



**CONCURRENT MEETING
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY (CRA)/
RANCHO CORDOVA FINANCING CORPORATION (RCFC)**

**City Hall
2729 Prospect Park Drive, Rancho Cordova**

Monday, December 1, 2008

**4:30 P.M. – Closed Session
Community Board Room**

**5:30 P.M. – Regular Meeting
David B. Roberts Council Chambers**

AGENDA

A. CLOSED SESSION

Council may adjourn to Closed Session to discuss the following items:

Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9(a) – (one case) - Name of case: Vineyard Area Citizens for Responsible Growth, et al. v. City of Rancho Cordova et al.; Case No. S132972.

Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9(a) – (one case) – Name of case: California Native Plant Society v. City of Rancho Cordova et al; Case No. 07CS01311.

Conference with Legal Counsel – Potential Litigation – Government Code Section 54956.9(c) – (one potential case)

B. ADJOURNMENT

1. REGULAR MEETING – CALL TO ORDER / ROLL CALL

Council Members Cooley, McGarvey, Sander, Skoglund, and Mayor Budge

2. METRO CABLE TV TELEVISION ANNOUNCEMENT

The Mayor will announce the meetings video recording and playback schedules.

3. PLEDGE OF ALLEGIANCE

The Mayor will call on someone in attendance to lead the Pledge.

4. INVOCATION

P.C. Walker, First Covenant Church, will give the invocation.

5. OPEN SESSION – REPORT FROM CLOSED SESSION

The City Attorney will report on action taken in Closed Session.

6. ELECTION CERTIFICATION

- 6.1 **Subject:** Certification of the November 4, 2008 General Municipal Election Certifying the Results of the November 4, 2008 General Municipal Election with Regard to Members of the City Council

Recommendation: Adopt Resolution No. 142-2008.

Result of Recommended Action: Adoption of the Resolution results in the City's compliance with California Elections Code Regulations 10262, 10263, and 10264, which, in part, state that the governing body shall declare the results of each election under its jurisdiction.

Staff Report: Mindy Cuppy, City Clerk's Department

7. SPECIAL CEREMONIES

- 7.1 **Subject:** Swearing-in and Seating of Re-elected Council Members

Recommendation: That Incumbent Council Members Ken Cooley, Robert McGarvey and David Sander be sworn in and seated to fill their respective full four-year term of office.

8. PRESENTATIONS

- 8.1 Presentation of Proclamation to Erva Watts for California League of High Schools 2008 Educator of the Year Award.
- 8.2 Mather Interceptor Project Briefing by Kyle Frazier, Sacramento Area Sanitation District.

9. PUBLIC COMMENT

Citizens wishing to address the Council for any matter on the Consent Calendar or not on the agenda may do so at this time by completing and submitting a (blue) Speaker Card to the City Clerk. **For items on the agenda, speakers will be called up to the podium by the Mayor at the point on the agenda when the item will be heard.** Speakers are encouraged to keep comments to three minutes or less and to state name and community of residence.

Note, under the provisions of the California Government Code, the City Council is prohibited from discussing or taking immediate action on any unagendized item unless it can be demonstrated to be of an emergency nature or the need to take immediate action arose after the posting of the agenda.

10. COUNCIL REPORTS

11. CONSENT CALENDAR ITEMS – ROLL CALL VOTE

- 11.1 **Subject:** Minutes of November 17, 2008 Regular Meeting
Recommendation: Adopt Minutes.
- 11.2 **Subject:** Ordinance Amending the City's Municipal Code by Adding Chapter 6.21 Prohibiting Unauthorized Entry into Waste Containers
Recommendation: Waive second reading and adopt Ordinance No. 24-2008. **(Roll Call Vote)**
Result of Recommended Action: Adoption of this ordinance will prohibit unauthorized persons from rummaging, exploring, tampering with, moving, removing, tipping, defacing, destroying or otherwise searching officially designated waste or recyclable containers. This Ordinance will help the City protect its residents from the negative impacts associated with such activity.
Staff Report: Adam Lindgren, City Attorney's Office and Steve Harriman, Integrated Waste Manager
Advances Goals: 1, 4, 5, 6, 8, 10, and 13
GROWING STRONG NEIGHBORHOODS
- 11.3 **Subject:** Ordinance Establishing a Special Tax for Transit-Related Services for the 3581 Mather Field Road Project
Recommendation: Waive second reading and adopt Ordinance No. 22-2008. **(Roll Call Vote)**
Result of Recommended Action: Adoption of this ordinance will assist the City to meet the costs of providing transit-related services by creating a special tax area zone and establishing a special tax for transit-related services for the 3581 Mather Field Road Project.
Staff Report: Cyrus Abhar, Public Works Department
Advances Goals: 2 and 11
- 11.4 **Subject:** Ordinance Levying a Special Tax within Community Facilities District No. 2008-1 (Street Lighting and Road Maintenance)
Recommendation: Waive second reading and adopt Ordinance No. 23-2008. **(Roll Call Vote)**
Result of Recommended Action: Adoption of this ordinance will pay for public services for public safety and to maintain public infrastructure necessary or incident to development in the CFD.
Staff Report: Cyrus Abhar, Public Works Department
Advances Goal: 11
- 11.5 **Subject:** A Resolution Creating Special Tax Area Zone 14 and Ordinance Establishing a Special Tax for Transit-Related Services for the Zinfandel and Sunrise Project
Recommendation: That Council:
a) Adopt Resolution No. 133-2008; and
b) Waive first reading and introduce Ordinance No. 25-2008 establishing a Special Tax for Transit-Related Services for the Zinfandel and Sunrise Project. **(Roll Call Vote)**
Result of Recommended Action: Adoption of this resolution and ordinance will assist the City to meet the costs of providing transit-related services by creating a special tax area zone and establishing a special tax for transit-related services for the Zinfandel and Sunrise Project. There are no new financial impacts to existing residents.
Staff Report: Cyrus Abhar, Public Works Department
Advances Goals: 2 and 11

- 11.6 **Subject:** Approval of Parcel Map Titled Folsom & Kilgore; Subdivision No. RC-07-321, Located on the north side of Folsom Boulevard across from Kilgore Road
Recommendation: Submitted herewith for approval is the parcel map titled Folsom & Kilgore; Subdivision No. RC-07-321.
Result of Recommended Action: Approval of this recommended action will result in the recording of the final parcel map creating two new parcels.
Staff Report: Cyrus Abhar, Public Works Department
Advances Goal: 9

12. CONSENT PUBLIC HEARING ITEMS

- 12.1 **Subject:** Resolution Approving JSP Office Building Design Review for a New 4,605 Square Feet Single Story Office Building, Project No. RC-08-370, Located at 3835 Security Park Drive
Recommendation: Adopt Resolution No. 135-2008.
Result of Recommended Action: Adoption of this resolution will allow construction of a new 4,605 square feet office building. The proposed project; consisting of a new building with landscaping, parking, and other site improvements, fills a vacant portion of the site and continues to set a higher design quality of light-industrial architecture in this area of Rancho Cordova. The new office will complement the existing warehouse and create new jobs for Rancho Cordova.
Staff Report: William Campbell, Planning Department
Advances Goals: 2 and 4

13. PUBLIC HEARING ITEMS

- 13.1 **Subject:** Resolutions Determining that the Public Interest and Necessity Require the Acquisition of Certain Real Property Interests and Directing the Filing of Six Eminent Domains Proceedings for the International Drive Extension Project
Recommendation: That Council make the findings listed below and adopt the attached Resolutions of Necessity, authorizing eminent domain actions to acquire real property for the International Drive Extension Project from the following owners and parcels:
a) Resolution No. 136-2008 Assessor Parcel 072-0680-048, Zinfandel Holdings, Inc.; Temporary Construction Easement; and
b) Resolution No. 137-2008 Assessor Parcel 072-0680-067, RREEF America Reit II Corporation; Fee Simple, Access Rights, and Temporary Construction Easement; and
c) Resolution No. 138-2008 Assessor Parcel 072-0680-068, Parcel 4 LLC; Fee Simple, Access Rights, Slope Easement, Public Utility Easement, and Temporary Construction Easement; and
d) Resolution No. 139-2008 Assessor Parcels 072-0410-061 & 062, Simon Building LLC and Ed Simon et al; Fee Simple, Public Utility Easement, and Temporary Construction Easement; and
e) Resolution No. 140-2008 Assessor Parcel 072-0410-054, Frederick T. Jamieson Revocable Trust; Fee Simple, Public Utility Easement, and Temporary Construction Easement; and
f) Resolution No. 141-2008 Assessor Parcel 072-0410-015, Monier Self Storage LLC; Temporary Construction Easement
Result of Recommended Action: Adoption of the resolutions will allow the City Attorney to file eminent domain actions and request court orders of possession so that the project can proceed on schedule. This action will also ensure that the property owners receive just compensation as determined by the court.
Staff Report: Cyrus Abhar, Public Works Department
Advances Goal: 2

- 13.2 **Subject:** Appeal of Planning Commission's Decision to Deny a Conditional Use Permit for the Department of Revenue & Recovery, Project No. DD 6151, Located at 10665 Coloma Road
Recommendation: Continue item to January 20, 2009.
Result of Recommended Action: Staff recommends Council continue this item to January 20th per letter of request dated November 25, 2008 by the County of Sacramento.
Staff Report: Shannan Loveless, Planning Department
Advances Goals: None
- 13.3 **Subject:** Ordinance Amending the Rancho Cordova Municipal Code by Adding Regulations Related to Maintenance of Foreclosed Residential Property
Recommendation: Waive first reading and introduce Ordinance No. 26-2008. **(Roll Call Vote)**
Result of Recommended Action: Adoption of this Ordinance will establish procedures related to the fining of mortgage companies and banks for the failure to maintain foreclosed residential properties. This Ordinance will codify the fines and procedures provided for in state law (Senate Bill 1137).
Staff Report: Curt Haven, Economic Development Department and Adam Lindgren, City Attorney's Office
Advances Goals: 1, 4, 5, 6, 7, 8, 11 and 13
GROWING STRONG NEIGHBORHOODS

14. REGULAR CALENDAR ITEMS

- 14.1 **Subject:** Resolution Approving City of Rancho Cordova Environmental Purchasing Policy
Recommendation: Adopt Resolution No. 134-2008.
Result of Recommended Action: Adoption of an Environmental Purchasing Policy (EPP) will encourage and increase the purchase and use of environmentally preferable products and services in the City. By including environmental considerations in purchasing decisions, the City can promote practices that improve public and worker health and conserve natural resources, while remaining fiscally responsible. Adopting a policy will also accomplish two specific goals:
a) Demonstrate that the City of Rancho Cordova is committed to complying with the California Integrated Waste Management Act (Assembly Bill 939), which requires all California jurisdictions to reduce by 50 percent municipal solid waste going to landfills. The City's goal is to help generate less waste material by reviewing how supplies, materials and equipment are purchased, manufactured, packaged, delivered and disposed.
b) Allow the City to qualify for grant funds (such as the Rubberized Asphalt Concrete Grant) from the California Integrated Waste Management Board.
Staff Report: Donna Silva, Finance Department
Advances Goals: 1,10,11 and 13
- 14.2 **Subject:** Planning Commissioner Appointments
Recommendation: That re-elected Council Members Ken Cooley, Robert McGarvey and David Sander submit their respective nominations for Planning Commissioners to the full City Council for formal approval to fill Planning Commissioner terms that coincide with their Council Member terms.
Result of Recommended Action: Action on this item will result in Council's appointment of three members of the community to serve on the Planning Commission for terms commencing January 2009 and ending December 2012.
Staff Report: Mindy Cuppy, City Clerk's Department
Advances Goals: 1 through 13

14.3 **Subject:** Selection of Mayor and Vice Mayor.

Recommendation: That Council selects its next Mayor and Vice Mayor.

Result of Recommended Action: That Council appoints its leadership officers, per Resolution No. 05-2004. The ceremonial seating of the new Mayor and new Vice Mayor will take place at the next Council Meeting on December 15th.

Staff Report: Mindy Cuppy, City Clerk's Department

Advances Goal: 13

15. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

16. CITY MANAGER'S REPORT

17. ADJOURNMENT

ADDITIONAL INFORMATION

UNLESS THE COUNCIL ADOPTS A MOTION TO EXTEND THE MEETING, ANY ITEM THAT IS NOT INITIATED BEFORE 11 P.M. WILL BE CONTINUED TO THE NEXT DAY AT 5:30 P.M. OR SCHEDULED ON THE NEXT REGULAR MEETING AGENDA OF THE COUNCIL.

Public documents related to items on the open session portion of this agenda, which are distributed to the City Council less than 72 hours prior to the meeting, shall be available for public inspection at the time the documents are distributed to the Council. Documents are available for inspection at the City Clerk's office located in Rancho Cordova City Hall.

The agenda items are accessible on the City's website at www.cityofranchocordova.org on Thursdays prior to the Regular City Council Meeting.

CITYWIDE GOALS - (Adopted March 20, 2006)	
1.	Foster a Positive Image of Rancho Cordova
2.	Improve Transportation & Connectivity
3.	Champion Employee Development & High Performance Work Environment
4.	Ensure the Availability of the Best Public Services in the Region
5.	Establish a Vibrant Downtown
6.	Ensure a Safe Community
7.	Improve the Quality of Housing In Rancho Cordova
8.	Sustain a Livable Community
9.	Drive Diverse Economic Opportunities
10.	Foster Responsible Citizenship
11.	Practice Sound Fiscal Management
12.	Establish Logical (City) Boundaries
13.	Continue To Provide Regional Leadership

UPCOMING MEETINGS	
<i>Wednesday, December 3, 2008</i>	<i>5:30 p.m. Special Meeting (Closed Session) on Annual City Manager Review</i>
<i>Monday, December 15, 2008</i>	<i>5:30 p.m. Regular Meeting</i>
<i>Monday, January 5, 2009</i>	<i>5: 30 p.m. Annual AB1234 Mandatory Training</i>
<i>Tuesday, January 20, 2009</i>	<i>5:30 p.m. Regular Meeting</i>

If you have any technical questions related to the agenda items, please contact the appropriate department as follows:

DEPARTMENTAL GENERAL TELEPHONE NUMBERS	
Building Department	(916) 851-8760
Finance Department	(916) 851-8730
Communications Department	(916) 851-8791
Planning Department	(916) 851-8750
Public Works Department	(916) 851-8710
Redevelopment & Economic Development Department	(916) 851-8780

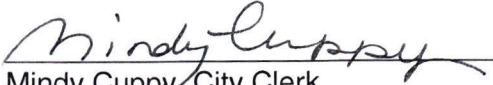
The Rancho Cordova City Council/CRA/RCFC will be videotaped in its entirety and will be cablecast without interruption on Metro Cable 14, the Government Affairs Channel on the Comcast, SureWest and Strategic Technologies Cable Systems. Closed Captioning will be available on the playback cablecast. Tune to Metro Cable Channel 14, for playback times. A VHS copy is available for check out from any Sacramento public library system branch, a DVD copy is available from the City Clerk's Department, and a webcast of this meeting will be available for viewing via Granicus Video Streaming from the City's website within 48 hours of adjournment of this meeting. The City does not control scheduling of this telecast and persons interested in watching the televised meeting should confirm this schedule with Metro Cable TV, Channel 14.

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's Office at (916) 851-8720 at least 48 hours prior to the meeting.

CERTIFICATION OF POSTING OF AGENDA

I, Mindy Cuppy, City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the December 1, 2008 Regular Meeting of the Rancho Cordova City Council/CRA/RCFC was posted and available for review on November 26, 2008 at City Hall of the City of Rancho Cordova, 2729 Prospect Park Drive, Rancho Cordova, California, 95670. The agenda is also available on the city web site at www.cityofranhocordova.org.

Signed this 26th day of November 2008 at Rancho Cordova, California.


Mindy Cuppy, City Clerk

MEMORANDUM



DATE: December 1, 2008
TO: Mayor and Council Members
FROM: Mindy Cuppy, City Clerk
SUBJECT: ELECTION CERTIFICATION

RECOMMENDATION

Adopt Resolution No. 144-2008 certifying the results of the November 4, 2008 General Municipal Election with regard to Members of the City Council.

RESULT OF RECOMMENDED ACTION

Adoption of the Resolution results in the City's compliance with California Elections Code Regulations 10262, 10263 and 10264 which, in part, state that the governing body shall declare the results of each election under its jurisdiction.

BACKGROUND

The certification document for the November 4, 2008 General Municipal Election is forthcoming from the Sacramento County Elections and Voter Registration office no later than 5:00 p.m. on December 2, 2008 and will be attached to Resolution No. 144-2008 as **Exhibit A**. The City Council, as the governing body of the City, declares the results of the election for each City Council office voted on at a municipal election. As a result of the election, the following Council Members have been re-elected to the City Council for full, four-year terms:

Ken Cooley
Robert McGarvey
David Sander

ATTACHMENT

Resolution No. 144-2008

**CITY OF RANCHO CORDOVA
RESOLUTION NO. 144-2008**

**A RESOLUTION OF THE CITY COUNCIL RECITING THE FACT OF THE GENERAL
MUNICIPAL ELECTION HELD ON NOVEMBER 4, 2008 AND DECLARING THE RESULT**

WHEREAS, a General Municipal Election was held and conducted in the City of Rancho Cordova, California, on Tuesday, November 4, 2008, as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in the time, form and manner required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, pursuant to City of Rancho Cordova Resolution 31-2008, adopted March 17, 2008, the Sacramento County Voter Registrations and Elections Department canvassed the returns of the election and has certified the results to this City Council, and the results are received, attached and made a part hereof as "**Exhibit A**".

**NOW, THEREFORE, THE CITY COUNCIL OF RANCHO CORDOVA, DOES
RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

1. That the names of persons voted for at the election for Member of the City Council are as follows: Ken Cooley, Debra Davis, Robert McGarvey, and David Sander.

2. That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates are listed in **Exhibit "A"** attached.

3. The City Council does declare and determine that:
Ken Cooley was elected as a Member of the City Council for the full term of four years;
Robert McGarvey was elected as a Member of the City Council for the full term of four years;
and, David Sander was elected as a Member of the City Council for the full term of four years.

4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this 1st day of December 2008, by the following vote:

AYES: Budge, Cooley, Skoglund, Sander, and McGarvey

NOES: None

ABSTAIN: None

ABSENT: None

Linda Budge, Mayor

ATTEST:

Mindy Cuppy, City Clerk

STATE OF CALIFORNIA

} ss.

County of Sacramento

CERTIFICATE OF FACTS

I, Jill LaVine, Registrar of Voters of the County of Sacramento, State of California, do hereby certify that the names of the candidates shown below were submitted to the known qualified electors in the **City of Rancho Cordova** for the purpose of electing **three City Council members** at the November 4, 2008 General Election.

The results of the Official Canvass conducted by this office are as follows:

	Votes Cast
*Ken Cooley	11,456
*David Sander	9,999
*Robert J. McGarvey	9,699
Debra L. Davis	4,294

The conduct of the election and canvass of the ballots was in every respect in accordance with the election laws of the State of California.

Witness my hand and seal this 26th day of November 2008.




JILL LAVINE
REGISTRAR OF VOTERS
County of Sacramento
State of California

*Candidates elected

STATE OF CALIFORNIA

County of Sacramento

} ss.

CERTIFICATE OF FACTS

I, Jill LaVine, Registrar of Voters of the County of Sacramento, State of California, do hereby certify that the names of the candidates shown below were submitted to the known qualified electors in the **City of Rancho Cordova** for the purpose of electing **three City Council members** at the November 4, 2008 General Election.

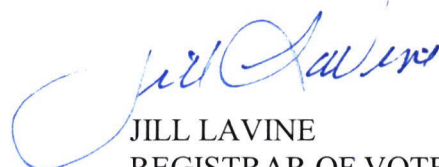
The results of the Official Canvass conducted by this office are as follows:

	Votes Cast
*Ken Cooley	11,456
*David Sander	9,999
*Robert J. McGarvey	9,699
Debra L. Davis	4,294

The conduct of the election and canvass of the ballots was in every respect in accordance with the election laws of the State of California.

Witness my hand and seal this 26th day of November 2008.




JILL LAVINE
REGISTRAR OF VOTERS
County of Sacramento
State of California

*Candidates elected

Certificate of Election

This is to certify that

David Sander

was elected to the office of

City of Rancho Cordova, Member City Council

of the County of Sacramento, State of California
at an election duly held therein on the

4th day of November, 2008

In witness whereof I have set my hand and affixed my official seal this

26th day of November, 2008



Jill Lavine
JILL LAVINE
REGISTRAR OF VOTERS

Certificate of Election

This is to certify that

Robert J. McGarvey

was elected to the office of

City of Rancho Cordova, Member City Council

of the County of Sacramento, State of California
at an election duly held therein on the

4th day of November, 2008

In witness whereof I have set my hand and affixed my official seal this

26th day of November, 2008



Jill Lavine

JILL LAVINE
REGISTRAR OF VOTERS

Certificate of Election

This is to certify that

Ken Cooley

was elected to the office of

City of Rancho Cordova, Member City Council

of the County of Sacramento, State of California
at an election duly held therein on the

4th day of November, 2008

In witness whereof I have set my hand and affixed my official seal this

26th day of November, 2008



Jill Lavine
JILL LAVINE
REGISTRAR OF VOTERS



**CONCURRENT MEETING
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY (CRA)/
RANCHO CORDOVA FINANCING CORPORATION (RCFC)**

**City Hall
2729 Prospect Park Drive, Rancho Cordova**

Monday, November 17, 2008

**5:30 P.M. – Regular Meeting
David B. Roberts Council Chambers**

MINUTES

1. REGULAR MEETING – CALL TO ORDER / ROLL CALL

Mayor Budge called the regular meeting to order in the David B. Roberts Council Chambers at 5:42 p.m.

Council Members Present: Cooley (arrived at 5:57 p.m.), McGarvey, Sander, Skoglund and Mayor Budge

Staff Present: Gaebler, Lindgren, Chinn, Cuppy, Kellerman, Abhar, Junker, Oliver, Sparkman, Simpson, Silva, Santini, McCoy Peterson, Haven, Pearl, Salerno, Harriman, Hadley, Behrends, Blair, Richael and Sharif.

2. METRO CABLE TV TELEVISION ANNOUNCEMENT

The Mayor announced the meeting video recording and playback schedules.

3. PLEDGE OF ALLEGIANCE

The Mayor called on Russ Blair to lead the Pledge.

4. INVOCATION

Chaplain Jackie Kelly VA Hospital gave the invocation.

5. PRESENTATIONS

5.1 Recognition of Council Member Sander's Birthday.

6. PUBLIC COMMENT

The following individuals addressed the Council:

- Bob Sizemore on use of police helicopters being used ineffectively.

7. COUNCIL REPORTS

Council reported on events since the last meeting.

8. CONSENT CALENDAR ITEMS – ROLL CALL VOTE

ACTION: Motion by Skoglund second by McGarvey and carried by 5:0 roll call vote the Consent Calendar was approved.

8.1 **Subject:** Minutes of November 3, 2008 Special and Regular Meeting

Recommendation: Adopt Minutes.

8.2 **Subject:** Zinfandel and Sunrise Commercial Center Use Permit for an Over Height Freestanding Sign and Additional Sign Area Over the Requirements Specified in the Special Sign Corridor, Project No. RC-08-342, Located at 1941-1967 Zinfandel Drive
(Continued from October 6, October 20, and November 3, 2008)

Recommendation: Adopt Resolution No. 126-2008.

Result of Recommended Action: Adoption of this resolution will result in changes to the sign program per direction from Council on November 3rd.

Staff Report: William Campbell, Planning Department

GROWING STRONG NEIGHBORHOODS

8.3 **Subject:** First Quarter Financial Report FY 2008-09

Recommendation: Receive and file report.

Result of Recommended Action: Report will be received and filed.

Staff Report: Donna Silva, Finance Department

8.4 **Subject:** Approval of Parcel Map Titled Subdivision No. RC-07-311; Parcel 1 of 80 PM 23, Located at the Southwesterly Corner of Dismantle Court and Recycle Road

Recommendation: Submitted herewith for approval is the parcel map titled Subdivision No. RC-07-311; Parcel 1 of 80 PM 23, located at the southwesterly corner of Dismantle Court and Recycle Road.

Result of Recommended Action: Approval of this recommended action will result in the recording of the final parcel map creating 3 new parcels.

Staff Report: Cyrus Abhar, Public Works Department

8.5 **Subject:** Resolution Authorizing the City Manager to Execute a Second Contract Amendment with Allied Waste Services to Increase Special Cleanup Service to 1,200 Cubic Yards Per Year and Revise the Annual Solid Waste Rate Adjustment Methodology

Recommendation: Adopt Resolution No. 69-2008.

Result of Recommended Action: Adoption of this resolution will allow the City Manager to execute a second amendment to the collection services contract between the City of Rancho Cordova and Allied Waste Services to increase the special cleanup service from 480 cubic yards to 1,200 cubic yards per year and revise the annual solid waste rate adjustment methodology.

Staff Report: Cyrus Abhar, Public Works Department and Steve Harriman, Integrated Waste Manager

- 8.6 **Subject:** Resolution Creating Special Tax Area Zone 13 and Ordinance Establishing a Special Tax for Transit-Related Services for the 3581 Mather Field Road Project
Recommendation: That Council:
a) Adopt Resolution No. 128-2008; and
b) Waive first reading and introduce Ordinance No. 22-2008 establishing a Special Tax for Transit-Related Services for the 3581 Mather Field Road Project. **(Roll Call Vote)**
Result of Recommended Action: Adoption of this resolution and ordinance will assist the City to meet the costs of providing transit-related services by creating a special tax area zone and establishing a special tax for transit-related services for the 3581 Mather Field Road Project.
Staff Report: Cyrus Abhar, Public Works Department
- 8.7 **Subject:** Resolution Authorizing the City Manager to Execute a Third Contract Amendment to Contract No. 48-2005 with R3 Consulting Group in the Amount of \$25,000 for Solid Waste Consulting Services
Recommendation: Adopt Resolution No. 132-2008.
Result of Recommended Action: Adoption of this resolution will allow the City Manager to execute a third amendment to Contract No. 48-2005 with R3 Consulting Group ("R3"). The third amendment increases the project budget by \$25,000 and extends the term through June 30, 2009. The total contract amount will increase from current amount of \$196,240 to \$221,240.
Staff Report: Cyrus Abhar, Public Works Department and Steve Harriman, Integrated Waste Manager

9. CONSENT PUBLIC HEARING ITEMS

None

10. PUBLIC HEARING ITEMS

- 10.1 **Subject:** Ordinance Amending the City's Municipal Code by Adding Chapter 6.21 Prohibiting Unauthorized Entry into Waste Containers
Recommendation: Waive first reading and introduce Ordinance No. 24-2008. **(Roll Call Vote)**
Result of Recommended Action: Adoption of this ordinance will prohibit unauthorized persons from rummaging, exploring, tampering with, moving, removing, tipping, defacing, destroying or otherwise searching officially designated waste or recyclable containers. This Ordinance will help the City protect its residents from the negative impacts associated with such activity.
Staff Report: Adam Lindgren, City Attorney's Office and Steve Harriman, Integrated Waste Manager

GROWING STRONG NEIGHBORHOODS

ACTION: Motion by Skoglund second by Cooley and carried by a 5:0 roll call vote; Council waived first reading and introduced Ordinance No. 24-2008.

- 10.2 **Subject:** Action Items Related to the Formation of the City of Rancho Cordova Community Facilities District (CFD) No. 2008-1 (Street Lighting and Road Maintenance)
Recommendation: That Council:
1) Adopt Resolution No. 129-2008 forming a community facilities district and levying a special tax in Community Facilities District No. 2008-1 (Street Lighting and Road Maintenance); and
2) Adopt Resolution No. 130-2008 calling for a special election in Community Facilities District No. 2008-1 (Street Lighting and Road Maintenance); and

- 3) Adopt Resolution No. 131-2008 declaring election results of Community Facilities District No. 2008-1 (Street Lighting and Road Maintenance); and
- 4) Waive first reading and introduce Ordinance No. 23-2008 levying a special tax within Community Facilities District No. 2008-1 (Street Lighting and Road Maintenance).
(Roll Call Vote)

Result of Recommended Action: Action on these items will complete the formation of the CFD, authorize a landowner vote which if successfully passed authorizes the levy of a special tax on five specific projects included in the CFD. The special tax levy is for the purpose of paying for public services for public safety and to maintain public infrastructure necessary or incident to development in the CFD. The actions also result in the establishment of a future annexation area which allows the processing of future annexations in an efficient manner.

Staff Report: Cyrus Abhar, Public Works Department

Mayor Budge opened the public comment period. The following individual addressed the Council:

- Walt Myers on getting clarification if the existing residents are going to have an additional tax on top of what they're already paying

Mayor Budge closed the public comment period.

ACTION: Motion by Skoglund second by McGarvey and carried by a 5:0 roll call vote; Council adopted Resolution No. 129-2008 forming Community Facilities District No. 2008-1 (Street Lighting and Road Maintenance) and Resolution No. 130-2008 calling for a special election in Community Facilities District No. 2008-1 (Street Lighting and Road Maintenance).

ACTION: Motion by Skoglund second by Cooley and carried by a 5:0 roll call vote; Council adopted Resolution No. 130-2008 declaring the election results of Community Facilities District No. 2008-1 (Street Lighting and Road Maintenance).

ACTION: Motion by Skoglund second by Cooley and carried by a 5:0 roll call vote; Council waived first reading and introduced Ordinance No. 23-2008.

AT THIS POINT (6:57 p.m.) Council took a brief recess. The full Council reconvened at 7:19 p.m.

11. REGULAR CALENDAR ITEMS

11.1 **Subject:** 2009 City Council Meeting Schedule.

Recommendation: That Council approve its meeting schedule for 2009.

Result of Recommended Action: Action on this item will confirm the 2009 meeting schedule for Rancho Cordova City Council Members.

Staff Report: Brenda Lehr, City Clerk's Department

ACTION: By consensus, the full Council approved the 2009 City Council Meeting schedule as presented.

- 11.2 **Subject:** Discussion of Design Review Board for Folsom Boulevard Specific Plan
Recommendation: Consider staff's presentation and provide direction for the formation of the Folsom Boulevard Design Review Board.
Result of Recommended Action: Based upon Council direction, staff will solicit candidates for the Design Review Board and prepare an ordinance that will add provisions related to the Folsom Boulevard Design Review Board to the City's Municipal Code. Potential candidates and the draft ordinance will be presented to the City Council for consideration and action at a subsequent meeting.
Staff Report: Paul Junker, Planning Department
GROWING STRONG NEIGHBORHOODS

ACTION: Discussion item only; no action taken.

- 11.3 **Subject:** Discussion of Planning Commission Nominations
Recommendation: Review Council obligations related to Planning Commission nominations and provide direction for the recruitment of Planning Commission candidates.
Result of Recommended Action: Under the City Council's direction, staff will recruit and provide support for the Council's consideration of Planning Commissioner nominees. This process will ultimately result in the selection of three Planning Commissioners, whose terms shall run from January 2009 through January 2013.
Staff Report: Paul Junker, Planning Department
GROWING STRONG NEIGHBORHOODS

ACTION: Council directed staff not to recruit for new Planning Commissioners at this time.

12. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

13. CITY MANAGER'S REPORT

Finance Director Donna Silva and Senior Finance Analyst Rebecca Santini reported on Finance Department Update on the following items:

- Accomplishments
- Proactive Efforts
- Brief Overview of Employees in the Finance Department
- Current Year Projects

Human Resources Manager Stacey Peterson reported on Human Resources Department Update on the following items:

- Mission and Values
- Employee Survey
- Support a Talented Workforce
- Foster Employee Commitment
- Promote Employee Contribution
- Key Initiatives

Information Technology Manager Jay Hadley reported on Information Technology Department Update on the following items:

- Employee Satisfaction by Staying Current
- Power Management/Saving Energy
- Radio Communication
- Sacramento Regional Radio Communications System
- Providing IT Assistance to other Community Groups
- Mobile HWY/Wireless Integration into Hansen
- Geographic Information Systems (GIS)
- Hansen Software/Applications and Integration

14. ADJOURNMENT

Mayor Budge adjourned the regular meeting at 9:34 p.m. in memory of Officer Larry Canfield, Rancho Cordova Police Officer.

Mindy Cuppy, City Clerk

CITY OF RANCHO CORDOVA

ORDINANCE NO. 24-2008

**AN ORDINANCE OF THE CITY COUNCIL OF RANCHO CORDOVA
AMENDING THE CITY'S MUNICIPAL CODE BY ADDING CHAPTER
6.21 PROHIBITING UNAUTHORIZED ENTRY INTO WASTE CONTAINERS**

WHEREAS, Chapter 6.20, "Solid Waste Management," establishes regulations for the safe and sanitary collection and disposal of waste and recyclables within the City; and

WHEREAS, the City now wishes to impose further regulations prohibiting unauthorized entry into waste and recyclable containers in order to protect the public health, safety, and general welfare of the City's residents; and

WHEREAS, this ordinance will help the City protect its residents against the unattractive, annoying and unsafe effects of unauthorized rummaging of waste containers, including identity theft, uncleanly sidewalks and City right-of-ways, and trash being thrown or left on City streets.

**THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS
FOLLOWS:**

Section 1. Chapter 6.21, "Prohibition Against Unauthorized Entry into Waste Containers," is hereby added to Title 6, "Health and Sanitation," of the Rancho Cordova Municipal Code to read as follows:

6.21 Prohibition against unauthorized entry into waste containers

Sections:

6.21.010 Findings.

6.21.015 Prohibition Against Unauthorized Entry into Waste Containers.

6.21.020 Public Nuisance.

6.21.025 Penalty.

6.21.010 Findings.

The City Council finds as follows:

- A. Allowing unauthorized individuals to rummage through waste containers results in risks to the health, safety and general welfare of City residents.
- B. Unauthorized entry of waste containers can lead to intruders obtaining information for identity theft. Unauthorized rummaging also results in trash being left in roadways and sidewalks, which impedes the flow of vehicular traffic and impairs the cleanliness and safety of the City's rights-of-way.
- C. Waste containers left open after the intrusion create a nuisance by attracting animals and insects.

- D. Individuals rummaging through waste containers place themselves in danger of coming into contact with unknown contaminants.
- E. Prohibiting individuals from rummaging through waste containers will reduce the amount of recyclables being taken from the marked containers. As part of the City's solid waste management, the City contracts with private haulers for the collection of solid waste and recyclables. The City and the private haulers factor revenues collected by the recyclables in establishing the collection rates for residents. The theft of recyclable goods increases the cost of waste collection for the City's solid waste haulers which may result in an increase in rates for residents.
- F. Allowing individuals to take recyclable goods that are left in designated waste containers negatively impacts the City's ability to demonstrate compliance with the waste diversion mandates of Assembly Bill 939.

6.21.015 Prohibition Against Unauthorized Entry into Waste Containers.

It shall be unlawful for any person, except the owner, or someone with the owner's consent, or authorized City, County, State or Federal personnel, or employees of the solid waste company contracted by the City to collect solid waste and/or recyclables in the performance of their duties, to rummage, explore, tamper with, move, remove, tip, deface, destroy, scavenge or otherwise search waste or recyclable containers or the contents thereof.

6.21.020 Public Nuisance.

Rummaging, exploring, scavenging, or otherwise searching a waste container, as prohibited by Section 6.21.015 above, is a violation of the provisions of this Chapter and is hereby declared a public nuisance.

6.21.025 Penalty.

- A. A violation of this Chapter shall be deemed an infraction for a first violation; second and subsequent violations of the same section within a 12-month period may be prosecuted as an infraction or misdemeanor.
- B. Any person convicted of an infraction for violating this Chapter may be punished by:
 - 1. A fine of not more than \$100.00 for a first violation;
 - 2. A fine of not more than \$200.00 for a second violation of the same section within a 12-month period; and
 - 3. A fine of not more than \$500.00 for a third (or subsequent) violation of the same section by the same person within a 12-month period.
- C. Any person convicted of a misdemeanor for violating this Chapter may be punished by a fine of not more than \$1,000 or by imprisonment in jail for a period of not more than six months or by both fine and imprisonment.

Section 2. Severability

If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this ordinance that can be given effect without the invalid provision and, to this end; the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 3. Effective Date

Within fifteen (15) days after adoption, a Summary of this ordinance shall be published once in the Grapevine Independent or the Sacramento Bee, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with Government Code Section 36933. This ordinance shall take effect and be enforced thirty (30) days after its inception.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this 1st day of December, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda Budge, Mayor

ATTEST:

Mindy Cuppy, City Clerk

CITY OF RANCHO CORDOVA

ORDINANCE NO. 22-2008

**AN ORDINANCE OF THE CITY OF RANCHO CORDOVA
ESTABLISHING A SPECIAL TAX FOR TRANSIT-RELATED SERVICES
FOR THE 3581 MATHER FIELD ROAD PROJECT SUBJECT TO VOTER CONFIRMATION**

**THE CITY COUNCIL OF THE CITY OF THE RANCHO CORDOVA DOES ORDAIN AS
FOLLOWS:**

Section 1. Purpose, Intent and Authority.

It is of critical importance to the City Council of the City of Rancho Cordova that residents of and employees working in the City receive high quality transit-related services. In carefully reviewing the City's budget and revenue projections, it has become clear to City staff that the City budget does not contain adequate funding to ensure the continued delivery of adequate high quality transit-related services unless additional revenues are obtained.

It is the purpose and intent of this ordinance to generate additional funds to pay for transit-related services by authorizing the levy of a tax on improved parcels of real property on the secured property tax roll of Sacramento County that are within Zone 13 of the Rancho Cordova Transit-Related Services Special Tax Area (the "Zone").

This tax is a special tax within the meaning of Section 4 of Article XIII A of the California Constitution. Because the burden of this tax falls upon property, this tax also is a property tax, but this tax is not determined according to nor in any manner based upon the value of property; this tax is levied on a parcel and use of property basis. Insofar as not inconsistent with this ordinance or with legislation authorizing special taxes and insofar as applicable to a property tax that is not based on value, such provisions of the California Revenue and Taxation Code and of Article XIII of the California Constitution as relate to ad valorem property taxes are intended to apply to the collection and administration of this tax (Section 4 of this ordinance), as authorized by law. This tax is not an ad valorem property tax; it is an excise tax on the use of property. Because the revenue from the tax may be used only to fund transit-related services, it is also a special tax.

The revenues raised by this tax are to be used solely for the purpose of providing transit-related services as are deemed necessary by the City Council for the benefit of the residents and/or employees of Zone 13.

At the time that the Council adopted this ordinance, there were zero (0) registered voters residing in Zone 13 and one (1) property owner. Because the Transit-Related Services Special Tax will be imposed on property in Zone 13 and paid by the owner of the property, the Council finds that restricting the vote on the Transit-related Services Special Tax to property owners in Zone 13 is appropriate and consistent with the principles and requirements of California Constitution article XIIC (Proposition 218).

Section 2. Definitions.

The following definitions shall apply throughout this Ordinance.

A. "Constant first year dollars" shall mean an actual dollar amount which, in years subsequent to the first fiscal year the tax is levied, shall have the same purchasing price as the base amount in first fiscal year dollars as measured by the Consumer Price Index. The base

amount shall be the amount of tax per parcel as specified in Section 3(A) herein. The adjustments from actual to constant dollars shall be made by use of the Consumer Price Index, as specified in Section 3(B) herein.

B. "Consumer Price Index" means the Consumer Price Index for all Urban Consumers (CPI-U) for the San Francisco-Oakland-San Jose Area as published by the U.S. Department of Labor, Bureau of Labor Statistics. If the Consumer Price Index is discontinued or revised, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Consumer Price Index had not been discontinued or revised.

C. "Fiscal year" means the period of July 1 through the following June 30.

D. "Parcel" means the land and any improvements thereon, designated by an assessor's parcel map and parcel number and carried on the secured property tax roll of Sacramento County. For the purposes of this ordinance, parcel does not include any land or improvements outside the boundaries of Zone 13 nor any land or improvements owned by any governmental entity.

E. "Rancho Cordova Transit-Related Services Special Tax Area" means all the properties within the jurisdictional limits of the City of Rancho Cordova.

F. "Rancho Cordova Transit-Related Services Special Tax Area Zone 13" (the "Zone") means that portion of the incorporated area of the City of Rancho Cordova located within the boundaries described in **(Exhibit A)** hereto and as shown on the map **(Exhibit B)** hereto.

G. "Transit-Related Services" means providing, operating, maintaining and subsidizing transit services and all supporting facilities, infrastructure, programs and incentives that benefit the residents of the Rancho Cordova Transit-Related Services Special Tax Area, and shall be calculated and set according to the methodology described in Engineer's Report County Service Area No. 10 and Benefit Zone No. 2 County of Sacramento, September 7, 2004, which established the methodology for the original service charge for Benefit Zone No. 2.

H. "Voter" means a person who owns real property within Zone 13, as shown on the last equalized assessment role prepared by the Sacramento County Assessor's Office, at the time that the City Council adopts an ordinance authorizing the imposition of a transit-related services tax to the voters of Zone 13.

Section 3. Amount and Level of Taxes.

The tax per year on each parcel in the Zone shall not exceed the amount applicable to the parcel, as specified below.

A. For First Fiscal Year.

The tax per year for the first fiscal year (July 1, 2007 through June 30, 2008) shall be the amount of Tax per Parcel for a Land Use Code Category as set forth on **(Exhibit C)** hereto. The use code assigned to each parcel shall be reviewed and updated periodically. Rates in **(Exhibit C)** shall be calculated and set according to the methodology described in Engineer's Report County Service Area No. 10 and Benefit Zone No. 2 County of Sacramento, September 7, 2004, which established the methodology for the original service charge for Benefit Zone No. 2.

B. For Subsequent Fiscal Year.

In order to keep the tax on each parcel in constant first year dollars for each fiscal year subsequent to the first fiscal year, the tax per year shall be adjusted as set forth below to reflect any increase in the Consumer Price Index beyond the first fiscal year the tax is levied.

In June or July of each year, City Council shall determine the amount of taxes to be levied upon the parcels in Zone 13 for the then current fiscal year, as set forth below.

For each Land Use Category on **(Exhibit C)**, the tax per year on each parcel for each fiscal year subsequent to the first fiscal year shall be an amount determined as follows:

Tax Per Parcel For Then Current Fiscal Year	=	Tax Per Parcel For Immediately Preceding X Fiscal Year	Consumer Price Index From April of Immediately Preceding Fiscal Year to April of Then Current Fiscal Year or 6 Percent, Whichever is Less
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Provided, however, that in no event shall the tax per parcel for any fiscal year be less than the amount established for the first fiscal year.

C. Nature of Tax Levy.

The taxes levied on each parcel pursuant to this Article shall be a charge upon the parcel and shall be due and collectible as set forth in Section 4, below.

Section 4. Collection and Administration.

A. Taxes as Liens Against the Property.

The amount of taxes for each parcel each year shall constitute a lien on such property, in accordance with Revenue and Taxation Code Section 2187, and shall have the same effect as an ad valorem real property tax lien until fully paid.

B. Collection.

The taxes on each parcel shall be billed on the secured roll tax bills for ad valorem property taxes and are to be collected in the same manner in which Sacramento County collects secured roll ad valorem property taxes. Insofar as feasible and insofar as not inconsistent with this ordinance, the times and procedures regarding exceptions, due dates, installment payments, corrections, cancellations, refunds, late payments, penalties, liens, and collections for secured roll ad valorem property taxes (as established by Sacramento County) shall be applicable to the collection of this tax. Notwithstanding anything to the contrary in the foregoing, as to this tax:

1. The secured roll tax bills shall be the only notices required for this tax, and
2. The homeowners and veterans exemptions shall not be applicable because such exemptions are determined by dollar amount of value.

C. Costs of Administration by the County.

The reasonable costs incurred by the County officers collecting and administering this tax shall be deducted from the collected taxes.

D. Use of Tax Revenue.

The revenue collected from the tax imposed by this ordinance shall be placed into a separate account and may be used only to fund transit-related services, including the costs of administering and collecting the tax and enforcing the provisions of this ordinance. Revenue from the tax may be used for transit-related services citywide.

E. Refunds.

1. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once, or has been erroneously or illegally collected or received by the City pursuant to this ordinance, it may be refunded as provided in this section.
2. No refund may be made except upon a written claim verified by the person who paid the tax or by his or her guardian or conservator or the executor or administrator of his or her will or estate and stating the grounds upon which the claim is made. All claims filed pursuant to this subsection must be presented within one year after payment of the amount for which the claimant is seeking a refund.
3. No order of a refund may be made until a written claim therefore has been presented in accordance with this subsection. No suit for money, damages or a refund may be brought against the City until a written claim therefore has been presented to the City and has been acted upon or has been deemed rejected by the City, in accordance with this subsection. Only the person who filed the claim may bring such a suit, and if another person should do so, judgment shall not be rendered for the plaintiff.

F. Initiatives to Affect Tax.

Consistent with the California Constitution (art. XIII C, § 3) the tax imposed by this ordinance may be affected by initiative. The procedures for qualification of such an initiative and the election on a qualified initiative shall be consistent with the California Constitution (art. 2, § 8), the California Elections Code (Chapter 3 of Division 9), and the Municipal Code. The minimum number of signatures necessary to qualify an initiative to affect the tax approved by this ordinance shall be equal to five percent of the votes in the City for all candidates for Governor at the last gubernatorial election. The election on a qualified initiative to affect the tax shall be a regular citywide election. An initiative affecting the tax shall be approved only if at least two-thirds of the votes cast on the measure are in favor of its approval.

Section 5. Severability Clause.

If any article, section, subsection, sentence, phrase of clause of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The voters of Zone 13 hereby declare that they would have adopted the remainder of this ordinance, including each article, section, subsection, sentenced phrase or clause, irrespective of the invalidity of any other article, section, subsection, sentence, phrase or clause.

Section 6. Effective Date and Posting.

This ordinance shall take effect immediately upon its approval by two-thirds of the voters voting within the zone in an election to be held on January 20, 2009 so that taxes shall first be collected hereunder for the tax year beginning July 1, 2009.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this 1st day of December, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda Budge, Mayor

ATTEST:

Mindy Cuppy, City Clerk

APN: 077-0050-014

LEGAL DESCRIPTION

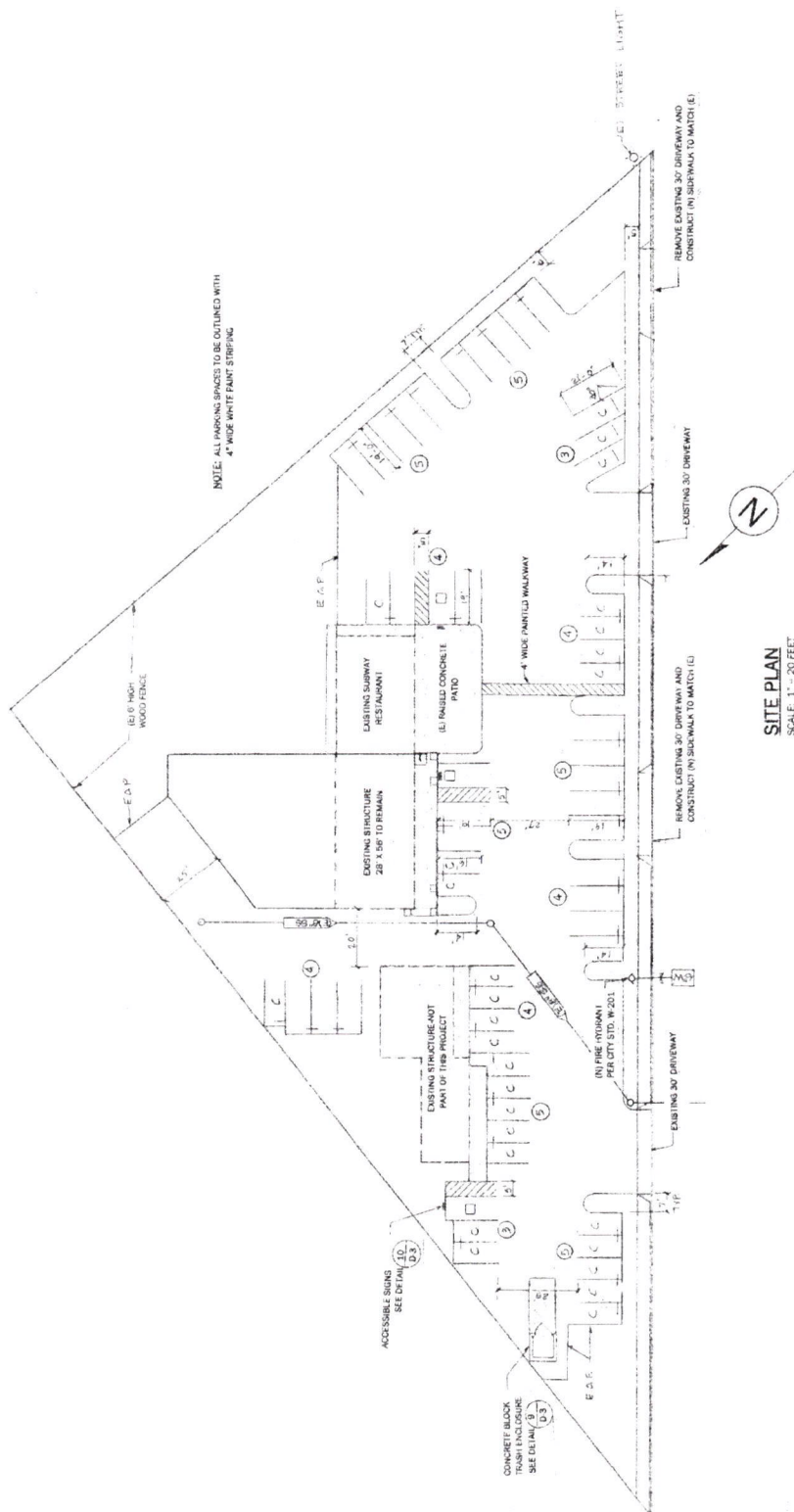
All that portion of Lot 69 as said Lot is shown upon the official +Amended Map of Natomas American River Subdivision No. 4., according to the official plat thereof, filed in the office of the Recorder of Sacramento Count, California, in Book 15 of Maps, Map No. 44, described as follows:

BEGINNING at the Northeast corner of said Lot 69; thence from said point of beginning South $89^{\circ}44'00''$ West 339.50 feet to the Northeasterly line of Mather Field Road, being the Northeasterly line of that certain 80.00 feet wide right of way as described in that certain Deed dated June 24, 1942, recorded July 21, 1942 in Book 968 at Page 58, Official Records of Sacramento County; thence leaving said North line, South $49^{\circ}54'00''$ East 445.59 feet, thence North $00^{\circ}16'00''$ West 288.60 Feet to the point of beginning.

NEW LEGAL
DESCRIPTION
AFTER MERGING
PARCELS 1 & 2

EXHIBIT B

TRANSIT-RELATED SERVICES SPECIAL TAX AREA ZONE 13



SITE PLAN

SCALE: 1" = 20 FEET

NOTES:

1. SEE PLAN SHEET P-1 FOR LOCATION OF FIRE WATER AND DOMESTIC WATER CONNECTIONS TO BUILDING
2. NEW PAVEMENT SHALL CONSIST OF 3" ASPHALTIC CONCRETE OVER 6" AGGREGATE BASE

PARKING REQUIREMENTS	
EXISTING SUBWAY RESTAURANT	28 SPACES
POSSIBLE NEW RESTAURANT	28 SPACES
HAIR SALON	6 SPACES
EXISTING RETAIL	5 SPACES
NEW RETAIL	11 SPACES
CHURCH (SERVICES HELD WHILE RETAIL CLOSED)	0 SPACES
TOTAL PARKING REQUIRED	
	58 SPACES

TOTAL PARKING REQUIRED 56 SPACES

PARKING PROVIDED		
COMPACT	8' X 16"	27 SPACES
STANDARD	9' X 18"	26 SPACES
HANDICAPPED	9' X 18"	3 SPACES
TOTAL PARKING PROVIDED		56 SPACES

TOTAL PARKING PROVIDED 56 SPACES

Amount of Tax per Parcel by Land Use Category**A. Residential Dwelling Units**

As adjusted for inflation from the original base year, the amount of Tax per Parcel for fiscal year 2008/2009 for Residential Land Use Categories shall be \$55.70 per low density residential dwelling unit or low density residential dwelling unit equivalent, \$44.56 per medium density residential dwelling unit or medium density residential dwelling unit equivalent, or \$33.42 per high density residential dwelling unit or high density residential dwelling unit equivalent. (Multi-family residential units on a single parcel shall be assessed on a proportionately equivalent basis (e.g., a two-unit attached housing structure, such as a duplex, would be deemed to consist of two residential parcels for purposes of the Transit-Related Services Special Tax).

B. Non-Residential

As adjusted for inflation from the original base year, The amount of Tax per Parcel for fiscal year 2008/2009 for Non-Residential Land Use Categories (except Recreational and Agricultural) shall be \$1,428.15 per retail and service commercial acre, \$1,227.63 per commercial mixed use or office commercial acre, and \$512.44 per light industrial acre.

C. Inflation Formula

The tax is subject to an annual inflation formula based on the Consumer Price Index for all Urban Consumers (CPI-U) for the San Francisco-Oakland-San Jose Area, or six percent, whichever is less.

CITY OF RANCHO CORDOVA

ORDINANCE NO. 23-2008

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA LEVYING
SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT**

**Community Facilities District No. 2008-1
(Street Lighting and Road Maintenance)**

WHEREAS, this Council adopted a resolution entitled "A Resolution of the City of Rancho Cordova of Intention to Establish a Community Facilities District and Future Annexation Area (the "Resolution of Intention"), has conducted proceedings (the "Proceedings") to establish City of Rancho Cordova Community Facilities District No. 2008-1 (Street Lighting and Road Maintenance) (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311 of the California Government Code (the "Act") to finance certain public services (the "Services") as provided in the Act;

WHEREAS, pursuant to notice as specified in the Act, and as part of the Proceedings, the Council has held a public hearing under the Act relative to the determination to proceed with the formation of the CFD and the rate and method of apportionment of the special tax ("Special Tax") to be levied within the CFD to finance the Services and at such hearing all persons desiring to be heard on all matters pertaining to the formation of the CFD and the levy of the Special Tax were heard, substantial evidence was presented and considered by this Council and a full and fair hearing was held;

WHEREAS, upon the conclusion of the hearing, this City Council adopted its Resolution of the City Council of the City of Rancho Cordova of Formation of Community Facilities District (the "Resolution of Formation") pursuant to which it completed the Proceedings for the establishment of the CFD, the authorization of the levy of the Special Tax within the CFD and the calling of an election within the CFD on the propositions of levying the Special Tax and establishing an appropriations limit within the CFD, respectively; and

WHEREAS, on November 17, 2008, a special election was held among the landowner voters within the CFD at which such voters approved such propositions by the two-thirds vote required by the Act, which approval has been confirmed by resolution of this Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA as follows:

Section 1. By the passage of this Ordinance, the Council hereby authorizes and levies the Special Tax within the CFD pursuant to the Act, at the rate and in accordance with the rate and method of apportionment of Special Tax set forth in the Resolution of Formation which rate and method is by this reference incorporated herein. The Special Tax is hereby levied commencing in fiscal year 2008-09 and in each fiscal year thereafter to pay for the Services for the CFD, as contemplated by the Resolution of Formation and the Proceedings and all costs of administering the CFD.

Section 2. The Chief Financial Officer of the City or designee or employee thereof of the City is hereby authorized and directed each fiscal year to determine the specific Special Tax to be levied for the next ensuing fiscal year for each parcel of real property within the CFD, in the manner and as provided in the Resolution of Formation.

Section 3. Exemptions from the levy of the Special Tax shall be as provided in the Resolution of Formation and the applicable provisions of the Act. In no event shall the Special Tax be levied on any parcel within the CFD in excess of the maximum tax specified in the Resolution of Formation.

Section 4. All of the collections of the Special Tax shall be used as provided in the Act and in the Resolution of Formation, including, but not limited to, the payment of costs of the Services, the payment of the costs of the City in administering the CFD, and the costs of collecting and administering the Special Tax.

Section 5. The Special Tax shall be collected in the same manner as ordinary ad valorem taxes are collected and shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes; provided, however, that the Council may provide for other appropriate methods of collection by resolution(s) of the Council. In addition, the provisions of Section 53356.1 of the Act shall apply to delinquent Special Tax payments. The Chief Financial Officer of the City is hereby authorized and directed to provide all necessary information to the auditor/tax collector of the County of Sacramento in order to effect proper billing and collection of the Special Tax, so that the Special Tax shall be included on the secured property tax roll of the County of Sacramento for fiscal year 2008-09 and for each fiscal year thereafter until no longer required to pay for the Services or until otherwise terminated by the City.

Section 6. If for any reason any portion of this ordinance is found to be invalid, or if the Special Tax is found inapplicable to any particular parcel within the CFD, by a court of competent jurisdiction, the balance of this ordinance and the application of the Special Tax to the remaining parcels within the CFD shall not be affected.

Section 7. The Mayor shall sign this Ordinance and the City Clerk shall cause the same to be published immediately after its passage at least once in a newspaper of general circulation circulated in the City.

Section 8. This ordinance shall go into effect on the earliest day allowable by law.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this 1st day of December, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda Budge, Mayor

Attest:

Mindy Cuppy, City Clerk

MEMORANDUM



DATE: December 1, 2008

TO: Honorable Mayor and Council Members

FROM: Cyrus Abhar, Public Works Director

**SUBJECT: A RESOLUTION CREATING SPECIAL TAX AREA ZONE 14 AND
ORDINANCE ESTABLISHING A SPECIAL TAX FOR TRANSIT-
RELATED SERVICES FOR THE ZINFANDEL AND SUNRISE
PROJECT**

RECOMMENDATION

Adopt Resolution No. 133-2008 and waive the first reading and introduce Ordinance No. 25-2008 establishing a Special Tax for Transit-Related Services for the Zinfandel and Sunrise Project.

RESULT OF RECOMMENDED ACTION

Adoption of this resolution and ordinance will assist the City to meet the costs of providing transit-related services by creating a special tax area zone and establishing a special tax for transit-related services for the Zinfandel and Sunrise Project. There are no new financial impacts to existing residents.

BACKGROUND

The City has determined that the cost of providing City transit-related services will exceed existing municipal revenues. The City Council adopted Resolution No. 141-2005 at the November 7, 2005 City Council meeting providing for a special tax for transit-related services to be imposed upon new development within the City. Pursuant to that resolution, a property owner must approve a special tax on the parcels within a subdivision or project as a condition of approval by the City. The City Council must then adopt a resolution establishing a zone including the subdivision or project and an ordinance creating the special tax.

For the Zinfandel and Sunrise Project, an application for design review for façade upgrade and construction of two new buildings totaling approximately 12,000 square feet, has been approved by the City Council and the applicant/developers have agreed to the special tax. Helen Hills L.P., a California Limited Partnership, is the current property owner of the approximately 1.5 acre site.

The City Council, on October 6, 2008, adopted Resolution No. 119-2008 approving the Design Review, subject to the findings within the staff report and Conditions of Approval. The provision of funding to provide transit-related services by voting to approve a special tax was made a condition of approval for the design review. This item will establish Tax

Area Zone No. 14, the boundaries of which will be contiguous to the boundaries of the Zinfandel and Sunrise Project. In addition to creating the special tax, the ordinance will also set the date for the transit-related services tax election, which will be held on January 20, 2009, at which time the ballot(s) will be tabulated by the City, and the results declared at the City Council meeting.

ATTACHMENTS

1. Resolution No. 133-2008 Creating Special Tax Area Zone 14 including **Exhibit A** – Description of Property and **Exhibit B** – Boundary Map
2. Ordinance No. 25-2008 Establishing a Special Tax for Transit-Related Services Subject to Voter Approval within the Department of Zinfandel and Sunrise Project including **Exhibit A** – Description of Property, **Exhibit B** – Boundary Map and **Exhibit C** – Property Land Use Category

CITY OF RANCHO CORDOVA

RESOLUTION NO. 133-2008

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
CREATING SPECIAL TAX AREA ZONE 14 WITHIN THE
RANCHO CORDOVA TRANSIT-RELATED SERVICES SPECIAL TAX AREA
FOR THE ZINFANDEL AND SUNRISE PROJECT**

WHEREAS, it is the intention of the City Council to create Zone 14 within the City of Rancho Cordova Transit-Related Services Special Tax Area and authorize an election; and

WHEREAS, it is the intention of the City Council to adopt an ordinance establishing a special tax for transit-related services within Zone 14; and

WHEREAS, the City recognizes the need for increased transit-related services in Zone 14 and the difficulty of funding the current or increased level of services with revenues now available; and

WHEREAS, it is the intention of the City Council to direct the City Clerk to conduct an election by mail ballot pursuant to Elections Code Section 4000 and to be held on the earliest date permitted by law; and

WHEREAS, On October 6, 2008, the City Council adopted Resolution No. 119-2008 approving Design Review for Zinfandel and Sunrise, Project No. RC-08-352 (the "Project"). The project is for façade upgrade and a 12,020 square foot addition. The provision of funding to provide transit-related services was made a condition of approval for the project. Condition No. 14 of Resolution No. 119-2008 requires the property owner/applicant to participate in the provision of funding to provide transit-related services by voting to approve a special tax. This will be accomplished by the voters voting to approve a special tax for the new office buildings to be constructed by the approval; and

WHEREAS, the transit-related services tax as inflated to Fiscal Year 2008/2009 is \$55.70 per low density residential dwelling unit or low density residential dwelling unit equivalent, \$44.56 per medium high density residential dwelling unit or medium density residential dwelling unit equivalent, \$1,428.15 per retail and service commercial acre, \$1,227.63 per commercial mixed use or office acre, and \$512.44 per light industrial acre, subject to an annual inflator formula based on the Consumer Price Index for the San Francisco-Oakland-San Jose Area, or six percent, whichever is less. (Multi-family residential units on a single parcel shall be assessed on a proportionately equivalent basis (e.g., a two-unit attached housing structure, such as a duplex, would be deemed to consist of two residential parcels for purposes of the transportation tax); and

WHEREAS, for the purposes of this Resolution, a "voter" entitled to vote on the creation of Zone 14 is a person who owns real property within Zone 14, as shown on the last equalized assessment role prepared by the Sacramento County Assessor's Office, at the time that the City Council submits an ordinance authorizing the imposition of a transit-related services tax to the voters of Zone 14. At the time that the Council adopted this Resolution, there were zero (0) registered voters residing within Zone 14 and one (1) property owner. Because the Transit-Related Services Special Tax will be imposed on property in Zone 14 and paid by the owner of

the property, the Council finds that restricting the vote on the Transit-Related Services Special Tax to the property owner in Zone 14 is appropriate and consistent with the principles and requirements of California Constitution article XIII C (Proposition 218).

NOW, THEREFORE, be it resolved by the City Council of the City of Rancho Cordova as follows:

Section 1. That portion of the City of Rancho Cordova as described in **Exhibit A** and shown on the Map, **Exhibit B** hereto, is established as Zone 14 of the Rancho Cordova Transit-Related Services Special Tax Area.

Section 2. That Ordinance No. 25-2008 (**Attachment 2**), is reviewed and approved by the City Council on the same date as this resolution, is to be presented for approval of the voters of Zone 14 by a mail ballot election, to be held on January 20, 2009. The ballot proposition shall read as follows:

“Shall Ordinance No. 25-2008 of the City Council of the City of Rancho Cordova be approved so as to authorize a special tax on property located in Zone 14 of the Rancho Cordova Transit-Related Services Special Tax Area to maintain the present level of transit-related services and provide additional funding for increased transit-related services?”

Section 3. The City Clerk is directed to take all steps necessary to conduct the election required by this order. Said election shall be conducted by mailed ballot pursuant to Elections Code Section 4000 and shall be held on a date other than the same date as a statewide direct primary election on statewide general election, or on a date mutually agreed upon by City and the voters, as specified above.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 1st day of December, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda Budge, Mayor

ATTEST:

Mindy Cuppy, City Clerk

Order No. 404-7865
UPDATE

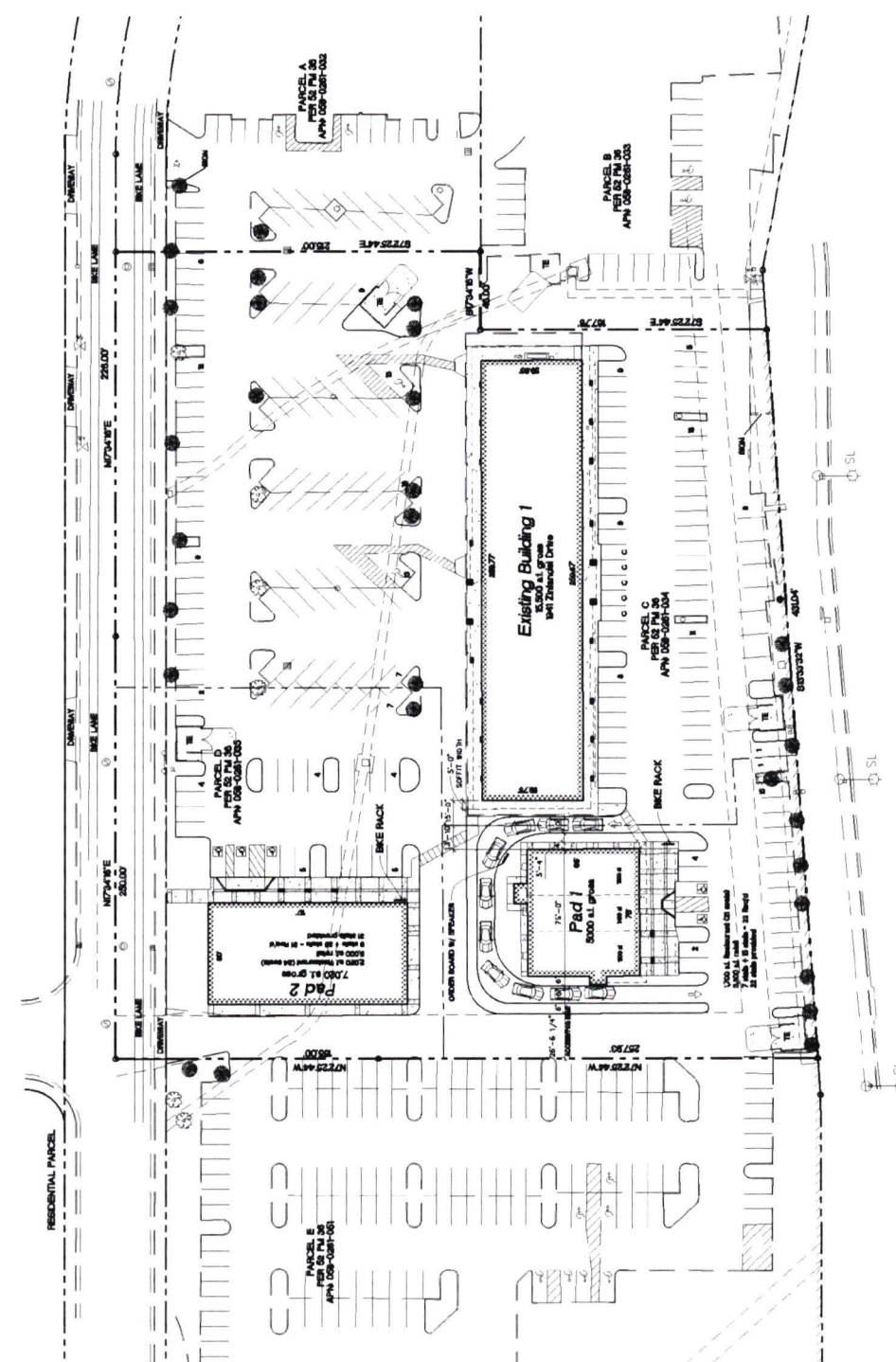
EXHIBIT "A"
LEGAL DESCRIPTION

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SACRAMENTO, CITY OF RANCHO CORDOVA, AND IS DESCRIBED AS FOLLOWS:

PARCELS C AND D, AS SAID PARCELS ARE AS SHOWN ON THAT CERTAIN PARCEL MAP ENTITLED "PORTION OF SUBDIVISION 'THOMAS COX 615.43 A' & 'HENRY S. MELLER 176 A' RANCHO RIO DE LOS AMERICANOS BEING A PORTION OF PARCEL J, AS SHOWN ON 22 RS 16", RECORDED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY, ON OCTOBER 23, 1979 IN BOOK 52 OF PARCEL MAPS, AT PAGE 36.

A.P.N. 058-0261-034 & 035

TRANSIT-RELATED SERVICES SPECIAL TAX AREA - ZONE 14



Project Statistics		
PANEL	056.0091.2B	056.0091.2B
GRASS PATCH AREA	30.750 SF	142.750 SF
TOTAL PLOTS AREA		166.800 SF
SQUARE FOOTAGES		
PLOT 1	15.000 SF	
PLOT 2	5.000 SF	
PLOT 3	7.000 SF	
TOTAL BUILDING AREA		27.000 SF
SQUARE FOOTAGE ASSIGNMENTS		
RETAIL	27.000 SF	
TOTAL BUILDING AREA		27.000 SF
* ASSUME 6,000 SF RESTAURANT AREA + 15.5 PARK SEATS		
PARKING		27.500 SF
PARKING REQUIRED		
@ 500,000 FCU @ 50 RETAIL AREA		37 STALLS
@ 500,000 FCU @ 50 RESTAURANT AREA		40 STALLS
TOTAL PARKING REQUIRED		100 STALLS
PARKING PROPOSED		
FULL SIZE 9' 0" x 19' 0"		100 STALLS
COMPACT 8' 0" x 16' 0"		7 STALLS
ACCESSIBLE		2 STALLS
TOTAL		109 STALLS

Project
**Zinfandel &
Sunrise**
3500 Zinfandel Road & Sunrise Boulevard
Rancho Cordova, California

Developer:
Byrne Properties, Inc.,
P.O. Box 3549
Manhattan Beach, CA 90266
(P) 310.760.0511
(C) 310.595.7170

SITE PLAN

Job Number:	AD1-30
Date:	2-12-96
Drawn By:	JLB
Revised:	2-12-96

**Rauschenbach
Marrelli
Becker**

2217 Warrt Ave. • 2nd Floor
Bakersfield, Ca. 93312
p 805.488.8506
f 805.488.8506
www.rauschenbachmarrellibecker.com

Zinfandel & Sunrise

SWC Zinfandel Road and Sunrise Boulevard
Rancho Cordova, California

Scale: 1" = 30'-0"

NORTH

CITY OF RANCHO CORDOVA

ORDINANCE NO. 25-2008

**AN ORDINANCE OF THE CITY OF RANCHO CORDOVA
ESTABLISHING A SPECIAL TAX FOR TRANSIT-RELATED SERVICES
FOR THE ZINFANDEL AND SUNRISE PROJECT SUBJECT TO VOTER CONFIRMATION**

**THE CITY COUNCIL OF THE CITY OF THE RANCHO CORDOVA DOES ORDAIN AS
FOLLOWS:**

Section 1. Purpose, Intent and Authority.

It is of critical importance to the City Council of the City of Rancho Cordova that residents of and employees working in the City receive high quality transit-related services. In carefully reviewing the City's budget and revenue projections, it has become clear to City staff that the City budget does not contain adequate funding to ensure the continued delivery of adequate high quality transit-related services unless additional revenues are obtained.

It is the purpose and intent of this Ordinance to generate additional funds to pay for transit-related services by authorizing the levy of a tax on improved parcels of real property on the secured property tax roll of Sacramento County that are within Zone 14 of the Rancho Cordova Transit-Related Services Special Tax Area (the "Zone").

This tax is a special tax within the meaning of Section 4 of the Article XIII A of the California Constitution. Because the burden of this tax falls upon property, this tax also is a property tax, but this tax is not determined according to nor in any manner based upon the value of property; this tax is levied on a parcel and use of property basis. Insofar as not inconsistent with this Ordinance or with legislation authorizing special taxes and insofar as applicable to a property tax that is not based on value, such provisions of the California Revenue and Taxation Code and of Article XIII of the California Constitution as relate to ad valorem property taxes are intended to apply to the collection and administration of this tax (Section 4 of this Ordinance), as authorized by law. This tax is not an ad valorem property tax; it is an excise tax on the use of property. Because the revenue from the tax may be used only to fund transit-related services, it is also a special tax.

The revenues raised by this tax are to be used solely for the purpose of providing transit-related services as are deemed necessary by the City Council for the benefit of the residents and/or employees of Zone 14.

At the time that the Council adopted this Ordinance, there were zero (0) registered voters residing in Zone 14 and one (1) property owner. Because the Transit-Related Services Special Tax will be imposed on property in Zone 14 and paid by the owner of the property, the Council finds that restricting the vote on the Transit-related Services Special Tax to property owners in Zone 14 is appropriate and consistent with the principles and requirements of California Constitution article XIII C (Proposition 218).

Section 2. Definitions.

The following definitions shall apply throughout this Ordinance.

A. "Constant first year dollars" shall mean an actual dollar amount which, in years subsequent to the first fiscal year the tax is levied, shall have the same purchasing price as the base amount in first fiscal year dollars as measured by the Consumer Price Index. The base amount shall be the amount of tax per parcel as specified in Section 3(A) herein. The adjustments from actual to constant dollars shall be made by use of the Consumer Price Index, as specified in Section 3(B) herein.

B. "Consumer Price Index" means the Consumer Price Index for all Urban Consumers (CPI-U) for the San Francisco-Oakland-San Jose Area as published by the U.S. Department of Labor, Bureau of Labor Statistics. If the Consumer Price Index is discontinued or revised, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Consumer Price Index had not been discontinued or revised.

C. "Fiscal year" means the period of July 1 through the following June 30.

D. "Parcel" means the land and any improvements thereon, designated by an assessor's parcel map and parcel number and carried on the secured property tax roll of Sacramento County. For the purposes of this Ordinance, parcel does not include any land or improvements outside the boundaries of Zone 14 nor any land or improvements owned by any governmental entity.

E. "Rancho Cordova Transit-Related Services Special Tax Area" means all the properties within the jurisdictional limits of the City of Rancho Cordova.

F. "Rancho Cordova Transit-Related Services Special Tax Area Zone 14" (the "Zone") means that portion of the incorporated area of the City of Rancho Cordova located within the boundaries described in **Exhibit A** hereto and as shown on the map **Exhibit B** hereto.

G. "Transit-Related Services" means providing, operating, maintaining and subsidizing transit services and all supporting facilities, infrastructure, programs and incentives that benefit the residents of the Rancho Cordova Transit-Related Services Special Tax Area, and shall be calculated and set according to the methodology described in Engineer's Report County Service Area No. 10 and Benefit Zone No. 2 County of Sacramento, September 7, 2004, which established the methodology for the original service charge for Benefit Zone No. 2.

H. "Voter" means a person who owns real property within Zone 14, as shown on the last equalized assessment role prepared by the Sacramento County Assessor's Office, at the time that the City Council adopts an ordinance authorizing the imposition of a transit-related services tax to the voters of Zone 14.

Section 3. Amount and Level of Taxes.

The tax per year on each parcel in the Zone shall not exceed the amount applicable to the parcel, as specified below.

A. For First Fiscal Year:

The tax per year for the first fiscal year (July 1, 2008 through June 30, 2009) shall be the amount of Tax per Parcel for a Land Use Code Category as set forth on **Exhibit C** hereto. The use code assigned to each parcel shall be reviewed and updated periodically. Rates in **Exhibit C** shall be calculated and set according to the methodology described in Engineer's Report County Service Area No. 10 and Benefit Zone No. 2 County of Sacramento, September 7, 2004, which established the methodology for the original service charge for Benefit Zone No. 2.

B. For Subsequent Fiscal Year:

In order to keep the tax on each parcel in constant first year dollars for each fiscal year subsequent to the first fiscal year, the tax per year shall be adjusted as set forth below to reflect any increase in the Consumer Price Index beyond the first fiscal year the tax is levied.

In June or July of each year, City Council shall determine the amount of taxes to be levied upon the parcels in Zone 14 for the then current fiscal year, as set forth below.

For each Land Use Category on **Exhibit C**, the tax per year on each parcel for each fiscal year subsequent to the first fiscal year shall be an amount determined as follows:

$$\begin{array}{lcl} \text{Tax Per Parcel} & & \text{Tax Per Parcel} \\ \text{For then Current} & = & \text{For Immediately} \\ \text{Fiscal Year} & & \text{Preceding} \\ & & \text{Fiscal Year} \end{array} \quad \begin{array}{l} \text{Consumer Price Index} \\ \text{from April of immediately} \\ \text{Preceding Fiscal Year to April of} \\ \text{then Current Fiscal Year} \\ \text{OR 6 percent, whichever is less} \end{array}$$

Provided, however, that in no event shall the tax per parcel for any fiscal year be less than the amount established for the first fiscal year.

C. Nature of Tax Levy.

The taxes levied on each parcel pursuant to this Article shall be a charge upon the parcel and shall be due and collectible as set forth in Section 4, below.

Section 4. Collection and Administration.

A. Taxes as Liens Against the Property.

The amount of taxes for each parcel each year shall constitute a lien on such property, in accordance with Revenue and Taxation Code Section 2187, and shall have the same effect as an ad valorem real property tax lien until fully paid.

B. Collection.

The taxes on each parcel shall be billed on the secured roll tax bills for ad valorem property taxes and are to be collected in the same manner in which Sacramento County collects secured roll ad valorem property taxes. Insofar as feasible and insofar as not inconsistent with this Ordinance, the times and procedures regarding exceptions, due dates, installment payments, corrections, cancellations, refunds, late payments, penalties, liens, and collections for secured roll ad valorem property taxes (as established by Sacramento County) shall be applicable to the collection of this tax. Notwithstanding anything to the contrary in the foregoing, as to this tax:

1. The secured roll tax bills shall be the only notices required for this tax, and
2. The homeowners and veterans exemptions shall not be applicable because such exemptions are determined by dollar amount of value.

C. Costs of Administration by County.

The reasonable costs incurred by the County officers collecting and administering this tax shall be deducted from the collected taxes.

D. Use of Tax Revenue.

The revenue collected from the tax imposed by this ordinance shall be placed into a separate account and may be used only to fund transit-related services, including the costs of administering and collecting the tax and enforcing the provisions of this ordinance. Revenue from the tax may be used for transit-related services citywide.

E. Refunds.

1. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once, or has been erroneously or illegally collected or received by the City pursuant to this ordinance, it may be refunded as provided in this Section.
2. No refund may be made except upon a written claim verified by the person who paid the tax or by his or her guardian or conservator or the executor or administrator of his or her will or estate and stating the grounds upon which the claim is made. All claims filed pursuant to this subsection must be presented within one year after payment of the amount for which the claimant is seeking a refund.
3. No order of a refund may be made until a written claim therefor has been presented in accordance with this subsection. No suit for money, damages or a refund may be brought against the City until a written claim therefor has been presented to the City and has been acted upon or has been deemed rejected by the City, in accordance with this subsection. Only the person who filed the claim may bring such a suit, and if another person should do so, judgment shall not be rendered for the plaintiff.

F. Initiatives to Affect Tax.

Consistent with the California Constitution (art. XIII C, § 3) the tax imposed by this ordinance may be affected by initiative. The procedures for qualification of such an initiative and the election on a qualified initiative shall be consistent with the California Constitution (art. 2, sec. 8), the California Elections Code (Chapter 3 of Division 9), and the Municipal Code. The minimum number of signatures necessary to qualify an initiative to affect the tax approved by this ordinance shall be equal to 5 percent of the votes in the City for all candidates for Governor at the last gubernatorial election. The election on a qualified initiative to affect the tax shall be a regular citywide election. An initiative affecting the tax shall be approved only if at least two-thirds of the votes cast on the measure are in favor of its approval.

Section 5. Severability Clause.

If any article, section, subsection, sentence, phrase or clause of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The voters of Zone 14 hereby declare that they would have adopted the remainder of this Ordinance, including each article, section, subsection, sentenced phrase or clause, irrespective of the invalidity of any other article, section, subsection, sentence, phrase or clause.

Section 6. Effective Date and Posting.

This Ordinance shall take effect immediately upon its approval by two-thirds of the voters voting within the Zone in an election to be held on January 20, 2009 so that taxes shall first be collected hereunder for the tax year beginning July 1, 2009.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this 15th day of December, 2008 by the following vote:

AYES:

NOES:

ABSENT:

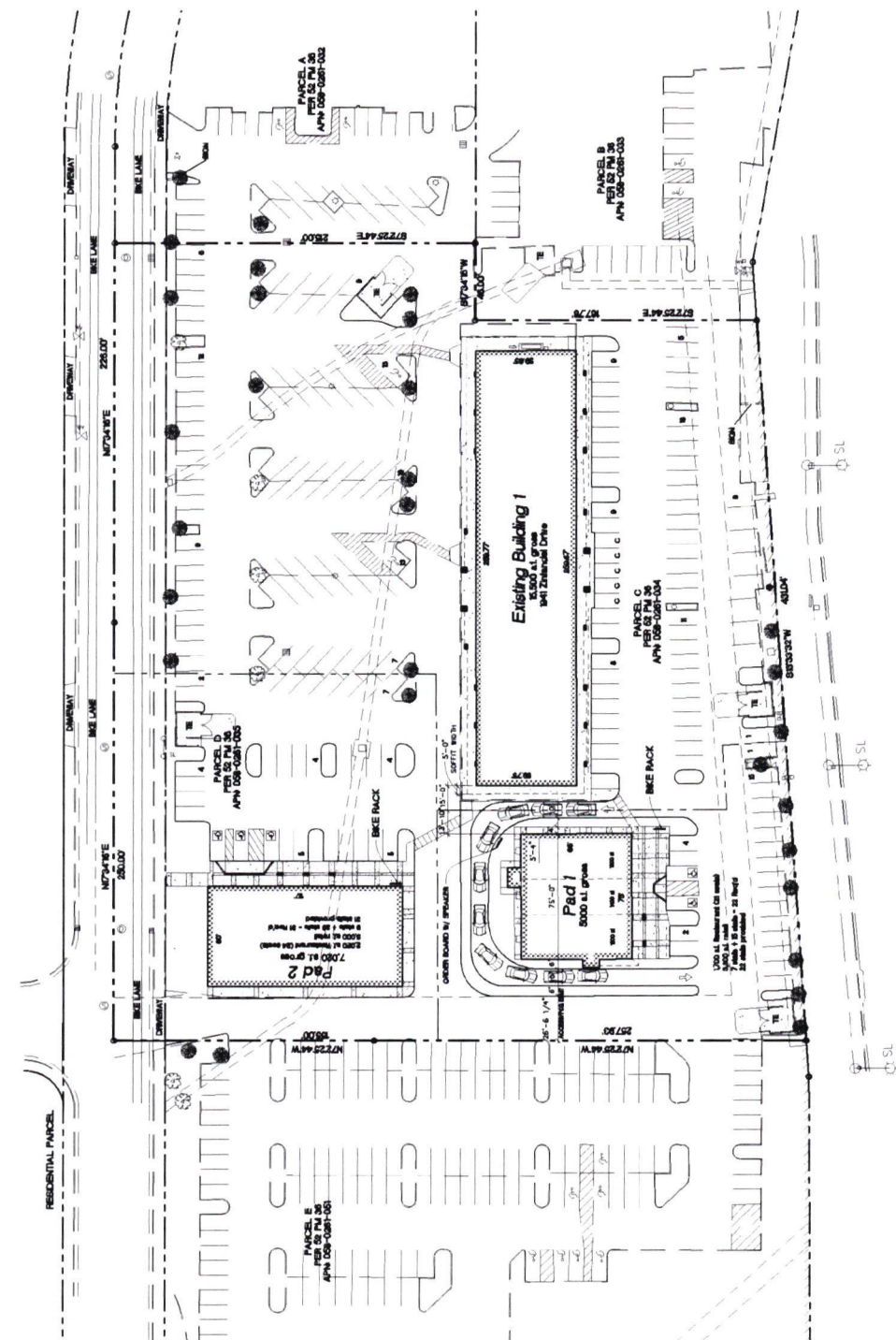
ABSTAIN:

Linda Budge, Mayor

ATTEST:

Mindy Cuppy, City Clerk

TRANSIT-RELATED SERVICES SPECIAL TAX AREA - ZONE 14



PINCEL	056-00571-08	056-00571-08
OFFICE	38,750 SF	38,750 SF
OFFICE	100,400 SF	100,400 SF
OFFICE	15,500 SF	15,500 SF
OFFICE	5,000 SF	5,000 SF
OFFICE	7,000 SF	7,000 SF
OFFICE	27,500 SF	27,500 SF
OFFICE	21,500 SF	21,500 SF
OFFICE	9,000 SF	9,000 SF
OFFICE	27,500 SF	27,500 SF
OFFICE	145,000 SF	145,000 SF
OFFICE	97 STALLS	97 STALLS
OFFICE	87.5 TALLS	87.5 TALLS
OFFICE	164 STALLS	164 STALLS
OFFICE	146 STALLS	146 STALLS
OFFICE	3 STALLS	3 STALLS
OFFICE	1 STALLS	1 STALLS
OFFICE	204 STALLS	204 STALLS

Subject Parcel

Vicinity Map
N.T.S.

North

Project

Zinfandel & Sunrise
SWC Zinfandel Road & Sunnys Boulevard
Rancho Cordova, California

Developer:
Syring Properties, Inc.
P.O. Box 1540
Manhattan Beach, CA 90266
(P) 310.760.0511
(C) 310.506.7170

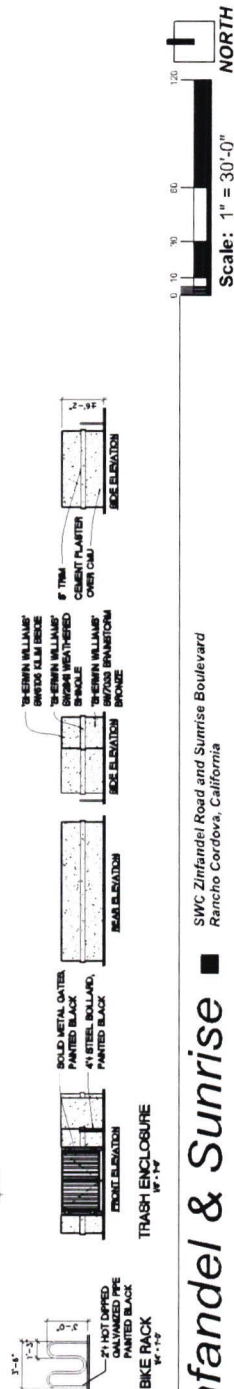
SITE PLAN

Preliminary

Job Number:	401-130
Date:	01-21-08
Drawn By:	AJK
Revised:	01-23-08

A.1
 Rauschenbach
 Martelli
 Becker
 2277 West Ave., 2nd Floor
 New York, NY 10011-4202
 Tel: 212-663-8502
 Fax: 212-663-8505
 e-mail: arab@cs.columbia.edu

EXHIBIT B

SWC Zinfandel Road and Sunrise Boulevard
Rancho Cordova, California

Zinfandel & Sunrise

Amount of Tax per Parcel by Land Use Category

A. Residential Dwelling Units

As adjusted for inflation from the original base year, the amount of Tax per Parcel for fiscal year 2008/2009 for Residential Land Use Categories shall be \$55.70 per low density residential dwelling unit or low density residential dwelling unit equivalent, \$44.56 per medium density residential dwelling unit or medium density residential dwelling unit equivalent, or \$33.42 per high density residential dwelling unit or high density residential dwelling unit equivalent. (Multi-family residential units on a single parcel shall be assessed on a proportionately equivalent basis (e.g., a two-unit attached housing structure, such as a duplex, would be deemed to consist of two residential parcels for purposes of the Transit-Related Services Special Tax).

B. Non-Residential

As adjusted for inflation from the original base year, The amount of Tax per Parcel for fiscal year 2008/2009 for Non-Residential Land Use Categories (except Recreational and Agricultural) shall be \$1,428.15 per retail and service commercial acre, \$1,227.63 per commercial mixed use or office commercial acre, and \$512.44 per light industrial acre.

C. Inflation Formula

The tax is subject to an annual inflation formula based on the Consumer Price Index for all Urban Consumers (CPI-U) for the San Francisco-Oakland-San Jose Area, or six percent, whichever is less.

MEMORANDUM



DATE: December 1, 2008

TO: Honorable Mayor and Council Members

FROM: Cyrus Abhar, Public Works Director

**SUBJECT: APPROVAL OF PARCEL MAP TITLED FOLSOM & KILGORE;
SUBDIVISION NO. RC-07-321**

RECOMMENDATION

Submitted herewith for approval is the parcel map titled Folsom & Kilgore; Subdivision No. RC-07-321; located on the north side of Folsom Boulevard across from Kilgore Road.

RESULT OF RECOMMENDED ACTION

Approval of this recommended action will result in the recording of the final parcel map creating two new parcels.

BACKGROUND

The Planning Commission of the City of Rancho Cordova approved the Tentative Parcel Map to subdivide one parcel into two parcels at Folsom Boulevard and Kilgore Road (APN 058-280-009) on March 27, 2008. The new parcels are the proposed site of the Embassy Suites and Candlewood Suites.

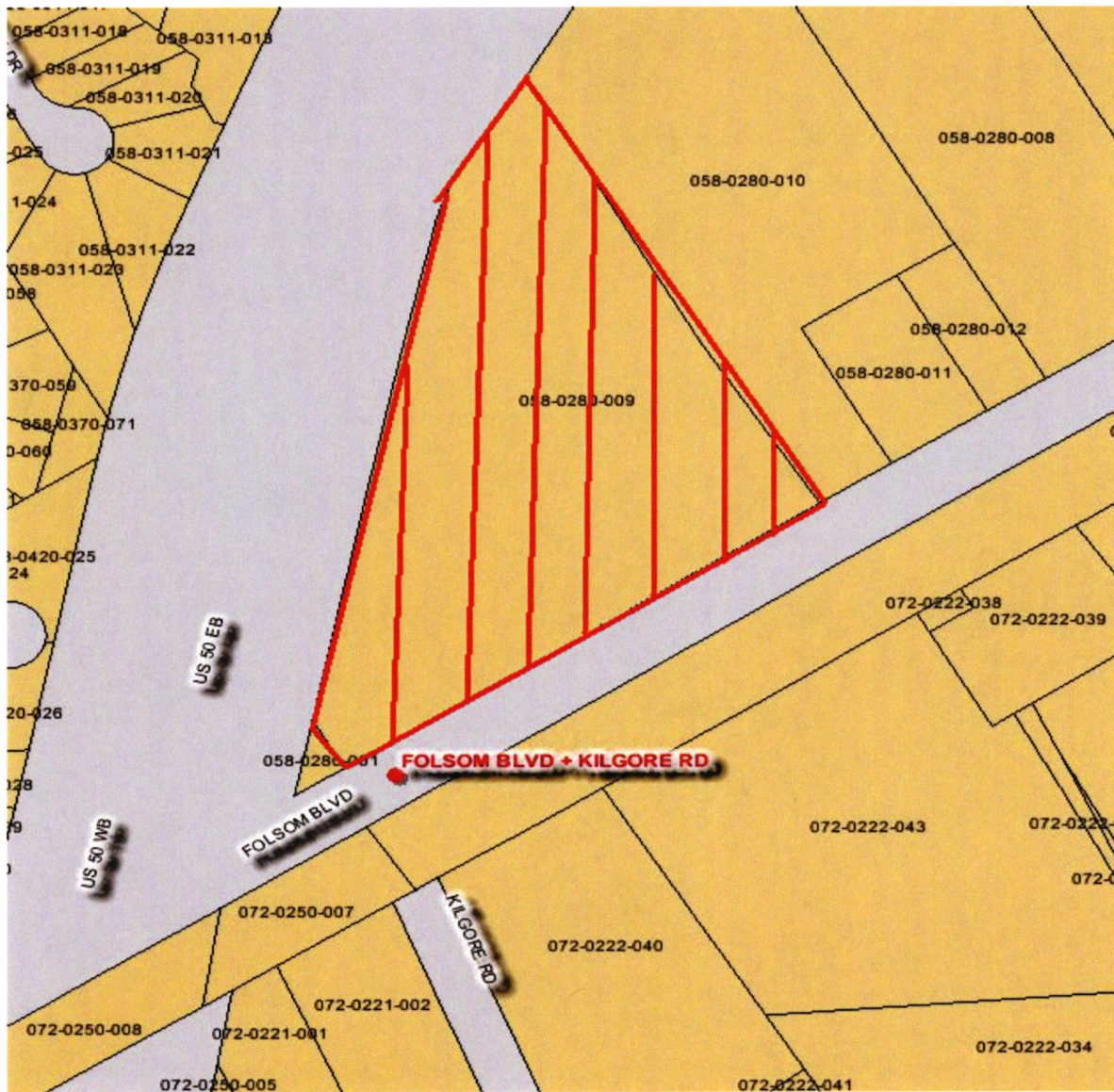
The final parcel map has been examined and checked for compliance with Title 22 of the City Code and the California State Map Act. A vicinity map (**Attachment 1**) and copy of the final map (**Attachment 2**) are included with this letter.

ATTACHMENTS

1. Vicinity Map
2. 8 ½ X 11 Copy Of Final Map

**PARCEL MAP
SUBDIVISION NO. RC-07-321
FOLSOM & KILGORE**

VICINITY MAP



[illegible]

DATE:

COUNTY OF _____

ON _____ PERSONALLY APPEARED _____ BEFORE ME, _____, who proved to me on the basis of SATISFACTORY EVIDENCE _____ TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WHICH INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/IT DECIDED THE SAME IN HIS/HER/OTHER AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/OTHER SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

[SEAL]

1. RECORD ACCESS AND PLANNING BETWEEN PARCELS SHOW HEREON SHALL BE GRANTED/RESERVED PRIOR TO THE SALE AND/OR RECONVEYANCE OF SAID PARCELS.

2. RECORD A MAINTENANCE AGREEMENT BETWEEN PARCELS SHOWN HEREON ASSURING MUTUAL MAINTENANCE OF THE PRIVATE UTILITY.

3. PRIOR TO SALE OR RECONVEYANCE OF EITHER PARCEL, PROVIDE DRAINAGE INFORMATION TO THE STANBURY COUNTY WATER AGENCY FOR REVIEW AND APPROVAL. MANAGEMENT RESPONSIBILITY SHALL REMAIN WITH THE STANBURY COUNTY WATER AGENCY REGARDING THE STANDARDS, INCLUDING THE PAYMENT OF ANY FEE REQUIRED BY THE STANBURY COUNTY WATER AGENCY CODE.

[illegible]

I HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA HAS APPROVED THIS PACEL MAP AND HAS ACCEPTED ON THE BEHALF OF THE PUBLIC ALL RIGHTS OF WAY AND EASEMENTS HEREON OFFERED FOR DEDICATION.

CITY CLERK OF THE CITY OF RANCHO CORDOVA

DATE _____

I HEREBY STATE THAT I HAVE EXAMINED THIS PARCEL MAP OF TOLSON & KILGORE AND FIND IT TO BE SUBSTANTIALLY THE SAME AS THE TENTATIVE MAP APPROVED BY THE CITY OF RANCHO CORDOVA AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND ALL APPLICABLE CITY ORDINANCES HAVE BEEN COMPLIED WITH AND THAT I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES AT THE REQUEST OF RUMBLEY PT. CONER IN MAY, 2007. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP. ALL MONUMENTS SHOWN HEREON ARE OF THE CHARACTER AND WILL OCCUPY THE POSITIONS INDICATED. THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

JAMES L. RODGER, R.C.L. NO. 31868
REESTABLISHMENT OPERATION DATE: 12/31/08
DATE

FILED THIS _____ DAY OF _____, 2008, AT _____ M. IN BOOK _____ OF PARCEL
MAPS, AT PAGE _____ AT THE REQUEST OF KROEDER ENGINEERING CONSULTANTS, INC.
TITLE OF THE LAND INCLUDED IN THIS PARCEL MAP BEING VESTED AS PER CERTIFICATE
NO. _____ ON FILE IN THIS OFFICE.

DOCUMENT NO. _____

BY: _____

SUBDIVISION NO. RC-07-321

CITY OF RANCHO CORDOVA COUNTY OF SACRAMENTO
STATE OF CALIFORNIA

DATE: DECEMBER, 2002

BASIS OF BEARING

THE BASIS OF SEARCHES FOR THIS BURNEY WAS TAKEN FROM POLICE RECORDS SHOWN IN MAP RECORDED IN BOOK 25 OF PARCEL MAPS, PAGE 43, APPROXIMATELY 6.1 MILES EAST ALONG POLSKY BOLLWEVER LANE OF SECTIONS BEING N 42-09-42" W.

LEGEND

DISCUSSION

1. Set up table w/ our names & the
 2. Found information at various
 3. locations near
 4. River of way
 5. P.L.E. Public Utility Employee
 6. PM. Patrick Hye
 7. OR. Official Record
 8. REC. Record
 9. IN. Incomes Bureau

REFERENCES

- [illegible]

NO ACCESS (Author's self-addressed
for document return)
Box 486 O.R. 878
070

• SEE NOTES ON SHEET

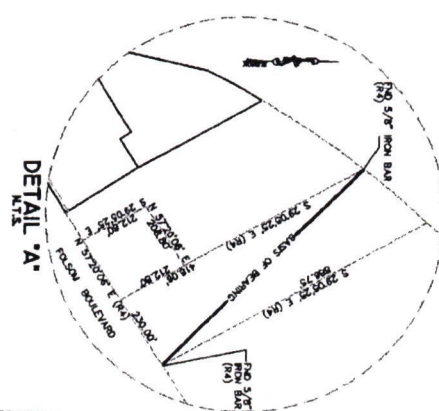
CA HWY 50

PARCEL 1
2.300 ACRES GROSS

PARCEL 2
3.585 ACRES GROSS
3.421 ACRES NET

R = 294.0.00°
L = 184.94°
CH = N 28°42'50" E
(R7)

SCALE 1-50



DETAIL - A- M.T.S.

SEE DETAIL "A"

FOLSOM BOULEVARD

SHEET 2 OF 2

MEMORANDUM



DATE: December 1, 2008

TO: Honorable Mayor and Council Members

FROM: William Campbell, Principal Planner

SUBJECT: JSP OFFICE DESIGN REVIEW FOR A NEW 4,605 SQUARE FEET SINGLE STORY OFFICE BUILDING, PROJECT NO. RC-08-370, LOCATED AT 3835 SECURITY PARK DRIVE

<u>OWNER:</u> JSP Properties, Inc Burt Peterson P.O. Box 1508 Rancho Cordova, CA 95741	<u>APPLICANT:</u> Interstate Construction, Inc Brad Baker 3915 Security Park, Suite B Rancho Cordova, CA 95742
<u>PROJECT:</u>	New single story office building, located at 3835 Security Park Drive.
<u>FILE:</u>	RC-08-370
<u>LOCATION:</u>	Security Park Complex, north of Douglas Road, west of Grant Line Road.
<u>APN:</u>	072-0540-001
<u>PLANNER:</u>	William Campbell, Principal Planner

REQUEST

The applicant is requesting design review approval for a new 4,605 square feet office building within the Security Park campus to support an existing contractors operation.

RECOMMENDATION

Adopt Resolution No.135-2008.

RESULT OF RECOMMENDED ACTION

The proposed project; consisting of a new building with landscaping, parking and other site improvements, fills a vacant portion of the site and continues to set a higher design quality of light-industrial architecture in this area of Rancho Cordova. The new office will complement the existing warehouse and create new jobs for Rancho Cordova. The project addresses the corner of Security Park and Quick Silver Drive using enhanced architectural elements along the façade and interesting landscaping along the street.



Figure 1. Aerial Location

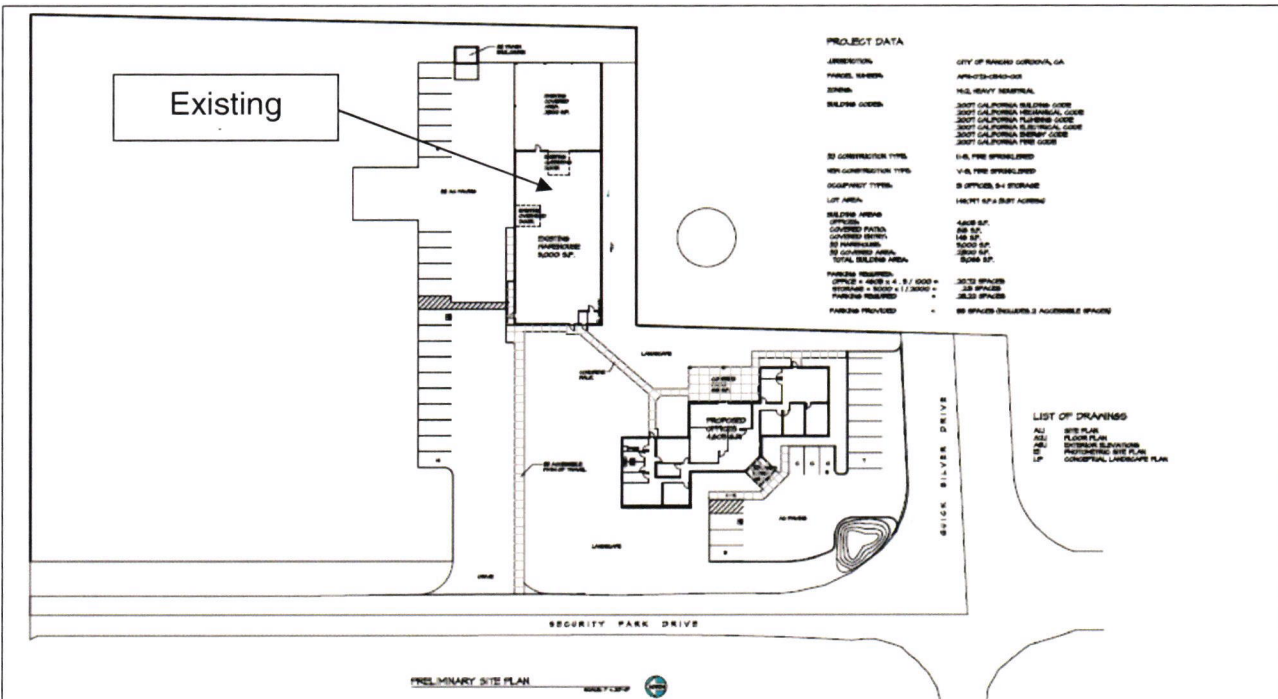


Figure 2- Site Plan

BACKGROUND

The proposed project is located within the Security Park campus of buildings, north of Douglas Road. The general area is comprised of single and multi-story industrial and warehouse buildings (see Figure 1 above). The 4,605 square feet building will be used as office space to support the current contractor business. The property has been improved with a warehouse structure towards the rear corner of the 3.37 acre site, and the new structure will be located on the corner of Security Park Drive and Quick Silver Drive (see Figure 2 above).

Security Park is not currently served by sanitary sewer; however, there is a condition on this project and, as with other recent projects in Security Park, requiring sewer installation when the main line is installed on Douglas Road. Until that time, the project will be served by a septic system, which will be adequately sized to accommodate the office use to the satisfaction of the Sacramento Area Sewer District.

FINANCIAL IMPLICATIONS TO CITY

There are no significant cost implications to the City for this development.

ATTACHMENTS

1. Resolution No. 135-2008 consisting of **Exhibit A** - Design Plans, including site plan, building elevations, color samples, landscape plan, and **Exhibit B** - Conditions of Approval
2. Mailing Labels and map

CITY OF RANCHO CORDOVA

RESOLUTION NO. 135-2008

**A RESOLUTION OF THE CITY COUNCIL
APPROVING A DESIGN REVIEW
FOR A NEW OFFICE BUILDING IN SECURITY PARK,
PROJECT # RC-08-370**

WHEREAS, JSP Properties, Inc, (hereinafter referred to as Applicant) filed an application with the City of Rancho Cordova for approval of Design Review to construct a new 4,605 square feet office building in Security Park located at 3835 Security Park Drive; and

WHEREAS, the proposed project is located on real property in the incorporated portions of the City of Rancho Cordova more particularly described as APN 072-0540-001; and

WHEREAS, the City Council is the appropriate authority to hear and take action on this project; and

WHEREAS, on November 13, 2008, the Planning Commission considered the project request pursuant to Title I, II and III of the City of Rancho Cordova Zoning Code, and all other applicable state and local regulations and recommended project approval to the City Council; and

WHEREAS, the City Council of the City of Rancho Cordova has conducted a property noticed public hearing pursuant to Government Code Section 65090 and has duly considered all written and verbal testimony presented during the hearing.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA that the Council:

Approves the project, subject to the following findings and supporting evidence:

1. California Environmental Quality Act

The project has been reviewed and is in accordance with the Guidelines of the California Environmental Quality Act. Evidence: This project is Categorically Exempt under Section 15332, In-Fill Development Projects, of the California Environmental Quality Act Guidelines. Section 15332 applies when the project meets the following conditions: it conforms to General Plan and Zoning land use designations, policies, and standards; it is within City limits; it is less than five acres; it is substantially surrounded by urban uses; it has no value as habitat for endangered, rare, or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services.

2. General Plan

The proposed project is consistent with the Heavy Industrial land use designation specified in the General Plan for this parcel. The Security Park Campus is intended to support heavy industrial uses and support facilities that may occur inside or outside of a building or structure.

The project supports Land Use Policy LU.5.1 – it improves the character and quality of existing development through the revitalization of underutilized development.

3. Zoning

The property is located with the Security Park campus and is zoned for heavy manufacturing (M-2). The new zoning code will convert this area to the new classification known as Light Industrial Business Park (LIBP), which will allow most of the existing uses to remain as permitted and some may become legal non-conforming. This use will remain conforming to the new code provisions.

4. Building and Site Design

Analysis of the building and site design for this project were guided by the City of Rancho Cordova Design Guidelines for commercial and industrial uses. Refer to the Design Package (**Attachment 1**) for more information about the design elements and site features discussed in relation to the design review findings below:

- a) *The proposed project is consistent with the objectives of the General Plan and Community Plan, complies with applicable Zoning regulations, Specific Plan provisions, Special Planning Area provisions, and is consistent with the applicable "Guiding Principals" and "Design Concepts" in section 110-84. The applicable "Guiding Principals" and "Design Concepts" in section 110-84 are further defined by the City of Rancho Cordova Design Guidelines and are satisfied by this project as described by the facts and findings discussed below. The Design Package incorporates all the new building elevations and colors, site lighting plan, along with the landscape improvements that support the Design Guidelines.*
- b) *The proposed architecture, site design, and landscaping are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community. The site is surrounded on all sides by landscaping, establishing separation from adjacent sites and providing swales to infiltrate storm water runoff. The structure appears more residential than commercial, but in context to the area, it will not be out of character. The new building will be located several blocks north from the main entry into Security Park, off of Douglas Road that borders the Sun Ridge Specific Plan area.*
- c) *The architecture, including the character, scale and quality of the design, and relationship with the site and other buildings, establishes a clear design concept and is compatible with the character of buildings on adjoining and nearby properties. The proposed architecture, site design, and landscaping are suitable for the purposes of the building and the site and will enhance the character of the industrial neighborhood. The new building design includes elements such as pitched roof structure, glass doors and window, wood framed/thin brick cladding on the front and side elevations facing the main streets and stucco on the rear elevation, a formal entry feature from the front parking field and abundant on-site landscaping—adding interest to all sides of the building and accenting the building entries.*
- d) *The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation. A clear pedestrian entry path featuring pedestrian-scale bollard lights connects to the buildings from the sidewalk. The pedestrian entry is separated from the vehicle entries and parking for patrons in front of the buildings will keep trucks away from customers visiting the site. Employee bicycle parking is also conveniently located in the plazas at the front corners of the building.*

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 1st day of December, 2008 by the following vote:

AYES:

NOES:

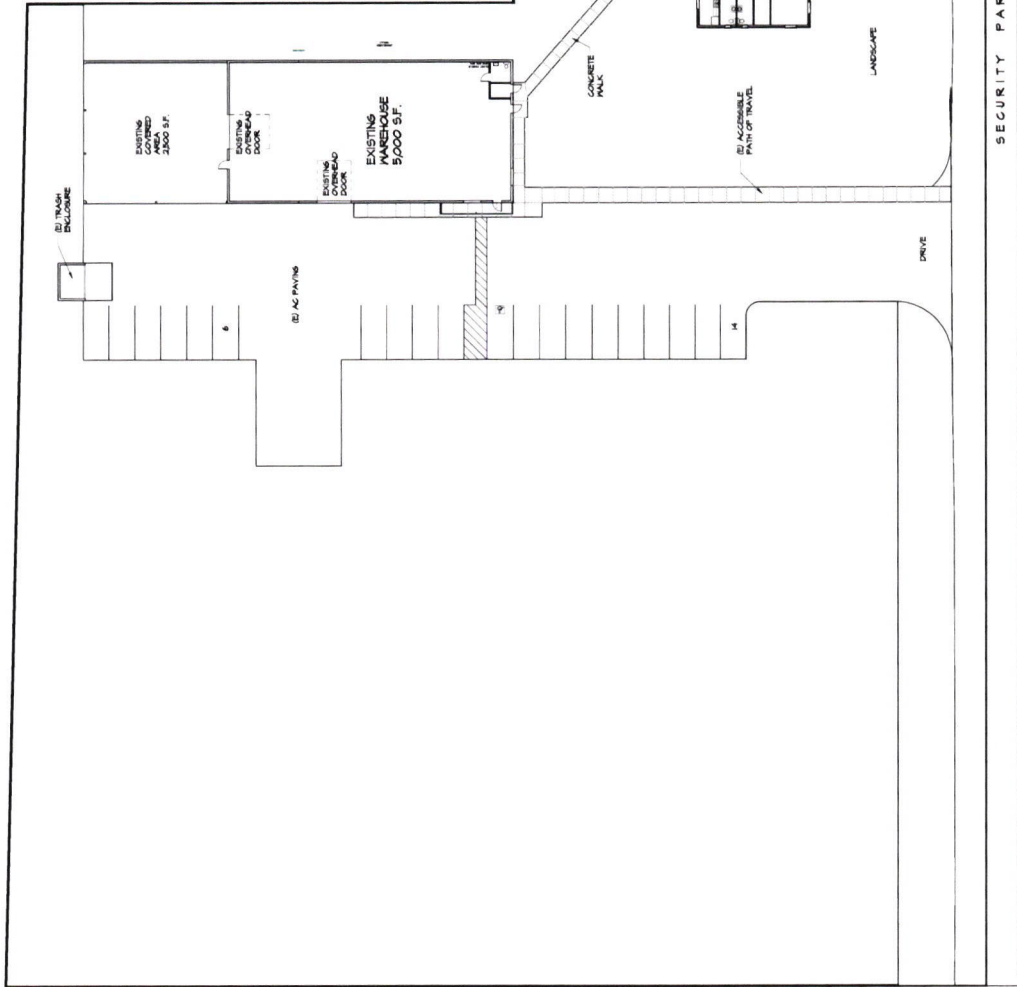
ABSENT:

ABSTAIN:

Linda Budge, Mayor

ATTEST:

Mindy Cuppy, City Clerk



PROJECT DATA

CITY OF RANCHO CORDOVA, CA
 APN-075-0540-001
 M-2, HEAVY INDUSTRIAL
 2007 CALIFORNIA BUILDING CODE
 2007 CALIFORNIA ELECTRICAL CODE
 2007 CALIFORNIA FIRE CODE
 2007 CALIFORNIA MECHANICAL CODE
 2007 CALIFORNIA PLUMBING CODE
 2007 CALIFORNIA ELECTRICAL CODE
 2007 CALIFORNIA FIRE CODE

(I) CONSTRUCTION TYPE:
 NEW CONSTRUCTION TYPE:
 OCCUPANCY TYPES:
 LOT AREA:
 BUILDING AREAS:
 COVERED PATIO:
 COVERED ENTRY:
 (E) WAREHOUSE:
 TOTAL BUILDING AREA:
 PARKING REQUIRED:
 OFFICE SPACE:
 STORAGE = 5000 x 1 / 2000 =
 PARKING REQUIRED:
 PARKING PROVIDED:

(I-B, FIRE SPRINKLERED
 V-B, FIRE SPRINKLERED
 B OFFICES 5-1 STORAGE
 146,741 SF ± (13.37 ACRES)
 44,028 SF.
 816 SF.
 146 SF.
 5,000 SF.
 2,000 SF.
 15,046 SF.
 20,723 SPACES
 23.5 SPACES
 29.22 SPACES
 39 SPACES (INCLUDES 2 ACCESSIBLE SPACES)

44,028 SF.
 816 SF.
 146 SF.
 5,000 SF.
 2,000 SF.
 15,046 SF.

20,723 SPACES
 23.5 SPACES
 29.22 SPACES
 39 SPACES (INCLUDES 2 ACCESSIBLE SPACES)

LIST OF DRAWINGS

SI SITE PLAN
 SI EXTERIOR ELEVATIONS
 SI EXTERIOR ELEVATIONS
 SI PHOTOGRAPHIC SITE PLAN
 SI CONCEPTUAL LANDSCAPE PLAN

EXHIBIT A

SECURITY PARK DRIVE

PRELIMINARY SITE PLAN



SCALE: 1" = 20'-0"

SHEET A1.1

G B D H

DESIGN GROUP, INC.

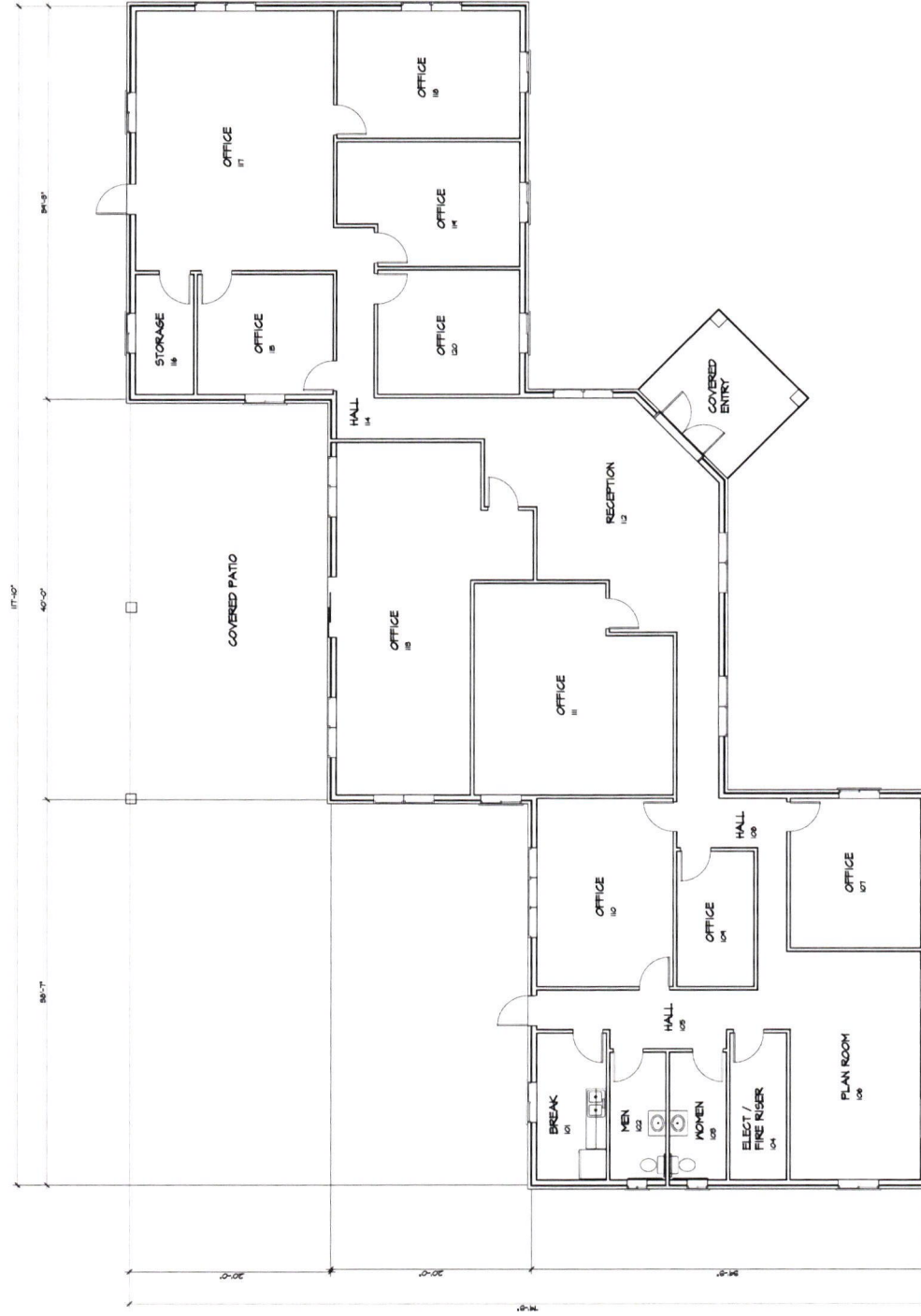
1000 Lake Mary Road, Suite 1
 Sacramento, CA 95833
 Tel: 916.554.9101 Fax: 916.554.9400
 916-279-1001 / 916-570-1000

INTERSTATE CONSTRUCTION

JSP PROPERTIES OFFICE BUILDING

SECURITY PARK DRIVE
 RANCHO CORDOVA, SACRAMENTO COUNTY, CA

INTERSTATE CONSTRUCTION
 1000 Lake Mary Road, Suite 1
 Sacramento, CA 95833
 Tel: 916.554.9101 Fax: 916.554.9400
 916-279-1001 / 916-570-1000



SHEET A2.1

GBDH

DESIGN GROUP, INC.

9806 Old Winery Place, Suite 1
Sacramento, California 95827
Tel 916.854.9901 Fax 916.854.9840
109.2739 JEF 7/31/08



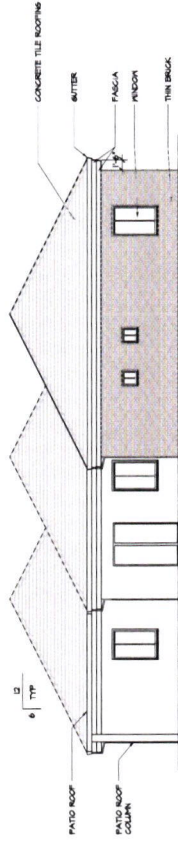
PRELIMINARY OFFICES FLOOR PLAN

INTERSTATE CONSTRUCTION

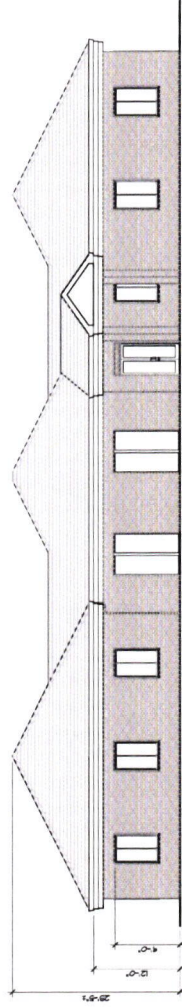
JSP PROPERTIES OFFICE BUILDING

SECURITY PARK DRIVE
RANCHO CORDOVA, SACRAMENTO COUNTY, CA

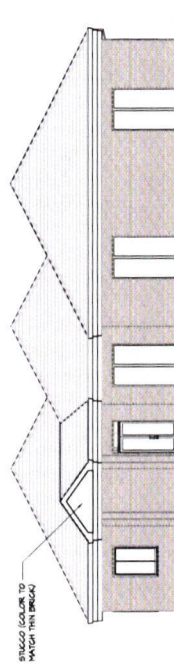
3905 SUCCESSION PARK DRIVE
RANCHO CORDOVA, CALIFORNIA 95142
(916) 906-3517 FAX 906-3515-080



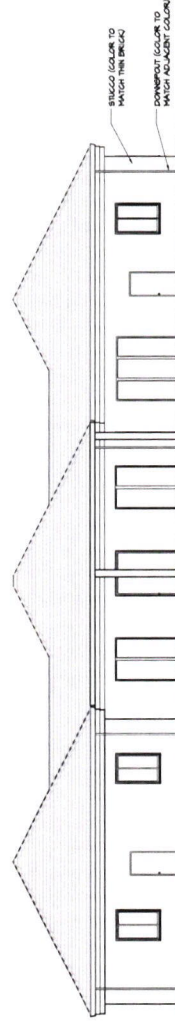
PRELIMINARY NORTH ELEVATION SCALE: 1/8" = 1'-0"



PRELIMINARY WEST ELEVATION SCALE: 1/8" = 1'-0"



PRELIMINARY SOUTH ELEVATION SCALE: 1/8" = 1'-0"



PRELIMINARY EAST ELEVATION SCALE: 1/8" = 1'-0"

INTERSTATE CONSTRUCTION

3801 N. CLAREMONT PARK DRIVE
SACRAMENTO, CALIFORNIA 95821
TEL: 916.854.9901 FAX: 916.854.9800
WWW.INTERSTATECONSTRUCTION.COM

J S P PROPERTIES OFFICE BUILDING

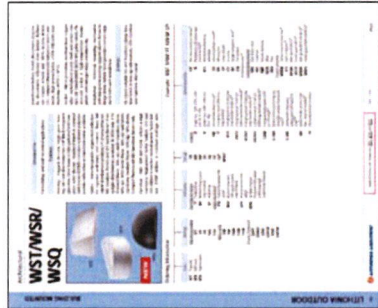
SECURITY PARK DRIVE
RANCHO CORDOVA, SACRAMENTO COUNTY, CA

SHEET A3.1

G B D H

DESIGN GROUP, INC.

1801 Old Millway Place, Suite 1
Sacramento, California 95827
Tel: 916.854.9901 Fax: 916.854.9800
www.dgh.com 207 7/31/08



PLANT LEGEND

TREES

	Galliera parviflora	Australian Willow	Low	15 Gallon	3
	Lagerstroemia i. 'Catabwa'	Crape Myrtle	Low	15 Gallon	6
	Pistacia chinensis	Chinese Pistache	Low	15 Gallon	13
	Platanus a. 'Bloodgood'	London Plane Tree	Low	15 Gallon	5
	Prunus 'Krauter Vesuvius'	Purple Leaf Plum	Low	15 Gallon	3
	Quercus lobata	Valley Oak	Low	15 Gallon	3

SHRUBS

	Arctostaphylos 'H. McMinn'	Manzanita	Low	5 Gallon	
	Berberis autropurpurea	Purple Barberry	Low	5 Gallon	
	Diets vegeta	Fortnight Lily	Low	5 Gallon	
	Phormium rubra	Purple Flax	Med	5 Gallon	
	Raphiolepis i. 'Pink Lady'	Indian Hawthorne	Low	5 Gallon	
	Viburnum t. 'Spring Bouquet'	Dwarf Laurustinus	Low	5 Gallon	
	Xylosma congestum	Xylosma	Low	5 Gallon	

GROUND COVERS

	Ceprosma p. 'Verde Visia'	NCN	Low	1 Gallon	36" OC
	Myoporum parvifolium	NCN	Low	1 Gallon	36" OC
	Fescue (Molate, Idahoensis, Hard)	Swale Blend	Med	Hydroseed	4307 Sq'

Shade Calculation Area



SHADE CALCULATIONS

Tree Variety	Full Value	%	Half	%	Total Sq.'
15'-20" Trees	314 sq.'				
Lagerstroemia catabwa			1		157
Prunus KV			3		471
35' Trees	962 sq.'				
Pistacia chinensis			1	10	2
Total Shade Area Provided					6014
Parking Area					12236
Shade required	50%				6118
Shade Provided	54%				6642

WATER USE CALCULATIONS

Plant Variety	Sq. Ft.	Water Use Factor	Total
Low Water Use	17747	0.4	7098
arc. ber. cop. dia.			
myo. rtp. ab. xyl			
Med. Water Use	6721	1.0	6721
High Water Use	0	1.6	0
Turf			
Totals	24468	>	13819

IRRIGATION SYSTEM
An automated, Commercial grade irrigation controller will run the irrigation system. Swale turf areas will be irrigated with pop-up spray heads, shrub and groundcover areas will be irrigated with in-line drip tubing. The design goal will be to provide the most efficient and water-conserving irrigation system that meets the plant material commonly available. Plant material selection will meet or exceed the State of California maximum applied water allowance (MAWA) recommendations. Special consideration will be given to selecting plant materials that are disease and pest resistant.

PRELIMINARY SITE PLAN



SCALE: 1" = 20'-0"

SECURITY PARK DRIVE

GBDH

DESIGN GROUP, INC.
1000 10th Street, Suite 100
Sacramento, California 95811
Tel: 916.554.9001 Fax: 916.554.9400
909.2729 85 7/21/08

INTERSTATE CONSTRUCTION J S P PROPERTIES OFFICE BUILDING

SECURITY PARK DRIVE
RANCHO CORDOVA, SACRAMENTO COUNTY, CA

VISTA PARKS
LANDSCAPING INC.

11325 Sunrise Blvd. Costa Mesa, CA 92626
PH: (949) 435-3464 FAX: (949) 435-3466

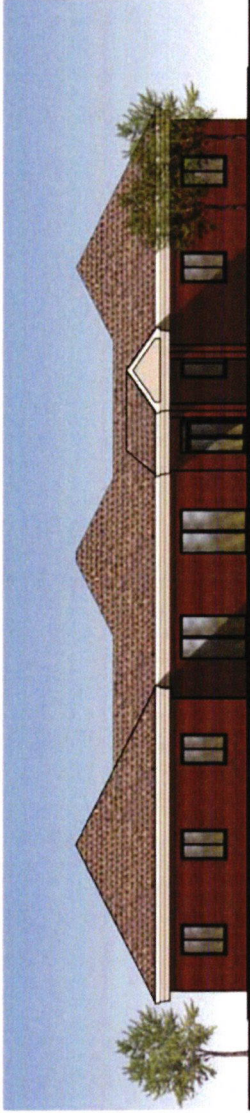
SHEET

CONCEPTUAL
LANDSCAPE PLAN

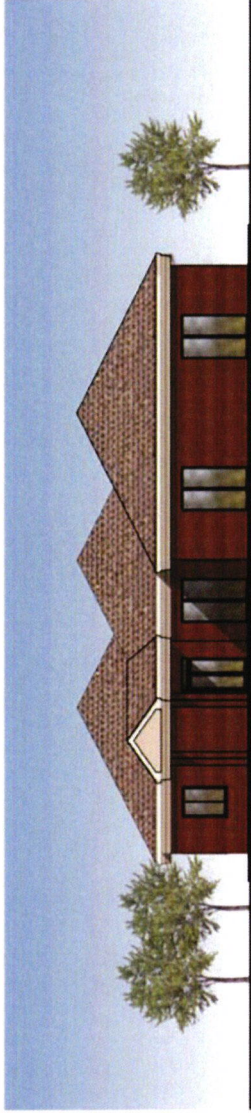
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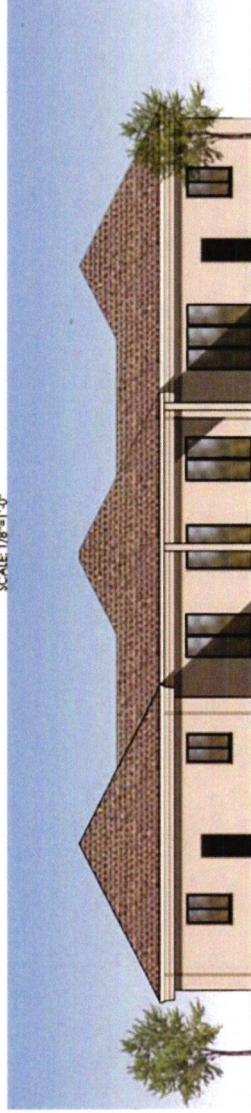
PROPOSED NORTH ELEVATION
SCALE: 1/8"=1'-0"



PROPOSED WEST ELEVATION
SCALE: 1/8"=1'-0"



PROPOSED SOUTH ELEVATION
SCALE: 1/8"=1'-0"



PROPOSED EAST ELEVATION
SCALE: 1/8"=1'-0"

INTERSTATE CONSTRUCTION

3915 SECURITY PARK DRIVE
RANCHO CORDOVA, CALIFORNIA 95742
PH 916.357.5477 FX 916.357.5480

JSP PROPERTIES OFFICE BUILDING

SECURITY PARK DRIVE
RANCHO CORDOVA, SACRAMENTO COUNTY, CA

G B D H

DESIGN GROUP INC.

1806 Old River Place, Suite 200
Sacramento, California 95827
Tel: 916.854.1900 Fax: 916.854.5940
info@gbdh.com www.gbdh.com

CONDITIONS OF APPROVAL

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (Date and Signature)</u>
1.	The project shall be constructed in substantial compliance with the approved Design Review plans (Exhibit A) for the new office building for JSP Properties APN 072-0540-001, project number RC-08-370.	On-Going	Planning	
2.	The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Planning	
3.	Should a public sewer source be available in the future within 200 feet of the subject property, connection to the District's sewer system shall be required to the satisfaction of the District. District Design Standards apply to any onsite and off-site sewer construction.	On-Going	SRCSD	
	Prior to Issuance of Improvement Plans			
4.	Plans shall be submitted to the fire prevention bureau showing hydrant locations for review and approval prior to construction. Fire Hydrant details and fire department notes shall be shown on the site plans or improvement drawings.	Prior to Improvement Plans	Metro Fire	
	Prior to Issuance of Building Permits			
5.	Final landscape and irrigation plans shall be submitted for review for compliance with water conservation requirements. Landscape plans shall be in substantial compliance with the approved preliminary plans.	Prior to Building Permits	Planning	

CONDITIONS OF APPROVAL

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (Date and Signature)</u>
6.	The exterior building elevations shall be reviewed for architectural consistency with the approved plans by the Planning Director.	Prior to Building Permits	Planning	
7.	All Parcels serviced by private roads shall have a road maintenance agreement (RMA) recorded with the Public Records Office having jurisdiction. The roadway maintenance agreement shall include the following: a. Provisions for the necessary repair and maintenance of the roadway service. b. Removal of vegetation overgrowing the roadway and infringing on the roadway clear vertical height of thirteen feet six inches (13'6") and/or width of twenty feet (20'). c. Provisions for the maintenance, repair, and/or replacement of NO PARKING-FIRE LANE signage or striping. d. Provisions for the necessary repair and maintenance of vehicle and pedestrian access gates and opening systems. e. Unrestricted use of and access to the roadways covered by the agreements. f. Provisions for the control of vehicle parking in prohibited areas and a mechanism for the removal of vehicles illegally parked. A copy of the road maintenance agreement shall provide to the Fire District with the site improvement or Civil Engineering drawings upon submittal for review. If the roadway agreement is not provided with the site improvement or civil engineering drawings, it shall be presented to the Fire District prior to the issuance of any CORs (Certificates of Release) or construction permit cards.	Prior to Building Permits	Metro Fire	

CONDITIONS OF APPROVAL

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (Date and Signature)</u>
8.	A security lighting plan is to be reviewed and approved by the Police Department. Lighting plans shall include photometric and distribution data attesting to the required illumination level.	Prior to Building Permits	Police	
9.	The proposed fire apparatus access roadway is over 300-feet in length. An approved fire apparatus turnaround is required within 150-feet of the end of the access roadway. Additionally, a fire hydrant shall be located along the fire access roadway at a location determined by the Fire District and capable of flowing a minimum of 1,500 gallons per minute at 20-psi residual.	Prior to Building Permits	Metro Fire	
10.	When the apparatus access roadway length exceeds 150 feet from the public way, an approved fire apparatus roadway conforming to SMFD standard 444.302 shall be provided. The turn-around shall be located within 50 feet of the end of the access roadway.	Prior to Building Permits	Metro Fire	
	Prior to Issuance of Occupancy Permit			
11.	An inspection of the finished building, colors, site amenities, landscaping and parking lot improvements shall be conducted by the Planning Director.	Prior to final inspection	Planning	
12.	Approved numbers or addresses shall be placed on all new or existing buildings in such a position as to be easily read from the street or road fronting property. The minimum size of the numbers shall be less than six (6) inches and shall be mounted immediately adjacent to a light source and shall also contrast with their background. Where multiple occupancies are serviced by vehicular access to the rear of the building via any driveway, alleyway, or parking lot the numbers or addresses shall be displayed on the rear of the building.	Prior to final inspection	Metro Fire	

CONDITIONS OF APPROVAL

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (Date and Signature)</u>
13.	Handicapped parking spaces shall be clearly marked and the proper signage posted and conveniently located near the buildings they are intended to serve.	Prior to final inspection	Building	
14.	All entrances to the parking area shall be posted with appropriate signs per 22658 (a) CVC, to assist in removing vehicles at the property owner's/manager's request.	Prior to final inspection	Building	

Advisory Comments- Sacramento Metropolitan Fire

1. Approved fire hydrants capable of providing the required fire flow for the protection of any and all structures shall be located along the route of the fire apparatus access roadway. The required fire hydrants shall be installed and operational prior to any construction or on-site storage of combustible materials.
2. Provide access roadways with all weather driving surfaces of not less than 20-feet of unobstructed width, 13-feet, 6-inches of vertical clearance, and turning radii of 25 feet inside and 50 feet outside dimension. The access roadways shall be capable of supporting the imposed loading of fire apparatus and shall extend to within 150 feet of all portions of the exterior walls of the first story of any proposed building. The use of turf-block or grass-crete or similar alternate road surfaces is not approved for installation in fire apparatus access roadways. Traffic calming measures, speed bumps, humps, etc., shall not be installed in fire apparatus access roadways.
3. Vehicle parking is prohibited on any street less than 28 feet in width. Vehicle parking is permitted on both sides of streets 36 feet or more in width. Roadway width shall be measured between the gutter-line or edge of pavement on opposite sides of the road. Identification of fire apparatus access roadways may be required on private roads. Approved fire lane identification signage/stripping shall be provided.

CONDITIONS OF APPROVAL

4. The installation of security gates is regulated by the Sacramento County Fire Code, emergency access gates and barrier requirements. All proposed vehicle and pedestrian access gate installations shall be in full compliance with this regulation. Gates and fencing shall not be installed without plan review and approval by the Fire District.
5. All structures proposed for this project shall be equipped with an approved automatic fire sprinkler system. The automatic fire sprinkler system shall be designed to NFPA 13 standards with allowable residential exceptions.
6. Due to the width of the access and interior roadways proposed for this project, less than 28 feet, vehicle parking is prohibited along the entire length of the roadways and Traffic calming measures, speed bumps, humps, etc. shall not be installed in fire apparatus access roadways.
7. Signs reading "NO OUTLET" shall be posted at the entry points to dead-end access roadways exceeding 125 feet in length.

Advisory Comments- Rancho Cordova Police Department

1. Parking/Circulation
 - a. All entrances to the parking area shall be posted with appropriate signs per 22658(a) CVC, to assist in removing vehicles at the property owner's/manager's request.
 - b. Handicapped parking spaces shall be clearly marked and properly posted and be conveniently located near the buildings they are intended to serve.
 - c. Reciprocal access between all parcels proposed on this map shall be maintained. There shall be no curbs or other treatments that would otherwise obstruct the movement of emergency vehicles through this development.
 - d. All walkway curbs shall be vertical in design. Rounded curbs shall be avoided whenever possible.
2. Building Security
 - a. The jamb on all aluminum frame swinging doors shall be so constructed or protected to withstand 1600 lbs. of pressure in both a vertical distance of three (3) inches and a horizontal distance of (1) inch each side of the strike, so as to prevent violation of the strike.

CONDITIONS OF APPROVAL

- b. Glass doors shall be secured with a deadbolt lock with minimum throw of one (1) inch. The outside ring should be free-moving and case hardened.
- c. Employee/pedestrian and utility room doors shall be of solid core wood or hollow sheet metal with a minimum thickness of 1-3/4 inches and shall be secured by a deadbolt lock with minimum throw of one (1) inch.
- d. Outside hinges on all exterior doors shall be provided with nonremovable pins when pin-type hinges are used or shall be provided with hinge studs, to prevent removal of the door.
- e. Doors with glass panels and doors with glass panels adjacent to the door frame shall be secured with burglary-resistant glazing or the equivalent, if double-cylinder deadbolt locks are not installed.
- f. Windows that are capable of being opened shall be secured on the inside with a locking device capable of withstanding a force of three hundred (300) lbs. applied in any direction.
- g. All hatchway openings on the roof of any building shall be secured as follows:
 - I. If the hatchway is of wooden material, it shall be covered on the outside with at least 16 gauge sheet steel or its equivalent attached with screws.
 - II. The hatchway shall be secured from the inside with a slide bar or slide bolts. The Fire Marshall must approve the use of crossbar or padlock.
 - III. Outside hinges on all hatchway openings shall be provided with nonremovable pins when using pin-type hinges.
- h. All air duct or air vent openings exceeding 8" x 12" on the roof or exterior walls of any building shall be secured by covering the same with either of the following:
 - I. Iron bars of at least 1/2" round or one by one-fourth inch flat steel material, spaced no more than five inches apart and securely fastened, or
 - II. A steel grill of at least 1/8" material or two inch mesh and securely fastened and
 - III. If the barrier is on the outside, it shall be secured with galvanized rounded head flush bolts of at least 3/8" diameter on the outside.

CONDITIONS OF APPROVAL

3. Landscaping

- a. All landscaping plans shall include maintenance of all landscape materials that may come in contact with lighting or address elements. Tree canopies shall be above light poles (at maturity) and any shrubbery shall not obstruct pedestrian-scale accent lighting.
- b. All trees shall, at full growth, have a tree canopy of not less than 6 feet.
- c. All landscape shrubbery within 5 feet of pedestrian walkways and access areas shall be not more than 2 feet in height at full growth.

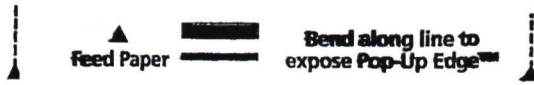
4. Lighting

- a. Parking lots, driveways, circulation areas, aisles, passageways, recesses, and grounds contiguous to buildings shall be provided with high intensity discharge lighting with sufficient wattage to provide adequate illumination to make clearly visible the presence of any person on or about the premises during the hours of darkness and provide a safe, secure environment for all persons, property, and vehicles on site. Such lighting shall be equipped with vandal-resistant covers. A lighting level of 1-footcandle minimum, maintained at ground level, is required. A combination of wall and pole mounted fixtures may be used.
- b. All exterior doors shall be provided with an independent light source and shall be adequately illuminated at all hours to make clearly visible the presence of any person on or about the premises and provide adequate illumination for persons exiting the building.
- c. Exterior door, perimeter, and soffit lights shall be controlled by photocell and shall be left on during hours of darkness or diminished lighting. (The building photocells should be located near any roof hatch openings for ease of maintenance.)

5. Building Numbering

- a. Each different building within this development shall have its particular address prominently displayed on the side facing the street, and its front and rear doors. Front door addresses shall be not less than 6 inches in height. (Rear door numbers only need to be three inches in height.) If front door numbers are placed on glass, the numerals shall be white in color.
- b. A monument sign shall be placed at each entrance to this facility to clearly identify the address/suite numbers of each of the office spaces. The monument shall be lighted at night.

Easy Peel® Labels
Use Avery® Template 5160®

 **Feed Paper** **Bend along line to expose Pop-Up Edge™**

 **AVERY® 5960™**

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PO Box 5087
Mount Laurel, NJ 08054

072 0440 007 0000
Brazil Ventures Llc
9120 Serenity Ct
Orangevale, CA 95662

072 0440 008 0000
Psl Ents Llc
3899 Security Park Dr
Rancho Cordova, CA 95742

072 0440 011 0000
California-american Water Company
PO Box 5087
Mount Laurel, NJ 08054

072 0440 012 0000
Tranquilio & Rosalina Martin
133 Canyon Rim Dr
Folsom, CA 95630

072 0440 013 0000
Psl Enterprises Llc
3920 Security Park Dr
Rancho Cordova, CA 95742

072 0440 015 0000
Edf Resource Capital Inc
3890 Security Park Dr
Rancho Cordova, CA 95742

072 0440 016 0000
Seabourne Field Investments
3920 Security Park Dr
Rancho Cordova, CA 95742

072 0440 018 0000
Psl Enterprises Llc
3920 Security Park Dr
Rancho Cordova, CA 95742

072 0440 023 0000
M & M Development & Rebecca S Jone
3590 Sunrise Blvd #9
Rancho Cordova, CA 95742

072 0440 024 0000
M & M Development & Rebecca S Jone
3590 Sunrise Blvd #9
Rancho Cordova, CA 95742

072 0540 001 0000
Jsp Properties Llc
PO Box 1508
Rancho Cordova, CA 95741

072 0540 002 0000
Louis & Rebecca Jones III
Mo Darin
1601 Response Rd #160
Sacramento, CA 95815

072 0540 003 0000
Louis & Rebecca Jones III
Mo Darin
1601 Response Rd #160
Sacramento, CA 95815

072 0540 011 0000
Aerojet General Corporation
PO Box 13222
Sacramento, CA 95813

072 0540 016 0000
Aerojet General Corporation
PO Box 13222
Sacramento, CA 95813

072 0540 017 0000
Aerojet General Corporation
PO Box 13222
Sacramento, CA 95813

072 0540 018 0000
Louis & Rebecca Jones III
Mo Darin
1601 Response Rd #160
Sacramento, CA 95815

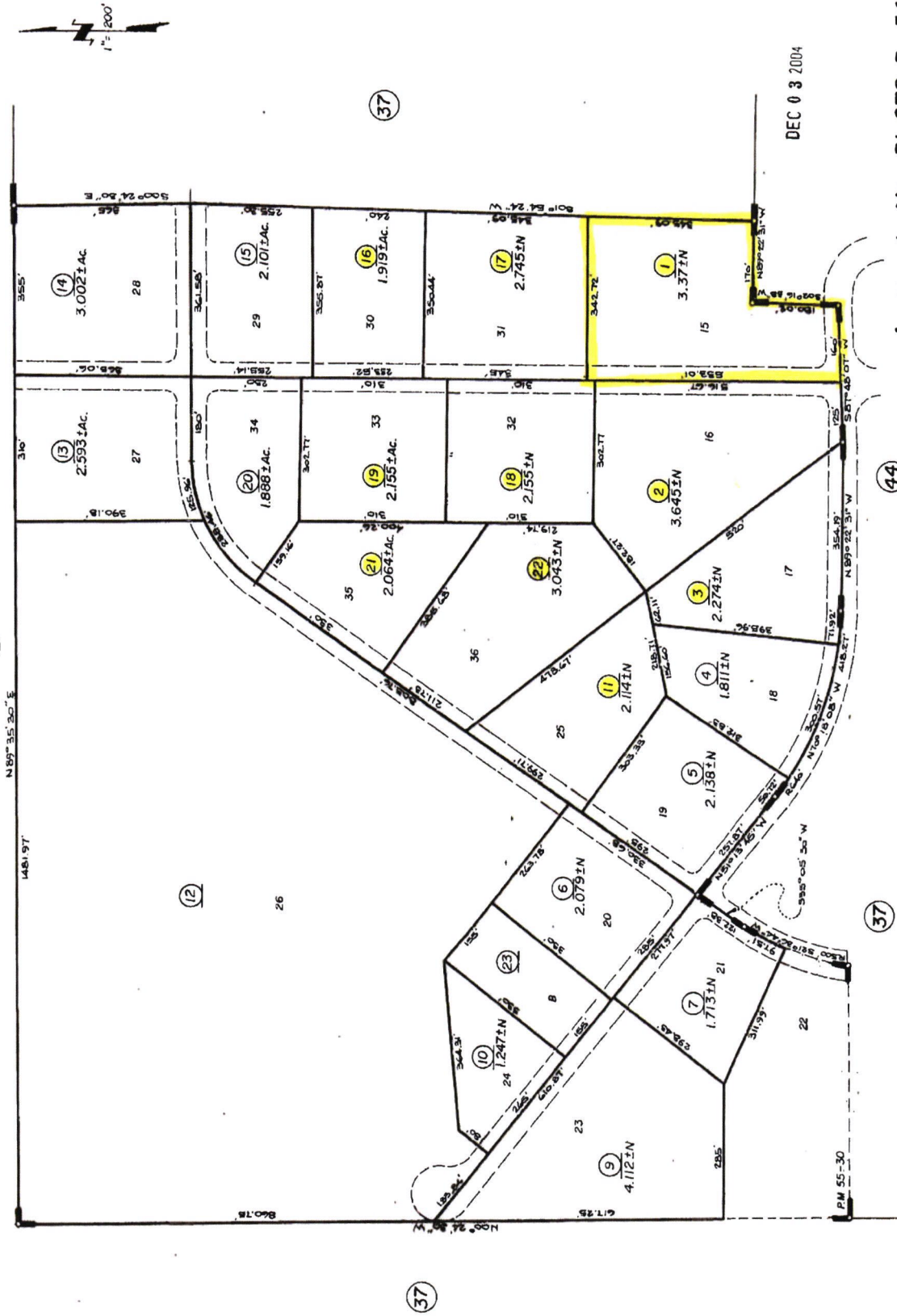
072 0540 019 0000
Cheryl & James Mcvey
Stephen Niemann Jr.
11277 Trade Center Dr
Rancho Cordova, CA 95742

072 0540 021 0000
Aerojet General Corporation
PO Box 13222
Sacramento, CA 95813

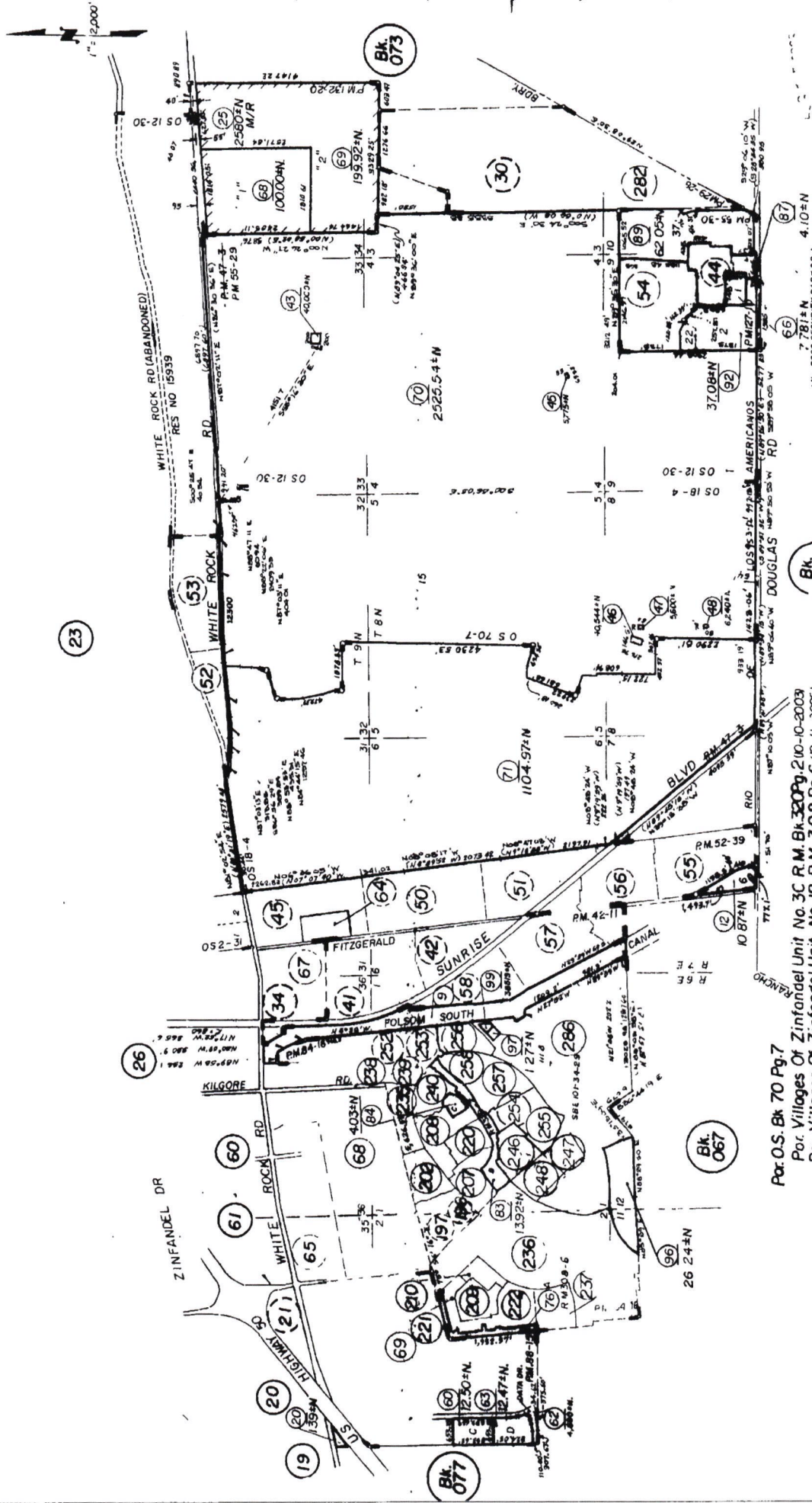
072 0540 022 0000
Aerojet General Corporation
PO Box 13222
Sacramento, CA 95813

POR. SECS. 9 & 10, T.8N., R.7E., M.D.B.&M.
(PROJ. INTO RANCHO RIO DE LOS AMERICANOS)

072-54

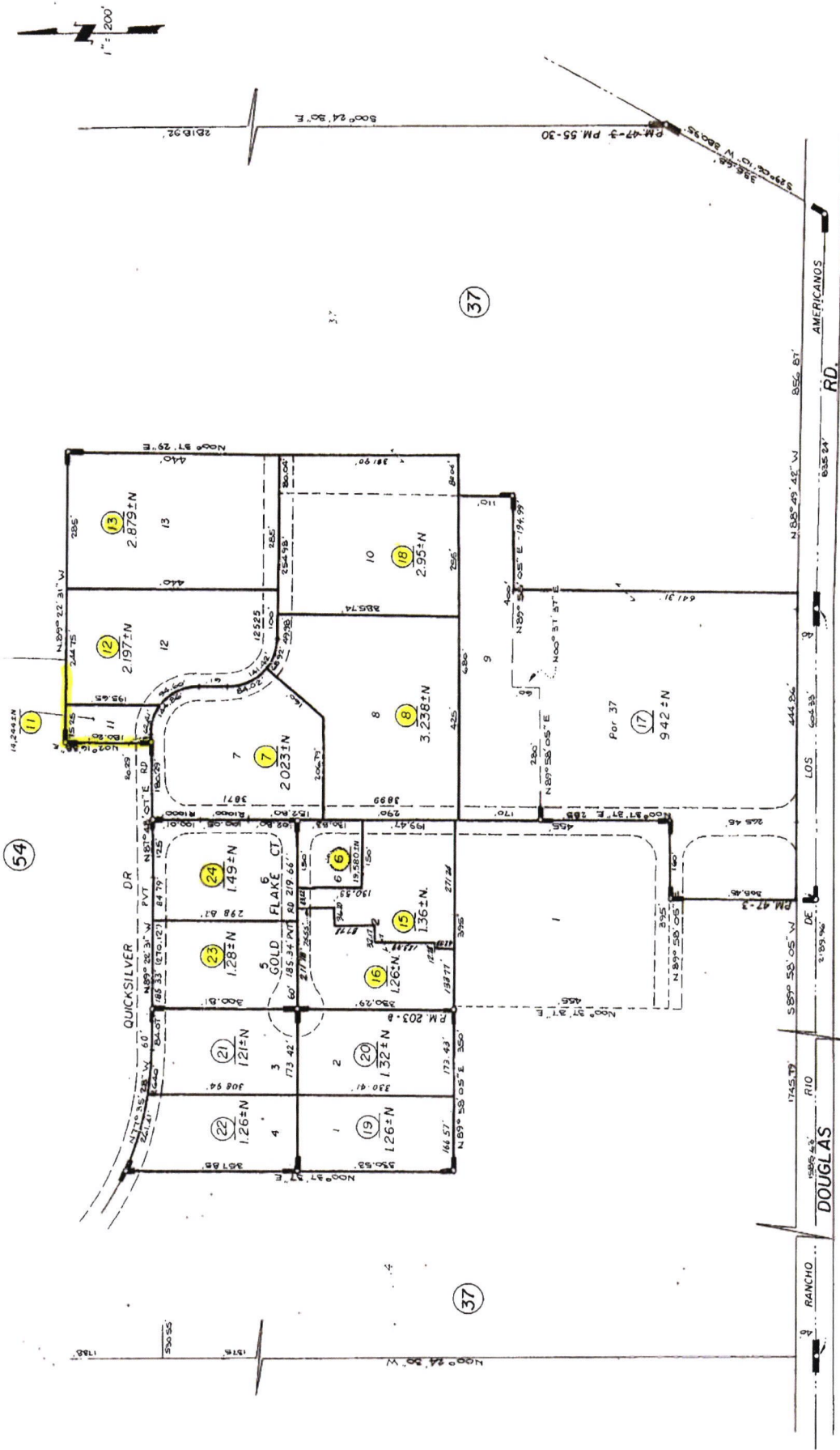


Assessor's Map Bk. 072 Pg. 54
County of Sacramento, Calif.



Assessor's Map Bk. 72 Pg. 37
County of Sacramento, Calif.

Por O.S. Bk 70 Pg. 7
Por Villages Of Zinfandel Unit No. 3C R.M. Bk. 30 Pg. 2 10-10-2003
Por Villages Of Zinfandel Unit No. 1B R.M. 30 Pg. 6 12-11-2002
O.S. Bk. 39, Pg. 8 11-28-84 AMD. of O.S. Bk. 38, Pg. 35
O.S. Bk. 38, Pg. 35 19-7-84
Security Park Phase I & II Parcel Map Bk. 55 Pg. 30



MEMORANDUM



DATE: December 1, 2008

TO: Honorable Mayor and Council Members

FROM: Cyrus Abhar, Public Works Director
Adam Lindgren, City Attorney

SUBJECT: RESOLUTIONS OF THE CITY COUNCIL DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN REAL PROPERTY INTERESTS AND DIRECTING THE FILING OF SIX EMINENT DOMAINS PROCEEDINGS FOR THE INTERNATIONAL DRIVE EXTENSION PROJECT

RECOMMENDATIONS

Staff recommends that City Council make the findings listed below and adopt the attached Resolutions of Necessity, authorizing eminent domain actions to acquire real property for the International Drive Extension Project from the following owners and parcels:

- 1) Assessor Parcel 072-0680-048, Zinfandel Holdings, Inc.; Temporary Construction Easement, needed for maneuvering room during construction.
- 2) Assessor Parcel 072-0680-067, RREEF America Reit II Corporation; Fee Simple, needed for roadway widening, Access Rights, needed to preclude future direct access onto International Drive, and Temporary Construction Easement, needed for maneuvering room during construction.
- 3) Assessor Parcel 072-0680-068, Parcel 4 LLC; Fee Simple, needed for roadway widening, Access Rights, needed to preclude future direct access onto International Drive, Slope Easement, needed for roadway fill slope installation and maintenance, Public Utility Easement, needed for present and future public utilities, and Temporary Construction Easement, needed for maneuvering room during construction.
- 4) Assessor Parcels 072-0410-061 & 062, Simon Building LLC and Ed Simon et al; Fee Simple, needed for roadway widening, Public Utility Easement, needed for present and future public utilities, and Temporary Construction Easement, needed for maneuvering room during construction.
- 5) Assessor Parcel 072-0410-054, Frederick T. Jamieson Revocable Trust; Fee Simple, needed for roadway widening, Public Utility Easement, needed for present and future public utilities, and Temporary Construction Easement, needed for maneuvering room during construction.

- 6) Assessor Parcel 072-0410-015, Monier Self Storage LLC; Temporary Construction Easement, needed for maneuvering room during construction.

Staff recommends that the City Council make the following findings:

1. Public Interest and Necessity Require the Project

The International Drive Extension Project is designed to extend an existing arterial street and will result in: improved roadway safety; increased traffic capacity to relieve traffic congestion and provide for improved circulation in the area and accommodate increasing traffic on Highway 50, White Rock Road, and the northern portion of Sunrise Boulevard. benefitting not only the City but the surrounding area; enhanced public safety for emergency access and with two additional traffic signals for vehicular and foot traffic controls; improved bicycle and pedestrian facilities meeting Americans with Disability Act requirements; beautification of the project area; and the extension of public utilities and placement of necessary public utilities.

2. The Project is Planned in the Manner That Will Be Most Compatible With the Greatest Public Good and Least Private Injury

The project is intended to be most compatible with the greatest public good and the least private injury in that the planned improvements have been designed to provide the maximum safety and aesthetic improvements to the public utilizing easements which are no larger than necessary to meet project objectives. The project is also designed to minimize construction impacts on private property to those which are strictly necessary for the project. The project requires the contractor to maintain driveway access to the affected properties at all times.

A no project alternative was reviewed, however, the existing congestion and increased traffic warrant the project to be constructed now rather than in the future when circulation and safety are more of a concern. No other alternative exists as the alignment of the existing street requires the current Project alignment to ensure no improvements or buildings are taken.

3. The Property Areas Sought To Be Acquired Are Necessary for the Project

Construction of the project as designed requires acquisition of the respective property interests described above.

4. The Offers Required by the Government Code Section 7267.2 Have Been Made

In October 2008, the City sent to the respective property owners (owners of record) for each affected parcel, a written offer to purchase the respective property and property interests, and accompanied said offer with an appraisal summary statement.

5. The Subject Properties Are Being Acquired for a Use Compatible with Public Utilities

Public utilities and/or public uses that exist now or will exist in the future on the Subject Properties will be able to co-exist with the City's use for public right of way purposes or other public purposes as they now exist. The City will be relocating existing SMUD electrical facilities as part of the project.

6. The Subject Properties Are Being Acquired for a More-Necessary Public Use

The City's proposed use to extend International Drive from Kilgore Road to Sunrise Boulevard for a through public street is a more-necessary public use than any current or future public use for public utilities or other public use. If any current or future public utilities cannot co-exist with the City's proposed use of the Subject Properties, the City's use should dominate.

RESULT OF RECOMMENDED ACTION

Adoption of the Resolutions of Necessity will allow the City Attorney to file eminent domain actions and request court orders of possession so that the project can proceed on schedule. This action will also ensure that the property owners receive just compensation as determined by the court.

In the meantime, attempts to negotiate voluntary purchase agreements with the property owners or their representatives will continue after the adoption of the Resolutions of Necessity.

No residences or other buildings are being taken. No person or business is being displaced or is having to relocate and there are no associated relocation expenses.

BACKGROUND

On April 21, 2008, the City Council certified the Mitigated Negative Declaration and adopted the Mitigation Monitoring and Reporting Program (incorporated herein by this reference) for the International Drive Extension Project which will extend International Drive from its current terminus at Kilgore Road to Sunrise Boulevard. The extended International Drive will be a six-lane roadway and will include a bridge over Folsom South Canal.

Two signalized intersections, at the intersections of Kilgore Road and International Drive and at Sunrise Boulevard and International Drive are included. The project will relieve pressure on Highway 50, White Rock Road, and the northern portion of Sunrise Boulevard in the city limits, all of which currently serve traffic moving through the central portions of the City. The project will also accommodate increased traffic resulting from proposed and approved development projects in the City of Rancho Cordova by providing an additional key east-west route between office, industrial and residential land uses in the central part of the City. Additionally, the extended International Drive will provide motorists with an additional through connection to Sunrise Boulevard from US-50, bypassing the heavily used Sunrise Boulevard at US-50 interchange and the White Rock Road at Sunrise Boulevard intersection.

The real property interests that staff is recommending for acquisition consist of Fee Title for Public Roadway, Public Utility Easements, a Slope Easement, and Temporary Construction Easements. The subject Resolutions of Necessity are for six properties for which there are no negotiated settlements to date. There have been numerous contacts with each of the owners and/or their representatives.

The City obtained appraisals from an independent appraiser and, commensurate with the appraised values, offers were presented to the property owners in mid-October 2008 for the purchase of the property interests needed for the Project. Bender-Rosenthal, the City acquisition consultant, has been negotiating with the owners of the subject properties to secure the real estate interests that are needed. Some progress has been made in negotiations with property owners, but no final agreements have been reached to date. Pursuant to Code of Civil Procedure section 1263.025, the City has informed the owners of their right to obtain an independent appraisal, for which the City will pay the reasonable costs, up to a maximum of \$5,000, subject to certain conditions.

Staff recommends that the Council: 1) Open the public hearing; 2) Receive this staff report; 3) Receive any public testimony; 4) Close the public hearing; 5) Deliberate; and, 6) Adopt the Resolutions.

The resolutions must be approved by two-thirds (4 of 5 members) of the Council.

ATTACHMENTS

Resolutions of Necessity:

1. No. 136-2008 Assessor Parcel 072-0680-048 - Zinfandel Holdings, Inc.
Temporary Construction Easement
2. No. 137-2008 Assessor Parcel 072-0680-067 - RREEF America Reit II Corporation
Fee Simple, Access Rights, and Temporary Construction Easement
3. No. 138-2008 Assessor Parcel 072-0680-068 - Parcel 4 LLC
Fee Simple, Access Rights, Slope Easement, Public Utility Easement, and Temporary Construction Easement
4. No. 139-2008 Assessor Parcels 072-0410-061 & 062 - Simon Building LLC and Ed Simon et al
Fee Simple, Public Utility Easement, and Temporary Construction Easement
5. No. 140-2008 Assessor Parcel 072-0410-054 - Frederick T. Jamieson Revocable Trust; Fee Simple, Public Utility Easement, and Temporary Construction Easement
6. No. 141-2008 Assessor Parcel 072-0410-015 - Monier Self Storage LLC
Temporary Construction Easement

CITY OF RANCHO CORDOVA

RESOLUTION NO. 136-2008

**RESOLUTION OF NECESSITY AUTHORIZING AN EMINENT DOMAIN ACTION TO
ACQUIRE REAL PROPERTY FOR INTERNATIONAL DRIVE EXTENSION PROJECT
OWNER: ZINFANDEL HOLDINGS, INC.
PORTION OF APN: 072-0680-048**

WHEREAS, in order to construct the International Drive Extension Project ("Project") the City of Rancho Cordova is vested with the power of eminent domain to acquire a real property interest at the above location by virtue of Article 1, Section 19, of the Constitution of the State of California; California Code of Civil Procedure sections 1240.010 - 1240.050, 1240.110, 1240.120, 1240.150, 1240.350; California Government Code sections 37350.5, 37353, 39792, 40401, 40404; and California Streets and Highways Code section 10102; and

WHEREAS, it is desirable and necessary for the City of Rancho Cordova's Project to acquire real property and real property interests to extend International Drive from Kilgore Road through to Sunrise Boulevard providing through access, and promoting traffic circulation; and

WHEREAS, the City has satisfied the provisions of the California Environmental Quality Act for the Project; and

WHEREAS, pursuant to the provisions of Section 7267.2 of the California Government Code, the City has made an offer to the owner(s) of the Subject Property for just compensation; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the California Code of Civil Procedure, notice has been duly given to all persons whose property interests may be acquired by eminent domain and whose names and addresses appear on the last County of Sacramento equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the City Council on the following matters:

- (a) Whether the public interest and necessity require the Project;
- (b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (c) Whether the property interest sought to be acquired is necessary for said Project;
- (d) Whether the offer required by Government Code Section 7267.2 has been made to the owner of record;
- (e) Whether the Subject Property is being acquired for use that will not unreasonably interfere with or impair the continuance of the public use as it now exists or may reasonably be expected to exist in the future;

- (f) If the Subject Property being acquired is appropriated to public use, whether the use for which the property is sought to be taken is a more necessary public use than the use to which the property is appropriated.

THEREFORE BE IT RESOLVED by the City Council of the City of Rancho Cordova, a municipality of the State of California, for the purpose of authorizing the filing of an eminent domain action pursuant to the provisions of the Code of Civil Procedure of the State of California commencing with Section 1230.010 known as the "Eminent Domain Law", as follows:

1. The public use for which an interest in real property is to be acquired pursuant to this resolution consists of a Temporary Construction Easement, as required for the International Drive Extension Project. An eminent domain action for such an acquisition is authorized by Government Code Section 25350.5.
2. A map showing the general location of the project is set forth in attached **Exhibit "A"**.
3. Legal description with plat of the acquisition are set forth in the attached **Exhibit "B"**.
4. The City Council has found and determined each of the following:
 - (a) The public interest and necessity require the proposed project.
 - (b) The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
 - (c) The interests in property described in this resolution are necessary for the proposed project.
 - (d) That the offer required by Section 7267.2 of the Government Code had been made to the owner or owners of record.
 - (e) The property and property interests are being acquired for a compatible use under California Code of Civil Procedure Section 1240.510 in that the City's use of the property will not interfere with or impair the continued use of the Subject Property for public utilities as they now exist or may reasonably be expected to exist in the future.
 - (f) The property and property interests are being acquired for a more necessary public use under California Code of Civil Procedure Section 1240.610 in that the City's use of the Subject Property is a more necessary public use than the use to which the property is appropriated.

IT IS FURTHER RESOLVED that the City Attorney is authorized and directed to prepare and prosecute in the name of the City of Rancho Cordova an action in eminent domain in accordance with the requirements of said eminent domain law, and to take all steps or actions as may be necessary or appropriate pursuant to said law and other applicable law for the purpose of acquiring said interest in said real property together with the right of immediate possession thereof.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 1st day of December, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda Budge, Mayor

ATTEST:

Mindy Cuppy, City Clerk

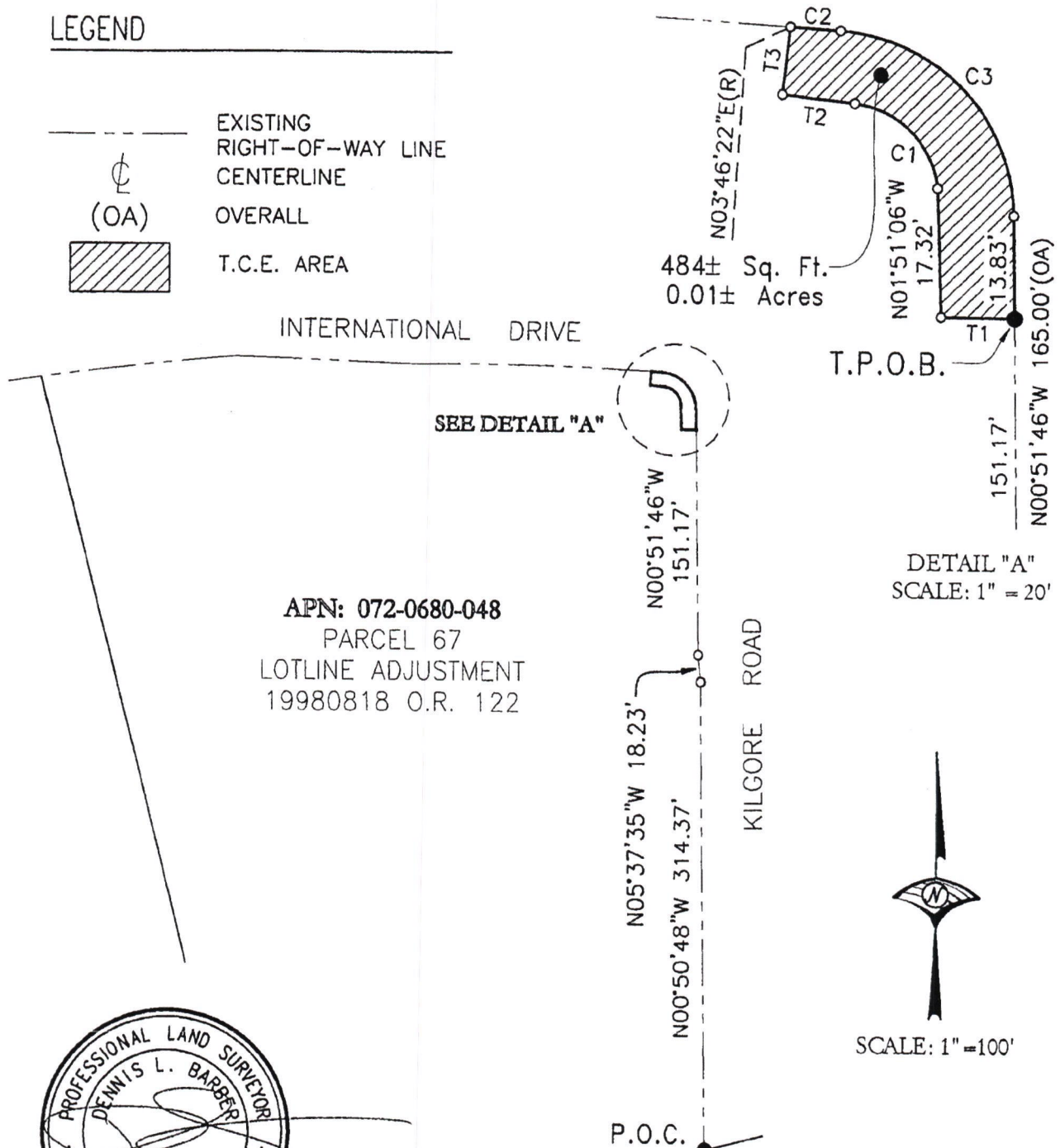
EXHIBIT A-1

PLAT TO ACCOMPANY
DESCRIPTION

INTERNATIONAL DRIVE
TEMPORARY CONSTRUCTION EASEMENT
CITY OF RANCHO CORDOVA / COUNTY OF SACRAMENTO

LEGEND

- EXISTING RIGHT-OF-WAY LINE
- ⊕ CENTERLINE
- (OA) OVERALL
-  T.C.E. AREA



SEE DESCRIPTION FOR
COURSE INFORMATION

WOOD RODGERS
DEVELOPING INNOVATIVE DESIGN SOLUTIONS

3301 C St., Bldg. 100-B
Sacramento, CA 95816
7/09/08 8092.008

Tel 916.341.7760
Fax 916.341.7767
SHEET 1 OF 2

EXHIBIT 'A'

#8092.008

LEGAL DESCRIPTION
FOR A
TEMPORARY CONSTRUCTION EASEMENT

Being a portion of Parcel 67 described within that Lot Line Adjustment recorded August 18, 1998 in Book 19980818 of Official Records, at Page 122, Sacramento County Records and located in the City of Rancho Cordova, County of Sacramento, State of California, more particularly described as follows:

COMMENCING at the southeast corner of said Parcel 67; THENCE along the easterly line thereof, also being the westerly right-of-way line of Kilgore Road, the following three (3) courses and distances:

1. North 00° 50' 48" East, a distance of 314.37 feet
2. North 05° 37' 35" West, a distance of 18.23 feet
3. North 00° 51' 46" West, a distance of 151.17 feet to the TRUE POINT OF BEGINNING;

THENCE leaving said TRUE POINT OF BEGINNING and entering into said Parcel 67, the following five (5) arcs, courses and distances;

1. North 89° 22' 50" West, a distance of 9.89 feet
2. North 01° 51' 06" West, a distance of 17.32 feet
3. 17.05 feet, along the arc of a 12.50 foot radius curve to the left through a central angle of 78° 09' 58"
4. North 83° 37' 07" West, a distance of 9.94 feet
5. North 06° 22' 53" East, a distance of 9.15 feet to the northerly line of said Parcel 67, also being the southerly right-of-way line of International Drive

THENCE along said line, along a non-tangent curve concave to the southwest, having a radius of 1935.00 feet, and to which a radial line bears North 03° 46' 22" East, easterly 6.91 feet, along said curve through a central angle of 00° 12' 17"; THENCE continuing along said southerly right-of-way, along a compound curve concave to the southwest, having a radius of 25.00 feet, southeasterly 37.16 feet, along said curve through a central angle of 85° 09' 35" to said westerly right-of-way of Kilgore Road; THENCE along said westerly right-of-way South 00° 51' 46" East, a distance of 13.83 feet to the TRUE POINT OF BEGINNING,

Containing 484 square feet or 0.01 acres, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 2, Nad 83, Epoch Date 1997.30, as measured between NGS Station "G 1414," 1st order, and NGS station "Sheldon," 1st order. Said bearing is North 72°44'09" East. Distances shown are ground based.

July 9, 2008

END OF DESCRIPTION



PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA

CITY OF RANCHO CORDOVA

RESOLUTION NO. 137-2008

**RESOLUTION OF NECESSITY AUTHORIZING AN EMINENT DOMAIN ACTION TO
ACQUIRE REAL PROPERTY FOR INTERNATIONAL DRIVE EXTENSION PROJECT**

OWNER: RREEF AMERICA REIT CORPORATION

PORTION OF APN: 072-0680-067

WHEREAS, in order to construct the International Drive Extension Project ("Project") the City of Rancho Cordova is vested with the power of eminent domain to acquire a real property interest at the above location by virtue of Article 1, Section 19, of the Constitution of the State of California; California Code of Civil Procedure sections 1240.010 - 1240.050, 1240.110, 1240.120, 1240.150, 1240.350; California Government Code sections 37350.5, 37353, 39792, 40401, 40404; and California Streets and Highways Code section 10102; and

WHEREAS, it is desirable and necessary for the City of Rancho Cordova's Project to acquire real property and real property interests to extend a International Drive from Kilgore Road through to Sunrise Boulevard providing through access, and promoting traffic circulation; and

WHEREAS, the City has satisfied the provisions of the California Environmental Quality Act for the Project; and

WHEREAS, pursuant to the provisions of Section 7267.2 of the California Government Code, the City has made an offer to the owner(s) of the Subject Property for just compensation; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the California Code of Civil Procedure, notice has been duly given to all persons whose property interests may be acquired by eminent domain and whose names and addresses appear on the last County of Sacramento equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the City Council on the following matters:

- (a) Whether the public interest and necessity require the Project;
- (b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (c) Whether the property interest sought to be acquired is necessary for said Project;
- (d) Whether the offer required by Government Code Section 7267.2 has been made to the owner of record;

- (e) Whether the Subject Property is being acquired for use that will not unreasonably interfere with or impair the continuance of the public use as it now exists or may reasonably be expected to exist in the future;
- (f) If the Subject Property being acquired is appropriated to public use, whether the use for which the property is sought to be taken is a more necessary public use than the use to which the property is appropriated.

THEREFORE BE IT RESOLVED by the City Council of the City of Rancho Cordova, a municipality of the State of California, for the purpose of authorizing the filing of an eminent domain action pursuant to the provisions of the Code of Civil Procedure of the State of California commencing with Section 1230.010 known as the "Eminent Domain Law", as follows:

1. The public use for which an interest in real property is to be acquired pursuant to this resolution consists of Fee Simple with Access Rights and Temporary Construction Easement, as required for the International Drive Extension Project. An eminent domain action for such an acquisition is authorized by Government Code Section 25350.5.
2. A map showing the general location of the project is set forth in attached **Exhibit "A"**.
3. Legal descriptions with plats of the acquisitions are set forth in the attached **Exhibits "B" through "C"**.
4. The City Council has found and determined each of the following:
 - (a) The public interest and necessity require the proposed project.
 - (b) The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
 - (c) The interests in property described in this resolution are necessary for the proposed project.
 - (d) That the offer required by Section 7267.2 of the Government Code had been made to the owner or owners of record.
 - (e) The property and property interests are being acquired for a compatible use under California Code of Civil Procedure Section 1240.510 in that the City's use of the property will not interfere with or impair the continued use of the Subject Property for public utilities as they now exist or may reasonably be expected to exist in the future.
 - (f) The property and property interests are being acquired for a more necessary public use under California Code of Civil Procedure Section 1240.610 in that the City's use of the Subject Property is a more necessary public use than the use to which the property is appropriated.

IT IS FURTHER RESOLVED that the City Attorney is authorized and directed to prepare and prosecute in the name of the City of Rancho Cordova an action in eminent domain in accordance with the requirements of said eminent domain law, and to take all steps or actions as may be necessary or appropriate pursuant to said law and other applicable law for the purpose of acquiring said interest in said real property together with the right of immediate possession thereof.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 1st day of December, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda Budge, Mayor

ATTEST:

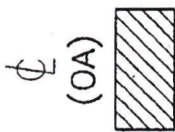
Mindy Cuppy, City Clerk

EXHIBIT A-1

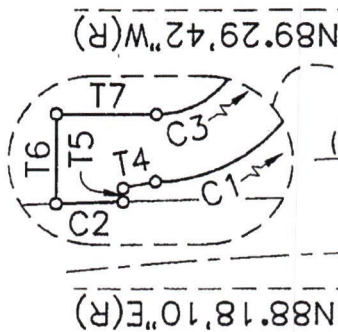
PLAT TO ACCOMPANY
DESCRIPTION

LEGEND

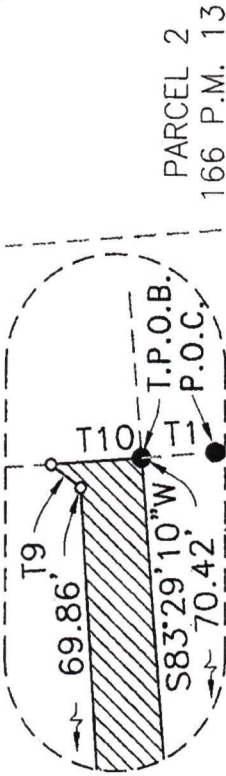
- PROPOSED
RIGHT-OF-WAY LINE
- EXISTING
RIGHT-OF-WAY LINE
- CENTERLINE
- OVERALL
- T.C.E. AREA



DETAIL N.T.S.



DETAIL N.T.S.



APN: 072-0680-067

PARCEL 1
166 P.M. 13

4,599± Sq. Ft.
0.11± Acres

N86°40'05"E 280.81'
N83°02'19"E 219.76'
439.31'
S85°31'28"W 639.02'(OA)
N83°06'45"W(R)
S13°06'45"W(R)

INTERNATIONAL DRIVE



KILGORE ROAD

LOT B
102 | 103 | 104 | 105
VILLAGES OF ZINFANDEL
UNIT NO. 6A
319 B.M. 10

LINE	BEARING	DISTANCE
T1	N04°11'24"W	5.42'
T2	S83°29'10"W	70.42'
T3	S83°02'19"W	67.19'
T4	N10°48'28"W	4.98'
T5	N89°57'30"W	2.02'
T6	S89°57'30"E	13.29'
T7	S00°02'30"W	14.97'
T8	N83°29'10"E	69.86'
T9	N38°29'10"E	1.48'
T10	S04°11'24"E	11.05'
T11	S85°31'28"W	42.08'
T12	S85°31'28"W	62.23'



SCALE: 1"=80'

CURVE	RADIUS	DELTA	LENGTH
C1	R=23'	77°23'33"	L=31.07'
C2	R=2042'	00°16'51"	L=10.01'
C3	R=13'	89°40'33"	L=20.35'

SEE DESCRIPTION FOR
COURSE INFORMATION

WOOD RODGERS
DESIGN SOLUTIONS

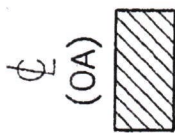
3301 C St., Bldg. 100-B
Sacramento, CA 95816
Tel 916.341.7760
Fax 916.341.7767
7/09/08 8092.008 SHEET 1 OF 1

EXHIBIT A-1

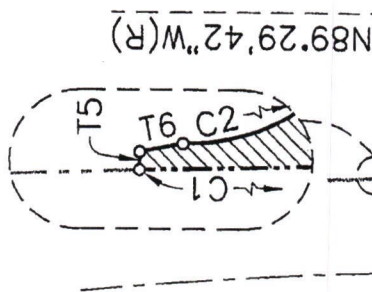
PLAT TO ACCOMPANY
DESCRIPTION

LEGEND

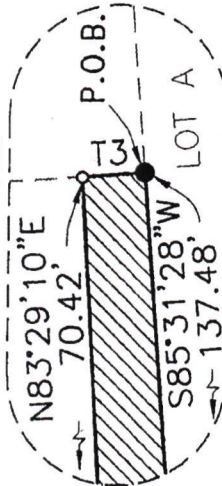
- PROPOSED
RIGHT-OF-WAY LINE
- EXISTING
RIGHT-OF-WAY LINE
- CENTERLINE
- OVERALL
- RIGHT-OF-WAY AREA



DETAIL N.T.S.



DETAIL N.T.S.



APN: 072-0680-067

PARCEL 1
166 P.M. 13

PARCEL 2
166 P.M. 13

391± Sq. Ft.
0.01± Acres

187± Sq. Ft.

T.P.O.B. - PARCEL B

N89°07'07\"/>

439.31'
S85°31'28\"/>

POINT "A"

LOT A

LOT B

LOT C

LOT D

LOT E

LOT F

LOT G

LOT H

LOT I

LOT J

LOT K

LOT L

LOT M

LOT N

LOT O

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LOT CH

LOT CI

LOT CJ

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LOT CL

LOT CM

LOT CN

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LOT CP

LOT CQ

LOT CR

LOT CS

LOT CT

LOT CU

LOT CV

LOT CW

LOT CX

LOT CY

LOT CZ

LOT DA

LOT DB

LOT DC

LOT DD

LOT DE

LOT DF

LOT DG

LOT DH

LOT DI

LOT DJ

LOT DK

LOT DL

LOT DM

LOT DN

LOT DO

LOT DP

LOT DQ

LOT DR

LOT DS

LOT DT

LOT DU

LOT DV

LOT DW

LOT DX

LOT DY

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LOT EB

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LOT EF

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LOT ET

LOT EU

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LOT EW

LOT EX

LOT EY

LOT EZ

LOT FA

LOT FB

LOT FC

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LOT FI

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LOT HB

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LOT HM

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LOT II

LOT IJ

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LOT IW

LOT IX

LOT IY

LOT IZ

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LOT JB

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LOT JE

LOT JF

LOT JG

LOT JH

LOT JI

LOT JJ

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LOT JL

LOT JM

LOT JN

LOT JO

LOT JP

LOT JQ

LOT JR

LOT JS

LOT JT

LOT JU

LOT JV

LOT JW

LOT JX

LOT JY

LOT JZ

LOT KA

LOT KB

LOT KC

LOT KD

LOT KE

EXHIBIT 'A'

#8092.008

LEGAL DESCRIPTION

Being a portion of Parcel 1 as shown on the Parcel Map entitled "Subdivision No. 01-0835", recorded in Book 166 of Parcel Maps, at Page 13, Sacramento County Records, and located in the City of Rancho Cordova, County of Sacramento, State of California, more particularly described as follows:

Parcel A:

BEGINNING at a point which is the southeasterly corner of said Parcel 1, said point also being a point of intersection with the northerly boundary line of the Final Map entitled "Villages of Zinfandel Unit No. 6A", recorded in Book 319 of Maps, at Page 10, in said County; THENCE along the southerly boundary line of said Parcel 1, also being said northerly boundary line, South 85° 31' 28" West, a distance of 137.48 feet to a point hereinafter designated as POINT "A"; THENCE leaving said southerly boundary line and entering into said Parcel 1, North 83° 02' 19" East, a distance of 67.19 feet; THENCE North 83° 29' 10" East, a distance of 70.42 feet to the easterly boundary line of said Parcel 1; THENCE along said easterly boundary line, South 04° 11' 24" East, a distance of 5.42 feet to the POINT OF BEGINNING.

Containing 391 square feet or 0.01 acres, more or less.

Parcel B:

COMMENCING at the aforementioned POINT "A"; THENCE along the southerly boundary line of said Parcel 1, South 85° 31' 28" West, a distance of 439.31 feet to the TRUE POINT OF BEGINNING; THENCE continuing along said southerly boundary line, South 85° 31' 28" West, a distance of 20.14 feet to a point of intersection with the easterly right-of-way line of Kilgore Road as shown on said Parcel Map, said point also being North 85° 31' 28" East, a distance of 42.08 feet along said southerly boundary line from a point of intersection with the centerline of said Kilgore Road; THENCE along said easterly right-of-way line along a non-tangent curve concave to the east, having a radius of 2042.00 feet, and to which a radial line bears North 89° 07' 07" East, northwesterly 29.08 feet, along said curve through a central angle of 00° 48' 57"; THENCE leaving said easterly right-of-way line and entering into said Parcel 1, South 89° 57' 30" East, a distance of 2.02 feet; THENCE continuing through said Parcel 1, South 10° 48' 28" East, a distance of 4.98 feet; THENCE along a non-tangent curve concave to the northeast, having a radius of 23.00 feet, and to which a radial line bears North 89° 29' 42" West, southeasterly 31.07 feet, along said curve through a central angle of 77° 23' 33" to the POINT OF BEGINNING.

Containing 187 square feet, more or less.

See Exhibit "A-1", plat to accompany description, attached hereto and made a part hereof.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 2, Nad 83, Epoch Date 1997.30, as measured between NGS Station "G 1414," 1st order, and NGS station "Sheldon," 1st order. Said bearing is North 72°44'09" East. Distances shown are ground based.

July 9, 2008

END OF DESCRIPTION



PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA

EXHIBIT 'A'

#8092.008

**LEGAL DESCRIPTION
FOR A
TEMPORARY CONSTRUCTION EASEMENT**

Being a portion of Parcel 1 as shown on the Parcel Map entitled "Subdivision No. 01-0835", recorded in Book 166 of Parcel Maps, at Page 13, Sacramento County Records and located in the City of Rancho Cordova, County of Sacramento, State of California, more particularly described as follows:

COMMENCING at a point which is the southeasterly corner of said Parcel 1, said point also being a point of intersection with the northerly boundary line of the Final Map entitled "Villages of Zinfandel Unit No. 6A", recorded in Book 319 of Maps, at Page 10, in said County; THENCE along the easterly boundary line of said Parcel 1, North 04° 11' 24" West, a distance of 5.42 feet to the TRUE POINT OF BEGINNING; THENCE leaving said easterly boundary line and entering into said Parcel 1, South 83° 29' 10" West, a distance of 70.42 feet; THENCE South 83° 02' 19" West, a distance of 67.19 feet to the southerly boundary line of said Parcel 1; THENCE along said southerly boundary line, South 85° 31' 28" West, a distance of 439.31 feet; THENCE leaving said southerly boundary line and entering into said Parcel 1, along a non-tangent curve concave to the northeast, having a radius of 23.00 feet, and to which a radial line bears South 13° 06' 45" West, northwesterly 31.07 feet, along said curve through a central angle of 77° 23' 33"; THENCE North 10° 48' 28" West, a distance of 4.98 feet; THENCE North 89° 57' 30" West, a distance of 2.02 feet to a point of intersection with the easterly right-of-way line of Kilgore Road as shown on said Parcel Map; THENCE along said easterly right-of-way line along a non-tangent curve concave to the west, having a radius of 2042.00 feet, and to which a radial line bears North 88° 18' 10" East, northerly 10.01 feet, along said curve through a central angle of 00° 16' 51"; THENCE leaving said easterly right-of-way line and entering into said Parcel 1, South 89° 57' 30" East, a distance of 13.29 feet; THENCE South 00° 02' 30" West, a distance of 14.97 feet; THENCE along a non-tangent curve concave to the northeast, having a radius of 13.00 feet, and to which a radial line bears North 89° 29' 42" West, southeasterly 20.35 feet, along said curve through a central angle of 89° 40' 33"; THENCE North 86° 40' 05" East, a distance of 280.81 feet; THENCE North 83° 02' 19" East, a distance of 219.76 feet; THENCE North 83° 29' 10" East, a distance of 69.86 feet; THENCE North 38° 29' 10" East, a distance of 1.48 feet to the easterly boundary line of said Parcel 1; THENCE along said easterly boundary line, South 04° 11' 24" East, a distance of 11.05 feet to the TRUE POINT OF BEGINNING.

Containing 4,599 square feet or 0.11 acres, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 2, Nad 83, Epoch Date 1997.30, as measured between NGS Station "G 1414," 1st order, and NGS station "Sheldon," 1st order. Said bearing is North 72°44'09" East. Distances shown are ground based.

July 9, 2008

END OF DESCRIPTION



PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA

CITY OF RANCHO CORDOVA

RESOLUTION NO. 138-2008

**RESOLUTION OF NECESSITY AUTHORIZING AN EMINENT DOMAIN ACTION TO
ACQUIRE REAL PROPERTY FOR INTERNATIONAL DRIVE EXTENSION PROJECT
OWNER: PARCEL 4 LLC PORTION OF APN: 072-0680-068**

WHEREAS, in order to construct the International Drive Extension Project ("Project") the City of Rancho Cordova is vested with the power of eminent domain to acquire a real property interest at the above location by virtue of Article 1, Section 19, of the Constitution of the State of California; California Code of Civil Procedure sections 1240.010 - 1240.050, 1240.110, 1240.120, 1240.150, 1240.350; California Government Code sections 37350.5, 37353, 39792, 40401, 40404; and California Streets and Highways Code section 10102;

WHEREAS, it is desirable and necessary for the City of Rancho Cordova's Project to acquire real property and real property interests to extend a International Drive from Kilgore Road through to Sunrise Boulevard providing through access, and promoting traffic circulation;

WHEREAS, the City has satisfied the provisions of the California Environmental Quality Act for the Project;

WHEREAS, pursuant to the provisions of Section 7267.2 of the California Government Code, the City has made an offer to the owner(s) of the Subject Property for just compensation; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the California Code of Civil Procedure, notice has been duly given to all persons whose property interests may be acquired by eminent domain and whose names and addresses appear on the last County of Sacramento equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the City Council on the following matters:

- (a) Whether the public interest and necessity require the Project;
- (b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (c) Whether the property interest sought to be acquired is necessary for said Project;
- (d) Whether the offer required by Government Code Section 7267.2 has been made to the owner of record;

- (e) Whether the Subject Property is being acquired for use that will not unreasonably interfere with or impair the continuance of the public use as it now exists or may reasonably be expected to exist in the future;
- (f) If the Subject Property being acquired is appropriated to public use, whether the use for which the property is sought to be taken is a more necessary public use than the use to which the property is appropriated.

THEREFORE BE IT RESOLVED by the City Council of the City of Rancho Cordova, a municipality of the State of California, for the purpose of authorizing the filing of an eminent domain action pursuant to the provisions of the Code of Civil Procedure of the State of California commencing with Section 1230.010 known as the "Eminent Domain Law", as follows:

1. The public use for which an interest in real property is to be acquired pursuant to this resolution consists of Fee Simple with Access Rights, Slope Easement, Public Utility Easement, and Temporary Construction Easement, as required for the International Drive Extension Project. An eminent domain action for such an acquisition is authorized by Government Code Section 25350.5.
2. A map showing the general location of the project is set forth in attached **Exhibit "A"**.
3. Legal descriptions with plats of the acquisitions are set forth in the attached **Exhibits "B" through "E"**.
4. The City Council has found and determined each of the following:
 - (a) The public interest and necessity require the proposed project.
 - (b) The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
 - (c) The interests in property described in this resolution are necessary for the proposed project.
 - (d) That the offer required by Section 7267.2 of the Government Code had been made to the owner or owners of record.
 - (e) The property and property interests are being acquired for a compatible use under California Code of Civil Procedure Section 1240.510 in that the City's use of the property will not interfere with or impair the continued use of the Subject Property for public utilities as they now exist or may reasonably be expected to exist in the future.
 - (f) The property and property interests are being acquired for a more necessary public use under California Code of Civil Procedure Section 240.610 in that the City's use of the Subject Property is a more necessary public use than the use to which the property is appropriated.

IT IS FURTHER RESOLVED that the City Attorney is authorized and directed to prepare and prosecute in the name of the City of Rancho Cordova an action in eminent domain in accordance with the requirements of said eminent domain law, and to take all steps or actions as may be necessary or appropriate pursuant to said law and other applicable law for the purpose of acquiring said interest in said real property together with the right of immediate possession thereof.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 1st day of December, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda Budge, Mayor

ATTEST:

Mindy Cuppy, City Clerk

**INTERNATIONAL DRIVE
TEMPORARY CONSTRUCTION EASEMENT**
CITY OF RANCHO CORDOVA / COUNTY OF SACRAMENTO

EXHIBIT A-1
PLAT TO ACCOMPANY
DESCRIPTION



LEGEND

- PROPOSED RIGHT-OF-WAY LINE
- EXISTING RIGHT-OF-WAY LINE
- CENTERLINE
- OVERALL
- T.C.E. AREA

LINE	BEARING	DISTANCE
T1	N04°11'24"W	5.42'
T2	N04°11'24"W	11.05'
T3	N38°29'10"E	20.07'
T4	N83°45'49"E	30.00'
T5	S82°11'44"W	2.85'
T6	S38°29'10"W	21.82'
T7	S83°29'10"W	3.55'

APN: 072-0680-068

PARCEL 2
166 P.M. 13

14,559± Sq. Ft.
0.33± Acres

**DETAIL
N.T.S.**

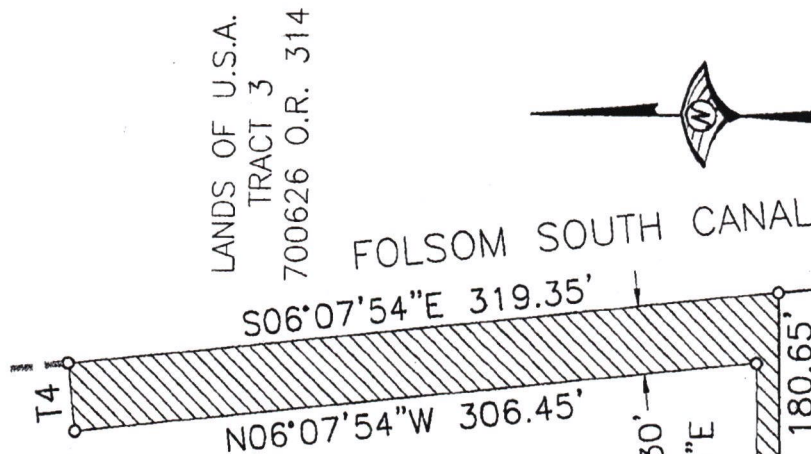
PARCEL 1
166 P.M. 13

T.P.O.B.
P.O.C.

LOT A

INTERNATIONAL DRIVE

SEE DESCRIPTION FOR
COURSE INFORMATION



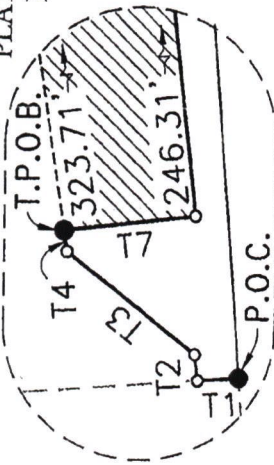
SCALE: 1"=80'

WOOD ROGERS
DESIGN SOLUTIONS
3301 C St., Bldg. 100-B
Sacramento, CA 95816
Tel 916.341.7780
Fax 916.341.7767
7/09/08 8092.008
SHEET 1 OF 1

EXHIBIT A-1

PLAT TO ACCOMPANY
DESCRIPTION

DETAIL N.T.S.



APN: 072-0680-068

PARCEL 2
166 P.M. 13
12,659± Sq. Ft.
0.29± Acres

PARCEL 1
166 P.M. 13

LEGEND

PROPOSED
RIGHT-OF-WAY LINE
EXISTING
RIGHT-OF-WAY LINE
CENTERLINE
OVERALL

(OA)

SLOPE EASEMENT AREA

N89°12'29"E 180.65'
R=2049' 07'07'30" L=254.80'

LANDS OF U.S.A.
TRACT 3
700626 O.R. 314

FOLSOM SOUTH CANAL

INTERNATIONAL DRIVE

VILLAGES OF ZINFANDEL

UNIT NO. 6B
334 B.M. 11

SOUTHERN
CALIFORNIA
WATER COMPANY
20030808 O.R. 2318

LOT B



VILLAGES OF ZINFANDEL

UNIT NO. 6A
319 B.M. 10

LINE	BEARING	DISTANCE
T1	N04°11'24"W	5.42'
T2	N83°29'10"E	3.55'
T3	N38°29'10"E	21.82'
T4	N82°11'44"E	2.85'
T5	S06°07'54"E	27.74'
T6	N89°20'47"W	2.64'
T7	N06°30'50"W	17.49'

SCALE: 1"=80'

WOOD RODGERS
DESIGN SOLUTIONS

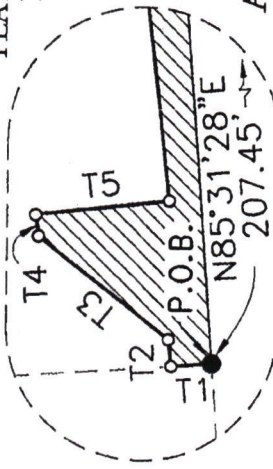
3301 C St., Bldg. 100-B
Sacramento, CA 95816
Tel 916.341.7760
Fax 916.341.7767
7/09/08 8092.008 SHEET 1 OF 1

SEE DESCRIPTION FOR
COURSE INFORMATION

EXHIBIT A-1

PLAT TO ACCOMPANY
DESCRIPTION

DETAIL N.T.S.



PARCEL 1
166 P.M. 13

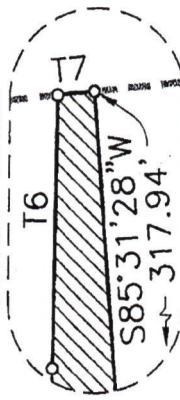
APN: 072-0680-068

PARCEL 2
166 P.M. 13
5,501± Sq. Ft.
0.13± Acres

LEGEND

- PROPOSED RIGHT-OF-WAY LINE
- EXISTING RIGHT-OF-WAY LINE
- CENTERLINE
- OVERALL
- RIGHT-OF-WAY AREA

DETAIL N.T.S.



R=2049'

07°07'30" L=254.80'

317.94'

LOT E

525.39'

S85°31'28"W

207.45'

LOT A

LOT B

LOT C

LOT D

LOT E

LOT F

LOT G

LOT H

LOT I

LOT J

LOT K

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LOT R

LOT S

LOT T

INTERNATIONAL DRIVE
RIGHT-OF-WAY

CITY OF RANCHO CORDOVA / COUNTY OF SACRAMENTO

PROPOSED

RIGHT-OF-WAY LINE

EXISTING

RIGHT-OF-WAY LINE

CENTERLINE

OVERALL

RIGHT-OF-WAY AREA

OVERALL

RIGHT-OF-WAY AREA

OVERALL

RIGHT-OF-WAY AREA

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RIGHT-OF-WAY AREA

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RIGHT-OF-WAY AREA

OVERALL

RIGHT-OF-WAY AREA

OVERALL

FOLSOM SOUTH CANAL

INTERNATIONAL DRIVE

VILLAGES OF ZINFANDEL

UNIT NO. 6B

334 B.M. 11

SOUTHERN CALIFORNIA

WATER COMPANY

20030808 O.R. 2318

120030808 O.R. 2318

120030808 O.R. 2318

120030808 O.R. 2318

120030808 O.R. 2318

120030808 O.R. 2318

120030808 O.R. 2318

120030808 O.R. 2318

120030808 O.R. 2318

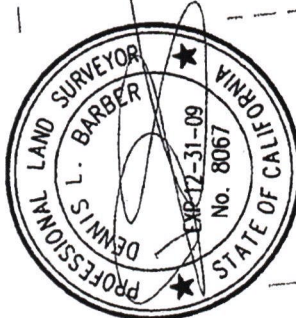
120030808 O.R. 2318

120030808 O.R. 2318

120030808 O.R. 2318

120030808 O.R. 2318

120030808 O.R. 2318



SCALE: 1"=80'

WOOD RODGERS
DEVELOPING INNOVATIVE DESIGN SOLUTIONS

3301 C St., Bldg. 100-B
Sacramento, CA 95816
Tel 916.341.7760
Fax 916.341.7767

7/09/08 8092.008

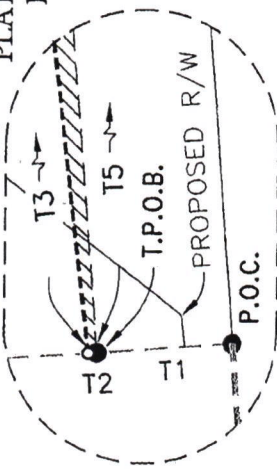
SHEET 1 OF 1

SEE DESCRIPTION FOR
COURSE INFORMATION

EXHIBIT A-1

PLAT TO ACCOMPANY
DESCRIPTION

DETAIL N.T.S.



APN: 072-0680-068

PARCEL 2
166 P.M. 13
3,846± Sq. Ft.
0.09± Acres

PARCEL 1
166 P.M. 13

T.P.O.B.

P.O.C.

15' S.M.U.D. ESMT
(860428 O.R. 655)

PROPOSED RIGHT-OF-WAY

INTERNATIONAL DRIVE

LOT B

LOT D

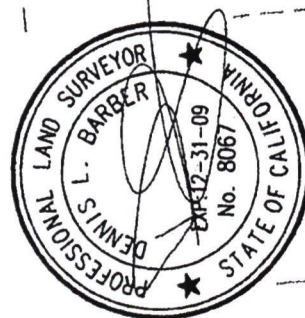
VILLAGES OF ZINFANDEL

UNIT NO. 6B
334 B.M. 11

111 112 113

VILLAGES OF ZINFANDEL

UNIT NO. 6A
319 B.M. 10



LINE	BEARING	DISTANCE
T1	N04°11'24"W	15.00'
T2	N04°11'24"W	0.93'
T3	N83°29'10"E	267.71'
T4	S06°07'54"E	5.84'
T5	S85°31'28"W	494.87'

LEGEND

PROPOSED P.U.E. LINE

EXISTING

RIGHT-OF-WAY LINE

CENTERLINE

OVERALL

P.U.E. AREA

(OA)



R=2061.50'

06°19'04" L=227.31'

494.87'

S85°31'28"W

N06°28'17"W(R)

LOT E

PROPOSED RIGHT-OF-WAY

30' P.U.E.
(166 P.M. 13)

LANDS OF U.S.A.
TRACT 3
700626 O.R. 314

FOLSOM SOUTH CANAL



SCALE: 1"=80



WOOD-ROGERS
DESIGN SOLUTIONS

3301 C St., Bldg. 100-B
Sacramento, CA 95816
Tel 916.341.7760
Fax 916.341.7767

7/09/08 8092.008 SHEET 1 OF 1

SEE DESCRIPTION FOR
COURSE INFORMATION

EXHIBIT 'A'

#8092.008

LEGAL DESCRIPTION

Being a portion of Parcel 2 as shown on the Parcel Map entitled "Subdivision No. 01-0835", recorded in Book 166 of Parcel Maps, at Page 13, Sacramento County Records, and located in the City of Rancho Cordova, County of Sacramento, State of California, more particularly described as follows:

BEGINNING at a point which is the southwesterly corner of said Parcel 2, said point also being a point of intersection with the northerly boundary line of the Final Map entitled "Villages of Zinfandel Unit No. 6A", recorded in Book 319 of Maps, at Page 10, in said County; THENCE along the westerly boundary line of said Parcel 2, North 04° 11' 24" West, a distance of 5.42 feet; THENCE leaving said westerly boundary line and entering into said Parcel 2, along the following courses:

North 83° 29' 10" East, a distance of 3.55 feet;
North 38° 29' 10" East, a distance of 21.82 feet;
North 82° 11' 44" East, a distance of 2.85 feet;
South 06° 30' 50" East, a distance of 17.49 feet;
North 83° 29' 10" East, a distance of 246.31 feet; THENCE along a tangent curve concave to the south, having a radius of 2049.00 feet, easterly 254.80 feet, along said curve through a central angle of 07° 07' 30"; THENCE South 89° 20' 47" East, a distance of 2.64 feet to a point of intersection with the easterly boundary line of said Parcel 2; THENCE along said easterly boundary line, South 06° 07' 54" East, a distance of 5.76 feet to a point which is the southeasterly corner of said Parcel 3, said point also being the northeasterly corner of the Final Map entitled "Villages of Zinfandel Unit No. 6B", recorded in Book 334 of Maps, at Page 11, in said County; THENCE along the southerly boundary line of said Parcel 2, also being the northerly boundary line of said Final Map entitled "Villages of Zinfandel Unit No. 6B", South 85° 31' 28" West, a distance of 317.94 feet to a point which is the northwesterly corner of Lot E as shown on said Final Map entitled "Villages of Zinfandel Unit No. 6B", said point also being the northeasterly corner of Lot A as shown on said Final Map entitled "Villages of Zinfandel Unit No. 6A"; THENCE continuing along said southerly boundary line of Parcel 2, also being the northerly boundary line of said Final Map entitled "Villages of Zinfandel Unit No. 6A", South 85° 31' 28" West, a distance of 207.45 feet to the POINT OF BEGINNING.

Containing 5,501 square feet or 0.13 acres, more or less.

See Exhibit "A-1", plat to accompany description, attached hereto and made a part hereof.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 2, Nad 83, Epoch Date 1997.30, as measured between NGS Station "G 1414," 1st order, and NGS station "Sheldon," 1st order. Said bearing is North 72°44'09" East. Distances shown are ground based.

July 9, 2008

END OF DESCRIPTION



PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA

EXHIBIT 'A'
LEGAL DESCRIPTION
FOR A
SLOPE EASEMENT

#8092.008

Being a portion of Parcel 2 as shown on the Parcel Map entitled "Subdivision No. 01-0835", recorded in Book 166 of Parcel Maps, at Page 13, Sacramento County Records and located in the City of Rancho Cordova, County of Sacramento, State of California, more particularly described as follows:

COMMENCING at a point which is the southwesterly corner of said Parcel 2, said point also being a point on the northerly boundary line of the Final Map entitled "Villages of Zinfandel Unit No. 6A", recorded in Book 319 of Maps, at Page 10, in said County; THENCE along the westerly boundary line of said Parcel 2, North 04° 11' 24" West, a distance of 5.42 feet; THENCE leaving said westerly boundary line and entering into said Parcel 2, North 83° 29' 10" East, a distance of 3.55 feet; THENCE North 38° 29' 10" East, a distance of 21.82 feet; THENCE North 82° 11' 44" East, a distance of 2.85 feet to the TRUE POINT OF BEGINNING; THENCE North 81° 22' 35" East, a distance of 323.71 feet; THENCE North 89° 12' 29" East, a distance of 180.65 feet to a point of intersection with the easterly boundary line of said Parcel 2; THENCE along said easterly boundary line, South 06° 07' 54" East, a distance of 27.74 feet; THENCE leaving said easterly boundary line North 89° 20' 47" West, a distance of 2.64 feet; THENCE along a tangent curve concave to the south, having a radius of 2049.00 feet, westerly 254.80 feet, along said curve through a central angle of 07° 07' 30"; THENCE South 83° 29' 10" West, a distance of 246.31 feet; THENCE North 06° 30' 50" West, a distance of 17.49 feet to the TRUE POINT OF BEGINNING.

Containing 12,659 square feet or 0.29 acres, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 2, Nad 83, Epoch Date 1997.30, as measured between NGS Station "G 1414," 1st order, and NGS station "Sheldon," 1st order. Said bearing is North 72°44'09" East. Distances shown are ground based.

July 9, 2008

END OF DESCRIPTION



PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA

EXHIBIT 'A'
LEGAL DESCRIPTION

#8092.008

Being a portion of Parcel 2 as shown on the Parcel Map entitled "Subdivision No. 01-0835", recorded in Book 166 of Parcel Maps, at Page 13, Sacramento County Records and located in the City of Rancho Cordova, County of Sacramento, State of California, more particularly described as follows:

COMMENCING at a point which is the southwesterly corner of said Parcel 2, said point also being a point on the northerly boundary line of the Final Map entitled "Villages of Zinfandel Unit No. 6A", recorded in Book 319 of Maps, at Page 10, in said County; THENCE along the westerly boundary line of said Parcel 2, North 04° 11' 24" West, a distance of 15.00 feet to the TRUE POINT OF BEGINNING; THENCE continuing along said westerly boundary line, North 04° 11' 24" West, a distance of 0.93 feet; THENCE leaving said westerly boundary line and entering into said Parcel 2, North 83° 29' 10" East, a distance of 267.71 feet to a point of curvature; THENCE from which a radial line bears North 06° 28' 17" West, easterly 227.31 feet, along a curve concave to the south, having a radius of 2061.50 feet, through a central angle of 06° 19' 04" to a point on the westerly line of the 30 foot Public Utility Easement, as shown on said Parcel Map; THENCE along said westerly line, South 06° 07' 54" East, a distance of 5.84 feet to a point on the northerly line of the 15 foot Sacramento Municipal Utility District easement, as described in the document recorded in Book 860428 of Official Records, at Page 655, in said County; THENCE along said northerly line, South 88° 31' 28" West, a distance of 494.87 feet to the TRUE POINT OF BEGINNING.

Containing 3,846 square feet or 0.09 acres, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 2, Nad 83, Epoch Date 1997.30, as measured between NGS Station "G 1414," 1st order, and NGS station "Sheldon," 1st order. Said bearing is North 72°44'09" East. Distances shown are ground based.

July 9, 2008

END OF DESCRIPTION



PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA

EXHIBIT 'A'

#8092.008

**LEGAL DESCRIPTION
FOR A
TEMPORARY CONSTRUCTION EASEMENT**

Being a portion of Parcel 2 as shown on the Parcel Map entitled "Subdivision No. 01-0835", recorded in Book 166 of Parcel Maps, at Page 13, Sacramento County Records and located in the City of Rancho Cordova, County of Sacramento, State of California, more particularly described as follows:

COMMENCING at a point which is the southwesterly corner of said Parcel 2, said point also being a point of intersection with the northerly boundary line of the Final Map entitled "Villages of Zinfandel Unit No. 6A", recorded in Book 319 of Maps, at Page 10, in said County; THENCE along the westerly boundary line of said Parcel 2, North 04° 11' 24" West, a distance of 5.42 feet to the TRUE POINT OF BEGINNING; THENCE continuing along said westerly boundary line, North 04° 11' 24" West, a distance of 11.05 feet; thence leaving said westerly boundary line and entering into said Parcel 2, North 38° 29' 10" East, a distance of 20.07 feet; THENCE North 81° 22' 35" East, a distance of 331.22 feet; North 89° 12' 29" East, a distance of 150.27 feet; THENCE North 06° 07' 54" West, a distance of 306.45 feet; THENCE North 83° 45' 49" East, a distance of 30.00 feet to a point of intersection with the easterly boundary line of said Parcel 2; THENCE along said easterly boundary line, South 06° 07' 54" East, a distance of 319.35 feet; THENCE leaving said easterly boundary line, South 89° 12' 29" West, a distance of 180.65 feet; THENCE South 81° 22' 35" West, a distance of 323.71 feet; THENCE South 82° 11' 44" West, a distance of 2.85 feet; THENCE South 38° 29' 10" West, a distance of 21.82 feet; THENCE South 83° 29' 10" West, a distance of 3.55 feet to the TRUE POINT OF BEGINNING.

Containing 14,559 square feet or 0.33 acres, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 2, Nad 83, Epoch Date 1997.30, as measured between NGS Station "G 1414," 1st order, and NGS station "Sheldon," 1st order. Said bearing is North 72°44'09" East. Distances shown are ground based.

July 9, 2008

END OF DESCRIPTION

PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA



CITY OF RANCHO CORDOVA
RESOLUTION NO. 139-2008

RESOLUTION OF NECESSITY AUTHORIZING AN EMINENT DOMAIN ACTION TO
ACQUIRE REAL PROPERTY FOR INTERNATIONAL DRIVE EXTENSION PROJECT
OWNER: SIMON BUILDING LLC AND ED SIMON ET AL
PORTION OF APN: 072-0410-061 & 072-0410-062

WHEREAS, in order to construct the International Drive Extension Project ("Project") the City of Rancho Cordova is vested with the power of eminent domain to acquire a real property interest at the above location by virtue of Article 1, Section 19, of the Constitution of the State of California; California Code of Civil Procedure sections 1240.010 - 1240.050, 1240.110, 1240.120, 1240.150, 1240.350; California Government Code sections 37350.5, 37353, 39792, 40401, 40404; and California Streets and Highways Code section 10102; and

WHEREAS, it is desirable and necessary for the City of Rancho Cordova's Project to acquire real property and real property interests to extend a International Drive from Kilgore Road through to Sunrise Boulevard providing through access, and promoting traffic circulation; and

WHEREAS, the City has satisfied the provisions of the California Environmental Quality Act for the Project; and

WHEREAS, pursuant to the provisions of Section 7267.2 of the California Government Code, the City has made an offer to the owner(s) of the Subject Property for just compensation; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the California Code of Civil Procedure, notice has been duly given to all persons whose property interests may be acquired by eminent domain and whose names and addresses appear on the last County of Sacramento equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the City Council on the following matters:

- (a) Whether the public interest and necessity require the Project;
- (b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (c) Whether the property interest sought to be acquired is necessary for said Project;
- (d) Whether the offer required by Government Code Section 7267.2 has been made to the owner of record;
- (e) Whether the Subject Property is being acquired for use that will not unreasonably interfere with or impair the continuance of the public use as it now exists or may reasonably be expected to exist in the future;

- (f) If the Subject Property being acquired is appropriated to public use, whether the use for which the property is sought to be taken is a more necessary public use than the use to which the property is appropriated.

THEREFORE BE IT RESOLVED by the City Council of the City of Rancho Cordova, a municipality of the State of California, for the purpose of authorizing the filing of an eminent domain action pursuant to the provisions of the Code of Civil Procedure of the State of California commencing with Section 1230.010 known as the "Eminent Domain Law", as follows:

1. The public use for which an interest in real property is to be acquired pursuant to this resolution consists of Fee Simple, Public Utility Easement, and Temporary Construction Easement, as required for the International Drive Extension Project. An eminent domain action for such an acquisition is authorized by Government Code Section 25350.5.
2. A map showing the general location of the project is set forth in attached **Exhibit "A"**.
3. Legal descriptions with plats of the acquisitions are set forth in the attached **Exhibits "B" through "D"**.
4. The City Council has found and determined each of the following:
 - (a) The public interest and necessity require the proposed project.
 - (b) The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
 - (c) The interests in property described in this resolution are necessary for the proposed project.
 - (d) That the offer required by Section 7267.2 of the Government Code had been made to the owner or owners of record.
 - (e) The property and property interests are being acquired for a compatible use under California Code of Civil Procedure Section 1240.510 in that the City's use of the property will not interfere with or impair the continued use of the Subject Property for public utilities as they now exist or may reasonably be expected to exist in the future.
 - (f) The property and property interests are being acquired for a more necessary public use under California Code of Civil Procedure Section 1240.610 in that the City's use of the Subject Property is a more necessary public use than the use to which the property is appropriated.

IT IS FURTHER RESOLVED that the City Attorney is authorized and directed to prepare and prosecute in the name of the City of Rancho Cordova an action in eminent domain in accordance with the requirements of said eminent domain law, and to take all steps or actions as may be necessary or appropriate pursuant to said law and other applicable law for the purpose of acquiring said interest in said real property together with the right of immediate possession thereof.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 1st day of December, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda Budge, Mayor

ATTEST:

Mindy Cuppy, City Clerk

EXHIBIT A-1

PLAT TO ACCOMPANY
DESCRIPTION

LEGEND

- PROPOSED
RIGHT-OF-WAY LINE
- EXISTING
RIGHT-OF-WAY LINE
- CENTERLINE
- OVERALL
RIGHT-OF-WAY AREA



(OA)



INTERNATIONAL DRIVE
RIGHT-OF-WAY

CITY OF RANCHO CORDOVA / COUNTY OF SACRAMENTO



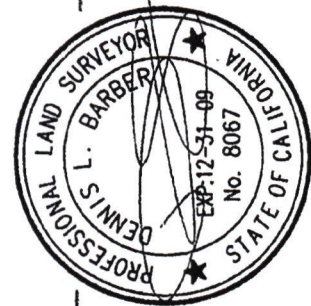
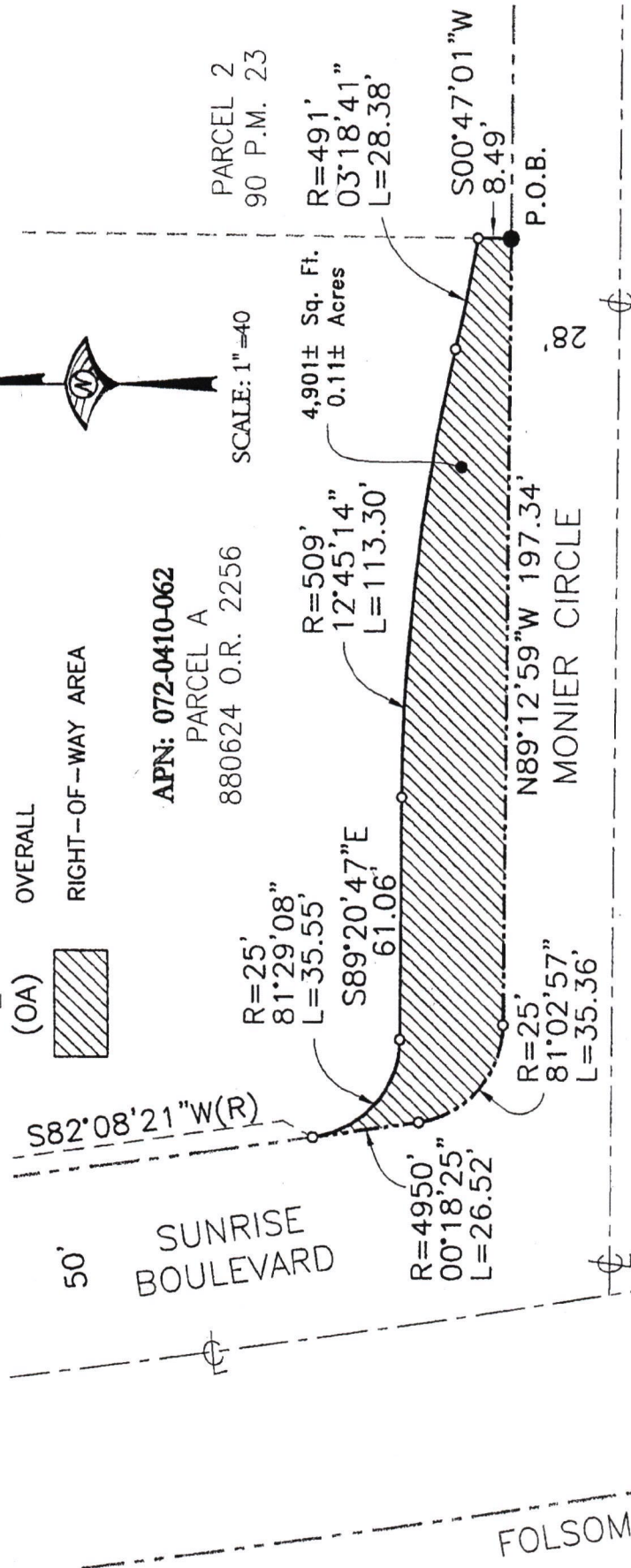
APN: 072-0410-062

PARCEL A

880624 O.R. 2256

PARCEL 2
90 P.M. 23

SCALE: 1"=40'



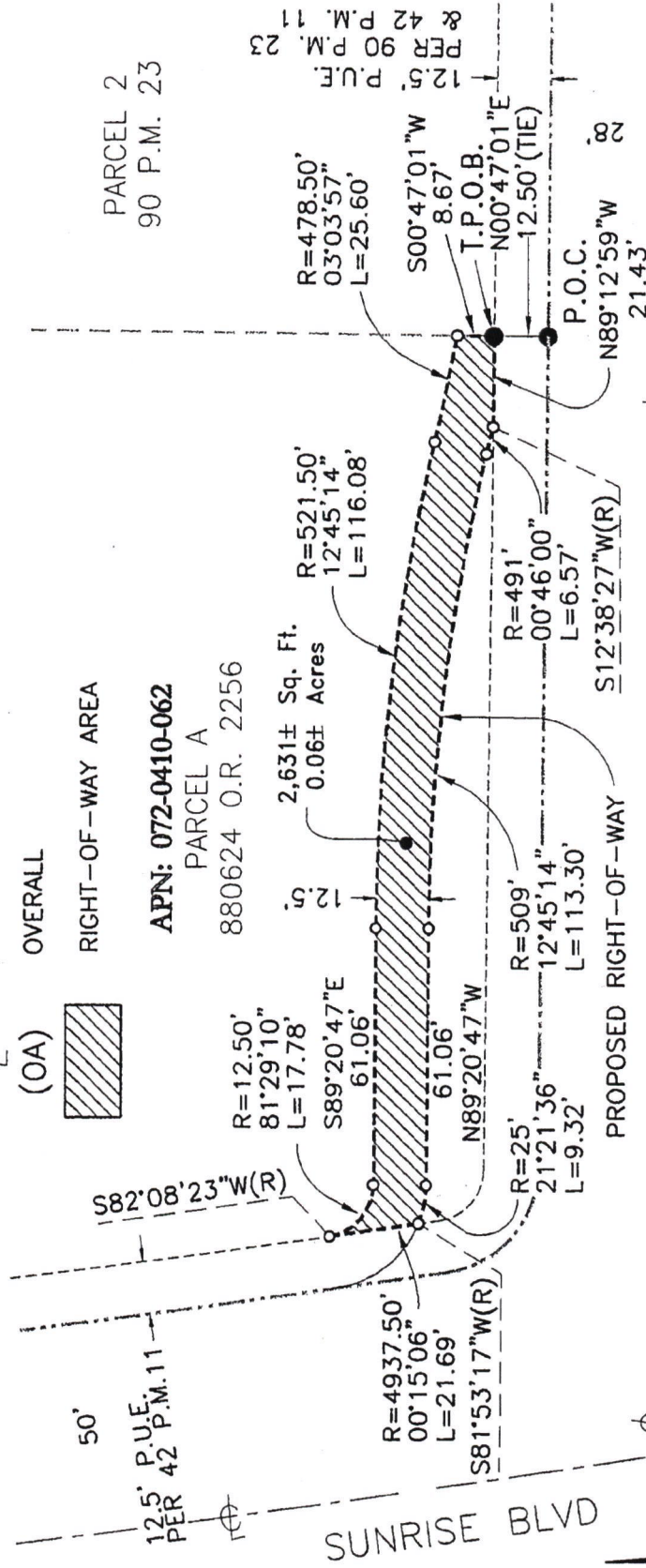
WOOD RODGERS
DEVELOPING INNOVATIVE DESIGN SOLUTIONS
3301 C St., Bldg. 100-B
Sacramento, CA 95816
Tel 916.341.7760
Fax 916.341.7767
7/09/08 8092.008 SHEET 1 OF 1

SEE DESCRIPTION FOR
COURSE INFORMATION

PLAT TO ACCOMPANY	DESCRIPTION
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PROPOSED P.U.E. LINE
EXISTING
RIGHT-OF-WAY LINE
CENTERLINE
OVERALL
(OA)

CITY OF RANCHO CORDOVA / COUNTY OF SACRAMENTO



MONIER CIRCLE



SCALE: 1"=40'

SEE DESCRIPTION FOR
COURSE INFORMATION

WOOD ROOGERS
DEVELOPING INNOVATIVE DESIGN SOLUTIONS

3301 C St., Bldg. 100-B
Sacramento, CA 95816
Tel 916.341.7760
Fax 916.341.7767

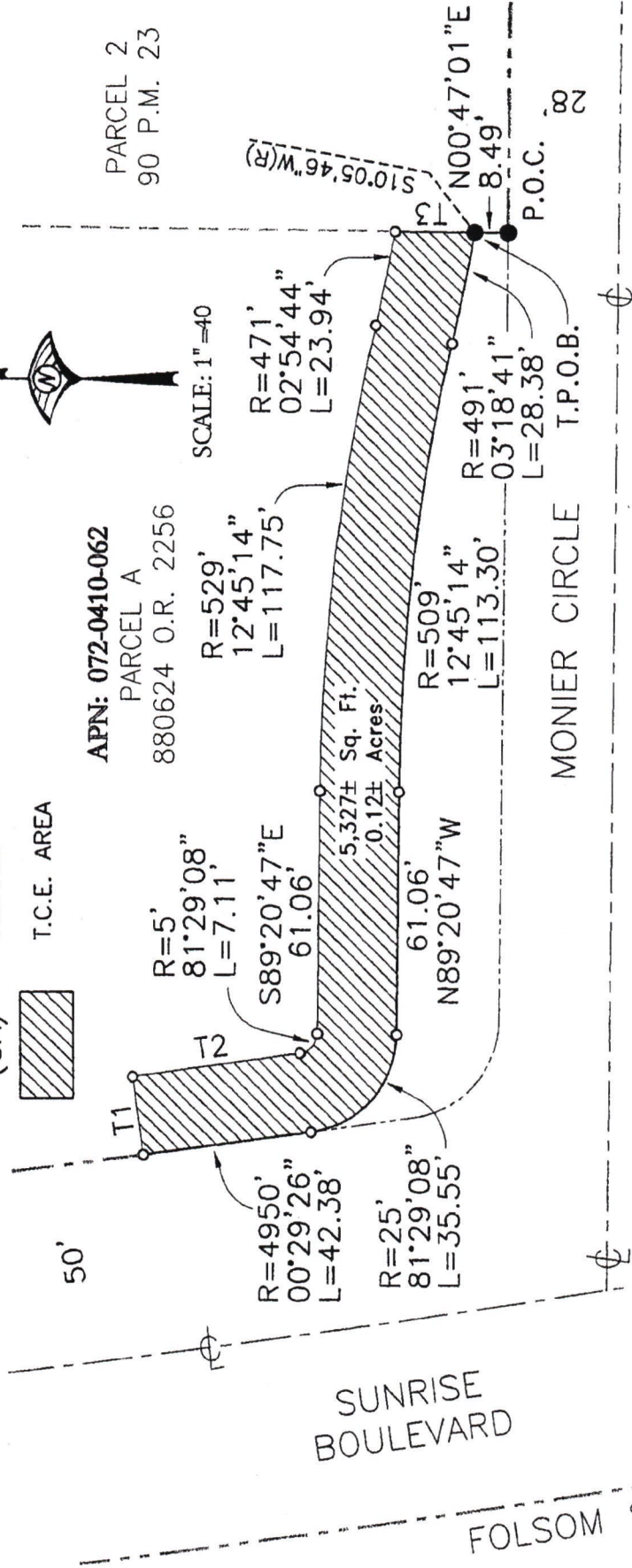
7/09/08 8092.008 SHEET 1 OF 1

EXHIBIT A-1

PLAT TO ACCOMPANY
DESCRIPTION

LEGEND

PROPOSED RIGHT-OF-WAY LINE	_____
EXISTING RIGHT-OF-WAY LINE	_____
CENTERLINE	_____
OVERALL	_____
T.C.E. AREA	



LINE	BEARING	DISTANCE
T1	N82°08'21"E	19.82'
T2	S07°51'39"E	42.40'
T3	S00°47'01"W	20.28'

SEE DESCRIPTION FOR
COURSE INFORMATION



WOOD RODGERS
DEVELOPING INNOVATIVE DESIGN SOLUTIONS
3301 C St., Bldg. 100-B
Sacramento, CA 95816
Tel 916.341.7760
Fax 916.341.7767
7/09/08 8092.008
SHEET 1 OF 1

EXHIBIT 'A'

LEGAL DESCRIPTION

#8092.008

Being a portion of Parcel A as described in that Certificate of Compliance, recorded in Book 880624 of Official Records, at Page 2256, Sacramento County Records, and located in the City of Rancho Cordova, County of Sacramento, State of California, more particularly described as follows:

BEGINNING at a point which is the southeast corner of said Parcel A, THENCE along the south boundary line of said Parcel A, also being the north right-of-way line of Monier Circle as shown on that certain Parcel Map, recorded in Book 42 of Parcel Maps, at Page 11, in said County, North $89^{\circ} 12' 59''$ West, a distance of 197.34 feet to a point of curvature; THENCE along the westerly boundary line of said Parcel A, also being the easterly right-of-way line of Sunrise Boulevard as shown on said Parcel Map, along a tangent curve concave to the northeast, having a radius of 25.00 feet, northwesterly 35.36 feet, along said curve through a central angle of $81^{\circ} 02' 57''$; THENCE along said westerly boundary line, along a compound curve concave to the northeast, having a radius of 4950.00 feet, northwesterly 26.52 feet, along said curve through a central angle of $00^{\circ} 18' 25''$ to a point of cusp; THENCE leaving said westerly boundary line and entering into said Parcel A, along a non-tangent curve concave to the northeast, having a radius of 25.00 feet, and to which a radial line bears South $82^{\circ} 08' 21''$ West, southeasterly 35.55 feet, along said curve through a central angle of $81^{\circ} 29' 08''$; THENCE South $89^{\circ} 20' 47''$ East, a distance of 61.06 feet; THENCE along a tangent curve concave to the south, having a radius of 509.00 feet, easterly 113.30 feet, along said curve through a central angle of $12^{\circ} 45' 14''$; THENCE along a reversing curve, having a radius of 491.00 feet, easterly 28.38 feet, along said curve through a central angle of $03^{\circ} 18' 41''$ to a point of intersection with the east boundary line of said Parcel A; THENCE along said east boundary line, South $00^{\circ} 47' 01''$ West, a distance of 8.49 feet to the POINT OF BEGINNING.

Containing 4,901 square feet or 0.11 acres, more or less.

See Exhibit "A-1", plat to accompany description, attached hereto and made a part hereof.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 2, Nad 83, Epoch Date 1997.30, as measured between NGS Station "G 1414," 1st order, and NGS station "Sheldon," 1st order. Said bearing is North $72^{\circ} 44' 09''$ East. Distances shown are ground based.

July 9, 2008

END OF DESCRIPTION

PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA



EXHIBIT 'A'

#8092.008

LEGAL DESCRIPTION

Being a portion of Parcel A as described in that Certificate of Compliance, recorded in Book 880624 of Official Records, at Page 2256, Sacramento County Records, and located in the City of Rancho Cordova, County of Sacramento, State of California, more particularly described as follows:

COMMENCING at the southeast corner of said Parcel A, said corner also being a point on the northerly right-of-way of Monier Circle; THENCE along the common boundary line of said Parcel A and Parcel 2, as shown on that certain Parcel Map, recorded in Book 90 of Parcel Maps, at Page 23, said County Records, North 00° 47' 01" West, a distance of 12.50 feet to the TRUE POINT OF BEGINNING, said point also being on the northerly line of a 12.5 foot Public Utility Easement, as shown on said Parcel Map; THENCE leaving said common boundary line and entering into said Parcel A, along said northerly line, North 89° 12' 59" West, a distance of 21.43 feet to a point of curvature; THENCE leaving said northerly line and continuing within said Parcel A, from which a radial line bears South 12° 38' 27" West, northwesterly 6.57 feet, along a curve concave to the northeast, having a radius of 491.00 feet, through a central angle of 00° 46' 00", to a point of reverse curvature; THENCE westerly 113.30 feet, along a curve concave to the southwest, having a radius of 509.00 feet, through a central angle of 12° 45' 14"; THENCE North 89° 20' 47" West, a distance of 61.06 feet to a point of curvature; THENCE westerly 9.32 feet, along a curve concave to the north, having a radius of 25.00 feet, through a central angle of 21° 21' 36", to a point of curvature, also being a point on the easterly line of a 12.50 foot wide P.U.E., as shown on that certain Parcel Map, recorded in Book 42 of Parcel Maps, at Page 11, said County Records; THENCE along said easterly line, from which a radial line bears South 81° 53' 17" West, northerly 21.69 feet, along a curve concave to the northeast, having a radius of 4937.50 feet, through a central angle of 00° 15' 06", to a point of cusp; THENCE leaving said easterly line from which a radial line bears South 82° 08' 23" West, southeasterly 17.78 feet, along a curve concave to the northeast, having a radius of 12.50 feet, through a central angle of 81° 29' 10"; THENCE South 89° 20' 47" East, a distance of 61.06 feet to a point of curvature; THENCE southeasterly 116.08 feet, along a curve concave to the southwest, having a radius of 521.50 feet, through a central angle of 12° 45' 14" to a point of reverse curvature; THENCE easterly 25.60 feet, along a curve concave to the northeast, having a radius of 478.50 feet, through a central angle of 03° 03' 57" to last said common boundary line; THENCE along said common boundary line, South 00° 47' 01" West, a distance of 8.67 feet to the TRUE POINT OF BEGINNING.

Containing 2,631 square feet or 0.06 acres, more or less.

See Exhibit "A-1", plat to accompany description, attached hereto and made a part hereof.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 2, Nad 83, Epoch Date 1997.30, as measured between NGS Station "G 1414," 1st order, and NGS station "Sheldon," 1st order. Said bearing is North 72°44'09" East. Distances shown are ground based.

July 9, 2008

END OF DESCRIPTION



PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA

EXHIBIT 'A'
LEGAL DESCRIPTION
FOR A
TEMPORARY CONSTRUCTION EASEMENT

#8092.008

Being a portion of Parcel A as described in that Certificate of Compliance, recorded in Book 880624 of Official Records, at Page 2256, Sacramento County Records and located in the City of Rancho Cordova, County of Sacramento, State of California, more particularly described as follows:

COMMENCING at a point which is the southeast corner of said Parcel A, said point also being on the northerly right-of-way line of Monier Circle, as shown on that certain Parcel Map, recorded in Book 42 of Parcel Maps, at Page 11, in said County; THENCE along the easterly boundary line of said Parcel A, North 00° 47' 01" East, a distance of 8.49 feet to the TRUE POINT OF BEGINNING; THENCE entering into said Parcel A, along a non-tangent curve concave to the northeast, having a radius of 491.00 feet, and to which a radial line bears South 10° 05' 46" West, northwesterly 28.38 feet, along said curve through a central angle of 03° 18' 41"; THENCE along a reversing curve concave to the southwest, having a radius of 509.00 feet, westerly 113.30 feet, along said curve through a central angle of 12° 45' 14"; THENCE North 89° 20' 47" West, a distance of 61.06 feet; THENCE along a tangent curve concave to the northeast, having a radius of 25.00 feet, northwesterly 35.55 feet, along said curve through a central angle of 81° 29' 08" to a point on the westerly boundary line of said Parcel A, also being the easterly right-of-way line of Sunrise Boulevard; THENCE along said westerly boundary line, along a reversing curve concave to the southwest, having a radius of 4950.00 feet, northwesterly 42.38 feet, along said curve through a central angle of 00° 29' 26"; THENCE leaving said westerly boundary line and entering into said Parcel A, North 82° 08' 21" East, a distance of 19.82 feet; THENCE South 07° 51' 39" East, a distance of 42.40 feet; THENCE along a tangent curve concave to the northeast, having a radius of 5.00 feet, southeasterly 7.11 feet, along said curve through a central angle of 81° 29' 08"; THENCE South 89° 20' 47" East, a distance of 61.06 feet; THENCE along a tangent curve concave to the southwest, having a radius of 529.00 feet, southeasterly 117.75 feet, along said curve through a central angle of 12° 45' 14"; THENCE along a reversing curve concave to the northeast, having a radius of 471.00 feet, southeasterly 23.94 feet, along said curve through a central angle of 02° 54' 44" to a point of intersection with the east boundary line of said Parcel A; THENCE along said east boundary line, South 00° 47' 01" West, a distance of 20.28 feet to the TRUE POINT OF BEGINNING.

Containing 5,327 square feet or 0.12 acres, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 2, Nad 83, Epoch Date 1997.30, as measured between NGS Station "G 1414," 1st order, and NGS station "Sheldon," 1st order. Said bearing is North 72°44'09" East. Distances shown are ground based.

July 9, 2008

END OF DESCRIPTION



PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA

**CITY OF RANCHO CORDOVA
RESOLUTION NO. 140-2008**

**RESOLUTION OF NECESSITY AUTHORIZING AN EMINENT DOMAIN ACTION TO
ACQUIRE REAL PROPERTY FOR INTERNATIONAL DRIVE EXTENSION PROJECT
OWNER: FREDERICK T. JAMIESON REVOCABLE TRUST
PORTION OF APN: 072-0410-054**

WHEREAS, in order to construct the International Drive Extension Project ("Project") the City of Rancho Cordova is vested with the power of eminent domain to acquire a real property interest at the above location by virtue of Article 1, Section 19, of the Constitution of the State of California; California Code of Civil Procedure sections 1240.010 - 1240.050, 1240.110, 1240.120, 1240.150, 1240.350; California Government Code sections 37350.5, 37353, 39792, 40401, 40404; and California Streets and Highways Code section 10102; and

WHEREAS, it is desirable and necessary for the City of Rancho Cordova's Project to acquire real property and real property interests to extend a International Drive from Kilgore Road through to Sunrise Boulevard providing through access, and promoting traffic circulation; and

WHEREAS, the City has satisfied the provisions of the California Environmental Quality Act for the Project; and

WHEREAS, pursuant to the provisions of Section 7267.2 of the California Government Code, the City has made an offer to the owner(s) of the Subject Property for just compensation; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the California Code of Civil Procedure, notice has been duly given to all persons whose property interests may be acquired by eminent domain and whose names and addresses appear on the last County of Sacramento equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the City Council on the following matters:

- (a) Whether the public interest and necessity require the Project;
- (b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (c) Whether the property interest sought to be acquired is necessary for said Project;
- (d) Whether the offer required by Government Code Section 7267.2 has been made to the owner of record;
- (e) Whether the Subject Property is being acquired for use that will not unreasonably interfere with or impair the continuance of the public use as it now exists or may reasonably be expected to exist in the future;

- (f) If the Subject Property being acquired is appropriated to public use, whether the use for which the property is sought to be taken is a more necessary public use than the use to which the property is appropriated.

THEREFORE BE IT RESOLVED by the City Council of the City of Rancho Cordova, a municipality of the State of California, for the purpose of authorizing the filing of an eminent domain action pursuant to the provisions of the Code of Civil Procedure of the State of California commencing with Section 1230.010 known as the "Eminent Domain Law", as follows:

1. The public use for which an interest in real property is to be acquired pursuant to this resolution consists of Fee Simple, Public Utility Easement, and Temporary Construction Easement, as required for the International Drive Extension Project. An eminent domain action for such an acquisition is authorized by Government Code Section 25350.5.
2. A map showing the general location of the project is set forth in attached **Exhibit "A"**.
3. Legal descriptions with plats of the acquisitions are set forth in the attached **Exhibits "B" through "D"**.
4. The City Council has found and determined each of the following:
 - (a) The public interest and necessity require the proposed project.
 - (b) The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
 - (c) The interests in property described in this resolution are necessary for the proposed project.
 - (d) That the offer required by Section 7267.2 of the Government Code had been made to the owner or owners of record.
 - (e) The property and property interests are being acquired for a compatible use under California Code of Civil Procedure Section 1240.510 in that the City's use of the property will not interfere with or impair the continued use of the Subject Property for public utilities as they now exist or may reasonably be expected to exist in the future.
 - (f) The property and property interests are being acquired for a more necessary public use under California Code of Civil Procedure Section 1240.610 in that the City's use of the Subject Property is a more necessary public use than the use to which the property is appropriated.

IT IS FURTHER RESOLVED that the City Attorney is authorized and directed to

prepare and prosecute in the name of the City of Rancho Cordova an action in eminent domain in accordance with the requirements of said eminent domain law, and to take all steps or actions as may be necessary or appropriate pursuant to said law and other applicable law for the purpose of acquiring said interest in said real property together with the right of immediate possession thereof.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 1st day of December, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda Budge, Mayor

ATTEST:

Mindy Cuppy, City Clerk

EXHIBIT A-1PLAT TO ACCOMPANY
DESCRIPTIONINTERNATIONAL DRIVE
TEMPORARY CONSTRUCTION EASEMENT
CITY OF RANCHO CORDOVA / COUNTY OF SACRAMENTO

LINE	BEARING	DISTANCE
T1	N00°47'01"E	8.49'
T2	N00°47'01"E	20.28'
T3	S89°12'59"E	16.57'
T4	S00°47'01"W	20.00'
T5	N89°12'59"W	17.50'
T6	N83°52'39"W	24.77'

LEGEND

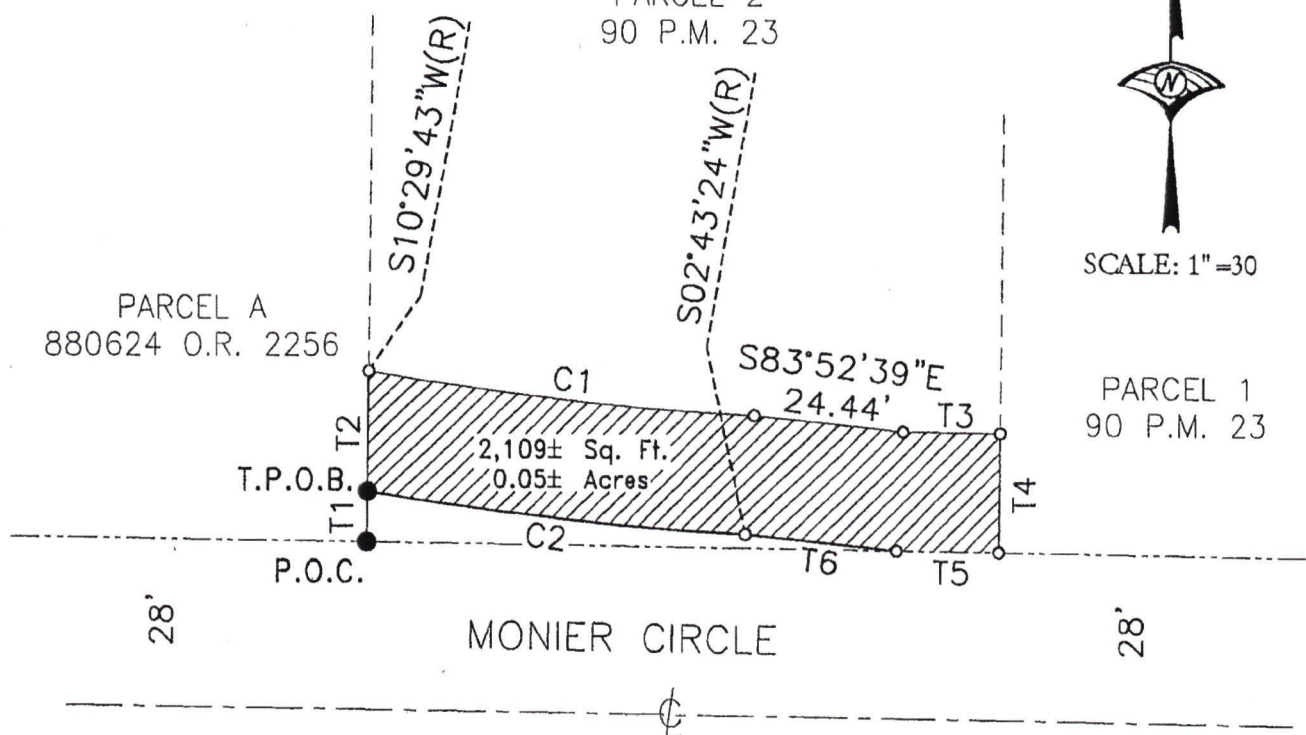
	PROPOSED
	RIGHT-OF-WAY LINE
	EXISTING
	RIGHT-OF-WAY LINE
	CENTERLINE
	(OA)
	OVERALL
	T.C.E. AREA

CURVE	RADIUS	DELTA	LENGTH
C1	R=471'	07°50'37"	L=64.48'
C2	R=491'	07°22'22"	L=63.18'

APN: 072-0410-054

PARCEL 2
90 P.M. 23PARCEL A
880624 O.R. 2256

SCALE: 1"=30'

PARCEL 1
90 P.M. 23SEE DESCRIPTION FOR
COURSE INFORMATION

WOOD RODGERS
DEVELOPING INNOVATIVE DESIGN SOLUTIONS
3301 C St., Bldg. 100-B Sacramento, CA 95816
Tel 916.341.7760 Fax 916.341.7767
7/09/08 8092.008 SHEET 1 OF 1

EXHIBIT A-1

PLAT TO ACCOMPANY
DESCRIPTION

INTERNATIONAL DRIVE RIGHT-OF-WAY

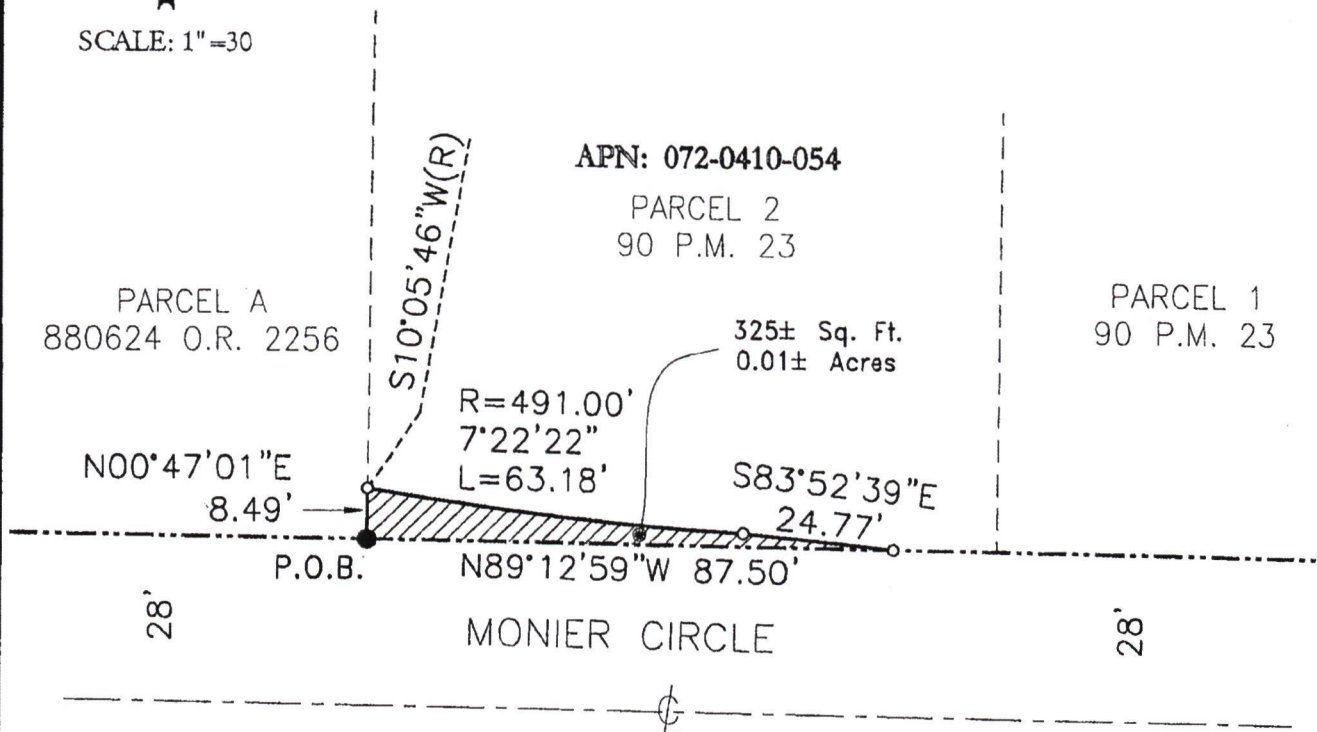
CITY OF RANCHO CORDOVA / COUNTY OF SACRAMENTO



SCALE: 1"=30'

LEGEND

	PROPOSED RIGHT-OF-WAY LINE
	EXISTING RIGHT-OF-WAY LINE
	CENTERLINE
(OA)	OVERALL
	RIGHT-OF-WAY AREA



SEE DESCRIPTION FOR
COURSE INFORMATION



WOOD RODGERS
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Sacramento, CA 95816 Fax 916.341.7767
7/09/08 8092.008 SHEET 1 OF 1

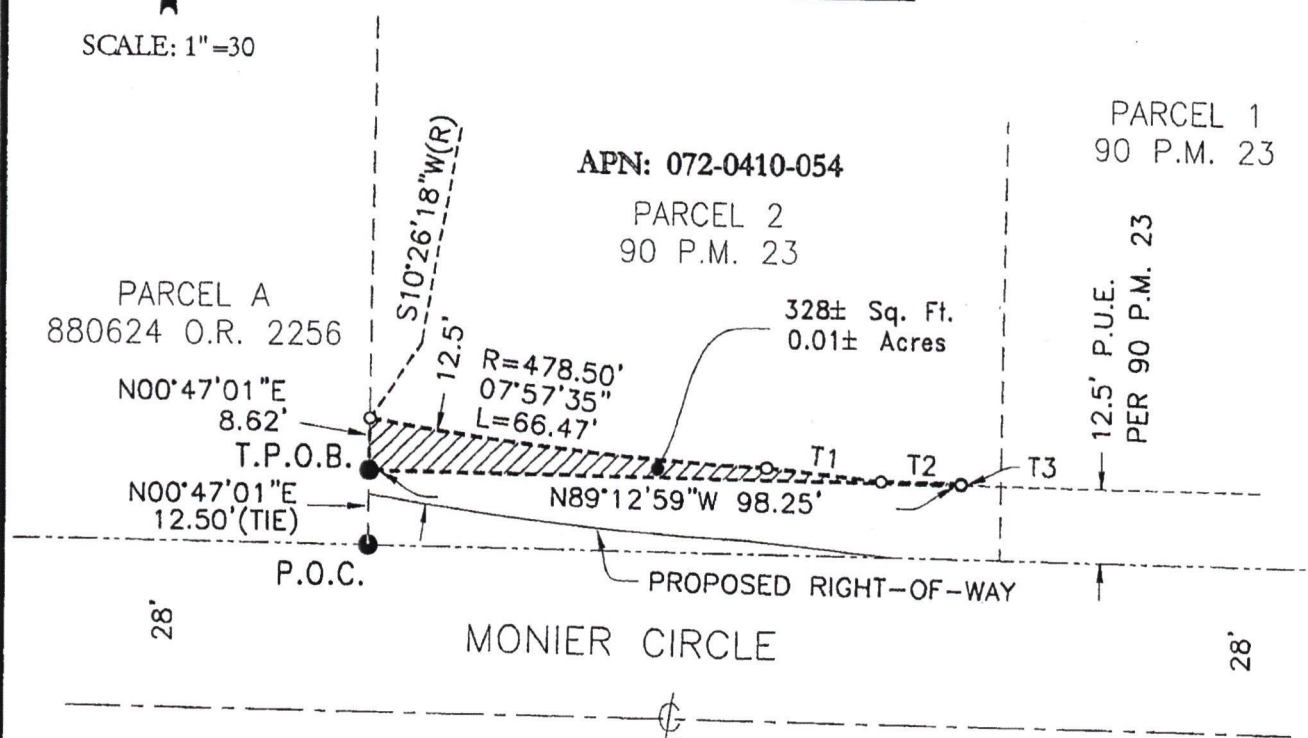
PLAT TO ACCOMPANY
DESCRIPTION

CITY OF RANCHO CORDOVA / COUNTY OF SACRAMENTO



SCALE: 1"=30

----- PROPOSED P.U.E. LINE
 _____ EXISTING
 CENTERLINE
 (OA) OVERALL
 [Hatched Box] P.U.E. AREA



LINE	BEARING	DISTANCE
T1	S83°52'39"E	18.88'
T2	S89°13'08"E	13.36'
T3	S00°55'38"W	0.30'

SEE DESCRIPTION FOR
COURSE INFORMATION



WOOD RODGERS
DEVELOPING INNOVATIVE DESIGN SOLUTIONS

3301 C St., Bldg. 100-B Tel 916.341.7760
Sacramento, CA 95816 Fax 916.341.7767

7/09/08 8092.008 SHEET 1 OF 1

EXHIBIT 'A'

LEGAL DESCRIPTION

#8092.008

Being a portion of Parcel 2 as shown on that certain Parcel Map, recorded in Book 90 of Parcel Maps, at Page 23, Sacramento County Records, and located in the City of Rancho Cordova, County of Sacramento, State of California, more particularly described as follows:

BEGINNING at a point which is the southwest corner of said Parcel 2, THENCE along the west boundary line of said Parcel 2, North $00^{\circ} 47' 01''$ East, a distance of 8.49 feet; THENCE leaving said west boundary line and entering into said Parcel 2, along a non-tangent curve concave to the northeast, having a radius of 491.00 feet, and to which a radial line which bears North $10^{\circ} 05' 46''$ East, southeasterly 63.18 feet, along said curve through a central angle of $07^{\circ} 22' 22''$; THENCE South $83^{\circ} 52' 39''$ East, a distance of 24.77 feet to the south boundary line of said Parcel 2; THENCE along the south boundary line of said Parcel 2, also being the north right-of-way line of Monier Circle as shown on said Parcel Map, North $89^{\circ} 12' 59''$ West, a distance of 87.50 feet to the POINT OF BEGINNING.

Containing 325 square feet or 0.01 acres, more or less.

See Exhibit "A-1", plat to accompany description, attached hereto and made a part hereof.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 2, Nad 83, Epoch Date 1997.30, as measured between NGS Station "G 1414," 1st order, and NGS station "Sheldon," 1st order. Said bearing is North $72^{\circ} 44' 09''$ East. Distances shown are ground based.

July 9, 2008

END OF DESCRIPTION



PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA

EXHIBIT 'A'

#8092.008

LEGAL DESCRIPTION

Being a portion of Parcel 2 as shown on that certain Parcel Map, recorded in Book 90 of Parcel Maps, at Page 23, Sacramento County Records, and located in the City of Rancho Cordova, County of Sacramento, State of California, more particularly described as follows:

COMMENCING at a point which is the southwest corner of said Parcel 2; THENCE along the west boundary line of said Parcel 2, North $00^{\circ} 47' 01''$ East, a distance of 12.50 feet to the TRUE POINT OF BEGINNING, said point also being on the northerly line of the 12.5 foot Public Utility Easement, as shown on said Parcel Map; THENCE continuing along said west boundary line, North $00^{\circ} 47' 01''$ East, a distance of 8.62 feet; THENCE leaving said west boundary line and entering into said Parcel 2, along a non-tangent curve concave to the northeast, having a radius of 478.50 feet, and to which a radial line which bears South $10^{\circ} 26' 18''$ West, southeasterly 66.47 feet, along said curve through a central angle of $07^{\circ} 57' 35''$; THENCE South $83^{\circ} 52' 39''$ East, a distance of 18.88 feet; THENCE South $89^{\circ} 13' 08''$ East, a distance of 13.36 feet; THENCE South $00^{\circ} 55' 38''$ West, a distance of 0.30 feet to said northerly line; THENCE along said northerly line, North $89^{\circ} 12' 59''$ West, a distance of 98.25 feet to the TRUE POINT OF BEGINNING.

Containing 328 square feet or 0.01 acres, more or less.

See Exhibit "A-1", plat to accompany description, attached hereto and made a part hereof.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 2, Nad 83, Epoch Date 1997.30, as measured between NGS Station "G 1414," 1st order, and NGS station "Sheldon," 1st order. Said bearing is North $72^{\circ} 44' 09''$ East. Distances shown are ground based.

July 9, 2008

END OF DESCRIPTION



PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA

EXHIBIT 'A'

#8092.008

LEGAL DESCRIPTION
FOR A
TEMPORARY CONSTRUCTION EASEMENT

Being a portion of Parcel 2 as shown on that certain Parcel Map, recorded in Book 90 of Parcel Maps, at Page 23, Sacramento County Records and located in the City of Rancho Cordova, County of Sacramento, State of California, more particularly described as follows:

COMMENCING at a point which is the southwest corner of said Parcel 2, said point also being on the north right-of-way line of Monier Circle, as shown on said Parcel Map; THENCE along the west boundary line of said Parcel 2, North 00° 47' 01" East, a distance of 8.49 feet to the TRUE POINT OF BEGINNING; THENCE continuing along said west boundary line, North 00° 47' 01" East, a distance of 20.28 feet; THENCE leaving said west boundary line and entering into said Parcel 2, along a non-tangent curve concave to the northeast, having a radius of 471.00 feet, and to which a radial line which bears South 10° 29' 43" West, southeasterly 64.48 feet, along said curve through a central angle of 07° 50' 37"; THENCE South 83° 52' 39" East, a distance of 24.44 feet; THENCE South 89° 12' 59" East, a distance of 16.57 feet to the east boundary line of said Parcel 2; THENCE along the said east boundary line South 00° 47' 01" West, a distance of 20.00 feet to the southeast corner of said Parcel 2; THENCE along the south boundary line of said Parcel 2, also being the north right-of-way line of Monier Circle as shown on said Parcel Map, North 89° 12' 59" West, a distance of 17.50 feet; THENCE leaving said south boundary line, North 83° 52' 39" West, a distance of 24.77 feet; THENCE along a non-tangent curve concave to the northeast, having a radius of 491.00 feet, and to which a radial line which bears South 02° 43' 24" west, northwesterly 63.18 feet, along said curve through a central angle of 07° 22' 22" to the TRUE POINT OF BEGINNING.

Containing 2,109 square feet or 0.05 acres, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 2, Nad 83, Epoch Date 1997.30, as measured between NGS Station "G 1414," 1st order, and NGS station "Sheldon," 1st order. Said bearing is North 72°44'09" East. Distances shown are ground based.

July 9, 2008

END OF DESCRIPTION

PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA



CITY OF RANCHO CORDOVA

RESOLUTION NO. 141-2008

**RESOLUTION OF NECESSITY AUTHORIZING AN EMINENT DOMAIN ACTION TO
ACQUIRE REAL PROPERTY FOR INTERNATIONAL DRIVE EXTENSION PROJECT
OWNER: MONIER SELF STORAGE LLC
PORTION OF APN: 072-0410-015**

WHEREAS, in order to construct the International Drive Extension Project ("Project") the City of Rancho Cordova is vested with the power of eminent domain to acquire a real property interest at the above location by virtue of Article 1, Section 19, of the Constitution of the State of California; California Code of Civil Procedure sections 1240.010 - 1240.050, 1240.110, 1240.120, 1240.150, 1240.350; California Government Code sections 37350.5, 37353, 39792, 40401, 40404; and California Streets and Highways Code section 10102; and

WHEREAS, it is desirable and necessary for the City of Rancho Cordova's Project to acquire real property and real property interests to extend a International Drive from Kilgore Road through to Sunrise Boulevard providing through access, and promoting traffic circulation; and

WHEREAS, the City has satisfied the provisions of the California Environmental Quality Act for the Project; and

WHEREAS, pursuant to the provisions of Section 7267.2 of the California Government Code, the City has made an offer to the owner(s) of the Subject Property for just compensation; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the California Code of Civil Procedure, notice has been duly given to all persons whose property interests may be acquired by eminent domain and whose names and addresses appear on the last County of Sacramento equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the City Council on the following matters:

- (a) Whether the public interest and necessity require the Project;
- (b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (c) Whether the property interest sought to be acquired is necessary for said Project;
- (d) Whether the offer required by Government Code Section 7267.2 has been made to the owner of record;

- (e) Whether the Subject Property is being acquired for use that will not unreasonably interfere with or impair the continuance of the public use as it now exists or may reasonably be expected to exist in the future;
- (f) If the Subject Property being acquired is appropriated to public use, whether the use for which the property is sought to be taken is a more necessary public use than the use to which the property is appropriated.

THEREFORE BE IT RESOLVED by the City Council of the City of Rancho Cordova, a municipality of the State of California, for the purpose of authorizing the filing of an eminent domain action pursuant to the provisions of the Code of Civil Procedure of the State of California commencing with Section 1230.010 known as the "Eminent Domain Law", as follows:

1. The public use for which an interest in real property is to be acquired pursuant to this resolution consists of Temporary Construction Easement, as required for the International Drive Extension Project. An eminent domain action for such an acquisition is authorized by Government Code Section 25350.5.
2. A map showing the general location of the project is set forth in attached **Exhibit "A"**.
3. Legal description with plat of the acquisition are set forth in the attached **Exhibit "B"**.
4. The City Council has found and determined each of the following:
 - (a) The public interest and necessity require the proposed project.
 - (b) The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
 - (c) The interests in property described in this resolution are necessary for the proposed project.
 - (d) That the offer required by Section 7267.2 of the Government Code had been made to the owner or owners of record.
 - (e) The property and property interests are being acquired for a compatible use under California Code of Civil Procedure Section 1240.510 in that the City's use of the property will not interfere with or impair the continued use of the Subject Property for public utilities as they now exist or may reasonably be expected to exist in the future.
 - (f) The property and property interests are being acquired for a more necessary public use under California Code of Civil Procedure Section 1240.610 in that the City's use of the Subject Property is a more necessary public use than the use to which the property is appropriated.

IT IS FURTHER RESOLVED that the City Attorney is authorized and directed to prepare and prosecute in the name of the City of Rancho Cordova an action in eminent domain in accordance with the requirements of said eminent domain law, and to take all steps or actions as may be necessary or appropriate pursuant to said law and other applicable law for the purpose of acquiring said interest in said real property together with the right of immediate possession thereof.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 1st day of December, 2008 by the following vote:

AYES:

NOES:

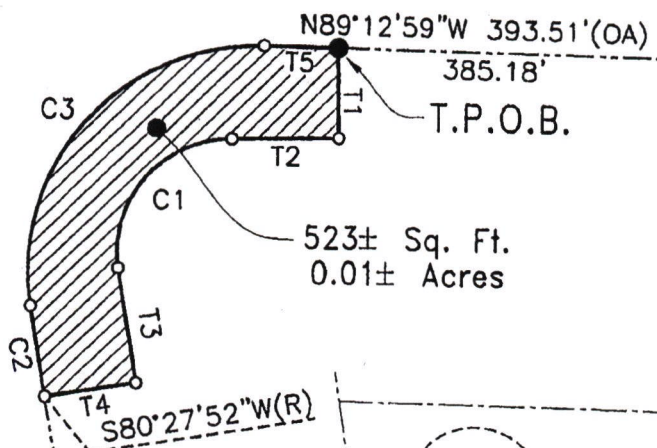
ABSENT:

ABSTAIN:

Linda Budge, Mayor

ATTEST:

Mindy Cuppy, City Clerk

EXHIBIT A-1PLAT TO ACCOMPANY
DESCRIPTION**INTERNATIONAL DRIVE
TEMPORARY CONSTRUCTION EASEMENT**
CITY OF RANCHO CORDOVA / COUNTY OF SACRAMENTODETAIL "A"
SCALE: 1" = 20'

SCALE: 1" = 100'

SEE DESCRIPTION FOR
COURSE INFORMATION**LEGEND**

---	EXISTING RIGHT-OF-WAY LINE
⊕	CENTERLINE
(OA)	OVERALL
	T.C.E. AREA



SEE DETAIL "A"

MONIER CIRCLE

N89°12'59"W 385.18'

P.O.C.

APN: 072-0410-015

PARCEL 15
42 P.M. 11

SUNRISE BLVD

**WOOD RODGERS**
DEVELOPING INNOVATIVE DESIGN SOLUTIONS3301 C St., Bldg. 100-B
Sacramento, CA 95816Tel 916.341.7760
Fax 916.341.7767

7/09/08 8092.008

SHEET 1 OF 2

EXHIBIT A-1PLAT TO ACCOMPANY
DESCRIPTIONINTERNATIONAL DRIVE
TEMPORARY CONSTRUCTION EASEMENT
CITY OF RANCHO CORDOVA / COUNTY OF SACRAMENTO

CURVE	RADIUS	DELTA	LENGTH
C1	R=12.50'	98°16'32"	L=21.44'
C2	R=4950.00'	00°07'04"	L=10.18'
C3	R=25.00'	100°12'05"	L=43.72'

LINE	BEARING	DISTANCE
T1	S00°58'35"E	10.00'
T2	S89°01'25"W	11.91'
T3	S09°15'07"E	12.87'
T4	S80°44'53"W	10.00'
T5	S89°12'59"E	8.33'

SEE DESCRIPTION FOR
COURSE INFORMATION**WOOD RODGERS**
DEVELOPING INNOVATIVE DESIGN SOLUTIONS3301 C St., Bldg. 100-B
Sacramento, CA 95816Tel 916.341.7760
Fax 916.341.7767

7/09/08 8092.008

SHEET 2 OF 2

EXHIBIT 'A'
LEGAL DESCRIPTION
FOR A
TEMPORARY CONSTRUCTION EASEMENT

#8092.008

Being a portion of Parcel 15, as shown on that certain Parcel Map entitled "A Portion of Blocks 9 and 12, Natomas Consolidated of California Subdivision No. 2, recorded in 14 B.M., 20 & and A Portion of the Subdivision D.C. Kilgore 327.14 AC. Of Rancho Rio Del Los Americanos, recorded in 1 B.M., 2", recorded in Book 42 of Parcel Maps, at Page 11, Sacramento County Records and located in the City of Rancho Cordova, County of Sacramento, State of California, more particularly described as follows:

COMMENCING at the northeast corner of said Parcel 15; THENCE along the northerly line thereof, also being the southerly right-of-way line of Monier Circle, North 89° 12' 59" West, a distance of 385.18 feet to the TRUE POINT OF BEGINNING; THENCE leaving said TRUE POINT OF BEGINNING and entering into said Parcel 15, the following five (5) arcs, courses and distances;

1. South 00° 58' 35" East, a distance of 10.00 feet
2. South 89° 01' 25" West, a distance of 11.91 feet
3. 21.44 feet, along the arc of a 12.50 foot radius curve to the left through a central angle of 98° 16' 32"
4. South 09° 15' 07" East, a distance of 12.87 feet
5. South 80° 44' 53" West, a distance of 10.00 feet to the westerly line of said Parcel 15, also being the easterly right-of-way line of Sunrise Boulevard

THENCE along said line, along a non-tangent curve concave to the northeast, having a radius of 4950.00 feet, and to which a radial line bears South 80° 27' 52" West, northerly 10.18 feet, along said curve through a central angle of 00° 07' 04"; THENCE continuing along said easterly right-of-way, along a compound curve, having a radius of 25.00 feet, northeasterly 43.72 feet, along said curve through a central angle of 100° 12' 05" to said southerly right-of-way of Monier Circle; THENCE along said southerly right-of-way, South 89° 12' 59" East, a distance of 8.33 feet to the TRUE POINT OF BEGINNING.

Containing 523 square feet or 0.01 acres, more or less.

The Basis of Bearings for this description is the California State Plane Coordinate System, Zone 2, Nad 83, Epoch Date 1997.30, as measured between NGS Station "G 1414," 1st order, and NGS station "Sheldon," 1st order. Said bearing is North 72°44'09" East. Distances shown are ground based.

July 9, 2008

END OF DESCRIPTION



PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA

MEMORANDUM



DATE: December 1, 2008

TO: Honorable Mayor and City Council Members

FROM: Shannan Loveless, Planning Department

SUBJECT: **APPEAL OF PLANNING COMMISSION'S DECISION TO DENY A
CONDITIONAL USE PERMIT FOR THE DEPARTMENT OF REVENUE
& RECOVERY, PROJECT NO. DD6151, LOCATED AT 10665 COLOMA
ROAD**

RECOMMENDATION

Continue item to January 20, 2009.

RESULT OF RECOMMENDED ACTION

Staff recommends Council continue this item to January 20th per letter of request dated November 25, 2008 by the County of Sacramento.

ATTACHMENT

County of Sacramento Request of Continuance Letter

Chief Information Officer
David Villanueva



County Executive
Terry Schutten

County of Sacramento

November 25, 2008

Mindy Cuppy, City Clerk
City of Rancho Cordova
2729 Prospect Park Drive
Rancho Cordova, CA 95670

Dear Ms. Cuppy:

Re: Request for Continuance

In reference to the Appeal the County of Sacramento has filed as scheduled for the December 1, 2008 Agenda City Council Meeting, please consider this letter formal notification that the County of Sacramento, Office of Communications and Information Technology (OCIT) desires a continuance until **January 20, 2009** on the matter of the "Conditional Use Permit" for the Department of Revenue and Recovery (DRR) located at 10665 Coloma Road.

Thank you.

A handwritten signature in blue ink, appearing to read "D. Villanueva", is written over the printed name.

David Villanueva
Chief Information Officer

MEMORANDUM



DATE: December 1, 2008

TO: Honorable Mayor and Council Members

FROM: Adam Lindgren, City Attorney
Curt Haven, Economic Development Director
Kerry Simpson, Neighborhood Services Manager

SUBJECT: ORDINANCE AMENDING THE CITY'S MUNICIPAL CODE BY ADDING CHAPTER 16.17 RELATED TO MAINTENANCE OF FORECLOSED RESIDENTIAL PROPERTY

RECOMMENDATION

Waive first reading and introduce Ordinance No. 26-2008 amending the City's Municipal Code by adding Chapter 16.17 related to maintenance of foreclosed residential property.

RESULT OF RECOMMENDED ACTION

Adoption of this ordinance will establish procedures related to the fining of mortgage companies and banks for the failure to maintain foreclosed residential properties. This ordinance will codify the fines and procedures provided for in State law (Senate Bill 1137).

BACKGROUND

As of July 8, 2008, legal owners of vacant residential property purchased at a foreclosure sale, or acquired through foreclosure under a mortgage or deed of trust, must maintain the residential property or face civil fines of up to \$1,000 per day. An owner is "failing to maintain" the property if, for example, the owner permits excessive foliage growth that diminishes the value of the surrounding properties, fails to take steps towards preventing trespassers or squatters from accessing the property, or fails to prevent mosquito larvae from growing in standing water, or other conditions constituting a public nuisance. This ordinance reaffirms State law, and also provides the hearing procedures for the City in case an owner wants to appeal a fine issued pursuant to this ordinance.

ANALYSIS

Prior to issuing a fine pursuant to Civil Code section 2929.3, the City must provide the legal owner: 1) notice of the violation; 2) notice of the conditions establishing the violation; and 3) notice of the governmental entity's intent to issue a fine if the legal owner does not take steps towards remedying the violation within fourteen days, and completely remedy the violation in no less than thirty days. If a specific condition on the property threatens the public health or safety, the City may establish a compliance period shorter than thirty days, and may impose fines at the expiration of the compliance period.

If the legal owner fails to remedy the violation, the City may assess a civil fine of up to \$1,000 for each day the property is not maintained. The City can determine the amount of the fine based on any timely or good faith efforts by the legal owner to remedy the violation.

Pursuant to State law, this Ordinance will remain in effect until January 1, 2013, unless extended or deleted by later enacted State legislation.

Current Ordinances

The City currently has ordinances addressing the negative impacts resulting from unmaintained vacant buildings. This Ordinance provides the City with an alternative tool for enforcing minimum standards on vacant properties, and does not preempt the City's Vacant Building Ordinance. This ordinance only deals with foreclosed properties; the City's Vacant Building Ordinance applies to all vacant buildings, regardless of whether the building is subject to foreclosure.

While the City cannot collect fines under both this ordinance and the Vacant Building ordinance, vacant residential property fined under this ordinance may still be subject to enforcement procedures under local code provisions relating to different conditions on the property.

FISCAL IMPACT

Adoption of this ordinance is likely to result in additional revenues for the City because this ordinance authorizes fines of up to \$1,000 per day. Pursuant to State law, any additional revenue from collecting the fines goes towards local nuisance abatement programs.

ATTACHMENT

Ordinance No. 26-2008 Amending the City's Municipal Code by Adding Chapter 16.17 Related to Maintenance of Foreclosed Residential Property.

CITY OF RANCHO CORDOVA

ORDINANCE NO. 26-2008

**AN ORDINANCE OF THE CITY COUNCIL OF RANCHO CORDOVA
AMENDING THE CITY'S MUNICIPAL CODE BY ADDING CHAPTER
16.17 RELATED TO MAINTENANCE OF FORECLOSED RESIDENTIAL PROPERTY**

WHEREAS, the City of Rancho Cordova adopted its Vacant Building Monitoring Ordinance in 2007 to protect residents from the negative impacts caused by unmaintained vacant buildings; and

WHEREAS, the increase in foreclosed properties has resulted in the need for additional tools to combat such negative impacts; and

WHEREAS, on July 8, 2008, the California Governor signed Senate Bill 1137, urgency legislation relating to mortgages, which added Section 2929.3 to the California Civil Code; and

WHEREAS, the legislation was based on the impact of foreclosures in California. High foreclosure rates have adversely affected property values in the State, and will have even greater consequences as foreclosure rates continue to rise. According to statistics in Senate Bill 1137, compiled by the HOPE NOW Alliance, the number of completed California foreclosure sales in 2007 increased almost threefold from 1,902 in the first quarter to 5,564 in the fourth quarter of that year. In the month of January 2008 alone, 10,556 foreclosure sales, almost double the number for the prior quarter were completed. If foreclosed properties are neglected, these properties can cause blight in the community, and decrease the surrounding property values; and

WHEREAS, Senate Bill 1137 implemented Civil Code Section 2929.3, which requires legal owners to maintain vacant residential property purchased at a foreclosure sale, or acquired by that owner through foreclosure under a mortgage or deed of trust; and

WHEREAS, if a legal owner does not maintain the residential property, local governments are authorized to impose civil fines and penalties in amounts up to \$1,000 per day; and

WHEREAS, this legislation remains in effect until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date; and

WHEREAS, the City desires to adopt this Ordinance in order to provide City staff and residents with a clear understanding of the new legislation's provisions and to adopt a hearing procedure for challenges to administrative penalties imposed pursuant to the legislation. This Ordinance is not intended to pre-empt State law.

**THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS
FOLLOWS:**

Section 1. Chapter 16.17, "Maintenance of Foreclosed Property," is hereby added to Title 16, "Buildings and Construction," of the Rancho Cordova Municipal Code to read as follows:

16.17.010 Purpose and Pre-Emption

This Chapter is intended to carry out the provisions of California Civil Code Section 2929.3. Nothing in this Chapter shall be interpreted or implemented in a manner that is inconsistent with State law. In event there is a conflict between the provisions of State law and this Chapter, State law shall control.

16.17.020 Maintenance of Foreclosed Residential Properties and Notice of Violation

A. A legal owner shall maintain vacant residential property purchased by that owner at a foreclosure sale, or acquired by that owner through foreclosure under a mortgage or deed of trust. (Civ. Code Section 2929.3(a)(1)).

B. For purposes of this Chapter, "failure to maintain" means failure to care for the exterior of the property, including, but not limited to, permitting excessive foliage growth that diminishes the value of surrounding properties, failing to take action to prevent trespassers or squatters from remaining on the property, or failing to take action to prevent mosquito larvae from growing in standing water or other conditions that create a public nuisance. (Civ. Code Section 2929.3(b)).

16.17.030 Notice of Violation and Time to Cure

A. If the City imposes a fine pursuant to this section, the City shall give notice of the alleged violation, including a description of the conditions that gave rise to the allegation, and notice of the City's intent to assess a civil fine if action to correct the violation is not started within a period of not less than fourteen (14) days and completed within a period of not less than thirty (30) days. (Civ. Code Section 2929.3(a)(1)).

B. The City may provide less than thirty (30) days notice to remedy a condition, if the City determines that a specific condition of the property threatens public health or safety and provided that the notice of violation states that there is a threat to public health and safety, and time for compliance is given. (Civ. Code Section 2929.3(c)).

C. Subject to the provisions of this section, a governmental entity may establish different compliance periods for different conditions on the same property in the notice of violation mailed to the legal owner. (Civ. Code Section 2929.3(a)(3)).

D. Notice pursuant to this section shall be mailed to the address provided in the deed or other instrument as specified in subdivision (a) of Section 27321.5 of the Government Code, or, if none, to the return address provided on the deed or other instrument. (Civ. Code Section 2929.3(a)(1)).

16.17.040 Penalty

A. The City may impose a civil fine of up to one thousand dollars (\$1,000) per day for each day that the owner fails to maintain the property, commencing on the day following the expiration of the period to remedy the violation. (Civ. Code Sections 2929.3(a)(1), 2929.3(a)(2)).

B. In determining the amount of the fine, the City shall take into consideration any timely and good faith efforts by the legal owner to remedy the violation. (Civ. Code Section 2929.3(a)(2)).

C. Fines and penalties collected pursuant to this section shall be directed to local nuisance abatement programs. (Civ. Code Section 2929.3(d)).

D. The City may not impose fines on a legal owner under both Civil Code Section 2929.3 and a local ordinance. (Civ. Code Section 2929.3(e)). However, Civil Code Section 2929.3 shall not preempt any local ordinance. (Civ. Code Section 2929.3(f)).

E. The rights and remedies provided in this section are cumulative and in addition to any other rights and remedies provided by law. (Civ. Code Section 2929.3(h)).

16.17.050 Hearing to Contest Fine

A. The legal owner may contest the fine imposed on his/her property pursuant to this Chapter. A request for a hearing must be filed in writing with the Neighborhood Services Division no later than ten (10) days after the imposition of the fine. The request must state the grounds for the appeal and include a non-refundable appeals processing fee in the amount of two-hundred and fifty-three dollars (\$253). Failure to timely request a hearing or to pay the appeals processing fee constitutes a waiver of the right to appeal and a failure to exhaust administrative remedies.

B. Hearing Procedure.

1. The City Manager shall designate a hearing officer. The hearing officer may be the hearing officer used for conducting other code enforcement hearings.

2. The hearing shall be held not less than fifteen (15) days and not more than sixty (60) days from the date that the request for hearing is filed. The hearing may be continued from time to time as deemed necessary by the hearing officer. Notice of the time, date and location of the hearing shall be provided to the legal owner no later than ten (10) days before the hearing.

3. At the hearing, the party contesting the fine shall be given the opportunity to testify and to present evidence or witnesses concerning the violation.

4. The failure of the person contesting the violation to appear at the hearing shall constitute a waiver of the hearing, a failure to exhaust administrative remedies and agreement by the person contesting the fine to pay the administrative fine.

5. The notice of violation, fine and any additional report submitted by the person issuing the citation shall constitute prima facie evidence of the respective facts contained in those documents. The burden of proof shall then be on the person contesting the fine to refute such evidence.

6. Neither the rules of evidence as provided by California State law, nor the provisions of the Administrative Procedures Act apply to hearings under this Chapter.

C. **Hearing Officer's Decision.** After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written, final decision to uphold or cancel the fine and shall state in the final decision the reasons for that decision. A copy of the decision shall be served on the legal owner. The decision of the hearing officer shall be final, except for judicial review.

D. Payment of Fine After Final Decision. If the final decision of the hearing officer affirms the issuance of the fine, the legal owner shall pay the fine to the city within thirty (30) days after service of the decision.

16.17.060 Sunset Date

This Chapter, similar to Civil Code Section 2929.3, shall remain in effect until January 1, 2013, and as of that date is repealed, unless the State of California enacts a statute before January 1, 2013, that either deletes or extends that date. (Civ. Code Section 2929.3(i)).

Section 2. Severability

If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Ordinance that can be given effect without the invalid provision and, to this end, the provisions of this Ordinance are severable. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

Section 3. Effective Date

Within fifteen (15) days after adoption, a Summary of this Ordinance shall be published once in the Grapevine Independent or the Sacramento Bee, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with Government Code section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its inception.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this 1st day of December, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda Budge, Mayor

ATTEST:

Mindy Cuppy, City Clerk

MEMORANDUM



DATE: December 1, 2008
TO: Honorable Mayor and Council Members
FROM: Donna Silva, Finance Director
SUBJECT: RESOLUTION APPROVING CITY OF RANCHO CORDOVA ENVIRONMENTAL PURCHASING POLICY

RECOMMENDATION

Adopt Resolution No. 134-2008.

RESULT OF RECOMMENDED ACTION

Adoption of the attached policy will encourage and support, but not require the use of environmentally preferable products and services.

Adopting the policy will also accomplish two specific goals of the City at this time:

- 1) The policy assists the City's efforts to achieve compliance with the California Integrated Waste Management Act (Assembly Bill 939), which requires all California jurisdictions to reduce by 50 percent municipal solid waste going to landfills.
- 2) Adoption of Resolution No. 134-2008 approving an Environmental Purchasing Policy allows the City to qualify for various grants offered by the California Integrated Waste Management Board (CIWMB) and the California Department of Conservation, including a Rubberized Asphalt Grant application due in December 2008.

BACKGROUND

The City of Rancho Cordova recognizes that our purchase and consumption of goods and services has impacts on the environment, and that our employees make purchasing decisions which can make a positive difference on the way we impact the environment.

A first step in establishing an environmentally preferable purchasing program is to adopt a green purchasing policy. By adding a layer of environmental decision-making to purchasing, while still considering the best value, the City can promote practices that improve public health and conserve natural resources, while remaining fiscally responsible.

The City's existing Purchasing Ordinance 07-2003 suggests green purchasing. Section 4.k. states *"Purchases shall be awarded after consideration of the following factors: The purchase of products, wherever feasible, containing the highest amount of postconsumer and recovered materials practicable. In all cases, these products must meet reasonable performance standards, and be readily available at a competitive price. In addition, all equipment bought, leased or rented shall, whenever feasible, be compatible with the use of recycled products purchased by the City."*

This policy was designed as an administrative policy to elaborate upon and provide guidance to the existing ordinance. It is only being taken to Council to satisfy the requirements of the grantor, California Integrated Waste Management Board (CIWMB).

The intent of this policy is to encourage and increase the use of environmentally preferable products and services in the City, whenever practical. In practice, this means buying and using products and services that reduce negative environmental impacts because of the way they are made, used, transported, packaged and disposed of, including their potential for reuse or ability to be recycled. Special emphasis shall be placed on the purchase of products manufactured with post consumer recycled materials.

The policy confirms the City's commitment to implementing progressive and efficient waste reduction and recycling programs to ensure compliance with Assembly Bill 939, which requires all California jurisdictions to reduce by 50 percent municipal solid waste going to landfills. The City's goal is to help generate less waste material by reviewing how supplies, materials and equipment are purchased, manufactured, packaged, delivered and disposed. The programs will help the City comply with environmental regulations, and then go beyond compliance to maximize conservation of natural resources, reduce pollution and waste.

The City plans to submit an application to the California Integrated Waste Management Board (CIWMB) in December for a Rubberized Asphalt Grant. CIWMB offers a grant in an effort to offset the additional cost of rubberized asphalt. The City uses Rubberized Asphalt to overlay roads within the City limits. Rubberized Asphalt has many benefits over conventional asphalt paving. Two of the most significant benefits of using rubberized asphalt are that it provides a quieter, longer lasting surface. CIWMB requires grant applicants to have an Environmentally Preferable Purchases and Practices Policy in place. The attached Environmental Purchasing Policy will allow the City to qualify for this and other similar grants.

By including environmental considerations in purchasing decisions, the City can promote practices that improve public and worker health and conserve natural resources, while remaining fiscally responsible. The City desires to be a model for the community to influence greater waste prevention, recycling and environmentally sound procurement efforts.

The policy does not create direct fiscal impacts on the City. City staff will continue to consider price, performance and availability in all purchasing decisions.

ATTACHMENT

Resolution No. 134-2008 including **Exhibit A** City of Rancho Cordova Environmental Purchasing Policy

CITY OF RANCHO CORDOVA

RESOLUTION NO. 134-2008

**A RESOLUTION OF THE CITY COUNCIL
APPROVING AN ENVIRONMENTAL PURCHASING POLICY**

WHEREAS, the City of Rancho Cordova desires to operate in an environmentally responsible and sustainable way, by establishing a program that encourages the use of environmentally preferable products and services; and

WHEREAS, adoption of this Resolution approving an Environmental Purchasing Policy allows the City to qualify for various grants offered by the California Integrated Waste Management Board (CIWMB) and the California Department of Conservation, including a Rubberized Asphalt Grant application due in December 2008; and

WHEREAS, the Environmental Purchasing Policy will assist the City's efforts to achieve compliance with the California Integrated Waste Management Act (Assembly Bill 939), which requires all California jurisdictions to reduce municipal solid waste going to landfills by 50 percent; and

WHEREAS, the City will submit a grant application on or before December 31, 2008 to the California Integrated Waste Management Board (CIWMB); and

WHEREAS, the City Manager is authorized to make future amendments to this policy at his or her discretion; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA that the Council hereby approves and adopts the City of Rancho Cordova Environmental Purchasing Policy, attached hereto as **Exhibit A**.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 1st day of December, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda Budge, Mayor

ATTEST:

Mindy Cuppy, City Clerk

CITY OF RANCHO CORDOVA

Environmental Purchasing Policy

The City of Rancho Cordova recognizes that our purchase and consumption of goods and services has impacts on the environment, and that our employees make purchasing decisions which can make a positive difference on the way we impact the environment.

The intent of this policy is to encourage and increase the use of environmentally preferable products and services in the City. By including environmental considerations in purchasing decisions, the City can promote practices that improve public and worker health and conserve natural resources, while remaining fiscally responsible.

Prioritizing the purchase and use of environmentally preferable products also demonstrates that the City of Rancho Cordova is committed to complying with the California Integrated Waste Management Act (AB 939), which requires all California jurisdictions to reduce by 50 percent municipal solid waste going to landfills. The City's goal is to help generate less waste material by reviewing how supplies, materials and equipment are purchased, manufactured, packaged, delivered and disposed. The programs will help the City comply with environmental regulations, and then go beyond compliance to maximize conservation of natural resources, reduce pollution and waste.

Defining Environmentally Preferable

"Environmentally preferable" means the City of Rancho Cordova will seek products and services that have a reduced impact on human health and the environment when compared with competing products. In practice, this means buying and using products and services that reduce negative environmental impacts because of the way they are made, used, transported, packaged and disposed of, including their potential for reuse or ability to be recycled. Special emphasis shall be placed on the purchase of products manufactured with post consumer recycled materials.

Preferable environmental attributes may include, but are not limited to, energy efficiency, water conservation, toxics use reduction, conservation of natural resources and waste minimization. Purchasing objectives should include, to the extent practicable, acquisitions that are:

- Non-toxic or minimally toxic, preferably biodegradable
- Carcinogen-free or chlorofluorocarbon (CFC) free
- Durable, upgradeable or refurbished, as opposed to single use or disposable items
- Energy efficient in production and use, or Energy Star rated
- Made from raw materials obtained in an environmentally sound, sustainable manner
- Produced locally or regionally
- Low-toxicity or less hazardous
- Reusable, recyclable or containing recycled content
- Reduced greenhouse gas emissions
- Delivered with or containing minimal packaging
- Water efficient

"Biodegradable" means products produced from renewable plant and animal sources and substances that decompose in the natural environment into harmless raw materials.

"Carcinogens" are substances known to cause cancer in humans.

"Chlorofluorocarbons" (CFC's) are compounds that contain carbon, chlorine, fluorine and sometimes hydrogen, commonly used as cleaning solvents, aerosol propellants and in the manufacture of plastic foams. The use of CFC's are being phased out because they destroy the planet's stratospheric ozone protection layer.

"Energy efficient" means a product that is in the upper 25 percent of energy efficiency for all similar products, or that is at least 10 percent more efficient than the minimum level meeting U.S. federal government standards.

"Energy Star" is a labeling program derived from a partnership between the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Energy (DOE). All products displaying the Energy Star label meet Federal Energy Management Program standards. Typically, this means that labeled products use 25 to 50 percent less energy than their traditional counterparts.

"Environmentally preferable" products and services are those that have a lesser or reduced effect on human health and the environment, when compared with competing products and services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance and/or disposal of the product or service.

"Greenhouse gas" means any of several dozen heat trapping trace gases in the earth's atmosphere that absorb infrared radiation. The two major greenhouse gases are water vapor and carbon dioxide; lesser greenhouse gases include methane, ozone, CFC's and nitrogen oxides.

"Practicable" in the context of environmental purchasing, means sufficient in performance and available at a reasonable price.

"Recycling" means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream to become raw material for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace.

"Recycled products" are products manufactured with waste material that has been recovered or diverted from waste products. Recycled material may be derived from post-consumer waste (material that has served its intended end-use and been discarded), scrap, manufacturing waste and/or waste that otherwise would not have been utilized.

"Refurbished product" means a product that has been completely disassembled and restored to its original working order while maximizing the reuse of its original materials.

"Waste prevention" means any action undertaken by an individual or organization to eliminate or reduce the amount of toxicity of materials before they enter the municipal waste disposal system.

"Water efficient" means a product that is in the upper 25 percent of water efficiency for all similar products, or that is at least 10 percent more efficient than the minimum level meeting U.S. federal government standards.

Environmental Certifications and Purchasing Programs

The City desires to make environmental purchasing as simple as possible. Given the inherent complexity of identifying more environmentally preferable products, the City recognizes the validity of credible, third party environmental certifications. Appropriate certifications include Green Guard, Green Seal, SCS (Scientific Certification Systems), the U.S. federal government's Energy Star program, EPEAT (Electronic Product Environmental Assessment Tool) and LEED (Leadership in Energy and Environmental Design).

SABRC (State Agency Buy Recycled Campaign) is a joint effort between the California Integrated Waste Management Board (CIWMB) and the Department of General Services (DGS) to implement State laws requiring State agencies and the Legislature to purchase products with recycled content.

One tool to assist in procuring environmentally preferable products at competitive prices is a non-profit organization called U.S. Communities Government Purchasing Alliance. The City has registered with the U.S. Communities Going Green Purchasing Program at www.gogreencommunities.org. U.S. Communities is a one-stop source for the City to access a broad line of environmentally friendly products and services on the U.S. Communities website. These products meet third party environmental certifications and recognized standards, as well as the City's product quality specifications, competitive pricing and delivery timeframes.

Implementation of Policy and Best Practices

Purchasing

City staff is encouraged to specify recycled content and/or other environmentally preferable products and attributes, as well as practice waste prevention. City departments shall integrate environmental considerations into their purchasing of supplies and materials and purchase the following preferred product categories whenever practicable:

1. Paper for printing and writing, including letterhead paper (although use of electronic letterhead is preferred), envelopes, copy paper and business cards. When practical, these shall contain a minimum of 30 percent post-consumer recycled content and be EcoLogo or Green Seal certified.
2. Products including janitorial supplies, hand towels, facial tissue, toilet paper, seat covers, boxes, file boxes, hanging file folders and other office supplies comprised of paper or fibers. When practical, these shall be comprised of a minimum of 10 percent post-consumer recycled content.
3. Energy efficient appliances and fixtures, heating systems and cooling equipment.
4. Environmentally preferable cleaning supplies, equipment and cleaning products.
5. Remanufactured laser printer toner cartridges.
6. Recycled outdoor-wood substances, including plastic lumber, benches, signs and posts.
7. Products made from recycled tire rubber including rubberized asphalt and fatigue mats.
8. Non-toxic paint and paint products and cleaning products.

Waste Prevention

The City shall:

1. Practice waste prevention and utilize recycling programs where possible.
2. Procure recycled products whenever practical.
3. Provide periodic reports as required to comply with AB 939.

Promoting Environmental Purchasing

Each department will take steps to communicate and train their employees who make purchases on behalf of the City to purchase environmentally preferable products and services whenever practical and cost-effective. Departments are encouraged to communicate information to other departments when potential use of a product exists.

Task Force to Assist in Research of Environmental Purchasing Efforts

The City has established an environmental “green team” that meets bi-monthly. Equipo Verde includes representatives from a cross-section of City departments. The team seeks to develop GREEN practices and share information about environmentally preferable purchasing and recycling opportunities. They will assist staff in their efforts to implement this policy, and help promote awareness of the City’s environmental objectives by communicating and providing outreach materials to City staff, vendors and businesses in the community.

Equipo Verde is available as a resource for vendor information about environmentally preferable products, procurement opportunities and recycling practices. The City’s Facilities Department is partnering with Equipo Verde in developing goals and mechanisms for documenting and evaluating progress in our environmental policies.

Balance Environmental Considerations with Performance, Availability and Cost Requirements

Some environmentally preferable products may have higher costs. Preference shall be given to the purchase of environmentally preferable goods and services, whenever they perform satisfactorily and are available at a reasonable price. By adding a layer of environmental decision-making to purchasing, while still considering the best value, the City can promote practices that improve public health and conserve natural resources, while remaining fiscally responsible.

Nothing in this policy shall be construed as requiring a department to procure products that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time. City employees may and should continue to consider costs, availability and quality or performance specifications in making procurement decisions.

Environmental Achievements and Goals

The City of Rancho Cordova is engaged in ongoing efforts to implement and document environmentally sound practices within City Hall and in the community. City Hall is currently LEED certified as LEED – Commercial Interiors (2006). The City's goal is to attain "Silver" LEED certification for the City Hall building.

In 2008, the City sponsored an E-Waste event for the community and has established City Hall as a drop off point for battery recycling. A carpool program for employees has been implemented and the City purchased and uses alternative-fuel City vehicles.

The City utilizes Rubberized Asphalt for overlay of roads within the City limits. Rubberized Asphalt uses rubber pellets made from recycled tires, mixed in with the asphalt to produce a surface that is quieter and lasts longer than conventional asphalt paving. The California Integrated Waste Management Board offers a grant in an effort to offset the additional cost of rubberized asphalt. CIWMB requires grant applicants to have an Environmentally Preferable Purchases and Practices Policy.

Other environmental purchasing and recycling efforts at City Hall include placing recycled waste containers in public locations, use of Green Seal certified janitorial products and supplies, and electricity and water conservation efforts, including use of lighting sensors and water-efficient fixtures.

Reviewing the Policy

The City desires to be a model for the community to influence greater waste prevention, recycling and environmentally sound procurement efforts. In order to maintain current standards and best practices, the City of Rancho Cordova will annually review and update as necessary, the guidelines, goals and action plans of this policy.

By including environmental considerations along with price, performance and availability, we will remain fiscally responsible while promoting purchasing practices that reduce pollution, conserve natural resources, and improve public health and safety.

MEMORANDUM



Date: December 1, 2008
To: Mayor and Council Members
From: Mindy Cuppy, City Clerk
Subject: **PLANNING COMMISSIONER APPOINTMENTS**

RECOMMENDATION

That re-elected Council Members Ken Cooley, Robert McGarvey and David Sander submit their respective nominations for Planning Commissioner to the full City Council for formal approval to fill Planning Commissioner terms that coincide with their Council Member terms.

RESULT OF RECOMMENDED ACTION

Action on this item will result in Council's appointment of three members of the community to serve on the Planning Commission for terms commencing January 2009 and ending December 2013.

ADVANCES GOALS: 1 through 13

BACKGROUND

Council's Ordinance No. 56-2004 provides that following each election of City Council Members, re-elected or newly elected members must nominate one member to serve on the Planning Commission within 90 days of taking office. There is no limit on the number of terms an appointee can serve on the Planning Commission.

On November 17, 2008, re-elected Council Members Ken Cooley, Robert McGarvey and David Sander announced that no changes to current Planning Commissioner memberships would be necessary at this time.

At this meeting on December 1, 2008, staff requests that Council nominate and approve three appointments to the Planning Commission.

MEMORANDUM

Date: December 1, 2008
To: Mayor and Council Members
From: Mindy Cuppy, City Clerk
Subject: **SELECTION OF MAYOR AND VICE MAYOR**



RECOMMENDATION

That Council selects its next Mayor and Vice Mayor

RESULT OF RECOMMENDED ACTION

Result of recommended action is that Council appoints its leadership officers, per Resolution No. 05-2004. The ceremonial seating of the new Mayor and new Vice Mayor will take place at the next Council Meeting on December 15th.

BACKGROUND

On January 5, 2004, the City Council adopted Resolution No. 5-2004 to set forth the Council policy that one of its members would be selected as Mayor and one of its members selected as Mayor Pro Tempore at the first regular City Council meeting in December. Subsequently, Council adopted Resolution 185-2004 changing to Vice Mayor designation from Mayor Pro Tempore.

ATTACHMENTS

1. Resolution No. 5-2004
2. Resolution No. 185-2004

CITY OF RANCHO CORDOVA

RESOLUTION NO. 5-2004

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
SELECTING DATE ON WHICH THE CITY COUNCIL SHALL ANNUALLY SELECT
A MAYOR AND MAYOR PRO TEMPORE**

RECITALS

WHEREAS, Government Code §36801 provides that the City Council shall select one of its members as mayor and one of its members as mayor pro tempore.

NOW, THEREFORE, the City Council of the City of Rancho Cordova resolves that the City Council shall select one of its members as Mayor and one of its members as Mayor Pro Tempore at the first regular City Council meeting in December.

ADOPTED, THIS 5th day of January, 2004 by the following vote:

AYES: Cooley, McGarvey, Sander, Budge, Roberts

NOES: None

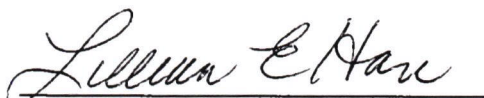
ABSENT: None

ABSTENTIONS: None

APPROVED:


MAYOR

ATTEST:


CITY CLERK

RESOLUTION NO. 185-2004

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO
CORDOVA, CALIFORNIA AMENDING RESOLUTION 31-2004 AND
CHANGING THE DESIGNATION OF MAYOR PRO TEMPORE TO VICE
MAYOR**

WHEREAS, the City Council is desirous of changing the designation of "Mayor Pro Tempore" to "Vice Mayor."

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Rancho Cordova does hereby determine and order that:

1. Section 4 and 5 of Resolution No. 31-2003 is amended to replace the "Mayor Pro Tempore" designation with "Vice Mayor" and that
2. That references to "Mayor Pro Tempore" in Resolution No. 5-2004 are hereby amended to be "Vice Mayor."

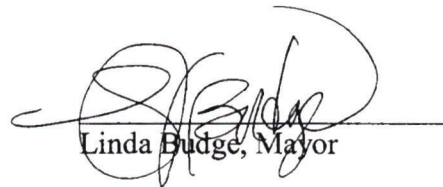
I HEREBY CERTIFY that the foregoing resolution was introduced and passed at a regular meeting of the City Council of the City of Rancho Cordova, held on the 6th day of December, 2004, by the following vote:

AYES: Skoglund, Sander, McGarvey, Cooley, Budge

NOES: None

ABSENT: None

ABSTAIN: None


Linda Budge, Mayor

ATTEST:


Lillian E. Hare, City Clerk

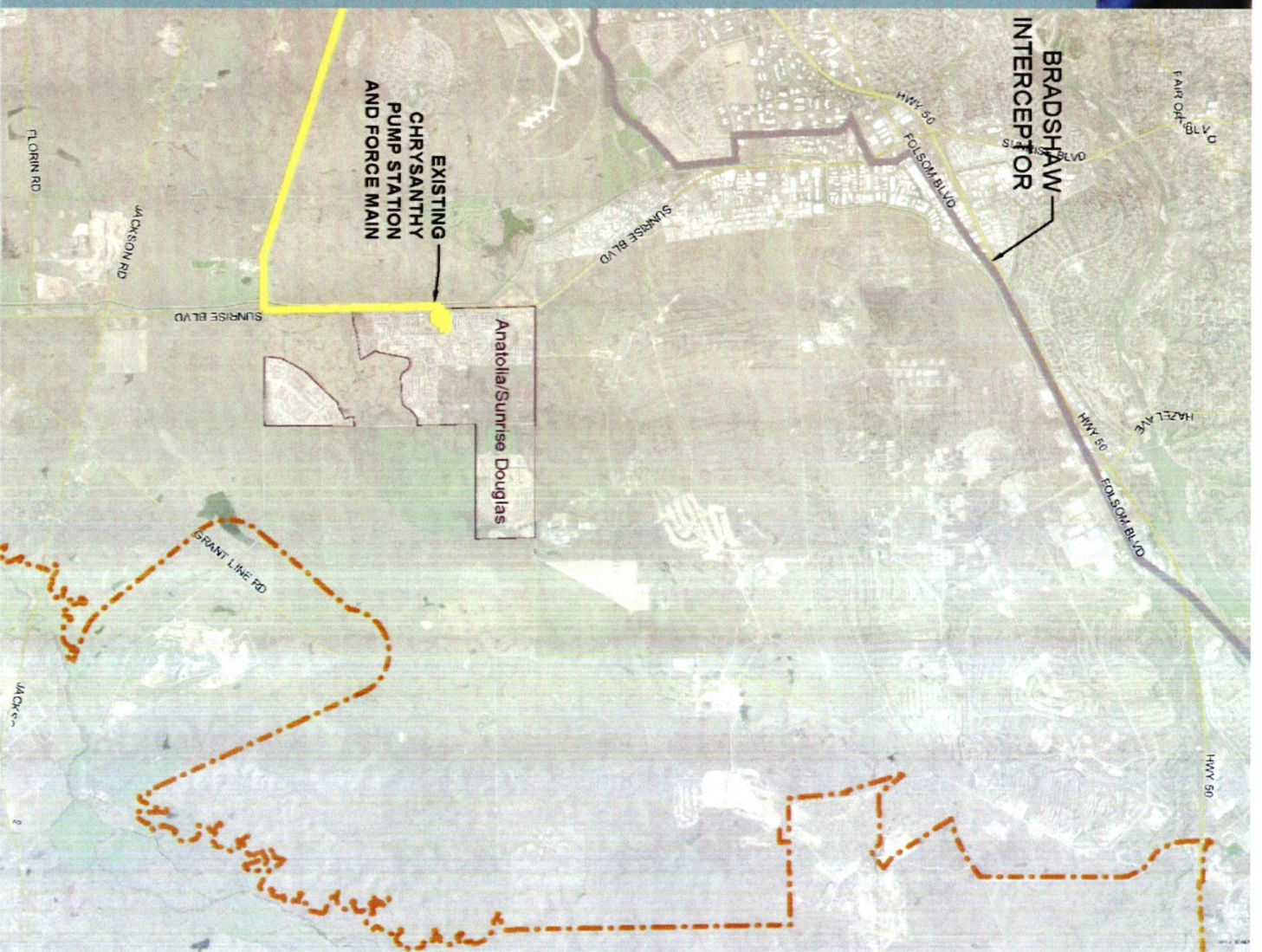


**Sacramento Regional County
Sanitation District**

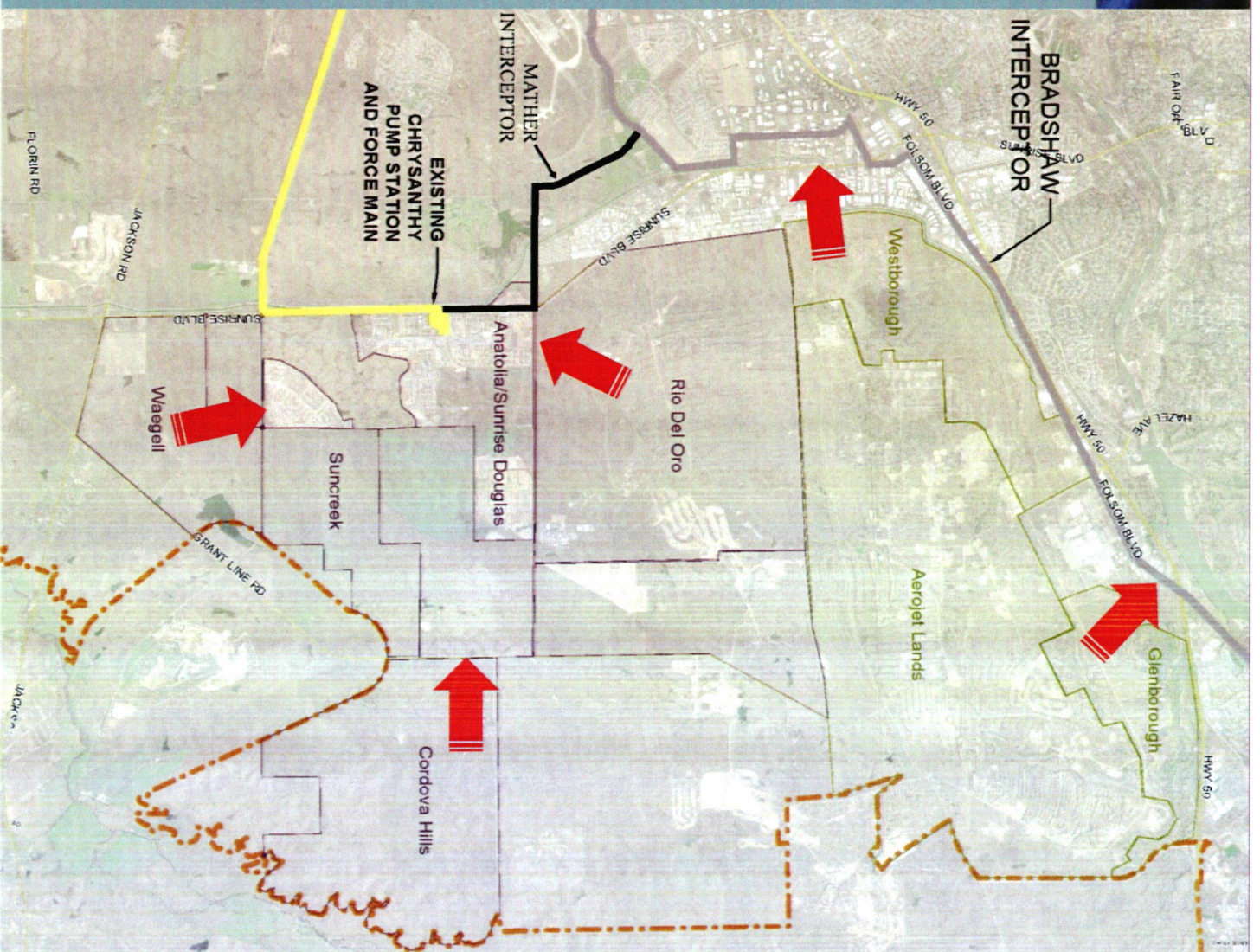
Mather Interceptor

December 1, 2008

Existing Sewer Service



Proposed Development





**Sacramento Regional County
Sanitation District**

Thank You

JENNY, JENNY & JENNY, LLP
Attorneys at Law

Item 13.1
SR Supplemental 1

Scott E. Jenny, Esq.
Kristin L. Jenny, Esq.
Richard K. Jenny, Esq.

Old City Hall Building
706 Main Street, Suite C
Martinez, California 94553
Telephone: (925) 228-1265
Facsimile: (925) 228-2841
JJJLLP.com

Eminent Domain
Inverse Condemnation
Real Estate Law
Personal Injury

November 28, 2008

Linda Budge, Mayor
Dan Skoglund, Vice Mayor
Ken Cooley, Council Member
Robert J. McGarvey, Council Member
David Sander, Council Member
City of Rancho Cordova
2729 Prospect Park Drive
Rancho Cordova, CA 95670

Re: Notice of Intent to Adopt a Resolution of Necessity
Simon Developments
APN No. 072-0410-062
Hearing Date: December 1, 2008

Dear Mayor Budge and the City Council of the City of Rancho Cordova:

I write on behalf of Simon Developments, the owner of the property located at the northeast corner of Sunrise Boulevard and Monier Circle. I understand that the City is intending to adopt a Resolution of Necessity to condemn a portion of this property. The purpose of this letter is to object to the adoption of the Resolution of Necessity.

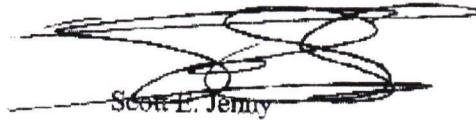
California Code of Civil Procedure section 1240.030 states that the power of eminent domain may only be used if the following conditions are satisfied:

1. The public interest and necessity require the project;
2. The project is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury; and
3. The property sought to be acquired is necessary for the project.

Mayor Budge
City Council of the City of Rancho Cordova
November 28, 2008
Page Two

The project as planned does not satisfy these requirements. On behalf of my client I object to the adoption of this resolution. Kindly make this letter a part of the administrative record. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott E. Jenny", is written over a horizontal line. The signature is stylized with loops and flourishes.

/SEJ