

AGENDA ITEM #5

PUBLIC HEARING

**NOTICE OF INTENT TO APPEAR
(ATTACHED)**

January 4, 2010

TO: Sacramento Regional Transit District Board of Directors
1400 29th Street
Sacramento, CA 95816

RE: NOTICE OF INTENT TO APPEAR

Hearing: January 11, 2010 at 6:00 PM

Subject: ADOPT RESOLUTION OF NECESSITY TO ACQUIRE BY EMINENT DOMAIN PROPERTY KNOWN AS THE PREMISES AT 7915 ANN ARBOR WAY, SACRAMENTO, CALIFORNIA (APN 053-0141-021) FOR SSCP2 LIGHT RAIL EXTENSION PROJECT (“the project”)

Location: Regional Transit Administrative Headquarters
Room 114
1400 29th Street
Sacramento, CA 95816

NOTICE is hereby given that the undersigned, Gaye Welch-Brown, the property owner of the real property identified above will appear in propria persona at the above-indicated hearing to object to the adoption of the Resolution.

The objection will be made on the following enumerated grounds:

- 1. There is no substantial evidence showing that the project is planned in a manner that will cause the least private injury to the property owner.**

Pursuant to the initial Supplemental Draft Environmental Impact Statement (SDEIS), which it appears was based on preliminary right-of-way engineering, the project was planned in a manner that avoided any private injury to the property owner in that the initial plan did not require RT to acquire the subject property.

Since publication of the SDEIS, the project has been refined, specifically, the project has been enlarged. On April 3, 2007, the City of Sacramento Department of Utilities responded to RT’s offer of an opportunity to review the Supplemental Draft Environmental Impact Statement/Subsequent Draft Environmental Impact Report, Draft Section 4(f) for the South Line project. It is apparent from its letter that the City of Sacramento responded by offering a recommendation, not a demand, of “realigning the new RT tracks so that they will be entirely off (west) of the Morrison Creek levee and out of Morrison Creek.” (See attached Exhibit 1.)

As a consequence, RT conferred with the City of Sacramento’s recommendation, absent any public evidence of engineering refinements of the project or a solicitation of comments from property owners directly impacted by the purported “refinement” of the project, which resulted

in the project being altered by moving the proposed alignment off the existing levee and creating a “super levee”, hence an enlargement from the preliminary engineered “levee”.

Now RT alleges this refinement requires it to acquire the subject property, and also affects five other properties located on Ann Arbor Way (see attached Exhibit 2)¹. Said allegation contradicts the statement contained in South Sacramento Corridor Phase 2 SFEIS/SFEIR document at 6.2 REFINEMENTS TO THE PROJECT AND EIS/EIR which reads in relevant part as follows: “The new alignment moves the light rail off the existing levee but does require the acquisition of two homes and a portion of the back yard of a third home.” (See attached Exhibit 3, p. 6-10.)

Moreover, the project now has and will cause significant private injury to the property owner as discussed in the enumerated objections below.

2. There is no substantial evidence showing that the property sought to be acquired is necessary for the SSCP2 Light Rail Extension Project.

The aforementioned refinements in the project was not necessary since the City of Sacramento only offered a recommendation, supra, not a demand, to move the proposed alignment off the existing levee. Furthermore, based on the South Sacramento Corridor Phase 2 SFEIS/SFEIR document this refinement surely required that the public, particularly the property owner herein be provided “. . . a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect . . .” (See attached Exhibit 3, p. 6-11.)

The property owner was never given a meaningful opportunity to comment on the project as initially planned or as refined with the new alignment and adding a super levee requiring RT to now acquire her property. The undersigned’s appearance before the pending January 11, 2010 hearing represents the first “community participation” notice/invitation from RT for the federally funded project.

3. No reasonable, prudent property owner would assent to the offer made by RT, the proposed contract lacks mutuality of consideration.

Pursuant to Government Code §7267.2, RT has made an offer to buy the subject property. However, the offer was made in violation of RT’s own established policy and rules governing the SSCP2, Property Acquisition Plan (at p. 34) which provides as follows: “The offer should be made to the owner(s) within 60 days of the approved appraisal.” Here, the appraisal was as of May 5, 2009 and the offer was made on August 19, 2009, some 106 days after the approved appraisal. Clearly, in violation of RT’s own policy and rules. Thus, the offer should be deemed an invalid offer in that the offer violates the property owner’s right to due process.

¹ / In response to Gaye Welch-Brown’s request for “. . . an overall description of the SSCP2 project encompassing each and every affected residential properties located on Ann Arbor Way”, on December 18, 2009, Michael R. Wiley, RT’s General Manager/CEO, provided the description of the six properties listed in Exhibit 2.

In addition, even if the offer was timely made it is premature in that the property owner was denied her due process to be given notice and be heard on the matter of the SSCP2 prior to RT making an offer for acquisition of her property. Apparently, the community-at-large were given such a right and opportunity to be heard, despite the property owner being the one whose property is being directly, and adversely, impacted by the project. In fact, on July 15, 2009 the property owner became aware for the first time that RT intended to acquire her property when Jeremy Mied, with Paragon Partners Ltd., contacted her by telephone and informed her that multiple public meetings on the matter had already been conducted over the prior two years and that he was now calling to obtain her address for the purpose of making an offer on behalf of RT for what he described as a "dilapidated" dwelling.

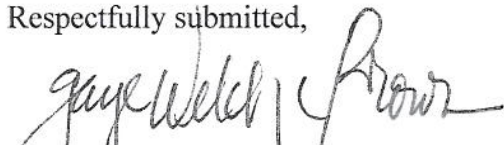
The project will cause significant private injury to the property owner in that given the current situation of the economy there exist no comparable decent, safe, and sanitary (DSS) replacement dwelling currently available on the private market. Furthermore, there is no comparable DSS replacement dwelling within the financial means of the current co-owner-occupant.

RT has failed to appropriately mitigate under such circumstances by first locating a suitable replacement dwelling in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Acts, and utilizing the Last Resort Housing provision allowing RT to provide the much needed replacement housing payment in excess of the statutory maximum. Thus, the undersigned contends that there is no reasonable probability that RT will be able to provide comparable replacement housing that would warrant the owner to sell the property prior to being assured by RT that the current co-owner-occupant would be provided a comparable DSS replacement dwelling within his financial means.

Accordingly, once RT provides an offer that expressly obligates RT to locate a comparable DSS replacement dwelling within the financial means of the current co-owner-occupant before the property owner is required to perform under the proposed contract (hence, relinquish the property title to RT and move), the property owner will consider assenting to RT's offer.

The undersigned respectfully submits that she has complied with the requirements of California Code of Civil Procedure §1245.235(c). Therefore, the Board is requested to consider the comments herein at the January 11, 2010 hearing on the adoption of a resolution of necessity that meets the requirement of Code of Civil Procedure §1240.040.

Respectfully submitted,



GAYE WELCH-BROWN
8340 Dressage Way
Sacramento, CA 95829-6525
(916) 689-0693

Attachments: Exhibits 1 - 3



RECEIVED
APR 03 2007
ESD

DEPARTMENT
OF UTILITIES

CITY OF SACRAMENTO

1395 35th AVENUE
SACRAMENTO, CA
95822-2911

ENGINEERING
SERVICES DIVISION

CALIFORNIA
April 3, 2007
70177-MN:sw

PH 916-808-1400
FAX 916-808-1497/1498

Diane Nakano, P.E.
Assistant General Manager for
Engineering & Construction
Sacramento Regional Transit District
PO Box 2110
Sacramento, CA 95812-2110

Subject: RT's South Sacramento Corridor Phase 2 Project, Supplemental DEIR, January 2007

Thank you for the opportunity to review the supplemental Draft Environmental Impact Statement/
Subsequent Draft Environmental Impact Report, Draft Section 4(f) for the *South Line* project. The City
of Sacramento Department of Utilities offers the following comments:

1.) RT's South Line in Morrison Creek, near the UPRR Bridge

Where RT power lines cross the levee or access route to the levee (e.g., access from Ann Arbor Way
to Morrison Creek west levee near UPRR bridge), raise power lines to provide minimum vertical
clearance of 18 feet, plus any additional clearance required in vicinity of power lines.

Provide access for flood control maintenance equipment to enter Morrison Creek from right bank/
west levee downstream of UPRR bridge. Provide minimum vertical clearance of 18 feet, plus any
additional clearance required for safety in vicinity of RT power lines.

For RT at-grade crossings of levee crown, in addition to provisions for private road crossing, provide
alarm & warning system for RT trains approaching crossings.

Bridge / bridge piers shall not restrict access for maintenance vehicles to Morrison Creek. Bridge piers
& bents shall be designed so as not to restrict low flows or flood flows, or cause erosion. RT shall be
responsible for repairing any erosion to flood control facilities in vicinity of the bridge piers & bents.
Consider paving waterside levee sideslope at bridge abutments and along entire bridge length
because of restricted access for levee maintenance equipment.

*This proposed RT bridge will restrict flood control operation, maintenance, inspection and
flood fight activities. Consult with California Reclamation Board for criteria for running RT
tracks on and/or even "diagonally across" the levee at-grade. The Utility Department, which is
responsible for this section of levee maintenance, strongly recommends realigning the new RT
tracks so that they will be entirely off (west) of the Morrison Creek levee and out of Morrison
Creek.*



CITY OF SACRAMENTO
DEPARTMENT
OF UTILITIES
Making a Difference in Your Neighborhood

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2.) **Morrison Creek Station**

Move tracks and station west to keep RT facilities out of levee right-of way and to allow sufficient area for levee operation, maintenance, and flood patrol and flood fight activities.

Consult with California Reclamation Board and Corps of Engineers to determine maintenance responsibility for maintenance and inspection of "levee inspection road" west of RT tracks. If this is determined to be part of flood control project, Reclamation Board should obtain land rights to allow for maintenance, and Corps of Engineers should include maintenance requirements in operation and maintenance manual for flood control project.

Consult with California Reclamation Board and Corps of Engineers to determine requirements for embankment and drainage along landside toe of levee.

3.) **Morrison Creek / UPRR Overhead Bridge**

Provide minimum vertical clearance of 18 feet between levee and bridge soffit for flood control operation and maintenance equipment.

Bridge piers / bents shall be designed so as not to restrict low flows or flood flows, or cause erosion. RT shall be responsible for repairing any erosion to flood control facilities in vicinity of bridge piers / bents.

4.) **Unionhouse Creek, between Morrison Creek and Franklin Blvd**

(a.) **Bufferlands Modified Detention Basin**

Do not reduce capacity of detention basin. Provide specifications for construction.

Do not construct RT facilities (including facilities for Franklin Station) on or over detention basin embankment.

Currently there is no direct hydraulic connection from Unionhouse Creek to the detention basin, and one should not be added.

(b.) **Deer Lake Dr pedestrian bridge and pedestrian path along south side of Unionhouse Creek**

Flood control project requires a minimum of 60 feet of open flowage area (from centerline of creek) along south side of creek. Move southern bridge abutment as required so as not to impair flood flows.

Path may be in 100-yr floodplain; consider moving path out of floodway.

Bridge soffit should be above top of floodwall. Check with Corps of Engineers for floodwall information and for plans for turnout at this location. Bridge approaches shall be designed so as to allow vehicle access along flood control maintenance road on north / right bank. Provide details for gates & fencing at bridge.

5.) **Unionhouse Creek, between Franklin Blvd and Center Parkway**

Contact Corps of Engineers for information on 100-year flood plane for Unionhouse Creek through this entire reach. The Corps of Engineers' *Limited Reevaluation Report, South Sacramento County Streams*, dated December 2004, indicates the 100-year water flood plane through this reach of the flood control project will be higher than Elev. 16 feet.

Do not put Noise Barrier Wall on top of floodwall. Provide for mixed-use trail to also be used for flood control operation, maintenance and inspection.

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Page 2 of 3

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(b.) **Deer Lake Dr pedestrian bridge and pedestrian path along south side of Unionhouse Creek**

Flood control project requires a minimum of 60 feet of open flowage area (from centerline of creek) along south side of creek. Move southern bridge abutment as required so as not to impair flood flows.

Path may be in 100-yr floodplain; consider moving path out of floodway.

Bridge soffit should be above top of floodwall. Check with Corps of Engineers for floodwall information and for plans for turnout at this location. Bridge approaches shall be designed so as to allow vehicle access along flood control maintenance road on north / right bank. Provide details for gates & fencing at bridge.

5.) **Unionhouse Creek, between Franklin Blvd and Center Parkway**

Contact Corps of Engineers for information on 100-year flood plane for Unionhouse Creek through this entire reach. The Corps of Engineers' Limited Reevaluation Report, South Sacramento County Streams, dated December 2004, indicates the 100-year water flood plane through this reach of the flood control project will be higher than Elev. 16 feet.

Do not put Noise Barrier Wall on top of floodwall. Provide for mixed-use trail to also be used for flood control operation, maintenance and inspection.

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At Center Parkway Station, provide for minimum 12-foot wide joint use area to south of floodwall for flood control operation, maintenance and inspection.

Soffit of Valley Green Drive pedestrian bridge should be above top of floodwall. Contact Corps of Engineers for information on 100-year flood plans for Unionhouse Creek. The Corps of Engineers' Limited Reevaluation Report, South Sacramento County Streams, dated December 2004, indicates the 100-year water surface in vicinity of Valley Green Drive will be Elev. 17 feet or higher. Provide details for gates / fencing plans at bridge.

Center Parkway Pedestrian Bridge Design Option: A Cantilever Pedestrian Access ramp to bridge would further limit access along Unionhouse Creek for flood control operation, maintenance and inspection. Design so as not to interfere with flood control project.

6.) Center Parkway Bridge

Check with Corps of Engineers for information on planned flood control project modifications to Center Parkway Bridge over Unionhouse Creek.

Provide information on relocation of pump house north of Cosumnes River Blvd.

7.) Unionhouse Creek upstream of Center Parkway

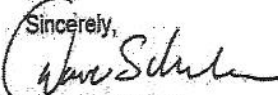
Check with Corps of Engineers for information of 100-year flood stage in Unionhouse Creek. The Corps of Engineers' Limited Reevaluation Report, South Sacramento County Streams, dated December 2004, indicates the 100-year water surface upstream of Center Parkway to be Elev. 20.2 feet.

Cosumnes River Blvd Flyover Design Option: This design option moves RT facilities further north toward Unionhouse Creek, thereby reducing the area for future flood control improvements. DOU recommends against this option, i.e., DOU is in favor of the design that moves RT facilities further south of Unionhouse Creek.

Corps of Engineers will be evaluating this reach for necessary flood control improvements to be consistent with flood protection improvements downstream. Maintain minimum 76-foot width for Unionhouse Creek, and allow for additional 12 feet for flood control operation, maintenance and inspection.

DOU is planning construction of a 24-inch diameter transmission water main in this reach of Cosumnes River Blvd, between Center Pkwy and Bruceville Road. The shallow skew angle of RT's at-grade crossing near sta 538+00 will make for a long reach where the water main is under the South Line tracks. Consider and coordinate with DOU placement of a casing pipe for the future 24" pipe.

We appreciate your consideration of these comments. Attached is a copy of a letter from SAFCA in support of these comments and suggestions. If you have any questions regarding this letter, please contact Stu Williams, Senior Engineer with DOU at 808-1410, or me at 808-1423.

Sincerely,

Dave Schamber
Supervising Engineer

Cc: DOU – Dave Brent, Jeff Heard, Mike Nolan, Jim Peifer, Stu Williams, Inthira Souththyanon
SAFCA – Grant Kreinberg

Excerpt from Michael R. Wiley's Letter dated December 18, 2009 addressed to Gaye Welch-Brown

Ann Arbor Way Residential Properties

Bahlol & Nasira Quettawala	053-0141-014	7889 Ann Arbor Way Sacramento, CA 95832
Lupe Pena	053-0141-015	7891 Ann Arbor Way Sacramento, CA 95832
Mee Xiong & Tou Ger Yang	053-0141-016	7893 Ann Arbor Way Sacramento, CA 95832
Elvia Barajas	053-0141-020	7907 Ann Arbor Way Sacramento, CA 95832
Welch, et al	053-0141-021	7915 Ann Arbor Way Sacramento, CA 95823
Pedro A & Angelita Rosado	053-0141-022	7923 Ann Arbor Way Sacramento, CA 95832

EXHIBIT 2

Table 6.1-1: CEQA Significance Threshold for Selected Environmental Impact Categories			
SFEIS/ SFEIR Sec. Nos.	Impact Category	Explanation of CEQA Significance Threshold	Source(s)
Chapter 5	Temporary Construction Period Effects	Construction phase impacts on traffic, transit, noise, air quality, and the visual environment would generally not be considered significant since construction-related changes are by their nature temporary. A significant impact would occur only if temporary effects substantially affected accessibility to an area for a long period of time, caused the loss or relocation of substantial numbers of businesses or residences, or posed a severe health or safety threat.	Derived from State CEQA Guidelines, Section 16382
Source: Parsons and other sources as noted, September 2002.			

6.2 REFINEMENTS TO THE PROJECT AND EIS/EIR

Refinements have been made to the Project and EIS/EIR since the Draft EIS/EIR was published. These refinement include

- **Movement of the light rail alignment off of the Morrison Creek Levee.** In its comment letter on the SDEIS/SDEIR, the City of Sacramento Utilities Department, which maintains the Morrison Creek levee, stated that the light rail alignment should not be located on the levee. After meetings with the Utilities Department, the light rail alignment was moved to the west of the prior alignment shown in the SDEIS/SDEIR. The new alignment is on a new embankment that actually increases the size of the levee – called a "super levee." This new alignment moves the light rail off the existing levee but does require the acquisition of two homes and a portion of the back yard of a third home.
- **Addition of a Grade Separation (light rail flyover) over Cosumnes River Boulevard.** In its comment letter on the SDEIS/SDEIR, the California Public Utilities Commission requested that a grade separation be provided for the light rail line over Cosumnes River Boulevard. The requested grade separation is included as part of the project in this SFEIS/SFEIR.
- **Updating of traffic data.** In its comment letter on the SDEIS/SDEIR, the City of Sacramento stated that the data used to evaluate traffic should be more recent than what is contained in the SDEIS/SDEIR. In response, Year 2007 traffic counts were taken, and the traffic analysis in Chapter 3, Volume I, has been revised using this more current traffic information.
- **Supplemental Air Emissions Assessment.** In its comment letter on the SDEIS/SDEIR, the Sacramento Metropolitan Air Quality Management District requested that its new construction emissions model be applied to the project. In addition, the City of Sacramento requested in its comment letter on the SDEIS/SDEIR that the traffic information/counts be updated. Section 4.3, Air Quality and 5.2.3 – Air Quality (Construction) – have been updated to reflect the results of

the new emissions model and the air emissions associated with the new traffic levels.

- **Supplemental Noise/Vibration Assessment.** In its letter regarding the SDEIS/SDEIR, the U.S. EPA noted that the Federal Transit Administration (FTA) has more recent noise/vibration criteria than those used for the SDEIS/SDIR. The noise/vibration analysis has been updated to reflect these criteria. Based on this new analysis, the extent and height of noise wall barriers required to mitigate the impacts has been reduced. The new locations and heights of the noise walls identified in this SFEIS/SFEIR still fully mitigate the noise impacts to below the FTA criteria and below RT's more stringent criteria.
- **Refinements/updates to Construction Schedule.** The Construction schedule has been revised to reflect the current status of the proposed project – See Chapter 5, Volume I.
- **Revised Project Capital Costs.** The capital costs for the TSM and LPAP2 alternatives have been revised to reflect more recent unit costs, the current status of the project design, and the revised construction schedule. The refined costs have been assigned to the anticipated year of expenditure under the revised construction schedule, and inflation rates have been applied, providing a year-of-expenditure cost estimate for the TSM and the LPAP2.
- **Revisions to the SEIS/SEIR in Response to Public Comments on the SDEIS/SDEIR.** Other revisions/refinements have been made in this Final EIS/EIR in response to public comments received on the SDEIS/SDEIR. Volume II of this SFEIS/SFEIR contains the comments given on the SDEIS/SDEIR and responses to these comments. As indicated in Volume II, responses at times led to revision to sections of the SFEIS/SFEIR. All refinements and revisions to the SDEIS/SDEIR are identified in this SFEIS/SFEIR in italics.

These refinements do not create new significant impacts for the LPAP2, and no unavoidable significant impacts remain for the project after mitigation. CEQA guidelines Section 15088.5: "Recirculation of an EIR Prior to Certification," provide guidance for when recirculation of an EIR is necessary prior to certification. As stated:

"New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:"

"(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented."

"(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance."

"(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it."

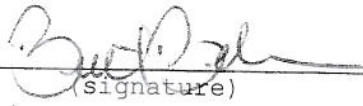
"(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)"

DECLARATION OF PERSONAL SERVICE

RE: NOTICE OF INTENT TO APPEAR AT THE JANUARY 11, 2010 AT 6:00 PM HEARING TO ADOPT RESOLUTION OF NECESSITY TO ACQUIRE BY EMINENT DOMAIN PROPERTY KNOWN AS THE PREMISES AT 7915 ANN ARBOR WAY, SACRAMENTO, CALIFORNIA (APN 053-0141-021) FOR SSCP2 LIGHT RAIL EXTENSION PROJECT

I am over 18 years of age and the property owner of the subject property at issue before the Sacramento Regional Transit District Board of Director at the hearing indicated above.

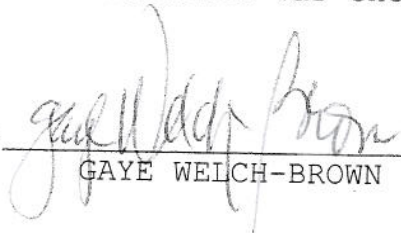
I **personally served** the above-indicated NOTICE to

BRUCE A. BETHENS  CHIEF COUNSEL
(print name) (signature) (title)

on 1/4/10, at 11:05 (am) at:

Regional Transit Administrative Headquarters
1400 29th Street
Sacramento, CA 95816

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed by me on Jan. 4, 2010.

By: 
GAYE WELCH-BROWN

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
6	01/11/10	Open	Action	1/5/10

Subject: Resolution of Necessity to Acquire Certain Real Property or Interest in Real Property by Eminent Domain for the (Welch Property) for the Sacramento Regional Transit District's South Sacramento Corridor Phase 2 Light Rail Extension Project (SSCP2)

ISSUE

Whether to adopt a Resolution of Necessity for the acquisition of certain real property for the Sacramento Regional Transit District's South Sacramento Corridor Phase 2 Light Rail Extension Project ("Project"). (See Attachment A)

Adoption of a Resolution of Necessity is a prerequisite to the acquisition of property by eminent domain. The purpose of the public hearing is to hear testimony on the proposed Resolution of Necessity, to consider any relevant evidence, and to make findings about the following four issues set forth in the Eminent Domain Law:

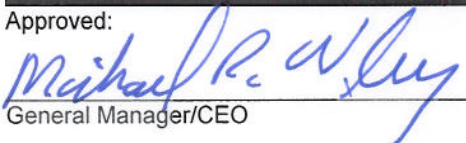
1. The public interest and necessity require the Project;
2. The Project is planned or located in a manner that would be most compatible with the greatest public good and the least private injury;
3. The property to be acquired is necessary for the Project and;
4. The owners of record have received an offer for the fair market value of the property pursuant to Government Code Section 7267.2.

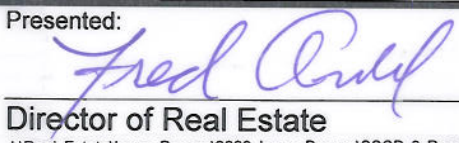
RECOMMENDED ACTION

Adopt Resolution No. 10-01 - _____, Resolution of Necessity to Acquire Certain Real Property Interests by Eminent Domain for the South Sacramento Corridor Phase 2 Light Rail Extension Project.

FISCAL IMPACT

Budgeted:	Yes	This FY:	\$ 90,000
Budget Source:	Capital	Next FY:	\$
Funding Source:	Measure A	Annualized:	\$
Cost Cntr/GL Acct(s) or	910800	Total Amount:	\$ 90,000
Capital Project #:	WBS #410.05.08.01.01.01		
Total Budget:	\$ 90,000		

Approved:

General Manager/CEO

Presented:

Director of Real Estate

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
6	01/11/10	Open	Action	1/5/10

Subject: Resolution of Necessity to Acquire Certain Real Property or Interest in Real Property by Eminent Domain for the (Welch Property) for the Sacramento Regional Transit District's South Sacramento Corridor Phase 2 Light Rail Extension Project (SSCP2)

DISCUSSION

The Project will extend service on RT's light rail system by installing approximately four miles of new track from Meadowview Road to Cosumnes River College and constructing four new stations beyond Meadowview, including Morrison Creek, Franklin Boulevard, Center Parkway, and Cosumnes River College. Additional improvements necessary for the Project include two flyover structures, four Traction Power Substation sites, tail tracks, and a parking structure.

1. The Public Interest And Necessity Require The Project.

The Board has endorsed and approved the development of the Project as a part of the region's overall transportation network through numerous Board actions, including the certification of relevant environmental documents identifying the need for the project, as well as approval of the acquisition of various property interests along the planned alignment. In addition, other local, regional, and federal agencies (including SACOG, STA, and FTA) have taken action regarding the Project, which further substantiate the public interest and necessity for its construction.

The Project goals are aligned with the public interest in accomodating the growing need for public transit and improved mobility in the region. The Project will improve and expand public transit service in the southern region of the City and County of Sacramento, enhance regional connectivity, and accommodate future travel demands through increased, interconnected rapid transit options. The Project will alleviate traffic congestion on area highways and roads; improve regional air quality by reducing auto emissions; improve mobility for corridor residents, in particular low income, youth, elderly, disabled and ethnic minority populations, to employment, education, and medical centers; and support local economic, land use, and transportation plans and goals for the Region.

2. The Project As Planned Is Most Compatible With The Greatest Public Good And The Least Private Injury.

The proposed alignment for the Project requires RT to acquire existing rail corridor property, two full residential properties, portions of residential properties, unimproved property, buffer lands, and other public lands. The current alignment was designed and approved because, for the most part, surrounding land uses are compatible with the Project. Further, there is a substantial concentration of potential riders in the vicinity, whose use of the Project should relieve congestion on nearby highways and arterial surface streets. As set forth in related environmental analyses and reports, the environmental impacts of the Project's current alignment may be mitigated. The Project will also provide a cost-effective means to provide light rail service such that provides the greatest public benefit as compared to various other options initially considered. Similarly, by

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positioning the Project's current alignment along an existing rail corridor and by limiting residential property takes as much as possible, the Project minimizes private injury.

3. The Specific Property To Be Acquired Is Necessary For The Project.

The real property that the District must acquire is a 6,649 square foot improved lot with a single family residential structure with an attached two-car garage. The property is located at 7915 Ann Arbor Way, Sacramento, California and is further identified by Assessor Parcel Number 053-0141-021 ("Property") (See Attachment B.) The Property is owned by William Harold Welch, AKA Salih Akil Qawi, Gaye Juanita Welch-Brown, Gladys Gelene Welch, Mattie Lue Welch AKA Mattie McIntyre and Vermelle G. Welch (deceased). The property is occupied by Mr. Welch.

The northernmost section of the Project is relevant to this Resolution of Necessity. That section will begin at Meadowview Road at the Union Pacific Railroad grade crossing, extend southward along the existing UPRR right of way to Morrison Creek, then turn west and follow along the creek's westerly bank to Union House Creek.

The Welch Property is situated near the western turn along Morrison Creek. As such, the Property is necessary for the Project in order to build retaining walls, to distance track construction from the existing SAFCA levee and satisfy local setback requirements, to allow for future levee construction and maintenance, and to provide access to this portion of the rail corridor for operation and maintenance.

4. The Owners Of Record Have Received Offers For The Fair Market Value Of The Property Pursuant To Government Code Section 7267.2.

On August 19, 2009 and November 17, 2009, the District made formal offers to the owners of record in the amount of its approved appraisal to purchase the Property pursuant to Government Code section 7267.2 (See Attachments C-1, C-2, C-3, C-4). Negotiations with two of the owners have been successful and negotiation with a third owner is pending. Negotiations with a fourth remaining owner have not been successful and are at an impasse.

If the Board makes these findings and adopts the Resolution of Necessity, the District has six months within which to commence court action in eminent domain. Staff recommends that the Board adopt the accompanying Resolution of Necessity, which must be adopted with a two-thirds affirmative vote.

Attachments:

- A. Map depicting projection location
- B. Photo showing real property proposed for acquisition

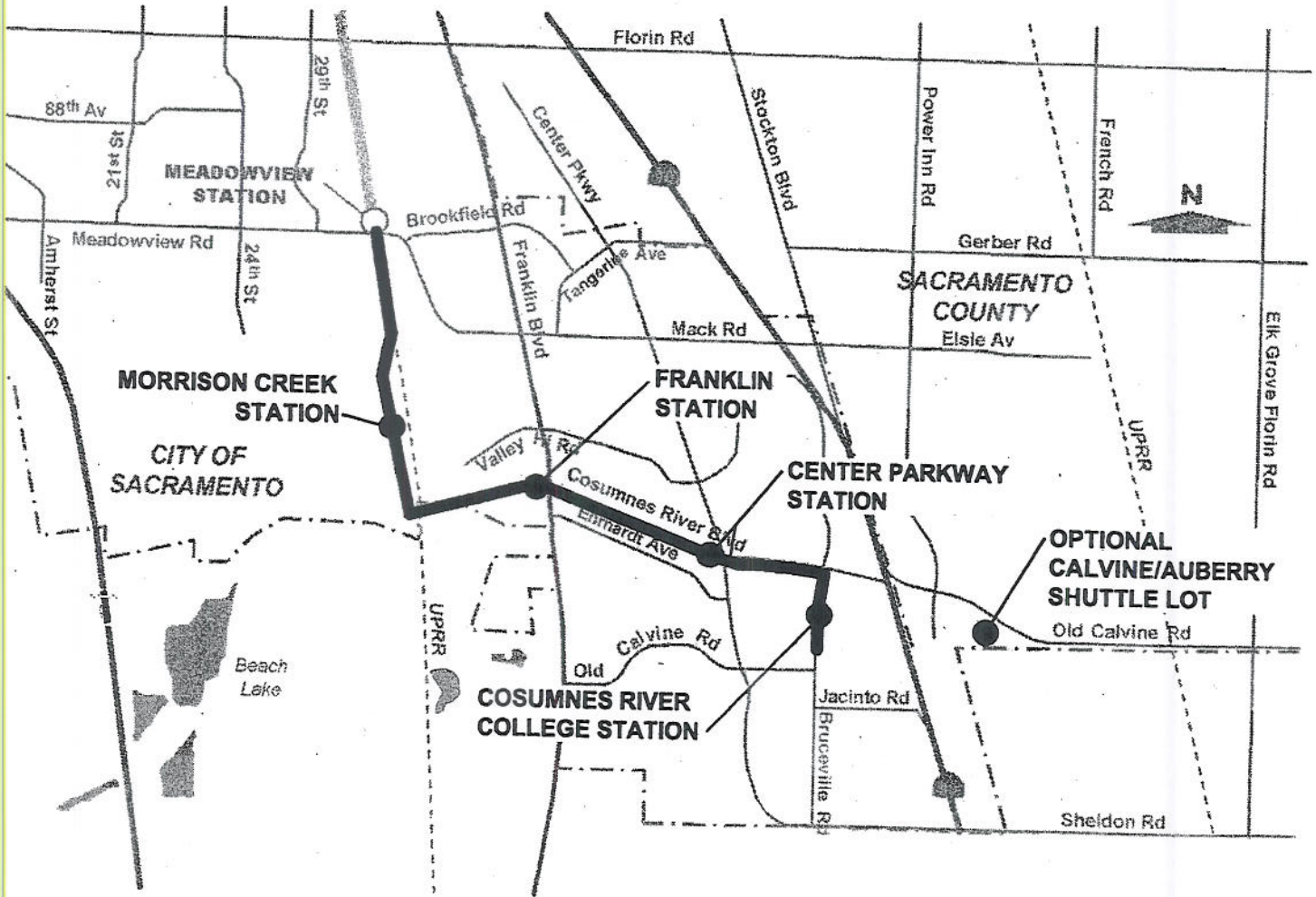
REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
6	01/11/10	Open	Action	1/5/10

Subject: Resolution of Necessity to Acquire Certain Real Property or Interest in Real Property by Eminent Domain for the (Welch Property) for the Sacramento Regional Transit District's South Sacramento Corridor Phase 2 Light Rail Extension Project (SSCP2)

- C. August 19, 2009 Purchase Offers, labelled as C.1 through C.5
- D. Notices of Intent to Adopt Resolution, labelled as D.1 and D.2

Attachment A



LOCATION MAP

Attachment B





Regional Transit

ATTACHMENT C-1

August 19, 2009

Sacramento Regional
Transit District
A Public Transit Agency
and Equal Opportunity Employer

Mailing Address:

P.O. Box 2110
Sacramento, CA 95812-2110

Administrative Office:

1400 29th Street
Sacramento, CA 95816
(916) 321-2800
(29th St. Light Rail Station/
Bus 36,38,50E,67,68)

Light Rail Office:

2700 Academy Way
Sacramento, CA 95815
(916) 648-8400

**Human Resources Office:
Employee Relations Office:**

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(916) 321-3800
(Bus 30,31,34,67,68)

Public Transit Since 1973

www.sacrt.com

William Welch
7915 Ann Arbor Way
Sacramento CA 95823

RE: South Sacramento Corridor
APN: 053-0141-021

Dear Mr. Welch:

Sacramento Regional Transit District ("RT") is expanding its light rail transit system with the design and construction of the South Sacramento Corridor Project Phase 2 (the "Project"). RT has determined that your property, referenced above, is needed to complete the Project.

This letter, the enclosed Informational Pamphlet, Appraisal Summary Statement and Supporting Appraisal Report, and Purchase and Sale Agreement represent RT's offer to purchase your property, in its entirety (what's termed a "fee interest") for \$90,000. This amount is a lump sum representing the entire value of the property. Please note that to the extent there are liens, assessments, or other interests recorded against the property, agreement must be reached with the individuals or entities holding such interests to satisfy them before funds can be released to you. Similarly, we understand there are several record owners of this property. As a further condition of the release of payment, the co-owners also must reach a decision as to how they will share the proceeds among each other. That decision is for the co-owners to make among themselves.

As you can see from the enclosed appraisal, RT is offering to purchase your property for the fair market value as determined by a private appraiser hired by RT. This value includes compensation for the interest in your property that RT wishes to purchase. In addition to the purchase price offer above, RT will also pay for any reasonable and necessary moving costs required by state and federal law (California Government Code §§ 7260 *et seq.*, 42 United States Code §§ 4601-4655, and related regulations) associated with your move as a result of the purchase.

You may choose to have your own appraisal done, and if you do so, you will be eligible to receive reimbursement from RT of up to \$5,000 for reasonable costs of an independent appraisal (Pursuant to California Civil Code of Procedure § 1263.025(a)). To receive reimbursement, you must hire an appraiser licensed by California's Office of Real Estate Appraisers.

This offer will remain valid until revoked in writing by RT. If you wish to accept this offer, just sign the enclosed Purchase and Sale Agreement and return it to RT.

RT welcomes your questions and comments regarding any aspect of this transaction. You may contact Pam Samms, Paragon Partners, Ltd., at (916) 565-1174 to further discuss. We look forward to working cooperatively with you on this transaction.

Sincerely,



Michael R. Wiley
General Manger/CEO

Enclosures: Informational Pamphlet
Appraisal Summary Statement
Appraiser's Report
Purchase and Sales Agreement
Preliminary Title Report

c: Bruce Berhens, Chief Legal Counsel
RoseMary Covington, AGM of Planning & TSD
Diane Nakano, AGM of Engineering & Construction
Fred Arnold, Director of Real Estate
Ed Scofield, Project Manager
Gordon McDaniel, Real Estate Administrator
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ATTACHMENT C-2

August 19, 2009

Gaye Welch-Brown
8340 Dressage Way
Sacramento CA 95829

RE: South Sacramento Corridor
APN: 053-0141-021

Dear Ms. Welch-Brown:

Sacramento Regional Transit District ("RT") is expanding its light rail transit system with the design and construction of the South Sacramento Corridor Project Phase 2 (the "Project"). RT has determined that your property, referenced above, is needed to complete the Project.

This letter, the enclosed Informational Pamphlet, Appraisal Summary Statement and Supporting Appraisal Report, and Purchase and Sale Agreement represent RT's offer to purchase your property, in its entirety (what's termed a "fee interest") for \$90,000. This amount is a lump sum representing the entire value of the property. Please note that to the extent there are liens, assessments, or other interests recorded against the property, agreement must be reached with the individuals or entities holding such interests to satisfy them before funds can be released to you. Similarly, we understand there are several record owners of this property. As a further condition of the release of payment, the co-owners also must reach a decision as to how they will share the proceeds among each other. That decision is for the co-owners to make among themselves.

As you can see from the enclosed appraisal, RT is offering to purchase your property for the fair market value as determined by a private appraiser hired by RT. This value includes compensation for the interest in your property that RT wishes to purchase. In addition to the purchase price offer above, RT will also pay for any reasonable and necessary moving costs required by state and federal law (California Government Code §§ 7260 *et seq.*, 42 United States Code §§ 4601-4655, and related regulations) associated with your move as a result of the purchase.

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This offer will remain valid until revoked in writing by RT. If you wish to accept this offer, just sign the enclosed Purchase and Sale Agreement and return it to RT.

RT welcomes your questions and comments regarding any aspect of this transaction. You may contact Pam Samms, Paragon Partners, Ltd., at (916) 565-1174 to further discuss. We look forward to working cooperatively with you on this transaction.

Sincerely,



Michael R. Wiley
General Manger/CEO

Enclosures: Informational Pamphlet
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Appraiser's Report
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Preliminary Title Report

c: Bruce Berhens, Chief Legal Counsel
RoseMary Covington, AGM of Planning & TSD
Diane Nakano, AGM of Engineering & Construction
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(Bus 30,31,34,67,68)

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ATTACHMENT C-3

August 19, 2009

Mattie McIntyre
5812 Laguna Parks Dr.
Elk Grove, CA 95758

RE: South Sacramento Corridor
APN: 053-0141-021

Dear Ms. McIntyre:

Sacramento Regional Transit District ("RT") is expanding its light rail transit system with the design and construction of the South Sacramento Corridor Project Phase 2 (the "Project"). RT has determined that your property, referenced above, is needed to complete the Project.

This letter, the enclosed Informational Pamphlet, Appraisal Summary Statement and Supporting Appraisal Report, and Purchase and Sale Agreement represent RT's offer to purchase your property, in its entirety (what's termed a "fee interest") for \$90,000. This amount is a lump sum representing the entire value of the property. Please note that to the extent there are liens, assessments, or other interests recorded against the property, agreement must be reached with the individuals or entities holding such interests to satisfy them before funds can be released to you. Similarly, we understand there are several record owners of this property. As a further condition of the release of payment, the co-owners also must reach a decision as to how they will share the proceeds among each other. That decision is for the co-owners to make among themselves.

As you can see from the enclosed appraisal, RT is offering to purchase your property for the fair market value as determined by a private appraiser hired by RT. This value includes compensation for the interest in your property that RT wishes to purchase. In addition to the purchase price offer above, RT will also pay for any reasonable and necessary moving costs required by state and federal law (California Government Code §§ 7260 *et seq.*, 42 United States Code §§ 4601-4655, and related regulations) associated with your move as a result of the purchase.

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RT welcomes your questions and comments regarding any aspect of this transaction. You may contact Pam Samms, Paragon Partners, Ltd., at (916) 565-1174 to further discuss. We look forward to working cooperatively with you on this transaction.

Sincerely,



Michael R. Wiley
General Manger/CEO

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Preliminary Title Report

c: Bruce Berhens, Chief Legal Counsel
RoseMary Covington, AGM of Planning & TSD
Diane Nakano, AGM of Engineering & Construction
Fred Arnold, Director of Real Estate
Ed Scofield, Project Manager
Gordon McDaniel, Real Estate Administrator
Michael N. Conneran, Esq., Hanson Bridgett LLP
Pam Samms, Paragon Partners, Ltd.



Regional Transit

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(Bus 30,31,34,67,68)

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ATTACHMENT C-4

August 19, 2009

Gelene Welch
5070 Linkini St. Apt 1409
Honolulu, HI 96818

RE: South Sacramento Corridor
APN: 053-0141-021

Dear Ms. Welch:

Sacramento Regional Transit District ("RT") is expanding its light rail transit system with the design and construction of the South Sacramento Corridor Project Phase 2 (the "Project"). RT has determined that your property, referenced above, is needed to complete the Project.

This letter, the enclosed Informational Pamphlet, Appraisal Summary Statement and Supporting Appraisal Report, and Purchase and Sale Agreement represent RT's offer to purchase your property, in its entirety (what's termed a "fee interest") for \$90,000. This amount is a lump sum representing the entire value of the property. Please note that to the extent there are liens, assessments, or other interests recorded against the property, agreement must be reached with the individuals or entities holding such interests to satisfy them before funds can be released to you. Similarly, we understand there are several record owners of this property. As a further condition of the release of payment, the co-owners also must reach a decision as to how they will share the proceeds among each other. That decision is for the co-owners to make among themselves.

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RT welcomes your questions and comments regarding any aspect of this transaction. You may contact Pam Samms, Paragon Partners, Ltd., at (916) 565-1174 to further discuss. We look forward to working cooperatively with you on this transaction.

Sincerely,



Michael R. Wiley
General Manger/CEO

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c: Bruce Berhens, Chief Legal Counsel
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Ed Scofield, Project Manager
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Michael N. Conneran, Esq., Hanson Bridgett LLP
Pam Samms, Paragon Partners, Ltd.



Regional Transit

ATTACHMENT C-5

November 17, 2009

**Sacramento Regional
Transit District**
A Public Transit Agency
and Equal Opportunity Employer

Vermelle G. Welch
7915 Ann Arbor Way
Sacramento CA 95823

Mailing Address:
P.O. Box 2110
Sacramento, CA 95812-2110

RE: South Sacramento Corridor
APN: 053-0141-021

Administrative Office:
1400 29th Street
Sacramento, CA 95816
(916) 321-2800
(29th St. Light Rail Station/
Bus 36,38,50E,67,68)

Dear Ms. Welch:

Light Rail Office:
2700 Academy Way
Sacramento, CA 95815
(916) 648-8400

Sacramento Regional Transit District ("RT") is expanding its light rail transit system with the design and construction of the South Sacramento Corridor Project Phase 2 (the "Project"). RT has determined that your property, referenced above, is needed to complete the Project.

**Human Resources Office:
Employee Relations Office:**
2830 G Street, 2nd Floor
Sacramento, CA 95816
(916) 321-3800
(Bus 30,31,34,67,68)

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RT welcomes your questions and comments regarding any aspect of this transaction. You may contact Pam Samms, Paragon Partners, Ltd., at (916) 565-1174 to further discuss. We look forward to working cooperatively with you on this transaction.

Sincerely,



Michael R. Wiley
General Manger/CEO

Enclosures: Informational Pamphlet
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c: Bruce Berhens, Chief Legal Counsel
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Michael N. Conneran, Esq., Hanson Bridgett LLP
Pam Samms, Paragon Partners, Ltd.

SACRAMENTO REGIONAL TRANSIT DISTRICT

NOTICE OF HEARING AND RIGHT TO APPEAR

NOTICE OF INTENT TO ADOPT RESOLUTION OF NECESSITY
TO ACQUIRE CERTAIN REAL PROPERTY OR INTEREST
IN REAL PROPERTY BY EMINENT DOMAIN

(Code of Civil Procedure, Section 1245.210 et seq. and Section 1245.235)

TO: GAYE JUANITA WELCH-BROWN

Please take notice that at its January 11, 2010 meeting, the Sacramento Regional Transit District (Regional Transit) Board of Directors will hold a hearing to consider the acquisition by eminent domain of the property located in Sacramento County and known as the premises at 7915 Ann Arbor Way, Sacramento, California (Assessor's Parcel Number 053-0141-021) as more fully described in attached Exhibit "A", which is incorporated herein by this reference.

The hearing will be held at 6:00 p.m. in Room 114 of the Regional Transit Administrative Headquarters, located at 1400 29th Street, Sacramento, California,

At the meeting, it is the Regional Transit Board of Directors' intent to consider and adopt a Resolution to establish that:

- (a) The public interest and necessity require the South Sacramento Corridor Phase 2 Light Rail Extension Project; and
- (b) The South Sacramento Corridor Phase 2 Light Rail Extension Project is planned and will be located in a manner that will be most compatible with the greatest public good and the least private injury;
- (c) The property being acquired is necessary for the South Sacramento Corridor Phase 2 Light Rail Extension Project; and
- (d) The offer required by Section 7267.2 of the Government Code has been made to the owners of record.

You have a right to be heard regarding the proposed findings set forth in (a), (b), (c), and (d) above. If you file a written request to appear, you are entitled to appear and object to the adoption of the Resolution. Objections are limited to the four findings listed above. All requests to appear must be sent for filing to Bruce A. Behrens, Chief Legal Counsel, P.O. Box 2110, Sacramento, CA 95812-2110. **Pursuant to Code of Civil Procedure Section 1245.235 (b)(3), your written request must be received on or before 5:00 p.m., January 4, 2010, which is at least 15 days after this Notice was mailed.** Failure to file a written request will result in a waiver of your right to appear and be heard.

For your convenience, the Board will consider any written comments you may wish to submit, so long as such comments are filed with the Sacramento Regional Transit District on or before the filing date hereinabove specified.

This notice is given pursuant to the provisions of Sections 1245.210 et seq. and 1245.235 of the California Code of Civil Procedure.

DECLARATION OF SERVICE BY MAIL

RE: NOTICE OF INTENT TO ADOPT RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN (Code of Civil Procedure Section 1245.235)

GAYE JUANITA WELCH-BROWN
8340 Dressage Way
Sacramento, CA 95829

I am a citizen of the United States and a resident of Sacramento County, California. I am over the age of eighteen years and not a party to the above-entitled matter. My business address is 1400 29th Street, Sacramento CA 95816. On this date I served the foregoing document, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box at Sacramento, California, and also by FedEx addressed in the manner set forth immediately above this declaration.

I declare under penalty of perjury that the foregoing is true and correct.

DATED at Sacramento, California on December 18, 2009:

By: 
Kathleen J. Loneragan

SACRAMENTO REGIONAL TRANSIT DISTRICT

NOTICE OF HEARING AND RIGHT TO APPEAR

NOTICE OF INTENT TO ADOPT RESOLUTION OF NECESSITY
TO ACQUIRE CERTAIN REAL PROPERTY OR INTEREST
IN REAL PROPERTY BY EMINENT DOMAIN

(Code of Civil Procedure, Section 1245.210 et seq. and Section 1245.235)

TO: William Harold Welch
Gladys Gelene Welch
Mattie Lue Welch
Vermelle G. Welch

Please take notice that at its January 11, 2010 meeting, the Sacramento Regional Transit District (Regional Transit) Board of Directors will hold a hearing to consider the acquisition by eminent domain of the property located in Sacramento County and known as the premises at 7915 Ann Arbor Way, Sacramento, California (Assessor's Parcel Number 053-0141-021) as more fully described in attached Exhibit "A", which is incorporated herein by this reference.

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At the meeting, it is the Regional Transit Board of Directors' intent to consider and adopt a Resolution to establish that:

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You have a right to be heard regarding the proposed findings set forth in (a), (b), (c), and (d) above. If you file a written request to appear, you are entitled to appear and object to the adoption of the Resolution. Objections are limited to the four findings listed above. All requests to appear must be sent for filing to Bruce A. Behrens, Chief Legal Counsel, P.O. Box 2110, Sacramento, CA 95812-2110. **Pursuant to Code of Civil Procedure Section 1245.235 (b)(3), your written request must be received on or before 5:00 p.m., January 4, 2010, which is at least 15 days after this Notice was mailed.** Failure to file a written request will result in a waiver of your right to appear and be heard.

For your convenience, the Board will consider any written comments you may wish to submit, so long as such comments are filed with the Sacramento Regional Transit District on or before the filing date hereinabove specified.

This notice is given pursuant to the provisions of Sections 1245.210 et seq. and 1245.235 of the California Code of Civil Procedure.

DECLARATION OF SERVICE BY MAIL

RE: NOTICE OF INTENT TO ADOPT RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN (Code of Civil Procedure Section 1245.235)

William Harold Welch
7915 Ann Arbor Way
Sacramento, CA 95823

Gladys Gelene Welch
5070 Linkini Street, Apt. 1409
Honolulu, HI 96818

Mattie Lue Welch
5812 Laguna Parks Drive
Elk Grove, CA 95758

Vermelle G. Welch
7915 Ann Arbor Way
Sacramento, CA 95823

I am a citizen of the United States and a resident of Sacramento County, California. I am over the age of eighteen years and not a party to the above-entitled matter. My business address is 1400 29th Street, Sacramento CA 95816. On this date I served the foregoing document, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box at Sacramento, California in the manner set forth immediately above this declaration.

I declare under penalty of perjury that the foregoing is true and correct.

DATED at Sacramento, California on December 18, 2009:

By: 
Kathleen J. Lonergan

RESOLUTION NO. 10-01-_____

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

January 11, 2010

**RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY
INTERESTS BY EMINENT DOMAIN FOR THE SOUTH
SACRAMENTO CORRIDOR PHASE 2
LIGHT RAIL EXTENSION PROJECT**

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

1. As part of the South Sacramento Corridor Phase 2 Light Rail Extension Project, the Sacramento Regional Transit District (RT) is extending service from its Meadowview Light Rail Station to Cosumnes River College, which will add approximately 4.3 miles of track from Meadowview Road to Cosumnes River College, four new stations beyond Meadowview, including Morrison Creek, Franklin Boulevard, Center Parkway, and Cosumnes River College, two flyovers structures, four Traction Power Substation sites, tail tracks, and a parking structure.
2. The Project requires the acquisition of the real property identified as Assessors Parcel Number 053-0141-021, and more fully described in Exhibit A and depicted in Exhibit B, which are incorporated herein by reference (the "Property").
3. RT has complied with all the requirements of the California Environmental Quality Act and the National Environmental Policy Act for the Project.
4. The Property is to be acquired for public use, to wit the construction of light rail tracks and related improvements, as part of the Project. Under Public Utilities Code Sections 102240 through 102243, inclusive, Article I, Section 19 of the California Constitution, and Code of Civil Procedure Sections 1230.010 et seq., the District is authorized to acquire the property by eminent domain.
5. RT will acquire a fee simple interest in the Property as described in Exhibit A.
6. To the extent the Property is being put to public use, the Property is being acquired for a compatible public use under Code of Civil Procedure Section 1240.510 in that RT's use of the Property will not interfere with or impair the continued public use as it now exists or may reasonably be expected to exist in the future or in the alternative, for a more necessary public use under Code of Civil Procedure Section 1240.610 in that RT's use of the Property is a more necessary public use than the use to which the Property is appropriated.
7. Written notice of intent to adopt this Resolution of Necessity was duly given to the Property owners of record.
8. RT has calendared this item on the Agenda and invited public comment prior to the meeting when this Resolution was considered for adoption.

9. After giving due consideration to all oral and documentary evidence presented, the Board has found and determined each of the following to be true:
- a. The public interest and necessity require the construction of light rail service from the Meadowview Station to Cosumnes River College as outlined in the South Sacramento Corridor Phase 2 Light Rail Extension Project; and
 - b. The proposed Project is planned and located in the manner that will be the most compatible with the greatest public good and the least private injury; and
 - c. The Property is necessary for the Project; and
 - d. The offer required by Government Code Section 7267.2 has been made to the owners of record of the Property.
10. The Chief Legal Counsel or his designee is hereby authorized to commence and prosecute an eminent domain action in the appropriate court on behalf of RT to acquire the Property, to deposit the amount of probable compensation pursuant to Code of Civil Procedure Section 1255.010, and to obtain an order for immediate possession as may be necessary for the Project.

The foregoing Resolution was introduced at a regular meeting of the Board of Directors of the Sacramento Regional Transit District held on January 11, 2010 by Director _____, who moved its adoption. The motion was seconded by Director _____, and a poll was taken, recorded as follows:

AYES:

NOES:

ABSTAIN:

ABSENT:

The motion, having passed by at least a two-thirds majority of votes, the Resolution was declared to have been adopted and it was so-ordered.

STEVE COHN, Chair

ATTEST:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary