

RESOLUTION NO. 2005-269

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
DECLARING THE NECESSITY AND AUTHORIZING THE COMMENCEMENT OF
EMINENT DOMAIN PROCEEDINGS TO SECURE REAL PROPERTY INTERESTS
NECESSARY TO CONSTRUCT THE GRANT LINE ROAD/STATE ROUTE 99
INTERCHANGE RECONSTRUCTION PROJECT**

**Cha-Dor Realty
Portion of APN 134-0220-055**

WHEREAS, the improvement of the interchange of Grant Line Road and State Route 99 ("Project") holds a high priority in the City of Elk Grove Transportation Capital Improvement Program and acquiring the necessary right-of-way and real property interests is an important step in completing the Project; and

WHEREAS, as a part of the Project, it is necessary to acquire certain real property interests identified as a portion of APN 134-0220-055 ("Property") for the construction, operation and maintenance of right-of-way and related improvements along East Stockton Boulevard and Grant Line Road; and

WHEREAS, the City of Elk Grove has investigated and examined alternatives to the Project and the acquisition of the Property, and concluded that both the Project and acquisition of the Property for the Project are necessary; and

WHEREAS, the Property, which is the subject of this Resolution of Necessity, consists of the parcels identified and described and depicted in Exhibits A, A-1, A-2 and B, B-1, B-2 which are attached hereto and incorporated herein; and

WHEREAS, the Property is located entirely within the municipal boundaries of the City of Elk Grove; and

WHEREAS, the City of Elk Grove has complied with the requirements of the California Environmental Quality Act, Public Resources Code section 21000, *et seq.*, in regards to acquisition of the Properties based upon the City Council certifying an Environmental Impact Report for the Grant Line Road/State Route 99 Interchange Reconstruction Project on April 7, 2004; and

WHEREAS, the City of Elk Grove has complied with the requirements of Government Code section 7267.2, in regards to acquisition of the Property by making an offer to purchase to the known owner(s) of record; and

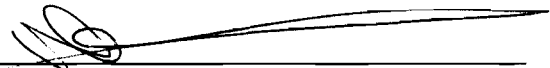
WHEREAS, as a result of the hearing held on September 14, 2005, and in accordance with the provisions of Code of Civil Procedure section 1245.235, the City Council of the City of Elk Grove intends to make certain findings and determinations.

NOW, THEREFORE, be it resolved by the City Council of the City of Elk Grove as follows:

1. The recitals contained herein are true and correct; and
2. Upon examination of the alternatives, the City of Elk Grove requires the Property for the Project; and
3. The City of Elk Grove is authorized to acquire the Property pursuant to the provisions of Government Code sections 37350.5, 37353, 40401 and 40414 and the provisions of the Eminent Domain Law comprising Title 7, Part 3 of the Code of Civil Procedure (commencing at section 1230.010); and
4. Acquisition of the Property for Project purposes promotes public safety and the general welfare, is authorized by Government Code sections 37350.5, 37353, 40401 and 40414, and is therefore a public use; and
5. The City of Elk Grove hereby finds, determines and declares:
 - a. The public interest and necessity require the proposed Project; and
 - b. The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and
 - c. The Property, consisting of a partial Fee Simple Interest described in Exhibit A and depicted in Exhibit B; a Public Utility Easement described in Exhibit A-1 and depicted in Exhibit B-1; and a Temporary Construction Easement described in Exhibit A-2 and depicted in Exhibit B-2, is necessary for the purposes of construction, operation and maintenance of the proposed Project; and
 - d. Prior to making the above findings and determinations, the offer required by section 7267.2 of the Government Code was made to the owner(s) of record of the Property interests described and depicted in Exhibits A, A-1,A-2, B, B-1, and B-2; and
 - e. The Property is being acquired for compatible use under Code of Civil Procedure section 1240.510 in that the City of Elk Grove's use of the Property will not interfere with or impair the continued public use as it now exists or may reasonably be expected to exist in the future, or, in the alternative, for a more necessary public use under Code of Civil Procedure section 1240.610 in that the City's use of the Property is a more necessary public use than the use to which the Property is appropriated.

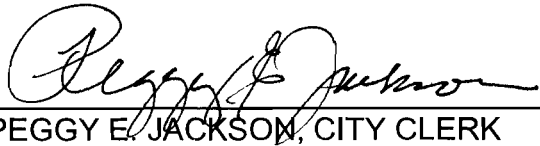
6. The City Attorney is hereby authorized and directed to prepare, commence and prosecute proceedings in eminent domain in the appropriate court to acquire for the City of Elk Grove the Property interests described and depicted in Exhibits A, A-1, A-2, B, B-1, and B-2. The City Attorney is further authorized to take all steps necessary to obtain such orders for immediate possession of the Property interests as may be required for the Project.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of September 2005.



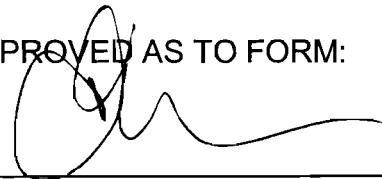
DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

In or near APN 134-0220-055
City Parcels 04-15-06-A, -C

Located in the City of Elk Grove, County of Sacramento, State of California, being a part of that certain tract of land as shown on the *Plat of the Survey of the 110.3 Acre Tract of the Ellen M. Wilson Estate* filed November 20, 1925, in Book 2 of Surveys, at Page 71, Sacramento County Records, and further described as follows:

BEGINNING at the most southerly corner of the parcel described in the Corporation Grant Deed recorded November 27, 1985, in Book 851127 Page 2808, Official Records of Sacramento County; thence along the northeasterly line of the 46' wide frontage road shown on the map filed April 29, 1958, in State Highway Map Book 4, Page 24, Records of Sacramento County, North38°47'08"West a distance of 106.769 meters to the northwesterly line of said parcel described in the Corporation Grant Deed; thence along last said line, North49°03'42"East a distance of 7.939 meters; thence South35°51'25"East a distance of 34.465 meters to a line parallel with and distant 6.172 meters northeasterly, measured at right angles, from said northeasterly line of the 46' wide frontage road; thence along said parallel line, South38°47'08"East a distance of 72.415 meters to the southeasterly line of said parcel described in the Corporation Grant Deed; thence along last said line, South49°03'42"West a distance of 6.177 meters to the **POINT OF BEGINNING**.

Containing an area of 0.06892 hectares (7,419 square feet or 0.1703 acres) more or less.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 2. Divide the above distances by 0.99999 to obtain ground level distances. To convert meters to U.S. survey feet, multiply the distance by 3937/1200. To convert hectares to acres, multiply hectares by 2.471±.

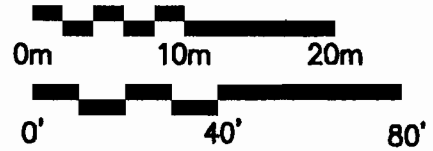
This real property description has been prepared at Mark Thomas & Co. Inc., by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Daniel H. Thorpe
Daniel H. Thorpe
Professional Land Surveyor
California No. 6455

March 16, 2005
Date



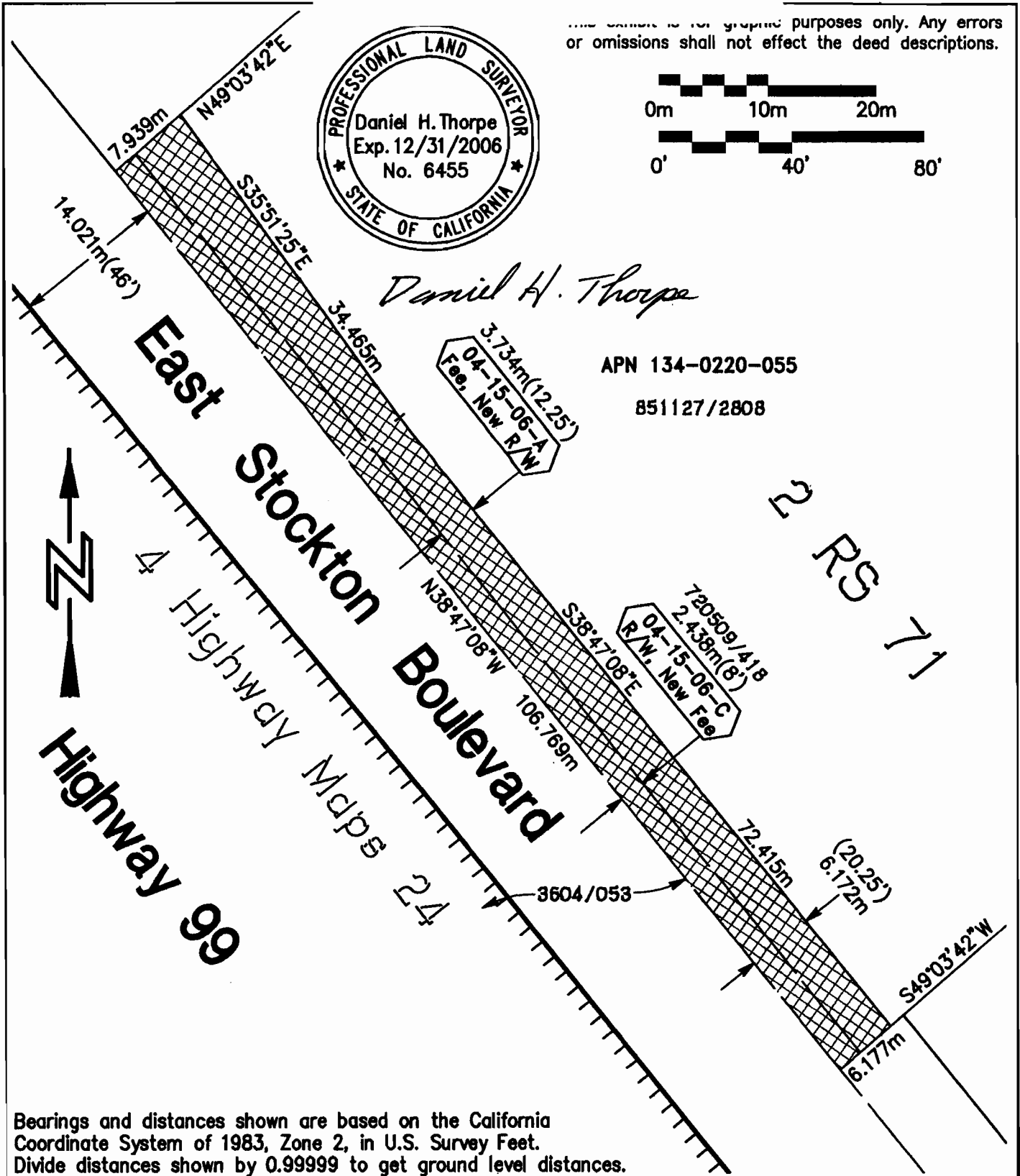
This diagram is for graphic purposes only. Any errors or omissions shall not effect the deed descriptions.




Daniel H. Thorpe

APN 134-0220-055

851127/2808



Bearings and distances shown are based on the California Coordinate System of 1983, Zone 2, in U.S. Survey Feet. Divide distances shown by 0.99999 to get ground level distances.

 Mark Thomas & Company Inc.
 Scale 1 : 500
 Date 21-Mar-2005
 Drawn By Olsen
 Checked By Thorpe

IN THE CITY OF ELK GROVE
 SACRAMENTO COUNTY, CALIFORNIA
 PARCELS 04-15-06-A, -C
EXHIBIT B Plat to Accompany Legal Description
 Fee Take of 0.06892±hectares
 (7,419±sq.ft. or 0.1703±acres) in
 APN 134-0220-055



Exhibit 'A-1' Page 1 of 2

In APN 134-0220-055
City Parcel 04-15-06-B

A strip of land 3.810 meters wide, located in the City of Elk Grove, County of Sacramento, State of California, being a part of that certain tract of land as shown on the *Plat of the Survey of the 110.3 Acre Tract of the Ellen M. Wilson Estate* filed November 20, 1925, in Book 2 of Surveys, at Page 71, Sacramento County Records, and further described as follows:

COMMENCING at the most southerly corner of the parcel described in the Corporation Grant Deed recorded November 27, 1985, in Book 851127 Page 2808, Official Records of Sacramento County; thence along the southeasterly line of said parcel, North49°03'42"East a distance of 6.177 meters to the **POINT OF BEGINNING** on a line parallel with and distant 6.172 meters northeasterly, measured at right angles, from the northeasterly line of the 46' wide frontage road shown on the map filed April 29, 1958, in State Highway Map Book 4, Page 24, Records of Sacramento County; thence along said parallel line, North38°47'08"West a distance of 72.415 meters; thence North35°51'25"West a distance of 34.465 meters to the northwesterly line of said parcel described in the Corporation Grant Deed; thence along last said line, North49°03'42"East a distance of 3.825 meters; thence South35°51'25"East a distance of 34.707 meters; thence South38°47'08"East a distance of 72.175 meters to the southeasterly line of said parcel described in the Corporation Grant Deed; thence along last said line, South49°03'42"West a distance of 3.813 meters to the **POINT OF BEGINNING**.

Containing an area of 0.04072 hectares (4,383 square feet or 0.1006 acres) more or less.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 2. Divide the above distances by 0.99999 to obtain ground level distances. To convert meters to U.S. survey feet, multiply the distance by 3937/1200. To convert hectares to acres, multiply hectares by 2.471±.

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

Daniel H. Thorpe
Daniel H. Thorpe
Professional Land Surveyor
California No. 6455

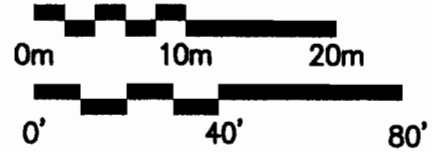
March 16, 2005
Date



Exhibit 'A-1' Page 2 of 2

The purpose of the Public Utility Easement is for construction, re-construction, installation, use, repair, rehabilitation and maintenance of public utilities inclusive of water, gas, sewer, drainage pipes, poles, overhead wires and appurtenances thereto, over, across, and under all that real property situated in the City of Elk Grove, County of Sacramento, State of California.

This exhibit is for graphic purposes only. Any errors or omissions shall not effect the deed descriptions.

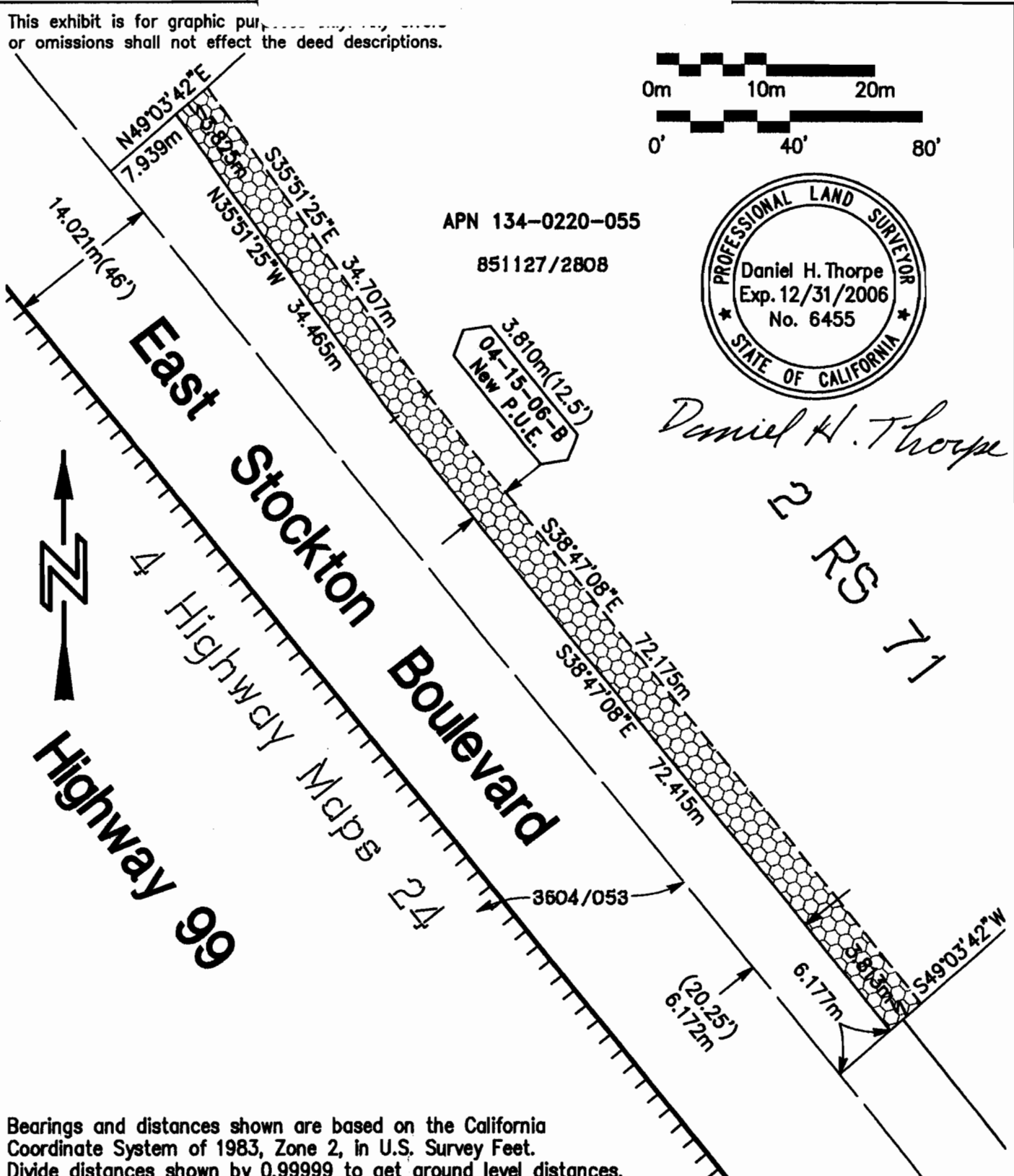


APN 134-0220-055
851127/2808



Daniel H. Thorpe

2 RS 71



Bearings and distances shown are based on the California Coordinate System of 1983, Zone 2, in U.S. Survey Feet. Divide distances shown by 0.99999 to get ground level distances.

Mark Thomas & Company Inc.
Scale 1 : 500
Date 21-Mar-2005
Drawn By Olsen
Checked By Thorpe

IN THE CITY OF ELK GROVE
SACRAMENTO COUNTY, CALIFORNIA
PARCEL 04-15-06-B
EXHIBIT B Plat to Accompany Legal Description
PUE of 0.04072±hectares
(4,383±sq.ft. or 0.1006±acres) in
APN 134-0220-055



In APN 134-0220-055
City Parcel 04-15-06-D

A strip of land 3.810 meters wide, located in the City of Elk Grove, County of Sacramento, State of California, being a part of that certain tract of land as shown on the *Plat of the Survey of the 110.3 Acre Tract of the Ellen M. Wilson Estate* filed November 20, 1925, in Book 2 of Surveys, at Page 71, Sacramento County Records, and further described as follows:

COMMENCING at the most southerly corner of the parcel described in the Corporation Grant Deed recorded November 27, 1985, in Book 851127 Page 2808, Official Records of Sacramento County; thence along the southeasterly line of said parcel, North49°03'42"East a distance of 6.177 meters to the **POINT OF BEGINNING** on a line parallel with and distant 6.172 meters northeasterly, measured at right angles, from the northeasterly line of the 46' wide frontage road (now known as East Stockton Boulevard) shown on the map filed April 29, 1958, in State Highway Map Book 4 at Page 24, Records of Sacramento County; thence along said parallel line, North38°47'08"West a distance of 72.415 meters; thence North35°51'25"West a distance of 34.465 meters to the northwesterly line of said parcel described in the Corporation Grant Deed; thence along last said line, North49°03'42"East a distance of 3.825 meters; thence South35°51'25"East a distance of 34.707 meters; thence South38°47'08"East a distance of 72.175 meters to the southeasterly line of said parcel described in the Corporation Grant Deed; thence along last said line, South49°03'42"West a distance of 3.813 meters to the **POINT OF BEGINNING**.

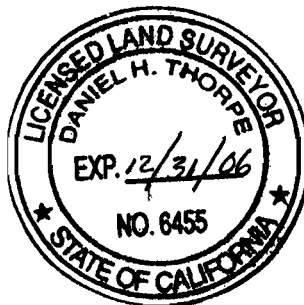
Containing an area of 0.04072 hectares (4,383 square feet or 0.1006 acres) more or less.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 2. Divide the above distances by 0.99999 to obtain ground level distances. To convert meters to U.S. survey feet, multiply the distance by 3937/1200. To convert hectares to acres, multiply hectares by 2.471±.

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

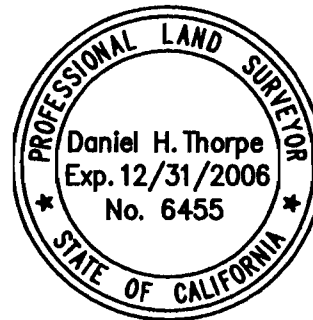
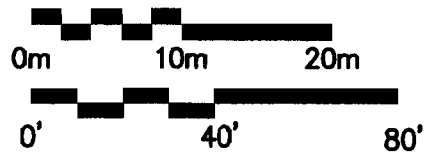
Daniel H. Thorpe
Daniel H. Thorpe
Professional Land Surveyor
California No. 6455

April 26, 2005
Date



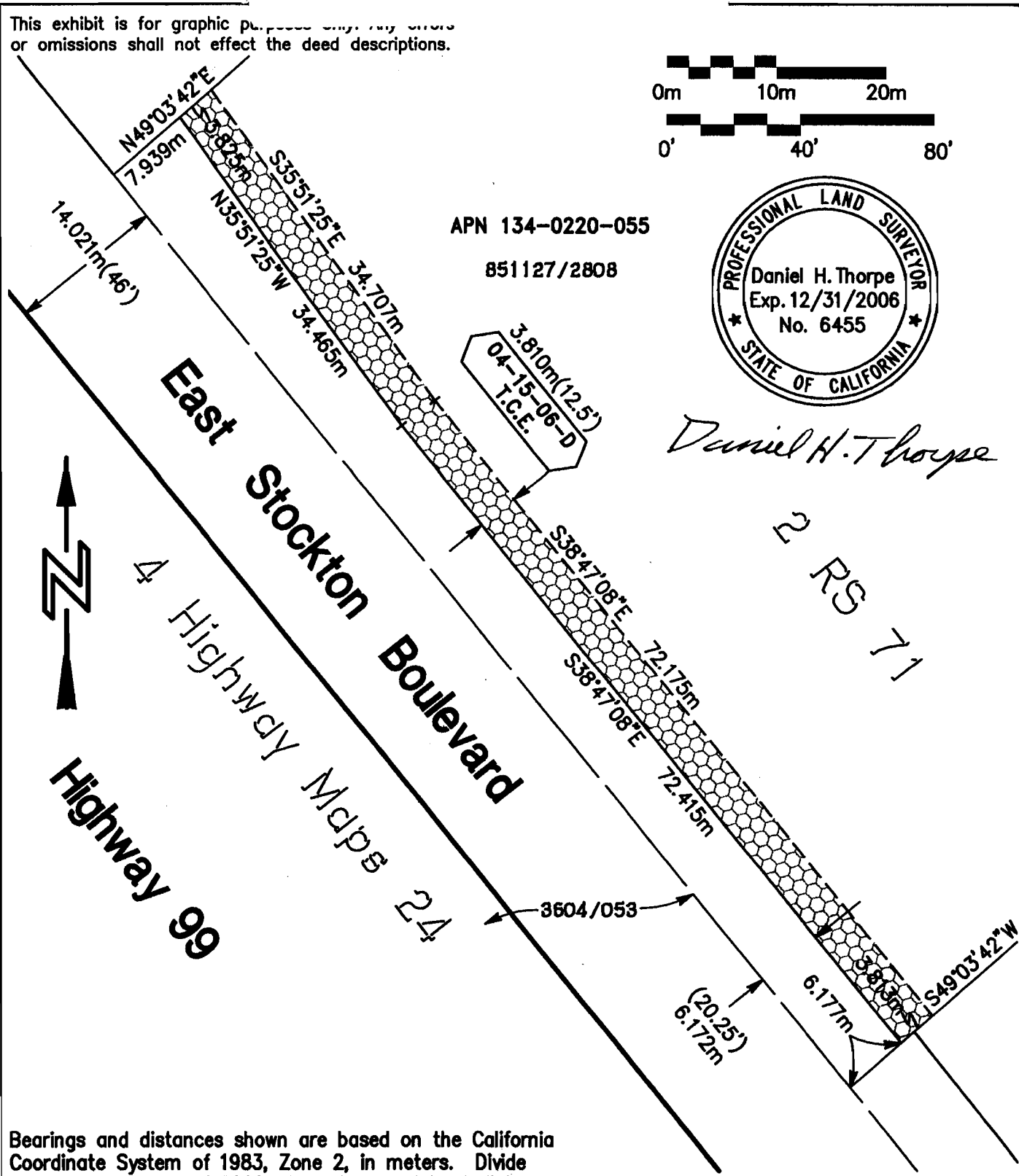
The term of the Temporary Construction Easement is for two years and shall terminate upon the complete of the construction of the Grant Line Road/State Route 99 Interchange Project, or March 1, 2008 whichever occurs earlier.

This exhibit is for graphic purposes only. Any errors or omissions shall not effect the deed descriptions.




Daniel H. Thorpe

2 RS 71



APN 134-0220-055
851127/2808

Bearings and distances shown are based on the California Coordinate System of 1983, Zone 2, in meters. Divide distances shown by 0.99999 to get ground level distances.

 Mark Thomas & Company Inc.
Scale 1 : 500
Date 26-Apr-2005
Drawn By Olsen
Checked By Thorpe

IN THE CITY OF ELK GROVE
SACRAMENTO COUNTY, CALIFORNIA
PARCEL 04-15-06-D
EXHIBIT B Plat to Accompany Legal Description
Temporary Construction Easement of 0.04072±hectares
(4,383±sq.ft. or 0.1006±acres) in
APN 134-0220-055



**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-269**

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 14th day of September, 2005 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**

