

RESOLUTION NO. 2007-101

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING THE ABANDONMENT OF A PORTION OF AN EASEMENT FOR
DRAINAGE CANAL, DITCH OR PIPELINE AND ALL USES INCIDENT THERETO,
INCLUDING PERPETUAL RIGHTS OF FLOWING WATERS AND INGRESS AND
EGRESS RIGHTS OVER THE ELK GROVE AUTO MALL PHASE III**

WHEREAS, the City of Elk Grove had been granted an easement for drainage channel, ditch or pipeline and incidental purposes on September 22, 2002 in Book 20020920 Page 1714, Official Records of Sacramento County in conjunction with improvements on Phase I of the Elk Grove Auto Mall. The purpose of the easement was to handle the interim flows of the improved areas from the Auto Mall until such time as permanent facilities and easements were completed and granted; and

WHEREAS, a permanent storm drain system has been installed and easements granted in the Auto Mall along with the adjoining Laguna Ridge Project (Maderia). A portion of the existing easement is being retained herein for a storm drain pipe that has been installed; and

WHEREAS, by installation of the permanent system and necessary easements being granted, the need for the majority of the drainage channel, ditch or pipeline including all uses incident thereto is no longer necessary.


NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds:

- a. The abandonment of a portion of the drainage channel, ditch or pipeline and all uses incident thereto, including the perpetual rights of flowing water and ingress and egress rights would be consistent with and not violate the General Plan and all elements and components thereof; and
- b. The public interest will be served by the herein abandonment.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED that the portion of the drainage channel, ditch or pipeline and all uses incident thereto and including the perpetual right of flowing waters and ingress and egress rights as described in Exhibit "A" and shown on Exhibit "B" ("plat to accompany legal description") are hereby abandoned, and City retains that portion of the easement as described in Exhibit "A" ("excepting there from") and shown on Exhibit "C" ("plat to accompany legal description") as all "Exhibits" are attached hereto.

NOW, THEREFORE, BE IT FINALLY RESOLVED that the City Clerk of the City of Elk Grove shall cause a certified copy of this Resolution of Abandonment and Exhibits "A", "B" and "C" attached hereto attested by the Clerk under seal, to be recorded in the Office of the County Recorder of the County of Sacramento.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 9th day of May 2007.



JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



PEGGY E. JACKSON, CITY CLERK



JONATHAN P. HOBBS,
INTERIM CITY ATTORNEY

**EXHIBIT A
DESCRIPTION OF
ABANDONMENT OF DRAINAGE EASEMENT**

All that certain real property situate in a portion of the Northeast One-Quarter of Section 2 and the Northwest One-Quarter of Section 1, Township 6 North, Range 5 East, Mount Diablo Meridian, City of Elk Grove, County of Sacramento, State of California, and being further described as follows:

All of the lands described in that certain Easement for Drainage Canal, Ditch or Pipeline granted to the City of Elk Grove, recorded on September 20, 2002, in Book 20020920, at Page 1714, Official Records of Sacramento County;

EXCEPTING THEREFROM the following:

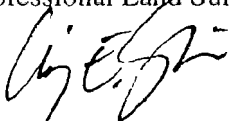
Beginning at a found one and one-quarter (1-1/4) inch iron pipe with brass cap stamped "L.S. 3013" marking the Northeast One-Quarter Corner of said Section 2, as shown on that certain Parcel Map entitled "Elk Grove Auto Mall Expansion Phase III", filed for record in Book 195 of Parcel Maps, at Page 9, Sacramento County Records; thence from said **POINT OF BEGINNING**, along the South line of said Northeast One-Quarter of said Section 2, South 89°52'51" West a distance of 7.63 feet; thence leaving said South line of said Northeast One-Quarter of Section 2, North 75°15'41" West a distance of 15.42 feet; thence North 19°51'23" East a distance of 10.88 feet; thence North 00°06'04" West a distance of 12.59 feet; thence South 75°15'41" East a distance of 14.67 feet; thence along a line parallel with and 23.00 feet distant Northerly, (measured at right angles) from the South line of the Northwest One-Quarter of said Section 1, North 89°53'56" East a distance of 25.82 feet to the East line of Parcel 1 of said Parcel Map; thence along said East line of Parcel 1, South 00°06'04" East a distance of 23.00 feet to said South line of the Northwest One-Quarter of Section 1; thence along said South line of the Northwest One-Quarter of Section 1, South 89°53'56" West a distance of 21.18 feet to the Point of Beginning.

Containing 951 square feet of land, more or less.

See Exhibits "B," and "C", plats to accompany description, attached hereto and made a part hereof.

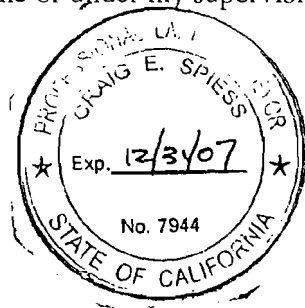
The **Basis of Bearings** for this description is the California State Plane Coordinate System, Zone 2, NAD'83, Epoch Date 1997.30, as measured between NGS Station "Eschinger," 1st order, and NGS station "Keller," 1st order. Said bearing is North 20°56'36" West. Distances shown are ground based.

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



Craig E. Spiess P.L.S. 7944
Expires: December 31, 2007

Date: 3/1/07



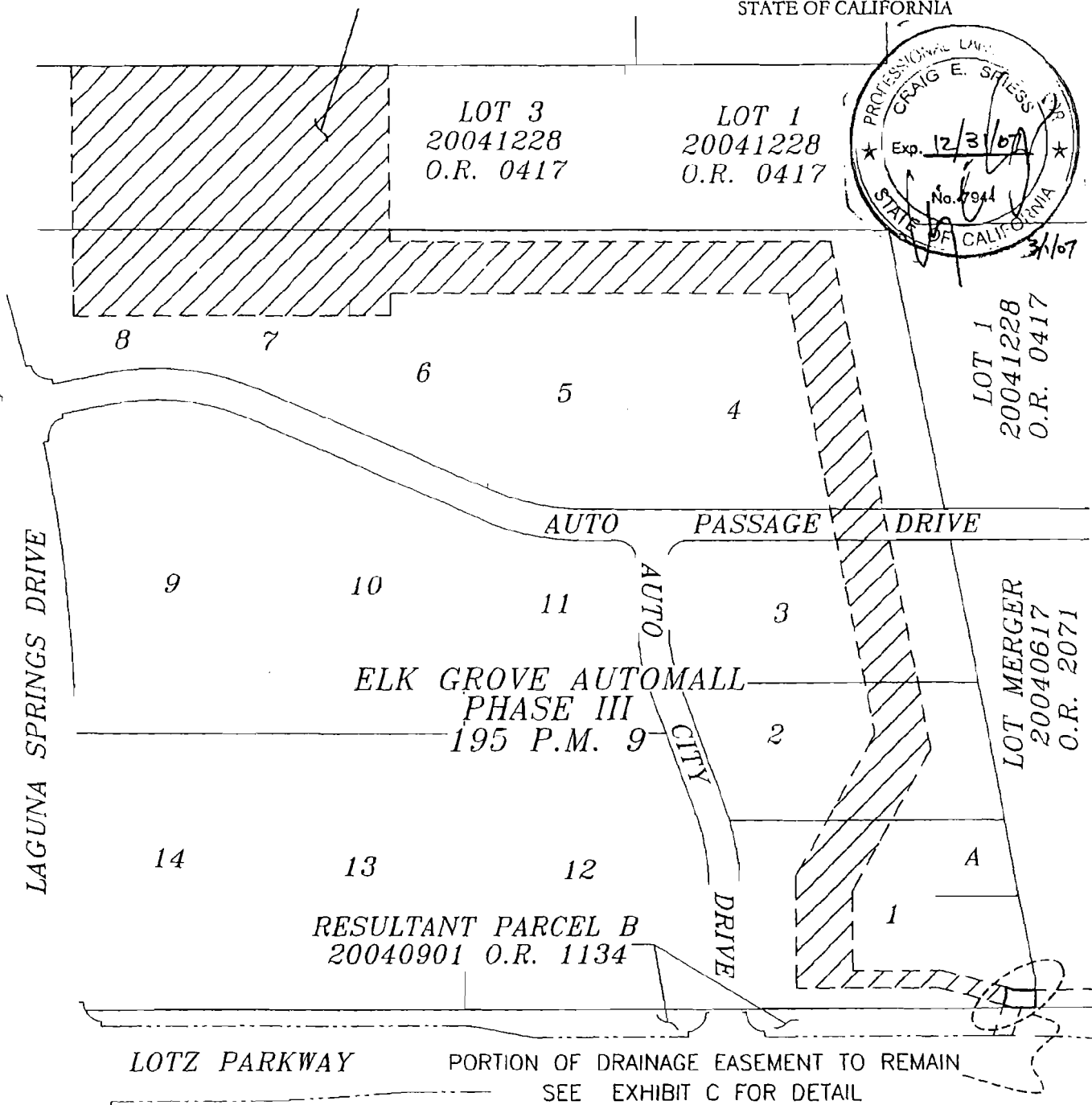
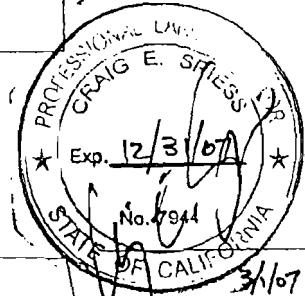
PREPARED BY WOOD RODGERS, INC
SACRAMENTO, CALIFORNIA

EXHIBIT B

PLAT TO ACCOMPANY
DESCRIPTION

PORTION OF
DRAINAGE EASEMENT
BEING ABANDONED

ELK GROVE AUTO MALL
ABANDONMENT OF
DRAINAGE EASEMENT
CITY OF ELK GROVE COUNTY OF SACRAMENTO
STATE OF CALIFORNIA



LOT 3
20041228
O.R. 0417

LOT 1
20041228
O.R. 0417

LOT 1
20041228
O.R. 0417

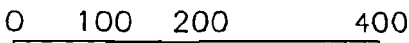
LOT MERGER
20040617
O.R. 2071

RESULTANT PARCEL B
20040901 O.R. 1134

LOTZ PARKWAY PORTION OF DRAINAGE EASEMENT TO REMAIN
SEE EXHIBIT C FOR DETAIL

RESULTANT PARCEL B
20040901 O.R. 1134

SEE DESCRIPTION FOR
COURSE INFORMATION



SCALE: 1" = 200'



WOOD RODGERS
ENGINEERING • MAPPING • PLANNING • SURVEYING

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

EXHIBIT C

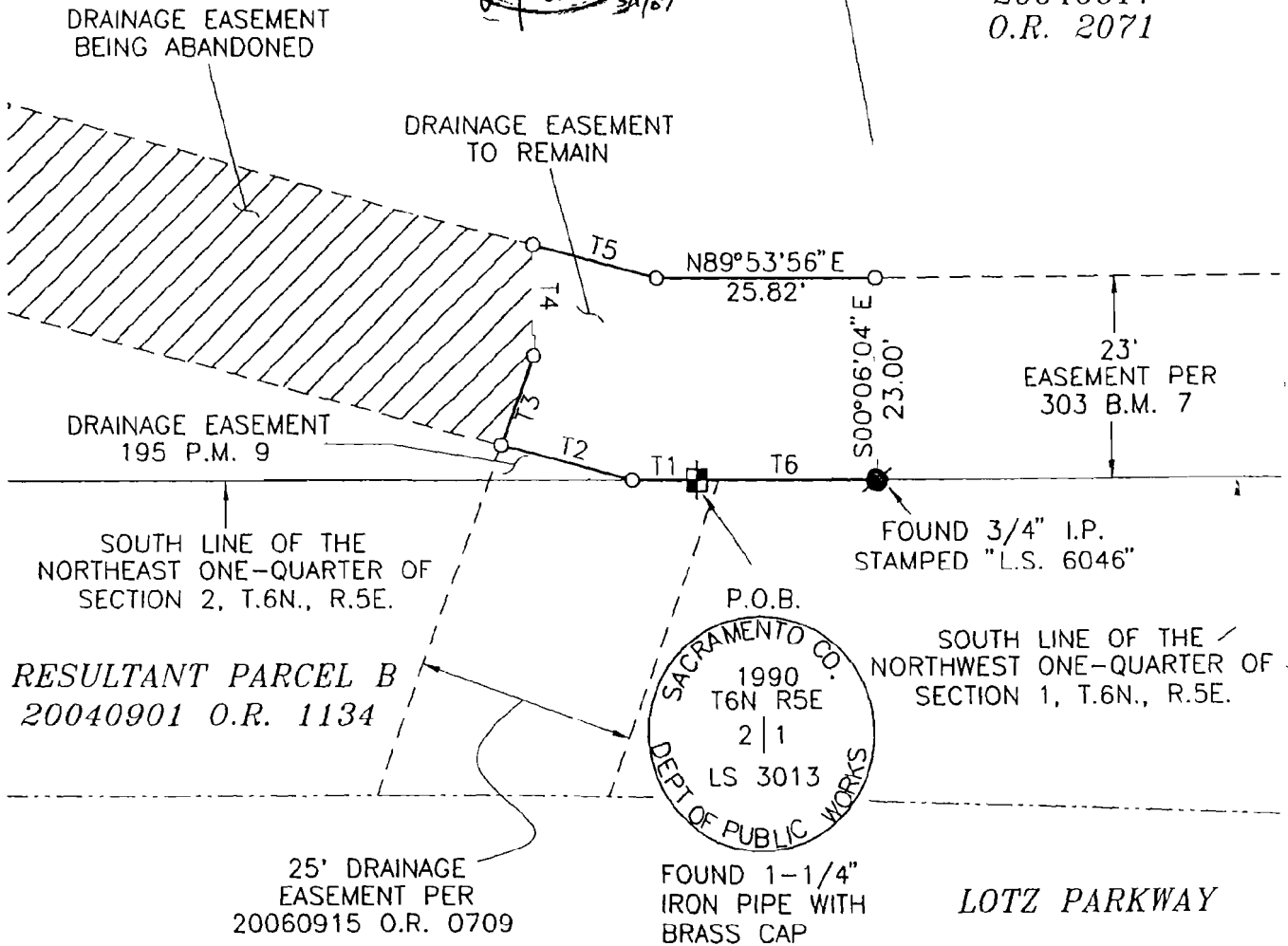
PLAT TO ACCOMPANY
DESCRIPTION

1
195 P.M. 9

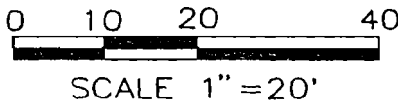


ELK GROVE AUTO MALL
ABANDONMENT OF
DRAINAGE EASEMENT
CITY OF ELK GROVE COUNTY OF SACRAMENTO
STATE OF CALIFORNIA

LOT MERGER
20040617
O.R. 2071



LINE	BEARING	DISTANCE
T1	S89°52'51"W	7.63'
T2	N75°15'41"W	15.42'
T3	N19°51'23"E	10.88'
T4	N00°06'04"W	12.59'
T5	S75°15'41"E	14.67'
T6	S89°53'56"W	21.18'



SEE DESCRIPTION FOR
COURSE INFORMATION



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. 2007-101

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

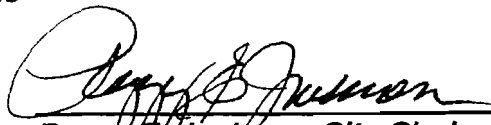
I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 9, 2007 by the following vote:

AYES : **COUNCILMEMBERS:** Cooper, Scherman, Davis, Leary, Hume

NOES: **COUNCILMEMBERS:** None

ABSTAIN : **COUNCILMEMBERS:** None

ABSENT: **COUNCILMEMBERS:** None



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

