



APPROVED  
BY THE CITY COUNCIL

APR 28 1987

OFFICE OF THE  
CITY CLERK

34

DEPARTMENT OF  
PUBLIC WORKS  
ENGINEERING DIVISION

CITY OF SACRAMENTO  
CALIFORNIA

CITY HALL  
ROOM 300  
915 I STREET  
SACRAMENTO, CA  
95814-2608

April 28, 1987

916-449-5307

City Council  
Sacramento, California

CITY MANAGER'S OFFICE  
**RECEIVED**  
APR 28 1987

THOMAS M. FINLEY  
ENGINEERING DIVISION  
MANAGER

Honorable Members in Session:

**SUBJECT: Hearing on Resolution of Necessity: Acquisition of 14 Parcels  
Necessary for the Widening and Bridge Reconstruction Project on  
a Portion of Rio Linda Boulevard (PN:TB91)**

SUMMARY

It is requested that the City Council adopt the attached Resolution of Necessity to acquire fourteen (14) parcels of property for the widening of Rio Linda Boulevard between Silvano Street and Arcade Boulevard.

BACKGROUND

On June 10, 1986, the City Council authorized the street widening and bridge reconstruction project for a portion of Rio Linda Boulevard. This partially Federally funded project, Federal Aid Urban Project No. M-F066(1), required the acquisition of thirty-seven (37) parcels. The City has acquired twenty-three (23) of the thirty-seven (37) parcels necessary for the widening of Rio Linda Boulevard and the construction of a new bridge across Arcade Creek. The remaining fourteen (14) parcels are owned by eight (8) separate owners and these owners have refused to sell a portion of their property necessary for the project for one reason or another. All property owners have been offered an amount that has been established as just compensation, based on an appraisal prepared by an independent M.A.I. appraiser.

Because the owners are not willing to sell their property to the City, it is necessary for the City to use its power of eminent domain to acquire the necessary right of way for the project. The parcels to be taken for the right of way are partial takes and will not require any relocation of any persons or businesses.

City Council  
Hearing on Resolution of Necessity  
Rio Linda Boulevard Widening (PN:TB91)  
April 28, 1987  
Page 2

To enable this project to be constructed this summer, we need to start eminent domain proceedings now so the City will have the required right of way prior to awarding the contract for the project.

Additional background information is included in the attached Engineer's Report.

FINANCIAL

Funds to acquire the 14 parcels are in the current 1986-87 CIP Budget and have been authorized to be expended by Resolution No. 86-421, adopted June 10, 1986 and Resolution No. 86-215, adopted September 16, 1986. The properties to be acquired have a total established value of \$192,724. Eighty-six percent (86%) of the \$192,724 will be recovered from the Federal government under our present agreement with them for F.A.U. Project No. M-F006(1).

RECOMMENDATION

It is recommended that the hearing be closed and the attached Resolution of Necessity be adopted (two-thirds vote requires six ayes):

Respectfully submitted,



THOMAS M. FINLEY  
Engineering Division Manager

Recommendation Approved:



WALTER J. SLIPE  
City Manager

Approved:



MELVIN H. JOHNSON  
Director of Public Works

IEM:dek  
RE2-19:D  
04.1787:2

April 28, 1987  
District No. 2

Attachment

April 28, 1987

CITY COUNCIL OF THE CITY OF SACRAMENTO

In the Matter of Acquiring the Property )  
Necessary for the Widening of Rio Linda :  
Boulevard between Silvano Street and )  
Arcade Boulevard

ENGINEER'S REPORT

A Public Hearing is scheduled for this date pertaining to the acquisition of real property necessary for the construction of the widening of Rio Linda Boulevard between Silvano Street and Arcade Boulevard. This proposed project has been undertaken because of the following facts and will provide the following benefits:

1. That the Redevelopment Agency and the City Council approved the design for the widening of Rio Linda Boulevard from Silvano Street to Arcade Boulevard.
2. That on May 1, 1984, the City Engineer filed a Negative Declaration with the County Clerk of Sacramento County and on May 29, 1984, the City Council authorized the filing of the Notice of Determination with the County Clerk of Sacramento County for the proposed acquisition of the real property necessary for the widening of Rio Linda Boulevard from Silvano Street to Arcade Boulevard.
3. That on May 10, 1984, the Notice of Opportunity for Public Review of the draft Negative Declaration for the project was published in The Sacramento Union.
4. That the real property to be acquired for the widening of Rio Linda Boulevard from Silvano Street to Arcade Boulevard will amount to partial takes and will require removal, but no relocation, of some existing structures.
5. That on March 24, 1987, the City Council adopted the Resolution Authorizing Giving Notice of Intent to Adopt Condemnation Resolution to acquire said Parcels.
6. That on March 25, 1987, the City Clerk mailed, by certified mail, notices of a Hearing to be held on April 28, 1987, for the adoption of the Resolution Authorizing Acquisition of Property by Exercise of the Power of Eminent Domain to all known owners of said Parcels.
7. That the final day for receiving written request to appear and be heard by the Council was April 21, 1987.

- 8. That as no written request to appear before the Council was received by the City Clerk prior to April 21, 1987, it is recommended that the Hearing be closed and the attached Resolution authorizing acquisition of property by exercise of the power of eminent domain be adopted.

EXECUTED THIS 28th DAY of April, 1987

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MELVIN H. JOHNSON  
City Engineer

RE2-19.D

# RESOLUTION NO. 87-321

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

**APPROVED**  
BY THE CITY COUNCIL

APR 28 1987

OFFICE OF THE  
CITY CLERK

**RESOLUTION OF NECESSITY  
ACQUISITION OF PARCELS  
1066-01, 1066-04, 1066-05, 1066-06  
1066-07, 1066-08, 1066-11, 1066-12, 1066-13  
1066-15, 1066-16, 1066-20, 1066-26, and 1066-41  
FOR THE STREET WIDENING AND BRIDGE  
RECONSTRUCTION OF RIO LINDA BOULEVARD  
BETWEEN SILVANO STREET AND ARCADE BOULEVARD (PN:TB91)**

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 1066-01, 1066-04, 1066-05, 1066-06, 1066-07, 1066-08, 1066-11, 1066-12, 1066-13, 1066-15, 1066-16, 1066-20, 1066-26, and 1066-41, (herein referred to as the "Subject Parcels").

2. That the City of Sacramento intends to acquire the Subject Parcels in fee simple absolute and slope easement as expressly specified in the description of said Parcels.

3. That the Subject Parcels are to be taken for the following public uses in connection with the Rio Linda Boulevard street widening and bridge reconstruction:

- Bridge reconstruction (Arcade Creek)
- Slope Easement

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 Codes, Section 37350.5.

5. That the Subject Parcels are generally located in the vicinity of Rio Linda Boulevard between Silvano Street to the north and Arcade Boulevard to the south.

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

- a. The public interest and necessity requires the widening and reconstruction of this portion of Rio Linda Boulevard.

- b. The property and easements to be acquired are planned or 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 Rio Linda Boulevard widening and bridge reconstruction.
- d. The offer required under Section 7267.2 of the Government Code has been made to the owners of record.

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 and easements 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.
- b. To prepare, file and prosecute in the appropriate court, such proceeding in eminent domain as are necessary for the acquisition of the Subject Parcels.
- 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 interest therein which the City is by this Resolution authorized to acquire is situated in the City of Sacramento, State of California, and described as follows:

Parcel 1066-01 (R. Smith Et al.)  
A Portion of APN 251-0192-001

All that portion of Lot 1, Block 13, as shown on the official "Plat of North Sacramento Heights," recorded in Book 12 of Maps, Map No. 22, records of Sacramento County and the West one-half of the abandoned alley adjacent to the East line of said lot (said alley is 15 feet in width as shown on said Official Map), described as follows:

BEGINNING at the Northwest corner of said Lot 1; thence North 90° East along the South line in Silvano Street 20 feet; thence in a southwesterly direction along an arc of 20.00 feet radius, the chord of which bears South 45° 00' 00" West, 28.28 feet to a point on the East line of Rio Linda Boulevard; thence North 0° East, 20 feet to the point of beginning, enclosing an area of 85.85 square feet, more or less.

Parcel 1066-04 (Pereira)  
A Portion of APN 251-0243-016

All that portion of Lot 7, in Block 14, as shown on the official "Plat of North Sacramento Heights", recorded in Book 12 of Maps, Map No. 22, records of Sacramento County, described as follows:

BEGINNING at the Northwest corner of said Lot 7; thence North 90° East, 20 feet; thence South 0° West, 40 feet to a point on the South line of Lot 7; thence North 90° West, 20 feet to the southwest corner of Lot 7, said corner being on the East line of Rio Linda Boulevard; thence North 0° East, 40 feet along the East line of Rio Linda Boulevard to the point of beginning, enclosing an area of 800 square feet more or less.

Parcel 1066-05 (Pereira)  
A Portion of APN 251-0243-015

All that portion of Lot 8, in Block 14, as shown on the official "Plat of North Sacramento Heights", recorded in Book 12 of Maps, Map No. 22, records of Sacramento County, described as follows:

BEGINNING at the Northwest corner of said Lot 8; thence North 90° East, 20 feet; thence South 0° West, 40 feet to a point on the South line of Lot 8; thence North 90° West, 20 feet to the Southwest corner of Lot 8, said corner being on the East line of Rio Linda Boulevard; thence North 0° East, 40 feet along the East line of Rio Linda Boulevard to the point of beginning, enclosing an area of 800 square feet more or less.

Parcel 1066-06 (Pereira)  
A Portion of APN 251-0243-014

All that portion of Lot 9, in Block 14, as shown on the official "Plat of North Sacramento Heights", recorded in Book 12 of Maps, Map No. 22, records of Sacramento County, described as follows:

BEGINNING at the Northwest corner of said Lot 9; thence North 90° East, 20 feet; thence South 0° West, 40 feet to a point on the South line of Lot 9; thence North 90° West, 20 feet to the Southwest corner of Lot 9, said corner being on the East line of Rio Linda Boulevard; thence North 0° East, 40 feet along the East line of Rio Linda Boulevard to the point of beginning, enclosing an area of 800 square feet more or less.

Parcel 1066-07 (Pereira)  
A Portion of APN 251-0243-013

All that portion of Lot 10, in Block 14, as shown on the official "Plat of North Sacramento Heights", recorded in Book 12 of Maps, Map No. 22, records of Sacramento County, described as follows:

BEGINNING at the Northwest corner of said Lot 10; thence North 90° East, 20 feet; thence South 0° West, 40 feet to a point on the South line of Lot 10; thence North 90° West, 20 feet to the Southeast corner of Lot 10, said corner being on the East line of Rio Linda Boulevard; thence North 0° East, 40 feet

along the East line of Rio Linda Boulevard to the point of beginning, enclosing an area of 800 square feet more or less.

Parcel 1066-08 (Pereira)  
A Portion of APN 251-0243-012

All that portion of Lot 11, in Block 14, as shown on the official "Plat of North Sacramento Heights", recorded in Book 12 of Maps, Map No. 22, records of Sacramento County, described as follows:

BEGINNING at the Northwest corner of said Lot 11, thence North 90° East along the North line of Lot 11, 20 feet; thence South 0° East, 27 feet; thence South 21° 02' 15" East, 13.93 feet to a point on the South line of Lot 11; thence North 90° West, 25 feet to the Southwest corner of Lot 11, said corner being on the East line of Rio Linda Boulevard; thence North 0° East, 40 feet along the East line of Rio Linda Boulevard to the point of beginning, enclosing an area of 832.5 square feet more or less.

Parcel 1066-11 (Gray)  
A Portion of APN 251-0282-014

All that portion of Lot 3, Block 15, as shown on the official "Plat of North Sacramento Heights", recorded in Book 12 of Maps, Map No. 22, records of Sacramento County, described as follows:

BEGINNING at the Northwest corner of said Lot 3, thence North 90° East, 20 feet along the North line of Lot 3; thence South 0° West, 40 feet to a point on the South line of Lot 3; thence North 90° West, 20 feet along the South line of Lot 3 to the Southwest corner of Lot 3, said corner being on the East line of Rio Linda Boulevard; thence North 0° East, 40 feet along the East line of Rio Linda Boulevard to the point of beginning, enclosing an area of 800 square feet, more or less.

Parcel 1066-12 (Gray)  
A Portion of APN 251-0282-013

All that portion of Lot 4, Block 15, as shown on the official "Plat of North Sacramento Heights", recorded in Book 12 of Maps, Map No. 22, records of Sacramento County, described as follows:

BEGINNING at the Northwest corner of said Lot 4, thence North 90° East, 20 feet along the North line of Lot 4; thence South 0° West, 40 feet to a point on the South line of Lot 4; thence North 90° West, 20 feet along the South line of Lot 4 to the Southwest corner of Lot 4, said corner being on the East Line of Rio Linda Boulevard; thence North 0° East, 40 feet along the East line of Rio Linda Boulevard to the point of beginning, enclosing an area of 800 square feet, more or less.



Parcel 1066-13 (Gray)  
A Portion of APN 251-0282-012

All that portion of Lot 5 and 6, Block 15, as shown on the official "Plat of North Sacramento Heights", recorded in Book 12 of Maps, Map No. 22, records of Sacramento County described as follows:

BEGINNING at the Northwest corner of said Lot 5; thence North 90° East, 20 feet along the North line of Lot 5; thence South 0° West, 80 feet across Lots 5 and 6 to a point on the South line of Lot 6; thence North 90° West, 20 feet along the South line of Lot 6 to the Southwest corner of Lot 6, said corner being on the East line of Rio Linda Boulevard; thence North 0° East, 80 feet along the East line of Rio Linda Boulevard to the point of beginning, enclosing an area of 1,600 square feet, more or less.

Parcel 1066-15 (Gray)  
A Portion of APN 251-0282-010

All that portion of Lot 8, Block 15, as shown on the official "Plat of North Sacramento Heights", recorded in Book 12 of Maps, Map No. 22, records of Sacramento County, described as follows:

BEGINNING at the Northwest corner of said Lot 8; thence North 90° East, 20 feet along the North line of Lot 8; thence South 0° West, 40 feet to a point on the South line of Lot 8, thence North 90° West, 20 feet along the South line of Lot 8 to the Southwest corner of Lot 8, said corner being on the East line of Rio Linda Boulevard; thence North 0° East, 40 feet along the East line of Rio Linda Boulevard to the point of beginning, enclosing an area of 800 square feet, more or less.

Parcel 1066-16 (D. Smith)  
A Portion of APN 251-0282-020

All that portion of Lot 9 and 10, and the Westerly 9 feet of Lot 11, Block 15, as shown on the official "Plat of North Sacramento Heights", recorded in Book 12 of Maps, Map No. 22, records of Sacramento County, described as follows:

BEGINNING at the Northwest of said Lot 9; thence North 90° East, 20 feet along the North line of Lot 9; thence South 0° West, 90.98 feet; thence South easterly on a curve to the left of 30.00 feet radius, the chord of which bears South 58° 27' 18" East, 51.13 feet, to a point on the South line of Lot 10, said point also being on the North line of Rivera Drive; thence South 63° 05' 25" West, 71.30 feet along the North line of Rivera Drive to the Southwest corner of Lot 9, said corner being on the East line of Rio Linda Boulevard; thence North 0° East, 150 feet along the East line of Rio Linda Boulevard to the point of beginning, enclosing an area of 3,446.3 square feet, more or less.

Parcel 1066-20 (Mohammed)  
A Portion of APN 251-0292-016

All that portion of Lot 2, Block 5, as shown on the official "Plat of Subdivision No. 3, North Sacramento", recorded in Book 11 of Maps, Map Nos. 34 and 35, records of Sacramento County, as described as follows:

PARCEL NO. 1 - BEGINNING at the Southwest corner of said Lot 2; thence North 0° 05' East, 224.58 feet; thence North 61° 52' East, 11.35 feet; thence South 0° 05' West, 160 feet; thence on a curve to the left of Radius 26.69 feet along an arc having a chord bearing South 70° 38' 45" East, 50.36 feet; thence Southwesterly along a curve to the right of Radius 270 feet along an arc having a chord bearing South 47° 17' 45" West, 78.30 feet to the point of beginning, enclosing an area of 3,207.0 square feet more or less.

PARCEL NO. 2 - BEGINNING at the Southeast corner of said Lot 2; thence Southwesterly on a curve to the left of Radius 530 feet along an arc having a chord bearing South 42° 48' 45" West, 71.25 feet; thence Northwesterly on a curve to the right of Radius 26.69 feet along an arc having a chord bearing North 70° 38' 45" West, 50.36 feet; thence North 0° 05' East, 12.83 feet; thence Southeasterly on a curve to the left of Radius 30 feet along an arc having a chord bearing South 69° 16' 33" East, 41.88 feet; thence Northeasterly on a curve to the left of Radius 197.63 feet along an arc having a chord bearing North 56° 32' 12" East, 67.95 feet to the point of beginning, enclosing an area of 1,108.0 square feet more or less.

PARCEL NO. 3 - BEGINNING at the Southeast corner of said Lot 2, thence Southwesterly on a curve to the right of Radius 197.63 feet along an arc having a chord bearing South 56° 32' 12" West, 67.95 feet; thence Northwesterly on a curve to the right of Radius 30 feet along an arc having a chord bearing North 69° 16' 33" West, 41.88 feet; thence North 0° 05' East, 147.17 feet; thence North 61° 52' 00" East, 13.65 feet; thence South 0° 05' 00" West, 155.0 feet; thence South 63° 21' 17" East, 22.37 feet; thence North 61° 48' 52" East, 72.43 feet to the point of beginning, enclosing an area of 2,620.0 square feet, more or less.

Parcel 1066-26 (Coniglio)  
APN 265-0011-012

All that portion of Lot 1 in Block 5, as shown on the official "Plat of Subdivision No. 3, North Sacramento", recorded in Book 11 of Maps, Map Nos. 34 and 35, records of Sacramento County, as described as follows:

PARCEL NO. 1 - BEGINNING at the Southeast corner or said Lot 1; thence Southwesterly on a curve to the right of Radius 270 feet along an arc having a chord bearing South 70° 45' 28" West, 7.30 feet to the true point of beginning, thence Southwesterly on a curve to the right of Radius 270 feet along an arc having a chord bearing South 71° 06' 18" West, 3.27 feet; thence North 0° 05' 00" East 221.22 feet; thence North 61° 52' 00" East, 5.35 feet; thence South 0° 05' 00" West, 221.70 feet to the true point of beginning, enclosing an area of 664.40 square feet, more or less.

PARCEL NO. 2 - BEGINNING at the Southeast corner of said Lot 1; thence Southwesterly on a curve to the right of Radius 270 feet along an arc having a chord bearing South 71° 06' 19" West, 10.57 feet to the true point of beginning; thence Southwesterly along said curve to the right along an arc having a chord bearing South 71° 34' 29" West, 4.43 feet; thence North 1° 59' 27" West, 216.19 feet; thence North 61° 52' East, 13.66 feet; thence South 0° 05' West, 221.22 feet to the point of beginning, enclosing an area of 1,785.71 square feet more or less.

Parcel 1066-41 (Jones)  
A Portion of APN 251-0191-020

All that portion of Lot 6 in Block 7, as shown on the official "Plat of North Sacramento Heights", recorded in Book 12 of Maps, Map No. 22, records of Sacramento County, described as follows:

BEGINNING at the Northeast corner of Lot 6; said corner being on the west on the West line of Rio Linda Boulevard; thence South 0° West, 20 feet along the West line of Rio Linda Boulevard; thence Northwesterly along an arc of 20.0 feet radius, the chord of which bears North 45° 00' 00" West, 28.28 feet to a point on the South line of Silvano Street; thence North 90° East, 20 feet to the point of beginning, enclosing an area of 85.85 square feet, more or less.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APR 22 3 13 PM '87

ROBERT S. SMITH JR.  
9078 Rawhide Way  
Sacramento, CA 95826

April 20, 1987

RE: City Project TB91, Parcel 1066.01, a portion of APN 251-0192-001

CITY CLERK OF THE CITY OF SACRAMENTO  
Room 203, City Hall  
915 I Street  
Sacramento, CA 95814

Dear Ms. MAGANA:

I will not be able to attend the City Council meeting April 28, 1987. That is when the public hearing regarding adoption of a resolution to acquire the referenced parcel by eminent domain is scheduled.

I trust this letter will act on my behalf and convey my sentiments.

I take exception to this proposed action on the basis of lack of good faith by the City of Sacramento in addressing the true issue. That is, that this parcel has already been taken by the City of Sacramento years ago in conjunction with the urban renewal and redevelopment project along and to the north of Silvano Street. A mistake was made by the Agents of the City of Sacramento when they installed the rounded sidewalk corner on my property, not the City's right of way.

This prior taking by the City without communication or compensation has been exacerbated by the failure of all parties acting for the City of Sacramento to acknowledge this prior, complete, taking, and address this issue. Starting with the November 18, 1985 letter from IRVIN MORAES there has been a lot of "jawbone" and obfuscation, but no honest effort to treat the owners equitably. Now an attempt is being made to gloss over this error and pretend it never happened. I do not believe Government Codes, Section 37350.5 apply to a prior taking, stealing, if you will.

I state again: I object to the part of this proposed resolution pertaining to my lot, APN 251-0192-001 and Parcel 1066.01.

Sincerely,

*Robert S. Smith Jr.*  
Robert S. Smith Jr.  
916/363-6873