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RESOLUTION NO. 2001-69

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE VACATING
A PUBLIC UTILITY EASEMENT AND IRREVOCABLE OFFER OF DEDICATION,
PURSUANT TO THE PROVISION OF THE PUBLIC STREETS, HIGHWAYS AND
SERVICE EASEMENT LAWS**

RECEIVED
SEP 14 2001
CITY OF ELK GROVE

RESOLUTION NO. 2001-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE VACATING A PUBLIC UTILITY EASEMENT AND AN IRREVOCABLE OFFER OF DEDICATION, PURSUANT TO THE PROVISION OF THE PUBLIC STREETS, HIGHWAYS AND SERVICE EASEMENT LAWS

WHEREAS, on August 15, 2001, the City Council adopted Resolution No. 2001-61, a resolution of intention to vacate a public utility easement and an irrevocable offer of dedication, and ordered that the hearing on the proposed vacation be set for the 5th day of September, 2001 at the City Hall, 8400 Laguna Palms Way, Elk Grove, California; and

WHEREAS, a copy of Resolution No. 2001-61, 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 street, 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 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 public utility easement and irrevocable offer of dedication 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 public utility easement and irrevocable offer of dedication is not useful as a non-motorized transportation facility because the dedication did not provide for that use:

- c. That the public utility easement and irrevocable offer of dedication is unnecessary for present or prospective public use because the letters from all the utility companies state that they have no use for the easement and the street is a dead-end and the remaining public street will provide access.
- d. The public interest will be served by the herein vacation.

BE IT FURTHER RESOLVED AND ORDERED THAT THE FOLLOWING DESCRIBED public utility easement and irrevocable offer of dedication is hereby vacated:

SEE ATTACHED EXHIBITS A & B

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 5TH day of September, 2001.

ATTEST:



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



PEGGY JACKSON, CITY CLERK
CITY OF ELK GROVE

APPROVED AS TO FORM:



ANTHONY MANZANETTI
CITY ATTORNEY

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

Public Utility Easement

Exhibit A

ALL THAT REAL PROPERTY situated in the City of Elk Grove, County of Sacramento, State of California being a portion of Lot A as shown on the "Revised Plat of Live Oaks", filed for record in the Office of the Recorder of Sacramento County on October 21, 1987 in Book 179 of Maps, Map No. 23. More particularly described as follows;

BEGINNING at the southeast corner of said, "Lot A", said point also being a point on the north line of the former Hospenthal Way (since abandoned); thence along the line common to the north line of said Hospenthal Way and south line of said "Lot A" the following three (3) courses and distance:

- 1.) Along the arc of an 820.00 foot radius curve, concave to the south, through a central angle of 10°07'40", the chord of which bears South 75°06'00" West, 144.76 feet;
- 2.) South 70°02'09" West, 197.77 feet
- 3.) Along the arc of a 20.00 foot radius curve, concave to the north, through a central angle of 22°01'28", the chord of which bears South 81°02'53" West, 7.64 feet; thence leaving the south line of said "Lot A", North 19°57'51" West, 18.54 feet to a point on the north line of a 12.50 foot wide public utility easement shown on said map; thence along the north line of said easement the following three (3) courses and distances:
 - 1.) Along the arc of a 7.50 foot radius curve, concave to the north, through a central angle of 90°, the chord of which bears South 64°57'51" East, 10.61 feet;
 - 2.) North 70°02'09" East, 197.77 feet
 - 3.) Along the arc of an 832.50 foot radius curve, concave to the south, through a central angle of 10°07'40", the chord of which bears North 75°06'00" East, 146.96 feet to the point on the east line of said "Lot A", thence South 09°50'11" East, 12.50 feet to the point of beginning.

Irrevocable Offer of Dedication
Exhibit B

ALL THAT REAL PROPERTY situated in the City of Elk Grove, County of Sacramento, State of California and being that certain parcel of land described in an "Irrevocable Offer of Dedication" from Dura Style Homes, Inc., A California Corporation to the County of Sacramento, filed for record in the Office of the Recorder of Sacramento County on January 29, 1991 in Book 910129, Page 0840.

RESERVING, HOWEVER, the public utility easement reserved on Exhibit "A" of a resolution vacating a right-of-way recorded in Book 910114, Page 946, of official records, of said County.

ALSO RESERVING, a 12.5-foot wide public easement adjacent and southerly of the above-described reservation.