



Sacramento County Recorder  
 Donna Allred, Clerk/Recorder  
 BOOK **20150326** PAGE **0962**  
 Thursday, MAR 26, 2015 2:43:39 PM  
 Ttl Pd \$0.00 Rcpt # 0008564423  
 LAF/38/1-7

NO FEE DOCUMENT  
 Government Code §27383  
 RECORDING REQUESTED BY  
 AND WHEN RECORDED RETURN TO:

City Clerk's Office  
 City of Elk Grove  
 8401 Laguna Palms Way  
 Elk Grove, CA 95758



Space above this line for Recorder's use

**RESOLUTION 2015-035**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE**

**RESOLUTION NO. 2015-035**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
APPROVING THE ABANDONMENT OF AN EASEMENT FOR PUBLIC HIGHWAY  
OR ROAD PURPOSES AND RESERVING AN EASEMENT FOR PUBLIC UTILITY  
PURPOSES OVER THE APPLE INC. CAMPUS PROPERTY**

**WHEREAS**, the County of Sacramento was granted an easement for a Public Highway or Road and necessary utilities on September 12, 1989 per deed recorded in Book 19890912 Page 1745, Official Records of Sacramento County over the Apple property and upon incorporation of the City the easement reverted to the City by operation of law; and

**WHEREAS**, the purpose of the easement was for the extension of Harbour Point Drive over the Apple property north of Laguna Boulevard; and

**WHEREAS**, when the street was constructed this portion of the easement was not used as the street alignment was changed and resulted in this area not being used for street purposes; and

**WHEREAS**, this vacation is not subject to Government Code 65402 pursuant to City of Elk Grove Resolution No. 2006-224, Section 1, Exclusions A. as this vacation is the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes and this disposition is of a minor nature; and

**WHEREAS**, there are existing utilities within this area and easement for public utilities will be reserved from this vacation pursuant to The Streets and Highway Code, Part 3. Public Streets, Highways and Service Easement Vacation Law, Chapter 5 Reservation and Preservation of Easements, Article 1 Reservation of Easements, Section 8340; and

**WHEREAS**, the Project qualifies as a project under the California Environmental Quality Act (CEQA), Public Resource Code §§21000-21189.3 but is exempt; and

**WHEREAS**, Section 15061 (b)(3) (General Rule) of Title 14 of the California Code of Regulations (State CEQA Guidelines) provides that CEQA applies only to projects which have the potential for causing a significant effect on the environment. When 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; and

**WHEREAS**, based on staff's review of the project, no special circumstances exist that would create a reasonable possibility that approving the proposed vacation of a Public Highway or Road Purposes and the reservation of a public utility easement 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 the Project exempt from the provisions of CEQA under Section 15061 (b)(3) (General Rule) of Title 14 of the California Code of Regulations based upon the following finding:

Finding: No further environmental review is required pursuant to Section 15061 (b)(3) of the State CEQA Guidelines.

Evidence: The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. When 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. The proposed action involves the vacation of a Public Highway or Road Purposes and the reservation of a public utility easement. Based on staff's review of the project, no special circumstances exist that would create a reasonable possibility that approving the proposed vacation of a Public Highway or Road Purposes and the reservation of a public utility easement will have a significant effect on the environment. Therefore, the proposed Project qualifies for the exemption under CEQA Guidelines Sections 15061(b)(3) and no further environmental review is required.

**BE IT FURTHER RESOLVED** that the City Council of the City of Elk Grove hereby finds:

- a. That the abandonment is being made under the Streets and Highway Code, Division 9, Part 3, Public Streets, Highways and Service Easement Vacation Law, Chapter 4, Vacation Sections 8320 through 8325 inclusive; and
- b. This easement being abandoned is described in Exhibit "A" Legal Description and shown on Exhibit "B", plat to accompany Legal Description; and
- c. This easement being abandoned is a portion of a larger the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes and this disposition is of a minor nature; and
- d. The reservation of the public utility easement is being made pursuant to The Streets and Highway Code, Part 3. Public Streets, Highways and Service Easement Vacation Law, Chapter 5 Reservation and Preservation of Easements, Article 1 Reservation of Easements, Section 8340.

**AND, BE IT FURTHER RESOLVED AND ORDERED** that a portion of an easement for Public Highway or Road purposes as described in described in Exhibit "A" and shown on Exhibit "B" is **hereby abandoned**;

**AND, BE IT FURTHER RESOLVED AND ORDERED** that an easement and right for public utility purposes to at any time, or from time to time, to construct, maintain, operate, replace, remove, and renew sanitary sewers and storm drains and appurtenant structures and to construct, maintain, operate, replace remove, renew and enlarge lines of pipe, conduits, cables, wires, poles and other convenient structures,

equipment, and fixtures and the operation of gas pipelines, telephone, cable, electric an appurtenant structures over the portion of an easement for Public Highway or Road purposes as described in described in Exhibit "A" and shown on Exhibit "B" is **hereby reserved from this abandonment.**

**AND, BE IT FINALLY RESOLVED** that the City Clerk of the City of Elk Grove shall cause a certified copy of this Resolution of Abandonment and Reservation and Exhibits "A" and "B" attached hereto attested 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 25<sup>th</sup> day of February 2015.

  
\_\_\_\_\_  
GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

## EXHIBIT A

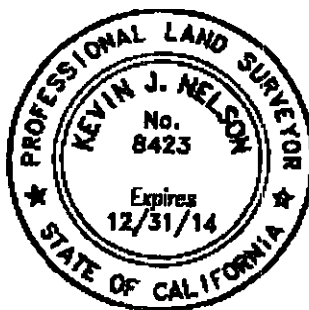
### VACATED AREA

That portion of land in the City of Elk Grove, County of Sacramento, State of California, described as follows:

A portion of Parcel 1, as said parcel is shown on that certain Parcel Map entitled "Portion of the South ½ of Section 30, T. 7 N., R. 5 E., M.D.M." filed in the office of the Recorder of Sacramento County in Book 127 of Parcel Maps, at Page 17 and described as follows:

Commencing at the Northwest corner of Harbour Point Boulevard as shown on the aforementioned Parcel Map, said point being on the west line of said Parcel 1; thence along the Northerly Right-of-Way of Harbour Point Boulevard, North 76°25'35" East, 45.91 feet to the Point of Beginning; thence along said Right-of-Way the following two (2) consecutive courses, (1) North 76°25'35" East 97.09 feet; (2) South 13°34'14" East, 27.58 feet to the beginning of a non-tangent curve, concave southerly, having a radius of 25.00 feet; thence along said curve through a central angle of 64°33'08" and an arc distance of 28.17 feet (said curve being subtended by a chord which bears North 57°17'28" East, 26.70 feet); thence North 00°25'38" West, 58.00 feet; thence South 89°34'22" West, 143.00 feet; thence South 00°25'38" East, 58.00 feet to the beginning of a non-tangent curve, concave southerly, having a radius of 25.00 feet; thence along said curve through a central angle of 51°38'49" and an arc distance of 22.54 feet (said curve being subtended by a chord which bears South 64°36'11" East, 21.78 feet) to the point of beginning; containing 0.19 acres, more or less.

The herein described easement is shown on Exhibit "B" attached hereto and made a part hereof.



A handwritten signature in black ink, appearing to read "Kevin J. Nelson".

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Kevin J. Nelson, P.L.S. 8423  
Expires 12-31-14

# EXHIBIT "B"

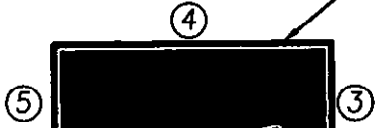
1 2 7 P. M. 1 7

PARCEL 1

PARCEL 2

RIGHT OF WAY EASEMENT PER  
DOC# 890912 O.R. 1745 TO  
BE VACATED

N 76° 25' 35" E  
45.91'



P.O.C.

P.O.B.

R=25.00'  
S 64°36'11" E  
21.78'  
Δ=51°38'49"  
L=22.54'

HARBOUR POINT DR.

R=25.00'  
N 57°17'28" E  
26.70'  
Δ=64°33'08"  
L=28.17'

**BOULEVARD**

**LAGUNA**

**LEGEND:**



**EASEMENT AREA BEING VACATED**

**PROPERTY LINE DATA TABLE**

①	N. 76°25'35" E.	97.09'
②	S. 13°34'14" E.	27.58'
③	N. 00°25'38" W.	58.00'
④	S. 89°34'22" W.	143.00'
⑤	S. 00°25'38" E.	58.00'



SCALE: 1" = 100'



**kpff**

**Consulting Engineers**

1508 Eureka Road, Suite #290  
Roseville, CA 95661

Phone: (916) 772-7688

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2015-035**

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 February 25, 2015 by the following vote:*

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

**NOES:**        **COUNCILMEMBERS:**    *None*

**ABSTAIN :**   **COUNCILMEMBERS:**    *None*

**ABSENT:**     **COUNCILMEMBERS:**    *None*

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