

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
13	10/22/12	Open	Action	10/05/12

Subject: Setting a Public Hearing to Consider Adoption of Resolution of Necessity for Property Located at 7675 Laurie Way

ISSUE

Setting a public hearing to consider adoption of a Resolution of Necessity for property located at 7675 Laurie Way, further identified as Sacramento County Assessor's Parcel Number 053-0064-002.

RECOMMENDED ACTION

Adopt Resolution No. 12-10- _____, Setting a Public Hearing to Consider Adoption of a Resolution of Necessity for Property Located at 7675 Laurie Way, Further Identified as Sacramento County Assessor's Parcel Number 053-0064-002.

FISCAL IMPACT

None.

DISCUSSION

A portion of the property located at 7675 Laurie Way, (Sacramento County Assessor's Parcel Number 053-0064-002) is needed for construction of RT's South Sacramento Corridor Phase 2 Project (SSCP2).

On July 24, 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 are ongoing. However, RT and RT's real estate consultant believe that moving forward with a Resolution of Necessity is in the best interest of the project due to the fact that there is a lien on Mr. Beck's property. Mr. Beck has advised that he will not sign any agreement until the lien is removed, which will likely take more time than the Project can afford. As a result, this acquisition may require resorting to the Court through 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 eminent domain action 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.

Approved:

Presented:

Final 10/16/12

General Manager/CEO

Director, Project Management

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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 November 12, 2012. Staff recommends approval of the attached resolution setting a public hearing for adoption of a Resolution of Necessity for the property located at 7663 Laurie Way (APN: 053-0064-002).

RESOLUTION NO. 12-10-_____

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

October 22, 2012

**SETTING A PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION OF
NECESSITY FOR PROPERTY LOCATED AT 7675 LAURIE WAY, FURTHER
IDENTIFIED AS SACRAMENTO COUNTY ASSESSOR'S
PARCEL NUMBER 053-0064-002**

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

THAT, a public hearing is set for November 12, 2012 to hear public testimony regarding adoption of a Resolution of Necessity for the property located at 7675 Laurie Way, (further identified as Sacramento County Assessor's Parcel Number 053-0064-002) owned by Donald and Wanda Beck.

BONNIE PANNELL, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary