

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
13	08/23/10	Open	Action	08/12/10

Subject: Setting a public hearing to consider adoption of Resolution of Necessity for property located at 7891 Ann Arbor Way.

ISSUE

Setting a public hearing to consider adoption of resolution of necessity for property located at 7891 Ann Arbor Way.

RECOMMENDED ACTION

Adopt Resolution No. 10-08 - _____, Setting a Public Hearing to Consider Adoption of a Resolution of Necessity for Property Located at 7891 Ann Arbor Way, Further Identified as Sacramento County Assessor's Parcel Number 053-0141-015.

FISCAL IMPACT

None

DISCUSSION

A portion of property located at 7891 Ann Arbor Way, (Sacramento County Assessor's parcel Number 053-0141-015) "the Subject Property" is needed for construction of RT's South Sacramento Corridor Phase 2 Project (SSCP2).

On September 22, 2009, pursuant to authority granted by the Board, RT made a formal offer in the amount of its approved appraisal to the owner to purchase a portion of the subject property pursuant to Government Code Section 7267.2. Negotiations with the owner were apparently successful and a Purchase and Sale Agreement was signed. However, the owner has subsequently declined to authorize the title company to contact the lenders for a partial deed of reconveyance needed to conclude the transaction. This authorization is required and can only be given by the owner. Despite numerous attempts made by phone, mail and personal visits to obtain the necessary authorization, the owner has not granted authorization and refuses to speak to RT or its representatives. As a result, this transaction cannot be concluded voluntarily and it appears this acquisition will require resort to the eminent domain process.

State law requires that RT hold a public hearing regarding the intent to adopt a resolution of necessity prior to filing an action in eminent domain, give notice to all persons listed on the last equalized County assessment roll, and allow at least 15 days for owners to respond to the notice. At the hearing, staff will present the need and necessity for the property. Owners and any others with an interest in the property will be given an opportunity to be heard. Adoption of the resolution of necessity requires a two-thirds vote of the Board.

Approved:

Presented:

FINAL 8/16/10

General Manager/CEO

Director, Project Management

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The action currently before the Board is setting the date and time for the public hearing, which will be held at the regularly scheduled Board meeting on September 13, 2010. Staff recommends approval of the attached resolution setting a public hearing for adoption of a Resolution of Necessity for the property located at 7891 Ann Arbor Way (APN: 053-1041-015).

RESOLUTION NO. 10-08-_____

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

August 23, 2010

**SETTING A PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION OF
NECESSITY FOR PROPERTY LOCATED AT 7891 ANN ARBOR WAY, FURTHER
IDENTIFIED AS SACRAMENTO COUNTY ASSESSOR'S
PARCEL NUMBER 053-0141-015**

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE
SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, a public hearing is set for September 13, 2010 to hear public testimony regarding adoption of a resolution of necessity for the property located at 7891 Ann Arbor Way, Sacramento County CA, 95832, (further identified as Sacramento County Assessor's Parcel Number 053-0141-015) owned by Lupe Pena.

STEVE MILLER, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary