

RESOLUTION NO. 2005-276

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
DECLARING THE NECESSITY AND AUTHORIZING THE COMMENCEMENT OF
EMINENT DOMAIN PROCEEDINGS TO SECURE REAL PROPERTY INTERESTS
NECESSARY TO CONSTRUCT THE GRANT LINE ROAD/STATE ROUTE 99
INTERCHANGE RECONSTRUCTION PROJECT
Jackson El Dorado
Portion of APN 134-0510-035**

WHEREAS, the improvement of the interchange of Grant Line Road and State Route 99 ("Project") holds a high priority in the City of Elk Grove Transportation Capital Improvement Program and acquiring the necessary right-of-way and real property interests is an important step in completing the Project; and

WHEREAS, as a part of the Project, it is necessary to acquire certain real property interests identified as a portion of APN 134-0510-035 ("Property") for the construction, operation and maintenance of right-of-way and related improvements along East Stockton Boulevard and Grant Line Road; and

WHEREAS, the City of Elk Grove has investigated and examined alternatives to the Project and the acquisition of the Property, and concluded that both the Project and acquisition of the Property for the Project are necessary; and

WHEREAS, the Property, which is the subject of this Resolution of Necessity, consists of the parcels identified and described and depicted in Exhibits A, A-1 and B, B-1 which are attached hereto and incorporated herein; and

WHEREAS, the Property is located entirely within the municipal boundaries of the City of Elk Grove; and

WHEREAS, the City of Elk Grove has complied with the requirements of the California Environmental Quality Act, Public Resources Code section 21000, *et seq.*, in regards to acquisition of the Properties based upon the City Council certifying an Environmental Impact Report for the Grant Line Road/State Route 99 Interchange Reconstruction Project on April 7, 2004; and

WHEREAS, the City of Elk Grove has complied with the requirements of Government Code section 7267.2, in regards to acquisition of the Property by making an offer to purchase to the known owner(s) of record; and

WHEREAS, as a result of the hearing held on September 14, 2005, and in accordance with the provisions of Code of Civil Procedure section 1245.235, the City Council of the City of Elk Grove intends to make certain findings and determinations.

NOW, THEREFORE, be it resolved by the City Council of the City of Elk Grove as follows:

1. The recitals contained herein are true and correct; and
2. Upon examination of the alternatives, the City of Elk Grove requires the Property for the Project; and
3. The City of Elk Grove is authorized to acquire the Property pursuant to the provisions of Government Code sections 37350.5, 37353, 40401 and 40414 and the provisions of the Eminent Domain Law comprising Title 7, Part 3 of the Code of Civil Procedure (commencing at section 1230.010); and
4. Acquisition of the Property for Project purposes promotes public safety and the general welfare, is authorized by Government Code sections 37350.5, 37353, 40401 and 40414, and is therefore a public use; and
5. The City of Elk Grove hereby finds, determines and declares:
 - a. The public interest and necessity require the proposed Project; and
 - b. The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and
 - c. The Property, consisting of a partial Fee Simple Interest described in Exhibit A and depicted in Exhibit B, a Fee Simple Interest within the existing roadway described in Exhibit A-1 and depicted in Exhibit B-1, along with a Temporary Construction Easement described in Exhibit A-2 and depicted in Exhibit B-2 is necessary for the purposes of construction, operation and maintenance of the proposed Project; and
 - d. Prior to making the above findings and determinations, the offer required by section 7267.2 of the Government Code was made to the owner(s) of record of the Property interests described and depicted in Exhibits A and B; and
 - e. The Property is being acquired for compatible use under Code of Civil Procedure section 1240.510 in that the City of Elk Grove's use of the Property will not interfere with or impair the continued public use as it now exists or may reasonably be expected to exist in the future, or, in the alternative, for a more necessary public use under Code of Civil Procedure section 1240.610 in that the City's use of the Property is a more necessary public use than the use to which the Property is appropriated; and
 - f. Access onto East Stockton Boulevard will be restored to the Property via acquisition of a non-exclusive, appurtenant ingress and egress

easement under Code of Civil Procedure section 1240.350 upon approval of the Resolution of Necessity concerning 10519 East Stockton Boulevard, Elk Grove, CA, APN No. 134-0510-034.


6. The City Attorney is hereby authorized and directed to prepare, commence and prosecute proceedings in eminent domain in the appropriate court to acquire for the City of Elk Grove the Property interests described and depicted in Exhibits A, A-1, A-2 and B, B-1 and B-2. The City Attorney is further authorized to take all steps necessary to obtain such orders for immediate possession of the Property interests as may be required for the Project.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of September 2005.



DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

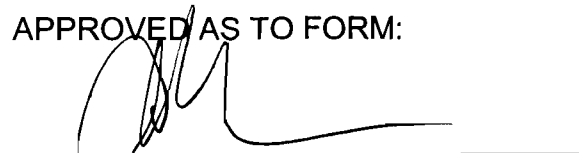

ANTHONY B. MANZANETTI,
CITY ATTORNEY

Exhibit 'A' Page 1 of 2

City Parcel 04-15-41-A
In or near APN 134-0510-035

Located in the City of Elk Grove, County of Sacramento, State of California, being a part of Parcel 2 of *Jackson/El Dorado Business Center* shown on the map filed December 23, 2003, in Book 174 of Parcel Maps at Page 1, Sacramento County Records, and more particularly described as follows:

BEGINNING at the northerly corner of said Parcel 2, on the centerline of Grant Line Road as shown on said map; thence along the northeasterly boundary of said Parcel 2, South40°50'46"East a distance of 24.527 meters to the southeasterly boundary of the area labeled "*Grant Line Road Dedication*" as shown on said map; thence along last said boundary, South44°39'25"West a distance of 25.338 meters; thence North40°48'53"West a distance of 10.439 meters to the boundary of Grant Line Road shown on the map filed April 29, 1958, in State Highway Map Book 4 at Page 25, Sacramento County Records; thence along last said boundary, the following two courses: 1) North45°54'04"East a distance of 19.485 meters; thence 2) North40°44'01"West a distance of 14.972 meters to said centerline of Grant Line Road; thence along said centerline, North49°11'07"East a distance of 5.771 meters to the **POINT OF BEGINNING**.

Containing an area of 0.03424 hectares (3,685 square feet or 0.0846 acres), more or less.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 2. Divide the above distances by 0.99999 to obtain ground level distances. To convert meters to U.S. survey feet, multiply the distance by 3937/1200. To convert hectares to acres, multiply hectares by 2.471±.

This real property description has been prepared at Mark Thomas & Co. Inc., by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Daniel H. Thorpe
Daniel H. Thorpe
Professional Land Surveyor
California No. 6455



May 9, 2005
Date

Exhibit 'A' Page 2 of 2

City Parcel 04-15-41-B
In or near APN 134-0510-035

Located in the City of Elk Grove, County of Sacramento, State of California, being a part of Parcel 2 of *Jackson/El Dorado Business Center* shown on the map filed December 23, 2003, in Book 174 of Parcel Maps at Page 1, Sacramento County Records, and more particularly described as follows:

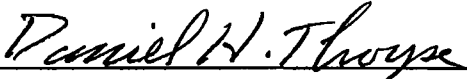
COMMENCING at the northerly corner of said Parcel 2, on the centerline of Grant Line Road as shown on said map; thence along the northeasterly boundary of said Parcel 2, South40°50'46"East a distance of 24.527 meters to the southeasterly boundary of the area labeled "*Grant Line Road Dedication*" as shown on said map; thence along last said boundary, South44°39'25"West a distance of 25.338 meters to the **POINT OF BEGINNING**, and thence South44°39'25"West a distance of 24.701 meters, and thence South47°22'29"West a distance of 20.036 meters to the right of way line of Grant Line Road shown on the map filed April 29, 1958, in State Highway Map Book 4 at Page 25, Sacramento County Records; thence along said right of way line, North16°47'37"East a distance of 21.468 meters, and thence North45°54'04"East a distance of 26.565 meters; thence South40°48'53"East a distance of 10.439 meters to the **POINT OF BEGINNING**.

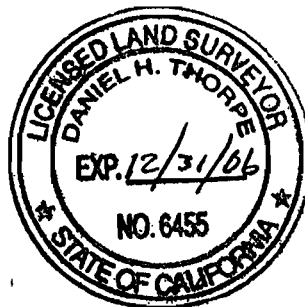
Containing an area of 0.03835 hectares (4,128 square feet or 0.0948 acres), more or less.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights, including access rights, appurtenant to grantor's remaining property, over and across the courses described above having lengths of 24.701 meters and 20.036 meters, and over and across the following course: **BEGINNING** at the southerly terminus of the course described above having a length of 21.468 meters; thence along said right of way line, South16°47'37"West a distance of 9.346 meters.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 2. Divide the above distances by 0.99999 to obtain ground level distances. To convert meters to U.S. survey feet, multiply the distance by 3937/1200. To convert hectares to acres, multiply hectares by 2.471±.

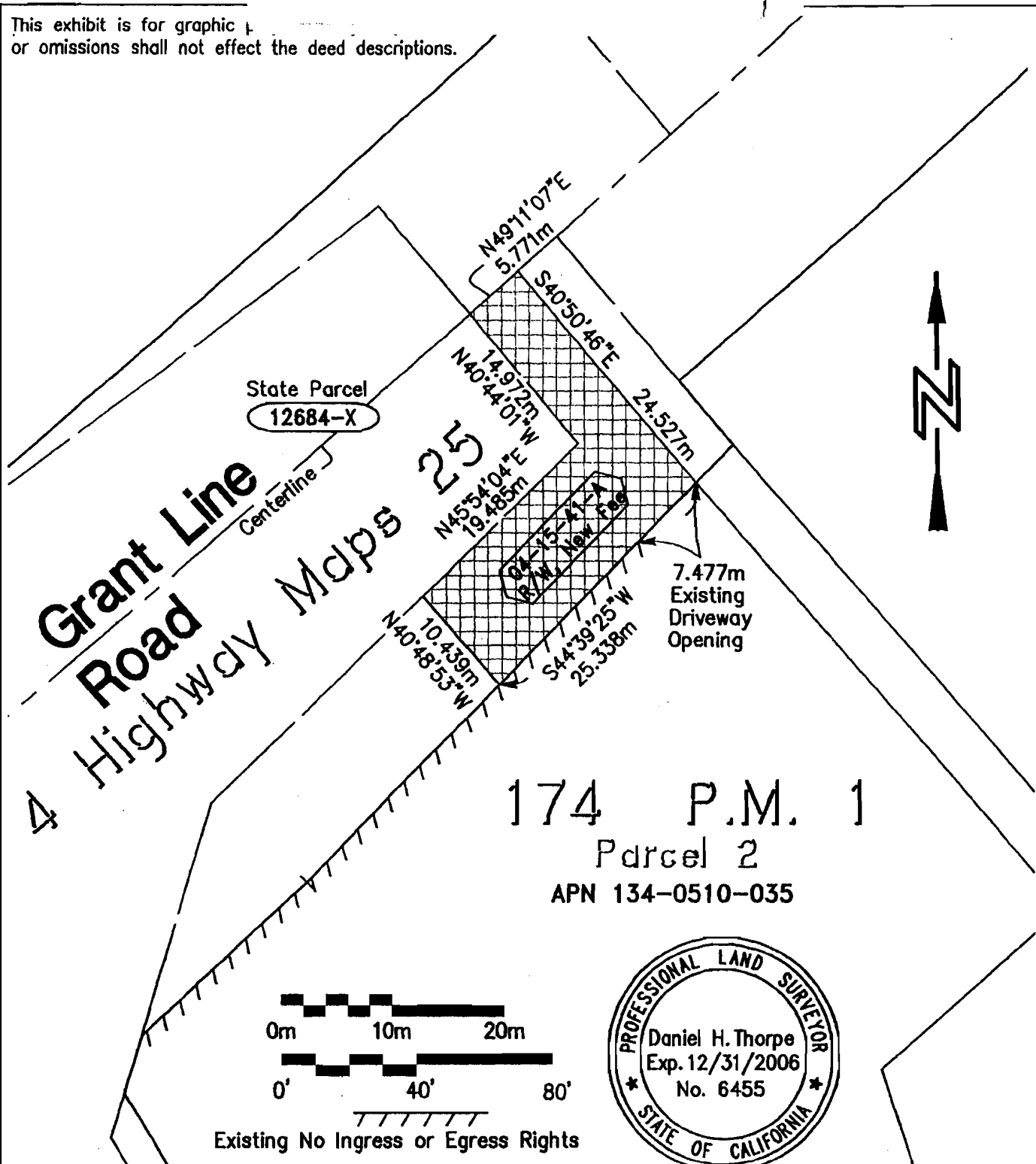
This real property description has been prepared at Mark Thomas & Co. Inc., by me, or under my direction, in conformance with the Professional Land Surveyor's Act.


Daniel H. Thorpe
Professional Land Surveyor
California No. 6455

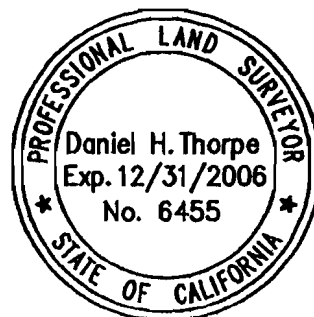


May 9, 2005
Date

This exhibit is for graphic purposes only. Any errors or omissions shall not effect the deed descriptions.



Bearings and distances shown are based on the California Coordinate System of 1983, Zone 2, in meters. Divide distances shown by 0.99999 to get ground level distances.



Daniel H. Thorpe



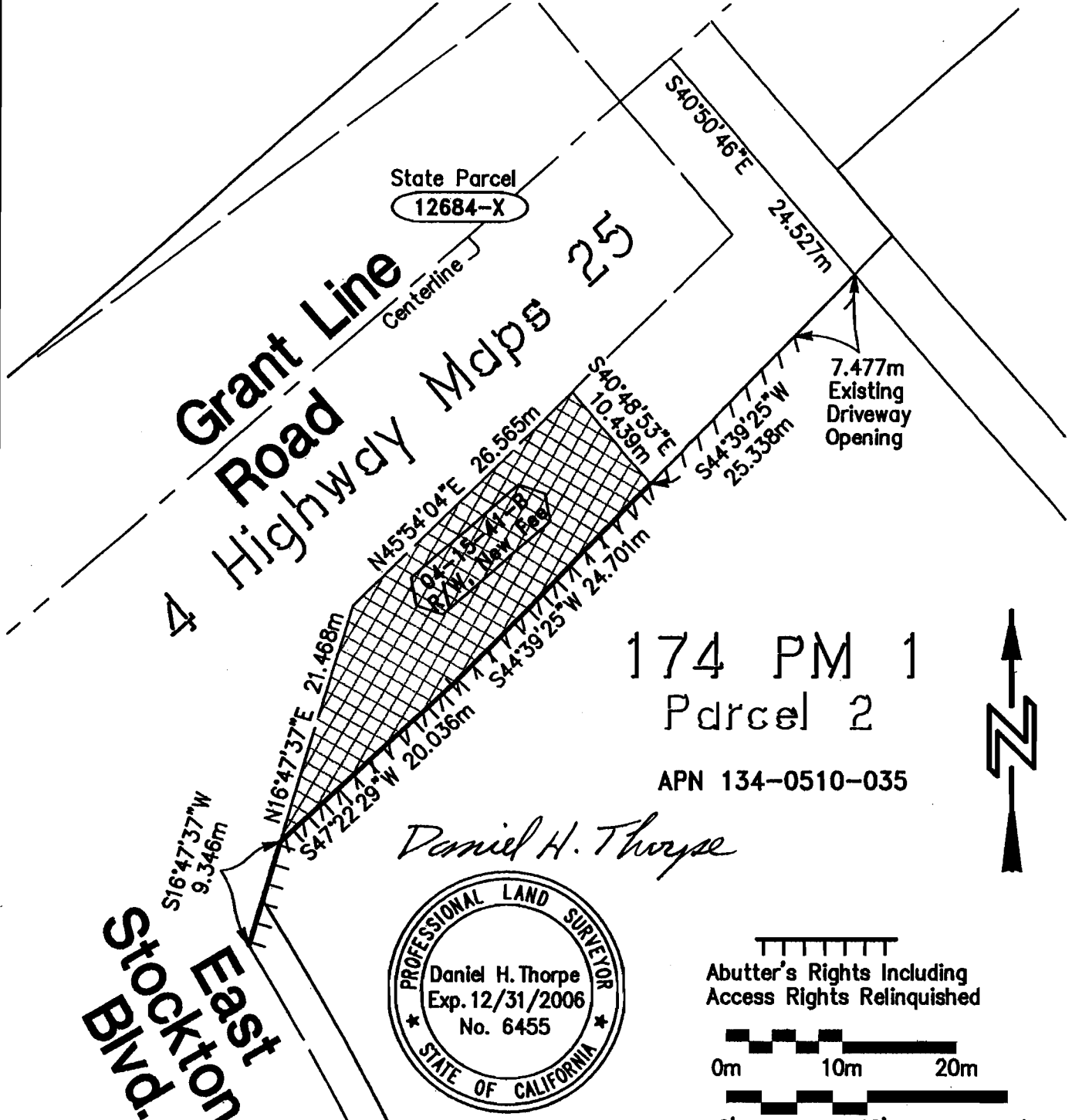
IN THE CITY OF ELK GROVE
 SACRAMENTO COUNTY, CALIFORNIA
 CITY PARCEL 04-15-41-A



Scale 1 : 500
 Date 28-Mar-2005
 Drawn By Stanley
 Checked By Thorpe

EXHIBIT B Plat to Accompany Legal Description
 Fee Take of 0.03424±hectares
 (3,685±sq.ft. or 0.0846±acres) in
 APN 134-0510-035

This exhibit is for graphic purposes only. Errors or omissions shall not effect the deed descriptions.

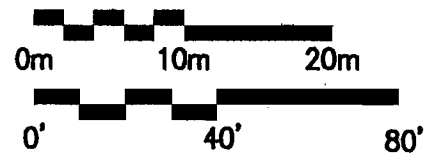


174 PM 1
Parcel 2
APN 134-0510-035

Daniel H. Thorpe



Abutter's Rights Including
Access Rights Relinquished

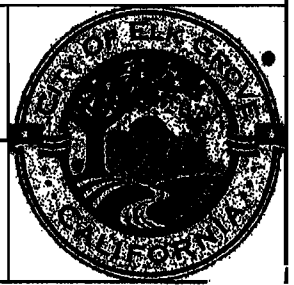


Existing No Ingress or Egress Rights

Bearings and distances shown are based on the California Coordinate System of 1983, Zone 2, in meters. Divide distances shown by 0.99999 to get ground level distances.



IN THE CITY OF ELK GROVE
SACRAMENTO COUNTY, CALIFORNIA
CITY PARCEL 04-15-41-B



Scale 1 : 500
Date 28-Mar-2005
By Stanley
Checked By Thorpe

EXHIBIT B Plat to Accompany Legal Description
Fee Take of 0.03835±hectares
(4,128±sq.ft. or 0.0948±acres) in
APN 134-0510-035

Exhibit 'A-1' Page 1 of 1

City Parcel 04-15-41-D
In or near APN 134-0510-035

Located in the City of Elk Grove, County of Sacramento, State of California, being a 3.048 meter wide strip of land in Parcel 2 of *Jackson/El Dorado Business Center* shown on the map filed December 23, 2003, in Book 174 of Parcel Maps at Page 1, Sacramento County Records, and more particularly described as follows:

BEGINNING at the southerly corner of said Parcel 2, on the easterly right of way line of the frontage road (now known as East Stockton Boulevard) shown on the map filed April 29, 1958, in State Highway Map Book 4 at Page 25, Sacramento County Records; thence along said right of way line, North $12^{\circ}17'08''$ West a distance of 19.985 meters to a point of curvature, and, thence along a tangent curve to the left having a radius of 252.982 meters, a chord bearing North $21^{\circ}42'58''$ West 82.903 meters, through a central angle of $18^{\circ}51'40''$ an arc length of 83.278 meters to the westerly corner of said Parcel 2; thence along the westerly line of said Parcel 2, North $16^{\circ}47'37''$ East a distance of 4.086 meters to the easterly right of way line of the 10' R/W shown on the map recorded June 5, 1980, in Book 58 of Parcel Maps at Page 11, Records of Sacramento County; thence along said easterly right of way line of the 10' R/W, along a non-tangent curve to the right having a radius of 256.030 meters, a chord bearing South $22^{\circ}01'20''$ East 86.600 meters, through a central angle of $19^{\circ}28'25''$ an arc length of 87.019 meters to a point of tangency, and thence South $12^{\circ}17'08''$ East a distance of 19.985 meters to the southeasterly line of said Parcel 2; thence along last said line, South $77^{\circ}42'52''$ West a distance of 3.048 meters to the **POINT OF BEGINNING**.

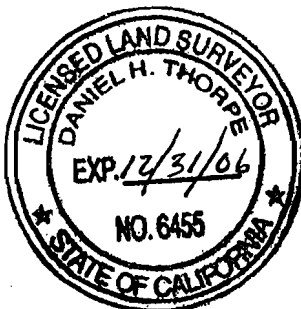
Containing an area of 0.03204 hectares (3,449 square feet or 0.0792 acres), more or less.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 2. Divide the above distances by 0.99999 to obtain ground level distances. To convert meters to U.S. survey feet, multiply the distance by 3937/1200. To convert hectares to acres, multiply hectares by 2.471±.

This real property description has been prepared at Mark Thomas & Co. Inc., by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Daniel H. Thorpe

Daniel H. Thorpe
Professional Land Surveyor
California No. 6455



May 9, 2005
Date

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2 R/S 71

APN 134-0510-035

174 P.M. 1
Parcel 2

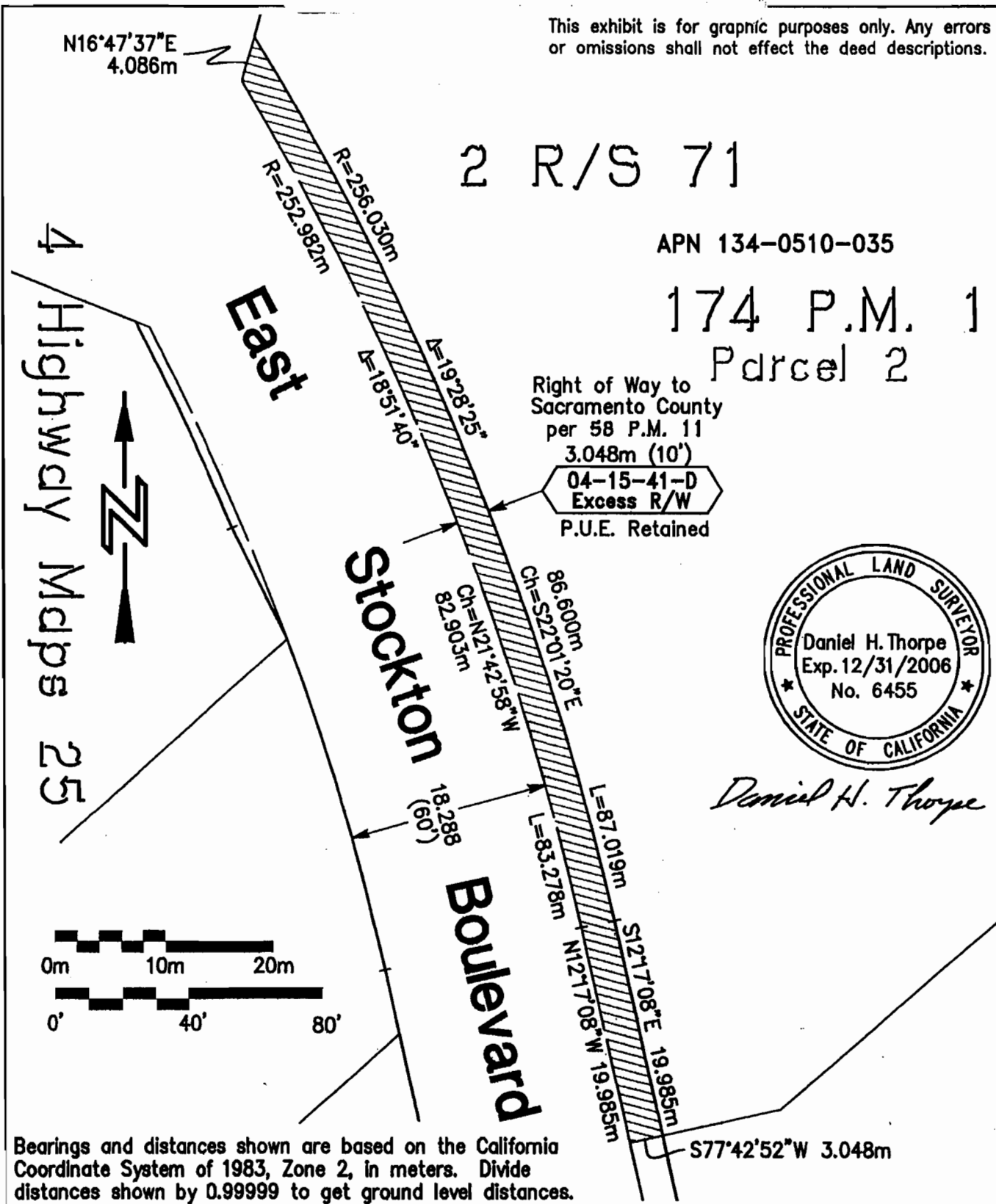
Right of Way to
Sacramento County
per 58 P.M. 11
3.048m (10')

04-15-41-D
Excess R/W

P.U.E. Retained



Daniel H. Thorpe



Bearings and distances shown are based on the California Coordinate System of 1983, Zone 2, in meters. Divide distances shown by 0.99999 to get ground level distances.

S77°42'52"W 3.048m



Mark
Thomas &
Company
Inc.

IN THE CITY OF ELK GROVE
SACRAMENTO COUNTY, CALIFORNIA
CITY PARCEL 04-15-41-D



Scale 1 : 500
Date 28-Mar-2005
Drawn By Stanley
Checked By Thorpe

EXHIBIT B Plat to Accompany Legal Description
Excess R/W (PUE Retained) of 0.03204±hectares
(3,449±sq.ft. or 0.0792±acres) in
APN 134-0510-035

Exhibit 'A-2' Page 1 of 2

City Parcel 04-15-41-E
In APN 134-0510-035

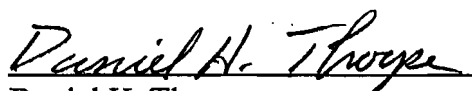
Located in the City of Elk Grove, County of Sacramento, State of California, being a part of Parcel 2 of *Jackson/El Dorado Business Center* shown on the map filed December 23, 2003, in Book 174 of Parcel Maps at Page 1, Sacramento County Records, and more particularly described as follows:

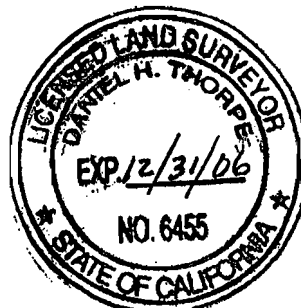
COMMENCING at the southerly corner of said Parcel 2, on the easterly right of way line of the frontage road (now known as East Stockton Boulevard) shown on the map filed April 29, 1958, in State Highway Map Book 4 at Page 25, Sacramento County Records; thence along the southeasterly boundary of said Parcel 2, N77°42'52"E a distance of 3.048 meters to the **POINT OF BEGINNING** on the easterly right of way line of the 10' R/W shown on the map recorded June 5, 1980, in Book 58 of Parcel Maps at Page 11, Records of Sacramento County; thence along said easterly right of way line of the 10' R/W, North12°17'08"West a distance of 19.985 meters to a point of curvature, and thence along a tangent curve to the left having a radius of 256.030 meters, a chord bearing North22°01'20"West 86.600 meters, through a central angle of 19°28'25" an arc length of 87.019 meters to the westerly line of said Parcel 2; thence along last said line, North16°47'37"East a distance of 5.260 meters to the southeasterly line of the area marked "*Grant Line Road Dedication*" as shown on said parcel map; thence along last said line, North47°22'29"East a distance of 20.036 meters, and thence North44°39'25"East a distance of 50.039 meters to the northeasterly line of said Parcel 2; thence along last said line, South40°50'46"East a distance of 16.659 meters; thence South49°09'14"West a distance of 9.458 meters; thence North45°22'20"West a distance of 6.096 meters; thence South44°37'40"West a distance of 62.164 meters; thence along a non tangent curve to the right having a radius of 259.840 meters, a chord bearing South21°10'48"East 80.350 meters, through a central angle of 17°47'20" an arc length of 80.674 meters to a point of tangency; thence South12°17'08"East a distance of 7.637 meters; thence North77°42'52"East a distance of 11.932 meters; thence South12°17'08"East a distance of 9.750 meters to the southeasterly line of said Parcel 2; thence along last said line, South49°09'35"West a distance of 5.433 meters, and thence South77°42'52"West a distance of 10.970 meters to the **POINT OF BEGINNING**.

Containing an area of 0.13273 hectares (14,287 square feet or 0.3280 acres), more or less.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 2. Divide the above distances by 0.99999 to obtain ground level distances. To convert meters to U.S. survey feet, multiply the distance by 3937/1200. To convert hectares to acres, multiply hectares by 2.471±.

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Daniel H. Thorpe
Professional Land Surveyor
California No. 6455

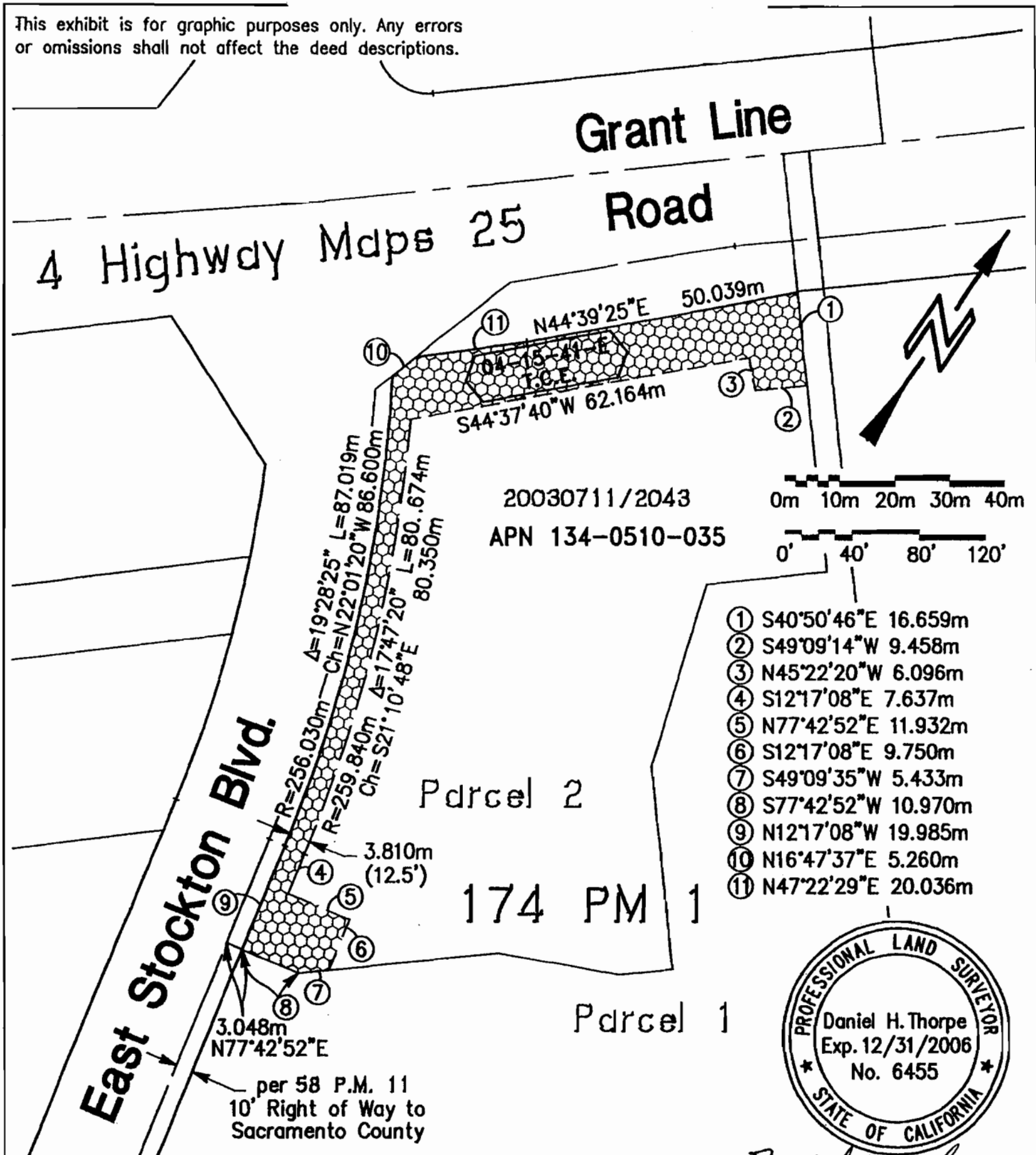


May 9, 2005
Date

EXHIBIT "A-2"
Temporary Construction Easement
Page 2 of 2

The term of the Temporary Construction Easement is for two years and shall terminate upon the complete of the construction of the Grant Line Road/State Route 99 Interchange Project, or March 1, 2008 whichever occurs earlier.

This exhibit is for graphic purposes only. Any errors or omissions shall not affect the deed descriptions.



Daniel H. Thorpe

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IN THE CITY OF ELK GROVE
SACRAMENTO COUNTY, CALIFORNIA
CITY PARCEL 04-15-41-E



Scale 1 : 1000
Date 9-May-2005
Drawn By Olsen
Checked By Thorpe

EXHIBIT B Plat to Accompany Legal Description
Temporary Construction Easement of 0.13273±hectares
(14,287±sq.ft. or 0.3280±acres) in
APN 134-0510-035

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-276**

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

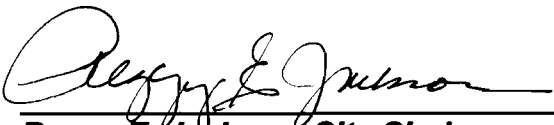
I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 14th day of September, 2005 by the following vote:

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**

