

**RESOLUTION NO. 2001-11**

**A RESOLUTION OF THE CITY OF ELK GROVE CITY COUNCIL VACATING A PUBLIC UTILITY EASEMENT LOCATED AT EMERALD VISTA DRIVE AND EAST STOCKTON BOULEVARD PURSUANT TO THE PROVISION OF THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENT LAWS**

WHEREAS, on February 7, 2001, the City Council adopted Resolution No. 2001-03, a resolution of intention to vacate a public utility easement, and ordered that the hearing on the proposed vacation be set for the 7th day of March, 2001, at the Robert L. Trigg Education Center, 9510 Elk Grove – Florin Road, Elk Grove, California; and

WHEREAS, notice of the date, hour and place of hearing of the proposed vacation was published for at least two successive weeks prior to the hearing; and

WHEREAS, at least two weeks before the day set for the hearing, at least three notices of vacation were conspicuously posted along the easement, not more than 300 feet apart; and

WHEREAS, the hearing described above has been conducted, and this City Council, having heard and considered all oral, documentary and other evidence presented, hereby finds, determines and orders as follows:

BE IT RESOLVED by the City Council of City of Elk Grove, a political subdivision of the State of California, that this City Council hereby finds as follows:

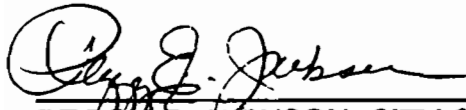
- a. That vacation of the public utility easement would be consistent with, and not violative of, the General Plan and all elements and components thereof for the City of Elk Grove;
- b. That the public utility easement is not useful as a non-motorized transportation facility because the dedication did not provide for that use;
- c. That the public utility easement is unnecessary for present or prospective public use because the existing water line has been relocated, and the letters from all the utility companies state that they have no use for the easement;
- d. The public interest will be served by the herein identified vacation.

BE IT FURTHER RESOLVED AND ORDERED THAT THE public utility easement described in the attached Exhibit A is hereby vacated.

BE IT FINALLY RESOLVED AND ORDERED that the Clerk of the Elk Grove City Council shall cause a certified copy of this Resolution of Vacation, attested by the Clerk under seal, to be recorded in the office of the Recorder of the County of Sacramento.

  
JAMES COOPER, MAYOR of the  
City of Elk Grove

ATTEST:

  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

  
ANTHONY MANZANETTI  
CITY ATTORNEY

On the motion by Council Member Leary, seconded by Council Member Scherman, the foregoing Resolution was passed and adopted by the City Council of Elk Grove, State of California this 7th day of March, 2001, by the following vote, to wit:

AYES: Briggs, Leary, Scherman, Soares, Cooper

NOES: None

ABSENT: None

ABSTAIN: None

**EXHIBIT "A"**

ALL THAT REAL PROPERTY situated in the County of Sacramento, State of California and being a portion of the Northeast one-quarter of Section 35, Township 7 North, Range 5 East, M.D.M. More particularly described as follows:

The North 12.50 feet of the South 51.50 feet of the East 367 feet of the South 3.00 acre Kelley tract (adjacent to Parcel 2 of that Parcel Map recorded in Book 142 of Parcel Maps, Page 7) as shown on that Record of Survey filed on Book 8 of Surveys, Map Number 28, as described in that certain "Easement for Public Utility", filed for record in the office of the Recorder of Sacramento County on April 22, 1999 in Book 94 04 22, Page 1091.

Excepting therefrom, the East five (5.00) feet thereof.

Also excepting therefrom, the Southeast 12.50 feet of the Northwest 42.50 feet of the above-described property.

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:



CITY OF ELK GROVE  
P.O. BOX 1776  
ELK GROVE CA 95759  
Attention: City Clerk

Sacramento County Recording  
Mark Norris, Clerk/Recorder  
BOOK **20010312** PAGE **1558**  
Monday, MAR 12, 2001 3:58:56 PM  
Ttl Pd \$0.00 Nbr-0000535390  
DLM/17/1-4

**RECEIVED**  
MAR 21 2001  
**CITY OF ELK GROVE**

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