT OF COMMENCEMENT

SCALE 1" = 60'



S00°29'06"E 148.72'

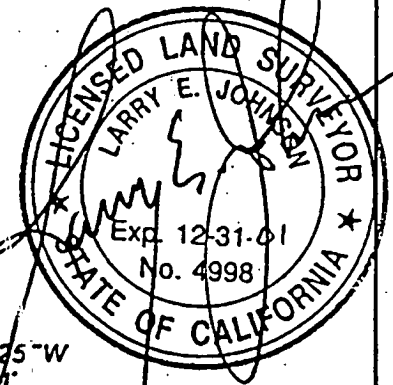
CITY OF SACRAMENTO PUBLIC ROAD & UTILITIES EASEMENT BK. 67-10-05, PAGE 57

POWER - INN - ROAD

2751.80'

N00°24'00"E

N89°39'25"W 40.91'



BUILDING SETBACK EASEMENT VOL. 3818, PG. 77

DRIVEWAY EASEMENT VOL. 3818, PG. 77

CITY OF SACRAMENTO RIGHT OF WAY & EASEMENT BK. 91-03-06, PG. 828

POB

S89°39'25"E 13.70'

S00°24'00"W 60.00'

SECTION CORNER

15

14

22


23

T8N, R5E, MDB&M

BASIS OF BEARINGS IS THE SACRAMENTO REGIONAL TRANSIT DISTRICT.

CAUTION

DATE 2/25/98
SCALE 1" = 60'
DRAWN SH
CHECKED
PROJ ENGR
PROJ MGR

 **NOLTE and ASSOCIATES, Inc.**
Engineers / Planners / Surveyors

1750 CREEKSIDE OAKS DRIVE, SUITE 200, SACRAMENTO, CA 95833

EXHIBIT B
RIGHT OF WAY

DRAWING
1
OF 1 SHEETS
JOB NO
SHEET

for Weyerhaeuser Property/Power Inn Road Grade Separation

LEGAL DESCRIPTION

PERMANENT EASEMENT FOR ABOVE & BELOW GROUND UTILITIES, WALL FOOTINGS & RETAINING SYSTEM

That certain real property situated in Section 15, Township 8 North, Range 5 East, Mount Diablo Base and Meridian, and in the County of Sacramento, State of California, being more particularly described as follows:

Commencing at the Northeast Corner of the Southeast Quarter of said Section 15; thence South $00^{\circ}24'00''$ West along the Easterly line of said Section 15 a distance of 216.40 feet; thence leaving said section line North $89^{\circ}39'25''$ West a distance of 54.61 feet to the True Point of Beginning for this described Permanent Above and Below Ground Utility Easement; thence continuing North $89^{\circ}39'25''$ West a distance of 29.00 feet; thence North $00^{\circ}29'06''$ West a distance of 148.51 feet; thence North $00^{\circ}21'10''$ East a distance of 205.98 feet, more or less to the Southerly Right of Way of the Southern Pacific Railroad; thence Southeasterly along said right of way a distance of 25.01 feet along the arc of a curve concave Northerly having a radius of 11,509.17 feet through a central angle of $00^{\circ}07'28''$ (said curve is subtended by a chord which bears South $76^{\circ}07'09''$ East a distance of 25.01 feet); thence leaving said Southerly Right of Way South $03^{\circ}43'55''$ East a distance of 65.74 feet; thence South $00^{\circ}21'10''$ West a distance of 134.34 feet; thence South $00^{\circ}29'06''$ East a distance of 148.72 feet to the aforementioned point of beginning. Containing 10,028.0 square feet acres a little more or less.



| CURVE | RADIUS | LENGTH | CHORD | CH. BEARING | DELTA |
|-------|-----------|--------|--------|-------------|-----------|
| C1 | 11509.17' | 25.01' | 25.01' | S76°07'09"E | 00°07'28" |

SOUTHERN PACIFIC RAILROAD

ABANDONED BRIGHTON AVENUE

N00°21'10"E
205.98'

LOT 32
RAMONA COLONY
0.23 ACRES
10,028 SQUARE FEET

PROPERTY OF
WEYERHAEUSER

APN 079-027-003

S00°29'06"E
148.51'

S89°39'25"E
29.00'

POINT OF BEGINNING

BASIS OF BEARINGS IS THE SACRAMENTO REGIONAL TRANSIT DISTRICT.

POWER-INN-ROAD

SECTION LINE

BK 67-10-05 PAGE 57

216.40'

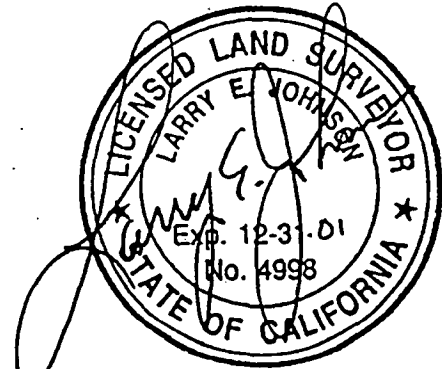
N00°24'00"E

2751.80'

1/4 CORNER

POINT OF COMMENCEMENT

N89°39'25"W
54.61'



SECTION CORNER

15

14

22

23

T8N, R5E, MDB&M

CAUTION
This drawing, including these notes and the information on the sheets hereof, is the property of the engineer or surveyor who prepared it. It is to be used only for the purpose and project for which it was prepared. It is not to be used for any other purpose without the written consent of the engineer or surveyor.

DATE 7/18/98
SCALE 1" = 80'
DRAWN SM
CHECKED
PROJ ENCR
PROJ MGR

NOLTE and ASSOCIATES, Inc.
Engineers / Planners / Surveyors

1750 CREEKSIDE OAKS DRIVE, SUITE 200, SACRAMENTO, CA 95833

EXHIBIT B
PERMANENT EASEMENT FOR ABOVE & BELOW GROUND UTILITIES WALL FOOTINGS & RETAINING SYSTEM for Weyerhaeuser Property/Power Inn Road Grade Separation

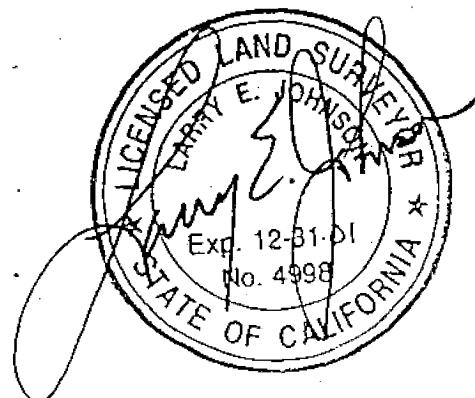
DRAWING
1
OF 1 SHEETS
JOB NO
SCALE

LEGAL DESCRIPTION

TEMPORARY ROADWAY EASEMENT

That certain real property situated in Section 15, Township 8 North, Range 5 East, Mount Diablo Base and Meridian, and in the County of Sacramento, State of California, being more particularly described as follows:

Commencing at the Northeast Corner of the Southeast Quarter of said Section 15; thence South $00^{\circ}24'00''$ West along the Easterly line of said Section 15 a distance of 216.40 feet; thence leaving said section line North $89^{\circ}39'25''$ West a distance of 54.61 feet to the True Point of Beginning for this described Temporary Roadway Easement; thence continuing North $89^{\circ}39'25''$ West a distance of 1.72 feet; thence North $07^{\circ}56'56''$ West a distance of 58.77 feet; thence North $05^{\circ}01'35''$ West a distance of 30.91 feet; thence North $01^{\circ}56'24''$ East a distance of 95.41 feet; thence Northwesterly a distance of 34.39 feet along the arc of a curve concave West having a radius of 115.00 feet through a central angle of $17^{\circ}08'02''$ (said curve is subtended by a chord which bears North $06^{\circ}37'37''$ West a distance of 34.26 feet); thence continuing Northwesterly a distance of 42.40 feet along the arc of a curve concave Southwest having a radius of 264.00 feet through a central angle of $09^{\circ}12'09''$ (said curve is subtended by a chord which bears North $19^{\circ}47'43''$ West a distance of 42.36 feet); thence North $24^{\circ}23'47''$ West a distance of 5.79 feet; thence North $00^{\circ}23'30''$ East a distance of 12.03 feet; thence South $89^{\circ}28'36''$ West a distance of 31.17 feet; thence North $00^{\circ}38'03''$ East a distance of 60.15 feet; thence Northwesterly a distance of 29.95 feet, more or less along the arc of a curve concave Southwest having a radius of 281.00 feet through a central angle of $06^{\circ}06'27''$ (said curve is subtended by a chord which bears North $14^{\circ}31'33''$ West a distance of 29.94 feet) to the Southerly Right of Way of the Southern Pacific Railroad; thence Southeasterly along said right of way a distance of 65.16 feet along the arc of a curve concave Northerly having a radius of 11,509.17 feet through a central angle of $00^{\circ}19'28''$ (said curve is subtended by a chord which bears South $76^{\circ}01'09''$ East a distance of 65.16 feet); thence leaving said Southerly Right of Way South $03^{\circ}43'55''$ East a distance of 65.74 feet; thence South $00^{\circ}21'10''$ West a distance of 134.34 feet; thence South $00^{\circ}29'06''$ East a distance of 148.72 feet to the aforementioned point of beginning. Containing 7,943.0 square feet a little more or less.



| CURVE | RADIUS | LENGTH | CHORD | CH. BEARING | DELTA |
|-------|-----------|--------|--------|-------------|-----------|
| C1 | 115.00' | 34.39' | 34.26' | N06°37'37"W | 17°08'02" |
| C2 | 264.00' | 42.40' | 42.36' | N19°47'43"W | 09°12'09" |
| C3 | 281.00' | 29.95' | 29.94' | N14°31'33"W | 06°06'27" |
| C4 | 11509.17' | 65.16' | 65.16' | S76°01'09"E | 00°19'28" |

SOUTHERN PACIFIC RAILROAD

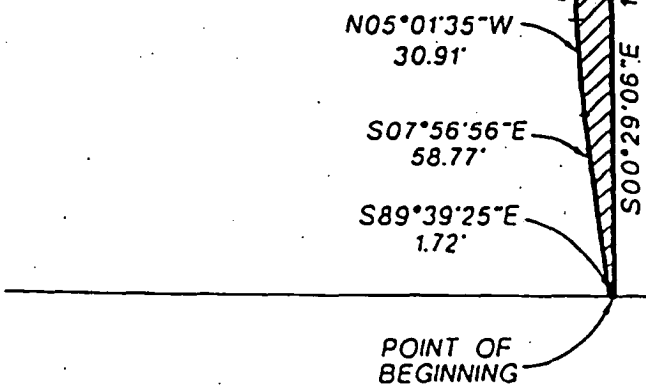
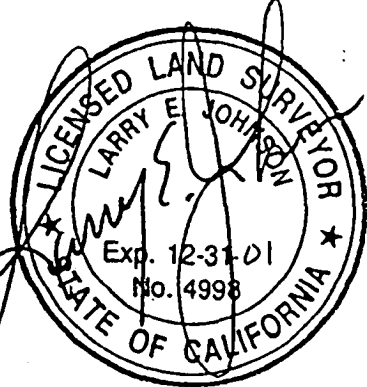
ABANDONED BRIGHTON AVENUE C3

POWER-INN-ROAD

0.18 ACRES
7,943 SQUARE FEET

LOT 32
RAMONA COLONY

PROPERTY OF
WEYERHAEUSER
APN 079-027-003



BK 67-10-05 PAGE 57

BASIS OF BEARINGS IS THE SACRAMENTO REGIONAL TRANSIT DISTRICT.

15 14
22 23

T8N. R5E. MDB&M

DATE: 7/23/88
SCALE: 1" = 80'
DRAWN: SM
CHECKED:
PROJ. ENGR:
PROJ. MGR:

N NOLTE and ASSOCIATES, Inc.
Engineers / Planners / Surveyors
1750 CREEKSIDE OAKS DRIVE, SUITE 200, SACRAMENTO, CA 95833

EXHIBIT B
TEMPORARY
ROADWAY EASEMENT
for Weyerhaeuser Property/Power Inn Road Grade Separation

DRAWING
1
OF 1 SHEETS
DATE: 7/23/88
SCALE: 1" = 80'

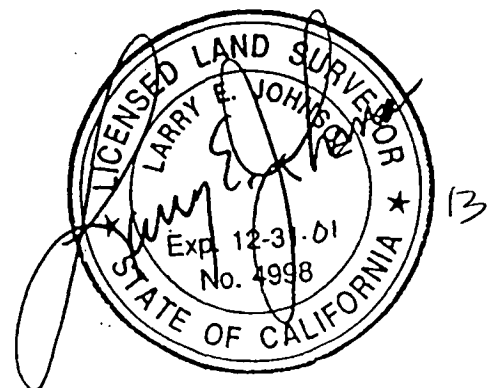
12

LEGAL DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT

That certain real property situated in Section 15, Township 8 North, Range 5 East, Mount Diablo Base and Meridian, and in the County of Sacramento, State of California, being more particularly described as follows:

Commencing at the Northeast Corner of the Southeast Quarter of said Section 15; thence South 00°24'00" West along the Easterly line of said Section 15 a distance of 216.40 feet; thence leaving said section line North 89°39'25" West a distance of 54.61 feet to the True Point of Beginning for this described Temporary Construction Easement; thence continuing North 89°39'25" West a distance of 21.92 feet; thence North 00°29'06" West a distance of 60.39 feet; thence North 89°30'54" East a distance of 21.92 feet; thence South 00°29'06" East a distance of 60.71 feet to the aforementioned point of beginning. Containing 1,327.07 square feet a little more or less.



SOUTHERN PACIFIC RAILROAD

ABANDONED BRIGHTON AVENUE

S03°21'22"E
289.56'

N00°21'10"E
184.38'

LOT 32
RAMONA COLONY

.0305 ACRES
1,327.07 SQUARE FEET

PROPERTY OF
WEYERHAEUSER
APN 079-027-003

TEMPORARY
CONSTRUCTION
EASEMENT

N89°30'54"E
21.92'

S00°29'06"E
60.39'

N89°39'25"W
21.92'

S00°29'06"E
60.71'

CITY OF SACRAMENTO
PUBLIC ROAD & UTILITIES EASEMENT
BK. 67-10-05, PAGE 57

POWER - INN - ROAD
N00°24'00"E
2751.80'

CO. OF SACRAMENTO
UTILITY EASEMENT
BK. 3495, PG. 647

EASEMENT FOR INGRESS
& EGRESS
NEW RAMONA COLONY
RM. BK. 2, PG. 8

1/4 CORNER

POINT OF
COMMENCEMENT

SCALE: 1" = 60'

S89°39'25"E
54.61'

BUILDING SETBACK EASEMENT
VOL. 3818, PG. 77

DRIVEWAY EASEMENT
VOL. 3818, PG. 77

CITY OF SACRAMENTO
RIGHT OF WAY & EASEMENT
BK. 91-03-06, PG. 828

SECTION CORNER

BASIS OF BEARINGS IS THE SACRAMENTO
REGIONAL TRANSIT DISTRICT.

15

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22

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T8N, R5E, MDB&M



NOTES

DATE 1/23/98
SCALE 1" = 60'
DRAWN SM
CHECKED
PROJ. ENGR
PROJ. MGR



NOLTE and ASSOCIATES, Inc.
Engineers / Planners / Surveyors

1750 CREEKSIDE OAKS DRIVE, SUITE 200, SACRAMENTO, CA 95833

EXHIBIT B
TEMPORARY CONSTRUCTION
EASEMENT

for Weyerhaeuser Property/Power Inn Road Grade Separation

DRAWING

1

DATE

BY

NO.

DATE

BY

14