

**RESOLUTION NO. 2005-286**

**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**

**Jasmil Singh and Amarjit Kaur  
APN 134-0600-016**

**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 APN 134-0600-016 ("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 and B 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

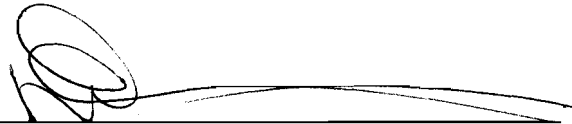
**WHEREAS**, as a result of the hearing held on September 14, 2005, and in accordance with the provisions of Code of Civil Procedure section 1245.235, the City Council of the City of Elk Grove intends to make certain findings and determinations.

**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<sup>1</sup> 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 Fee Simple Interest described in Exhibit A and depicted in Exhibit B, is necessary for the purposes of construction, operation and maintenance of the proposed Project; and
  - d. The Property is being acquired as a remnant under California Code of Civil Procedure section 1240.410; and
  - e. 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
  - f. 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.

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 and B. 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 14<sup>th</sup> 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"

THE LAND REFERRED TO HERIN BELOW IS SITUATED IN THE CITY OF ELK GROVE, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

BEGINNING at a point located South 00°57' 06" East 439.72 feet from the point of designated "one-quarter common to Sections 7 and 18, Township 6 North, Range 6 East, Mount Diablo Base and Meridian", recorded in the office of the Recorder of Sacramento County in Book 17 of Surveys, Map No. 40; thence from said point of beginning, continuing South 00°57' 06" East 200 feet to a point in the Northeasterly line of the State of California freeway, as the same is described in that certain Order of Condemnation nunc pro tunc, in the matter of the State of California vs. G. Henry Lent, et al, a copy of which was recorded October 7, 1958, in the office of said Recorder in Book 3604, Official Records, Page 53; thence along the Northeasterly line of the State of California freeway, North 65°17' 20" West 156.09 feet; thence continuing along the Northeasterly line of said freeway, North 61°14' 23" West 43.91 feet; thence North 11°48' 32" East 150 feet; thence South 77°12' 02" East 150 feet to the point of beginning.

EXCEPTING THEREFROM all that portion of the Northwest one-quarter of Section 17, Township 6 North, Range 6 East, Mount Diablo Base and Meridian and being more particularly described as follows:

BEGINNING at a point on the Northeast line of the State of California freeway, as the same is described in that certain Order of Condemnation nunc pro tunc, in the matter of the State of California vs. G. Henry Lent, et al, a copy of which was recorded October 7, 1958 in the office of said Recorder in Book 3604, Official Records, Page 53; from which point of beginning of the one-quarter corner common to Sections 17 and 18, Township 6 North, Range 6 East, Mount Diablo Base and Meridian, bears along the Northeasterly line of said freeway the following two (2) courses:

- (1) North 65°17' 20" West 156.09 feet, and
- (2) North 61°14' 23" West 43.91 feet; thence North 11°48' 32" East, a distance of 2.94 feet; thence along the arc of a curve, concave Northeasterly, having a radius of 1764.30 feet, the arc of said curve being subtended by a chord which bears South 64°34' 00" East 44.48 feet; thence South 65°17' 20" East, a distance of 153.48 feet; thence South 00°57' 06" East, a distance of 5.99 feet to the point of beginning.

ALSO EXCEPTING THEREFROM all oil, petroleum, natural gas, mineral rights, and other hydrocarbon substances lying below a depth of 500 vertical feet from the surface of said land, for the purpose of exploring for, extracting, mining, boring, removing or marketing said substances, however, without any right of any entry upon the surface of said land.

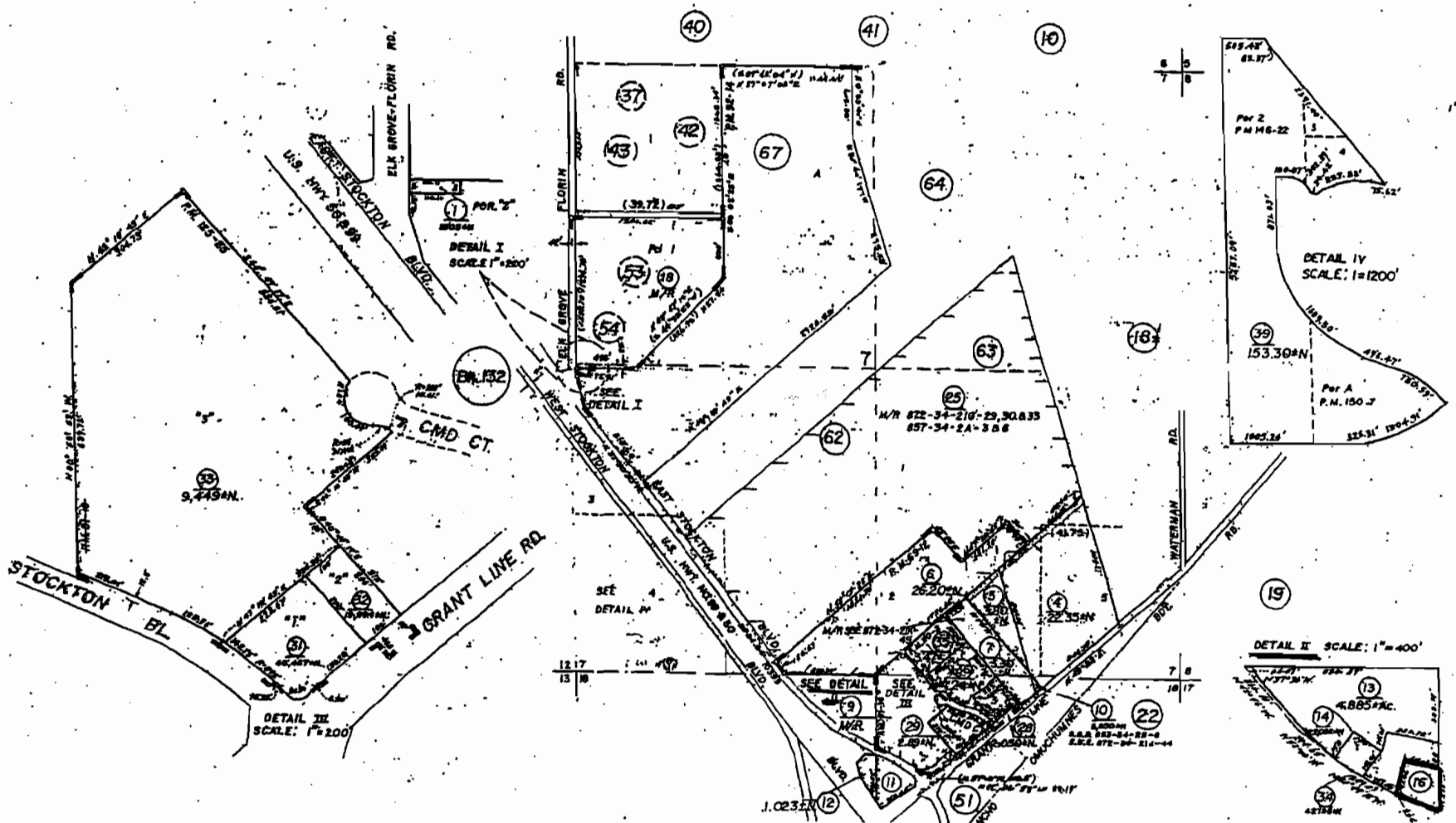
APN: 134-0600-016

Owner: Singh  
APN: 134-0660-016  
Acq # 04-15-33

POR. SEC. 7, 8, & 18, T.6N, R.6E., M.D.B. & M.

Tax Area Code

134-60



Por. Union Industrial Park, P.M. Bk. 92, Pg. 14 (2-27-86)  
 Valley HI Industrial Park, P.M. Bk. 81, Pg. 16 (6-5-84)

Assessor's Map Bk. 134 - Pg. 60  
 County of Sacramento, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.  
 Assessor's Parcel Numbers Shown in Circles.

FEB 23 2004

Exhibit "B"

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-286**

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

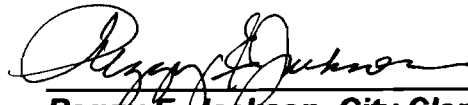
***I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 14th day of September, 2005 by the following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

