RESOLUTION NO. 2017-077

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE SETTING ASIDE CERTAIN CITY OWNED PROPERTY FOR PUBLIC STREET PURPOSES, AND FOR UTILITY, ACCESS, AND MAINTENANCE PURPOSES FOR THE GRANT LINE WIDENING PHASE 1 PROJECT (CEQA EXEMPT)

WHEREAS, the City of Elk Grove constructed the Grant Line Widening Phase 1 Project ("Project"), which consisted of widening Grant Line Road from two lanes to four lanes from East Stockton Boulevard to New Waterman Road, constructed a grade separated overhead railroad crossing over the Union Pacific Railroad (UPRR), and included the relocation of numerous utilities; and

WHEREAS, the City acquired property within the unincorporated County of Sacramento for a portion of the road widening and relocation of utilities pursuant to Section 1810 of the Streets and Highway code as approved by the County of Sacramento by Resolution No. 2006-0149 filed February 7, 2006; and

WHEREAS, the City constructed the grade-separated overhead railroad crossing and part of the road widening on property owned by the City at the Special Waste Collection Center; and

WHEREAS, the purpose of this document is to set aside for public street purposes the newly constructed lanes of Grant Line Road and to delineate a utility corridor for utility purposes along with an access road for maintenance purposes, according to the terms and conditions described in Exhibit A, Terms and Conditions of Set Aside, attached hereto; and

WHEREAS, the portion of the City acquired property in unincorporated Sacramento County that will be set-aside for public road purposes is described in Attachment 1 to Exhibit A — Parcel City-01, and that portion that will be set-aside for utility, access, and maintenance purposes is described in Attachment 2 to Exhibit A — Parcel City-02; and

WHEREAS, the portion of the City owned property that will be set aside for public road purposes is described in Attachment 3 to Exhibit A — Parcel City-03, and the portion that will be set-aside for utility, access, and maintenance purposes is described in Attachment 4 to Exhibit A — Parcel City-04; and

WHEREAS, the California Environmental Quality Act (CEQA) requires analysis of agency approvals of discretionary "Projects." CEQA Guidelines Section 15061(b)(3) sets forth the general rule exemption, which provides that CEQA only applies to projects which "have the potential for causing a significant effect on the environment; where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds that setting aside a portion of City-owned property for a utility corridor and access road requires no further environmental review pursuant to Section 15601(b)(3) of Title 14 of the California Code of Regulations (CEQA Guidelines), based on the following finding:

<u>Finding</u>: No further environmental review is required pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations (CEQA Guidelines).

Evidence: The proposed Project involves no new acquisitions or property changes. The parcels are owned by the City and the Project would delineate areas for public road purposes. This includes a utility corridor and maintenance access. Access and maintenance already occurs within the area and activities will not change. No physical changes to the parcels or area are proposed. No physical construction or activity is contemplated as a result of this action; it only includes setting aside existing areas for access purposes. The Project, therefore, will not have the potential to result in individual or cumulative significant effects on the environment. Furthermore, no special circumstances exist that would create a reasonable possibility that approving the Project would have a significant effect on the environment. Thus, the proposed property delineation is exempt from review under CEQA; and.

BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove hereby finds:

- a. That this set-aside of City owned property would be consistent with and not violate the General Plan and all elements and components thereof; and
 - b. That the public interest will be served by the set asides created hereby; and

BE IT FURTHER RESOLVED AND ORDERED that the portions of the City owned and City-acquired properties to be used by the public at large for Grant Line Road and the portion that will be set-aside for utility, access, and maintenance purposes are shown and described in Attachments 1, 2, 3, and 4 to Exhibit A, and shall be set aside according to the terms and conditions set forth in the attached Exhibit A, Terms and Conditions of Set Aside; and

BE IT FINALLY RESOLVED AND ORDERED that the Clerk of the City of Elk Grove shall cause a certified copy of this Resolution attested to 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 12th day of April 2017.

STEVE LY, MAYOR of the CITY OF ELK GROVE

ATTEST:

JASON LINDGREN CITY CLERK

APPROVED AS TO FORM:

JONÁTHAN P. HÖBBS,

CITY ATTORNEY

EXHIBIT A

Terms and Conditions of Set-Aside for Utility Purposes

The City of Elk Grove does hereby delineate the set aside area as described in the attached Exhibits:

Attachment 1: Parcel City-03, in or near APN 134-0220-022 Attachment 2: Parcel City-04, in or near APN 134-0220-022

Attachment 3: Parcel City-01, in or near APNs 134-0190-010 and 134-0190-028

Attachment 4: Parcel City-02, in or near APNs 134-0190-010 and 134-0190-028

for use by any public utility company (Company) inclusive of digging, constructing, reconstructing, repairing, operating, upgrading and forever maintaining all necessary utilities and all appurtenances deemed necessary by said Company 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.

To the fullest extent permitted by law, Company 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 Company, expect such loss or damage, to the extent, 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 Company.

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.

The provisions of this indemnity obligation shall survive the termination of the Set-Aside which the City may do at any time in order to accommodate a future project.

GRANT LINE ROAD WIDENING PROJECT

LEGAL DESCRIPTION OF:

PARCEL CITY-03

In or Near APN 134-0220-022

All that property situate in the County of Sacramento, State of California, being a portion of the lands described in that certain Grant Deed to the City of Elk Grove, recorded on December 15, 2010 in Book 20101215 of Official Records of Sacramento County, at Page 300, lying northwesterly of the following described line:

Commencing at the westerly corner of said property on the centerline of Grant Line Road; thence along said centerline, North 49°11'07" East 1,090.46 feet to the most northerly corner of that certain 110.3 acre tract of land designated "Estate of Ellen M. Wilson", filed in Book 2 of Surveys, Map No. 71, Sacramento County Records, being parallel with and distant 200.00 feet westerly, measured at right angles, from the centerline of the Southern Pacific Transportation Company's main track (now Union Pacific Railroad Company); thence along the boundary of said 110.3 acre tract of land, the following three (3) courses:

- 1. along said parallel line, South 16°40'35" East, 144.89 feet,
- 2. North 39°25'07" East, 180.73 feet to a line parallel with and distant 50.00 feet westerly, measured at right angles, from the centerline of said main track,
- 3. along said parallel line, South 16°40'35" East 145.11 feet to the beginning of a non-tangent curve concave to the northwest, having a radius of 2,200.00 feet and a chord bearing South 54°49'05" West 327.22 feet and the **Point of Beginning**;

thence leaving said parallel line, southwesterly through a central angle of 08°31'48", 327.52 feet along said curve; thence South 59°04'59" West 371.64 feet to the beginning of a curve concave to the southeast, having a radius of 2,000.00 feet and a chord bearing South 56°07'10" West 206.80 feet; thence southeasterly through a central angle of 05°55'37",

206.89 feet along said curve; thence South 53°09'22" West 64.86 feet; thence North 36°50'38" West 14.47 feet; thence South 53°03'53" West 189.65 feet to the **Point of**Termination, from which said westerly corner, bears North 40°49'44" West 81.27 feet.

Excepting therefrom all of the lands described in that certain Right of Way Deed to the County of Sacramento, recorded on April 4, 1983 in Book 830404 of Official Records of Sacramento County, at Page 858.

Containing 117,320 square feet or 2.693 acres, more or less.

Bearings and distances used in the above descriptions are based upon the CCS83, Zone 2. Distances are in US Survey feet, divide the distances shown above by 0.99999 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company, Inc., by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Ryan Michalak, LS 9176

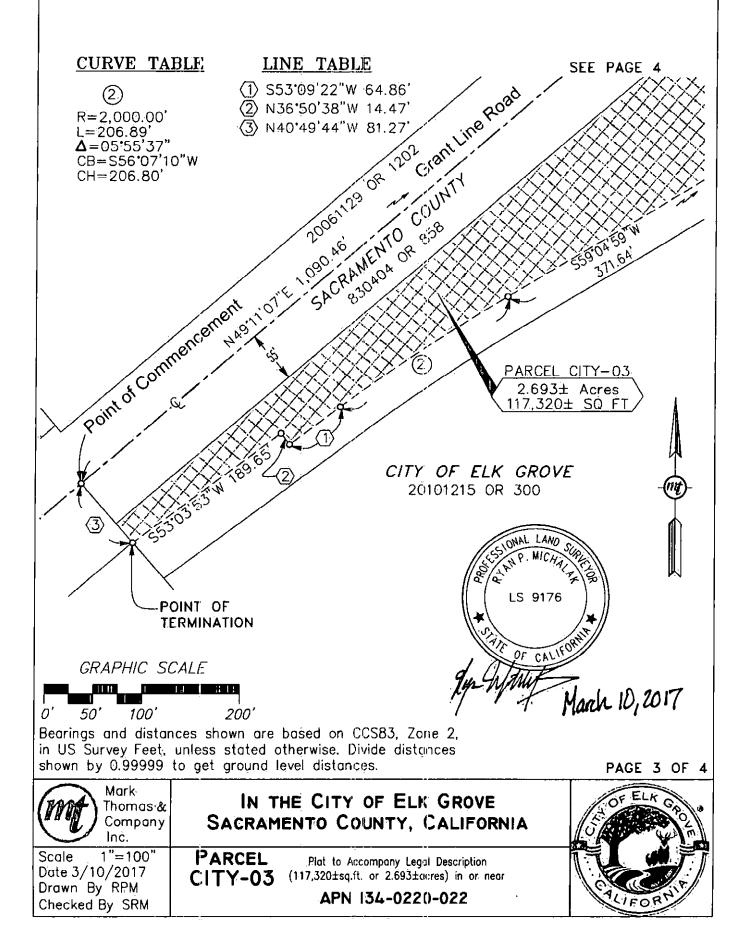
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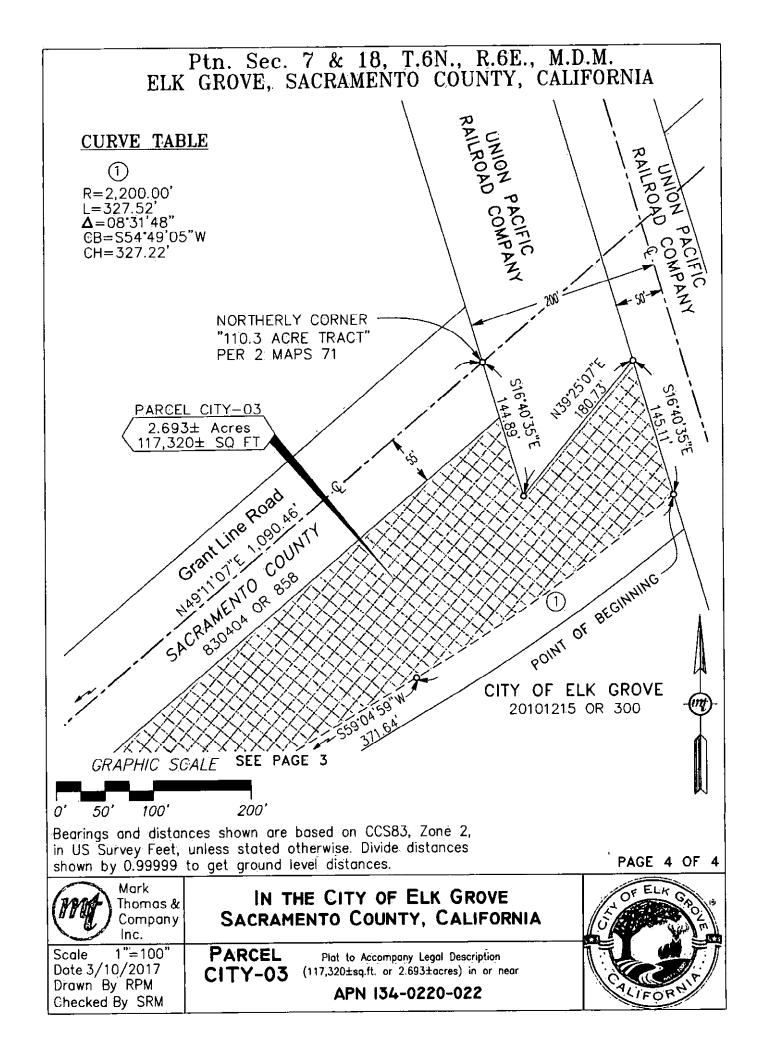
March 10, 2017

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Ptn. Sec. 7 & 18, T.6N., R.6E., M.D.M. ELK GROVE, SACRAMENTO COUNTY, CALIFORNIA





GRANT LINE'ROAD WIDENING PROJECT

LEGAL DESCRIPTION OF:

PARCEL CITY-04

In or Near APN 134-0220-022

All that property situate in the County of Sacramento, State of California, being a portion of the lands described in that certain Grant Deed to the City of Elk Grove, recorded on December 15, 2010 in Book 20101215 of Official Records of Sacramento County, at Page 300, lying southeasterly of the following described line:

Commencing at the westerly corner of said property on the centerline of Grant Line Road; thence along said centerline, North 49°11'07" East 1,090.46 feet to the most northerly corner of that certain 110.3 acre tract of land designated "Estate of Ellen M. Wilson", filed in Book 2 of Surveys, Map No. 71, Sacramento County Records, being parallel with and distant 200.00 feet westerly, measured at right angles, from the centerline of the Southern Pacific Transportation Company's main track (now Union Pacific Railroad Company); thence along the boundary of said 110.3 acre tract of land, the following three (3) courses:

- 1. along said parallel line, South 16°40'35" East, 144.89 feet,
- 2. North 39°25'07" East, 180.73 feet to a line parallel with and distant 50.00 feet westerly, measured at right angles, from the centerline of said main track,
- 3. along said parallel line, South 16°40'35" East 145.11 feet to the beginning of a non-tangent curve concave to the northwest, having a radius of 2,200.00 feet and a chord bearing South 54°49'05" West 327.22 feet and the Point of Beginning;

thence leaving said parallel line, southwesterly through a central angle of 08°31'48", 327.52 feet along said curve; thence South 59°04'59" West 371.64 feet to the beginning of a curve concave to the southeast, having a radius of 2,000.00 feet and a chord bearing South 56°07'10" West 206.80 feet; thence southeasterly through a central angle of 05°55'37",

206.89 feet along said curve; thence South 53°09'22" West 64.86 feet; thence North 36°50'38" West 14.47 feet; thence South 53°03'53" West 189.65 feet to the **Point of**Termination, from which said westerly corner, bears North 40°49'44" West 81.27 feet.

Containing 43,022 square feet or 0.988 acres, more or less.

Bearings and distances used in the above descriptions are based upon the CCS83, Zone 2. Distances are in US Survey feet, divide the distances shown above by 0.99999 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company, Inc., by me, or under my direction, in conformance with the Professional Land Surveyors Act.

LS 9176

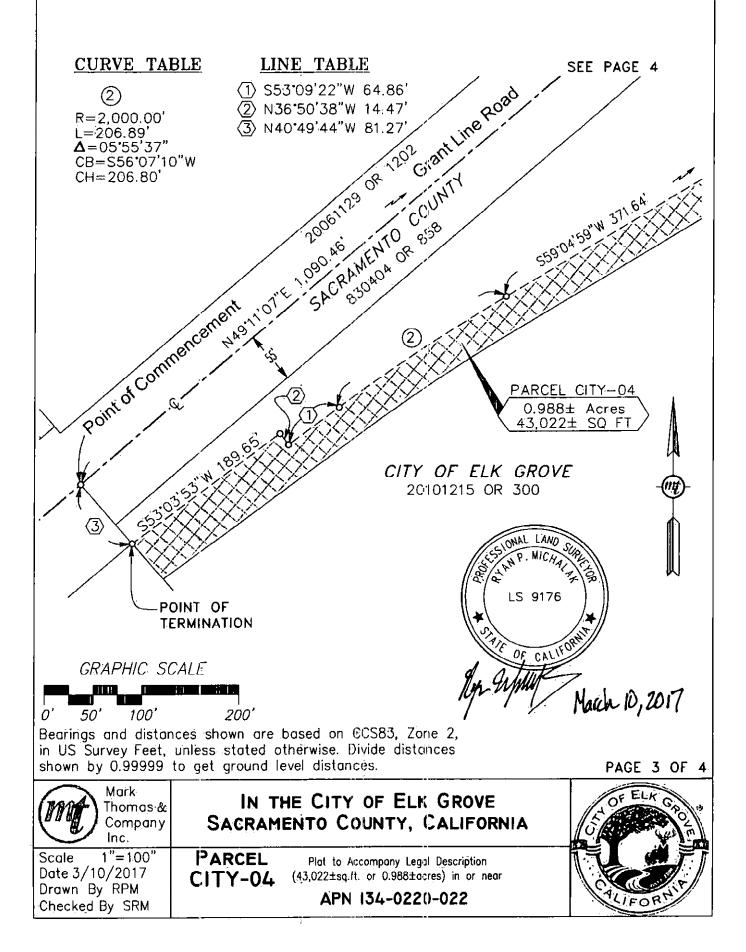
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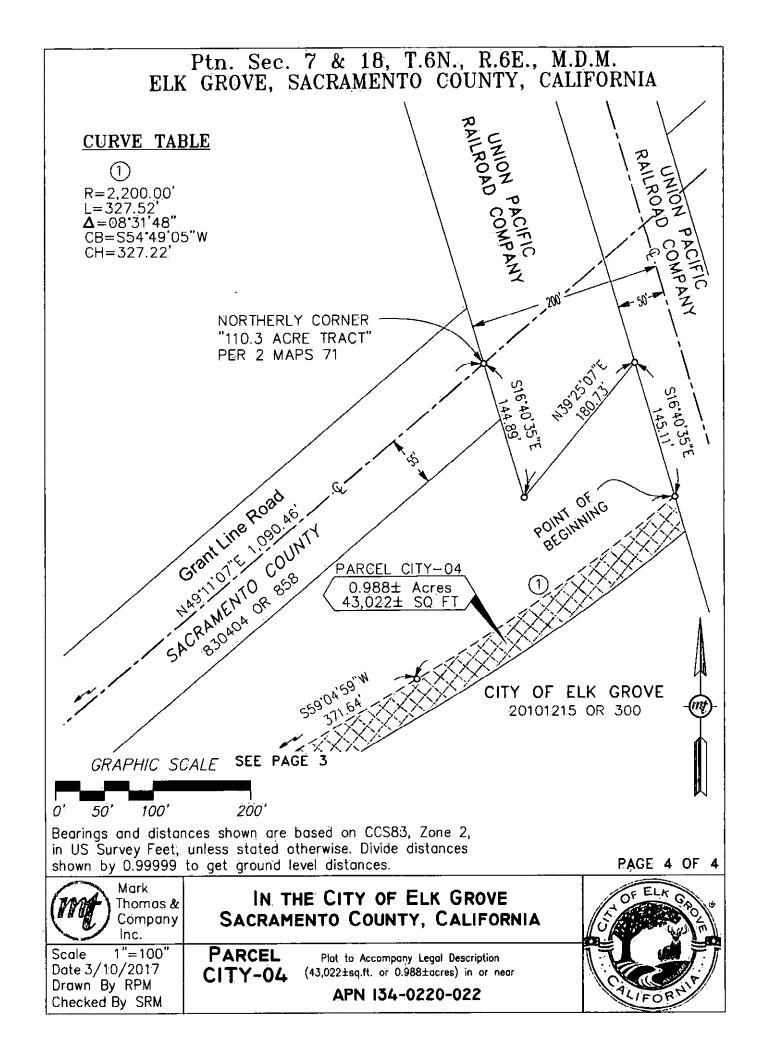
Ryan Michalak, LS 9176

Date

March 10, 2017

Ptn. Sec. 7 & 18, T.6N., R.6E., M.D.M. ELK GROVE, SACRAMENTO COUNTY, CALIFORNIA





GRANT LINE ROAD WIDENING PROJECT

LEGAL DESCRIPTION OF:

PARCEL CITY-01

In or Near APNs 134-0190-010 and 134-0190-028

All that property situate in the County of Sacramento, State of California, being a portion of the lands described in that certain Grant Deed to the City of Elk Grove, recorded on April 23, 2012 in Book 20120423 of Official Records of Sacramento County, at Page 729, and that certain Final Order of Condemnation to the City of Elk Grove, recorded on November 12, 2014 in Book 20141112 of Official Records of Sacramento County, at Page 612, lying northwesterly of the following described line:

Commencing at the west corner of said Grant Deed to the City of Elk Grove, recorded on April 23, 2012, on the centerline of Grant Line Road from which point a 1 1/2" Iron Pipe on said centerline, as shown on that certain Parcel Map, filed May 12, 1978 in Book 39 of Parcel Maps, at Page 30, Sacramento County Records, bears South 39°02'23" West, 21.98 feet; thence along said centerline, North 39°02'23" East, 1,316.96 feet to the north corner of said Grant Deed; thence leaving said centerline and along the northeasterly line of said Grant Deed, South 50°02'00" East, 47.01 feet to a line parallel with and lying 47.00 feet southeasterly of said centerline and the **Point of Beginning**; thence leaving said northeasterly line and along said parallel line, South 39°02'23" West, 610.91 feet; thence leaving said parallel line, South 28°36'01" West, 251.26 feet to the beginning of a non-tangent curve concave to the southeast, having a radius of 2,008.00 feet and a chord bearing South 34°30'42" West, 192.52 feet; thence southwesterly through a central angle of 05°29'43", 192.59 feet along said curve; thence South 31°45'51" West, 284.14 feet to a curve concave to the northwest, having a radius of 2,100.00 feet and a chord bearing South 39°46'05" West, 584.82 feet; thence southwesterly through a central angle of 16°00'29", 586.72 feet along said

curve to the westerly line of said Final Order of Condemnation and the Point of Termination.

Containing 202,632 square feet or 4.652 acres, more or less.

Bearings and distances used in the above descriptions are based upon the CCS83, Zone 2. Distances are in US Survey feet, divide the distances shown above by 0.99999 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company, Inc., by me, or under my direction, in conformance with the Professional Land Surveyors Act.

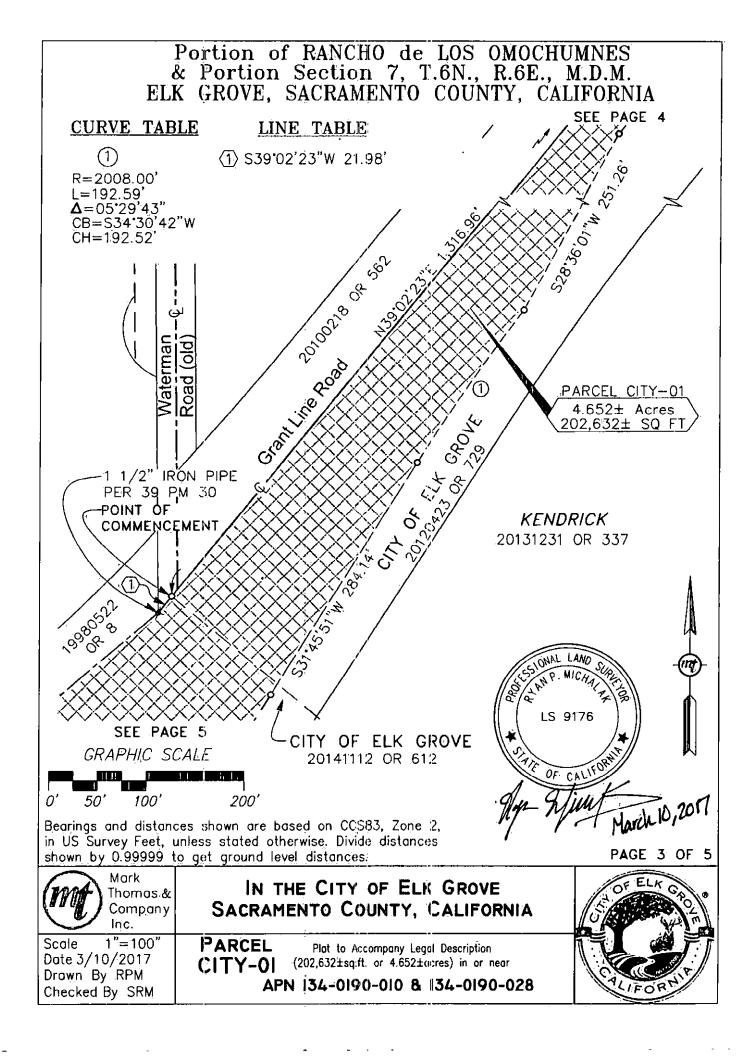
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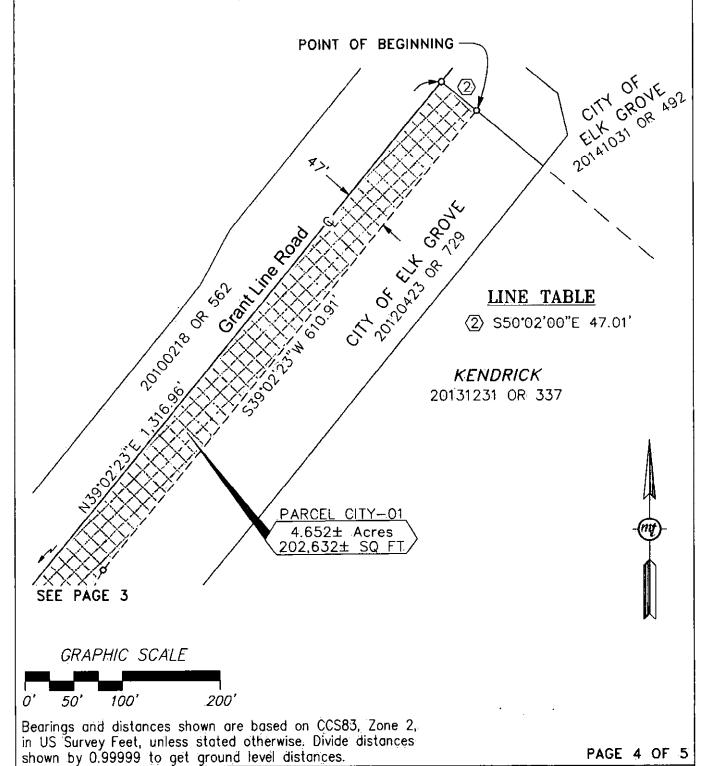
Rvan Michalak, LS 9176

Date

March 10, 2017



Portion of RANCHO de LOS OMOCHUMNES & Portion Section 7, T.6N., R.6E., M.D.M. ELK GROVE, SACRAMENTO COUNTY, CALIFORNIA





Mark Thomas & Company Inc.

Scale 1"=100" Date 3/10/2017 Drawn By RPM Checked By SRM

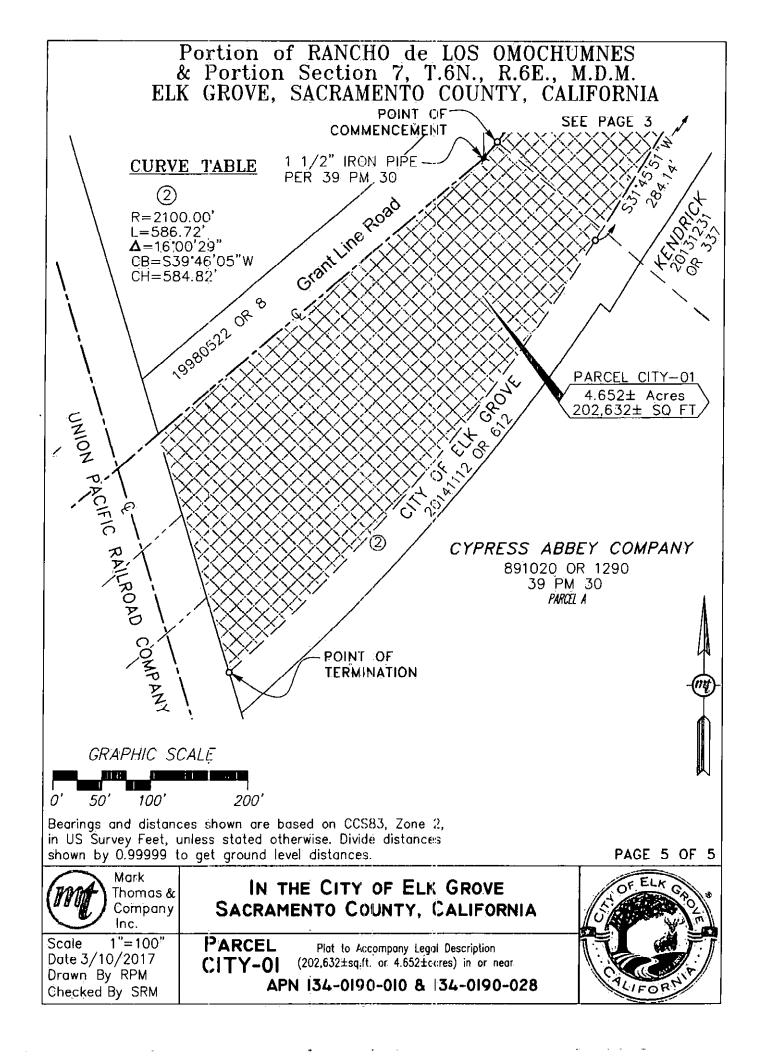
IN THE CITY OF ELK GROVE SACRAMENTO COUNTY, CALIFORNIA

PARCEL CITY-01

Plat to Accompany Legal Description (202,632±sq.ft. or 4.652±acres) in or near

APN 134-0190-010 & 134-0190-028





GRANT LINE ROAD WIDENING PROJECT

LEGAL DESCRIPTION OF:

PARCEL CITY-02

In or Near APNs 134-0190-010 and 134-0190-028

All that property situate in the County of Sacramento, State of California, being a portion of the lands described in that certain Grant Deed to the City of Elk Grove, recorded on April 23, 2012 in Book 20120423 of Official Records of Sacramento County, at Page 729, and that certain Final Order of Condemnation to the City of Elk Grove, recorded on November 12, 2014 in Book 20141112 of Official Records of Sacramento County, at Page 612, lying southeasterly of the following described line:

Commencing at the west corner of said Grant Deed to the City of Elk Grove, recorded on April 23, 2012, on the centerline of Grant Line Road from which point a 1 1/2" Iron Pipe on said centerline, as shown on that certain Parcel Map, filed May 12, 1978 in Book 39 of Parcel Maps, at Page 30, Sacramento County Records, bears South 39°02'23" West, 21.98 feet; thence along said centerline, North 39°02'23" East, 1,316.96 feet to the north corner of said Grant Deed; thence leaving said centerline and along the northeasterly line of said Grant Deed, South 50°02'00" East, 47.01 feet to a line parallel with and lying 47.00 feet southeasterly of said centerline and the **Point of Beginning**; thence leaving said northeasterly line and along said parallel line, South 39°02'23" West, 610.91 feet; thence leaving said parallel line, South 28°36'01" West, 251.26 feet to the beginning of a non-tangent curve concave to the southeast, having a radius of 2,008.00 feet and a chord bearing South 34°30'42" West, 192.52 feet; thence southwesterly through a central angle of 05°29'43", 192.59 feet along said curve; thence South 31°45'51" West, 284.14 feet to a curve concave to the northwest, having a radius of 2,100.00 feet and a chord bearing South 39°46'05" West, 584.82 feet; thence southwesterly through a central angle of 16°00'29", 586.72 feet along said

curve to the westerly line of said Final Order of Condemnation and the Point of Termination.

Containing 122,527 square feet or 2.813 acres, more or less.

Bearings and distances used in the above descriptions are based upon the CCS83, Zone 2. Distances are in US Survey feet, divide the distances shown above by 0.99999 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company, Inc., by me, or under my direction, in conformance with the Professional Land Surveyors Act.

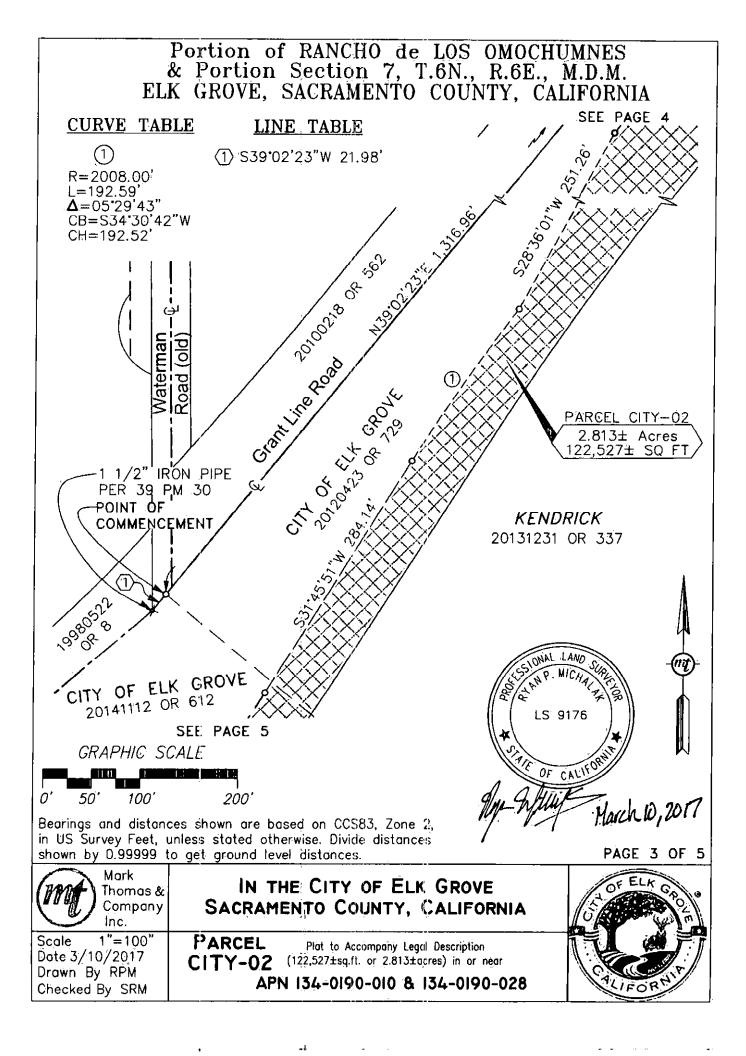
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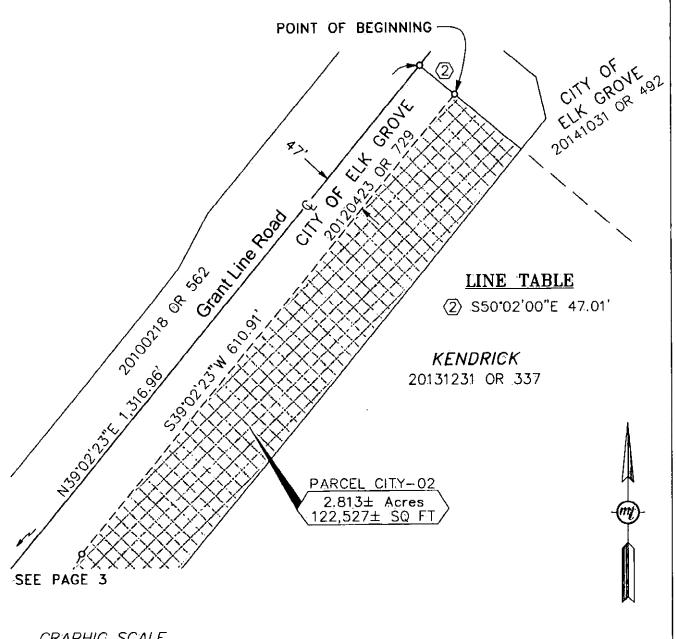
Ryan Michalak, LS 9176

Date

March 10, 2017



Portion of RANCHO de LOS OMOCHUMNES & Portion Section 7, T.6N., R.6E., M.D.M. ELK GROVE, SACRAMENTO COUNTY, CALIFORNIA



GRAPHIC SCALE



Bearings and distances shown are based on CCS83, Zone 2, in US Survey Feet, unless stated otherwise. Divide distances shown by 0.99999 to get ground level distances.

PAGE 4 OF 5



Mark Thomas & Company Inc.

IN THE CITY OF ELK GROVE SACRAMENTO COUNTY, CALIFORNIA

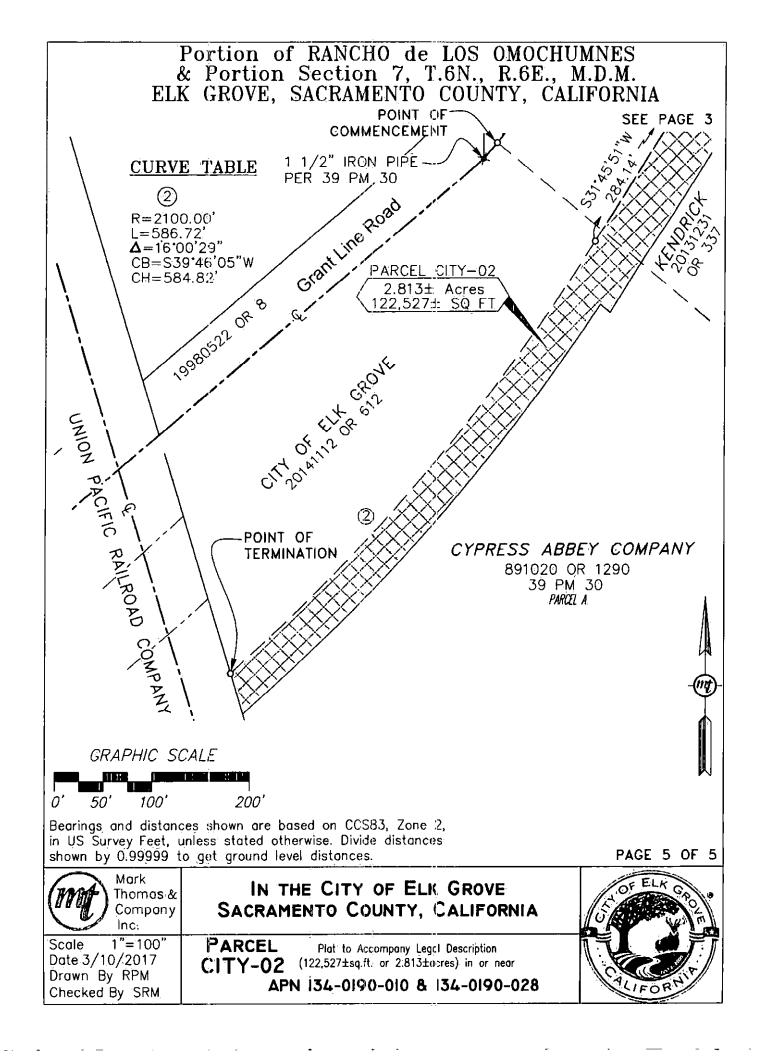
1"=100" Date 3/10/2017 Drawn By RPM Checked By SRM

PARCEL

Plat to Accompany Legal Description CITY-02 (122,527±sq.ft. or 2.813±acres) in or near

APN 134-0190-010 & 134-0190-028





CERTIFICATION ELK GROVE CITY COUNCIL RESOLUTION NO. 2017-077

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 April 12, 2017 by the following vote:

AYES: COUNCILMEMBERS: Ly, Hume, Nguyen, Suen

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Detrick (Absent)

Jason Lindgren, Cits Clerk City of Elk Grove, California