

RESOLUTION NO. 2020-169

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A SET-ASIDE OF CERTAIN CITY OWNED ROADWAY PROPERTY FOR PUBLIC UTILITY AND PUBLIC FACILITY PURPOSES REQUIRED FOR THE GRANT LINE ROAD WIDENING PHASE 2 PROJECT (WTR002) (NO FURTHER CEQA REVIEW REQUIRED)

WHEREAS, the City of Elk Grove is completing the preliminary engineering phase of the Grant Line Road Widening Project Phase 2 (WTR002) (Project); and

WHEREAS, the City has acquired roadway property in fee, from Sacramento County Assessor Parcel Numbers 134-0190-002; 134-0120-002; 134-0120-025; and 134-0120-026, in support of the Project to be used for roadway and public utility and public facility purposes; and

WHEREAS, the City intends to set-aside a portion of the City's fee owned roadway parcels acquired for the Project to provide an area for Sacramento Municipal Utility District (SMUD) and other public utilities and public facilities to relocate subject to the Terms and Conditions of the Set-Aside for Public Utility and Public Facility Purposes as described in Exhibit A attached hereto; and

WHEREAS, the portions of the City owned property to be set-aside are described in the Legal Description and Plat Map attached hereto as Exhibits B and C, respectively, which have been reviewed by City staff; and

WHEREAS, the Project is a project under the California Environmental Quality Act (Section 21000 et seq. of the Public Resources Code, hereinafter referred to as CEQA), which requires that cities consider the environmental consequences of their actions before approving a project; and

WHEREAS, the Grant Line Road Widening Phase 2 Project (WTR002) environmental impacts were previously analyzed in two CEQA environmental documents. The first, was an Initial Study (State Clearinghouse #2005102056) completed by the City of Elk Grove, as the lead CEQA agency. The City approved the Project, certified the Initial Study, and adopted the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program (MMRP) in December 2005. To account for changes to the Project, the City adopted four CEQA Addendums to the Initial Study in July 2006, July 2009, February 2011 and February 2013. The second environmental document which analyzed potential environmental impacts for the Grant Line Road Widening Phase 2 Project (WTR002) occurred in the CEQA Tiered Initial Study for the Capital SouthEast Connector B2 Project (State Clearinghouse #2017032030) by the SouthEast Connector Joint Powers Authority (Connector JPA), who was the CEQA lead agency. In May 2017, the Connector JPA approved the B2 Project, certified the Tiered Initial Study, and adopted a Mitigated Negative Declaration and the Project's MMRP. No further CEQA review is required and all mitigation measures detailed in the MMRPs will apply to the Project; and

WHEREAS, the Capital SouthEast Connector B2 Project, which includes the Grant Line Road Widening Phase 2 Project (WTR002), is receiving federal funding and qualifies for review under the National Environmental Policy Act (NEPA), with the California Department of Transportation (Caltrans) as the NEPA lead agency. Caltrans completed

their review of the Project and determined it to be categorically excluded from NEPA review under 23 USC 327 on August 28, 2017. After approval of the categorical exclusion, the Capital SouthEast Connector B2 Project was expanded to include modification to the Grant Line Road and Bradshaw Road intersection, which was captured in the CEQA documents. On October 23, 2019 Caltrans again reviewed the Capital SouthEast Connector B2 Project due to the change in project features and confirmed that the previous categorical exclusion determination remained valid. No further NEPA review is required and all mitigation measures detailed in the NEPA Categorical Exclusion Forms will apply to the Project; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds as follows:

- 1) Public interest will be served by the set-aside herein; and
- 2) The area as described in Exhibit B, legal description and shown on the plat Exhibit C, attached hereto and incorporated herein by reference, shall from this day forward be set-aside for public utilities and public facilities purposes and all uses incidental thereto under the terms and conditions described in Exhibit A, attached hereto and incorporated herein by reference; and
- 3) The City Council does hereby direct the City Clerk to cause a certified copy of the Resolution, including Exhibits A, B, and C, attested by the Clerk under seal, to be recorded 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 this 22nd day of July 2020




STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

EXHIBIT A

Terms and Conditions of Set-Aside for Public Utility and Public Facility Purposes

The City of Elk Grove does hereby delineate for public utility and public facility purposes the set aside area as described in Exhibits B and C attached hereto for use by any public utility provider (Provider) inclusive of digging, constructing, reconstructing, repairing, operating, upgrading and maintaining all necessary utilities and all appurtenances deemed necessary by said Provider on, over, under and across the real property as described, together with the perpetual right of ingress and egress from said set-aside area, for the purpose of exercising and performing all of the rights and privileges herein granted, together with public facilities, including the installation and maintenance of retention basins, class 1 bike path and other incidental purposes as deemed necessary by the City and any appurtenances thereto.

To the fullest extent permitted by law, Provider shall indemnify, protect, defend, and hold harmless City, its officers, officials, agents, employees and volunteers from and against any and all claims and lawsuits, damages, demands, liability, costs, losses and expenses, including without limitation, court costs and reasonable attorneys' and expert witness fees, arising out of any failure to comply with applicable law, any injury to or death of any person(s), damage to property, loss of use of property, economic loss or otherwise arising out of the performance of the work described in this set-aside area, to the extent caused by a negligent act or negligent failure to act, errors, omissions, recklessness or willful misconduct incident to the performance of any utility work performed by Provider, except to the extent such loss or damage is caused by the sole negligence, or willful misconduct of the City.

The right to indemnity under this Section arises only upon occurrence of an event giving rise to a claim and or lawsuit(s) and, thereafter, upon tender in writing to Provider.

Nothing in this indemnity obligation shall be construed to create any duty to, any standard of care with reference to, or any liability or obligation, contractual or otherwise, to any third party.

EXHIBIT "B"

PARCEL 1

All that certain real property situated in the County of Sacramento, State of California and being a portion of the Land owned by the City of Elk Grove as described in Document number 20200522-1294 and Document number 20200522-1295, Official Records of Sacramento County, said Lands usage being a Roadway known as Grant Line Road, more particularly described as follows:

Commencing at a point on the centerline of Grant Line Road, said point being the most Westerly corner of the Tract of Land as described in Document number 20140211-0710 Official Records of Sacramento County, and shown as "DOC 140211-0710 O.R." on Sheet 4 of Record of Survey filed in Book 88 at Page 6 of Maps, Sacramento County Records, thence leaving the centerline of Grant Line Road and along the Southwest line of said Tract of Land South 49°59'08" East, 58.00 feet to the **Point of Beginning**; thence leaving the Southwest line of said Tract of Land the following twenty five (25) courses:

- 1.) North 39°50'31" East, 188.57 feet
- 2.) North 41°08'38" East, 288.19 feet
- 3.) North 43°07'02" East, 188.94 feet
- 4.) North 41°18'37" East, 92.88 feet
- 5.) North 26°21'27" East, 152.82 feet
- 6.) North 39°50'45" East, 163.62 feet
- 7.) North 39°45'25" East, 368.85 feet
- 8.) North 37°41'52" East, 38.36 feet
- 9.) North 39°27'12" East, 258.94 feet
- 10.) North 38°10'23" East, 441.85 feet
- 11.) South 53°20'00" East, 13.61 feet
- 12.) South 36°48'54" West, 192.43 feet
- 13.) South 39°52'37" West, 33.55 feet
- 14.) South 37°38'30" West, 216.29 feet
- 15.) South 39°20'12" West, 29.07 feet
- 16.) South 41°00'08" West, 189.58 feet
- 17.) a curve to the left, having a radius of 72.00 feet, through a central angle of 33°30'29", and being subtended by a chord bearing and distance of South 24°15'00" West, 41.51 feet
- 18.) South 37°43'11" West, 39.25 feet
- 19.) South 39°45'25" West, 368.87 feet
- 20.) South 39°50'45" West, 160.69 feet
- 21.) South 26°21'27" West, 153.07 feet
- 22.) South 41°18'03" West, 96.69 feet

EXHIBIT "B"

23.) South 43°07'02" West, 188.84 feet
24.) South 41°08'38" West, 287.47 feet
25.) South 39°50'31" West, 188.37 feet to a point on the Southwest line of said Tract of Land; thence along the Southwest line of said Tract of Land North 49°59'08" West, 25.00 feet to the Point of Beginning containing 49,066 square feet more or less.

PARCEL 2

All that certain real property situated in the County of Sacramento, State of California and being a portion of the Land owned by the City of Elk Grove as described in Document number 20200423-0621 Official Records of Sacramento County, said Lands usage being a Roadway known as Grant Line Road, also being a portion of Land owned by the City of Elk Grove as described in Book 20141031 at Page 492, Official Records of Sacramento County, more particularly described as follows:

Beginning at a point on the Northeast Line of the Tract of Land as described in Document number 20151023-0983 Official Records of Sacramento County, and shown as "DOC 151023-0983 O.R." on Sheet 2 of Record of Survey filed in Book 88 at Page 6 of Maps, Sacramento County Records, said point also lying on the South Right of Way line of Grant Line Road as shown on said Record of Survey, thence along the Northeast line of said Tract of Land South 49°56'08" East, 12.18 feet; thence leaving the Northeast line of said Tract of Land the following twenty (20) courses:

- 1.) South 17°09'17" West, 228.44 feet
- 2.) South 39°45'04" West, 505.97 feet
- 3.) South 43°15'23" West, 240.05 feet
- 4.) South 40°11'21" West, 199.08 feet
- 5.) South 41°28'01" West, 284.60 feet
- 6.) South 39°07'50" West, 266.09 feet
- 7.) South 38°32'58" West, 259.97 feet
- 8.) South 38°53'16" West, 309.38 feet
- 9.) South 39°20'03" West, 325.64 feet
- 10.) North 50°39'57" West, 25.00 feet
- 11.) North 39°20'03" East, 325.55 feet
- 12.) North 38°53'16" East, 309.21 feet
- 13.) North 38°32'58" East, 260.02 feet
- 14.) North 39°07'50" East, 266.73 feet
- 15.) North 41°28'01" East, 284.83 feet
- 16.) North 40°11'21" East, 199.47 feet
- 17.) North 43°15'23" East, 238.01 feet
- 18.) North 39°45'52" East, 502.90 feet

EXHIBIT "B"

19.) North 17°04'23" East, 216.88 feet


20.) North 38°29'52" East, 15.15 feet to a point on the Northeast line of said Tract of Land; thence along the Northeast line of said Tract of Land South 49°56'08" East, 9.00 feet to the Point of Beginning containing 65,446 square feet more or less.

See Exhibit "B" attached hereto and made a part of this description.

End of Description

The **Basis of Bearings** for this legal description is identical to that of Book 88 of Surveys at Page 6, Sacramento County Records.

This description has been prepared by me or under my direct supervision in conformance with the Professional Land Surveyors Act.

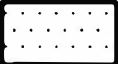


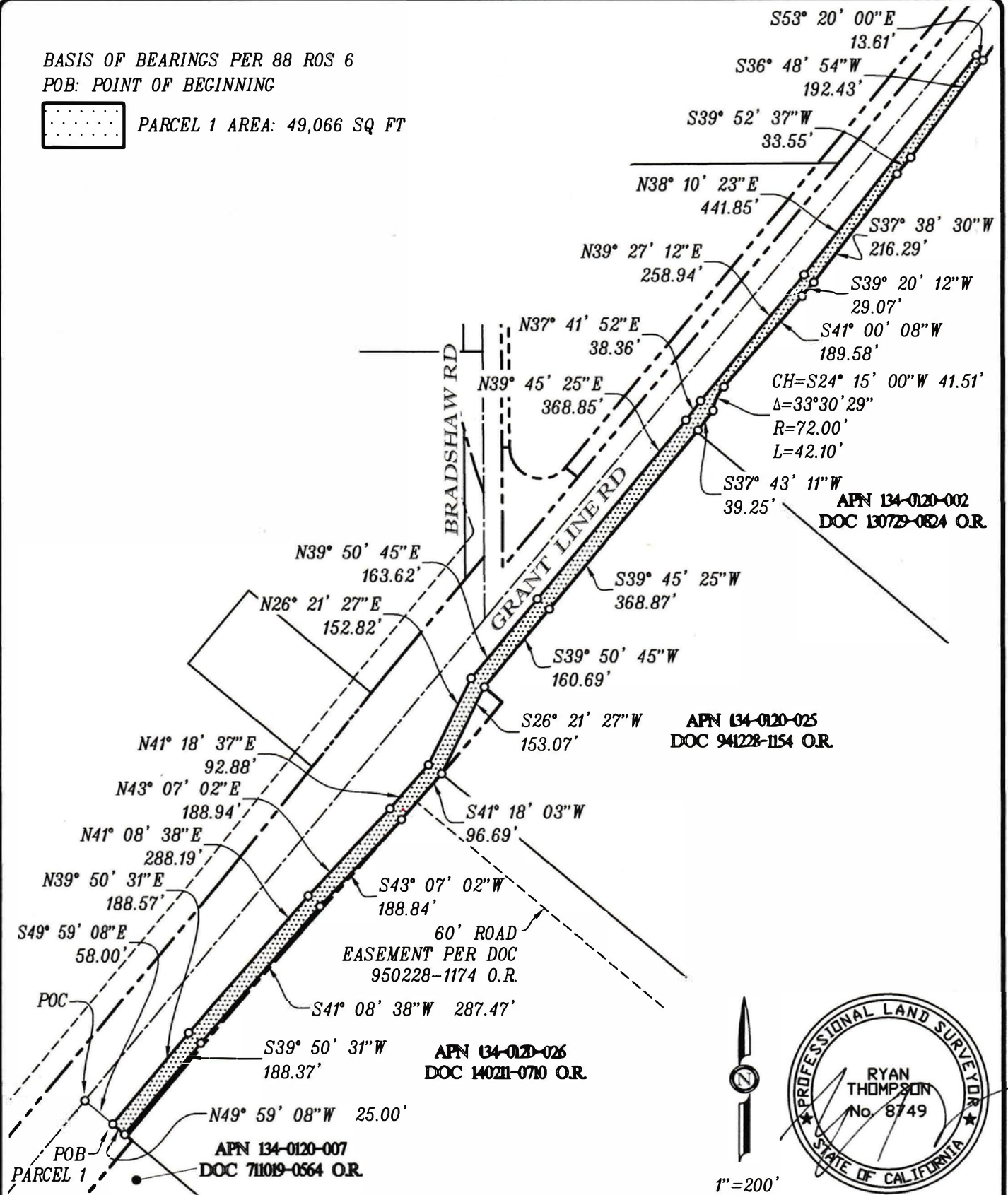
Ryan Thompson, P.L.S. 8749

6-1-2020
Date



BASIS OF BEARINGS PER 88 ROS 6
 POB: POINT OF BEGINNING

 PARCEL 1 AREA: 49,066 SQ FT



DATE
 6-1-20

SHEET 4 OF 6

EXHIBIT C

CITY OF ELK GROVE

CALIFORNIA


UNICO
 ENGINEERING

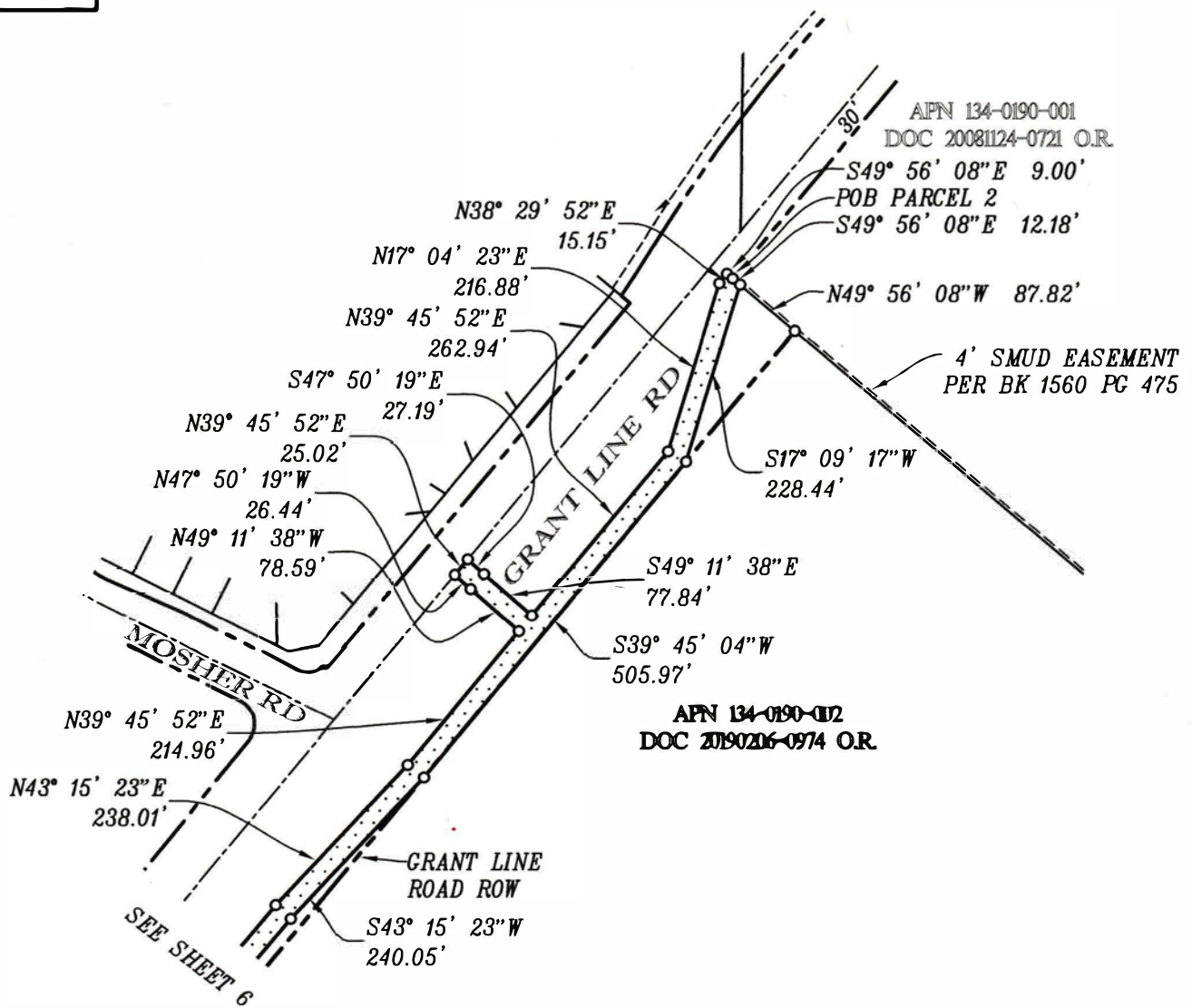
110 BLUE RAVINE RD SUITE 101 | FOLSOM, CA 95630
 PHONE: 916.900.6623 | uniconengineering.com

BASIS OF BEARINGS PER 88 ROS 6

POB: POINT OF BEGINNING

POC: POINT OF COMMENCEMENT

 PARCEL 2 AREA: 68,072 SQ FT



1"=200'

DATE
6-1-20
SHEET 5 OF 6

EXHIBIT C

CITY OF ELK GROVE

CALIFORNIA

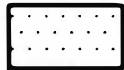


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BASIS OF BEARINGS PER 88 ROS 6

POB: POINT OF BEGINNING

POC: POINT OF COMMENCEMENT



PARCEL 2 AREA: 68,072 SQ FT

MOSHER RD
SEE SHEET 5

N39° 45' 52" E
214.96'

N43° 15' 23" E
238.01'

N40° 11' 21" E
199.47'

N41° 28' 01" E
284.83'

N39° 07' 50" E
266.73'

N38° 32' 58" E
260.02'

N38° 53' 16" E
309.21'

N39° 20' 03" E
325.55'

WATERMAN RD

S41° 28' 01" W
284.60'

31.5' ACCESS ROAD
PER 11 RS 11

S39° 07' 50" W
266.09'

S38° 32' 58" W
259.97'

S38° 53' 16" W
309.38'

RIGHT OF WAY PER
20130405-0928

S39° 20' 03" W 325.64'

RIGHT OF WAY PER
20140605-0488

IRRIGATION EASEMENT
PER 20090910-1045

N50° 39' 57" W
25.00'

RIGHT OF WAY PER
20120423-0729

APN 134-0190-010
BOOK 20140331 PG 1334 O.R.

APN 134-0190-002
DOC 20190206-0974 O.R.

CITY OF ELK GROVE
APN 134-0190-009
DOC 20141031-0492 O.R.



1"=200'



DATE

6-1-20

EXHIBIT C

SHEET 6 OF 6

CITY OF ELK GROVE

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UNICO

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**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2020-169**

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


I, Jason Lindgren, 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 July 22, 2020 by the following vote:

AYES: COUNCILMEMBERS: *Ly, Detrick, Hume, Nguyen, Suen*

NOES: COUNCILMEMBERS: *None*

ABSTAIN: COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*



**Jason Lindgren, City Clerk
City of Elk Grove, California**