

# REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
15	12/10/12	Open	Action	11/20/12

Subject: Setting a Public Hearing to Consider Adoption of Resolution of Necessity for Property Located at 3633 Reel Circle

## ISSUE

Setting a public hearing to consider adoption of a Resolution of Necessity for property located at 3633 Reel Circle, further identified as Sacramento County Assessor's Parcel Number 053-0104-008 – Gabriela Zepeda and Golden West Savings Association Service Co., a California Corporation.

## RECOMMENDED ACTION

Adopt Resolution No. 12-12- \_\_\_\_\_, Setting a Public Hearing to Consider Adoption of a Resolution of Necessity for Property located at 3633 Reel Circle, Further Identified as Sacramento County Assessor's Parcel Number 053-0104-008.

## FISCAL IMPACT

None.

## DISCUSSION

A portion of the property located at 3633 Reel Circle, (Sacramento County Assessor's parcel Number 053-0104-008) "the Subject Property" is needed for construction of RT's South Sacramento Corridor Phase 2 Project.

On June 6, 2012, pursuant to authority granted by the Board, RT made a formal offer in the amount of its approved appraised value to the owner-of-record to purchase a portion of the Subject Property pursuant to Government Code Section 7267.2. Owner immediately accepted and executed RT's offer. Subsequent attempts to contact owner via telephone and in person have been unsuccessful. RT is unable to acquire the necessary Partial Deed of Reconveyance from the owner's lender due to this inability to contact the owner. Complicating matters, the Subject Property is currently in early stages of foreclosure. RT believes that obtaining the necessary property rights through Eminent Domain action is necessary to avoid waiting until the resolution of the foreclosure due to RT's construction schedule. If the property is foreclosed upon by the bank, it is necessary to name the bank in this Resolution of Necessity in order to continue with eminent domain action and not delay the 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

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Approved:

Presented:

Final 12/03/12

General Manager/CEO

Director, Project Management

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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 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 3633 Reel Circle (APN: 053-0104-008).

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 3633 REEL CIRCLE, FURTHER  
IDENTIFIED AS SACRAMENTO COUNTY ASSESSOR'S  
PARCEL NUMBER 053-0104-008**

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 3633 Reel Circle, (further identified as Sacramento County Assessor's Parcel Number 053-0104-008) owned by Gabriela Zepeda and Golden West Savings Association Service Co., a California Corporation.

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BONNIE PANNELL, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: \_\_\_\_\_  
Cindy Brooks, Assistant Secretary