

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
7	11/10/14	Open	Action	10/27/14

Subject: Setting a public hearing to consider adoption of a resolution of necessity for easements 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 (Stone Boswell Property).

RECOMMENDED ACTION

Adopt Resolution No. 14-11-_____, Setting a Public Hearing to Consider Adoption of a Resolution of Necessity for Easements Located at 8000 Detroit Boulevard, Further Identified as Sacramento County Assessor's Parcel Number 053-0010-047.

FISCAL IMPACT

None

DISCUSSION

RT needs to acquire a number of public utility easements (PUE) over a portion of property located at 8000 Detroit Boulevard (Sacramento County Assessor's parcel number 053-0010-047) (Subject Property) in furtherance of RT's Blue Line to Cosumnes River College light rail extension project. The Blue Line to Cosumnes River College light rail extension will extend Sacramento Regional Transit District (RT's) light rail service from its existing terminus at Meadowview Road south and east 4.3 miles to Cosumnes River College (CRC).

On October 9, 2014, 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 the PUEs on the subject property pursuant to Government Code Section 7267.2.

As of the date of this writing, neither the owners of record, nor their legal representative have responded to RT's offer. In September 2014, Stone Boswell's counsel, Charles Cummings advised RT's outside counsel, Adam Hofmann of the firm Hanson Bridgett, that he was fairly confident that he could not get his clients to respond to the offer absent the threat of a lawsuit. Consequently, Hanson Bridgett advised RT that the only way to advance this issue was through condemnation. The PUEs that RT seeks to acquire will be conveyed to the Sacramento Municipal Utility District (SMUD) and PG&E for the relocation of utility facilities that are in conflict with RT's Blue Line light rail extension project. To avoid any unnecessary delays to the light rail project, RT must secure the necessary PUEs. It has been approximately 15 days since the initial offer was received by the property owners and over 60 days since RT's outside counsel first approached Stone Boswell's representative to discuss the needed PUEs and no progress has been made toward the purchase of the property needed for the light rail project.

Approved:

Presented:

Final 11/3/14

General Manager/CEO

Director, Project Management

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Six different easement areas are needed over the Subject Property. The easements are highlighted in Attachment 1 and are summarized as follows.

- A. Sacramento Municipal Utility District (SMUD) 69kv Easement.
RT must acquire an easement for SMUD so that SMUD may construct and operate a 69kv electrical line within the easement area. This easement is associated with the relocation of the 69kv lines out of residential backyards adjacent to the Union Pacific Railroad corridor.

- B. SMUD 12kv Easement
RT must acquire an easement for SMUD for so that SMUD may construct and operate a 12kv electrical line within the easement area. The electrical line that will be installed within this easement area will provide the power to one of RT's Traction Power Substations, which are used to power the light rail system.

- C. SMUD Grant of Permanent Access Easement
RT must acquire an access easement for a new access road to the top of the Morrison Creek levy. RT removed SMUD's original access road in furtherance of RT's light rail project and has temporarily been relocated. This easement will allow SMUD to construct a permanent replacement access road as SMUD will need access to reach existing 69kv power lines.

- D. Pacific Gas and Electric (PG&E) Grant of Permanent Access Easement
RT must acquire an access easement for the construction of a new access road to the top of the Morrison Creek levy. The original access road was removed in furtherance of RT's light rail project and has been temporarily relocated. This easement will allow PG&E to construct a permanent replacement access road as PG&E will need access to reach an existing 20" gas line.

- E. Department of Water Resources (DWR) Grant of Permanent Access Easement
RT must acquire an access easement for the construction of a new access road to the top of the Morrison Creek levy. The original access road was removed in furtherance of RT's light rail project and has been temporarily relocated. This easement will allow DWR to construct a permanent replacement access road that DWR will need access to reach the existing levy to maintain and monitor the levy and address flood-related issues.

- F. SMUD Agreements to Grant Easement
RT must acquire an easement for SMUD to construct and operate 69kv and 12kv electrical lines within the easement area. This easement is associated with the relocation of the 69kv lines out of residential backyards adjacent to the Union Pacific Railroad corridor. The 12kv easement for this area is related to powering the traction power substation.

After several attempts to purchase property from Stone Boswell in 2011, RT pursued condemnation to acquire the necessary property for the light rail extension. On May 23, 2011, the

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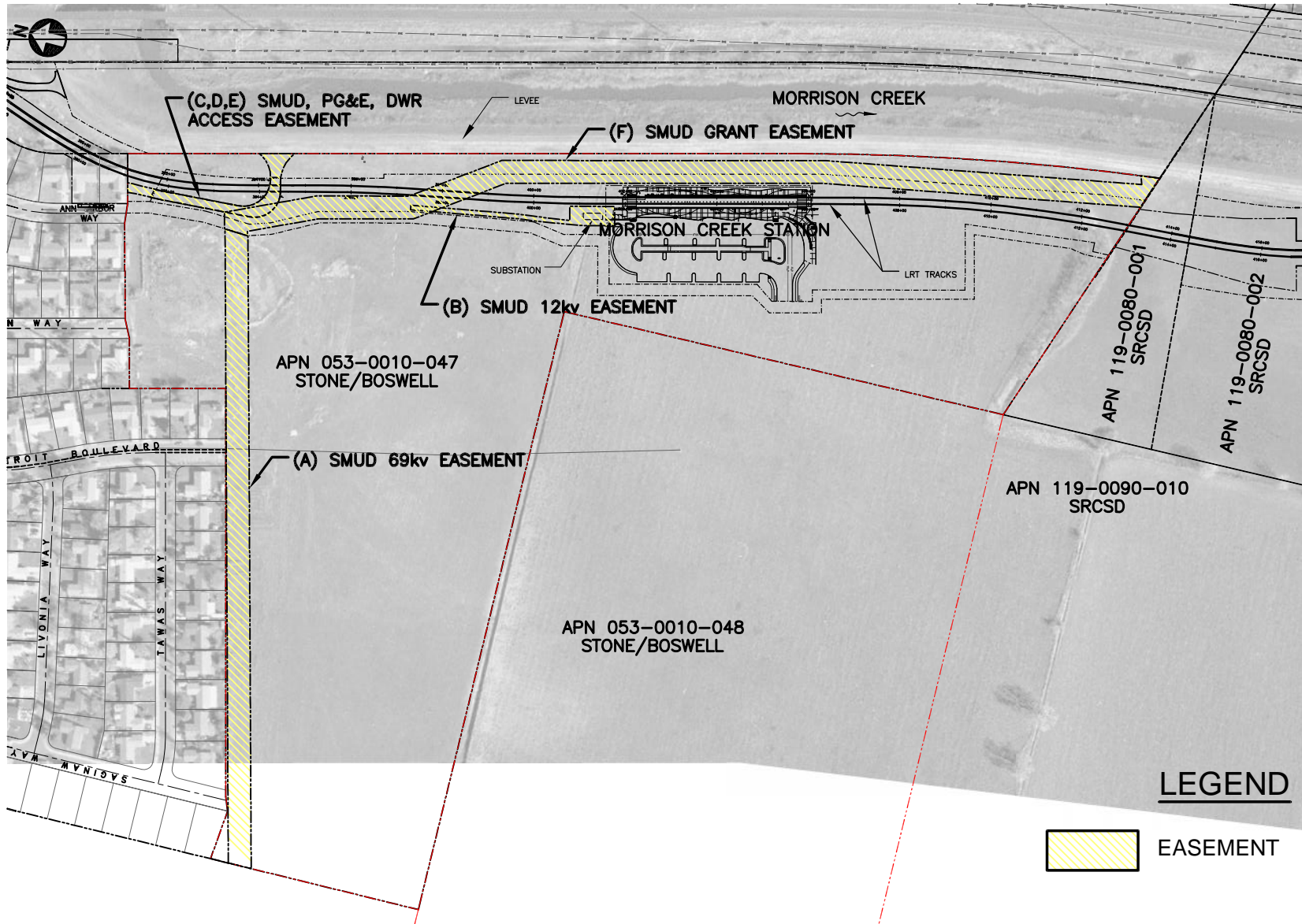
Subject: Setting a public hearing to consider adoption of a resolution of necessity for easements located at 8000 Detroit Boulevard.

RT Board approved a Resolution of Necessity to acquire the property. The property was ultimately acquired through an Order of Possession, which was received on March 26, 2012.

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 December 8, 2014. 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).

STONE / BOSWELL EASEMENTS



RESOLUTION NO. 14-11-_____

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

November 10, 2014

**SETTING A PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION OF
NECESSITY FOR EASEMENTS 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 December 10, 2014 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.

PHILLIP R. SERNA, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary