

RESOLUTION NO. 2005-277

**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**

**John M. Jackson, Jr., John M. Jackson, Sr. and John M. Jackson, Sr. and
Claudine Jackson, Trustees of the John and Claudine Jackson Family
Portion of APN 134-0510-032**

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 134-0510-032 ("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

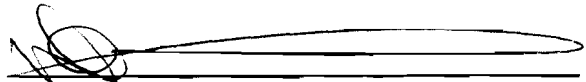
WHEREAS, as a result of the hearing held on September 14, 2005, and in accordance with the provisions of Code of Civil Procedure section 1245.235, the City Council of the City of Elk Grove intends to make certain findings and determinations.

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, 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; and

- f. Access onto East Stockton Boulevard will be restored to the Property via acquisition of a non-exclusive, appurtenant, ingress and egress easement under Code of Civil Procedure section 1240.350 upon approval of the Resolution of Necessity concerning 10519 East Stockton Boulevard, Elk Grove, CA, APR No. 134-0510-034.
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 1

City Parcels 04-15-40-A & -C
In or near APN 134-0510-032

A part of Parcel 1 of *Jackson/Ekstrom Business Center* shown on the map filed December 31, 2002, in Book 169 of Parcel Maps, at Page 21, Sacramento County Records, located in the City of Elk Grove, County of Sacramento, State of California, and more particularly described as follows:

BEGINNING at the northerly corner of said Parcel 1 on the centerline of Grant Line Road as shown on said map; thence along the northeasterly boundary of said Parcel 1, South40°50'15"East a distance of 24.384 meters to a line parallel with and distant 24.384 meters southeasterly, measured at right angles, from said centerline of Grant Line Road; thence along said parallel line, South49°11'07"West a distance of 67.074 meters to the southwesterly boundary of said Parcel 1; thence along said southwesterly boundary, North40°50'46"West a distance of 24.384 meters to said centerline of Grant Line Road; thence along said centerline, North49°11'07"East a distance of 67.078 meters to the **POINT OF BEGINNING**.

Containing an area of 0.16356 hectares (17,605 square feet or 0.4042 acres), more or less.

This conveyance is made for the purpose of a roadway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights of vehicular access, appurtenant to grantor's remaining property, over and across the course described above having a length of 67.074 meters, excepting therefrom a permitted vehicular access over and across the southwesterly 3.048 meters of last said course.

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±.

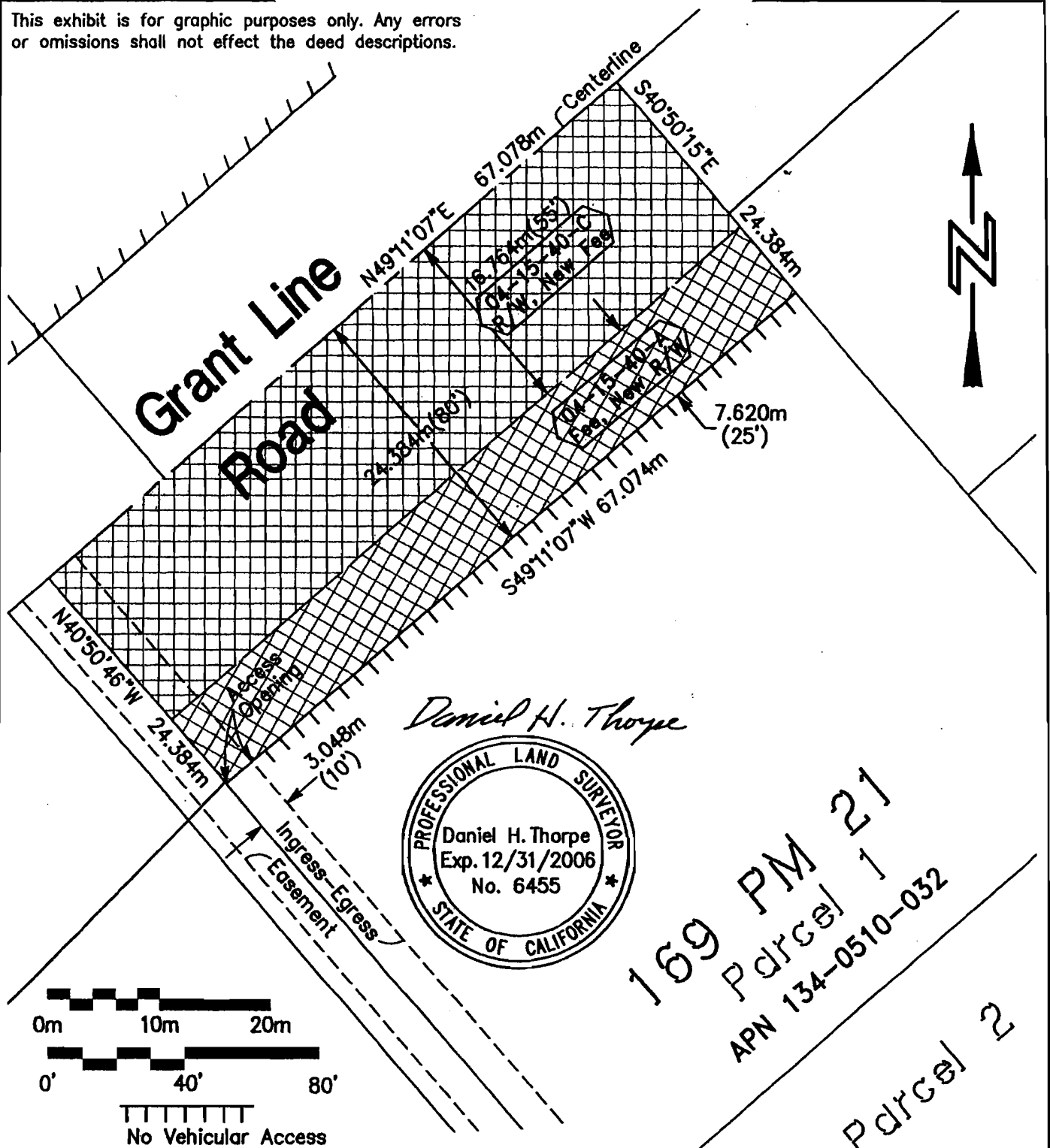
This real property description has been prepared at Mark Thomas & Co. Inc., by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Daniel H. Thorpe
Daniel H. Thorpe
Professional Land Surveyor
California No. 6455

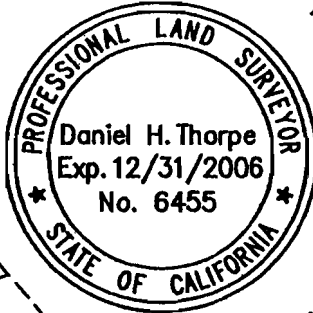


March 9, 2005
Date

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

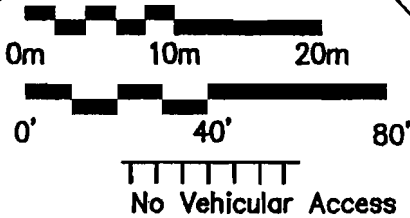


Daniel H. Thorpe



169 PM 21
Parcel 1
APN 134-0510-032

Parcel 2



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.



IN THE CITY OF ELK GROVE
SACRAMENTO COUNTY, CALIFORNIA
CITY PARCELS 04-15-40-A & -C



Scale 1 : 500
Date 29-Jun-2005
Drawn By Stanley
Checked By Thorpe

EXHIBIT B Plat to Accompany Legal Description
Fee Take of 0.16356±hectares
(17,605±sq.ft. or 0.4042±acres) in
APN 134-0510-032

Exhibits A-1 and B-1

Exhibit 'A-1' Page 1 of 2

City Parcel 04-15-40-B
In APN 134-0510-032

A 3.810 meter wide strip of land in Parcel 1 of *Jackson/Ekstrom Business Center* shown on the map filed December 31, 2002, in Book 169 of Parcel Maps, at Page 21, Sacramento County Records, located in the City of Elk Grove, County of Sacramento, State of California, and more particularly described as follows:

COMMENCING at the northerly corner of said Parcel 1 on the centerline of Grant Line Road as shown on said map; thence along the northeasterly boundary of said Parcel 1, South40°50'15"East a distance of 24.384 meters to the **POINT OF BEGINNING** on a line parallel with and distant 24.384 meters southeasterly, measured at right angles, from said centerline of Grant Line Road; thence along said northeasterly boundary, South40°50'15"East a distance of 3.810 meters; thence South49°11'07"West a distance of 67.074 meters to the southwesterly boundary of said Parcel 1; thence along said southwesterly boundary, North40°50'46"West a distance of 3.810 meters to said parallel line; thence along said parallel line, North49°11'07"East a distance of 67.074 meters to the **POINT OF BEGINNING**.

Containing an area of 0.02555 hectares (2,751 square feet or 0.0631 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

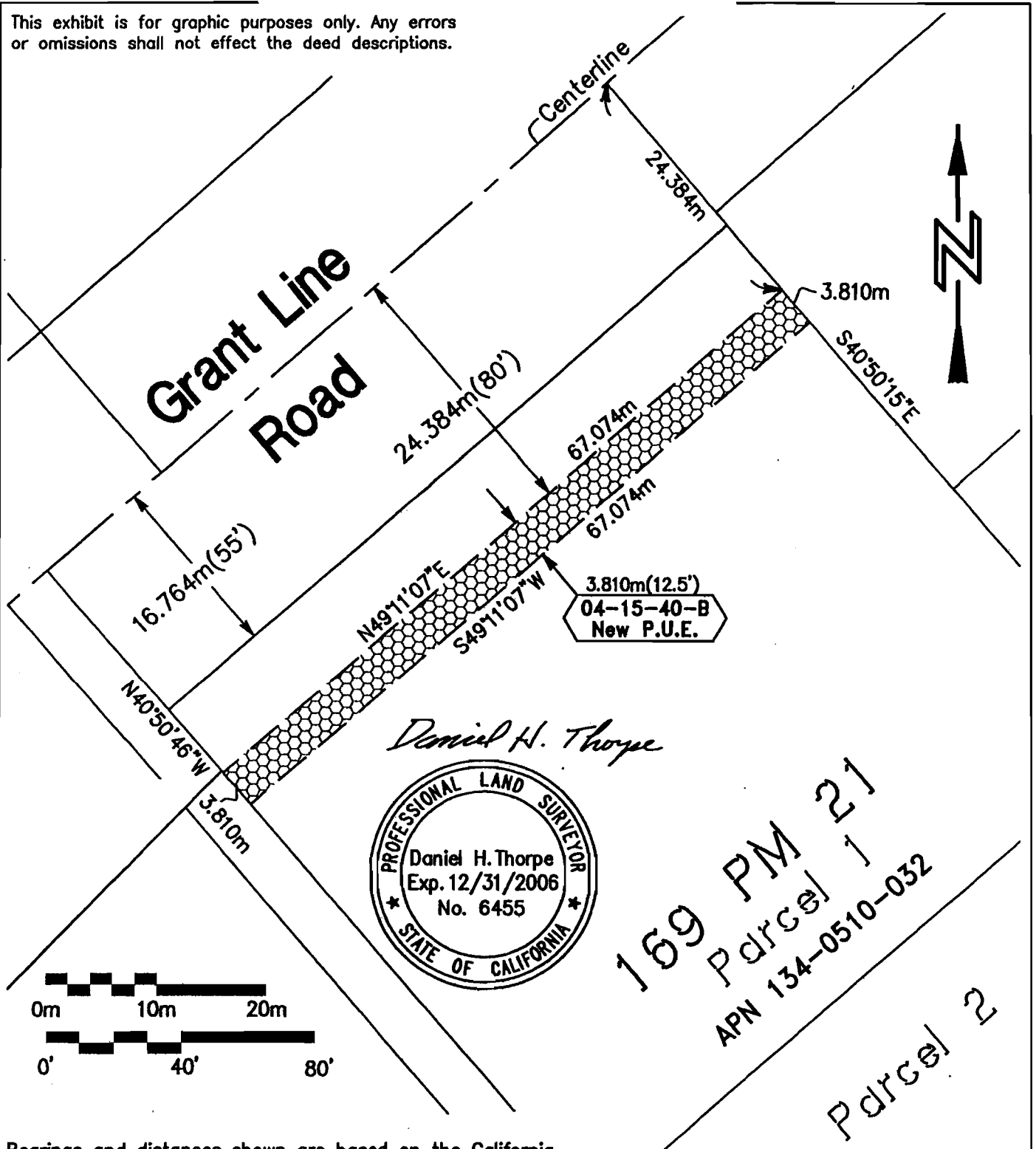


March 9, 2005
Date

EXHIBIT "A-1"
Public Utility Easement
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.



Daniel H. Thorpe

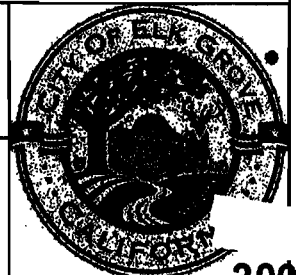


169 PM 21
Parcel 1
APN 134-0510-032
Parcel 2

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.



IN THE CITY OF ELK GROVE
SACRAMENTO COUNTY, CALIFORNIA
CITY PARCEL 04-15-40-B



Scale 1 : 500
Date 29-Jun-2005
Drawn By Stanley
Checked By Thorpe

EXHIBIT B Plat to Accompany Legal Description
Public Utility Easement of 0.02555±hectares
(2,751±sq.ft. or 0.0631±acres) in
APN 134-0510-032

Exhibit 'A-2' Page 1 of 2

City Parcel 04-15-40-D
In APN 134-0510-032

A part of Parcel 1 of *Jackson/Ekstrom Business Center* shown on the map filed December 31, 2002, in Book 169 of Parcel Maps, at Page 21, Sacramento County Records, located in the City of Elk Grove, County of Sacramento, State of California, and more particularly described as follows:

COMMENCING at the northerly corner of said Parcel 1 on the centerline of Grant Line Road as shown on said map; thence along the northeasterly boundary of said Parcel 1, South40°50'15"East a distance of 24.384 meters to the **POINT OF BEGINNING** on a line parallel with and distant 24.384 meters southeasterly, measured at right angles, from said centerline of Grant Line Road, and thence South40°50'15"East a distance of 3.810 meters; thence South49°11'07"West a distance of 56.192 meters; thence South40°48'53"East a distance of 8.687 meters; thence South49°11'07"West a distance of 7.829 meters; thence South40°50'46"East a distance of 4.302 meters; thence South49°09'14"West a distance of 3.048 meters to the southwesterly boundary of said Parcel 1; thence along last said boundary, North40°50'46"West a distance of 16.800 meters to said parallel line; thence along said parallel line, North49°11'07"East a distance of 67.074 meters to the **POINT OF BEGINNING**.

Containing an area of 0.03632 hectares (3,909 square feet or 0.0897 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
Daniel H. Thorpe
Professional Land Surveyor
California No. 6455

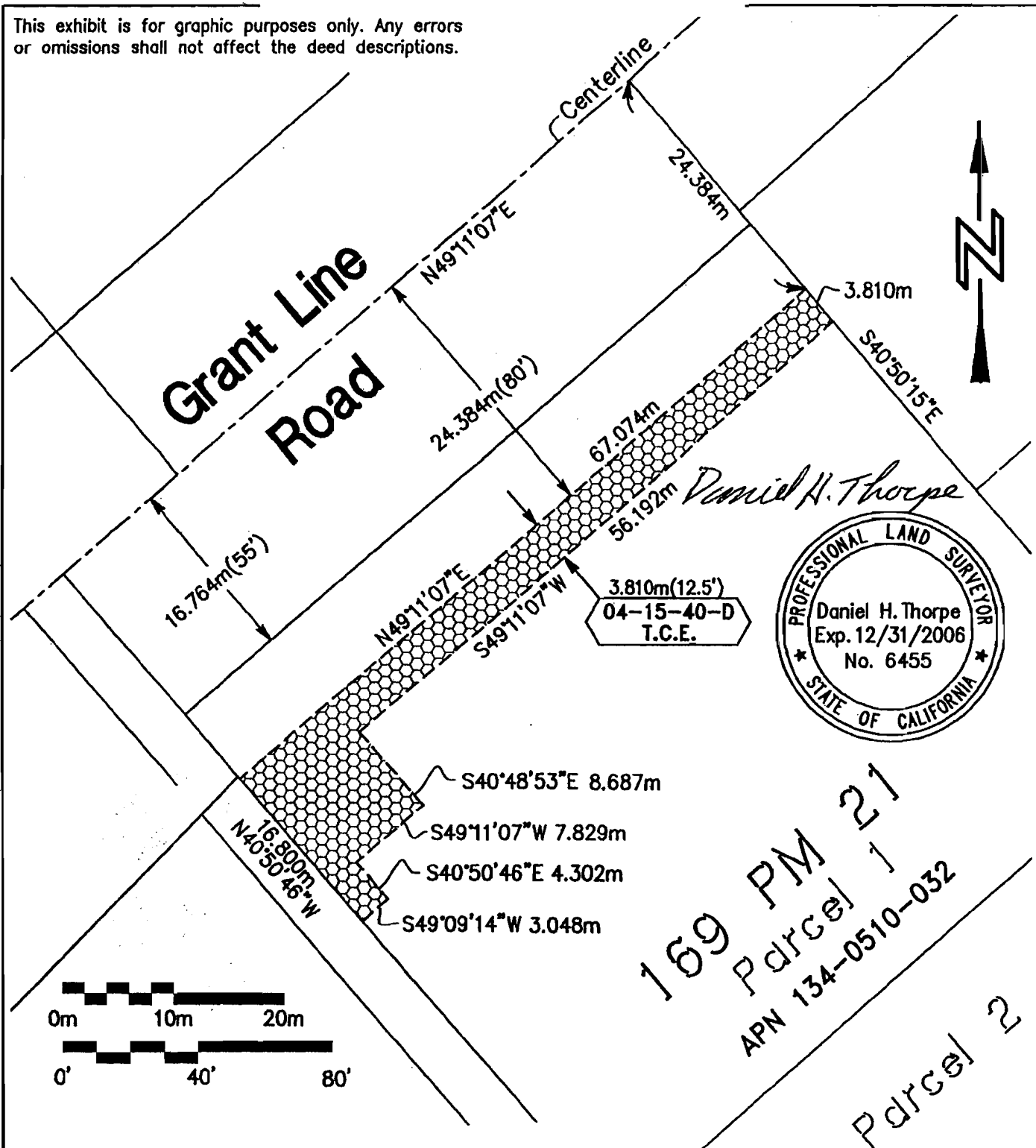


May 17, 2005
Date

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.

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Daniel H. Thorpe
 PROFESSIONAL LAND SURVEYOR
 Daniel H. Thorpe
 Exp. 12/31/2006
 No. 6455
 STATE OF CALIFORNIA

169 PM 21
 Parcel 1
 APN 134-0510-032
 Parcel 2

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.

mt Mark Thomas & Company Inc.
 Scale 1 : 500
 Date 17-May-2005
 Drawn By Stanley
 Checked By Thorpe

IN THE CITY OF ELK GROVE
 SACRAMENTO COUNTY, CALIFORNIA
 CITY PARCEL 04-15-40-D
EXHIBIT B Plat to Accompany Legal Description
 Temporary Construction Easement of 0.03632±hectares
 (3,909±sq.ft. or 0.0897±acres) in
 APN 134-0510-032



**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-277**

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

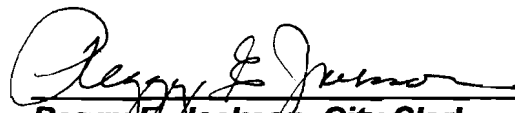
I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 14th day of September, 2005 by the following vote:

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**

