

**RESOLUTION NO. 2006-323**

**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  
(C. DAVID & KATHLEEN D. ROUTH REVOCABLE TRUST / APN: 116-0030-005)**

**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 consist of a fee interest which is more particularly described and depicted in Exhibits A-1 and A-2 which are attached hereto and is incorporated herein. The Sacramento County Assessor has designated the Property as APN 116-0030-005; and

**WHEREAS**, a portion of the Property will have little or no economic value in the after condition and therefore is a remnant pursuant to Code of Civil Procedure section 1240.410, *et seq.*; and

**WHEREAS**, a portion of the Property will have little or no economic value to the owner in the after condition and therefore is a remainder pursuant to Code of Civil Procedure section 1240.150; 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 Property 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), including section 1240.150 and 1240.410, *et seq.*
4. Acquisition of the Property for Project purposes promotes public safety and the general welfare, is authorized by Government Code sections 37350.5, 40401 and 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 and A-2 are necessary for the purposes of construction, operation and maintenance of the proposed Project, and/or such acquisition is authorized pursuant to Code of Civil Procedure section 1240.150 and 1240.410 *et seq.*;

- 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 and A-2.
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 and A-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.
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.

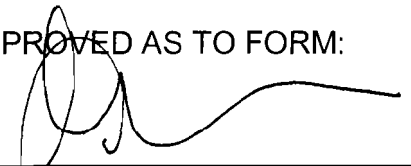
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 13<sup>th</sup> day of December 2006.

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

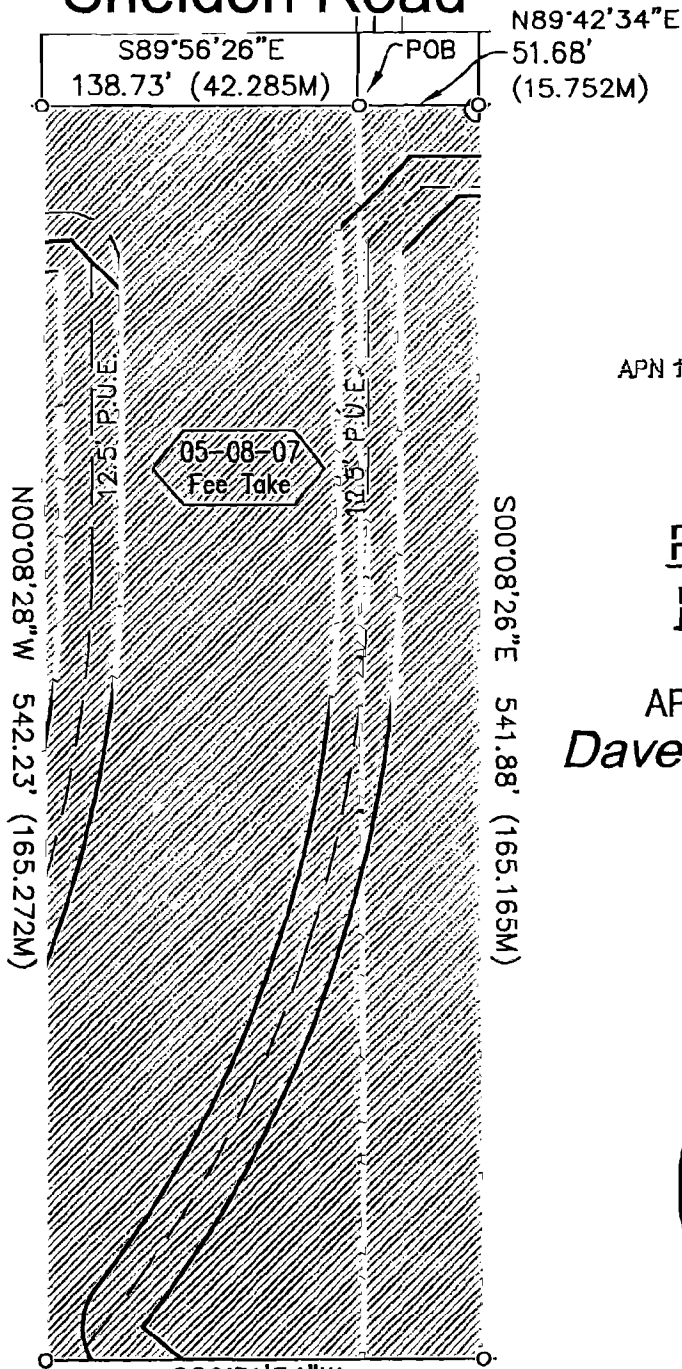
ATTEST:

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

APPROVED AS TO FORM:

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

# Sheldon Road



APN 116-0030-062

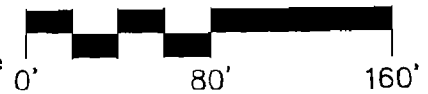
APN 116-0030-044

**BOOK 15**  
**PAGE 13**  
 Lots 1 & 2  
 APN 116-0030-005  
*Dave & Kathy Routt*



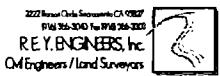
**PARCEL ACREAGES**  
**FULL TAKE: 2.369**

POB = Point of Beginning  
 POC = Point of Commencement  
**GRAPHIC SCALE**



The meridian shown hereon is based upon the California Coordinate System, Zone 2 (NAD83, 1991.35). To obtain grid distances, multiply the ground distances shown hereon by the combined factor of 0.99997792.

IN THE CITY OF ELK GROVE  
 SACRAMENTO COUNTY, CALIFORNIA  
 CITY PARCEL 05-08-07



Scale 1"=80'  
 Date 02-23-06  
 Drawn By KS  
 Checked By JB

PLAT MAP - SHEET 1 OF 1  
 Fee Take of 103,189.28+/- sq.ft.  
 2.3689+/- acres or 0.959+/- hectares  
 APN 116-0030-005



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**FEE Take Parcel**

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

That portion of Lots 1 and 2 of Hewitt Subdivision No. 3, pertaining to the map filed January 8, 1915, in Book 15 of Maps, Page 13, described as follows:

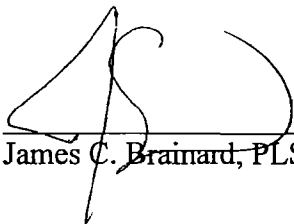
BEGINNING at the North corner common to said Lots 1 and 2 being on the South Right of Way of Sheldon Road, thence from said **Point of Beginning** along the North line of said Lot 1, North 89°42'34" East 51.68 feet or 15.752 meters to the East line of said Portion of Lots 1 & 2; thence along said East line South 00°08'26" East 541.88 feet or 165.165 meters to a one inch capped iron pipe set in an old fence line and the South line; thence along said South line and old fence line, South 89°51'34" West 190.40 feet or 58.034 meters to an iron pipe and the West line; thence along said West line North 0°08'28" West 542.23 feet to an iron pipe on the South Right of Way of Sheldon Road; thence along said South Right of Way line South 89°56'26" East 138.73 feet or 42.285 meters to the **Point of Beginning**, Together with all underlying fee, if any, appurtenant to the above-described parcel.

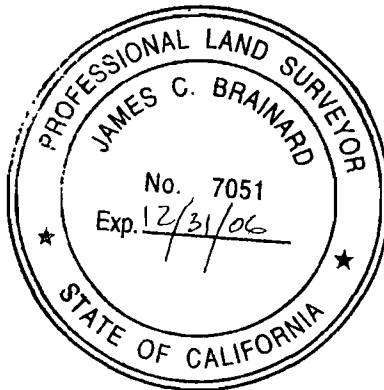
containing 103189.28 square feet or 2.3689 acres; or 9586.637 square meters or 0.959 hectares, more or less.

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.

APN: 116-0030-005

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.

  
James C. Brainard, PLS 7051



10/25/06  
Date

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2006-323**

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

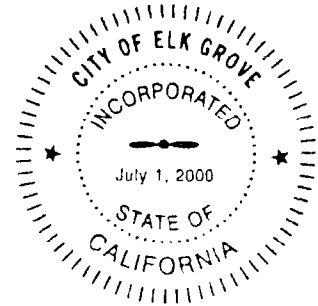
*I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 13, 2006 by the following vote:*


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

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

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

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



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