

**RESOLUTION NO. 2005-284**

**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**

**Robert Lent and Lisa Lent  
Portion of APN 134-0220-069**

**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 134-0220-069 ("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

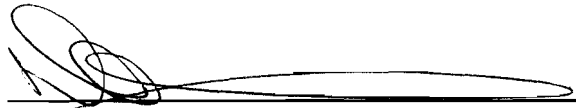
**WHEREAS**, as a result of the hearing held on September 14, 2005, and in accordance with the provisions of Code of Civil Procedure section 1245.235, the City Council of the City of Elk Grove intends to make certain findings and determinations.

**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, 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.

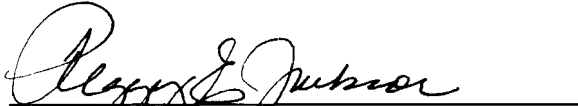
6. The City Attorney is hereby authorized and directed to prepare, commence and prosecute proceedings in eminent domain in the appropriate court to acquire for the City of Elk Grove the Property interests described and depicted in Exhibits A, A-1, A-2, B, B-1, and B-2. The City Attorney is further authorized 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 14<sup>th</sup> day of September 2005.

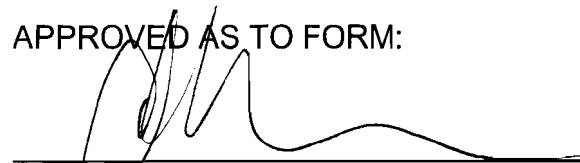


DANIEL BRIGGS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

  
ANTHONY B. MANZANETTI,  
CITY ATTORNEY

City Parcel 04-15-09-A  
In APN 134-0220-069

Located in the City of Elk Grove, County of Sacramento, State of California, in Section 18, Township 6 North, Range 6 East, Mount Diablo Meridian, being that certain part of Parcel B shown on the Parcel Map filed March 24, 1998, in Book 150 of Parcel Maps at Page 7, Sacramento County Records, that lies northerly from the following Described Line:

**COMMENCING** at the West Quarter-section corner of said Section 18; thence along the east-west centerline of said Section 18, North89°17'25"East 811.334 meters to the Center Quarter-section corner of said Section 18; thence North26°09'42"West 270.573 meters to the **POINT OF BEGINNING** of the Described Line; thence along a curve to the right having a radius of 25.000 meters, a chord bearing South86°23'39"East 28.069 meters, through a central angle of 68°18'11" an arc length of 29.803 meters; thence South52°14'33"East a distance of 22.064 meters to a point of curvature; thence along a tangent curve to the left having a radius of 81.265 meters, a chord bearing South66°33'58"East 40.210 meters, through a central angle of 28°38'50" an arc length of 40.632 meters to a point of tangency; thence South80°53'23"East a distance of 72.366 meters to the **POINT OF TERMINUS** of the Described Line.

Containing an area of 0.10104 hectares, (10,876 square feet or 0.2497 acres), more or less.

This conveyance is made for purposes of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights, including access rights, appurtenant to grantor's remaining property, in and to said freeway.

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.

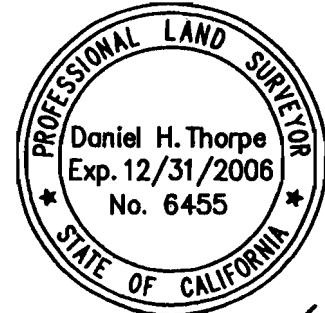
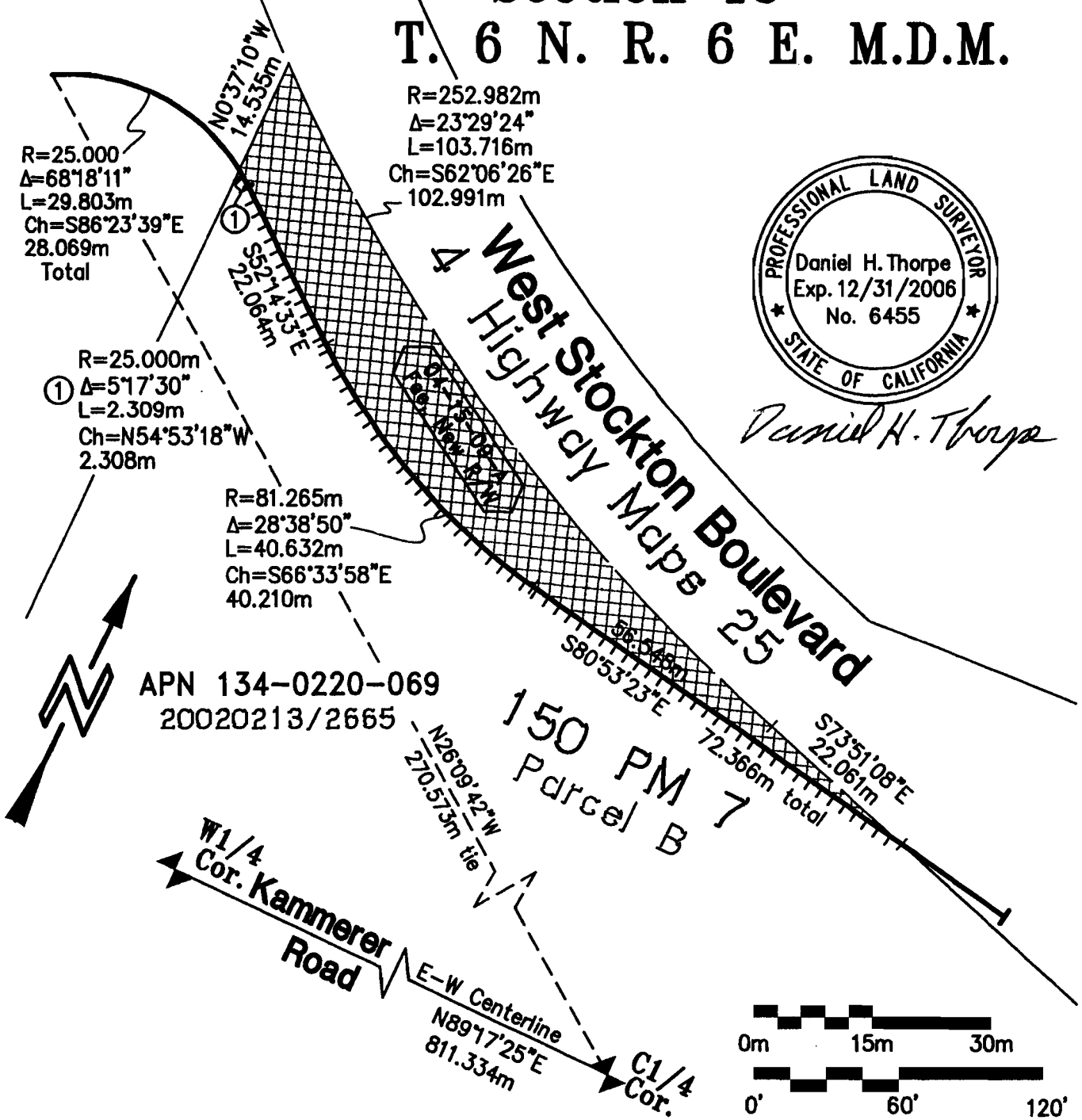
Daniel H. Thorpe  
Daniel H. Thorpe  
Professional Land Surveyor  
California No. 6455



May 27, 2005  
Date

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

# Section 18 T. 6 N. R. 6 E. M.D.M.



*Daniel H. Thorpe*

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.

Abutter's Rights Including Access Rights Relinquished



Mark Thomas & Company Inc.

IN THE CITY OF ELK GROVE  
SACRAMENTO COUNTY, CALIFORNIA  
PARCEL 04-15-09-A



Scale 1 : 750  
Date 27-May-2005  
Drawn By Olsen  
Checked By Thorpe

EXHIBIT B Plat to Accompany Legal Description  
Fee Take of 0.10104±hectares  
(10,876±sq.ft. or 0.2497±acres) in  
APN 134-0220-069

City Parcel 04-15-09-B  
In APN 134-0220-069

Located in the City of Elk Grove, County of Sacramento, State of California, in Section 18, Township 6 North, Range 6 East, Mount Diablo Meridian, being a 3.810 meter wide strip of land in that certain part of Parcel B shown on the Parcel Map filed March 24, 1998, in Book 150 of Parcel Maps at Page 7, Sacramento County Records, that adjoins and lies southerly from the following Described Line:

**COMMENCING** at the West Quarter-section corner of said Section 18; thence along the east-west centerline of said Section 18, North $89^{\circ}17'25''$ East 811.334 meters to the Center Quarter-section corner of said Section 18; thence North $26^{\circ}09'42''$ West 270.573 meters to the **POINT OF BEGINNING** of the Described Line; thence along a curve to the right having a radius of 25.000 meters, a chord bearing South $86^{\circ}23'39''$ East 28.069 meters, through a central angle of  $68^{\circ}18'11''$  an arc length of 29.803 meters; thence South $52^{\circ}14'33''$ East a distance of 22.064 meters to a point of curvature; thence along a tangent curve to the left having a radius of 81.265 meters, a chord bearing South $66^{\circ}33'58''$ East 40.210 meters, through a central angle of  $28^{\circ}38'50''$  an arc length of 40.632 meters to a point of tangency; thence South $80^{\circ}53'23''$ East a distance of 72.366 meters to the **POINT OF TERMINUS** of the Described Line.

**EXCEPTING THEREFROM**, the existing 3.810 meter (12.5') wide Public Utility Easement as shown on said Parcel Map.

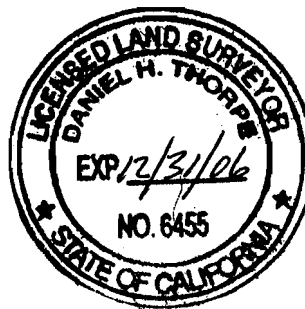
Containing an area of 0.04019 hectares (4,326 square feet or 0.0993 acres), more or less.

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 27, 2005  
Date

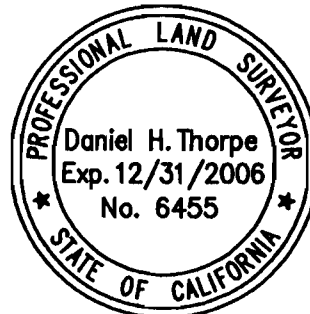


**Exhibit 'A-1' Page 2 of 2**

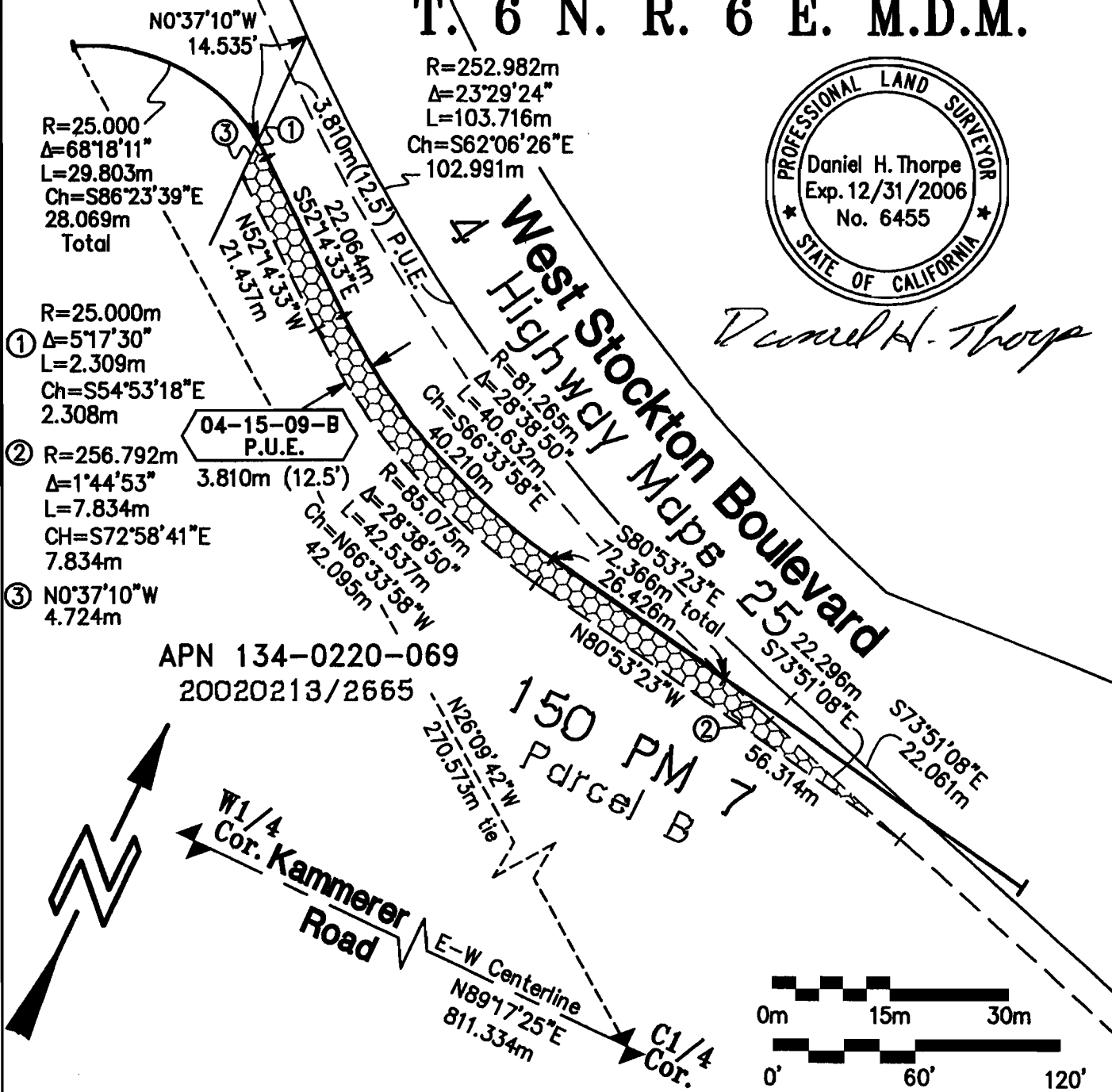
The purpose of the Public Utility Easement is for construction, re-construction, installation, use, repair, rehabilitation and maintenance of public utilities inclusive of water, gas, sewer, drainage pipes, poles, overhead wires and appurtenances thereto, over, across, and under all that real property situated in the City of Elk Grove, County of Sacramento, State of California.

This exhibit is for graphic pur,  
or omissions shall not affect the deed descriptions.

# Section 18 T. 6 N. R. 6 E. M.D.M.



*Daniel H. Thorpe*



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  
PARCEL 04-15-09-B

Scale 1 : 750  
Date 27-May-2005  
Drawn By Olsen  
Checked By Thorpe

EXHIBIT B Plat to Accompany Legal Description  
Public Utility Easement of 0.04019±hectares  
(4,326±sq.ft. or 0.0993±acres) in  
APN 134-0220-069





City Parcel 04-15-09-D, Temporary Construction Easement  
In APN 134-0220-069

Located in the City of Elk Grove, County of Sacramento, State of California, in Section 18, Township 6 North, Range 6 East, Mount Diablo Meridian, in that certain part of Parcel B shown on the Parcel Map filed March 24, 1998, in Book 150 of Parcel Maps at Page 7, Sacramento County Records, and more particularly described as follows:

**COMMENCING** at the most northerly corner of said Parcel B on the westerly right of way line of the frontage road (now known as West Stockton Boulevard) shown on the map filed April 29, 1958, in State Highway Map Book 4 at Page 25, Sacramento County Records; thence along the westerly boundary of said Parcel B, South $0^{\circ}37'10''$ East 14.535 meters to the **POINT OF BEGINNING**; thence along a non-tangent curve to the right having a radius of 25.000 meters, a chord bearing South $54^{\circ}53'18''$ East 2.308 meters, through a central angle of  $5^{\circ}17'30''$  an arc length of 2.309 meters to a point of tangency; thence South $52^{\circ}14'33''$ East a distance of 22.064 meters to a point of curvature; thence along a tangent curve to the left having a radius of 81.265 meters, a chord bearing South $66^{\circ}33'58''$ East 40.210 meters, through a central angle of  $28^{\circ}38'50''$  an arc length of 40.632 meters to a point of tangency; thence South $80^{\circ}53'23''$ East a distance of 56.548 meters to said westerly right of way line of West Stockton Boulevard; thence along last said line, South $73^{\circ}51'08''$ East a distance of 31.097 meters; thence North $80^{\circ}53'23''$ West a distance of 87.410 meters to a point of curvature; thence along a tangent curve to the right having a radius of 85.075 meters, a chord bearing North $68^{\circ}24'59''$ West a distance of 36.750 meters, through a central angle of  $24^{\circ}56'48''$  an arc length of 37.042 meters; thence along a non-tangent curve to the left having a radius of 54.000 meters, a chord bearing South $70^{\circ}46'37''$ West 22.390 meters, through a central angle of  $23^{\circ}55'48''$  an arc length of 22.553 meters to said westerly boundary; thence along last said boundary, North $0^{\circ}37'10''$ West a distance of 28.445 meters to the **POINT OF BEGINNING**.

Containing an area of 0.06340 hectares (6,824 square feet or 0.1567 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



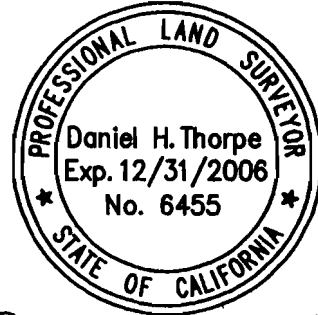
June 7, 2005  
Date

**Exhibit 'A-2' Page 2 of 2**

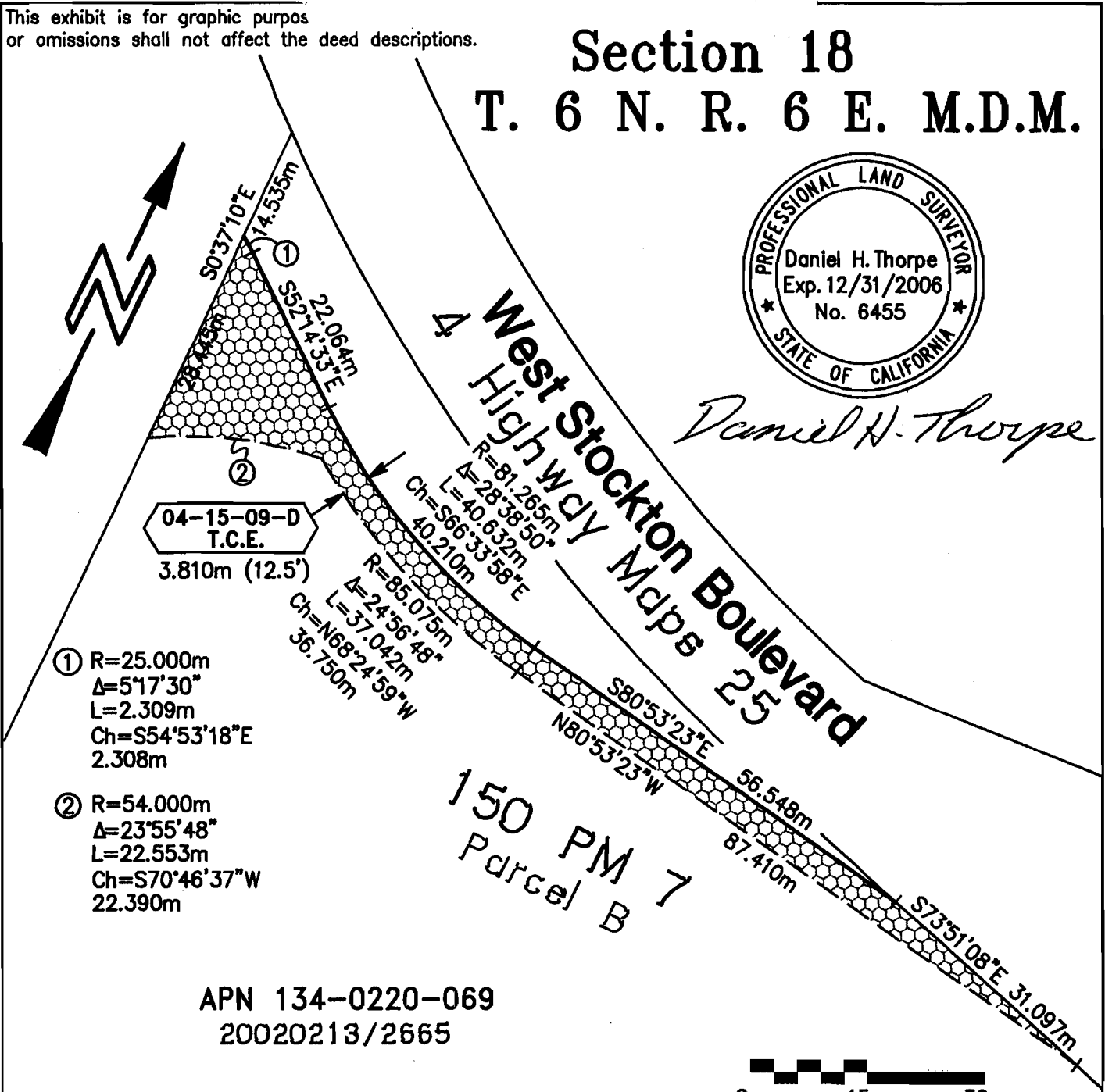
The term of the Temporary Construction Easement is for two years and shall terminate upon the complete of the construction of the Grant Line Road/State Route 99 Interchange Project, or March 1, 2008 whichever occurs earlier.

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

**Section 18**  
**T. 6 N. R. 6 E. M.D.M.**

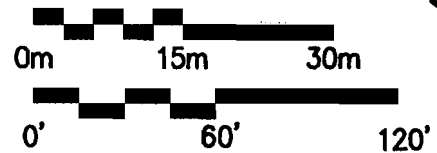


*Daniel H. Thorpe*



- ① R=25.000m  
Δ=5°17'30"  
L=2.309m  
Ch=S54°53'18"E  
2.308m
- ② R=54.000m  
Δ=23°55'48"  
L=22.553m  
Ch=S70°46'37"W  
22.390m

APN 134-0220-069  
20020213/2665



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.

<p>Mark Thomas &amp; Company Inc.</p>	<p><b>IN THE CITY OF ELK GROVE</b> <b>SACRAMENTO COUNTY, CALIFORNIA</b> <b>PARCEL 04-15-09-D</b></p>	
<p>Scale 1 : 750 Date 7-June-2005 Drawn By Olsen Checked By Thorpe</p>	<p><b>EXHIBIT B</b> Plat to Accompany Legal Description Temporary Construction Easement of 0.06340±hectares (6,824±sq.ft. or 0.1567±acres) in <b>APN 134-0220-069</b></p>	<p>81</p>

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-284**

**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**

