

**RESOLUTION NO. 2006-322**

**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 SHELDON ROAD/STATE ROUTE-99  
INTERCHANGE RECONSTRUCTION PROJECT  
(PINO, ET AL / APN: 115-0150-010)**

**WHEREAS**, improving and widening the Sheldon Road/State Route 99 Interchange holds a priority in the City of Elk Grove Transportation Improvement Program and acquiring the necessary right of way and other property interests and assisting with the required business and residential relocations is an important and necessary step in the Sheldon Road/State Route 99 Interchange Reconstruction Project; and

**WHEREAS**, the Project, including its improvements, is necessary to ensure that the roadway system operates at an acceptable level of service, to provide for efficient and safe traffic circulation and access, and to generally further public safety and the general community welfare in a manner consistent with the City's General Plan; and

**WHEREAS**, it is necessary to acquire certain real property interests ("Property") for the construction, operation and maintenance of a right of way and related improvements as part of the Project; and

**WHEREAS**, the City 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 a fee interest, a public utility easement and a temporary construction easement all of which are more particularly described and depicted in Exhibits A-1, A-2, B-1, B-2 and B-3 which are attached hereto and are incorporated herein. The Sacramento County Assessor has designated the Property as a portion of APN 115-0150-010; 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 Property based upon the City of Elk Grove's adoption of a

Final Environmental Report and Assessment, including the Mitigation Monitoring and Reporting Program as adopted by the City Council on July 27, 2005; and

**WHEREAS**, the City of Elk Grove has complied with the requirements of Government Code section 7267.2, in regards to the 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 December 13, 2006, 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.
2. Upon examination of the alternatives, the City of Elk Grove requires the Property for the Project.
3. The City of Elk Grove is authorized to acquire Properties pursuant to the provisions of Government Code sections 37350.5, 40401 and 40404 and the provisions of Eminent Domain Law comprising Title 7, Part 3 of the Code of Civil Procedure (commencing at section 1230.010).
4. Acquisition of the Property for Project purposes promotes public safety and the general welfare, is authorized by Government Code sections 37350.5, 40401, 40404, and is therefore a public use.
5. The City of Elk Grove hereby finds, determines and declares:
  - a. The public interest and necessity require the proposed Project;
  - 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;
  - c. The property interests described and depicted in Exhibits A-1, A-2, B-1, B-2 and B-3 are 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-1, A-2, B-1, B-2 and B-3.
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-1, A-2, B-1, B-2 and B-3. 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.

7. The City's Chief Financial Officer shall disburse all funds required by the City Attorney to make any and all deposits to obtain possession of and title to the Property including but not limited to deposit of probable amount of compensation pursuant to Code of Civil Procedure section 1255.020.

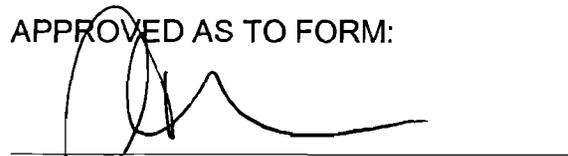
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 13<sup>th</sup> day of December 2006.

  
SOPHIA SCHERMAN, MAYOR PRO TEM  
of the CITY OF ELK GROVE

ATTEST:

  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

  
ANTHONY B. MANZANETTI,  
CITY ATTORNEY

**FEE TAKE**

All that portion of property located in the Northeast Quarter of the Southeast Quarter of Section 23 T7N, R5E M.D.B.&M. situate in the City of Elk Grove, California, in the County of Sacramento, and being more particularly described as follows:

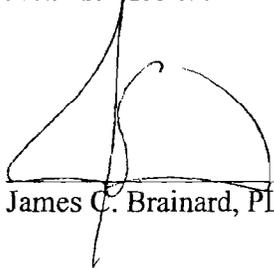
**Beginning** at the Northwest corner of that parcel shown as Designated Remainder Parcel shown on the Arcadian Village Unit No. 3 recorded in Book 331 of Maps at Map 4 in said County; thence from said **Point of Beginning** continuing Northerly along the projection of said West line North 00°36'01" West 103.27 feet or 31.477 meters; thence leaving said West line South 80°05'40" East 36.54 feet or 11.137 meters; thence South 16°45'18" West 36.17 feet or 11.025 meters; thence along the arc of a curve to the left having a radius of 130.58 feet or 39.801 meters, with a chord bearing South 02°57'08" West 62.31 feet or 18.992 meters to the South line of said parcel; thence along said line South 89°40'56" West 21.28 feet or 6.486 meters to the **Point of Beginning**, Together with all underlying fee, if any, appurtenant to the above-described parcel.

The total area of the Fee Take contains 2,458.59 square feet or 0.0564 acres; or 228.411 square meters or 0.023 hectares, more or less.

The meridian used herein is based upon the California Coordinate System (CCS) Zone II, NAD83, 1991.35. The ground distances used herein are in U.S. Survey Feet and Meters. To obtain grid distances, multiply the ground distances shown herein by the combined factor of 0.99997792.

This real property description has been prepared at R.E.Y. Engineers, Inc., by me or under my direction, in conformance with the Professional Land Surveyors Act.

APN: 115-0150-010

  
James C. Brainard, PLS 7051



10/25/06  
Date



**Temporary Construction Easement**

All that portion of property located in the Northeast Quarter of the Southeast Quarter of Section 23 T7N, R5E M.D.B.&M. situate in the City of Elk Grove, California, in the County of Sacramento, and being more particularly described as follows:

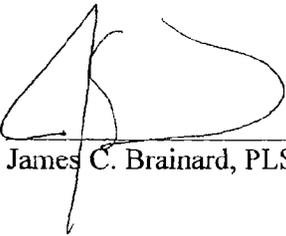
**Beginning** at the Northwest corner of that parcel shown as Designated Remainder Parcel shown on the Arcadian Village Unit No. 3 recorded in Book 331 of Maps at Map 4 in said County; thence along the North line of said Designated Remainder parcel North 89°40'56" East 21.28 feet or 6.486 meters and the **Point of Beginning**; thence from said **Point of Beginning** leaving the North line of said Designated Remainder parcel along the arc of a curve to the right having a radius of 130.58 feet or 39.801 meters, with a chord bearing North 02°57'08" East 62.31 feet or 18.992 meters; thence North 16°45'18" East 36.17 feet or 11.025 meters; thence North 80°05'40" West 36.54 feet or 11.137 meters to the West line of said parcel; thence along said West line North 00°36'01" West 12.71 feet or 3.874 meters; thence leaving said West line South 80°05'40" East 52.95 feet or 16.139 meters; thence South 16°45'18" West 50.26 feet or 15.319 meters; thence along the arc of a curve to the left having a radius of 118.08 feet or 35.991 meters, with a chord bearing South 02°23'14" West 58.60 feet or 17.861 meters to the South line of said parcel; thence along said line South 89°40'56" West 12.74 feet or 3.883 meters to the **Point of Beginning**,

The total area of the TCE contains 1,862.79 square feet or 0.0428 acres; or 173.060 square meters or 0.017 hectares, more or less.

The meridian used herein is based upon the California Coordinate System (CCS) Zone II, NAD83, 1991.35. The ground distances used herein are in U.S. Survey Feet and Meters. To obtain grid distances, multiply the ground distances shown herein by the combined factor of 0.99997792.

This real property description has been prepared at R.E.Y. Engineers, Inc., by me or under my direction, in conformance with the Professional Land Surveyors Act.

APN: 115-0150-010

  
James C. Brainard, PLS 7051



10/25/06  
Date



**EXHIBIT B-3**  
**(Temporary Construction Easement)**

A TEMPORARY CONSTRUCTION EASEMENT (“EASEMENT”) for the purpose of use, construction, reconstruction, installation, improvement, repair, inspection, expansion and maintenance of public right-of-ways, highways, roadways, services, utilities, landscape improvements, and necessary appurtenant structures, on, over, and under all that real property situated in the City of Elk Grove (“CITY”), County of Sacramento, State of California, described herein in Exhibit B-1 and delineated herein on Exhibit B-2.

CITY may move and/or remove any existing structures or improvements but shall replace “in like kind” or restore such structures or improvements prior to the EASEMENT’s termination. Access to any improved parcels shall not be totally impaired and at least one-half of all driveways shall remain unobstructed at all times. City may re-grade the underlying property to conform to the grade of the street frontage.

The EASEMENT shall extend for a period of thirty (30) months commencing on the date ordered by the Court.

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2006-322**

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 December 13, 2006 by the following vote:*

**AYES :**       **COUNCILMEMBERS:**       *Scherman, Cooper, Leary, Davis, Hume*

**NOES :**       **COUNCILMEMBERS:**       *None*

**ABSTAIN :**   **COUNCILMEMBERS:**       *None*

**ABSENT:**    **COUNCILMEMBERS:**       *None*



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