

RESOLUTION NO. 2005-285

**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
S.E.S. Council Jose Da Costa No. 76
Portion of APN 134-0600-013**

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 134-0600-013 ("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-1 and B-1, which are attached hereto and incorporated herein, and any and all access rights onto East Stockton Boulevard; and

WHEREAS, the City of Elk Grove intends to provide substitute access onto the newly re-aligned East Stockton Boulevard following construction of the Project;

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.

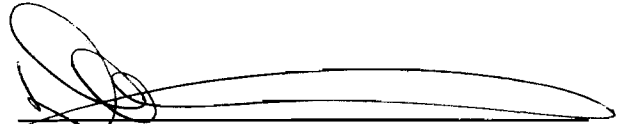
NOW, THEREFORE, be it resolved by the City Council of the City of Elk Grove as follows:

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, 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 Temporary Construction Easement described in Exhibit A-1 and A-2 and depicted in Exhibit B-1 and B-2, and any and all access rights onto East Stockton Boulevard, is necessary for the purposes of construction, operation and maintenance of the proposed Project; and
 - d. Substitute access will be provided onto the newly re-aligned East Stockton Boulevard following construction of the Project; and
 - e. 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-1 and A-2 and B-1 and B-2; and
 - f. 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.

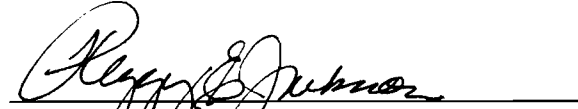
6. The City Attorney is hereby authorized and directed to prepare, commence and prosecute proceedings in eminent domain in the appropriate court to acquire for the City of Elk Grove the Property interests described and depicted in Exhibits A-1 and A-2 and B-1 and B-2. The City Attorney is further authorized 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 Parcel 04-15-20-D
In APN 134-0600-013

Located in the City of Elk Grove, County of Sacramento, State of California, being a part of the Northwest Quarter-section of Section 18, Township 6 North, Range 6 East, Mount Diablo Meridian, and more particularly described as follows:

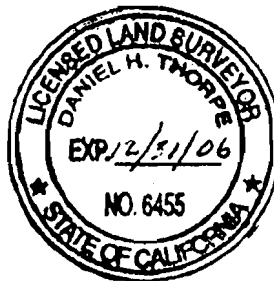
BEGINNING on the northerly line of said Northwest Quarter-section of Section 18, at the intersection with the northeasterly line of the road right of way described in the Right of Way Deed recorded February 15, 1978, in Book 780215 Page 819, Official Records of Sacramento County; thence along said northerly line of Section 18, North $89^{\circ}42'56''$ East a distance 0.615 meters to the northeasterly line of the 3.048 meter (10') wide strip of land described in the Sewer Easement recorded May 13, 1962, in Book 4672 Page 893, Official Records of Sacramento County; thence along the last said line, South $37^{\circ}55'23''$ East a distance of 17.642 meters, and thence South $43^{\circ}21'13''$ East a distance of 91.108 meters, and thence South $52^{\circ}25'03''$ East a distance of 59.483 meters to the northwesterly boundary of Excepted Parcel 2 described in the Grant Deed recorded December 13, 1976, in Book 761213 Page 677, Official Records of Sacramento County; thence along said northwesterly boundary, South $31^{\circ}43'07''$ West a distance of 3.064 meters to the northeasterly line of the frontage road (now known as East Stockton Boulevard) shown on the map filed April 29, 1958, in State Highway Map Book 4 at Page 26, Sacramento County Records; thence along last said line, North $52^{\circ}25'03''$ West a distance of 30.712 meters to said northeasterly line of the road right of way described in the Right of Way Deed; thence along the last said line, along a non-tangent curve to the right having a radius of 537.846 meters, a chord bearing North $44^{\circ}20'25''$ West 120.229 meters, through a central angle of $12^{\circ}50'04''$ an arc length of 120.480 meters to a point of tangency, and thence North $37^{\circ}55'23''$ West a distance of 18.162 meters to the **POINT OF BEGINNING**.

Containing an area of 0.03749±hectares (4,036±square feet or 0.0926±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±.

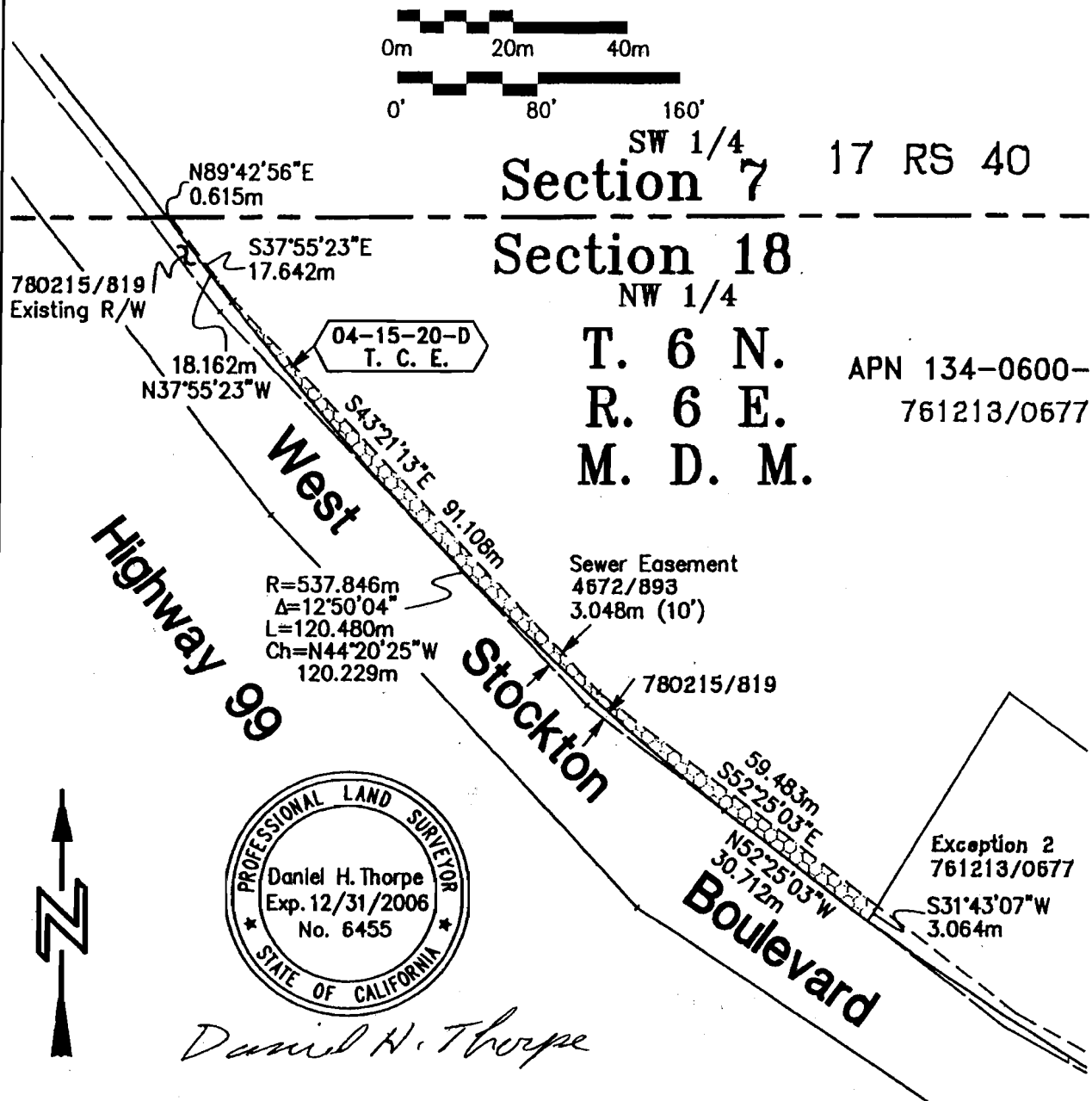
This real property description has been prepared at Mark Thomas & Co. Inc., by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

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



May 17, 2005
Date

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



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.

Easement Expires: 12/31/2007

<p>Mark Thomas & Company Inc.</p>	<p>IN THE CITY OF ELK GROVE SACRAMENTO COUNTY, CALIFORNIA PARCEL 04-15-20-D</p>	
<p>Scale 1 : 1000 Date 17-May-2005 Drawn By Stringer Checked By Thorpe</p>	<p>EXHIBIT B Plat to Accompany Legal Description Temporary Construction Easement of 0.03749± hectares (4,036±sq.ft. or 0.0926±acres) in APN 134-0600-013</p>	

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-285**

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

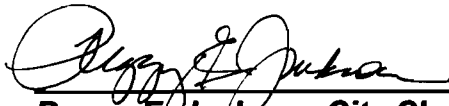
I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 14th day of September, 2005 by the following vote:

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**

