

RESOLUTION NO. 2005-378

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

WHEREAS, improving Grant Line Road State Route 99 Interchange is a high priority in the City of Elk Grove Transportation Capital Improvement Program ("Project") 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 said Project, it is necessary to acquire certain real property interests ("Property") for the construction, operation and maintenance of a right of way, and related improvements along East Stockton 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 Properties, which are the subject of this Resolution of Necessity consists of three parcels as listed in the attached table marked Exhibit 1. A description of each of the property interests to be acquired are attached to Exhibit 1 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 of Elk Grove's City Council certifying the Environmental Impact Report for the Grant Line Road State Route 99 Interchange Reconstruction Project on April 7, 2004; and

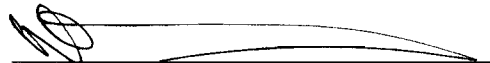
WHEREAS, the City of Elk Grove has complied with the requirements of Government Code section 7267.2, in regards to acquisition of the Property by making an offer to purchase to the known owner(s) of record; and

WHEREAS, as a result of the hearing held on December 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 hereby 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 for the Project;
3. The City of Elk Grove is authorized to acquire the Property pursuant to the provisions of Government Code section 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);
4. Acquisition of the Property for Project purposes promotes public safety and the general welfare is authorized by Government Code section 37350.5, 37353, 40401 and 40414, 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. Each of the property interests described and depicted in Exhibit 1 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 Exhibit 1.
 - e. The subject 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 subject 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 subject property is a more necessary public use than the use to which the subject 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 Exhibit 1. 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 on this 14th day of December, 2005.



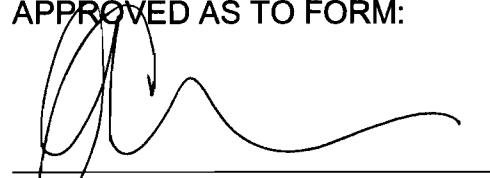
DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

EXHIBIT 1

#	APN	Owner's Name	Type of Take
1	134-0220-025	Peter F. Dongelmans and Maria J. Dongelmans, and successors in trust, Trustees of the Dongelmans Family Trust	Partial Take
2	134-0220-023	James S. Hull, Hull Family Trust	Full Take
3	134-0220-024	Constance S. Clark, Trustee Constance D. Beaman Family Trust	Partial Take

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-378**

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 December, 2005 by the following vote:

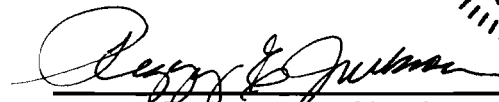
AYES 5: COUNCILMEMBERS: Soares, Scherman, Briggs, Cooper, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:





**Peggy E. Jackson, City Clerk
City of Elk Grove, California**