



NO FEE DOCUMENT

Government Code Section 6103

Sacramento County Recording
Mark Norris, Clerk/Recorder

BOOK **20040326** PAGE **0079**

Friday, MAR 26, 2004 7:54:12 AM
Ttl Pd \$0.00 Nbr-0002677220

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

ECK/47/1-6

City of Elk Grove
Office of the City Clerk
8380 Laguna Palms Way
Elk Grove, CA 95758

Attention: City Clerk
Phone. (916) 683-7111

RESOLUTION NO. 2004-44

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE TO
SUMMARILY VACATE A SECONDARY FLOWAGE EASEMENT OVER A PORTION
OF THE ELK GROVE AUTO MALL PHASE II (INFINITI SITE)**

WHEREAS, the City received a petition to vacate from owners of property within the City of Elk Grove requesting the City Council of the City of Elk Grove to consider vacation of the subject property; and

WHEREAS, this resolution is prepared under section 8335 of the Street and Highway Code; and

WHEREAS, a copy of the precise legal description of the easement to be vacated along with a plat map is attached hereto and are labeled Exhibits "A" and "A-1"; and

WHEREAS, this vacation in accordance with the Summary Vacation procedures as outlined in Section 8333 (c) of the Streets and Highway Code, the easement has been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, that from and after the recording of this resolution the secondary flowage easement vacated no longer constitutes a public service easement.

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

- a. That the secondary flowage easement is unnecessary for present or prospective use because the easement has been superseded by relocation and there are no public facilities located within the easement.

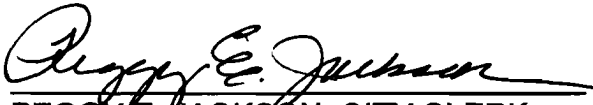
BE IT FURTHER RESOLVED AND ORDERED that the secondary flowage easement over a portion of the Elk Grove Auto Mall, Phase II, (Infiniti Site) as shown in Exhibits "A" and "A-1" is hereby vacated.

BE IT FINALLY RESOLVED AND ORDERED that the City 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.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 17th day of March 2004.


SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

EXHIBIT A

**SUMMARY VACATION
DESCRIPTION OF
30' SECONDARY FLOWAGE EASEMENT**

All that certain real property situate in a portion of the Northwest One-Quarter (1/4) of Section 1, Township 6 North, Range 5 East, Mount Diablo Meridian, County of Sacramento, State of California, and being more particularly described as being a portion of Lots 1 and 2 of that Boundary Line Adjustment recorded in Book 20030218 at Page 0336, Sacramento County Records, and being more particularly described as follows:

Beginning at a point on the South line of said Lot 1, said point bearing South 89°54'54" West a distance of 271.23 feet from the Southwest corner of said Lot 1; thence from said **POINT OF BEGINNING**, along said South line of said Lot 1 South 89°54'54" West a distance of 30.00 feet to a point on the South line of said Lot 2; thence leaving said South line of Lot 2, through said Lot 2 the following two (2) courses and distances:

- 1) North 00°05'06" West a distance of 157.98 feet;
- 2) North 19°48'53" East a distance of 159.30 feet to a point on the North line of said Lot 1;

Thence along said North line of said Lot 2, from a radial line which bears South 11°41'17" West, 30.52 feet along the arc of a non-tangent 371.00 foot radius curve to the left through a central angle of 04°42'47" to a point on the North line of said Lot 1; thence leaving said North line of Lot 1, through said Lot 1 the following two (2) courses and distances:

- 1) South 19°48'53" West a distance of 159.59 feet;
- 2) South 00°05'06" East a distance of 152.72 feet to the **TRUE POINT OF BEGINNING**.

Containing 9,438 square feet of land, more or less.

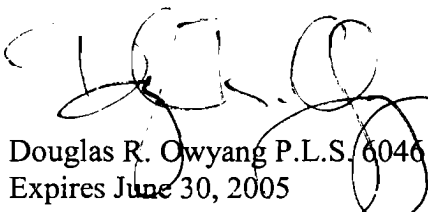
END OF DESCRIPTION.

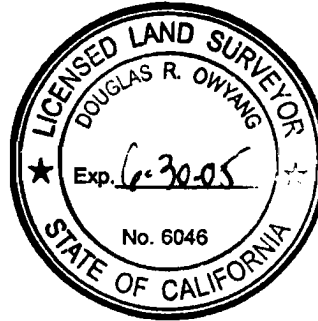
The basis of bearings for this description is North 89°53'50" West from found monuments for the South line of the Northeast One-Quarter of said Section 2 as shown on that certain Record of Survey filed for record in Book of 48 Surveys at page 25, Sacramento County Records.

1023.004
2/11/2004
atapley

See Exhibit "A-1", plat to accompany description, attached hereto and made a part hereof.

This legal description was prepared by me or under my direct supervision pursuant to Section 8729 (2) of the Professional Land Surveyors Act.


Douglas R. Owyang P.L.S. 6046
Expires June 30, 2005



PREPARED BY WOOD • RODGERS, INC.
SACRAMENTO, CALIFORNIA

EXHIBIT A-1

PLAT TO ACCOMPANY
DESCRIPTION

ELK GROVE AUTO MALL SUMMARY VACATION OF 30' SECONDARY FLOWAGE EASEMENT CITY OF ELK GROVE, COUNTY OF SACRAMENTO STATE OF CALIFORNIA

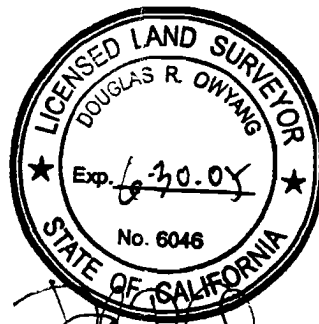
LOT 3
303 BM 7

LOT 2
303 BM 6

LOT 4
303 BM 6

LAGUNA GROVE DRIVE

LOT 2
20030218 O.R. 0336



N19°48'53"E
159.30'

S19°48'53"W
159.59'

R=371'
04°42'47"
L=30.52'

N00°05'06"W
157.98'

LOT 1
20030218 O.R. 0336

S00°05'06"E
152.72'

S.E. COR. LOT 1

P.O.B.

S89°54'54"W 271.23'(TIE)

S89°54'54"W
30.60'

LOT 5
303 BM 6

0 50 100 200

SCALE: 1"=100'

WOOD RODGERS
ENGINEERING • MAPPING • PLANNING • SURVEYING

3301 C St., Bldg. 100-B Tel 916.341.7760
Sacramento, CA 95816 Fax 916.341.7767

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2004-44**

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 the 17th day of March 2004 by the following vote:

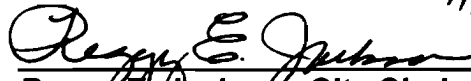
AYES 5: COUNCILMEMBERS: Scherman, Soares, Briggs, Cooper, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:





Peggy E. Jackson, City Clerk
City of Elk Grove, California