

RESOLUTION NO. 2005-290

**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**

**Western Buyers
Portion of APN 134-0220-054**

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 134-0220-054 ("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.

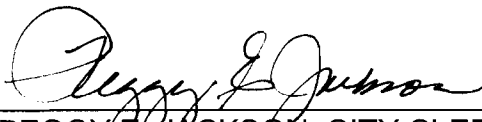
6. The City Attorney is hereby authorized and directed to prepare, commence and prosecute proceedings in eminent domain in the appropriate court to acquire for the City of Elk Grove the Property interests described and depicted in Exhibits A, A-1, A-2, B, B-1, and B-2. The City Attorney is further authorized 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

Exhibit 'A' Page 1 of 2

City Parcels 04-15-05-A & -C
In or near APN 134-0220-054

Located in the City of Elk Grove, County of Sacramento, State of California, being a part of Parcel 2 shown on the Parcel Map filed December 4, 1979, in Book 53 of Parcel Maps at Page 38, Sacramento County Records, and more particularly described as follows:

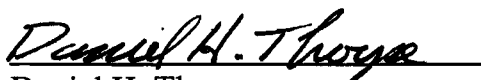
BEGINNING at the southerly corner of said Parcel 2, on the northeasterly right of way line of the frontage road (now known as East Stockton Boulevard) shown on the map filed April 29, 1958, in State Highway Map Book 4 at Page 25, Sacramento County Records; thence along said northeasterly right of way line the following two courses: 1) North38°47'08"West a distance of 118.921 meters; thence 2) North31°06'48"West a distance of 36.562 meters to the westerly corner of said Parcel 2; thence along the northwesterly boundary line of said Parcel 2, North49°03'42"East a distance of 16.349 meters; thence along a non-tangent curve to the left having a radius of 250.848 meters, a chord bearing South33°27'24"East 3.994 meters, through a central angle of 0°54'44" an arc length of 3.994 meters to a point of tangency; thence South33°54'46"East a distance of 152.045 meters to the southeasterly boundary line of said Parcel 2; thence along last said line, South49°03'42"West a distance of 7.939 meters to the **POINT OF BEGINNING**.

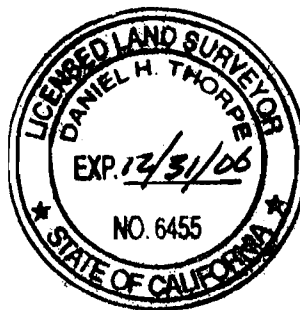
EXCEPTING THEREFROM, this parcel: **BEGINNING** on said northeasterly right of way line, distant thereon South38°47'08"East 14.840 meters from the northwesterly terminus of the course above having a length of 118.921 meters; thence along said northeasterly right of way line the following two courses: 1), North38°47'08"West a distance of 14.840 meters; 2) thence North31°06'48"West a distance of 25.809 meters; thence South33°54'46" East a distance of 40.564 meters to the **POINT OF BEGINNING**.

Containing an area, less exception, of 0.21429 hectares (23,066 square feet or 0.5295 acres), more or less.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 3. 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
Professional Land Surveyor
California No. 6455



March 22, 2005
Date

Exhibit 'A' Page 2 of 2

City Parcel 04-15-05-D
In or near APN 134-0220-054

Located in the City of Elk Grove, County of Sacramento, State of California, being a part of Parcel 2 shown on the Parcel Map filed December 4, 1979, in Book 53 of Parcel Maps at Page 38, Sacramento County Records, and more particularly described as follows:

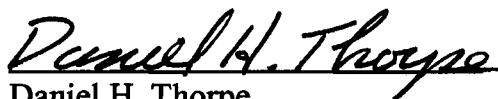
COMMENCING at the southerly corner of said Parcel 2, on the northeasterly right of way line of the frontage road (now known as East Stockton Boulevard) shown on the map filed April 29, 1958, in State Highway Map Book 4 at Page 25, Sacramento County Records; thence along said northeasterly right of way line, North38°47'08"West a distance of 104.081 meters to the **POINT OF BEGINNING** at a point distant South38°47'08"East 14.840 meters from the northwesterly terminus of the course shown on said Parcel Map having a length of 390.08'; thence along said northeasterly right of way line the following two courses: 1) North38°47'08"West a distance of 14.840 meters; thence 2) North31°06'48"West a distance of 25.809 meters; thence South33°54'46"East a distance of 40.564 meters to the **POINT OF BEGINNING**.

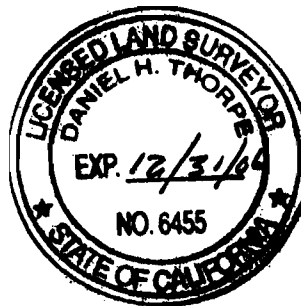
Containing an area of 0.00256 hectares (276 square feet or 0.0063 acres), more or less.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights including access rights, appurtenant to grantor's remaining property, in and to said freeway.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 3. 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±.

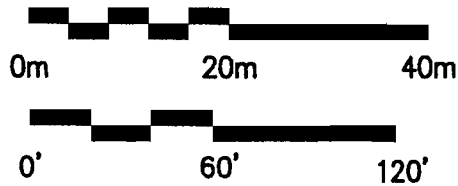
This real property description has been prepared at Mark Thomas & Co. Inc., by me, or under my direction, in conformance with the Professional Land Surveyor's Act.


Daniel H. Thorpe
Professional Land Surveyor
California No. 6455



March 22, 2005
Date

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



Abutter's Rights Including Access Rights Relinquished



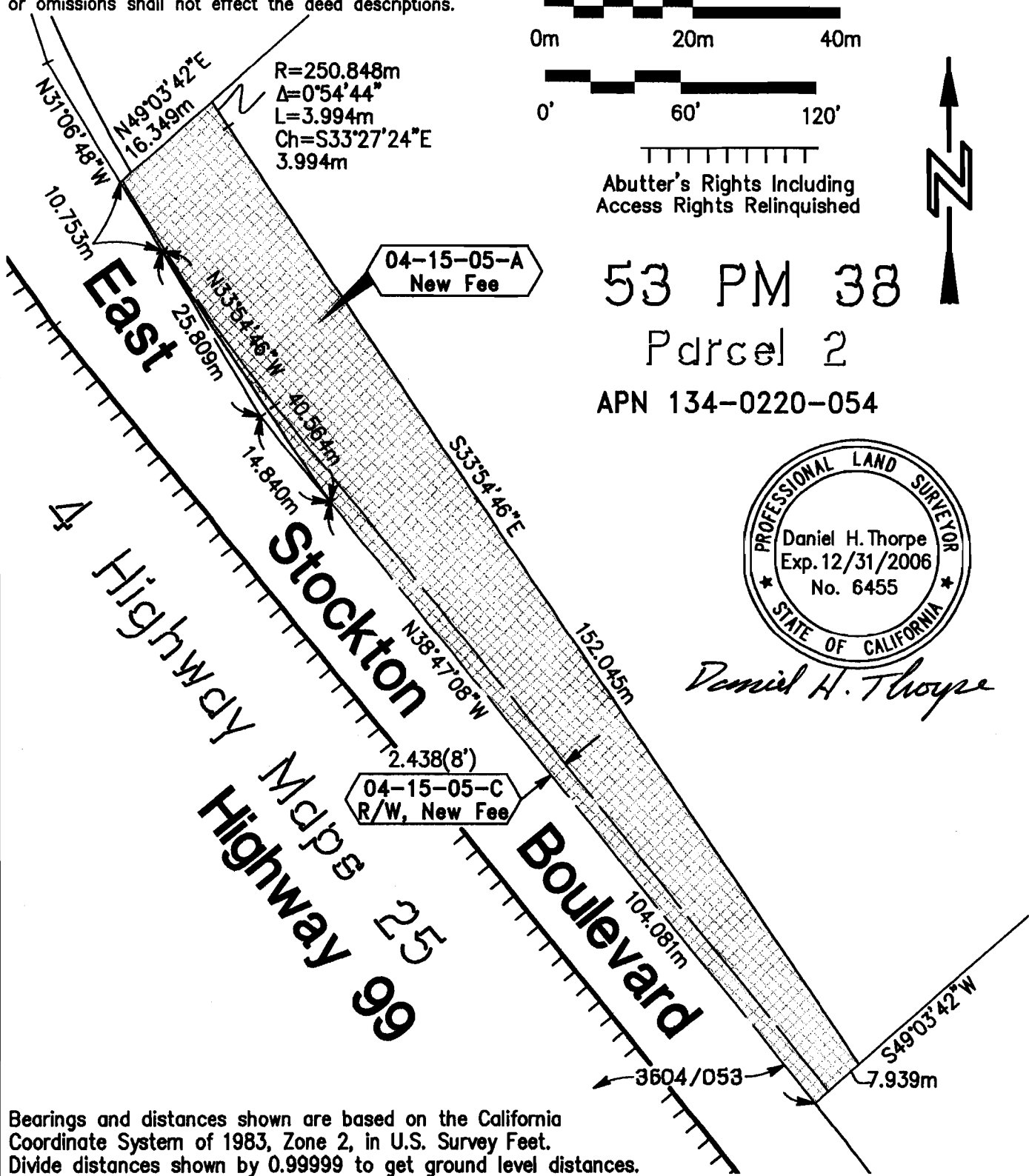
53 PM 38

Parcel 2

APN 134-0220-054



Daniel H. Thorpe



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.



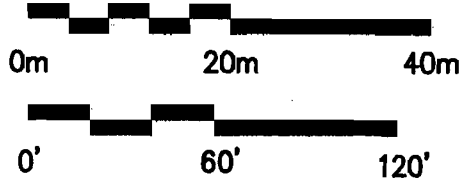
IN THE CITY OF ELK GROVE
SACRAMENTO COUNTY, CALIFORNIA
CITY PARCELS 04-15-05-A & -C



Scale 1 : 750
Date 22-Mar-2005
Drawn By Stanley
Checked By Thorpe

EXHIBIT B Plat to Accompany Legal Description
Fee Take of 0.21429±hectares
(23,066±sq.ft. or 0.5295±acres) in
APN 134-0220-054

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



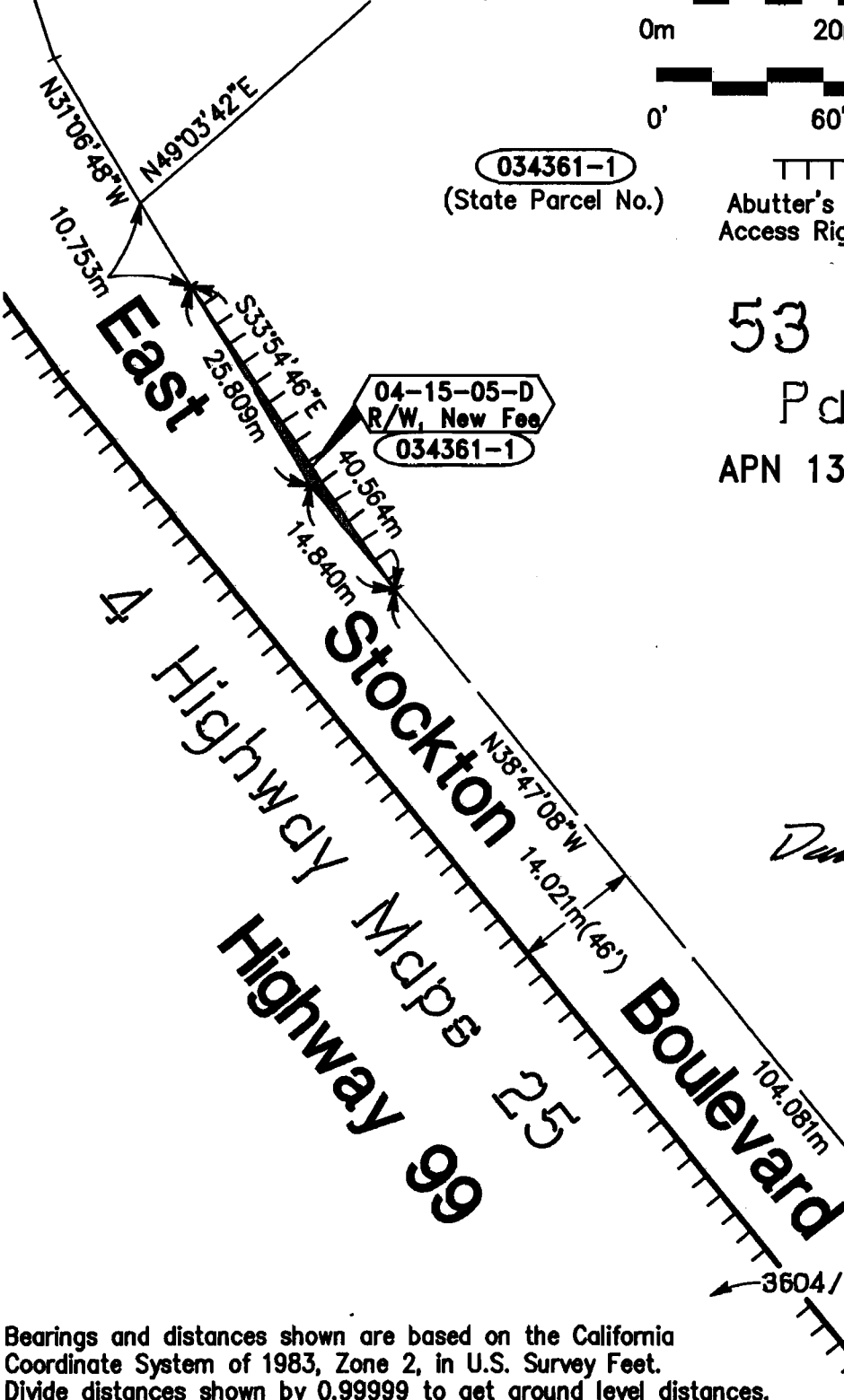
034361-1
(State Parcel No.)

Abutter's Rights Including
Access Rights Relinquished

53 PM 38

Parcel 2

APN 134-0220-054



Daniel H. Thorpe

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.



IN THE CITY OF ELK GROVE
SACRAMENTO COUNTY, CALIFORNIA
CITY PARCEL 04-15-05-D

Scale 1 : 750
Date 22-Mar-2005
Drawn By Stanley
Checked By Thorpe

EXHIBIT B Plat to Accompany Legal Description
Fee Take of 0.00256±hectares
(276±sq.ft. or 0.0063±acres) in
APN 134-0220-054



Exhibit 'A-1' Page 1 of 2

City Parcel 04-15-05-B
In APN 134-0220-054

Located in the City of Elk Grove, County of Sacramento, State of California, being a 3.810 meter wide strip of land in Parcel 2 shown on the Parcel Map filed December 4, 1979, in Book 53 of Parcel Maps at Page 38, Sacramento County Records, and more particularly described as follows:

COMMENCING at the southerly corner of said Parcel 2, on the northeasterly right of way line of the frontage road (now known as East Stockton Boulevard) shown on the map filed April 29, 1958, in State Highway Map Book 4 at Page 25, Sacramento County Records; thence along the southeasterly boundary line of said Parcel 2, North49°03'42"East a distance of 7.939 meters to the **POINT OF BEGINNING**; thence North33°54'46"West a distance of 152.045 meters to a point of curvature; thence along a tangent curve to the right having a radius of 250.848 meters, a chord bearing North33°27'24"West 3.994 meters, through a central angle of 0°54'44" an arc length of 3.994 meters to the northwesterly boundary line of said Parcel 2, distant thereon 16.349 meters northeasterly from the westerly corner of said Parcel 2; thence along said northwesterly boundary line, North49°03'42"East a distance of 3.847 meters; thence along a non-tangent curve to the left, having a radius of 247.038 meters, a chord bearing South33°23'42"East 4.464 meters, through a central angle of 1°02'08" an arc length of 4.465 meters to a point of tangency; thence South33°54'46"East a distance of 151.576 meters to said southeasterly boundary line of Parcel 2; thence along said southeasterly boundary line, South49°03'42"West a distance of 3.839 meters to the **POINT OF BEGINNING**.

Containing an area of 0.05945 hectares (6,399 square feet or 0.1469 acres), more or less.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 3. 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

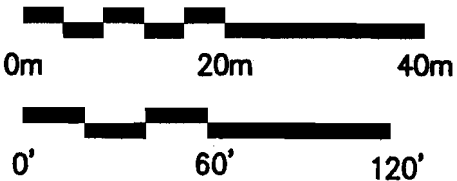
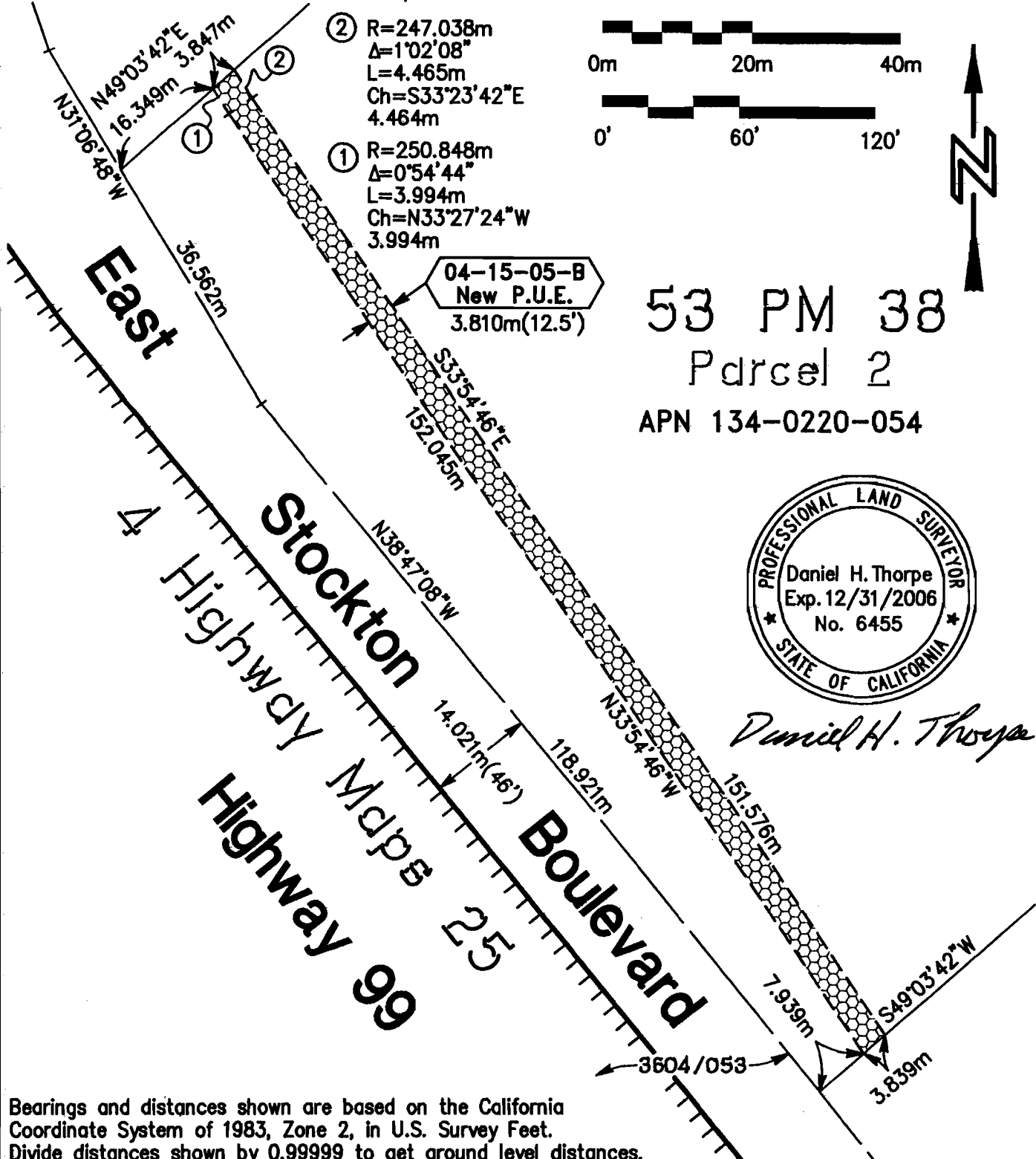


March 22, 2005
Date

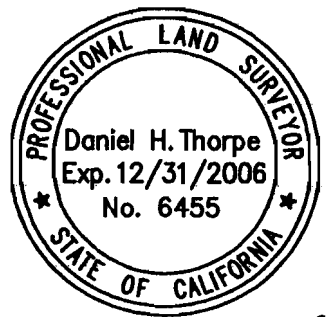
Exhibit 'A-1' Page 2 of 2

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.




53 PM 38
Parcel 2
APN 134-0220-054



Daniel H. Thorpe

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 : 750
Date 22-Mar-2005
Drawn By Stanley
Checked By Thorpe

IN THE CITY OF ELK GROVE
SACRAMENTO COUNTY, CALIFORNIA
CITY PARCEL 04-15-05-B
EXHIBIT B Plat to Accompany Legal Description
Public Utility Easement of 0.05945±hectares
(6,399±sq.ft. or 0.1469±acres) in
APN 134-0220-054



Exhibit 'A-2' Page 1 of 2

City Parcel 04-15-05-E
In APN 134-0220-054

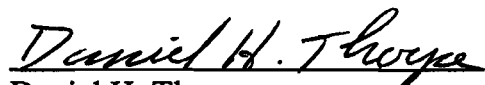
Located in the City of Elk Grove, County of Sacramento, State of California, being a 3.810 meter wide strip of land in Parcel 2 shown on the Parcel Map filed December 4, 1979, in Book 53 of Parcel Maps at Page 38, Sacramento County Records, and more particularly described as follows:

COMMENCING at the southerly corner of said Parcel 2, on the northeasterly right of way line of the frontage road (now known as East Stockton Boulevard) shown on the map filed April 29, 1958, in State Highway Map Book 4 at Page 25, Sacramento County Records; thence along the southeasterly boundary line of said Parcel 2, North49°03'42"East a distance of 7.939 meters to the **POINT OF BEGINNING**; thence North33°54'46"West a distance of 152.045 meters to a point of curvature; thence along a tangent curve to the right having a radius of 250.848 meters, a chord bearing North33°27'24"West 3.994 meters, through a central angle of 0°54'44" an arc length of 3.994 meters to the northwesterly boundary line of said Parcel 2, distant thereon 16.349 meters northeasterly from the westerly corner of said Parcel 2; thence along said northwesterly boundary line, North49°03'42"East a distance of 3.847 meters; thence along a non-tangent curve to the left, having a radius of 247.038 meters, a chord bearing South33°23'42"East 4.464 meters, through a central angle of 1°02'08" an arc length of 4.465 meters to a point of tangency; thence South33°54'46"East a distance of 151.576 meters to said southeasterly boundary line of Parcel 2; thence along said southeasterly boundary line, South49°03'42"West a distance of 3.839 meters to the **POINT OF BEGINNING**.

Containing an area of 0.05945 hectares (6,399 square feet or 0.1469 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
Professional Land Surveyor
California No. 6455

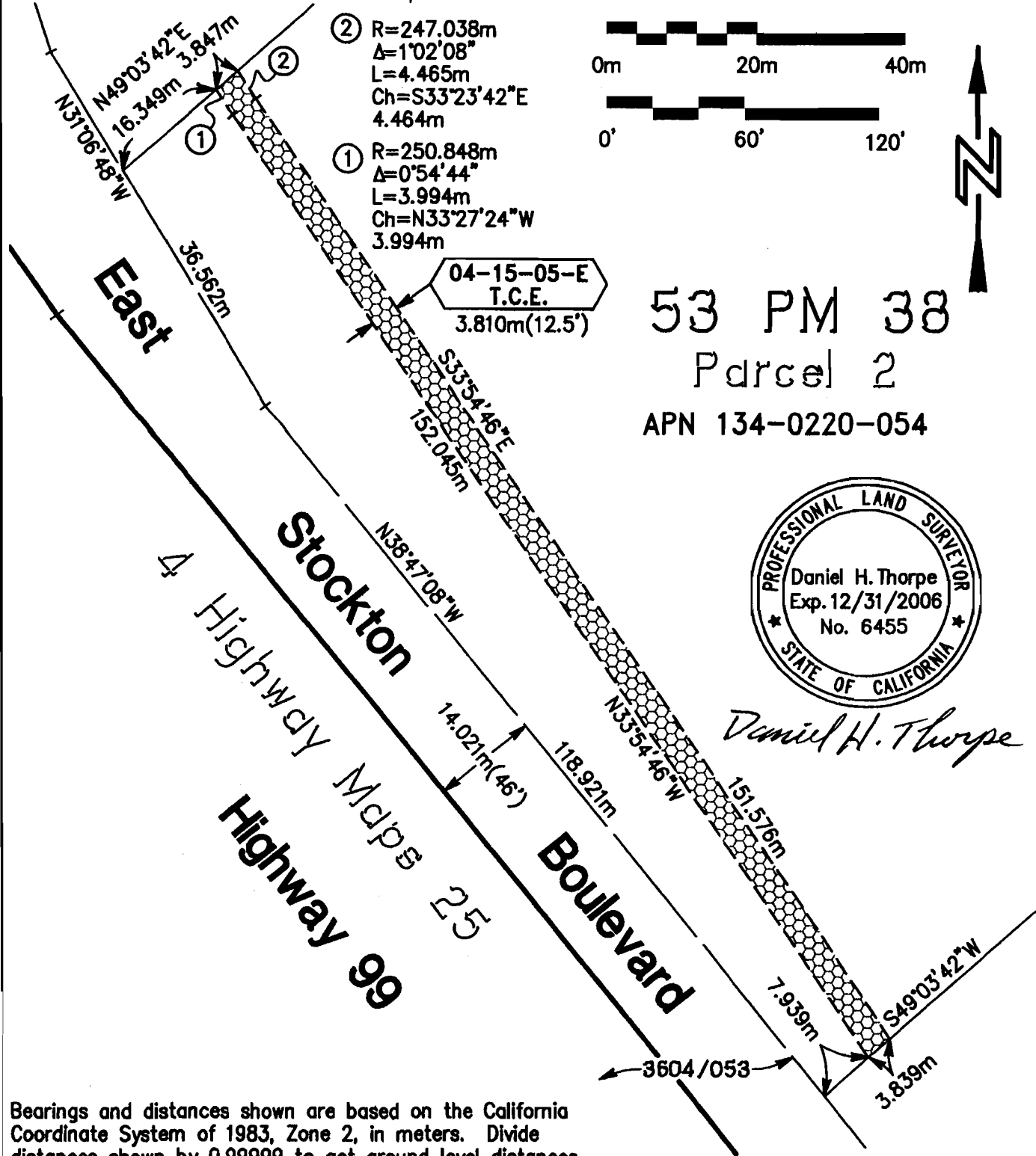


April 26, 2005
Date



Exhibit 'A-2' Page 2 of 2

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 affect the deed descriptions.



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.

 <p>Mark Thomas & Company Inc.</p>	<p>IN THE CITY OF ELK GROVE SACRAMENTO COUNTY, CALIFORNIA CITY PARCEL 04-15-05-E</p>	
<p>Scale 1 : 750 Date 26-Apr-2005 Drawn By Stanley Checked By Thorpe</p>	<p>EXHIBIT B Plat to Accompany Legal Description Temporary Construction Easement of 0.05945±hectares (6,399±sq.ft. or 0.1469±acres) in APN 134-0220-054</p>	<p>39</p>

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-290**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

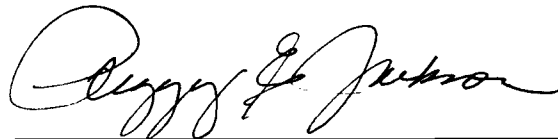
I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 14th day of September, 2005 by the following vote:

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**

