



Sacramento County Recording
Mark Norris, Clerk/Recorder
BOOK **20041209** PAGE **1071**

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SJS/57/1-6

NO FEE DOCUMENT

Government Code Section 6103

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

City of Elk Grove
Office of the City Clerk
8380 Laguna Palms Way
Elk Grove, CA 95758

Attention: City Clerk
Phone: (916) 683-7111

RESOLUTION NO. 2004-294

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE TO
VACATE A 35-FOOT PUBLIC RIGHT-OF-WAY EASEMENT ON A PORTION OF
BILBY ROAD (LANDS OF RUSMORE AND HOOPER)**

WHEREAS, the City received a petition to vacate from owners of property within the City of Elk Grove requesting the City Council of the City of Elk Grove to consider vacation of the subject property; and

WHEREAS, a notice that the City Council of the City of Elk Grove would consider the proposed vacation at a Public Hearing was given in compliance with California Streets and Highways Code, Section 8300, et. seq.; and

WHEREAS, the standards and procedures provided in the Public Streets, Highways and Service Easements Vacation Law, California Streets and Highways Code Section 8300 et seq. the City Council of the City of Elk Grove hereby declares its intention to vacate a 35-foot Public Right-of-Way Easement on a portion of Bilby Road over Assessor's Parcel No. 132-0030-007, created by the "Plat of Franklin Farms Subdivision No. 1" as filed in Book 13 of Maps at Page 39, Official Records of Sacramento, California, specifically shown on the attached Exhibits; and

WHEREAS, the City of Elk Grove Planning Department has reviewed this project and is recommending that the City Council of the City of Elk Grove find the vacation of the public utility easement as described in the attached exhibits exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15305 of the CEQA Guidelines; and

WHEREAS, the City of Elk Grove Planning Department has determined that the vacation is consistent with the General Plan and all elements thereof.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elk Grove, a political subdivision of the State of California that this City Council hereby finds as follows:

- a. That said vacation would be consistent with, and not violate the General Plan and all elements and components thereof for the City of Elk Grove; and
- b. That the 35-foot Public Right-of-Way Easement is no longer needed because all utilities have been removed from old Bilby Road, a new Right-of-Way Easement has been provided and new roadway improvements have been constructed to the satisfaction of the City Engineer; and
- c. That the public interest will be served by the herein vacation.

BE IT FURTHER RESOLVED AND ORDERED that the Public Right-of-Way Easement over portions of the property on the attached Exhibit "A", "A-1" and "A-2" is hereby vacated.

BE IT FINALLY RESOLVED AND ORDERED that the City Clerk of the Elk Grove City Council shall cause a certified copy of this Resolution of Vacation, attested by the Clerk under seal, to be recorded in the office of the Recorder of the County of Sacramento.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 1st day of December 2004.



ATTEST:


PEGGY E. JACKSON, CITY CLERK


SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

EXHIBIT A
DESCRIPTION OF
RIGHT-OF-WAY ABANDONMENT

All that certain real property situate in the Southeast One-Quarter of Section 8, Township 6 North, Range 5 East, Mount Diablo Meridian, City of Elk Grove, County of Sacramento, State of California, and being further described as being a portion of the Lands of Rusmore and Hooper as described in Book 20040817, at Page 1928, Official Records of Sacramento County, and being further described as follows:

Commencing at a found nail and shiner accepted as the Southeast corner of said Section 8 as shown on that certain Final Map entitled "BILBY RANCH UNIT NO. 1" filed for record in Book 331 of Maps at Page 5, Sacramento County Records; thence along the East line of said Southeast One-Quarter of Section 8, North 00°19'05" West a distance of 34.66 feet to an angle point in the East line of said Lands of Rusmore and Hooper, being the Point of Beginning; thence from said **POINT OF BEGINNING**, leaving said East line of the Southeast One-Quarter of Section 8, from a radial line which bears North 08°31'13" West, 106.96 feet along the arc of a non-tangent 1131.00 foot radius curve to the left through a central angle of 05°25'06" to the a point on the West line of said Lands of Rusmore; thence along said West line of the Lands of Rusmore, North 00°19'05" West a distance of 18.69 feet to the intersection with the North Right-of-Way line of Bilby Road as shown on that certain final map entitled "FRANKLIN FARMS SUBDIVISION NO. 1" filed for record in Book 13 of Maps, at Page 39, Sacramento County Records; thence along said North Right-of-Way line of Bilby Road, North 88°38'55" East a distance of 105.00 feet to a point on the East line of said Southeast One-Quarter of Section 8; thence along said East line of the Southeast One-Quarter of Section 8, South 00°19'05" East a distance of 0.35 feet to the Point of Beginning.

Containing 909 square feet of land, more or less.

Basis of Bearings is California State Plane coordinate System, Zone 2, NAD'83 as measured between Stations Eschinger and Keller and is North 20°56'36" West.

See Exhibits "A-1" and "A-2", plats to accompany description, attached hereto and made a part hereof.

This legal description was prepared by me or under my direct supervision pursuant to Section 8729 (2) of the Professional Land Surveyors Act.



Craig E. Spiess P.L.S. 7944
Expires December 31, 2005

Date: 9/9/04



PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA

EXHIBIT A-1

PLAT TO ACCOMPANY
DESCRIPTION

LANDS OF RUSMORE AND HOOPER
RIGHT-OF-WAY ABANDONMENT

20040817 O.R. 1928

CITY OF ELK GROVE
COUNTY OF SACRAMENTO STATE OF CALIFORNIA

73
331 B.M. 5

21
332 B.M. 7



**LANDS OF RUSMORE
AND HOOPER
20040817 O.R. 1928**

SEE DETAIL "A"
ON EXHIBIT "A-2"

35' R.O.W. PER
13 B.M. 39

P.O.B.

22

SCALE: 1" = 30'

LOT 119
20040817 O.R. 1928



N00°19'05"W
18.69'

N88°38'55"E 105.00'

LOT E
332 B.M. 7

R=1131' 05'25'06" L=106.96'

N13°56'06"W (R)

N08°31'13"W (R)

N00°19'05"W
34.66'(TIE)

LOT K

8
17
16

BILBY
ROAD

P.O.C.
FOUND NAIL & SHINER
NOT OF RECORD FITS
13 B.M. 39 & 86 P.M. 24
ACCEPTED AS SECTION
CORNER PER 331 B.M. 5.

LEGEND

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- R.O.W. RIGHT-OF-WAY
-  AREA TO BE ABANDONED

SEE DESCRIPTION FOR
COURSE INFORMATION



WOOD RODGERS
ENGINEERING • MAPPING • PLANNING • SURVEYING

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

EXHIBIT A-2

PLAT TO ACCOMPANY
DESCRIPTION

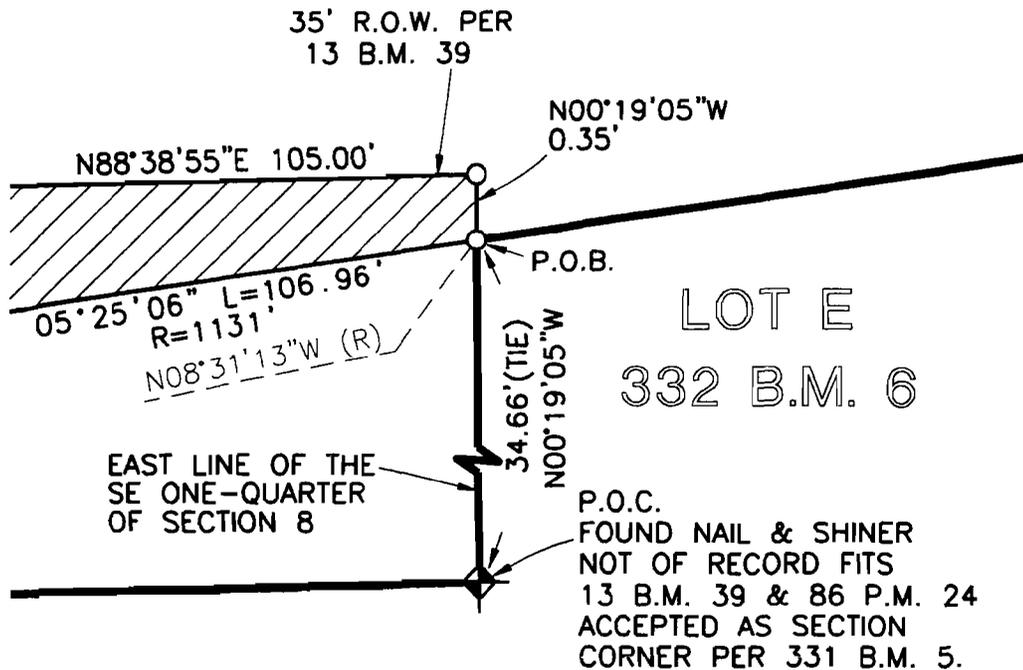
LANDS OF RUSMORE AND HOOPER
RIGHT-OF-WAY ABANDONMENT

20040817 O.R. 1928

CITY OF ELK GROVE
COUNTY OF SACRAMENTO STATE OF CALIFORNIA



**LANDS OF RUSMORE
AND HOOPER
20040817 O.R. 1928**



DETAIL "A"

LEGEND

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- R.O.W. RIGHT-OF-WAY
-  AREA TO BE ABANDONED

SEE DESCRIPTION FOR
COURSE INFORMATION



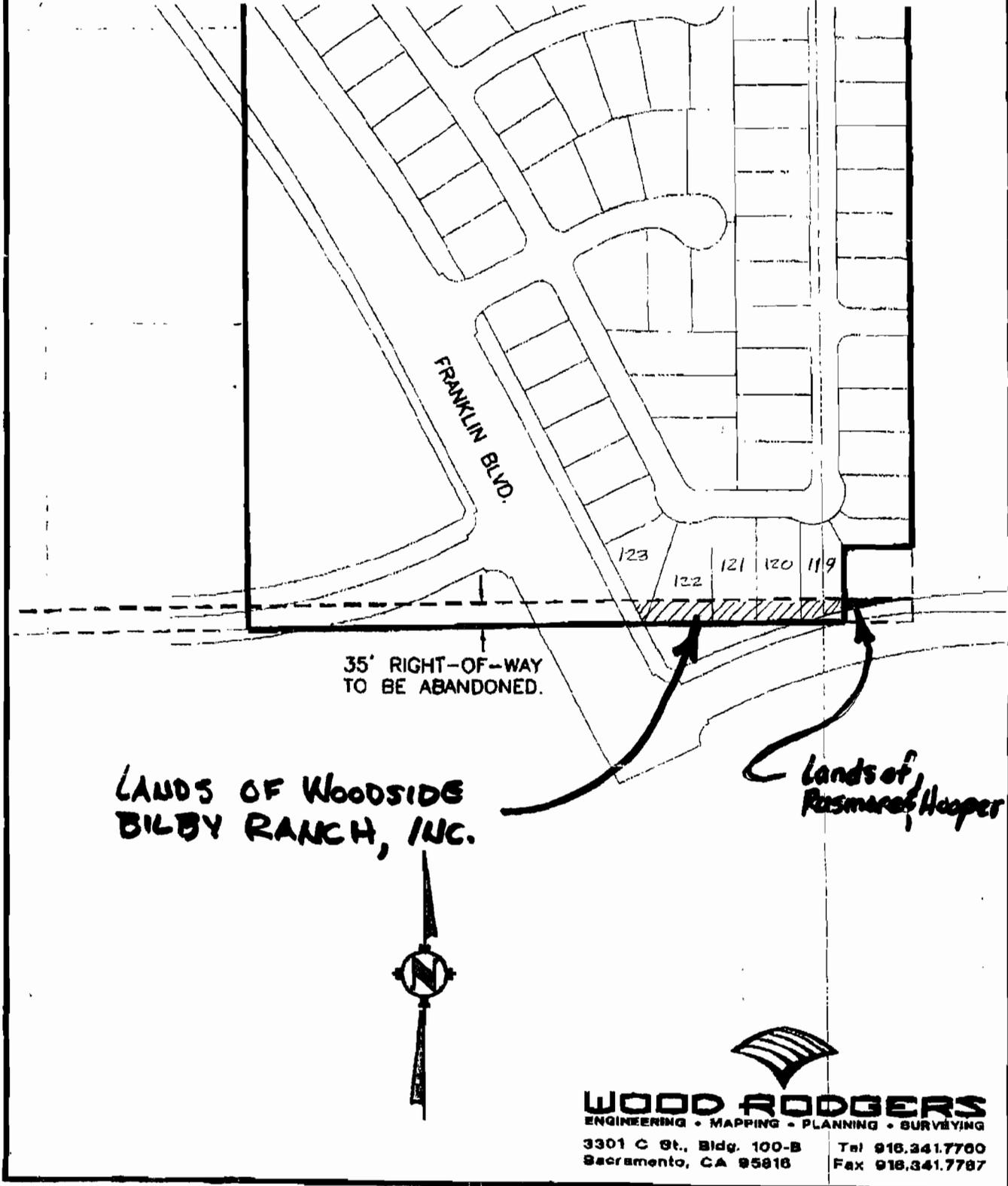
SCALE: 1" = 1'



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BILBY RANCH UNIT 1
BILBY ROAD ABANDONMENT
 CITY OF ELK GROVE
 COUNTY OF SACRAMENTO STATE OF CALIFORNIA



VICINITY MAP

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2004-294**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 1st day of December 2004 by the following vote:

AYES 5: COUNCILMEMBERS: Scherman, Soares, Briggs, Cooper, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:





**Peggy E. Jackson, City Clerk
City of Elk Grove, California**