

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
13	12/10/12	Open	Action	11/28/12

Subject: Setting a Public Hearing to Consider Adoption of Resolution of Necessity for Property Located at 3637 Fallis Circle

ISSUE

Setting a public hearing to consider adoption of a Resolution of Necessity for property located at 3637 Fallis Circle, further identified as Sacramento County Assessor's Parcel Number 053-0093-009 – Darlene Laud and her Heirs, Assigns and Devisees.

RECOMMENDED ACTION

Adopt Resolution No. 12-12- _____, Setting a Public Hearing to Consider Adoption of a Resolution of Necessity for Property Located at 3637 Fallis Circle, Further Identified as Sacramento County Assessor's Parcel Number 053-0093-009.

FISCAL IMPACT

None.

DISCUSSION

A portion of the property located at 3637 Fallis Circle, (Sacramento County Assessor's parcel Number 053-0093-009) "the Subject Property" is needed for construction of RT's South Sacramento Corridor Phase 2 Project (SSCP2).

On August 10, 2012, pursuant to authority granted by the Board, RT attempted to make a formal offer in the amount of its approved appraisal to the owner-of-record to purchase a portion of the subject property pursuant to Government Code Section 7267.2. RT was informed at that time that the owner-of-record had passed away. RT has since learned that the property must go through a lengthy probate process that could take as much as a year before the owner-of-record's heirs will have the authority to legally execute an offer and convey any property rights to RT for its project. Until such time as property is probated, no one is authorized to convey any property rights over the subject property. Consequently, staff, in consultation with Legal Counsel, has determined that obtaining the necessary property rights through eminent domain action will take less time than waiting for the completion of the probate process. Therefore, RT has decided that moving forward with a Resolution of Necessity is in the best interest of the project. RT has presented an offer to the Owner of Record's Heirs.

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

Approved:

Presented:

Final 12/03/12

General Manager/CEO

Director, Project Management

[j/issues/sscp2/request public hearing-Laud.doc](#)

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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 January 14, 2013. Staff recommends approval of the attached resolution setting a public hearing for adoption of a Resolution of Necessity for the property located at 3637 Fallis Circle (APN: 053-0093-009).

RESOLUTION NO. 12-12-_____

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

December 10, 2012

**SETTING A PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION OF
NECESSITY FOR PROPERTY LOCATED AT 3637 FALLIS CIRCLE, FURTHER
IDENTIFIED AS SACRAMENTO COUNTY ASSESSOR'S
PARCEL NUMBER 053-0093-009**

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

THAT, a public hearing is set for January 14, 2013 to hear public testimony regarding adoption of a Resolution of Necessity for the property located at 3637 Fallis Circle, (further identified as Sacramento County Assessor's Parcel Number 053-0093-009) owned by Darlene Laud.

BONNIE PANNELL, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary