

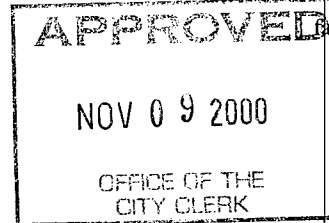
Department of Utilities
Office of the Director

CITY OF SACRAMENTO
CALIFORNIA

1395 35th Avenue
Sacramento, CA 95822-2911
phone (916) 264-1400
fax (916) 264-1497/1498

October 19, 2000

City Council
Sacramento, California



Honorable Members in Session:

SUBJECT: HEARING ON RESOLUTION OF NECESSITY TO ACQUIRE A PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT ON PORTIONS OF APN: 001-0190-006 FOR THE SACRAMENTO RIVER WATER TREATMENT PLANT FISH SCREEN REPLACEMENT PROJECT (PN: ZF56); TWO-THIRDS VOTE REQUIRED.

LOCATION/COUNCIL DISTRICT:

West side of Jibboom Street between Richards Blvd. and I Street in District 1.

RECOMMENDATION:

This report recommends that City Council:

1. Conduct a hearing on Resolution of Necessity and make the necessary findings to acquire a permanent easement and temporary construction easement in portions of land described as APN: 001-0190-006.
2. Adopt the attached Resolution of Necessity for this acquisition.

CONTACT PERSONS: Jim Sequeira, Director of Utilities, 264-1407
Rhonda R. Lake, Real Property Agent, 264-7902

FOR COUNCIL MEETING OF: November 9, 2000



CITY OF SACRAMENTO
DEPARTMENT
OF UTILITIES

Making a Difference in Your Neighborhood

City Council
Hearing on Resolution of Necessity for SRWTP Fish Screen Replacement
October 19, 2000

SUMMARY:

The replacement of the river intake structure at the Sacramento River Water Treatment Plant (SRWTP) has been identified as a critical element to upgrade the City's water supply system. The existing structure, constructed in the 1920's, does not meet current federal and state fish screening criteria. As it cannot be modified to meet these standards, a new structure is required and easements must be obtained for the project. The permanent easement and temporary construction easement are described and shown on Exhibits "A" and "B", attached. The subject property is owned by the State of California, Department of Water Resources (DWR).

City staff from Utilities, Real Estate, Environmental Services and the City Attorney's office have worked diligently with DWR for months to negotiate the acquisition of the easements. Furthermore, the City Manager has met with DWR's Director on several occasions to reach an acceptable agreement. Unfortunately, no final agreement has been reached. For that reason, it is requested that City Council conduct a hearing on Resolution of Necessity to initiate eminent domain proceedings.

The purpose of the hearing is to receive public testimony and take action on the Resolution of Necessity to acquire the easements needed for the project. An offer of just compensation has been made to the State of California, Department of Water Resources. It is necessary to obtain a Resolution of Necessity to initiate eminent domain proceedings although staff will continue efforts to reach agreement with the property owner. Two-thirds vote by Council is needed to adopt the Resolution of Necessity.

COMMITTEE/COMMISSION ACTION:

None.

BACKGROUND INFORMATION:

The existing water intake structure for the Sacramento River Water Treatment Plant (SRWTP) was constructed in the early 1920's. The fish screens on the existing intake pier do not meet present day standards of the California Department of Fish and Game or the United States National Marine Fisheries Service with respect to the size of screen openings and approach velocity. As the existing structure does not lend itself to modification and/or retrofit with fish screens that meet current standards, a new structure is required. The new water diversion facility will be located approximately 750 feet downstream from the existing structure, adjacent to the old PG&E Power Plant property on Jibboom Street. It will house eight pumps and protective fish screens, provide adequate clearance for potential flood flows, divert up to 160

City Council
Hearing on Resolution of Necessity for SRWTP Fish Screen Replacement
October 19, 2000

million gallons of water per day, and meet current environmental standards. The project will also include an access bridge for pedestrians and bicyclists to access the new facility to allow viewing of the river.

A permanent easement for public utilities is needed in the far southern portion of APN: 001-0190-006, owned by the State of California, Department of Water Resources. The easement area is approximately 1.098 acres and will be used for sub-surface utility lines, slope continuation from the existing levee and above ground use for construction of a surface

parking area, promenade and other public amenities in conjunction with the new water intake structure. A temporary construction easement for approximately 1.195 acres located in the center of the parcel is needed during project construction.

Appraisal of the subject easements has been completed and the Director of Public Works established just compensation for the acquisition on June 26, 2000. A written offer for the full amount determined as just compensation has been made to the property owner in accordance with Section 7267.2 of the Government Code. In order for the project to proceed in a timely manner, staff recommends that Council adopt the Resolution of Necessity to use the power of eminent domain to acquire the easements should negotiations fail.

FINANCIAL CONSIDERATIONS:

The full amount of just compensation for the permanent easement and temporary construction easement is \$385,000. Sufficient funds for the acquisition are available in PN: ZF56. Construction is anticipated in Spring 2001.

ENVIRONMENTAL CONSIDERATIONS:

The City and the U.S. Bureau of Reclamation prepared a joint Initial Study/Environmental Assessment (IS/EA) for the City's Fish Screen Replacement Project, which includes construction of the new Sacramento River Water Treatment Plant Replacement Intake facilities. The joint IS/EA was circulated for public review in February, 1999, with the proposed Mitigated Negative Declaration and Finding of No Significant Impact (FONSI). The City Council certified the Mitigated Negative Declaration and approved the project on June 27, 2000, and a Notice of Determination was filed with the County Clerk and State Clearinghouse on June 29, 2000. The FONSI was approved by the Bureau of Reclamation on September 7, 2000.

City Council
Hearing on Resolution of Necessity for SRWTP Fish Screen Replacement
October 19, 2000


POLICY CONSIDERATIONS:

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

ESBD CONSIDERATIONS:

No goods or services are being purchased under this report.

Respectfully submitted,



Jim Sequeira, Director of Utilities

RECOMMENDATION APPROVED:

Approved:



Robert P. Thomas
City Manager



Thomas V. Lee
Deputy City Manager

EXHIBIT "A"

Easement Acquisition

Assessor's Parcel No. 001-0190-006 (Portion)

Permanent Easement

All that portion of Swamp Land Survey No. 926, Sacramento County Surveys, being a portion of that parcel described in that Grant Deed to the State of California recorded on July 7, 1965 in Book 5279, Page 447, Official Records of Sacramento County, California, described as follows:

BEGINNING at the southwest corner of said parcel; thence, along the west line of said parcel, North 15°39'45" West 545.46 feet; thence South 44°43'01" East 46.22 feet; thence South 28°36'20" East 200.89 feet; thence South 85°21'00" East 113.37 feet to a point on the east line of said parcel, said east line being identical to the west line of the Jibboom Street frontage road on the west side of Interstate 5 as shown on the Department of Public Works Survey on Road 03-SAC-5 Post Mile 22.0 to Post Mile 34.7, and on Sheets 6 and 7 of the Caltrans Monument Map, Sac 5, Post Mile 24.4 and 24.6; thence, along the east line of said parcel and along the west line of said street, South 4°39'03" West 299.46 feet to the southeast corner of said parcel; thence, along the south line of said parcel, South 83°13'31" West 70.66 feet to the POINT OF BEGINNING. Contains approximately 47,818 square feet (1.098 acre, more or less).

EXHIBIT "A-1"

Temporary Construction Easement

All that portion of Swamp Land Survey No. 926, Sacramento County Surveys, being a portion of that parcel described in that Grant Deed to the State of California recorded on July 7, 1965 in Book 5279, Page 447, Official Records of Sacramento County, California, described as follows:

COMMENCEING at the southwest corner of said parcel; thence, along the west line of said parcel, North 15°39'45" West 545.46 feet to the POINT OF BEGINNING; thence, continuing along said west line, North 15°39'45" West 45.14 feet to the northwest corner of said parcel; thence, along the north line of said parcel, North 86°44'32" East 276.91 feet to the northeast corner of said parcel, said corner being the intersection of the north line of said parcel with the west line of the Jibboom Street frontage road on the west side of Interstate 5 as shown on the Department of Public Works Survey on Road 03-SAC-5 Post Mile 22.0 to Post Mile 34.7, and on Sheets 6 and 7 of the Caltrans Monument Map, Sac 5, Post Mile 24.4 and 24.6; thence, along the east line of said parcel and along the west line of Jibboom Street, South 4°39'03" West 278.52 feet to a point that bears North 4°39'03"

East 299.46 feet from the southeast corner of said parcel; thence, North 85°21'00" West 113.37 feet; thence North 28°36'20" West 200.89 feet; thence North 44°43'01" West 46.22 feet to the POINT OF BEGINNING. Contains approximately 52,057 square feet (1.195 acres, more or less).

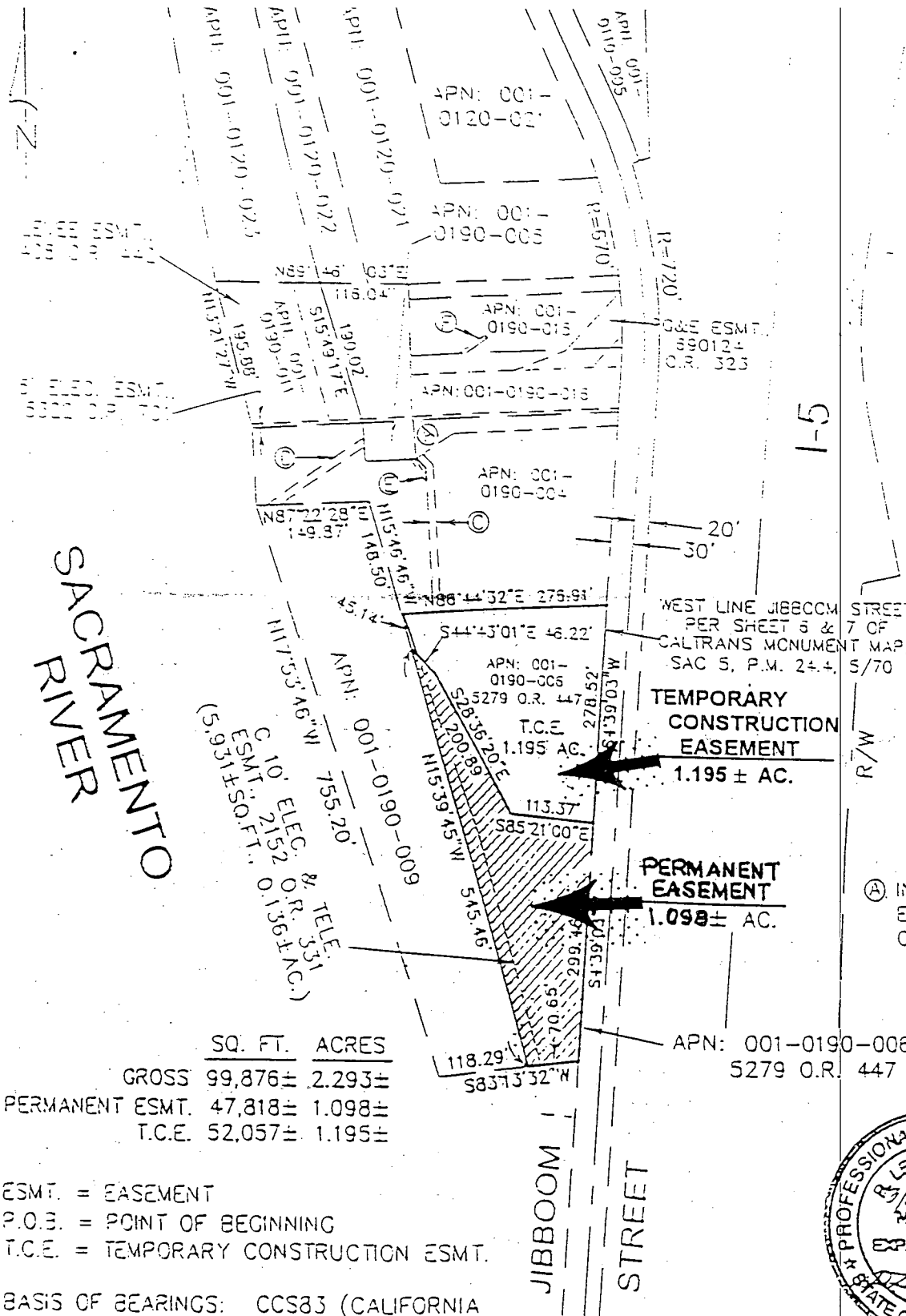
The Basis of Bearings for the above descriptions is the California Coordinate System, NAD83, Zone 2. The bearing for the west line of said parcel, as shown in said deed, is North 15° 41'06" West; rotate the above bearings 0°01'21" counter-clockwise to equal the bearings shown in said deed. See "Exhibit B" which is attached hereto and hereby made a part of this description.

End of Description



R. Lee Hixson 3/29/2000
R. Lee Hixson, PLS 4806 (date)
Expires: 9/30/00

SACRAMENTO
RIVER



1-5

R/W

Ⓐ INDICATES ELEC. ESMTS. PER 3414 O.R. 155

	SQ. FT.	ACRES
GROSS	99,876±	2.293±
PERMANENT ESMT.	47,818±	1.098±
T.C.E.	52,057±	1.195±

ESMT. = EASEMENT
P.O.B. = POINT OF BEGINNING
T.C.E. = TEMPORARY CONSTRUCTION ESMT.

BASIS OF BEARINGS: CCS83 (CALIFORNIA COORDINATE SYSTEM, NAD83) ZONE 2.

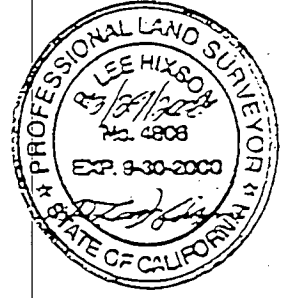
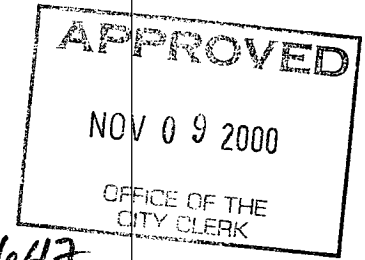


EXHIBIT B		APN: 001-0190-006, STATE OF CALIFORNIA	
CITY OF SACRAMENTO		COUNTY OF SACRAMENTO	
DATE: 3/29/2000		STATE OF CALIFORNIA	
DRAWN BY: RLH		SCALE: 1"=200'	
CHCKD BY: CDK		SHEET 1 OF 1	
		DRAWING NAME: DISCONVOING	
2485 Natomas Park Dr., Ste. 600 Sacramento, California 95833 916/920-0300 (FAX: 920-8463)		ALIGNMENT FILE: 47426RW1.ALC	



RESOLUTION NO. 2000-647

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION OF NECESSITY TO ACQUIRE A PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT BY EMINENT DOMAIN FOR THE SACRAMENTO RIVER WATER TREATMENT PLANT FISH SCREEN REPLACEMENT PROJECT (PN: ZF56)

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 a permanent easement and temporary construction easement in real property hereinafter identified as the "Subject Parcels", more particularly described in paragraph 9.
2. That the Subject Parcels are to be taken for, or in connection with, the Sacramento River Water Treatment Plant Fish Screen Replacement project.
3. That the statutes authorizing the City of Sacramento to acquire the Subject Parcels for the above-mentioned public purpose are Government Code Sections 37350.5 and 40404.
4. That the Subject Parcels are located along Jibboom Street between Richards Boulevard and I Street in Sacramento, California and are more specifically described in Exhibits "A" and "B".
5. That the Subject Parcels are vacant, are not appropriated to public use and have been classified as surplus State property by the owner of the Subject Parcels, the State of California, Department of Water Resources.

FOR CITY CLERK USE ONLY

RESOLUTION NO. _____

DATE ADOPTED: _____

6. Even if the Subject Parcels were deemed to be appropriated to public use, use of the Subject Parcels for the Sacramento River Water Treatment Plant Fish Screen Replacement project is a more necessary public use, such that the power of eminent domain may be used to acquire the Subject Parcels pursuant to California Code of Civil Procedure section 1240.610.
7. That the City Council declares that it has found and determined each of the following:
 - A. The public interest and necessity requires the project known as the Sacramento River Water Treatment Plant Fish Screen Replacement.
 - B. The project is planned and 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 project.
 - D. The offer required under Section 7267.2 of the Government Code has been made to the owner or representative of the owner of record.
8. 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 Parcels.
 - B. Prepare, file and prosecute in the appropriate court, such proceedings in eminent domain as necessary for the acquisition of the Subject Parcels.
 - C. Deposit the probable amount of just compensation, as fixed by the Director of Public Works in accordance with law, with the State Treasurer's Condemnation Fund 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.

FOR CITY CLERK USE ONLY

RESOLUTION NO. _____

DATE ADOPTED: _____

9. That the City, by this resolution is authorized to acquire a permanent easement and temporary construction easement in certain real property situated in the County of Sacramento, State of California, and described as follows:

SEE ATTACHED LEGAL DESCRIPTION MARKED EXHIBIT "A" AND DIAGRAMED IN THE CORRESPONDING ATTACHMENT EXHIBIT "B".

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO. _____

DATE ADOPTED: _____

EXHIBIT "A"

Easement Acquisition

Assessor's Parcel No. 001-0190-006 (Portion)

Permanent Easement

All that portion of Swamp Land Survey No. 926, Sacramento County Surveys, being a portion of that parcel described in that Grant Deed to the State of California recorded on July 7, 1965 in Book 5279, Page 447, Official Records of Sacramento County, California, described as follows:

BEGINNING at the southwest corner of said parcel; thence, along the west line of said parcel, North 15°39'45" West 545.46 feet; thence South 44°43'01" East 46.22 feet; thence South 28°36'20" East 200.89 feet; thence South 85°21'00" East 113.37 feet to a point on the east line of said parcel, said east line being identical to the west line of the Jibboom Street frontage road on the west side of Interstate 5 as shown on the Department of Public Works Survey on Road 03-SAC-5 Post Mile 22.0 to Post Mile 34.7, and on Sheets 6 and 7 of the Caltrans Monument Map, Sac 5, Post Mile 24.4 and 24.6; thence, along the east line of said parcel and along the west line of said street, South 4°39'03" West 299.46 feet to the southeast corner of said parcel; thence, along the south line of said parcel, South 83°13'31" West 70.66 feet to the POINT OF BEGINNING. Contains approximately 47,818 square feet (1.098 acre, more or less).

EXHIBIT "A-1"

Temporary Construction Easement

All that portion of Swamp Land Survey No. 926, Sacramento County Surveys, being a portion of that parcel described in that Grant Deed to the State of California recorded on July 7, 1965 in Book 5279, Page 447, Official Records of Sacramento County, California, described as follows:

COMMENCEING at the southwest corner of said parcel; thence, along the west line of said parcel, North 15°39'45" West 545.46 feet to the POINT OF BEGINNING; thence, continuing along said west line, North 15°39'45" West 45.14 feet to the northwest corner of said parcel; thence, along the north line of said parcel, North 86°44'32" East 276.91 feet to the northeast corner of said parcel, said corner being the intersection of the north line of said parcel with the west line of the Jibboom Street frontage road on the west side of Interstate 5 as shown on the Department of Public Works Survey on Road 03-SAC-5 Post Mile 22.0 to Post Mile 34.7, and on Sheets 6 and 7 of the Caltrans Monument Map, Sac 5, Post Mile 24.4 and 24.6; thence, along the east line of said parcel and along the west line of Jibboom Street, South 4°39'03" West 278.52 feet to a point that bears North 4°39'03"

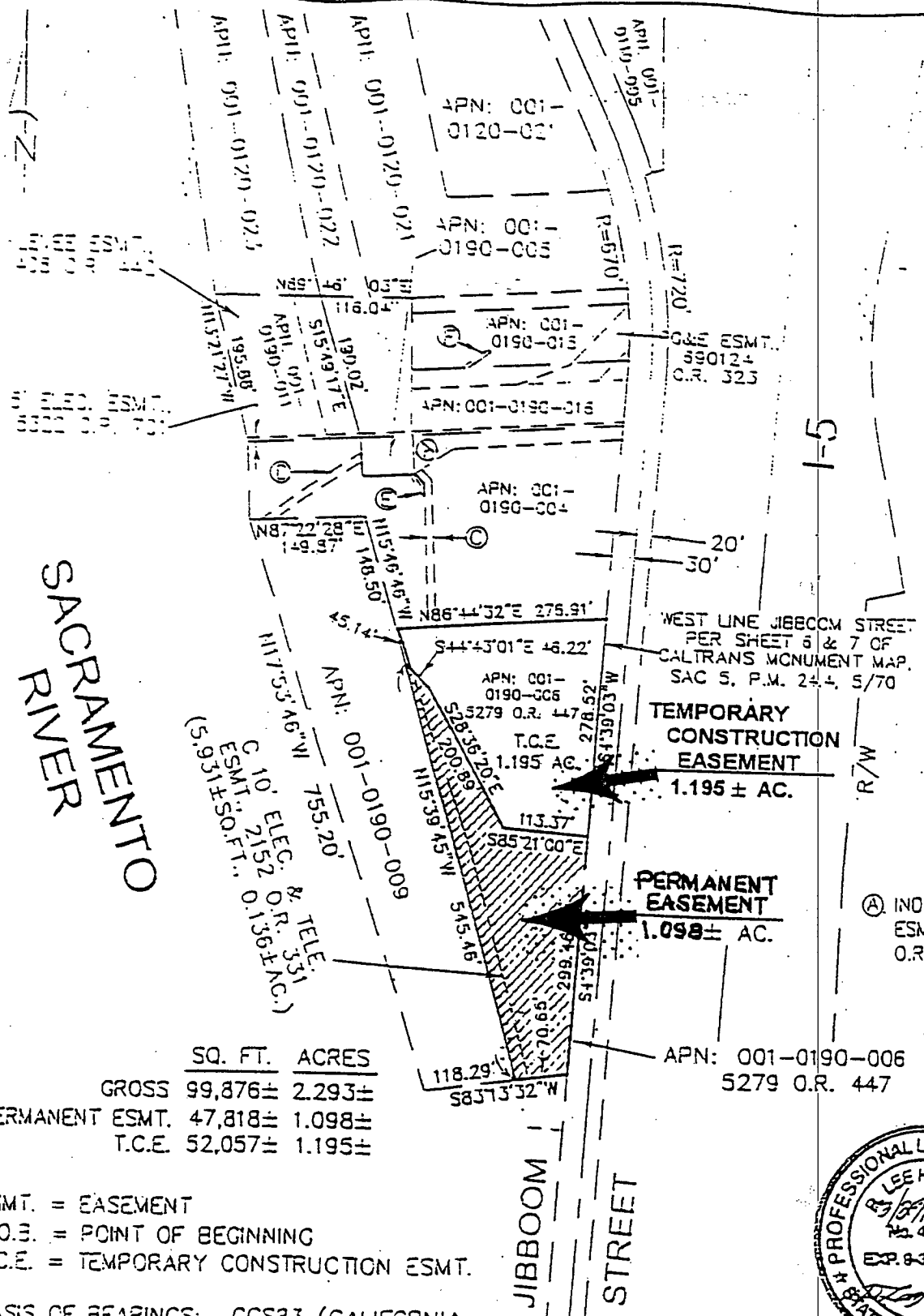
East 299.46 feet from the southeast corner of said parcel; thence, North 85°21'00" West 113.37 feet; thence North 28°36'20" West 200.89 feet; thence North 44°43'01" West 46.22 feet to the POINT OF BEGINNING. Contains approximately 52,057 square feet (1.195 acres, more or less).

The Basis of Bearings for the above descriptions is the California Coordinate System, NAD83, Zone 2. The bearing for the west line of said parcel, as shown in said deed, is North 15° 41'06" West; rotate the above bearings 0°01'21" counter-clockwise to equal the bearings shown in said deed. See "Exhibit B" which is attached hereto and hereby made a part of this description.

End of Description



R. Lee Hixson 3/29/00
R. Lee Hixson, PLS 4806 (date)
Expires: 9/30/00



SACRAMENTO RIVER

	SQ. FT.	ACRES
GROSS	99,876 ±	2.293 ±
PERMANENT ESMT.	47,818 ±	1.098 ±
T.C.E.	52,057 ±	1.195 ±

ESMT. = EASEMENT
 P.O.B. = POINT OF BEGINNING
 T.C.E. = TEMPORARY CONSTRUCTION ESMT.

BASIS OF BEARINGS: CCS83 (CALIFORNIA COORDINATE SYSTEM, NAD83) ZONE 2.

(A) INDICATES ELEC. ESMTS. PER 3414 O.R. 155

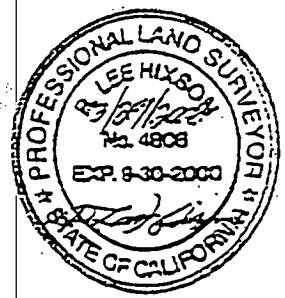


EXHIBIT B		APN: 001-0190-006, STATE OF CALIFORNIA	
CITY OF SACRAMENTO		COUNTY OF SACRAMENTO	
DATE: 3/29/2000	 CH2M HILL	STATE OF CALIFORNIA	
DRAWN BY: RLH		SCALE: 1" = 200'	
CHCKD BY: CDK		SHEET 1 OF 1	
		2485 Natomas Park Dr., Ste. 600 Sacramento, California 95833 916/920-0300 (FAX: 920-8463)	
		DRAWING NAME: DISCVZLJWG AUGMENT FILE: 4742BRWJALG	

- C. The Subject Parcels are needed for the project.
- D. The offer required under Section 7267.2 of the Government Code has been made to the owner or representative of the owner of record.

1. 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 Parcels.
- B. Prepare, file and prosecute in the appropriate court, such proceedings in eminent domain as necessary for the acquisition of the Subject Parcels.
- C. Deposit the probable amount of just compensation, as fixed by the Director of Public Works in accordance with law, with the State Treasurer's Condemnation Fund 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.

2. That the City, by this resolution is authorized to acquire a permanent easement and temporary construction easement in certain real property situated in the County of Sacramento, State of California, and described as follows:

SEE ATTACHED LEGAL DESCRIPTION MARKED EXHIBIT "A" AND DIAGRAMMED IN THE CORRESPONDING ATTACHMENT EXHIBIT "B".

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION OF NECESSITY TO ACQUIRE A PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT BY EMINENT DOMAIN FOR THE SACRAMENTO RIVER WATER TREATMENT PLANT FISH SCREEN REPLACEMENT PROJECT (PN: ZF56)

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 a permanent easement and temporary construction easement in real property hereinafter identified as the "Subject Parcels", more particularly described in paragraph 7.
2. That the Subject Parcels are to be taken for, or in connection with, the Sacramento River Water Treatment Plant Fish Screen Replacement project.
3. That the statute authorizing the City of Sacramento to acquire the Subject Parcels for the above-mentioned public purpose is Government Code, Section 37350.5.
4. That the Subject Parcels are located along Jibboom Street between Richards Boulevard and I Street in Sacramento, California and are more specifically described in Exhibits "A" and "B".
5. That the City Council declares that it has found and determined each of the following:
 - A. The public interest and necessity requires easement acquisitions for the project known as the Sacramento River Water Treatment Plant Fish Screen Replacement.
 - B. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

- C. The Subject Parcels are needed for the project.
- D. The offer required under Section 7267.2 of the Government Code has been made to the owner or representative of the owner 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 Parcels.
- B. Prepare, file and prosecute in the appropriate court, such proceedings in eminent domain as necessary for the acquisition of the Subject Parcels.
- C. Deposit the probable amount of just compensation, as fixed by the Director of Public Works in accordance with law, with the State Treasurer's Condemnation Fund 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.

7. That the City, by this resolution is authorized to acquire a permanent easement and temporary construction easement in certain real property situated in the County of Sacramento, State of California, and described as follows:

SEE ATTACHED LEGAL DESCRIPTION MARKED EXHIBIT "A" AND DIAGRAMMED IN THE CORRESPONDING ATTACHMENT EXHIBIT "B".

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

EXHIBIT "A"

Easement Acquisition

Assessor's Parcel No. 001-0190-006 (Portion)

Permanent Easement

All that portion of Swamp Land Survey No. 926, Sacramento County Surveys, being a portion of that parcel described in that Grant Deed to the State of California recorded on July 7, 1965 in Book 5279, Page 447, Official Records of Sacramento County, California, described as follows:

BEGINNING at the southwest corner of said parcel; thence, along the west line of said parcel, North 15°39'45" West 545.46 feet; thence South 44°43'01" East 46.22 feet; thence South 28°36'20" East 200.89 feet; thence South 85°21'00" East 113.37 feet to a point on the east line of said parcel, said east line being identical to the west line of the Jibboom Street frontage road on the west side of Interstate 5 as shown on the Department of Public Works Survey on Road 03-SAC-5 Post Mile 22.0 to Post Mile 34.7, and on Sheets 6 and 7 of the Caltrans Monument Map, Sac 5, Post Mile 24.4 and 24.6; thence, along the east line of said parcel and along the west line of said street, South 4°39'03" West 299.46 feet to the southeast corner of said parcel; thence, along the south line of said parcel, South 83°13'31" West 70.66 feet to the POINT OF BEGINNING. Contains approximately 47,818 square feet (1.098 acre, more or less).

EXHIBIT "A-1"

Temporary Construction Easement

All that portion of Swamp Land Survey No. 926, Sacramento County Surveys, being a portion of that parcel described in that Grant Deed to the State of California recorded on July 7, 1965 in Book 5279, Page 447, Official Records of Sacramento County, California, described as follows:

COMMENCEING at the southwest corner of said parcel; thence, along the west line of said parcel, North 15°39'45" West 545.46 feet to the POINT OF BEGINNING; thence, continuing along said west line, North 15°39'45" West 45.14 feet to the northwest corner of said parcel; thence, along the north line of said parcel, North 86°44'32" East 276.91 feet to the northeast corner of said parcel, said corner being the intersection of the north line of said parcel with the west line of the Jibboom Street frontage road on the west side of Interstate 5 as shown on the Department of Public Works Survey on Road 03-SAC-5 Post Mile 22.0 to Post Mile 34.7, and on Sheets 6 and 7 of the Caltrans Monument Map, Sac 5, Post Mile 24.4 and 24.6; thence, along the east line of said parcel and along the west line of Jibboom Street, South 4°39'03" West 278.52 feet to a point that bears North 4°39'03"

East 299.46 feet from the southeast corner of said parcel; thence, North 85°21'00" West 113.37 feet; thence North 28°36'20" West 200.89 feet; thence North 44°43'01" West 46.22 feet to the POINT OF BEGINNING. Contains approximately 52,057 square feet (1.195 acres, more or less).

The Basis of Bearings for the above descriptions is the California Coordinate System, NAD83, Zone 2. The bearing for the west line of said parcel, as shown in said deed, is North 15° 41'06" West; rotate the above bearings 0°01'21" counter-clockwise to equal the bearings shown in said deed. See "Exhibit B" which is attached hereto and hereby made a part of this description.

End of Description



R. Lee Hixson 3/29/2000
R. Lee Hixson, PLS 4806 (date)
Expires: 9/30/00



11.1

Department of Utilities
Office of the Director

CITY OF SACRAMENTO
CALIFORNIA

1395 35th Avenue
Sacramento, CA 95822-2911
phone (916) 264-1400
fax (916) 264-1497/1498

October 19, 2000

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: HEARING ON RESOLUTION OF NECESSITY TO ACQUIRE A PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT ON PORTIONS OF APN: 001-0190-006 FOR THE SACRAMENTO RIVER WATER TREATMENT PLANT FISH SCREEN REPLACEMENT PROJECT (PN: ZF56); TWO-THIRDS VOTE REQUIRED.

LOCATION/COUNCIL DISTRICT:

West side of Jibboom Street between Richards Blvd. and I Street in District 1.

RECOMMENDATION:

This report recommends that City Council:

1. Conduct a hearing on Resolution of Necessity and make the necessary findings to acquire a permanent easement and temporary construction easement in portions of land described as APN: 001-0190-006.
2. Adopt the attached Resolution of Necessity for this acquisition.

CONTACT PERSONS: Jim Sequeira, Director of Utilities, 264-1407
Rhonda R. Lake, Real Property Agent, 264-7902

FOR COUNCIL MEETING OF: November 9, 2000



CITY OF SACRAMENTO
DEPARTMENT
OF UTILITIES

Making a Difference in Your Neighborhood

SUMMARY:

The replacement of the river intake structure at the Sacramento River Water Treatment Plant (SRWTP) has been identified as a critical element to upgrade the City's water supply system. The existing structure, constructed in the 1920's, does not meet current federal and state fish screening criteria. As it cannot be modified to meet these standards, a new structure is required and easements must be obtained for the project. The permanent easement and temporary construction easement are described and shown on Exhibits "A" and "B", attached. It is requested that City Council conduct a hearing on Resolution of Necessity.

The purpose of the hearing is to receive public testimony and take action on the Resolution of Necessity to acquire the easements needed for the project. An offer of just compensation has been made to the property owner, State of California, Department of Water Resources. It is necessary to obtain a Resolution of Necessity to initiate eminent domain proceedings although staff will continue efforts to reach agreement with the property owner. Two-thirds vote by Council is needed to adopt the Resolution of Necessity.

COMMITTEE/COMMISSION ACTION:

None.

BACKGROUND INFORMATION:

The existing water intake structure for the Sacramento River Water Treatment Plant (SRWTP) was constructed in the early 1920's. The fish screens on the existing intake pier do not meet present day standards of the California Department of Fish and Game or the United States National Marine Fisheries Service with respect to the size of screen openings and approach velocity. As the existing structure does not lend itself to modification and/or retrofit with fish screens that meet current standards, a new structure is required. The new water diversion facility will be located approximately 750 feet downstream from the existing structure, adjacent to the old PG&E Power Plant property on Jibboom Street. It will house eight pumps and protective fish screens, provide adequate clearance for potential flood flows, divert up to 160 million gallons of water per day, and meet current environmental standards. The project will also include an access bridge for pedestrians and bicyclists to access the new facility to allow viewing of the river.

A permanent easement for public utilities is needed in the far southern portion of APN: 001-0190-006, owned by the State of California, Department of Water Resources. The easement area is approximately 1.098 acres and will be used for sub-surface utility lines, slope continuation from the existing levee and above ground use for construction of a surface

City Council
Hearing on Resolution of Necessity for SRWTP Fish Screen Replacement
October 19, 2000

parking area, promenade and other public amenities in conjunction with the new water intake structure. A temporary construction easement for approximately 1.195 acres located in the center of the parcel is needed during project construction.

Appraisal of the subject easements has been completed and the Director of Public Works established just compensation for the acquisition on June 26, 2000. A written offer for the full amount determined as just compensation has been made to the property owner in accordance with Section 7267.2 of the Government Code. In order for the project to proceed in a timely manner, staff recommends that Council adopt the Resolution of Necessity to use the power of eminent domain to acquire the easements should negotiations fail.

FINANCIAL CONSIDERATIONS:

The full amount of just compensation for the permanent easement and temporary construction easement is \$385,000. Sufficient funds for the acquisition are available in PN: ZF56. Construction is anticipated in Spring 2001.

ENVIRONMENTAL CONSIDERATIONS:

The City and the U.S. Bureau of Reclamation prepared a joint Initial Study/Environmental Assessment (IS/EA) for the City's Fish Screen Replacement Project, which includes construction of the new Sacramento River Water Treatment Plant Replacement Intake facilities. The joint IS/EA was circulated for public review in February, 1999, with the proposed Mitigated Negative Declaration and Finding of No Significant Impact (FONSI). The City Council certified the Mitigated Negative Declaration and approved the project on June 27, 2000, and a Notice of Determination was filed with the County Clerk and State Clearinghouse on June 29, 2000. The FONSI was approved by the Bureau of Reclamation on September 7, 2000.

POLICY CONSIDERATIONS:

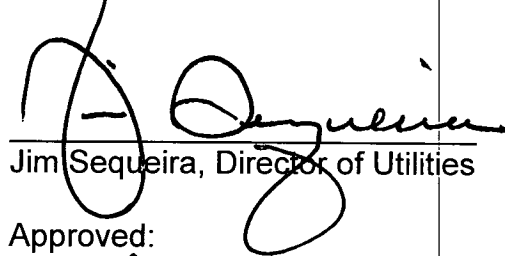
This action is consistent with legal requirements for the acquisition of property for public projects.

City Council
Hearing on Resolution of Necessity for SRWTP Fish Screen Replacement
October 19, 2000


ESBD CONSIDERATIONS:

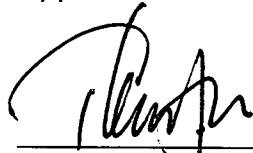
No goods or services are being purchased under this report.

Respectfully submitted,


Jim Sequeira, Director of Utilities

RECOMMENDATION APPROVED:


Robert P. Thomas
City Manager

Approved:

Thomas V. Lee
Deputy City Manager