

RESOLUTION NO. 2021-256

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING THE VACATION OF VISIBILITY EASEMENTS AND THE
RESTRICTION OF INGRESS/EGRESS RIGHTS OVER THE SHELL STATION WITH
7-ELEVEN AND STORAGE FACILITY AT BOND AND WATERMAN PROJECT
APNS 127-1030-008, 127-1030-009, AND 127-1030-010 (CEQA EXEMPT)**

WHEREAS, on March 27, 2008, the City approved the Bond & Waterman Retail Center parcel map (Parcel Map No. 07-049.00), filed for record in Book 206 of Parcel Maps, Page 20 of Sacramento County Records, which granted an exclusive right of vehicular ingress or egress to the City along the frontages of Bond Road and Waterman Road, except for driveway locations for the proposed development of the site; and

WHEREAS, the Bond & Waterman Retail Center parcel map also included the dedication of visibility easements adjacent to proposed driveway locations.; and

WHEREAS, the Retail Center project was halted and no improvements were made to the property; and

WHEREAS, the current owner and Applicant, Diede Family II LP, was recently approved for a conditional use permit and a major design review for a new project, the Bond and Waterman Shell with 7-Eleven and Storage Facility (EG 17-058) (Project); and

WHEREAS, the new Project plans propose different driveway locations from the previous project; and

WHEREAS, the proposed Conditions of Approval for the Project require the Applicant to complete abandonments of the visibility easements at defunct driveway locations and abandonments of access restrictions at previously proposed driveway locations; and

WHEREAS, the proposed vacations are exempt from CEQA under State CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption), which states that an activity is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA review; and

WHEREAS, based on staff's review of the vacations, no special circumstances exist that would create a reasonable possibility that approving the vacations will have a significant effect on the environment.

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

- a. That the Project is exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption); and

- b. The vacations of the visibility easements and access restrictions are being made under the Streets and Highway Code, Division 9, Part 3, Chapter 3, General Vacation Procedure Sections 8320 through 8325 inclusive; and
- c. The easements and restrictions being vacated are described and shown in the Legal Descriptions and Plats included as Exhibits A, B, C, and D, attached hereto and incorporated herein by reference; and
- d. The proposed vacations are consistent with the City's General Plan and with Section 65402 of the Government Code.

AND, BE IT RESOLVED AND ORDERED that the visibility easements and ingress/egress restrictions as described in Exhibit A, B, C, and D are hereby vacated;

AND, BE IT FINALLY RESOLVED that the City Clerk of the City of Elk Grove shall cause a certified copy of this Resolution of Vacation and the attached Exhibits A, B, C, and D, attested to 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 8th day of September 2021




BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

EXHIBIT "A"
ABANDONMENT OF
NO INGRESS OR EGRESS RIGHTS LINES

That certain real property situated in the State of California, County of Sacramento, City of Elk Grove, located in the Southeast quarter of Section 30, Township 7 North, Range 6 East, M.D.M., being more particularly described as follows:

LINE NO. 1:

That portion of Parcel 1, as shown on Parcel Map No. 07-049.00 "Bond & Waterman Retail Center", filed in the office of the Recorder of Sacramento County on April 1, 2008 in Book 206 of Parcel Maps, at Page 20, described as follows:

Commencing at the Southwest corner of said Parcel 1; thence, along the southerly boundary of said Parcel 1, the following two (2) courses: (1) North 88°19'28" East, 11.97 feet; and (2) South 89°45'56" East, 9.19 feet to the **POINT OF BEGINNING**; thence from said point of beginning, continuing along said southerly line, South 89°45'56" East, 16.63 feet to the **POINT OF ENDING**.

LINE NO. 2:

That portion of Parcel 1, as shown on Parcel Map No. 07-049.00 "Bond & Waterman Retail Center", filed in the office of the Recorder of Sacramento County on April 1, 2008 in Book 206 of Parcel Maps, at Page 20, described as follows:

Commencing at the Northeast corner of said Parcel 1; thence, along the easterly boundary of said Parcel 1, South 04°48'50" West, 63.71 feet to the **POINT OF BEGINNING**; thence from said point of beginning, continuing along said easterly boundary, South 04°48'50" West, 35.11 feet to the **POINT OF ENDING**.

See Exhibit "B" attached hereto and made a part hereof.

END OF DESCRIPTION

EXHIBIT "B"

PARCEL 4

" BOND & WATERMAN RETAIL CENTER"
206 P.M. 20

PARCEL 1

PARCEL 2

WATERMAN ROAD

BOND ROAD

POINT OF COMMENCEMENT

POINT OF BEGINNING

NO INGRESS OR EGRESS
RIGHTS LINE NO. 2
TO BE ABANDONED
POINT OF ENDING

POINT OF COMMENCEMENT

NO INGRESS OR EGRESS
RIGHTS LINE NO. 1
TO BE ABANDONED

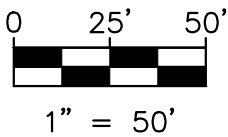
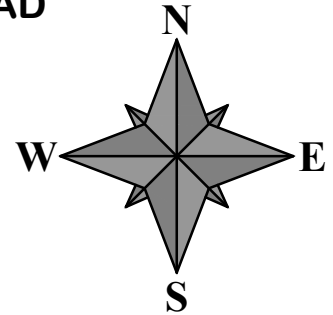
POINT OF ENDING

POINT OF BEGINNING

N88°19'28"E 11.97'
S89°45'56"E 9.19'

S89°45'56"E
16.63'

63.71'
98.82'
S04°48'50"W



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**EXHIBIT "B" - ABANDONMENT OF
NO INGRESS OR EGRESS RIGHTS LINES
PARCEL 1, 206 P.M. 20
CITY OF ELK GROVE, COUNTY OF SACRAMENTO
STATE OF CALIFORNIA**

SCALE: 1"=50'
DATE: 02/17/2021
SHEET 1 OF 1

EXHIBIT "C"
ABANDONMENT OF VISIBILITY EASEMENTS

That certain real property situated in the State of California, County of Sacramento, City of Elk Grove, located in the Southeast quarter of Section 30, Township 7 North, Range 6 East, M.D.M., being more particularly described as follows:

EASEMENT NO. 1:

That portion of Parcel 2, as shown on Parcel Map No. 07-049.00 "Bond & Waterman Retail Center", filed in the office of the Recorder of Sacramento County on April 1, 2008 in Book 206 of Parcel Maps, at Page 20, described as follows:

Commencing at the Southeast corner of said Parcel 2; thence, along the southerly boundary of said Parcel 2, South 88°19'28" West, 20.98 feet to a point located on the easterly line of an existing Visibility Easement, said point being the **POINT OF BEGINNING**; thence from said point of beginning, continuing along said southerly boundary, South 88°19'28" West, 11.34 feet to the northwesterly line of said Visibility Easement; thence, along last said northwesterly and easterly lines, the following two (2) courses: (1) North 35°24'26" East, 18.80 feet; and (2) South 01°40'32" East, 15.00 feet to the **POINT OF BEGINNING**; containing 85 square feet, more or less.

EASEMENT NO. 2:

That portion of Parcel 1, as shown on Parcel Map No. 07-049.00 "Bond & Waterman Retail Center", filed in the office of the Recorder of Sacramento County on April 1, 2008 in Book 206 of Parcel Maps, at Page 20, described as follows:

Commencing at the Southwest corner of said Parcel 1; thence, along the southerly boundary of said Parcel 1, the following two (2) courses: (1) North 88°19'28" East, 11.97 feet; and (2) South 89°45'56" East, 9.19 feet to a point located on the westerly line of an existing Visibility Easement, said point being the **POINT OF BEGINNING**; thence from said point of beginning, along said westerly line, North 00°14'04" East, 15.00 feet; thence, along the northeasterly line of said Visibility Easement South 37°20'25" East, 18.93 feet to said southerly boundary; thence, along said southerly boundary, North 89°45'56" West, 11.54 feet to the **POINT OF BEGINNING**; containing 87 square feet, more or less.

EASEMENT NO. 3:

That portion of Parcel 4, as shown on Parcel Map No. 07-049.00 "Bond & Waterman Retail Center", filed in the office of the Recorder of Sacramento County on April 1, 2008 in Book 206 of Parcel Maps, at Page 20, described as follows:

Commencing at the Southeast corner of said Parcel 4; thence, along the easterly boundary of said Parcel 4, North 04°48'50" East, 5.78 feet to a point located on the southerly line of an existing Visibility Easement, said point being the **POINT OF BEGINNING**; thence from said point of beginning, along last said southerly line, North 85°11'10" West, 15.00 feet; thence, along the northwesterly line of said Visibility

Easement, North 58°06'06" East, 18.71 feet to said easterly boundary of Parcel 1; thence, along said easterly boundary, South 04°48'50" West, 11.19 feet to the **POINT OF BEGINNING**; containing 84 square feet, more or less.

EASEMENT NO. 4:

That portion of Parcel 1, as shown on Parcel Map No. 07-049.00 "Bond & Waterman Retail Center", filed in the office of the Recorder of Sacramento County on April 1, 2008 in Book 206 of Parcel Maps, at Page 20, described as follows:

Commencing at the Northeast corner of said Parcel 1; thence, along the easterly boundary of said Parcel 1, South 04°48'50" West, 36.70 feet to a point located on the northerly line of an existing Visibility Easement, said point being the **POINT OF BEGINNING**; thence from said point of beginning, continuing along said easterly boundary, South 04°48'50" West, 11.33 feet to the southwesterly line of said Visibility Easement; thence, along last said southwesterly and northerly lines, the following two (2) courses: (1) North 48°07'41" West, 18.80 feet; and (2) South 85°11'10" East, 15.00 feet to the **POINT OF BEGINNING**; containing 85 square feet, more or less.

See Exhibit "B" attached hereto and made a part hereof.

END OF DESCRIPTION

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2021-256

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 September 8, 2021 by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Hume, Spease, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Ngyuen*



Jason Lindgren, City Clerk
City of Elk Grove, California