

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
5	03/28/11	Open	Action	03/18/11

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

ISSUE

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

RECOMMENDED ACTION

Adopt Resolution No. 11-03-_____, 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

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.

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.

Approved:

Presented:

Final 3/21/11

General Manager/CEO

Director, Project Management

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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 setting the date and time for the public hearing, which will be held at the regularly scheduled Board meeting on April 11, 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. 11-03-_____

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

March 28, 2011

**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, a public hearing is set for April 11, 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 Anne Boswell.

DON NOTTOLI, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary