

**RESOLUTION NO. 2005-91**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
ADOPTING AND APPROVING THE VACATION OF A PORTION OF AN EASEMENT  
FOR DRAINAGE PURPOSES OVER LOT 35 OF KAPALUA ESTATES**

**WHEREAS**, the City received a request 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 an easement affecting Lot 35; 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 portion of a drainage easement over Assessor's Parcel No. 127-0890-018-0000 specifically shown on the attached Exhibits; and

**WHEREAS**, the vacation of a portion of the drainage easement as described in the attached exhibits is 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** that the City Council of the City of Elk Grove hereby finds as follows:

- a. That 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 portion of the drainage easement is unnecessary for present or prospective public use because the channel has been constructed in a location not within this easement area; and
- c. That the public interest will be served by the herein vacation.


**BE IT FURTHER RESOLVED AND ORDERED** that the portion of the drainage easement over a portion of the property shown on the attached Exhibit "A" and "A-1" 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 27th day of April 2005.

  
\_\_\_\_\_  
DANIEL BRIGGS, MAYOR of the  
CITY OF ELK GROVE

**ATTEST:**

  
\_\_\_\_\_  
PEGGY E. JACKSON, CITY CLERK

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
ANTHONY B. MANZANETTI,  
CITY ATTORNEY

**EXHIBIT "A"**  
**DESCRIPTION FOR VACATION OF EXISTING  
DRAINAGE EASEMENT**

All that real property situated in the City of Elk Grove, County of Sacramento, State of California, Being a part of Lot 35 in Subdivision No. 00-012 of Kapalua Estates as recorded in Book 316 of Maps at Page 2 in the Official Records and being more particularly described as follows:

Commencing at the northwest corner of said Lot 35, thence, North 77°14'28" East, a distance of 51.25 feet along the north line of said Lot 35 to the Point of Beginning of the parcel to be described;

Thence, from the Point of Beginning, North 77°14'28" East, a distance of 40.90 feet along the north line of said Lot 35 to the east line of the existing Drainage and Private Landscape Easement;

Thence, South 00°22'34" East, a distance of 112.17 feet along the east line of said existing easement to the south line of said Lot 35;

Thence, South 89°23'11" West, a distance of 6.42 feet along the south line of said Lot 35 to the arc of a non-tangent curve having a radial bearing of South 75°48'27" West;

Thence, on the arc of said non-tangent curve to the left a distance of 58.24 feet, said curve has a central angle of 15°01'52" and a radius of 222.00 feet;

Thence, on the arc of a curve to the right a distance of 51.44 feet to the Point of Beginning, said curve has a central angle of 29°28'15" and a radius of 100.00 feet.

Containing 2797 Square Feet, more or less.

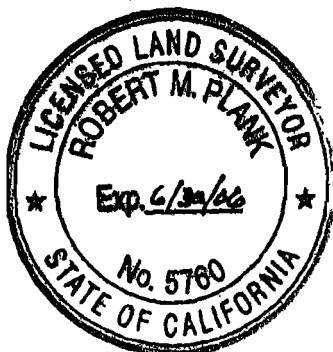
See Exhibit "A-1", plat to accompany description attached hereto and made a part hereof.

End of description.

This description was prepared by me or under my direction pursuant to the Professional Land Surveyors Act.

Dated: 01/03/05

  
Robert M. Plank, L.S. 5760



Prepared by the firm of  
MacKay & Soms, Civil Engineers  
Sacramento, California

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Vacation Description Lot 35.doc  
12-27-04 RMP  
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**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-91**

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 27<sup>th</sup> day of April 2005 by the following vote:***

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

**NOES:          COUNCILMEMBERS:**

**ABSTAIN:      COUNCILMEMBERS:**

**ABSENT:      COUNCILMEMBERS:**



A handwritten signature in cursive script, appearing to read 'Peggy E. Jackson', written over a horizontal line.

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