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CITY OF SACRAMENTO TO

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

IRVIN E. MORAES
REAL ESTATE SUPERVISOR

December 27, 1979

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Hearing on Resolution of Necessity: Acquisition of Parcel
No. 2207 for Park Purpose in the Glen Elder Community (7332 Elder
Creek Road)

SUMMARY:

Adoption of the Resolution of Necessity, Acquisition of Parcel 2207 for park site
adjacent to Camellia School on Elder Creek Road.

BACKGROUND:

On November 20, 1979, the City Council adopted Resolution No. 79-795 Authorizing
Giving Notice of Intention to Adopt a Condemnation Resolution to acquire a two (2)
acre park site adjacent to Camellia School and set a hearing pertaining to said
adoption for December 26, 1979. Said hearing was continued to this date due to Mr.
Dale W. Makon, attorney for the owner of the property, requesting that he be given
time to review the Engineer's Report as he felt that the park site could be located
elsewhere on some of the other undeveloped land.

Community Services Department has determined that this is the site necessary to
enlarge the athletic field of the Camellia School so that the proper recreation
facilities can be constructed to serve the Glen Elder Community. It is not feasible
to move this site to the southerly or easterly boundary of the Camellia School
playground as there are proposed streets in these areas that have been approved by
Council by their approval of tentative subdivision maps and the developer is about
ready to file its final map and construct these streets.

FINANCIAL:

There is \$100,000 available in the current Capital Improvement Budget for 1979/80
for acquisition and design of the proposed park site.

By the City Council
Office of the City Clerk

By the City Council
Office of the City Clerk

FILED
Count 40
1-29-80

JAN 2 1979

JAN 2 1979

1979

RECOMMENDATION:

It is recommended that the hearing be closed and the attached Resolution of Necessity be adopted. In the event the property owners protest the proposed acquisition it will be necessary that a two-thirds vote by the Council (6 members) be recorded to continue the project.

Respectfully submitted,



R. H. PARKER
City Engineer

Recommendation Approved:


Walter J. Sligo, City Manager

January 2, 1980

CITY COUNCIL OF THE CITY OF SACRAMENTO

In the Matter of Acquisition of a Park Site)
in the Glen Elder Community, Project No. 2207-1)

ENGINEER'S AND COMMUNITY
SERVICES REPORT

A public hearing is scheduled for this date pertaining to the acquisition of a proposed 2-acre park site in the Glen Elder Community adjacent to the Camellia Elementary School. This proposed project has been undertaken due to the following facts and will provide the following benefits:

1. That this site is the only parcel of adequate size adjacent to the Camellia School playground that has not been subdivided or on which a tentative subdivision map approved by the City that can be combined with the existing playground area to enlarge the athletic playfield therefore making it in the public interest and necessity to acquire this site.
2. That with the acquisition of this parcel the Community Services Department can construct two new athletic fields and two tennis courts to serve the Glen Elder Community. This project is necessary in that said facilities are required to serve recreational needs of the Glen Elder Community.
3. The proposed location will cause the least private harm and result in the greatest public benefit because this property is the only suitable site for the project and the project is necessary.
4. That the City Council previously had approved the funds for the acquisition of this site in the current 1979/80 budget.
5. That on November 20, 1979 the City Council adopted the Resolution Authorizing Giving Notice to Adopt a Condemnation Resolution to acquire said Parcel No. 2207.
6. That on November 21, 1979 the City Clerk mailed by certified mail notice of a hearing to be held on December 26, 1979 for the adoption of the Resolution Authorizing Acquisition of Property by Exercise of the Power of Eminent Domain to all known owners of said Parcel No. 2207.
7. That on December 6, 1979 the City Clerk received a letter from Dale W. Makon, attorney representing Raul and Maria Mendoza, owner of said parcel, requesting to be heard on this matter.

8. That on December 26, 1979 the hearing was held and continued to this date to allow Mr. Makon an opportunity to review the Engineer's Report on the necessity of this project and its location.

It is recommended that the hearing be closed and that the attached resolution Authorizing Acquisition of Property by Exercise of the Power of Eminent Domain be adopted.

EXECUTED THIS 2ND DAY OF JANUARY, 1980



R. H. PARKER
City Engineer

SOLON WISHAM
Director Community
Services

RESOLUTION NO.

Adopted by The Sacramento City Council on date of

January 2, 1980

RESOLUTION OF NECESSITY: ACQUISITION OF
PARCEL 2207 FOR A PARK SITE ADJACENT TO
CAMELLIA SCHOOL ON ELDER CREEK ROAD

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 interests in real property hereinafter described as Parcel 2207-1, (herein referred to as the "Subject Parcel").

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

3. That the Subject Parcel is to be taken for the following public use: park purposes.

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

5. That the Subject Parcel is generally located at 7332 Elder Creek Road adjacent to Camellia School.

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

a. The public interest and necessity require the site for a neighborhood and school park site.

b. The park site is planned or located 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 improvement of a park site adjacent to the existing Camellia School.

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 Parcel 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 proceedings in eminent domain as are necessary for the acquisition of the Subject Parcel; 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 Parcel.

8. The Subject Parcel, being the real property or interests 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 2207-1

In the State of California, County of Sacramento, City of Sacramento, and being:

PARCEL NO. 1:

That portion of the Northwest 1/4 of Section 34, Township 8 North, Range 5 East, M. D. B. & M., described as follows:

Beginning at a point in said Section 34, located South 89° 55' 10" West 708.33 feet along the North line of said Section 34 from the Northwest corner of Glen Elder Unit No. 3, according to the official plat thereof, filed in the office of the Recorder of Sacramento County, California, on June 10, 1955, in Book 41 of Maps, Map No. 4, and from which point the Northwest corner of said Section 34, bears South 89° 55' 10" West 2504.54 feet; thence South 00° 04' 53" West through two power line poles a distance of 1217.62 feet to the point of beginning; thence from said point of beginning South 89° 55' 10" West 187.00 feet; thence South 00° 04' 53" West 465.88 feet; thence North 89° 55' 10" East 187.00 feet to a fence line; thence along said fence line North 00° 04' 53" East 465.88 feet to the point of beginning.

PARCEL NO. 2:

An easement for road purposes over the following:

That portion of the Northwest 1/4 Section 34, Township 8 North, Range 5 East, M. D. B. & M., described as follows:

Beginning at the Northeast corner of the foregoing described property; thence North 0° 04' 53" East 1217.62 feet to a point on the center line of Elder Creek Road; thence along the center line of said Elder Creek Road South 89° 55' 10" West 42.00 feet; thence South 0° 04' 53" West 1217.62 feet to a point on the North line of the foregoing described property; thence North 89° 55' 10" East 42 feet to the point of beginning.

ATTEST:

MAYOR

CITY CLERK

CITY OF SACRAMENTO

INTER-OFFICE ROUTING

To:

- Mayor / City Council Office
- City Manager
- Asst. City Manager
- Asst. City Manager, Community Development
- Asst. to City Manager
- Public Information
- City Clerk
- Finance Administration
- Revenues & Collections
- Purchasing
- Central Stores
- Accounting
- Utility Billing
- Data Processing
- City Treasurer
- City Attorney
- Planning Department
- Personnel Administration
- Employee Relations
- Employee Services
- Management Services
- Personnel Selections
- Training
- Police Department

To:

- Fire Department
- Fire Prevention
- Weed Abatement
- Emergency Planning
- City Engineer
- Asst. City Engr. Administration
- Animal Control
- Real Estate & Street Assessment
- Facility Maintenance
- Street Maintenance
- Traffic - Parking
- Water & Sewer
- Building Inspection
- Electrical Inspection
- Plumbing Inspection
- Community Improvement
- Waste Removal
- Equipment Maintenance

To:

- Museum & History Commission
- Recreation & Parks Administration
- Recreation
- Parks
- Golf
- Zoo
- Crocker Art Gallery
- Library Administration
- Housing and Redevelopment
- Community Center
- _____

Note:

- For Your Information
- Return with Recommendations
- Please Comment
- Prepare Draft and Return
- Prepare Letter
- Take Necessary Action
- Investigate and Report
- Per Your Request
- Reply. Send Copy To:
- _____
- _____
- _____

REFERRAL OF AGENDA ITEM,
MEETING OF 1-2-80

To: S. WISHAM, JR., DIRECTOR OF COMMUNITY SERVICES

Comments ITEM NO. 16: Hearing continued to 1-29-80. Request report re:

obtaining other property adjacent to school site.

(Acquisition of parcel 2207 for park site adjacent
to Camellia School.)

cc: City Manager

Signature



Title or Dept. CITY CLERK

Date 1-3-80