

RESOLUTION NO. 2020-075

**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 KAMMERER ROAD RECONSTRUCTION BIG
HORN BLVD TO LOTZ PARKWAY EXTENSION PROJECT (WTR017)
(REYNOLDS, LLC / FELETTO / CLARK – APN: 132-0151-013)
(NO FURTHER CEQA REVIEW REQUIRED)**

WHEREAS, improving and extending Kammerer Road between Lent Ranch Parkway and Bruceville Road is a priority to the City of Elk Grove and acquiring the necessary property interests to construct the Project is an important and necessary step in Kammerer Road Reconstruction Big Horn Blvd to Lotz Parkway Extension Project (WTR017) (“Project”); and

WHEREAS, the Project, including its improvements, is necessary to ensure that the roadway system operates at an acceptable level of service, to provide for efficient and safe traffic circulation and access, and to generally further public safety and the general community welfare in a manner consistent with the City’s General Plan; and

WHEREAS, it is necessary to acquire certain real property interests (“Property Interests”) for the construction, operation and maintenance of a right of way and related improvements as part of the Project; and

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

WHEREAS, the Property Interests which are the subject of this Resolution of Necessity consist of a fee interest for roadway purposes and an easement for public facilities and utilities, all of which are more particularly described and depicted in Exhibits “A-1,” “A-2,” “A-3,” “B-1,” “B-2,” and “B-3,” which are attached hereto and are incorporated herein. The Sacramento County Assessor has designated the Property Interests as a portion of APN 132-0151-013; and

WHEREAS, the Property Interests described in Exhibits “A-1,” “A-2,” “A-3,” “B-1,” “B-2,” and “B-3,” are required for a more necessary public use than the use to which the property is appropriated pursuant to California Code of Civil Procedure section 1240.610, *et seq.*; and

WHEREAS, the Property Interests are located entirely within the County of Sacramento and the County of Sacramento has granted authority to the City of Elk Grove to proceed in eminent domain over the subject project in its Resolution Number 2019-0371; and

WHEREAS, the Project is a project under California Environmental Quality Act (Section 21000 *et seq.* of the Public Resources Code, hereinafter referred to as CEQA), which requires that cities consider the environmental consequences of their actions before approving a project; and

WHEREAS, the potential environmental impacts of the Project were previously analyzed in the Capital SouthEast Connector – A1/A2 Kammerer Road Project (Kammerer Project), Initial Study/Mitigated Negative Declaration (State Clearinghouse #2018022061) and the Southeast Policy Area Special Planning Area (SEPA) (State Clearinghouse #2013042054) Environmental Impact Report (EIR); and

WHEREAS, the potential environmental impacts of the property acquisition, needed in support of the Capital SouthEast Connector – A1/A2 Kammerer Road Project (Kammerer Project), were previously disclosed and analyzed in an Initial Study/Mitigated Negative Declaration (State Clearinghouse #2018022061) by the Joint Powers Authority for the Capital SouthEast Connector (Connector JPA), who acted as the CEQA lead agency and the Initial Study resulted in approval of a Mitigated Negative Declaration and adoption of a Mitigation, Monitoring, and Reporting Program (MMRP) on December 14, 2018; and

WHEREAS, the Connector JPA acted as the CEQA lead agency for the Kammerer Project and the City is acting as the Responsible Agency for all portions of the Kammerer Project; and

WHEREAS, the potential environmental impacts of SEPA resulted in a determination that the project will not have a significant effect on the environment with implementation of the Mitigation Monitoring and Reporting Program (MMRP) and on July 9, 2014, the City of Elk Grove City Council, acting as the CEQA lead agency, certified the SEPA EIR, approved the project, and adopted the MMRP; and

WHEREAS, no substantial changes are proposed to either project and there are no substantial changes in circumstances or new information that would require revisions to the respective MMRPs or EIRs and therefore, no further environmental review is required under CEQA; and

WHEREAS, the City of Elk Grove has complied with the requirements of Government Code section 7267.2(a), in regard to the 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 March 25, 2020, and in accordance with the provisions of California 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.
2. Upon examination of the alternatives, the City of Elk Grove requires the Property Interests for the Project.
3. The City of Elk Grove is authorized to acquire the Property Interests pursuant to the provisions of California Government Code sections 37350.5, 40401 and 40404, Streets and Highways Code section 1810, and the provisions of California Eminent Domain Law comprising Title 7, Part 3 of the California Code of Civil Procedure (commencing at section 1230.010), including sections 1240.610, *et seq.*

4. Acquisition of the Property Interests for the Project purposes promotes public safety and the general welfare, is authorized by California Government Code section 37350.5, and is therefore a public use.
5. The City of Elk Grove hereby finds, determines and declares:
 - a. The public interest and necessity require the proposed Project;
 - 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;
 - c. The Property Interests described and depicted in Exhibits "A-1," "A-2," "A-3," "B-1," "B-2," and "B-3," are necessary for the purposes of construction, operation and maintenance of the proposed Project, and/or such acquisition is authorized pursuant to California Code of Civil Procedure section 1240.610, *et seq.*
 - d. Prior to making the above findings and determinations, the offer required by section 7267.2(a) of the California Government Code was made to the owner(s) of record of the property interests described and depicted in Exhibits "A-1," "A-2," "A-3," "B-1," "B-2," and "B-3."
6. The City Attorney, through the City Attorney's Office and/or outside legal counsel under the supervision of 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-1," "A-2," "A-3," "B-1," "B-2," and "B-3." 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.
7. The City Manager or designee shall disburse all funds required by the City Attorney to make any and all deposits to obtain possession of and title to the Property including but not limited to deposit of probable amount of compensation pursuant to California Code of Civil Procedure section 1255.010, *et seq.*

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 25th



STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

EXHIBIT "A-1"

No Fee Document – Per Government Code §6103 & §27383
No Documentary Transfer Tax – Per R&T Code §11922

Recording Requested By and When Recorded Return To:

City of Elk Grove
Attn: City Clerk
8401 Laguna Palms Way
Elk Grove, CA 95758

Mail Tax Statements To:

Reynolds, LLC
c/o Reynolds & Brown
1200 Concord Ave., Ste. 200
Concord, CA 94520
Attn: Dana G. Parry

Project Name: Kammerer Road Extension Project, Phase I
(WTR017)
APN: ptn. of 132-0151-013

The Above Space For Recorder's Use Only

GRANT DEED

The undersigned hereby declare Documentary transfer tax is \$ 0.00
[X] Unincorporated Area [] City of Elk Grove R&T Code §11922 Governmental agency acquiring title

FOR VALUABLE CONSIDERATION, receipt and sufficiency of which is hereby acknowledged, the **REYNOLDS, LLC, a California limited liability company, MARTIN L. FELETTO, an unmarried man, as his sole and separate property, and DONNA E. CLARK, a married woman as her sole and separate property** (“GRANTOR”), hereby grants to the **CITY OF ELK GROVE, a municipal corporation** (“GRANTEE”), all that certain real property situated in the City of Elk Grove, Unincorporated County of Sacramento, State of California, described as follows:

See Exhibit “A”, legal description, and Exhibit “B”, plat map, attached hereto and made a part hereof.

The property described in Exhibit “A” is for Public Street and Highway purposes to be known as Kammerer Road.

Executed this _____ day of _____, 20_____

GRANTOR: REYNOLDS, LLC, a California limited liability company, MARTIN L. FELETTO, an unmarried man, as his sole and separate property, and DONNA E. CLARK, a married woman as her sole and separate property

REYNOLDS, LLC, a California limited liability company

By: _____
Jon Q. Reynolds by Dana G. Parry, his
Attorney-in-Fact

By: _____
Print Name: Donna E. Clark

By: _____
Print Name: Martin L. Feletto

THIS TRANSACTION IS EXEMPT FROM CALIFORNIA DOCUMENTARY TRANSFER TAX PURSUANT TO SECTION 11922 OF THE CALIFORNIA REVENUE AND TAXATION CODE. THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUANT TO SECTIONS 6103 and 27383 OF THE CALIFORNIA GOVERNMENT CODE.

EXHIBIT "A-2"

EXHIBIT "A"
APN: 132-0151-013
FEE SIMPLE ACQUISITION

All that real property situated in the City of Elk Grove, County of Sacramento, State of California, more particularly described as follows:

All that portion of Section 14, Township 6 North, Range 5 East, Mount Diablo Meridian, being a portion of the lands of Reynolds, LLC., as described in Grant Deed recorded in Book 20021216, at Page 0364, Official Records of Sacramento County and being more particularly described as follows:

Beginning at the Northwest corner of said Reynolds, LLC. parcel also being the intersection of the North line of the Southeast One-Quarter of said Section 14, said North line also being the centerline of Kammerer Road, and the West line of said Reynolds, LLC. parcel, also being the West line of said Southeast One-Quarter of said Section 14; thence along said North line North 88°37'29" East, 2,596.41 feet to the Northeast corner and the East line of said Reynolds, LLC. parcel, said East line also being the East line of said Section 14; thence along said East line South 01°25'42" East, 132.54 feet; thence leaving said East line South 88°34'18" West, 43.00 feet; thence (course "A") North 01°25'42" West, 20.00 feet; thence (course "B") along a curve to the left with a radius of 35.00 feet, through a central angle of 89°31'11", having an arc length of 54.68 feet; subtended by a chord bearing North 46°11'17" West, 49.29 feet; thence (course "C") North 00°56'53" West, 10.00 feet; thence (course "D") South 89°03'07" West, 289.92 feet; thence (course "E") North 86°08'48" West, 250.88 feet; thence (course "F") South 89°03'07" West, 1171.08 feet; thence (course "G") South 87°54'27" West, 200.30 feet; thence (course "H") South 89°03'07" West, 155.71 feet; thence (course "I") South 86°53'05" West, 185.05 feet; thence (course "J") South 00°56'53" East, 17.00 feet; thence (course "K") South 89°03'07" West, 28.00 feet; thence (course "L") North 00°56'53" West, 7.00 feet; thence (course "M") South 89°03'07" West, 141.83 feet; thence (course "N") along a curve to the left with a radius of 35.00 feet, through a central angle of 90°16'45", having an arc length of 55.15 feet; subtended by a chord bearing South 43°54'44" West, 49.62 feet; thence (course "O") South 01°13'38" East, 23.07 feet; thence South 88°46'22" West, 62.47 feet to the West line of said Reynolds, LLC. parcel; thence along said West Line North 01°03'35" West, 107.37 feet to the said Point of Beginning, containing 2.829 acres more or less.

See Exhibit "B" attached hereto and made a part of this description.

End of Description

EXHIBIT "A"
APN: 132-0151-013
FEE SIMPLE ACQUISITION

The **Basis of Bearings** for this legal description is the centerline of Kammerer Road as shown on the Record of Survey filed in Book 91 of Surveys, at Page 18, of Official Records of Sacramento County.

Reserving unto the City of Elk Grove all rights of vehicular ingress and egress over the herein above described course "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", "M", "N" and "O".

This conveyance is made for the purpose of an access-controlled roadway and the grantor hereby releases and relinquishes to the grantee any and all abutters rights of access, appurtenant to grantors remaining property over and across the herein above described courses "A" through "O" inclusive, in and to said roadway.

This description has been prepared by me or under my direct supervision in conformance with the Professional Land Surveyors Act.

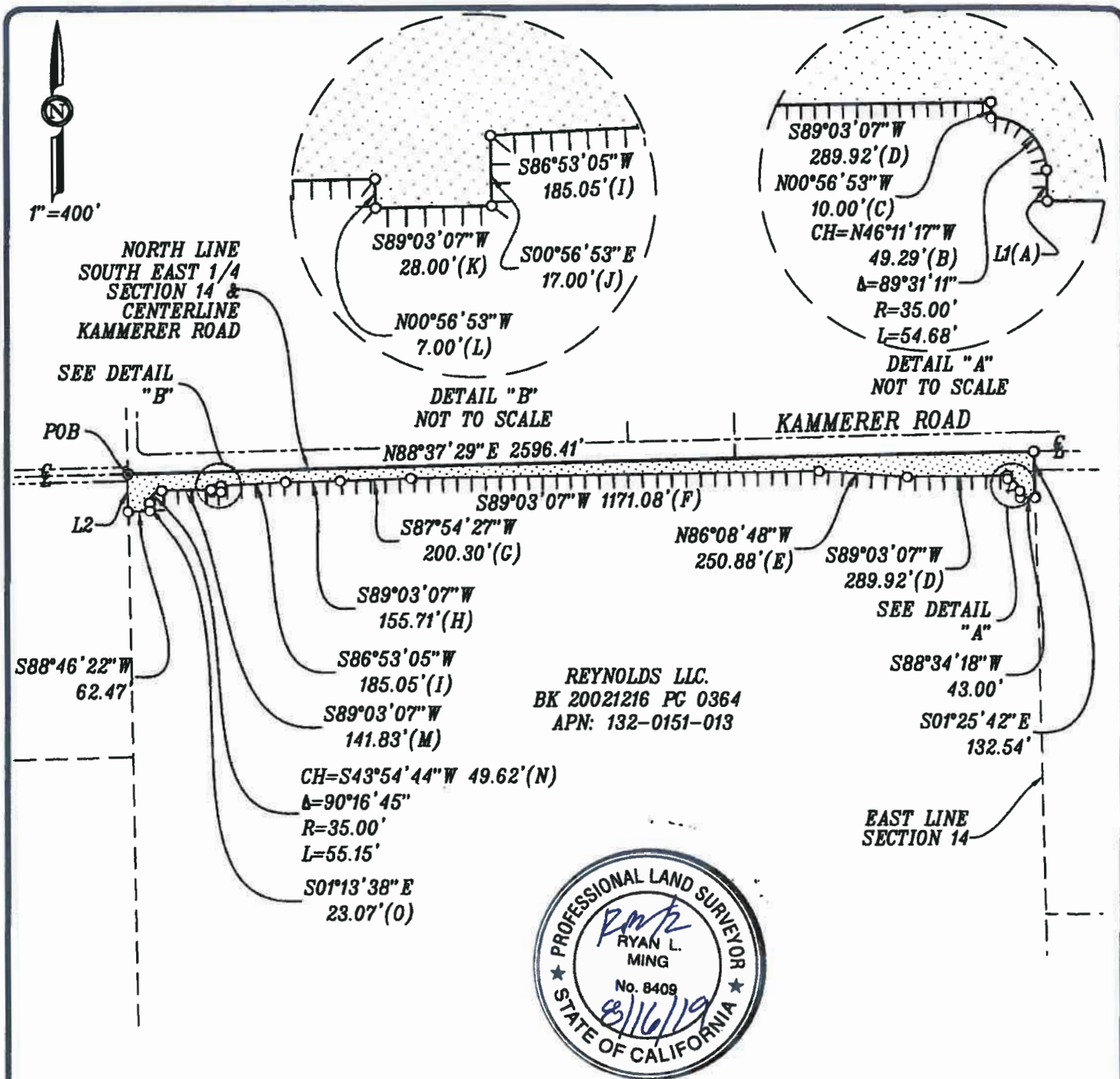


Ryan L Ming
P.L.S. 8409

8/16/19
Date



EXHIBIT "A-3"



LEGEND

FEE SIMPLE ACQUISITION 2.829 AC±

ACCESS PROHIBITED

APN.....ASSESSORS PARCEL NUMBER

BK.....BOOK

CL.....CENTERLINE

PG.....PAGE

POB.....POINT OF BEGINNING

ROW.....RIGHT OF WAY

LINE TABLE			
LINE	BEARING	DIST.	
L1	N01°25'42"W	20.00'	(A)
L2	N01°03'35"W	107.37'	

EXISTING MAINTAINED ROW.....1.192 AC±
FEE SIMPLE ACQUISITION.....1.637 AC±
TOTAL FEE SIMPLE ACQUISITION.....2.829 AC±

EXHIBIT B

FEE SIMPLE ACQUISITION

APN: 132-0151-013

UNICO
ENGINEERING

110 BLUE RAVINE RD SUITE 101 | FOLSOM, CA 95630
PHONE: 916.900.6623 | unicoengineering.com

EXHIBIT "B-1"

No Fee Document – Per Government Code §6103 & §27383
No Documentary Transfer Tax – Per R&T Code §11922

Recording Requested By and When Recorded Return To:

City of Elk Grove
Attn: City Clerk
8401 Laguna Palms Way
Elk Grove, CA 95758

Mail Tax Statements To:

Reynolds, LLC
c/o Reynolds & Brown
1200 Concord Ave., Ste. 200
Concord, CA 94520
Attn: Dana G. Parry

Project Name: Kammerer Road Extension Project, Phase I
(WTR017)
APN: 132-0151-013

The Above Space for Recorder's Use Only

GRANT OF EASEMENT
(for Public Facilities and Public Utilities)

The undersigned hereby declare Documentary transfer tax is \$ 0.00

[X] Unincorporated Area [] City of Elk Grove R&T Code §11922 Governmental agency acquiring title

FOR VALUABLE CONSIDERATION, receipt and sufficiency of which is hereby acknowledged, **REYNOLDS, LLC, a California limited liability company, MARTIN L. FELETTTO, an unmarried man, as his sole and separate property, and DONNA E. CLARK, a married woman as her sole and separate property** (“GRANTOR”) hereby grants to the **CITY OF ELK GROVE, a municipal corporation** (“GRANTEE”) an Easement for Public Facilities and Public Utilities (“Public Facilities and Public Utilities Easement”), inclusive of drainage facilities, multi-use paths, bus shelters, traffic signal facilities, traffic control devices and other signage including foundations, standards, conduit, installation and maintenance of electroliers (altogether “Public Facilities”), underground electrical lines, conduits, wires and cables, water, recycled water lines and gas pipes, sewer pipes, drainage pipes, television, telephone and communication services, appurtenances associated with the overhead public utilities pole line (does not include actual overhead public utilities pole line), including crossarms, braces, transformers, capacitors, switches, anchors, guy wires, guy stubs, and all other fixtures and appurtenances as City may deem necessary (altogether “Public Utilities”), and for other incidental purposes as deemed necessary by the City; all together with any and all appurtenances pertaining thereto, including the right to excavate, construct, reconstruct, repair, operate and forever maintain said Public Facilities and Public Utilities appertaining thereto, including a right-of-way over, upon and across all that real property situated in the City of Elk Grove, Unincorporated County of Sacramento, State of California, described as follows:

See Exhibit “A”, legal description and Exhibit “B”, plat to accompany legal description, attached hereto and made a part hereof.

Together with an overhead public utilities pole line (“Pole Line”), which shall be placed at the ultimate grade in connection with the ultimate roadway design, including the right to excavate, construct, reconstruct, repair, operate and forever maintain said Facilities and Pole Line appertaining thereto, including a right-of-way over, upon and across all that real property, situated in the City of Elk Grove, County of Sacramento, State of California, described as follows:

- 1.) The South 10.00 feet of the land described in Exhibit “A” and shown on Exhibit “B”, attached hereto and made a part hereof;**

Altogether with the right of ingress and egress from said Easement Areas, for the purposes of exercising and performing all of the rights and privileges herein granted.

The City, in its sole discretion, shall make the final determination as to where the Public Utilities will locate initially so that such location shall not conflict with the City's Public Facilities. Public Utilities shall receive approval of their joint trench location and design prior to locating and shall place Public Utilities at the ultimate grade in connection with the ultimate roadway design (City coordination is required).

Executed this _____ day of _____, 20__.

GRANTOR: REYNOLDS, LLC, a California limited liability company, MARTIN L. FELETTO, an unmarried man, as his sole and separate property, and DONNA E. CLARK, a married woman as her sole and separate property

REYNOLDS, LLC, a California limited liability company

By: _____
Jon Q. Reynolds by Dana G. Parry, his
Attorney-in-Fact

By: _____

Print Name: Martin L. Feletto

By: _____

Print Name: Donna E. Clark

EXHIBIT "A"
APN: 132-0151-013
PUBLIC FACILITIES &
PUBLIC UTILITY EASEMENT

All that real property situated in the City of Elk Grove, County of Sacramento, State of California, more particularly described as follows:

All that portion of Section 14, Township 6 North, Range 5 East, Mount Diablo Meridian, being a portion of the lands of Reynolds, LLC., as described in Grant Deed recorded in Book 20021216, at Page 0364, Official Records of Sacramento County and being more particularly described as follows:

Commencing at the Northwest corner of said Reynolds, LLC. parcel also being the intersection of the North line of the Southeast One-Quarter of said Section 14, said North line also being the centerline of Kammerer Road, and the West line of said Reynolds, LLC. parcel, also being the West line of said Southeast One-Quarter of said Section 14; thence along said West line South 01°03'35" East, 107.37 feet; thence leaving said West line North 88°46'22" East, 62.47 feet; thence North 01°13'38" West, 22.24 feet to the **True Point of Beginning**; thence North 89°03'07" East, 204.87 feet; thence North 83°20'29" East, 161.32 feet; thence North 86°53'05" East, 25.06 feet; thence North 89°03'07" East, 155.39 feet; thence North 87°54'27" East, 200.30 feet; thence North 89°03'07" East, 1169.21 feet; thence South 86°08'48" East, 250.88 feet; thence North 89°03'07" East, 325.25 feet; thence along a non-tangent curve to the left with a radius of 35.00 feet with a radial bearing of North 74°09'05" East, through a central angle of 75°05'58", having an arc length of 45.88 feet; subtended by a chord bearing North 53°23'54" West, 42.66 feet; thence North 00°56'53" West, 10.00 feet; thence South 89°03'07" West, 289.92 feet; thence North 86°08'48" West, 250.88 feet; thence South 89°03'07" West, 1171.08 feet; thence South 87°54'27" West, 200.30 feet; thence South 89°03'07" West, 155.71 feet; thence South 86°53'05" West, 185.05 feet; thence South 00°56'53" East, 17.00 feet; thence South 89°03'07" West, 28.00 feet; thence North 00°56'53" West, 7.00 feet; thence South 89°03'07" West, 141.83 feet; thence along a curve to the left with a radius of 35.00 feet, through a central angle of 90°16'45", having an arc length of 55.15 feet; subtended by a chord bearing South 43°54'45" West, 49.62 feet; thence South 01°13'38" East, 0.83 feet to the said True Point of Beginning, containing 2.054 acres more or less.


See Exhibit "B" attached hereto and made a part of this description.

End of Description

EXHIBIT "A"
APN: 132-0151-013
PUBLIC FACILITIES &
PUBLIC UTILITY EASEMENT

The **Basis of Bearings** for this legal description is the West line of the Southeast One-Quarter of Section 14 as shown on the Record of Survey filed in Book 91 of Surveys, at Page 18, of Official Records of Sacramento County.

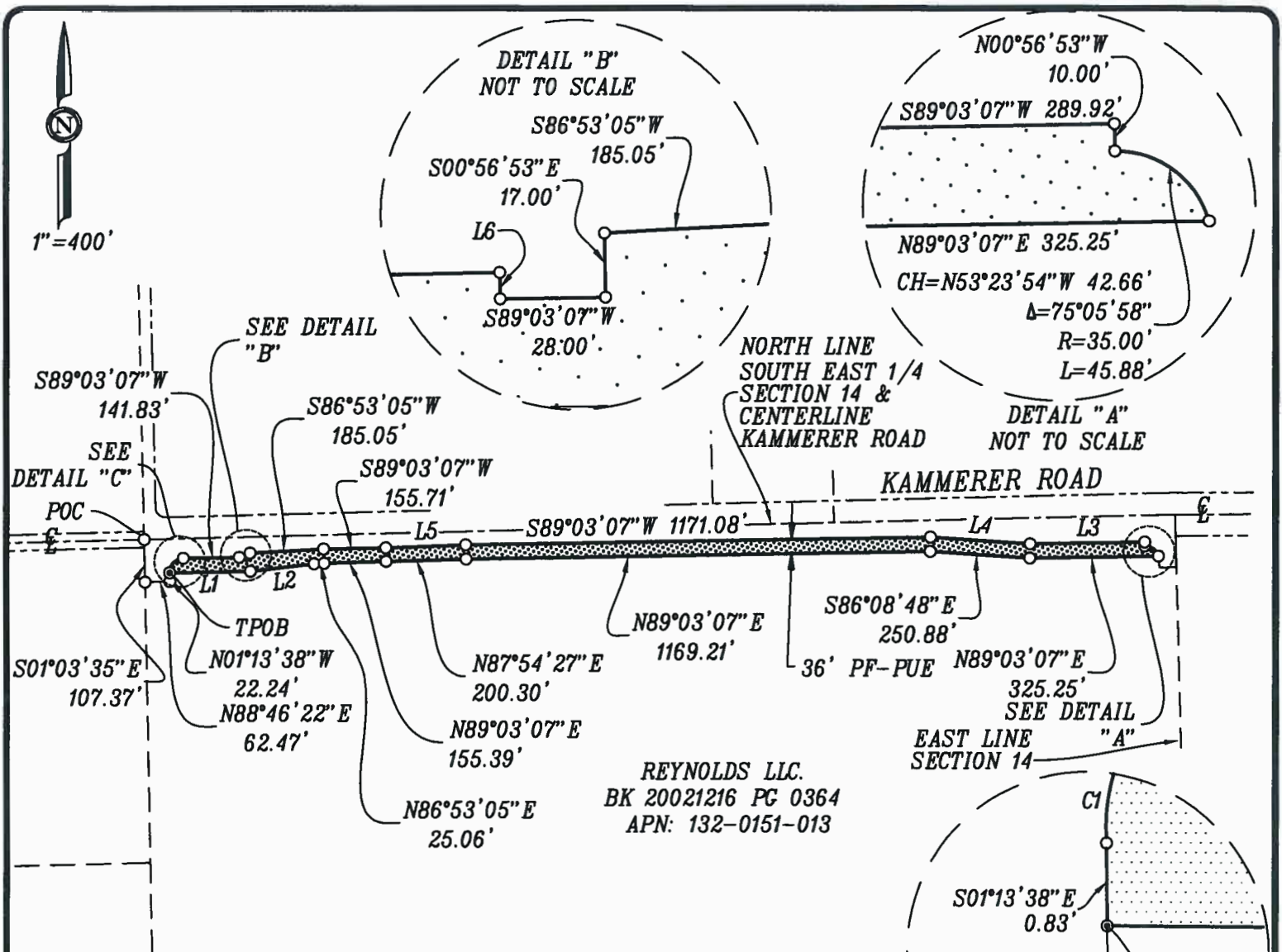
This description has been prepared by me or under my direct supervision in conformance with the Professional Land Surveyors Act.



Ryan L Ming, P.L.S. 8409

8/16/19
Date





LINE TABLE		
LINE	BEARING	DIST.
L1	N89°03'07" E	204.87'
L2	N83°20'29" E	161.32'
L3	S89°03'07" W	289.92'
L4	N86°08'48" W	250.88'
L5	S87°54'27" W	200.30'
L6	N00°56'53" W	7.00'

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	35'	90°16'45"	55.15'	S43°54'45" W 49.62'

LEGEND

- PUBLIC FACILITIES & PUBLIC UTILITY EASEMENT 2.054 AC±
- APN.....ASSESSORS PARCEL NUMBER
- BK.....BOOK
- ⊕.....CENTERLINE
- PG.....PAGE
- POC.....POINT OF COMMENCEMENT
- TPOB.....TRUE POINT OF BEGINNING
- ROW.....RIGHT OF WAY



**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2020-075**

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 March 25, 2020 by the following vote:

AYES: COUNCILMEMBERS: *Ly, Detrick, Hume, Nguyen, Suen*

NOES: COUNCILMEMBERS: *None*

ABSTAIN: COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*


**Jason Lindgren, City Clerk
City of Elk Grove, California**