

**RESOLUTION NO. 2006-326**

**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  
(JBM INVESTMENTS, A GENERAL PARTNERSHIP / APN: 116-0030-020 & 021)**

**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 1-A-1, 1-A-2, 1-B-1, 1-B-2, 1-B-3, 1-C-1, 1-C-2, 1-C-3, 2-A-1, 2-A-2, 2-B-1, 2-B-2, 2-B-3, 2-C-1, 2-C-2 and 2-C-3 which are attached hereto and are incorporated herein. The Sacramento County Assessor has designated the Property as a portion of APN 116-0030-020 & 021; 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 1-A-1, 1-A-2, 1-B-1, 1-B-2, 1-B-3, 1-C-1, 1-C-2, 1-C-3, 2-A-1, 2-A-2, 2-B-1, 2-B-2, 2-B-3, 2-C-1, 2-C-2 and 2-C-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 1-A-1, 1-A-2, 1-B-1, 1-B-2, 1-B-3, 1-C-1, 1-C-2, 1-C-3, 2-A-1, 2-A-2, 2-B-1, 2-B-2, 2-B-3, 2-C-1, 2-C-2 and 2-C-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 1-A-1, 1-A-2, 1-B-1, 1-B-2, 1-B-3, 1-C-1, 1-C-2, 1-C-3, 2-A-1, 2-A-2, 2-B-1, 2-B-2, 2-B-3, 2-C-1, 2-C-2 and 2-C-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.

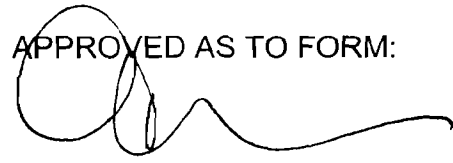
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 13<sup>th</sup> day of December 2006.

  
\_\_\_\_\_  
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 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 Lot 4, of Hewitt Subdivision No. 3, according to the official plat thereof, filed in the office of the Recorder of Sacramento County, California, on January 8, 1915, in Book 15 of Maps, Map No. 13, described as follows: BEGINNING at a point on the Westerly line of said Lot 4, being the center line of Upper Stockton Boulevard, as shown on said plat, located North 19° 22' West 337.74 feet from the Southwest corner of said Lot 4; thence, along the West line of said Lot 4, North 19° 22' West 102.26 feet; thence, South 80° 47' East 599.13 feet; thence, South 0° 13' West 96.35 feet; thence, North 89° 47' West 564.85 feet to the point of beginning. EXCEPT that part thereof lying West of a line described as follows: BEGINNING at a point distant South 39° 47' 02" East 473.61 feet from the Easterly corner common to Lots 1 and 2 of Hewitt Subdivision No. 5, as per the plat thereof, filed June 17, 1921, in Book 16 of Maps, Map No. 31, records of Sacramento County, and Deed dated March 17, 1932, recorded July 18, 1932, in Book 398 of Official Records, at Page 310, Sacramento County; said point also being distant 135.00 feet Northeasterly measured at right angles from Engineer's Station "B3", 272/82.88 of the base line of the Department of Public Works Freeway Survey from 1/2 mile South of Elk Grove Road to 1/2 mile North of Florin Road, road III-Sac-4-B; thence, from said point of beginning, North 19° 34' West 2,217.12 feet; thence, North 28° 06' West 101.12 feet, thence, North 19° 23' 43" West 1,149.41 feet, thence, North 15° 18' 18" West 273.62 feet to a point distant 138.99 feet Northeasterly measured at right angles from Engineer's Station "B3" 310/22.97 of said base line being the Easterly line of the land taken by the State of California for highway purposes more particularly described as follows:

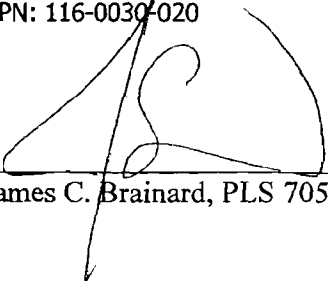
**Beginning** at the Southwest corner of the above described Parcel; thence from said **Point of Beginning** along the East Right of Way of US Highway 99 North 15° 44' 14" West 100.00 feet or 30.480 meters to the North line of said Parcel; thence along said North line North 89° 51' 34" East 96.25 feet or 29.337 meters; thence leaving said North line along the arc of a curve to the left having a radius of 469.82 feet or 143.201 meters, with a chord bearing South 07° 39' 03" East 9.09 feet or 2.771 meters; thence South 08° 12' 19" East 88.18 feet or 26.877 meters to the South line of said Parcel; thence along said South line South 89° 51' 34" West 82.92 feet or 25.274 meters to the **Point of Beginning**, Together with all underlying fee, if any, appurtenant to the above-described parcel.

containing 8624.88 square feet or 0.1980 acres; or 801.281 square meters or 0.080 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: 116-0030-020

  
James C. Brainard, PLS 7051



10/25/06  
Date

US Highway 99  
East Stockton Blvd.

N15°44'14"W  
100.00'  
(30.480M)

N89°51'34"E  
96.25' (29.337M)

Ch=S07°39'03"E  
9.09' (2.771M)  
R=469.82' (143.201M)

APN 118-0030-053

05-08-29  
Fee Take

BOOK 15  
PAGE 13

Lot 4

APN 116-0030-020

JBM Investments

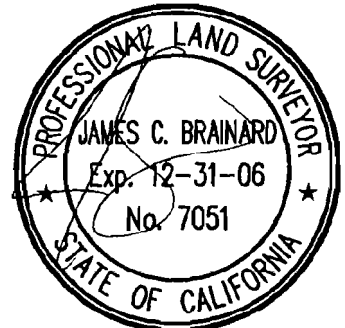
S08°12'19"E  
88.18'  
(26.877M)

S89°51'34"W  
82.92'  
(25.274M)

APN 118-0030-021

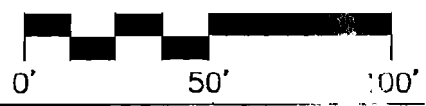
PARCEL ACREAGES

|            |       |
|------------|-------|
| ORIGINAL:  | 0.910 |
| FEE TAKE:  | 0.198 |
| REMAINDER: | 0.712 |



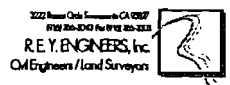
- |||| = Access Control Line
- POB = Point of Beginning
- POC = Point of Commencement

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 05-08-29



Scale 1"=50'  
Date 02-23-06  
Drawn By KS  
Checked By JB

PLAT MAP - SHEET 1 OF 1  
Fee Take of 8,624.88+/- sq.ft.  
0.1980+/- acres or 0.080+/- hectares  
APN 116-0030-020



1110-0030-020-1 TAKE.dwg, 10/23/2006 9:30:18 AM

**Public Utility Easement**

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 Lot 4, of Hewitt Subdivision No. 3, according to the official plat thereof, filed in the office of the Recorder of Sacramento County, California, on January 8, 1915, in Book 15 of Maps, Map No. 13, described as follows: BEGINNING at a point on the Westerly line of said Lot 4, being the center line of Upper Stockton Boulevard, as shown on said plat, located North 19° 22' West 337.74 feet from the Southwest corner of said Lot 4; thence, along the West line of said Lot 4, North 19° 22' West 102.26 feet; thence, South 80° 47' East 599.13 feet; thence, South 0° 13' West 96.35 feet; thence, North 89° 47' West 564.85 feet to the point of beginning. EXCEPT that part thereof lying West of a line described as follows: BEGINNING at a point distant South 39° 47' 02" East 473.61 feet from the Easterly corner common to Lots 1 and 2 of Hewitt Subdivision No. 5, as per the plat thereof, filed June 17, 1921, in Book 16 of Maps, Map No. 31, records of Sacramento County, and Deed dated March 17, 1932, recorded July 18, 1932, in Book 398 of Official Records, at Page 310, Sacramento County; said point also being distant 135.00 feet Northeasterly measured at right angles from Engineer's Station "B3", 272/82.88 of the base line of the Department of Public Works Freeway Survey from 1/2 mile South of Elk Grove Road to 1/2 mile North of Florin Road, road III-Sac-4-B; thence, from said point of beginning, North 19° 34' West 2,217.12 feet; thence, North 28° 06' West 101.12 feet, thence, North 19° 23' 43" West 1,149.41 feet, thence, North 15° 18' 18" West 273.62 feet to a point distant 138.99 feet Northeasterly measured at right angles from Engineer's Station "B3" 310/22.97 of said base line being the Easterly line of the land taken by the State of California for highway purposes more particularly described as follows:

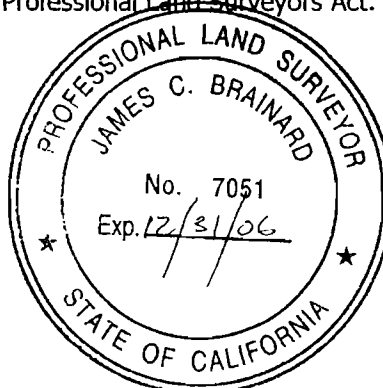
**Beginning** at the Southwest corner of the above described Parcel; thence along the South line of said Parcel North89°51'34"East 95.54 feet or 29.121 meters to the **Point of Beginning**; thence from said **Point of Beginning** back along the South line South89°51'34"West 12.62 feet or 3.847 meters; thence leaving said South line North08°12'19"West 88.18 feet or 26.877 meters; thence along the arc of a curve to the right having a radius of 469.82 feet or 143.201 meters, with a chord bearing North07°39'03"West 9.09 feet or 2.771 meters to the North line of said Parcel; thence along said North line North89°51'34"East 12.60 feet or 3.840 meters; thence leaving said North line along the arc of a curve to the left having a radius of 457.32 feet or 139.391 meters, with a chord bearing South07°44'47"East 7.32 feet or 2.231 meters; thence South08°12'19"East 89.95 feet or 27.417 meters to the South line of said Parcel and the **Point of Beginning**,

containing 1215.32 square feet or 0.0279 acres; or 112.908 square meters or 0.011 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.

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APN: 116-0030-020

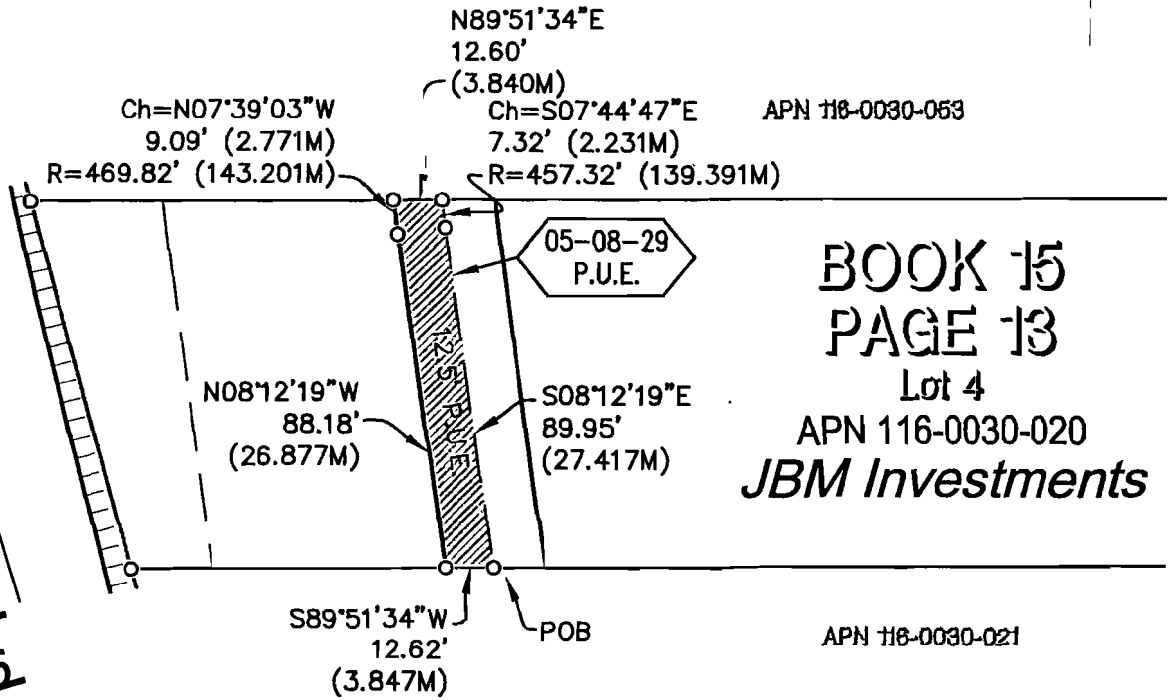
James C. Brainard, PLS 7051



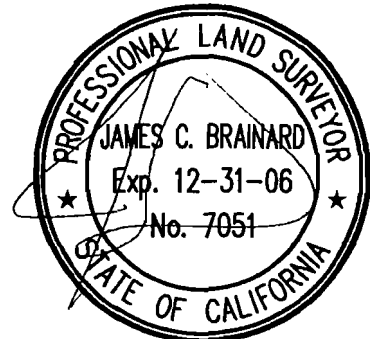
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US Highway 99  
East Stockton Blvd.

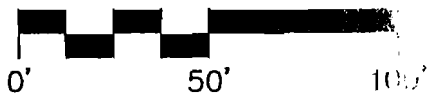


BOOK 15  
PAGE 13  
Lot 4  
APN 116-0030-020  
**JBM Investments**



- |||| = Access Control Line
- POB = Point of Beginning
- POC = Point of Commencement

GRAPHIC SCALE



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IN THE CITY OF ELK GROVE  
SACRAMENTO COUNTY, CALIFORNIA  
CITY PARCEL 05-08-29



Scale 1"=50'  
Date 02-23-06  
Drawn By KS  
Checked By JB

PLAT MAP - SHEET 1 OF 1  
Public Utility Easement of 1,215.32+/- sq.ft.  
0.0279+/- acres or 0.011+/- hectares  
APN 116-0030-020



**EXHIBIT 1-B-3**  
**(Public Utility Easement)**

An EASEMENT for PUBLIC UTILITY PURPOSES for the installation, construction, repair and maintenance of electroliers, traffic control devises, water, sewer, gas and drainage pipes and poles, and overhead and underground wires and conduits for electrical, communications and television services, together with any and all appurtenances pertaining thereto, on, over, under and across all that real property owned by OWNER(S) and situated within the City of Elk Grove ("CITY"), County of Sacramento, State of California described herein in Exhibit 1-B-1 and delineated herein on Exhibit 1-B-2.

The CITY may move and/or remove any existing structures or improvements. The CITY shall replace "in like kind" or restore such structures or improvements upon completion of construction and/or maintenance activities unless such restoration or replacement interferes with the operation and maintenance of said public utilities.

Without limiting the CITY's rights granted herein, the CITY may also trim such tree foliage and cut such limbs and roots on said property as may be necessary for the protection of said public utilities.

OWNER(S) shall not erect or construct any building or other permanent structure or drill or operate any well within said easement.



**Temporary Construction Easement**

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:

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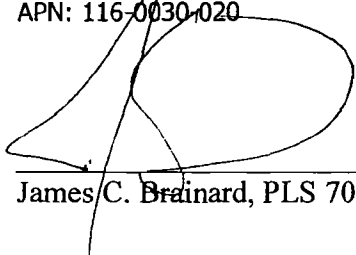
**Beginning** at the Southwest corner of the above described Parcel; thence along the South line of said Parcel North89°51'34"East 109.43 feet or 33.354 meters to the **Point of Beginning**; thence from said **Point of Beginning** back along the South line South89°51'34"West 26.51 feet or 8.080 meters; thence leaving said South line North08°12'19"West 88.18 feet or 26.877 meters; thence along the arc of a curve to the right having a radius of 469.82 feet or 143.201 meters, with a chord bearing North07°39'03"West 9.09 feet or 2.771 meters to the North line of said Parcel; thence along said North line North89°51'34"East 26.45 feet or 8.062 meters; thence leaving said North line along the arc of a curve to the left having a radius of 443.57 feet or 135.200 meters, with a chord bearing South07°51'28"East 5.38 feet or 1.640 meters; thence South08°12'19"East 91.90 feet or 28.011 meters to the South line of said Parcel and the **Point of Beginning**,

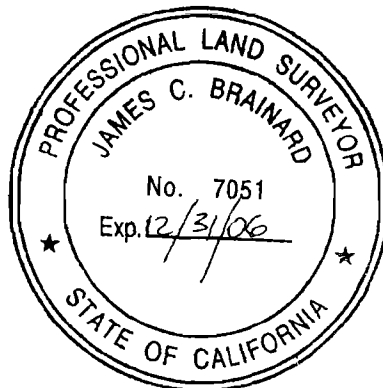
containing 2552.62 square feet or 0.0586 acres; or 237.147 square meters or 0.024 hectares, more or less.

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.

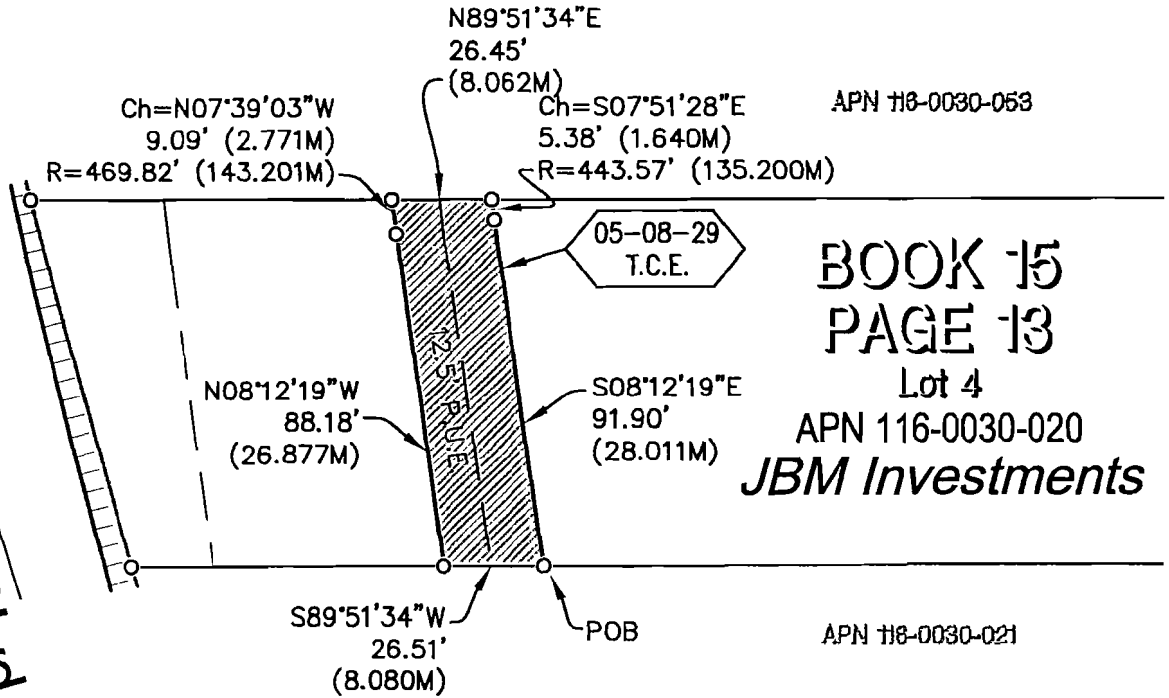
APN: 116-0030-020

  
James C. Brainard, PLS 7051



10/25/06  
Date

US Highway 99  
East Stockton Blvd.



APN 116-0030-053

BOOK 15  
PAGE 13

Lot 4

APN 116-0030-020

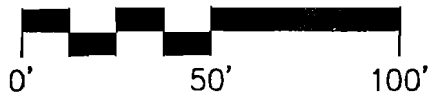
JBM Investments

APN 116-0030-021



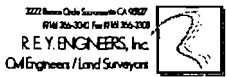
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GRAPHIC SCALE



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IN THE CITY OF ELK GROVE  
SACRAMENTO COUNTY, CALIFORNIA  
CITY PARCEL 05-08-29



Scale 1"=50'  
Date 02-23-06  
Drawn By KS  
Checked By JB

PLAT MAP - SHEET 1 OF 1  
Temporary Construction Easement of 2,552.62+/- sq.ft.  
0.0586+/- acres or 0.024+/- hectares  
APN 116-0030-020

**EXHIBIT 1-C-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, land use 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 1-C-1 and delineated herein on Exhibit 1-C-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.

**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:

Those portions of Lot 4 of Hewitt Subdivision No. 3, according to the official plat thereof, filed in the office of the Recorder of Sacramento County, California, on January 8, 1915, in Book 15 of Maps, Map No. 13; described as follows:

BEGINNING at a point on the Westerly line of said Lot 4, being the center line of Upper Stockton Boulevard, as shown on said plat; located North 19° 22' West 149.96 feet from the Southwest corner of said Lot 4; thence, along the West line of said Lot 4, North 19° 22' West 187.78 feet; thence, South 89° 47' East 564.85 feet; thence, South 0° 13' West 176.92 feet; thence, North 89° 47' West 501.91 feet to the point of beginning. EXCEPT thereof lying West of a line described as follows:

BEGINNING at a point distant South 39° 47' 02" East 473.61 feet from the Easterly corner common to Lots 1 and 2 of the Hewitt Subdivision No. 5, as per the plat thereof, filed June 17, 1921, in Book 16 of Maps, Map No. 31, Records of Sacramento County and Deed dated March 17, 1932, recorded July 18, 1932, in Book 398 of Official Records, at Page 310, Official Records, of Sacramento County, said point also being distant 135.00 feet Northeasterly measured at right angles from Engineer's Station "D3" 272/82.88 of the base line of the Department of Public Works Freeway Survey from 1/2 mile South of Elk Grove Road to 1/2 mile North of Florin Road, III - Sac-4-B; thence, from said point of beginning, North 19° 34' West 2,217.12 feet; thence, North 28° 02' West 101.12 feet; thence, North 19° 23' 43" West 1,149.41 feet thence, North 15° 18' 18" West 273.62 feet; to a point distant 138.99 feet Northeasterly measured at right angles from Engineer's Station "B3" 310/22.97 of said base line, being the Easterly line of the land taken by the State of California, for highway purposes more particularly described as follows:

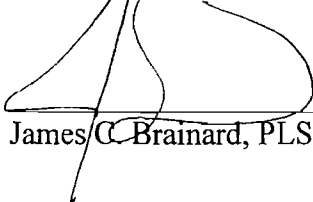
**Beginning** at the Southwest corner of the above described Parcel; thence from said **Point of Beginning** along the East Right of Way of US Highway 99 North 19° 49' 39" West 117.01 feet or 35.667 meters; thence North 15° 44' 14" West 69.25 feet or 21.107 meters to the North line of said Parcel; thence leaving said East Right of Way along the North line of said Parcel North 89° 51' 34" East 82.92 feet or 25.274 meters; thence leaving said North line South 08° 12' 19" East 89.88 feet or 27.395 meters; thence along the arc of a curve to the left having a radius of 2758.52 feet or 840.799 meters, with a chord bearing South 09° 07' 45" East 88.97 feet or 27.118 meters to the South line of said Parcel; thence along said South line South 89° 51' 34" West 51.40 feet or 15.667 meters to the East Right of Way of US Highway 99 and the **Point of Beginning**, Together with all underlying fee, if any, appurtenant to the above-described parcel.

containing 12083.54 square feet or 0.2774 acres; or 1122.602 square meters or 0.112 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.

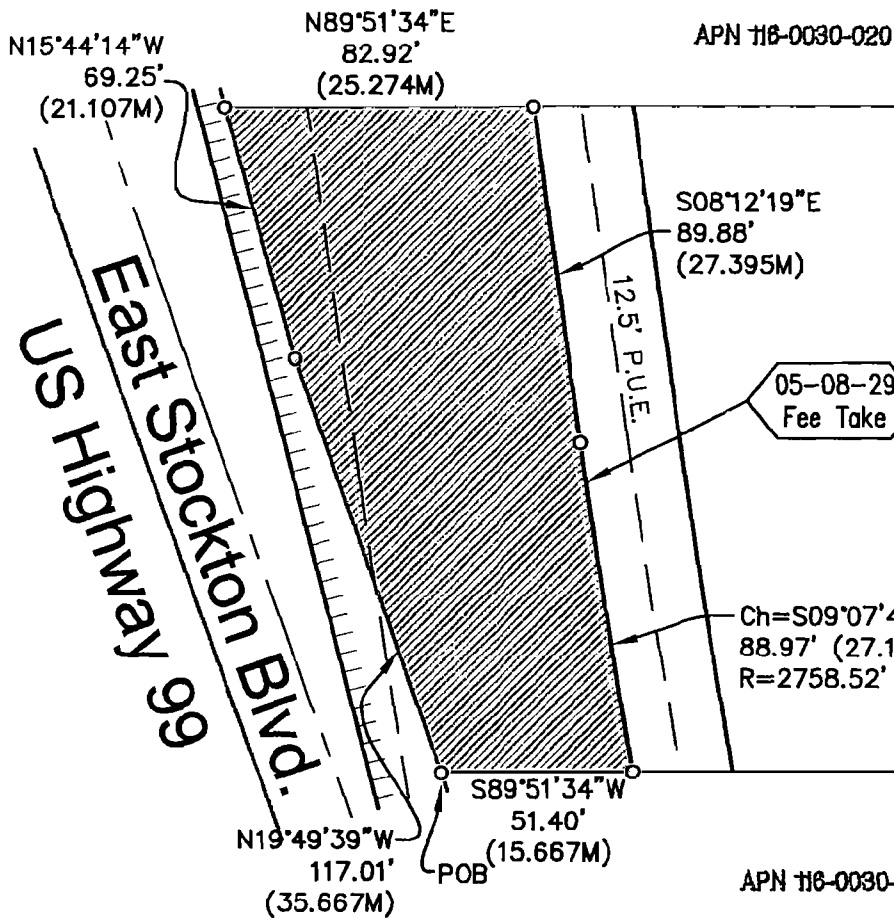
This real property description has been prepared at R.E.Y. Engineers, Inc., by me or under my direction, in conformance with the Professional Land Surveyors Act.

APN: 116-0030-021

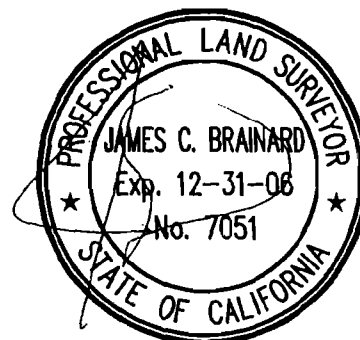
  
James C. Brainard, PLS 7051



10/25/06  
Date

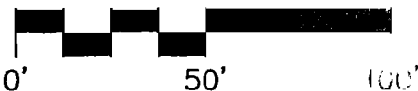


BOOK 15  
PAGE 13  
Lot 4  
APN 116-0030-021  
**JBM Investments**

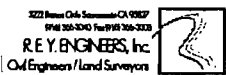


| PARCEL ACREAGES |       |
|-----------------|-------|
| ORIGINAL:       | 1.505 |
| FEE TAKE:       | 0.277 |
| REMAINDER:      | 1.228 |

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 05-08-29



Scale 1"=50'  
Date 02-23-06  
Drawn By KS  
Checked By JB

PLAT MAP - SHEET 1 OF 1  
Fee Take of 12,083.54+/- sq.ft.  
0.2774+/- acres or 0.112+/- hectares  
APN 116-0030-021

**Public Utility Easement**

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:

Those portions of Lot 4 of Hewitt Subdivision No. 3, according to the official plat thereof, filed in the office of the Recorder of Sacramento County, California, on January 8, 1915, in Book 15 of Maps, Map No. 13; described as follows:

BEGINNING at a point on the Westerly line of said Lot 4, being the center line of Upper Stockton Boulevard, as shown on said plat; located North 19° 22' West 149.96 feet from the Southwest corner of said Lot 4; thence, along the West line of said Lot 4, North 19° 22' West 187.78 feet; thence, South 89° 47' East 564.85 feet; thence, South 0° 13' West 176.92 feet; thence, North 89° 47' West 501.91 feet to the point of beginning. EXCEPT thereof lying West of a line described as follows:

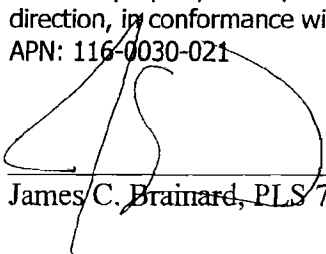
BEGINNING at a point distant South 39° 47' 02" East 473.61 feet from the Easterly corner common to Lots 1 and 2 of the Hewitt Subdivision No. 5, as per the plat thereof, filed June 17, 1921, in Book 16 of Maps, Map No. 31, Records of Sacramento County and Deed dated March 17, 1932, recorded July 18, 1932, in Book 398 of Official Records, at Page 310, Official Records, of Sacramento County, said point also being distant 135.00 feet Northeasterly measured at right angles from Engineer's Station "D3" 272/82.88 of the base line of the Department of Public Works Freeway Survey from 1/2 mile South of Elk Grove Road to 1/2 mile North of Florin Road, III - Sac-4-B; thence, from said point of beginning, North 19° 34' West 2,217.12 feet; thence, North 28° 02' West 101.12 feet; thence, North 19° 23' 43" West 1,149.41 feet thence, North 15° 18' 18" West 273.62 feet; to a point distant 138.99 feet Northeasterly measured at right angles from Engineer's Station "B3" 310/22.97 of said base line, being the Easterly line of the land taken by the State of California, for highway purposes more particularly described as follows:

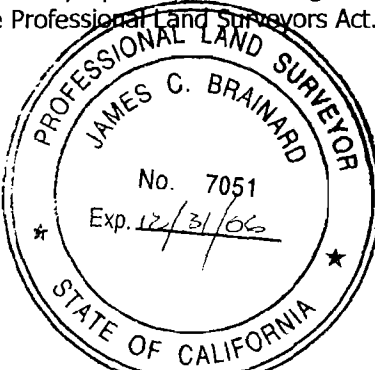
**Beginning** at the Southwest corner of the above described Parcel; thence along the South line of said Parcel North89°51'34"East 64.09 feet or 19.535 meters to the **Point of Beginning**; thence from said **Point of beginning** back along the South line of said Parcel South 89°51'34"West 12.69 feet or 3.868 meters; thence leaving said South line along the arc of a curve to the right having a radius of 2758.52 feet or 840.799 meters, with a chord bearing North09°07'45"West 88.97 feet or 27.118 meters; thence North08°12'19"West 89.88 feet or 27.395 meters to the North line of said Parcel; thence along the North line of said Parcel North89°51'34"East 12.62 feet or 3.847 meters; thence leaving said North line South08°12'19"East 88.11 feet or 26.856 meters; thence along the arc of a curve to the left having a radius of 2746.02 feet or 836.989 meters, with a chord bearing South 09°09'07"East 90.75 feet or 27.661 meters to the **Point of Beginning**,

containing 2234.63 square feet or 0.0513 acres; or 207.605 square meters or 0.021 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: 116-0030-021

  
James C. Brainard, PLS 7051



10/25/06  
Date



**EXHIBIT 2-B-3**  
**(Public Utility Easement)**

An EASEMENT for PUBLIC UTILITY PURPOSES for the installation, construction, repair and maintenance of electroliers, traffic control devises, water, sewer, gas and demaio, pipes and poles, and overhead and underground wires and conduits for electrical, communications and television services, together with any and all appurtenances pertaining thereto, on, over, under and across all that real property owned by OWNER(S) and situated within the City of Elk Grove ("CITY"), County of Sacramento, State of California described herein in Exhibit 2-B-1 and delineated herein on Exhibit 2-B-2.

The CITY may move and/or remove any existing structures or improvements. The CITY shall replace "in like kind" or restore such structures or improvements upon completion of construction and/or maintenance activities unless such restoration or replacement interferes with the operation and maintenance of said public utilities.

Without limiting the CITY's rights granted herein, the CITY may also trim such tree foliage and cut such limbs and roots on said property as may be necessary for the protection of said public utilities.

OWNER(S) shall not erect or construct any building or other permanent structure or drill or operate any well within said easement.



### Temporary Construction Easement

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:

Those portions of Lot 4 of Hewitt Subdivision No. 3, according to the official plat thereof, filed in the office of the Recorder of Sacramento County, California, on January 8, 1915, in Book 15 of Maps, Map No. 13; described as follows:

BEGINNING at a point on the Westerly line of said Lot 4, being the center line of Upper Stockton Boulevard, as shown on said plat; located North 19° 22' West 149.96 feet from the Southwest corner of said Lot 4; thence, along the West line of said Lot 4, North 19° 22' West 187.78 feet; thence, South 89° 47' East 564.85 feet; thence, South 0° 13' West 176.92 feet; thence, North 89° 47' West 501.91 feet to the point of beginning. EXCEPT thereof lying West of a line described as follows:

BEGINNING at a point distant South 39° 47' 02" East 473.61 feet from the Easterly corner common to Lots 1 and 2 of the Hewitt Subdivision No. 5, as per the plat thereof, filed June 17, 1921, in Book 16 of Maps, Map No. 31, Records of Sacramento County and Deed dated March 17, 1932, recorded July 18, 1932, in Book 398 of Official Records, at Page 310, Official Records, of Sacramento County, said point also being distant 135.00 feet Northeasterly measured at right angles from Engineer's Station "D3" 272/82.88 of the base line of the Department of Public Works Freeway Survey from 1/2 mile South of Elk Grove Road to 1/2 mile North of Florin Road, III - Sac-4-B; thence, from said point of beginning, North 19° 34' West 2,217.12 feet; thence, North 28° 02' West 101.12 feet; thence, North 19° 23' 43" West 1,149.41 feet thence, North 15° 18' 18" West 273.62 feet; to a point distant 138.99 feet Northeasterly measured at right angles from Engineer's Station "B3" 310/22.97 of said base line, being the Easterly line of the land taken by the State of California, for highway purposes more particularly described as follows:

**Beginning** at the Southwest corner of the above described Parcel; thence along the South line of said Parcel North 89° 51' 34" East 78.05 feet or 23.790 meters to the **Point of Beginning**; thence from said **Point of beginning** back along the South line of said Parcel South 89° 51' 34" West 26.65 feet or 8.123 meters; thence leaving said South line along the arc of a curve to the right having a radius of 2758.52 feet or 840.799 meters, with a chord bearing North 09° 07' 45" West 88.97 feet or 27.118 meters; thence North 08° 12' 19" West 89.88 feet or 27.395 meters to the North line of said Parcel; thence along the North line of said Parcel North 89° 51' 34" East 26.51 feet or 8.080 meters; thence leaving said North line South 08° 12' 19" East 86.16 feet or 26.262 meters; thence along the arc of a curve to the left having a radius of 2732.28 feet or 832.801 meters, with a chord bearing South 09° 10' 38" East 92.71 feet or 28.258 meters to the **Point of Beginning**,

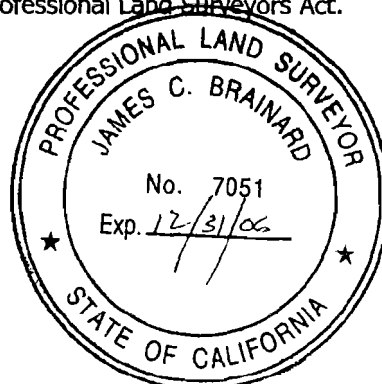
containing 4695.77 square feet or 0.1078 acres; or 436.253 square meters or 0.044 hectares, more or less.

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.

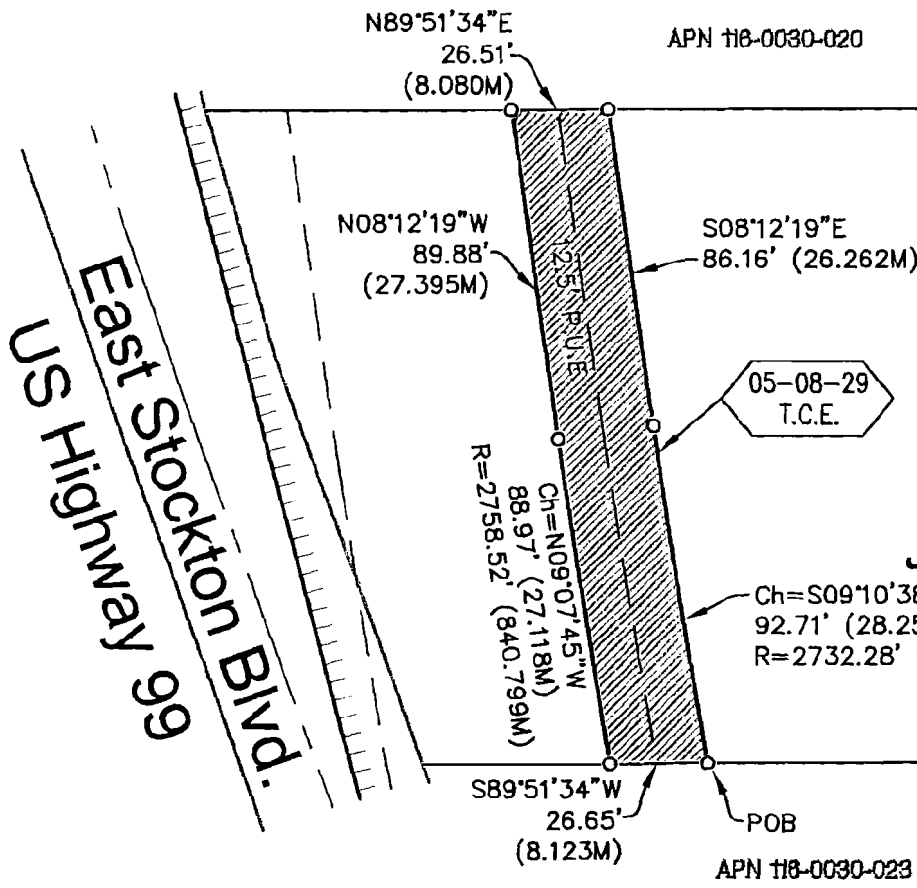
This real property description has been prepared at R.E.Y. Engineers, Inc., by me or under my direction, in conformance with the Professional Land Surveyors Act.

APN: 116-0030-021

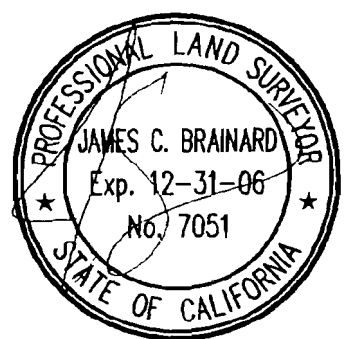
James C. Brainard, PLS 7051



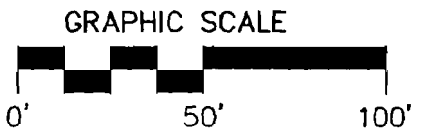
10/25/06  
Date



**BOOK 15**  
**PAGE 13**  
 Lot 4  
 APN 116-0030-021  
**JBM Investments**

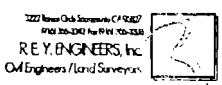


POB = Point of Beginning  
 POC = Point of Commencement



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 05-08-29



Scale 1"=50'  
 Date 02-23-06  
 Drawn By KS  
 Checked By JB

PLAT MAP - SHEET 1 OF 1  
 Temporary Construction Easement of 4,695.77+/- sq.ft.  
 0.1078+/- acres or 0.044+/- hectares  
 APN 116-0030-021



S:\8010\001 Sheldon Interchange\116-0030-021-TCE.dwg, 10/23/2006 9:28:41 AM

**EXHIBIT 2-C-3**  
**(Temporary Construction Easement)**

A TEMPORARY CONSTRUCTION EASEMENT (“EASEMENT”) for the purpose of public 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 2-C-1 and delineated herein on Exhibit 2-C-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. 2006-326**

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**