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City of Elk Grove
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Elk Grove, CA 95758

Sacramento County Recorder
Craig A. Kramer, Clerk/Recorder
BOOK **20130227** PAGE **1258**
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JLW/14/1-6

Space above this line for Recorder's use

RESOLUTION NO. 2013-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE

RESOLUTION NO. 2013-26

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING THE ABANDONMENT OF THE REMAINING PORTION OF THE
EASEMENT FOR TRANSPORTATION AND DISTRIBUTION OF ELECTRICAL
ENERGY AS RESERVED FROM THE ABANDONMENT OF A PORTION OF WEST
STOCKTON BOULEVARD BY RESOLUTION NO. 2008-237**

WHEREAS, the City abandoned a portion of West Stockton Boulevard by Resolution No. 2008-237 and quitclaimed the underlying fee to adjacent developers of the Lent Ranch Marketplace; and

WHEREAS, the City reserved an easement for the transportation and distribution of electrical energy (Easement) described as "Easement No. 2" in Resolution No. 2008-237 for the purpose of maintaining an existing Sacramento Municipal Utility District (SMUD) 69kv (kilovolt) line that was located on pole lines; and

WHEREAS, the City has abandoned a portion of the Easement per Resolution No. 2010-237 over Parcels 1, 2, 3, 8 and 9 of Parcel Map titled "Parcel Map No, 08-009, Elk Grove Promenade-Lot G, (Promenade Square), leaving the remaining portion of the Easement within the abandoned West Stockton Boulevard adjacent to Lot A as shown on map titled "Subdivision No. 00-038.00, Lent Ranch Marketplace", filed in Book 372 Page 27 of Maps, records of Sacramento County which is part of the Lent Ranch Marketplace; and

WHEREAS, said 69kv (kilovolt) line has been relocated to towers in a new easement granted to Sacramento Municipal Utility District (SMUD) and the old poles have been removed within abandoned West Stockton Boulevard adjacent to Lot A; and

WHEREAS, the California Environmental Quality Act (CEQA), California Public Resources Code section 21000 et seq., and the CEQA guidelines, California Code of Regulations, Title 14, section 15000 et seq., ("CEQA Guidelines") require analysis of the environmental consequences that may flow from the approval of discretionary "projects"; and

WHEREAS, section 15305 of the State CEQA Guidelines provides an exemption from CEQA for projects that do not result in any change in land use or density on sites with less than twenty percent slope, such as lot line adjustments, minor encroachment permits, and reversion to acreage.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds that no further environmental review is required for the Project based upon the following finding:

Finding: No further environmental review is required pursuant to Section 15305 of the State CEQA Guidelines.

Evidence: The proposed action involves the abandonment of an easement for transportation and electrical transmission. The action would not increase the density of development in this area. The site is relatively flat. Therefore, the proposed action qualifies for the Section 15305 exemption and no further environmental review is required.

AND, BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove hereby finds:

- a. That the abandonment is being made under the Streets and Highway Code, Division 9, Part 3, Chapter 4, Summary Vacation Sections 8330 through 8336 inclusive; and
- b. This easement being abandoned is described in Exhibit "A" Legal Description and shown on Exhibit "B", plat to accompany Legal Description; and
- c. This easement being abandoned is superseded by relocation and there are no other public facilities within the easement; and
- d. This abandonment is consistent with the City General Plan and Section 65402 of the Government Code;

AND, BE IT FURTHER RESOLVED AND ORDERED that a portion of an easement for the transportation and distribution of electrical energy as described in Exhibit "A" and shown on Exhibit "B" is **hereby abandoned**;

AND, 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" and "B" 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 this 13th day of February 2013.


GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:


JASON LINDGREN, CITY CLERK


JONATHAN P. HOBBS,
CITY ATTORNEY

Exhibit "A"
Legal Description

**Abandonment of the remaining portion of an easement for transportation and
distribution of electrical energy described as
Easement No. 2 in Resolution No. 2008-237
City of Elk Grove, County of Sacramento, State of California**

That portion of 20 foot wide easement for the transportation and distribution of electrical energy and all uses incident thereto described as Easement No. 2 in Resolution No. 2008-237, in the City of Elk Grove, County of Sacramento, State of California filed in Book 20081110 Page 381, Official Records of Sacramento County bounded as follows:

On the northwest by the southeasterly line of Parcel 9, as shown on map titled "Parcel Map No. 08-009, Elk Grove Promenade-Lot G, (Promenade Square)" filed in Book 210 Page 20, of Parcel Maps, records of Sacramento County having a bearing and distance of North 52°04'42" East 46.00 feet and on the southeast by the northwesterly prolongation of the northeasterly line of Lot A as shown on "Subdivision No. 00-038.00, Lent Ranch Marketplace" filed in Book 372 Page 27, of Maps, records of said County having a bearing and distance of North 33°02'59" West 245.24 feet as described in Resolution No. 2008-237.

This Legal Description was prepared by me or under my direction pursuant to the requirements of the Professional Land Surveyor's Act.


Raymond Michael Manger
L.S. No. 5154
Registration Expires: June 30th 2013

Date

Exhibit "B"
Plat to accompany Legal Description

**Abandonment
Easement No. 2
Resolution No. 2008-237
(Book 20081110 Page 381)
City of Elk Grove
February 2013**

Hardesty Family Trust
PROMENADE PARKWAY
North Line SE 1/4
Section 12, T.6.N., R.5.E.

LEGEND:
Abandonment Area..... 

Center of Section 12

Lot F

Abandoned West Stockton
Boulevard per Resolution No. 2008-237

Abandoned portion of Easement No. 2 as
per Resolution No. 2010-237, Book 20101119
Page 544, Official Records



KYLER ROAD

PROMENADE PARKWAY

(210 PM 20)
8

STATE HIGHWAY 99

372 B.M. 27

Lot A

New Off Ramp

BILBY ROAD

N33°02'59"W 245.24'
(372 B.M. 27)

ELK GROVE PROMENADE

GRANTLINE ROAD

LENT RANCH PARKWAY

KAMMERER ROAD

STATE HIGHWAY 99

KAMMERER ROAD

CITY OF ELK GROVE - PUBLIC WORKS DEPARTMENT

ABANDONMENT
EASEMENT NO. 2

RESOLUTION NO. 2008-237



DRAWN BY: IJUNLI

IN: SCALLO

DATE: 01/13/2008

SHEET 1 OF 1

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2013-26

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


I, Jason Lindgren, 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 February 13, 2013 by the following vote:

AYES : **COUNCILMEMBERS:** *Davis, Detrick, Cooper, Hume, Trigg*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*


Jason Lindgren, City Clerk
City of Elk Grove, California