

**RESOLUTION NO. 2008-238**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
QUITCLAIMING A PORTION OF ABANDONED WEST STOCKTON BOULEVARD TO  
M&H REALTY PARTNERS AFFILIATED FUND III, L.P., A CALIFORNIA LIMITED  
PARTNERSHIP PURSUANT TO A DEVELOPMENT AGREEMENT**

**WHEREAS**, the City of Elk Grove approved the Lent Ranch Marketplace Special Planning Area, Development Agreement and Tentative Subdivision Map of the "Lent Ranch Marketplace" in June 2001; and

**WHEREAS**, the Lent Ranch Marketplace is a project approved for a regional mall and surrounding commercial developments; and

**WHEREAS**, as part of the Development Agreement, West Stockton Boulevard adjacent to State Highway 99 was to be re-aligned based on the approved Tentative Map; and

**WHEREAS**, the final map entitled "Subdivision No.00-038.00, Lent Ranch Marketplace" has been filed by the County of Sacramento in Book 372 at Page 27, of Maps, included dedication of right-of-way for the new alignment of West Stockton Boulevard which is currently known as "Promenade Parkway"; and

**WHEREAS**, Promenade Parkway is currently open for public travel; and

**WHEREAS**, the abandonment of West Stockton Boulevard has been approved by City Council by a separate resolution, leaving the property un-encumbered as a public street; and

**WHEREAS**, in conformance with the Division 9, Part 3, Chapter 6, Effect of Vacation, Section 8356 (a) and in accordance with the approved Development Agreement, the City of Elk Grove desires to quitclaim that portion of West Stockton Boulevard, subject to ingress and egress reservation and the easement reservations as described as Easements 1, 2, 3 described in Exhibit "A" legal description attached hereto, to M&H Realty Partners Affiliated Fund III, L.P., a California Limited Partnership.

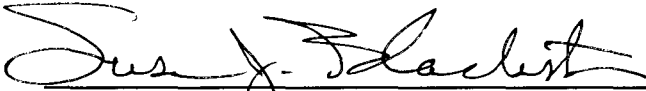
**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove hereby approves the quitclaim to **M&H REALTY PARTNERS AFFILIATED FUND III, L.P., a California Limited Partnership**, subject to the ingress and egress reservation and the easement reservations as described as Easements 1, 2 and 3 in Exhibit "A" legal description attached to the quitclaim deed and authorizes and directs the Mayor to sign the Quitclaim Deed in substantially the form attached hereto conveying said property and authorizes and directs the City Clerk to record the Quitclaim Deed in the office of the County Recorder of the County of Sacramento.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove on this 22nd day of October 2008.



JAMES COOPER, COUNCIL MEMBER  
and Temporary Presiding Officer of the  
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

**Exhibit "A"**  
**Legal Description**  
**Abandoned West Stockton Boulevard**  
**Resolution No. \_\_\_\_\_**  
**City of Elk Grove, County of Sacramento, State of California**

That portion of that certain "frontage road" being 46 feet wide, 65 feet wide and of varying width in the City of Elk Grove, County of Sacramento, State of California as described in that certain document entitled "Relinquishment of State Highway, In the County of Sacramento, Road III-SAC-4-A,B" recorded in Volume 3710 at Page 472, recorded in the County of Sacramento Recorder's Office at the request of the Commissioner of Highways on February 26, 1959, Official Records of said County described as follows:

Bounded on the southeast by the northwesterly prolongation that certain line having a bearing and distance of North 33°02'59" West 245.24 feet in the northeasterly line of Lot A as shown on "Subdivision No. 00-038.00, Lent Ranch Marketplace" filed in Book 372 at Page 27 of Maps, Records of said County, on the northeast by the northeasterly line of said "frontage road", on the northwest by the north line of the Southeast One-Quarter of Section 12, T.6.N., R.5.E., Mount Diablo Baseline and Meridian as shown on said Subdivision Map and on the southwest by the northeasterly lines of Lots A and G as shown on said Subdivision Map.

**Excepting there from** that portion of said "frontage road" lying southeasterly of the following described line:

**Beginning** at the easterly terminus in the curved southerly boundary of Lot G, as shown on that certain map entitled "Lent Ranch Marketplace" filed in Book 372 at Page 27 of Maps, records of said County, being a curve concave to the south having a radius of 400 feet, a radial line of said curve to said terminus bears North 24°22'51" East; thence from said point of beginning North 52°04'42" East 46.00 feet to the northeasterly line of said "frontage road".

**Excepting there from** the rights of ingress and egress from West Stockton Boulevard in and to the adjoining Freeway as reserved by the State of California in said "Relinquishment of State Highway, In the County of Sacramento, Road III- SAC-4-A,B" recorded in Volume 3710 at Page 472.

**Also reserving there from the following described easements:**

**Easement No. 1:**

**An easement** for the right to construct, maintain, operate, replace, remove and renew **sanitary sewers** and appurtenant structures including the right of ingress and egress in, upon and over that portion of West Stockton Boulevard described as follows:

A 20 foot wide strip of land the northwesterly line of said strip is described as follows:

**Beginning** at the northeasterly terminus of that certain course having a bearing and distance of North 52°04'42" East 222.55 feet on the northwesterly line of that certain 20 foot wide sewer easement as granted to the County Sanitation District No. 1 of Sacramento per document recorded in Book 20080514 at Page 319, Official Records, records of said County; thence along the northeasterly prolongation of said line North 52°04'42" East to the northeasterly line of said West Stockton Boulevard.

The southeasterly line of said strip shall be prolonged or shortened as to end northeasterly in the northeasterly line of said West Stockton Boulevard and southwesterly in the northeasterly line of said Lot G.

**Easement No. 2:**

**An easement for the transportation and distribution of electrical energy** and all uses incident including the right of ingress and egress in, upon and over that portion of West Stockton Boulevard described as follows:

A 20 foot wide strip of land the southwesterly line of said strip being the northeasterly lines of said Lots A and G.

The northeasterly line of said 20 foot wide strip of land shall be prolonged or shortened as to end northwesterly in the north line of the Southeast One-Quarter of said Section 12 and on the southeast by the northwesterly prolongation of said line having a bearing and distance of North 33°02'59" West 245.24 feet.

Contains 114,802 sq. ft. / 2.635 acres, more or less.

**End of Description**

Basis of Bearings; The bearings shown here-on are based "Subdivision No. 00.038.00, Filed in Book 372 at Page 27, of Maps, Records of Sacramento County, State of California.

This Legal Description was prepared by me or under my direction pursuant to the requirements of the Professional Land Surveyor's Act.

\_\_\_\_\_  
L.S. /R.C.E No. \_\_\_\_\_

\_\_\_\_\_  
Date

Registration Expires: \_\_\_\_\_

**NO FEE DOCUMENT**

Government Code §6103 & §27383

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

City Clerk  
**CITY OF ELK GROVE**  
8380 Laguna Palms Way  
Elk Grove, CA 95758

The Above Space For Recorder's Use Only

OK to Accept: \_\_\_\_\_

Date: \_\_\_\_\_

Project Name: Abandoned West Stockton Boulevard

Address: Lent Ranch Marketplace

Project No.: 221- 0000- 441.24-05

THIS TRANSACTION IS EXEMPT FROM CALIFORNIA DOCUMENTARY TRANSFER TAX PURSUANT TO SECTION 11922 OF THE CALIFORNIA REVENUE AND TAXATION CODE. THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUANT TO SECTIONS 6103 and 27383 OF THE CALIFORNIA GOVERNMENT CODE.

**QUITCLAIM DEED**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **CITY OF ELK GROVE**, a municipal corporation hereby REMISES, RELEASES AND FOREVER QUITCLAIMS to M & H REALTY PARTNERS, AFFILIATED FUND III, L.P., A CALIFORNIA LIMITED PARTNERSHIP all that real property situated in the City of Elk Grove, County of Sacramento, State of California, and described as follows:

See Exhibit "A," legal description, attached hereto and made a part hereof.

Executed this 22<sup>nd</sup> day of October, 2008

**City of Elk Grove, a Municipal Corporation**

By: Gary Davis, Mayor of the City of Elk Grove

\_\_\_\_\_  
Gary Davis

**Mail Tax Statements To:**  
Finance Department  
City of Elk Grove  
8401 Laguna Palms Way  
Elk Grove, CA 95758

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\_\_\_\_\_  
L.S. /R.C.E No. \_\_\_\_\_

\_\_\_\_\_  
Date

Registration Expires: \_\_\_\_\_

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2008-238**

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

***I, Susan J. Blackston, 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 October 22, 2008 by the following vote:***

**AYES :            COUNCILMEMBERS:        Cooper, Leary, Scherman**  
**NOES:            COUNCILMEMBERS:        None**  
**ABSTAIN :        COUNCILMEMBERS:        None**  
**ABSENT:         COUNCILMEMBERS:        Davis, Hume**

  
**Susan J. Blackston, City Clerk  
City of Elk Grove, California**