



CITY OF SACRAMENTO

March 17th, 1981

CITY MANAGER'S OFFICE
RECEIVED
MAR 11 1981
FRYIN E. MORAES
REAL ESTATE SUPERVISOR

REAL ESTATE AND STREET ASSESSMENTS DIVISION
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CITY HALL ROOM 207
SACRAMENTO, CALIFORNIA 95814
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City Council
Sacramento, California

Honorable Members In Session:

SUBJECT: Authorizing Giving of Notice of Intent to Adopt
Condemnation Resolutions for Intersection of
Broadway and Stockton Boulevard (Project No. 1857)

BACKGROUND INFORMATION

To enable the City to widen and resignalize the intersection of Broadway and Stockton Boulevard requires the acquisition of additional right of way on the north and south side of Broadway west of Stockton Boulevard.

FINANCIAL DATA

The current 1980-81 Capital Improvement Budget has \$385,000.00 of Gas Tax Funds budgeted for right of way acquisition and construction costs. It is not known at this time what the right of way will cost as we are presently having it appraised.

RECOMMENDATION

It is recommended that the attached Resolution Authorizing Giving of Notice of Intent to adopt Condemnation Resolution be adopted which sets a Hearing for April 21st, 1981.

Respectfully submitted,

R. H. Parker
R. H. Parker
City Engineer

Recommendation Approved

Walter J. Slipe
Walter J. Slipe
City Manager

RHP:IEM:bb
Attachments
File # 1857

APPROVED
BY THE CITY COUNCIL

MAR 17 1981

OFFICE OF THE
CITY CLERK

HRG 4-21-81

March 17th, 1981
DISTRICT NO. 5

RESOLUTION No. 81-181

Adopted by The Sacramento City Council on date of

MARCH 17, 1981

**RESOLUTION AUTHORIZING GIVING OF NOTICE OF
INTENT TO ADOPT CONDEMNATION RESOLUTION:**

**ACQUISITION OF PARCELS 1857-1, 1857-2 AND
1857-3, WIDENING AND RESIGNALIZATION OF THE
INTERSECTION OF BROADWAY AND STOCKTON BOULEVARD
(City Project No. 1857)**

Recitals:

A. It has been recommended to the City Council that certain parcels of property be acquired by the City for public use by this exercise of the power of eminent domain.

B. The City desires to afford the owner of such parcels the opportunity to appear and be heard at a public hearing concerning those matters specified in Section 1245.235 of the Code of Civil Procedure.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

1. That the City Council announces its intent to adopt the attached resolution marked Exhibit A.

2. That the City Clerk is hereby authorized and directed to give the notice of said intention as required by Section 1245.235 of the Code of Civil Procedure.

3. That said notice shall provide that the City Council shall hold the hearing required by Section 1245.235 of the Code of Civil Procedure at the regular Council meeting to be held at 7:30 P. M. on April 21st, 1981 in the City Council Chambers and that the request to appear and be heard at said hearing shall be filed in writing in the office of the City Clerk not later than 5:00 P. M. on April 14th, 1981.

MAYOR

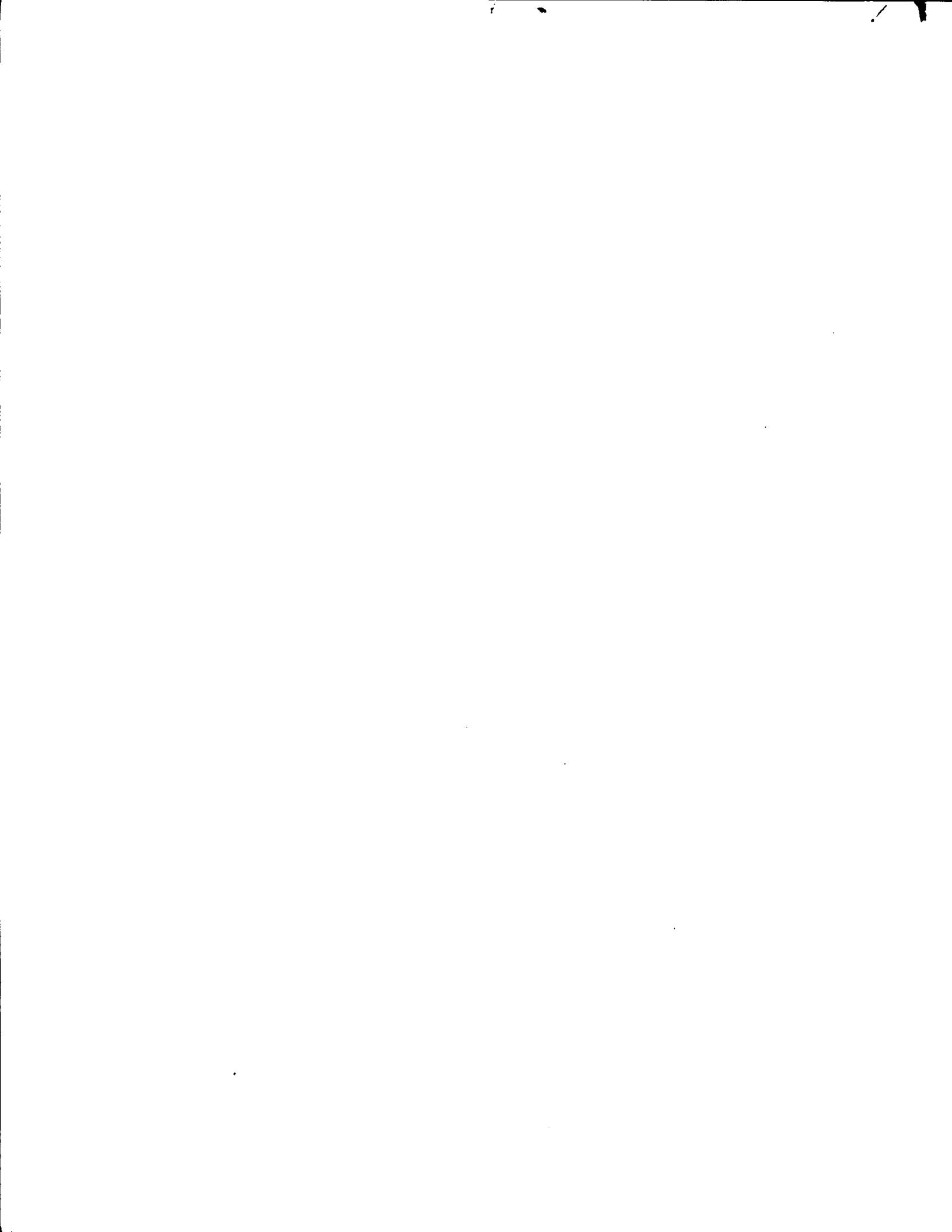
ATTEST:

CITY CLERK

APPROVED
BY THE CITY COUNCIL

MAR 17 1981

OFFICE OF THE
CITY CLERK



RESOLUTION No.

Adopted by The Sacramento City Council on date of

APRIL 21, 1981

RESOLUTION OF NECESSITY: ACQUISITION OF
PARCELS 1851-1, 1857-2 AND 1857-3 FOR THE
WIDENING AND RESIGNALIZATION OF THE INTER-
SECTION OF BROADWAY AND STOCKTON BOULEVARD

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 Parcels 1857-1, 1857-2 and 1857-3, (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 uses in connection with the widening and resignalization of the intersection of Broadway and Stockton Boulevard: Street and highway 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 Parcels are generally located on the west side of Stockton Boulevard north and south of Broadway in the City of Sacramento.

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 resignalization of the intersection of Broadway and Stockton Boulevard.

b. The widening and resignalization of the intersection of Broadway and Stockton Boulevard 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 Parcels are necessary for the widening and resignalization of the intersection of Broadway and Stockton Boulevard.

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.

EXHIBIT "A"

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:

Parcel 1857-1

Beginning at a point on the South boundary of Broadway (formerly called 5th Avenue) North $89^{\circ} 59' 43''$ West 118 feet from the Southeast corner of that certain tract of land conveyed by Edna K. Lucin, et al, to City of Sacramento by deed dated November 1, 1938, and recorded in the office of the County Recorder of Sacramento County, California, on November 21, 1938, in Book 716 of Official Records at Page 275, said point of beginning being the Northwest corner of that certain parcel of land conveyed to Standard Oil Company of California, by a deed recorded January 16, 1939, Document No. 884, in Book 732 of Official Records, in the Sacramento County Recorder's Office; thence from said point of beginning along said South boundary of Broadway (formerly 5th Avenue) North $89^{\circ} 59' 43''$ West 155.86 feet; thence along the arc of a left curve having a radius of 15.00 feet, subtended by a chord which bears South $44^{\circ} 53' 13''$ West 21.26 feet to a point on the East boundary of San Diego Way; thence along said boundary South $0^{\circ} 13' 30''$ East 20.67 feet; thence along the arc of a right curve, having a radius of 20.00 feet, subtended by a chord which bears North $47^{\circ} 45' 34''$ East 29.72 feet; thence South $84^{\circ} 15' 22''$ East 80.00 feet; thence South $89^{\circ} 59' 43''$ East 69.27 feet to a point on the West boundary of said parcel of land conveyed to Standard Oil Company of California; thence along said boundary North $0^{\circ} 13' 30''$ West 23.75 feet to the point of beginning; and containing 3603 square feet, more or less.

Parcel 1857-2

Beginning at the Southeast corner of that certain tract of land conveyed by Edna K. Lucin, et al, to the City of Sacramento by deed dated November 1, 1938 and recorded in the office of the County Recorder of Sacramento County, California, on November 21, 1938, in Book 716 of Official Records at Page 275, said point of beginning being on the South line of Broadway (formerly called 5th Avenue) and distant 50.00 feet Westerly, measured at right angles from the center line of Stockton Boulevard as established by City Engineer of the City of Sacramento, and from which point of beginning the intersection of the center line of Broadway (formerly called 5th Avenue as established by said City Engineer in 1937) with said center line of Stockton Boulevard bears North $50^{\circ} 33' 40''$ East 51.95 feet; thence from said point of beginning North $89^{\circ} 59' 43''$ West 118.00 feet along the South line of Broadway to a point; thence South $0^{\circ} 13' 30''$ East 23.75 feet to a point; thence South $89^{\circ} 59' 43''$ East 111.98 feet along a line parallel to and distant 23.75 feet at right angles Southerly from the South line of Broadway; thence along the arc of a right

curve having a radius of 25.00 feet, subtended by a chord which bears South 56° 49' 46" East 27.35 feet to a point on the West boundary of said Stockton Boulevard; thence along said boundary North 23° 39' 50" West 42.27 feet to the point of beginning; and containing 2972 square feet, more or less.

Parcel 1857-3

All that certain real property situate in the City of Sacramento, County of Sacramento, State of California, being a portion of the Southeast one-quarter of Section 17, Township 8 North, Range 5 East, M. D. B. & M., and also a portion of Lot 4533 as shown on the official plat of H. J. Goethe Company's Addition "K" to Sacramento, according to the amended plat thereof, filed in the office of the Recorder of Sacramento County, California, on September 23, 1905, in Book 6 of Maps, Map No. 27, and more particularly described as follows:

Beginning at a point on the North boundary of Broadway (formerly called 5th Avenue), said point being further described as the Southwest corner of Lot 4533 as shown on the official plat of H. J. Goethe Company's Addition "K", according to the amended plat thereof, filed in the office of the Recorder of Sacramento County, California, on September 23, 1905, in Book 6 of Maps, Map No. 27, from said point of beginning East 108.33 feet to a point on the Southerly boundary of said Lot 4533 and which is also the Northerly boundary of Broadway; thence North 1.8 feet; thence along the arc of a left curve, having a radius of 21 feet, subtended by a chord which bears North 55° 44' 17" West 23.64 feet to a point on the Easterly boundary of said Lot 4533 which is also the Westerly boundary of Stockton Boulevard; thence South 16° 46' East 15.78 feet to a point which is the Southeast corner of said Lot 4533; thence along said Southerly boundary of Lot 4533 West 24.09 feet; thence along said Southerly boundary of Lot 4533, West 108.33 feet to said point of beginning; containing 141.06 square feet, more or less.

Said right of way is to be used pending the construction of the proposed street and highway improvements for the widening and resignalization of the intersection of Broadway and Stockton Boulevard and shall commence on August 1st, 1981, or 100 days following the date of filing of any eminent domain proceeding wherein the above-described temporary construction easement is sought to be condemned, whichever commencement date should last occur, and shall terminate at the end of the 550th day following said commencement date, at which time the area subject to the easement shall be restored and returned by the City to the conditions existing thereupon at the commencement date.

MAYOR

ATTEST:

CITY CLERK

