

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
16	07/23/12	Open	Action	06/29/12

Subject: Setting a Public Hearing to Consider Adoption of Resolution of Necessity for Property Located at 3645 Fallis Circle

ISSUE

Setting a public hearing to consider adoption of a Resolution of Necessity for property located at 3645 Fallis Circle, further identified as Sacramento County Assessor's Parcel Number 053-0093-011.

RECOMMENDED ACTION

Adopt Resolution No. 12-07- _____, Setting a Public Hearing to Consider Adoption of a Resolution of Necessity for Property Located at 3645 Fallis Circle, Further Identified as Sacramento County Assessor's Parcel Number 053-0093-011.

FISCAL IMPACT

None.

DISCUSSION

A portion of the property located at 3645 Fallis Circle, (Sacramento County Assessor's Parcel Number 053-0093-011) is needed for construction of RT's South Sacramento Corridor Phase 2 Project (SSCP2).

On May 14, 2012, pursuant to authority granted by the Board, RT made 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. Negotiations with the owner were unsuccessful. Despite numerous attempts made by telephone and mail, the owner refuses to speak to RT or its representatives. As a result, this transaction cannot be concluded voluntarily and it appears this acquisition will require resorting to the eminent domain 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 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 August 13, 2012. Staff recommends approval of the attached resolution setting a public hearing for adoption of a Resolution of Necessity for the property located at 3645 Fallis Circle (APN: 053-0093-011).

Approved:

Presented:

Final 7/12/12

General Manager/CEO

Director, Project Management

RESOLUTION NO. 12-07-_____

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

July 23, 2012

**SETTING A PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION OF
NECESSITY FOR PROPERTY LOCATED AT 3645 FALLIS CIRCLE, FURTHER
IDENTIFIED AS SACRAMENTO COUNTY ASSESSOR'S
PARCEL NUMBER 053-0093-011**

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

THAT, a public hearing is set for August 13, 2012 to hear public testimony regarding adoption of a Resolution of Necessity for the property located at 3645 Fallis Circle, (further identified as Sacramento County Assessor's Parcel Number 053-0093-011) owned by Dustin X. Sou.

BONNIE PANNELL, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary