

**RESOLUTION NO. 2005-281**

**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  
Martin L. Feletto and Marvin L. Oates Trust  
Portion of APN 134-0600-41**

**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 134-0600-41 ("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 and B, B-1 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 is necessary for the purposes of construction, operation and maintenance of the proposed Project; and
  - d. The property interest described and depicted in Exhibits A and B and identified as Parcel 4-15-24-F is being acquired as a remnant under California Code of Civil Procedure section 1240.410; and
  - e. 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, B, and B-1; and
  - f. 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, B, and B-1. 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 14<sup>th</sup> day of September 2005.



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DANIEL BRIGGS, MAYOR of the  
CITY OF ELK GROVE

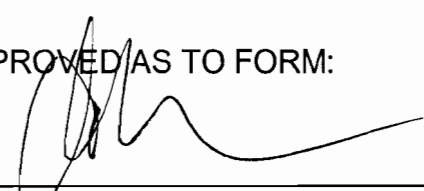
ATTEST:



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PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



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ANTHONY B. MANZANETTI,  
CITY ATTORNEY

Exhibit 'A' Page 1 of 2

City Parcels 04-15-24-A, -B  
In or near APN 134-0600-041

Located in the City of Elk Grove, County of Sacramento, State of California, being a part of Parcel 3 of the Parcel Map filed August 19, 1991, in Book 125 of Parcel Maps at Page 25, Records of Sacramento County, lying within the Lot Line Adjustment Resultant Parcel 3 described in the Boundary Line Adjustment recorded April 2, 2004 in Book 20040402 Page 1408, Official Records of Sacramento County, and more particularly described as follows:

**BEGINNING** at the easterly corner of said Resultant Parcel 3, on the centerline of CMD Court as shown on said Parcel Map; thence along the southeasterly boundary line of said Resultant Parcel 3, South49°11'07"West a distance of 14.315 meters; thence along a non-tangent curve to the right having a radius of 101.743 meters, a chord bearing North58°51'17"West 10.130 meters, through a central angle of 5°42'26" an arc length of 10.134 meters to a point of compound curvature; thence along a tangent curve to the right having a radius of 136.363 meters, a chord bearing North51°41'54"West 20.462 meters, through a central angle of 8°36'21" an arc length of 20.482 meters to a point of tangency; thence North47°23'43"West a distance of 76.577 meters to a point of curvature; thence along a tangent curve to the left, having a radius of 144.628 meters, a chord bearing North66°54'07"West 96.587 meters, through a central angle of 39°00'48" an arc length of 98.479 meters to the northwesterly boundary line of said Resultant Parcel 3; thence along last said line, North49°12'24"East a distance of 28.101 meters to a curve concentric with the curve above having a radius of 144.628 meters; thence along said concentric curve, along a curve to the right having a radius of 165.507 meters, a chord bearing South63°25'02"East, through a central angle of 32d02'38" and arc length of 92.563 meters to a point of tangency on a line parallel with and distant 20.879 meters northeasterly, measured at right angles, from the course above having a length of 76.577 meters; thence along said parallel line, South47°23'43"East a distance of 43.696 meters to the northeasterly boundary line of said Resultant Parcel 3, distant thereon 127.738 meters from the most northerly corner of said Resultant Parcel 3; thence along last said line the following 3 courses: 1) South40°47'36"East a distance of 40.123 meters; thence 2) South48°41'31"East a distance of 16.459 meters; thence 3) along a non-tangent curve to the left having a radius of 106.679 meters, a chord bearing South54°55'59"East 8.617 meters, through a central angle of 4°37'44" an arc length of 8.619 meters to the **POINT OF BEGINNING**.

Containing an area of 0.40082 hectares (43,144 square feet or 0.9904 acres), more or less.

**EXCEPTING THEREFROM** all that portion thereof lying below a depth of 500 feet, measured vertically, from the contour of the surface of said property, without the right for any purpose whatsoever to enter upon, into, or through the surface of said property or any part thereof lying between said surface and 500 feet below said surface, as excepted in Deeds from Southern Pacific Industrial Development Company, recorded in Book 800825 Page 1165, Official Records of

City Parcels 04-15-24-A, -B  
In or near APN 134-0600-041

Sacramento County, and in Book 830428 Page 236, Official Records of Sacramento County.

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

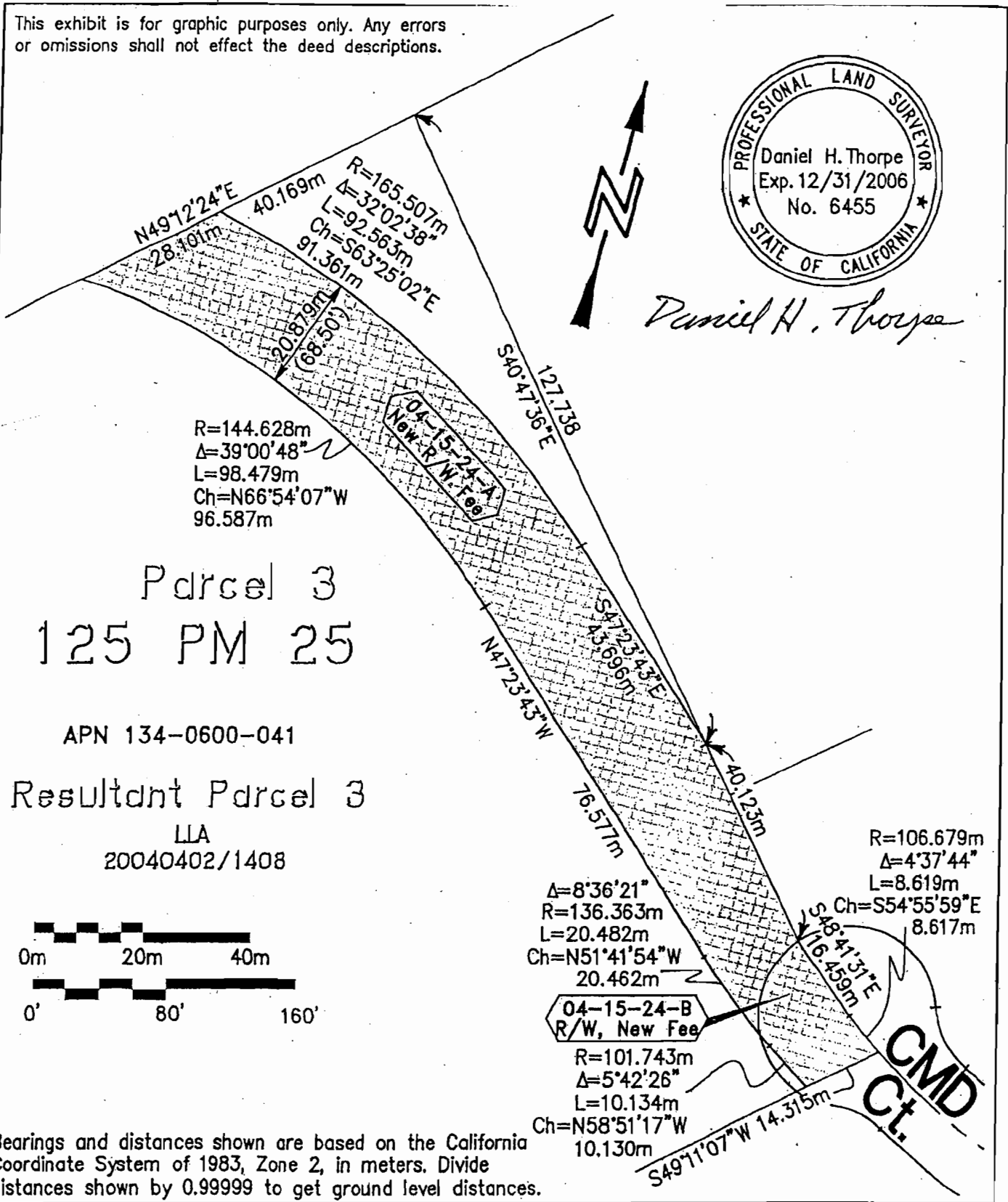


March 23, 2005  
Date

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



*Daniel H. Thorpe*



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.



IN THE CITY OF ELK GROVE  
SACRAMENTO COUNTY, CALIFORNIA  
CITY PARCELS 04-15-24-A,-B



Scale 1 : 1000  
Date 23-Mar-2005  
Drawn By Stanley  
Checked By Thorpe

EXHIBIT B Plat to Accompany Legal Description  
Fee Take of 0.40082±hectares  
(43,144±sq.ft. or 0.9904±acres) in  
APN 134-0600-041

**Exhibits A-1 and B-1**

Exhibit 'A-1' Page 1 of 3

City Parcels 04-15-24-C, & -D  
In APN 134-0600-041

Located in the City of Elk Grove, County of Sacramento, State of California, being a part of Parcel 3 of the Parcel Map filed August 19, 1991, in Book 125 of Parcel Maps at Page 25, Records of Sacramento County, being 3.810 meter wide strips of land within the Lot Line Adjustment Resultant Parcel 3 described in the Boundary Line Adjustment recorded April 2, 2004 in Book 20040402 Page 1408, Official Records of Sacramento County, and more particularly described as follows:

04-15-24-C

**COMMENCING** at the northerly corner of said Resultant Parcel 3; thence along the easterly boundary line of said Resultant Parcel 3 the following 2 courses: 1) South40°47'36"East a distance of 167.861 meters to the northwesterly right of way line of the cul-de-sac at the northwesterly terminus of CMD Court as shown on said Parcel Map; 2) thence South48°41'31"East a distance of 16.459 meters to the center of said cul-de-sac; thence South79°39'37"West 20.269 meters to the **POINT OF BEGINNING** on the westerly line of the 12.5 feet wide Public Utility Easement adjoining said CMD Court as shown on said Parcel Map; thence along last said line, along a non-tangent curve to the left, having a radius of 20.269 meters, a chord bearing South20°15'20"East 6.981 meters, through a central angle of 19°49'53" an arc length of 7.016 meters; thence along a non-tangent curve to the right having a radius of 140.173 meters, a chord bearing North50°58'00"West 17.463 meters, through a central angle of 7°08'34" an arc length of 17.475 meters to a point of tangency; thence North47°23'43"West a distance of 76.577 meters to a point of curvature; thence along a tangent curve to the left having a radius of 140.818 meters, a chord bearing North67°42'20"West 97.757 meters, through a central angle of 40°37'14" an arc length of 99.834 meters to the northwesterly boundary line said Resultant Parcel 3; thence along last said line North49°12'24"East a distance of 5.526 meters; thence along a non-tangent curve to the right, having a radius of 144.628 meters, a chord bearing South66°54'07"East 96.587 meters, through a central angle of 39°00'48" an arc length of 98.479 meters to a point of tangency; thence South47°23'43"East a distance of 76.577 meters to a point of curvature; thence along a tangent curve to the left having a radius of 136.363 meters, a chord bearing South49°45'17"East 11.227 meters, through a central angle of 4°43'07" an arc length of 11.230 meters to the **POINT OF BEGINNING**.

Containing an area of 0.07229 hectares (7,781 square feet or 0.1786 acres), more or less.

04-15-24-D

**COMMENCING** at the northerly corner of said Resultant Parcel 3; thence along the northeasterly boundary line of said Resultant Parcel 3 the following 2 courses: 1) South40°47'36"East a distance of 94.600 meters to the **POINT OF BEGINNING**; thence 2) , South40°47'36"East a distance of 33.138 meters; thence North47°23'43"West a distance of 43.696 meters to a point of curvature; thence along a tangent curve to the left having a radius of 165.507 meters, a chord bearing North63°25'02"West 91.361 meters, through a central angle of 32°02'38" an arc length of 92.563 meters to the



Exhibit 'A-1' Page 2 of 3

City Parcels 04-15-24-C, & -D  
In APN 134-0600-041

northwesterly boundary line of said Resultant Parcel 3; thence along last said line, North49°12'24"East a distance of 4.844 meters; thence along a non-tangent curve to the right having a radius of 169.317 meters, a chord bearing South62°54'20"East 90.553 meters, through a central angle of 31°01'13" an arc length of 91.669 meters to a point of tangency; thence South47°23'43"East a distance of 10.778 meters to the **POINT OF BEGINNING**.

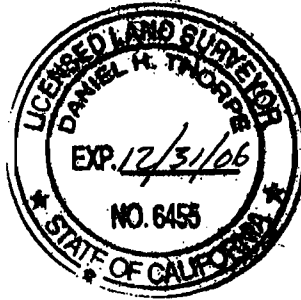
Containing an area of 0.04547 hectares (4,894 square feet or 0.1124 acres), more or less.

The bearings and distances used in the above descriptions 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 23, 2005  
Date

**Exhibit 'A-1' Page 3 of 3**

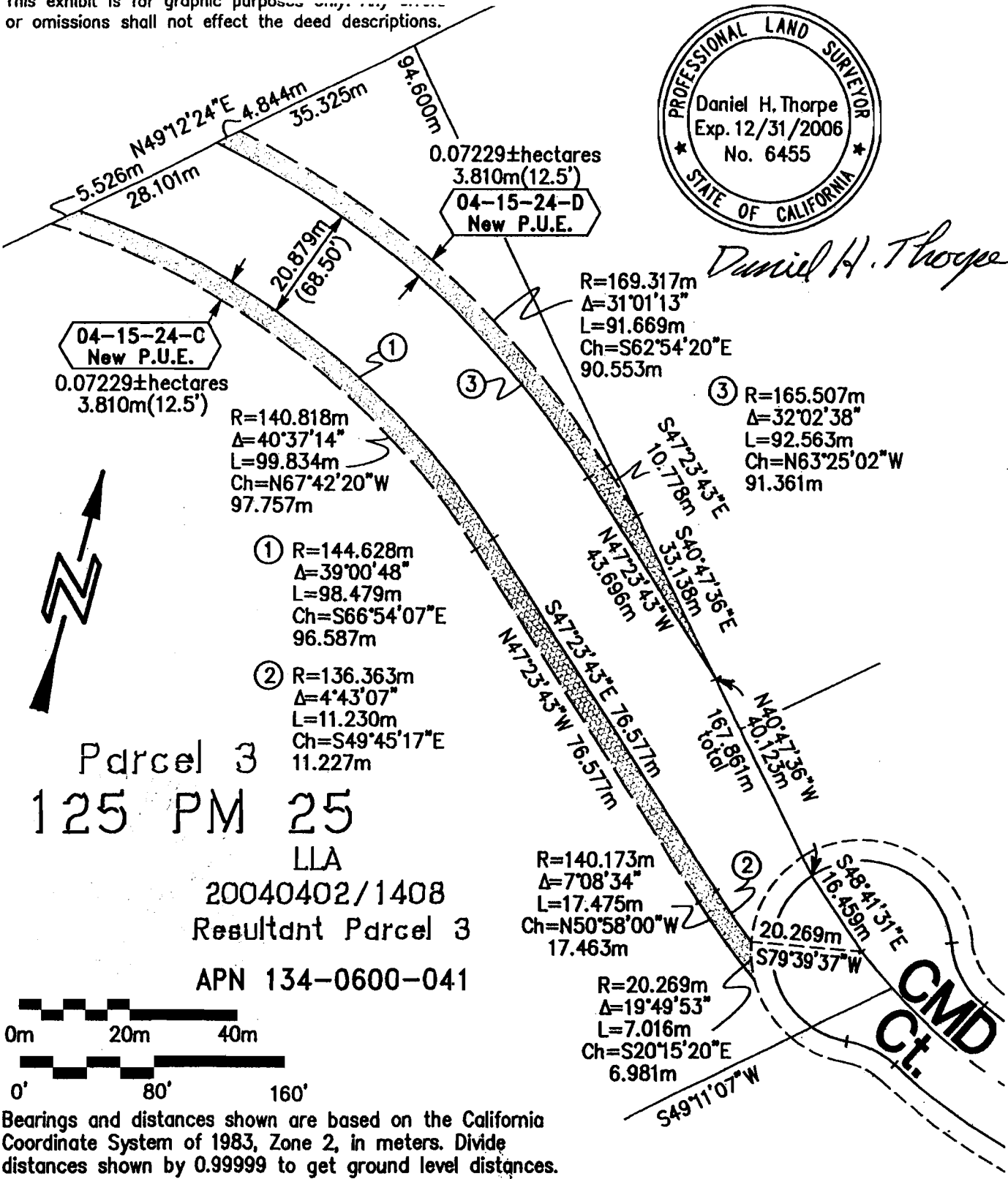
**Public Utility Easement**

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.

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*Daniel H. Thorpe*



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**IN THE CITY OF ELK GROVE  
 SACRAMENTO COUNTY, CALIFORNIA  
 CITY PARCELS 04-15-24-C & -D**

Scale 1 : 1000  
 Date 23-Mar-2005  
 By Stanley  
 Checked By Thorpe

**EXHIBIT B** Plat to Accompany Legal Description  
 Public Utility Easements totaling 0.11776±hectares  
 (12,675±sq.ft. or 0.2910±acres) in  
**APN 134-0600-041**



**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-281**

**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**

