

NO FEE DOCUMENT

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

City of Elk Grove
Office of the City Clerk
8400 Laguna Palms Way
Elk Grove, Ca 95758



Sacramento County Recording
Mark Norris, Clerk/Recorder
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DLE/07/1-10

RESOLUTION NO. 2001-88

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
VACATING A 40' X 463' RIGHT-OF-WAY LOCATED SOUTH OF SHELDON
ESTATES II, UNIT 1B AND NORTH OF THE PROPERTIES OWNED BY EAST
LAWN INC. PURSUANT TO THE PROVISION OF THE PUBLIC STREETS,
HIGHWAYS AND SERVICE EASEMENT LAWS**

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WHEREAS, on September 19, 2001, the City Council adopted Resolution No. 2001-72, a resolution of intention to vacate a right-of-way, and ordered that the hearing on the proposed vacation be set for the 17th day of October, 2001 at the City Hall, 8400 Laguna Palms Way, Elk Grove, California; and

WHEREAS, a copy of Resolution No. 2001-72, has been posted on the window of the City Hall of the City of Elk Grove at least two weeks in advance of the hearing; and

WHEREAS, notice of the date, hour and place of hearing of the proposed vacation was published for at least two successive weeks prior to the hearing; and

WHEREAS, at least two weeks before the day set for the hearing, at least three notices of vacation were conspicuously posted along the right-of-way, not more than 300 feet apart; and

WHEREAS, the hearing described above has been conducted, and this City Council, having heard and considered all oral, documentary and other evidence presented, hereby finds, determines and orders as follows:

BE IT RESOLVED by the City Council of the City of Elk Grove, a political subdivision of the State of California, that this City Council hereby finds as follows:

- a. That vacation of the right-of-way would be consistent with, and not violative of, the General Plan and all elements and components thereof for the City of Elk Grove;
- b. That the right-of-way is not useful, a non-motorized transportation facility because the southerly 30-feet of the right-of-way will be reserved for that purpose;
- c. That the right-of-way is unnecessary for present or prospective public use because the roadway portion is not existing and the Department of Transportation states that the roadway will never be built because of the proximity to Laguna Creek. The letters are on file from all of the utility companies stating that they have no need for the right-of-way.
- d. The public interest will be served by the vacation herein described.

BE IT FURTHER RESOLVED AND ORDERED THAT THE FOLLOWING DESCRIBED right-of-way is hereby vacated.

All that certain real property situate in the City of Elk Grove, County of Sacramento, State of California, being a portion of the west one-half of Section 25, Township 7 North, Range 5 East M.D.M. described as follows:

A portion of the North 40 feet of Lot 19 of that particular Subdivision Map entitled "Hewitt's Subdivision No. 2", filed in Book 14 of Maps, Map No. 34, Sacramento County Records described as follows:

Commencing at the Northeasterly corner of said Lot 19; thence, from said point of commencement along the Easterly line of said Lot 19, South 00°09'54" East 40.00 feet to a point being distant Southerly 40.00 feet, at the right angles, form the Northerly line of said Lot 19; thence, along a line being parallel to said Northerly line, North 89°48'41" West 183.00 feet to the **True Point of Beginning**; thence, from said True Point of Beginning continuing along said parallel line North 89°48'41" West 463.34 feet to a point on the Southerly projection of the Easterly line of that particular subdivision map entitled "Shortline Lake" filed in Book 148 of Maps, at Map No. 19, of said County Records; thence , along said projection North 00°04'36" West 40.00 feet to the North line of said Lot 19 and the southeasterly corner of Lot 4 of said Shortline Lake Subdivision; thence, along said Northerly line of said Lot 19 South 89°48'41" East 463.28 feet; thence, along a line being parallel to said Easterly line of said Lot 19 South 00°09'54" East 40.00 feet to the True point of beginning.

Containing 0.425 acres, more or less.

RESERVING, however a right-of-way and easements for installation and maintenance of a pedestrian, bicycle and equestrian pathway, together with any appurtenances pertaining thereto, on, over, under and across the southerly 30-feet of the above described property.

ALSO RESERVING for the purpose of digging, constructing repairing and forever maintaining thereon, a drainage canal, ditch or pipeline for drainage purposes, together with the spoil banks and appurtenant structures thereof, a drainage easement over the southerly 30-feet of the above-described property.

TOGETHER WITH the perpetual right and privilege of flowing water in, through, and along said canal, ditch or pipeline, and the perpetual right of ingress to an egress from said reservation.

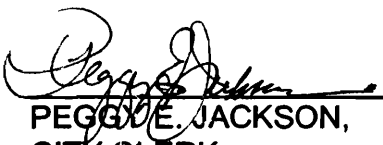
BE IT FINALLY RESOLVED AND ORDERED that the Clerk of the Elk Grove City Council shall cause a certified copy of this Resolution of Vacation, attested by the Clerk under seal, to be recorded in the office of the Recorder of the County of Sacramento.

PASSED AND ADOPTED by the City Council of Elk Grove, State of California this 17th day of October 2001.




MICHAEL P. LEARY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



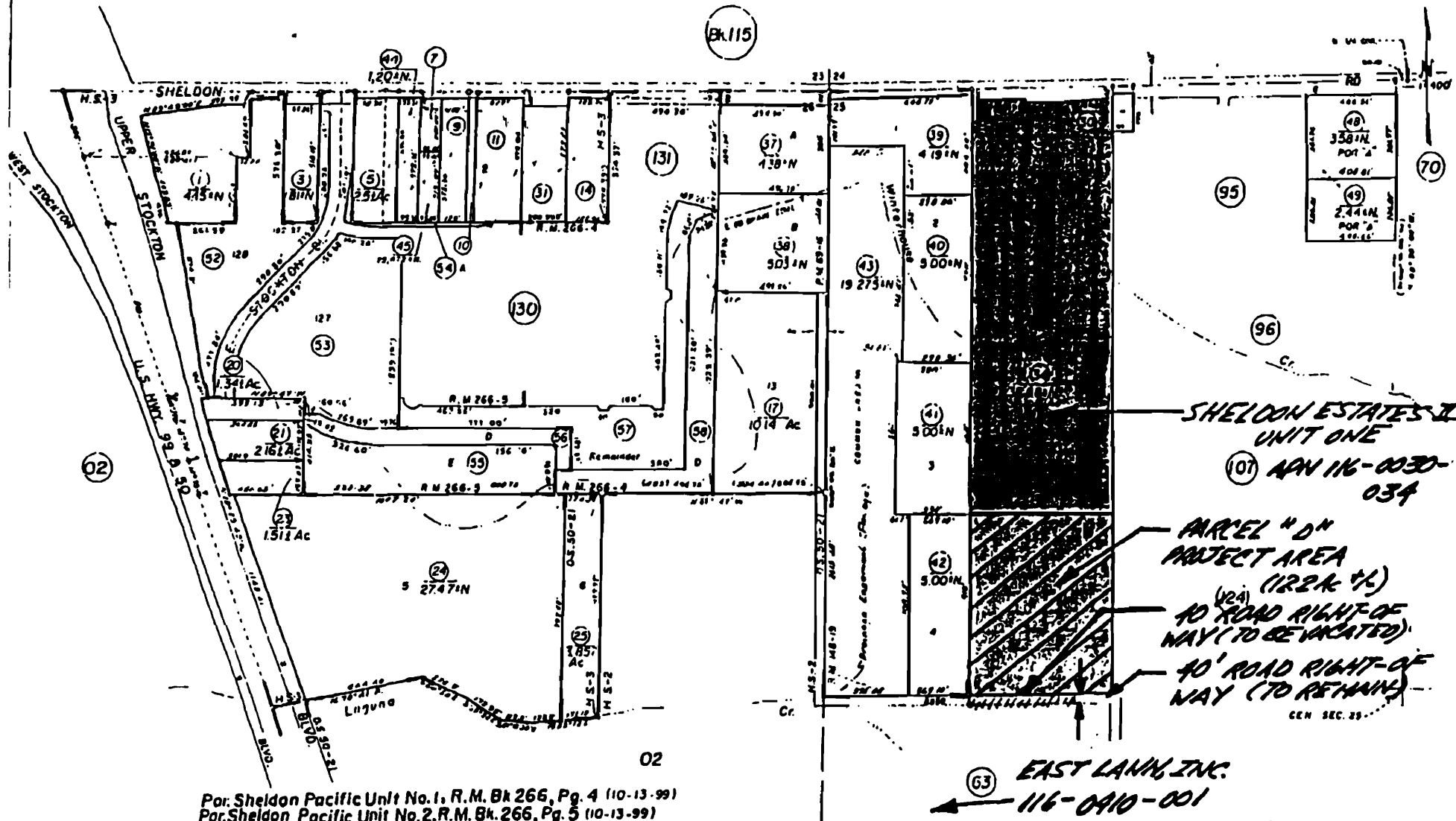
PEGGIE E. JACKSON,
CITY CLERK

APPROVED AS TO FORM:



ANTHONY MANZANETTI,
CITY ATTORNEY

AYES: Leary, Scherman,
Cooper, Briggs, Soares
NOES: None
ABSTAIN: None
ABSENT: None



Por. Sheldon Pacific Unit No. 1, R.M. Bk. 266, Pg. 4 (10-13-99)
 Por. Sheldon Pacific Unit No. 2, R.M. Bk. 266, Pg. 5 (10-13-99)
 Record of Survey, O.S. Bk. 50, Pg. 21 (6-9-92)
 Short line Lake, R.M. Bk. 148 Pg. 19 (12-11-82)
 Official Survey Bk. 35, Pg. 23 (8-28-80)
 Hewitt Subdivision No. 2, R.M. Bk. 11, Pg. 31
 Hewitt Subdivision No. 3, R.M. Bk. 15, Pg. 13

Assessor's Map Bk. 116-Pg. 03
 County of Sacramento, Calif.

1999 Assessment Map No. 116-0410-001
 Assessor's Parcel Number shown in Circle



Planning Department

8400 Laguna Palms Way
Elk Grove, CA 95758

www.elkgrovecity.org
Telephone: 916-478-2250
Fax: 916-691-6411

September 6, 2001

Dennis Nakagawa
Sacramento County Public Works Agency, Technical Resources
827 7th Street, 1st Floor
Sacramento, CA 95814

Subject: Notice of Exemption for Abandonment
File #EG-01-192

Dear Mr. Nakagawa:

The purpose of this letter is to inform you that the Planning Department has prepared the Notice of Exemption for an abandonment of right-of-way and public utilities easement located on APN 116-0030-063. A copy of the Notice of Exemption is attached. Please be aware that the Notice of Exemption needs to be filed with the County Clerk. When the project is approved, please inform me so that I can file the Notice of Exemption. If you have any questions or concerns, please give me a call.

Sincerely,

John Hope
Assistant Planner

Attachments: Notice of Exemption

NOTICE OF EXEMPTION

To: ☐ Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

☒ County Clerk-Recorder
Sacramento County
600 8th Street
Sacramento, CA 95814

From: City of Elk Grove
Planning Department
8400 Laguna Palms Way
Elk Grove, CA 95758

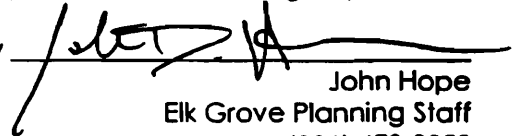
Project Title: Abandonment of Right-of-Way and Public Utilities Easement
Project Location: Southeast of Sheldon Road and Highway 99
Assessor's Parcel Number(s): 116-0030-063
Project Description: Abandonment of a road right-of-way and the underlying public utility easement adjacent and south of APN 116-0030-063.
Lead Agency: City of Elk Grove
Project Planner: John Hope
Applicant: Boulder Glen Investors
Exemption Status: ☐ Ministerial [Section 21080(b); 15268];
☐ Declared Emergency [Section 21080(b)(3); 15269(a)];
☐ Emergency Project [Section 21080(b)(4); 15269(b)(c)];
☐ General Rule [Section 15061(b)(3)];
☒ Categorical Exemption [Section 15305, Class 5]
☐ Statutory Exemption

REASONS WHY THIS PROJECT IS EXEMPT OR DOES NOT REQUIRE FURTHER ENVIRONMENTAL DOCUMENTATION:

The proposed project consists of abandoning a road right-of-way and the underlying public utility easement which is considered a Class 5 Categorical Exemption that involves a minor alteration in land use limitations which does not result in any changes in land use or density, and is therefore exempt from the provisions of CEQA.

City of Elk Grove Planning Department

By



John Hope
Elk Grove Planning Staff
(916) 478-2252

Date: August 28, 2001

c: Dennis Nakagawa, Technical Resources Section, Sacramento County Public Works Agency