

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
10	04/11/11	Open	Action	04/06/11

Subject: Cancelling a Hearing and Setting a public hearing to consider adoption of Resolution of Necessity for property located at 8000 Detroit Boulevard

ISSUE

Cancelling a hearing and setting a public hearing to consider adoption of a resolution of necessity for property located at 8000 Detroit Boulevard.

RECOMMENDED ACTION

- A. Motion: To Cancel the Public Hearing Scheduled for April 11, 2011; and
- B. Adopt Resolution No. 11-04-_____, Rescinding Resolution No. 11-03-0043 and Setting a Public Hearing to Consider Adoption of a Resolution of Necessity for Property Located at 8000 Detroit Boulevard, Further Identified as Sacramento County Assessor's Parcel Number 053-0010-047.

FISCAL IMPACT

None

DISCUSSION

On March 28, 2011, the RT Board set a public hearing for adoption of a Resolution of Necessity for the property located at 8000 Detroit Boulevard (APN: 053-0010-047). Pursuant to the provisions of Section 1245.235 et seq. and 1245.235 of the California Code of Civil Procedure, a Notice of Hearing and Right to Appear was mailed out to the property owners. However, within the Notice of Hearing and Right to Appear, the APN listed was incorrect. In order to correct the error, staff has to re-send the notice to the property owners of record with the correct APN. Once the revised notice is received, the property owners have 15 days in which to respond to the notice. In order to provide the necessary response time for the owners, staff is requesting that the public hearing scheduled for April 11, 2011 be canceled and a new hearing date be set for May 23, 2011.

A portion of property located at 8000 Detroit Boulevard (Sacramento County Assessor's parcel number 053-0010-047) is needed for construction of RT's Blue Line to Cosumnes River College light rail extension.

On November 17, 2010, pursuant to authority granted by the Board, RT made a formal offer in the amount of its approved appraised value to the property owners of record to purchase a portion of the subject property pursuant to Government Code Section 7267.2.

Approved:

Presented:

Final 4/6/11
General Manager/CEO

Director, Project Management

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On December 6, 2010, one of the property owners, Bill Stone, contacted RT’s representative Pam Samms at Paragon Partners Ltd. (PPL) and advised her that he and the other property owner, Anne Boswell, would be employing Charles Cummings to represent them in this matter. He further indicated that the amount offered by Sacramento Regional Transit District (RT) was not satisfactory. Since that first discussion, RT has made numerous attempts to contact Mr. Cummings. On February 11, 2011, Mr. Cummings contacted Ms. Samms and advised her that he did receive the offer presented by RT and that he would be contacting his clients to agree on a course of action. That same day, RT sent a letter to the property owners and Mr. Cummings stating that in order to avoid any unnecessary delays to the construction of its light rail project, RT must secure the necessary right of way as required by the Federal Transit Administration. Acquisition of a portion of this property is critical to the timely completion of RT’s project. The letter stated that if RT did not hear from Mr. Cummings and if no progress was made toward resolving this issue by March 15, 2011, RT would have no choice but to move ahead with the Eminent Domain proceedings to assume control of the property rights necessary for the project. It has been approximately 120 days since the initial offer was received by the property owners and no progress has been made toward the purchase of the property needed for the light rail project.

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.

The action currently before the Board is cancelling the hearing scheduled for April 11, 2011 and setting the date and time for the public hearing, which will be held at the regularly scheduled Board meeting on May 23, 2011. Staff recommends approval of the attached resolution setting a public hearing for adoption of a Resolution of Necessity for the property located at 8000 Detroit Boulevard (APN: 053-0010-047).

RESOLUTION NO. 11-04-_____

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

April 11, 2011

**RESCINDING RESOLUTION NO. 11-03-0043 AND SETTING A PUBLIC HEARING
TO CONSIDER ADOPTION OF A RESOLUTION OF NECESSITY FOR PROPERTY
LOCATED AT 8000 DETROIT BOULEVARD, FURTHER IDENTIFIED AS
SACRAMENTO COUNTY ASSESSOR'S PARCEL NUMBER 053-0010-047**

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

THAT, Board Resolution No. 11-03-0043 is hereby rescinded; and

THAT, a public hearing is set for May 23, 2011 to hear public testimony regarding adoption of a resolution of necessity for the property located at 8000 Detroit Boulevard, Sacramento, CA 95832, (further identified as Sacramento County Assessor's Parcel Number 053-0010-047) jointly owned by Bill and Mildred Stone and Boswell Alliance Construction Company.

DON NOTTOLI, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary