

RESOLUTION NO. 2005-266

**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
Lee G. Bates and Marge J. Bates
Portion of APN 134-0520-021**

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 134-0520-021 ("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 14th day of September 2005.



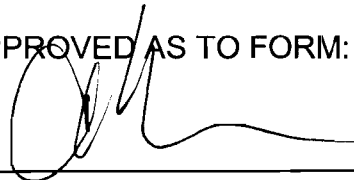
DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

EXHIBIT 'A' Page 1 of 1

City Parcels 04-15-16-A & -C
In or near APN 134-0520-021

A part of Parcels 18 and 19 shown on the Parcel Map filed June 5, 1980, in Book 58 of Parcel Maps, at Page 11, Sacramento County Records, located in the City of Elk Grove, County of Sacramento, State of California, and more particularly described as follows:

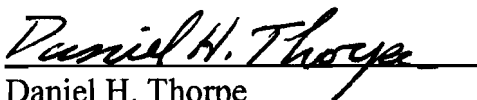
BEGINNING at the northerly corner of said Parcel 19, being the intersection of the centerline of Grant Line Road and the centerline of Survey Road (designated as an Irrevocable Offer of Dedication on said map); thence along the centerline of said Survey Road, South40°49'44"East a distance of 78.418 meters to the easterly corner of said Parcel 18; thence along the southeasterly boundary of said Parcel 18, South49°10'55"West a distance of 8.534 meters to the southwesterly line of said Survey Road; thence along said southwesterly line, North40°49'44"West a distance of 46.416 meters; thence North85°49'19"West a distance of 10.775 meters to a line parallel with and distant 24.384 meters southeasterly, measured at right angles, from said centerline of Grant Line Road; thence along said parallel line, South49°11'07"West a distance of 53.971 meters to the southwesterly boundary of said Parcel 19; thence along said southwesterly boundary, North40°50'15"West a distance of 24.384 meters to said centerline of Grant Line Road; thence along last said centerline, North49°11'07"East a distance of 70.127 meters to the **POINT OF BEGINNING**.

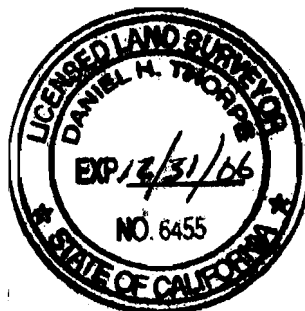
Containing an area of 0.22001 hectares (23,681 square feet or 0.5436 acres), more or less.

This conveyance is made for the purpose of a roadway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights of vehicular access, appurtenant to grantor's remaining property, over and across the courses described above having lengths of 53.971 meters and 10.775 meters.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 3. 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±.

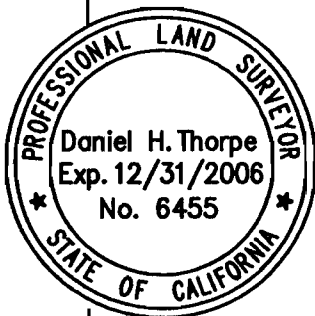
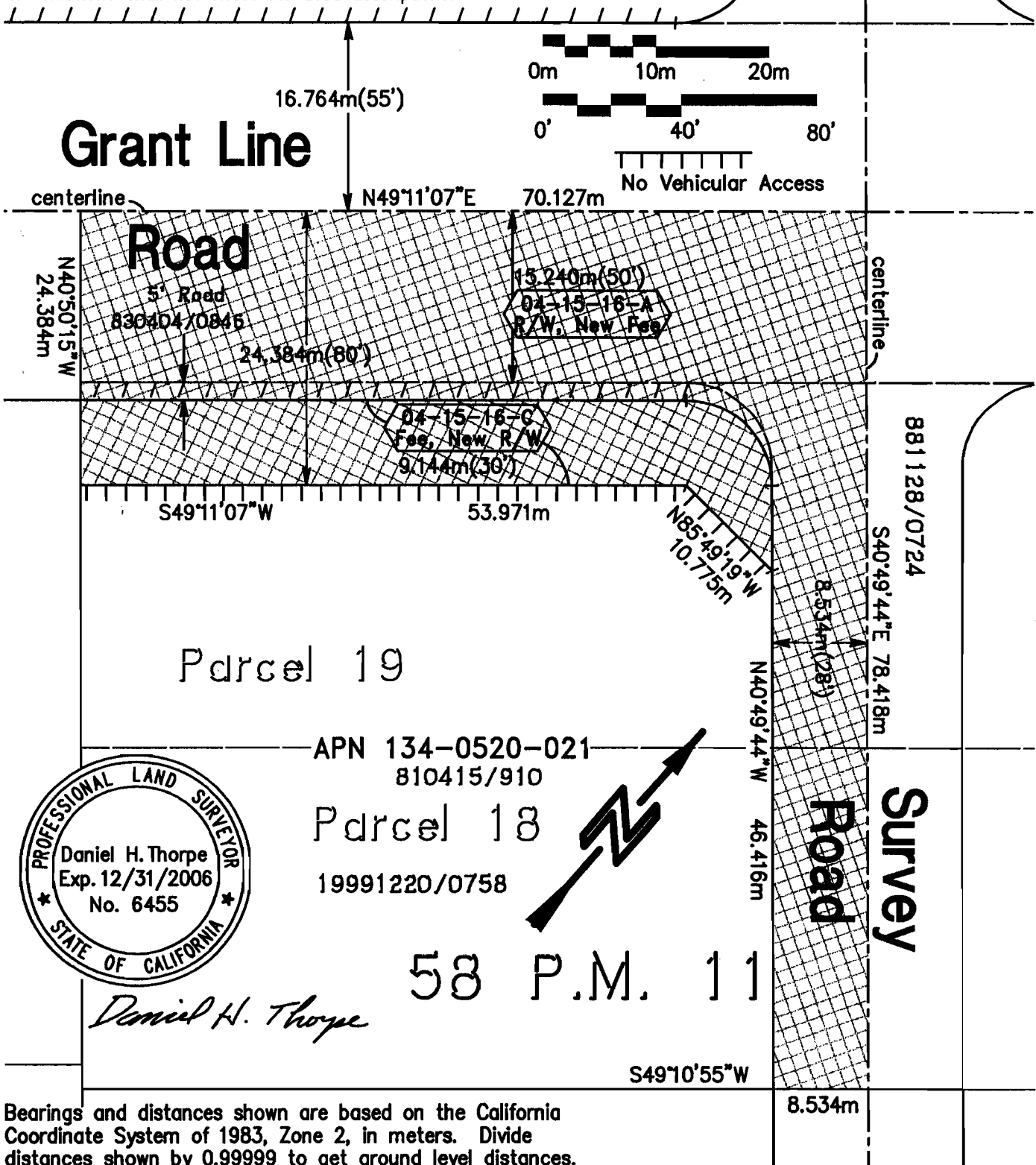
This real property description has been prepared at Mark Thomas & Co. Inc., by me, or under my direction, in conformance with the Professional Land Surveyor's Act.


Daniel H. Thorpe
Professional Land Surveyor
California No. 6455



March 7, 2005
Date

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



Daniel H. Thorpe

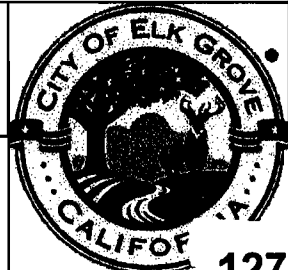
58 P.M. 11

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.



Mark Thomas & Company Inc.

IN THE CITY OF ELK GROVE
SACRAMENTO COUNTY, CALIFORNIA
CITY PARCELS 04-15-16-A,-C



Scale 1 : 500
Date 04-Aug-2005
Drawn By Stanley
Checked By Thorpe

EXHIBIT B Plat to Accompany Legal Description
Fee Take of 0.22001±hectares
(23,681±sq.ft. or 0.5436±acres) in
APN 134-0520-021

Exhibit 'A-1' Page 1 of 2

City Parcel 04-15-16-B
In APN 134-0520-021

A 3.810 meter wide strip of land in Parcel 19 shown on the Parcel Map filed June 5, 1980, in Book 58 of Parcel Maps, at Page 11, Sacramento County Records, located in the City of Elk Grove, County of Sacramento, State of California, and more particularly described as follows:

COMMENCING at the northerly corner of said Parcel 19, being the intersection of the centerline of Grant Line Road and the centerline of Survey Road (designated as an Irrevocable Offer of Dedication on said map); thence along the centerline of Grant Line Road, South49°11'07"West a distance of 70.127 meters to the westerly corner of said Parcel 19; thence along the southwesterly boundary of said Parcel 19, South40°50'15"East a distance of 24.834 meters to the **POINT OF BEGINNING** on a line parallel with and distant 24.384 meters southeasterly, measured at right angles, from said centerline of Grant Line Road; thence along said parallel line, North49°11'07"East a distance of 53.971 meters; thence South85°49'19"East a distance of 5.386 meters to the southwesterly line of the 12.5 feet wide Public Utility Easement shown on said map; thence along last said line, South40°49'44"East a distance of 5.389 meters; thence North85°49'19"West a distance of 7.619 meters; thence South49°11'07"West a distance of 52.391 meters to said southwesterly boundary of Parcel 19; thence along said southwesterly boundary, North40°50'15"West a distance of 3.810 meters to the **POINT OF BEGINNING**.

Containing an area of 0.02274 hectares (2,448 square feet or 0.0562 acres), more or less.

The bearings and distances used in the above description are based upon the California Coordinate System of 1983, Zone 3. 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

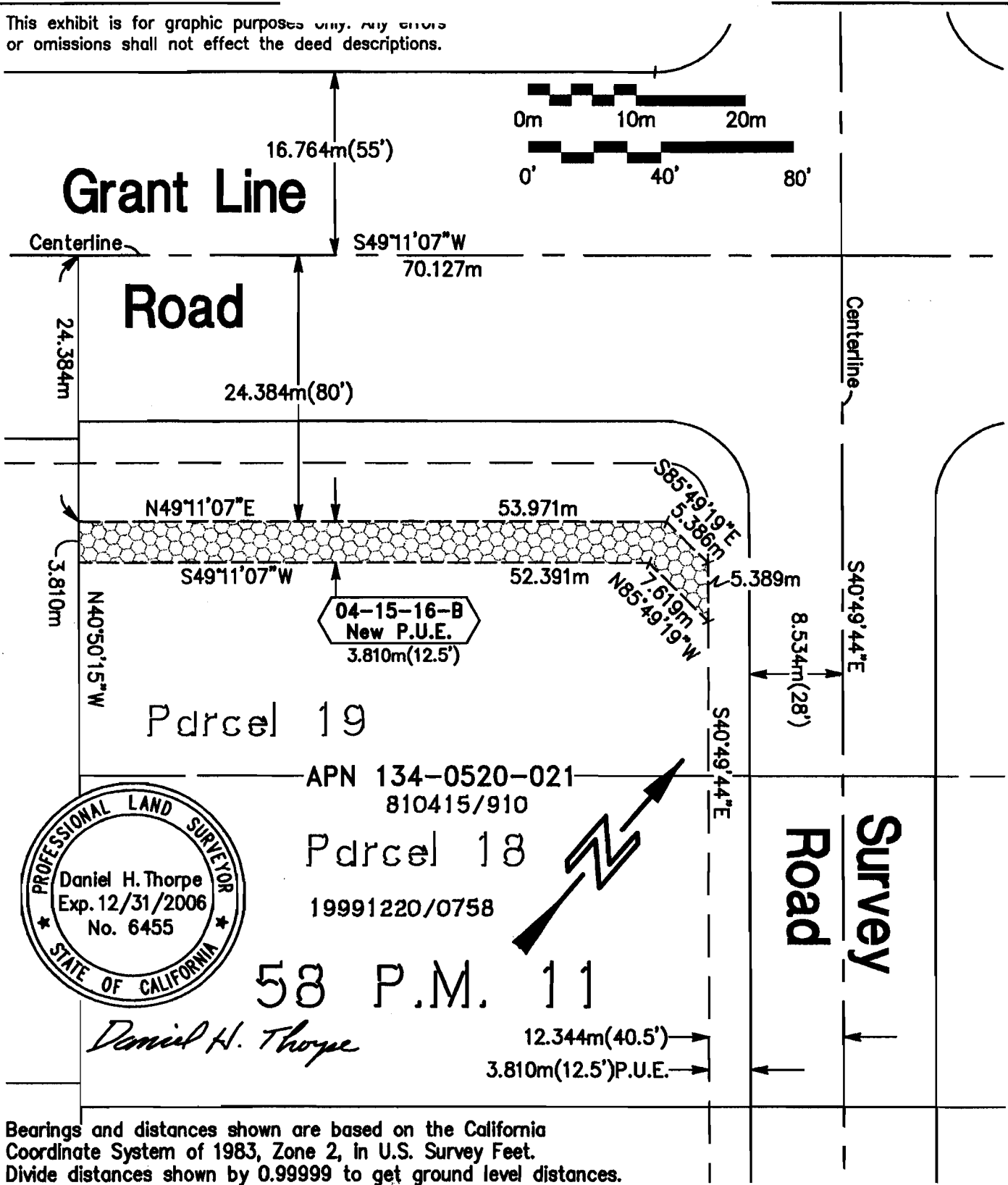


March 7, 2005
Date

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 purposes only. Any errors or omissions shall not effect the deed descriptions.



Scale 1 : 500
Date 07-Mar-2005
Drawn By Stanley
Checked By Thorpe

IN THE CITY OF ELK GROVE
SACRAMENTO COUNTY, CALIFORNIA
PARCEL 04-15-16-B

EXHIBIT B Plat to Accompany Legal Description
Public Utility Easement of 0.02274±hectares
(2,448±sq.ft. or 0.0562±acres) in
APN 134-0520-021



Exhibit 'A-2' Page 1 of 2

City Parcel 04-15-16-D
In APN 134-0520-021

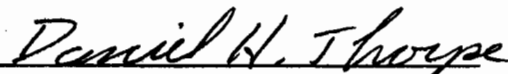
Located in the City of Elk Grove, County of Sacramento, State of California, being a 3.810 meter wide strip of land in Parcel 19 shown on the Parcel Map filed June 5, 1980, in Book 58 of Parcel Maps at Page 11, Sacramento County Records, and more particularly described as follows:

COMMENCING at the northerly corner of said Parcel 19, being the intersection of the centerline of Grant Line Road and the centerline of Survey Road (designated as an Irrevocable Offer of Dedication on said map); thence along the centerline of Grant Line Road, South49°11'07"West a distance of 70.127 meters to the westerly corner of said Parcel 19; thence along the southwesterly boundary of said Parcel 19, South40°50'15"East a distance of 24.834 meters to the **POINT OF BEGINNING** on a line parallel with and distant 24.384 meters southeasterly, measured at right angles, from said centerline of Grant Line Road; thence along said parallel line, North49°11'07"East a distance of 53.971 meters; thence South85°49'19"East a distance of 10.775 meters to the southwesterly line of said Survey Road; thence along last said line, South40°49'44"East a distance of 5.389 meters; thence North85°49'19"West a distance of 13.008 meters; thence South49°11'07"West a distance of 52.391 meters to said southwesterly boundary of Parcel 19; thence along said southwesterly boundary, North40°50'15"West a distance of 3.810 meters to the **POINT OF BEGINNING**.

Containing an area of 0.02479 hectares (2,669 square feet or 0.0613 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
Professional Land Surveyor
California No. 6455

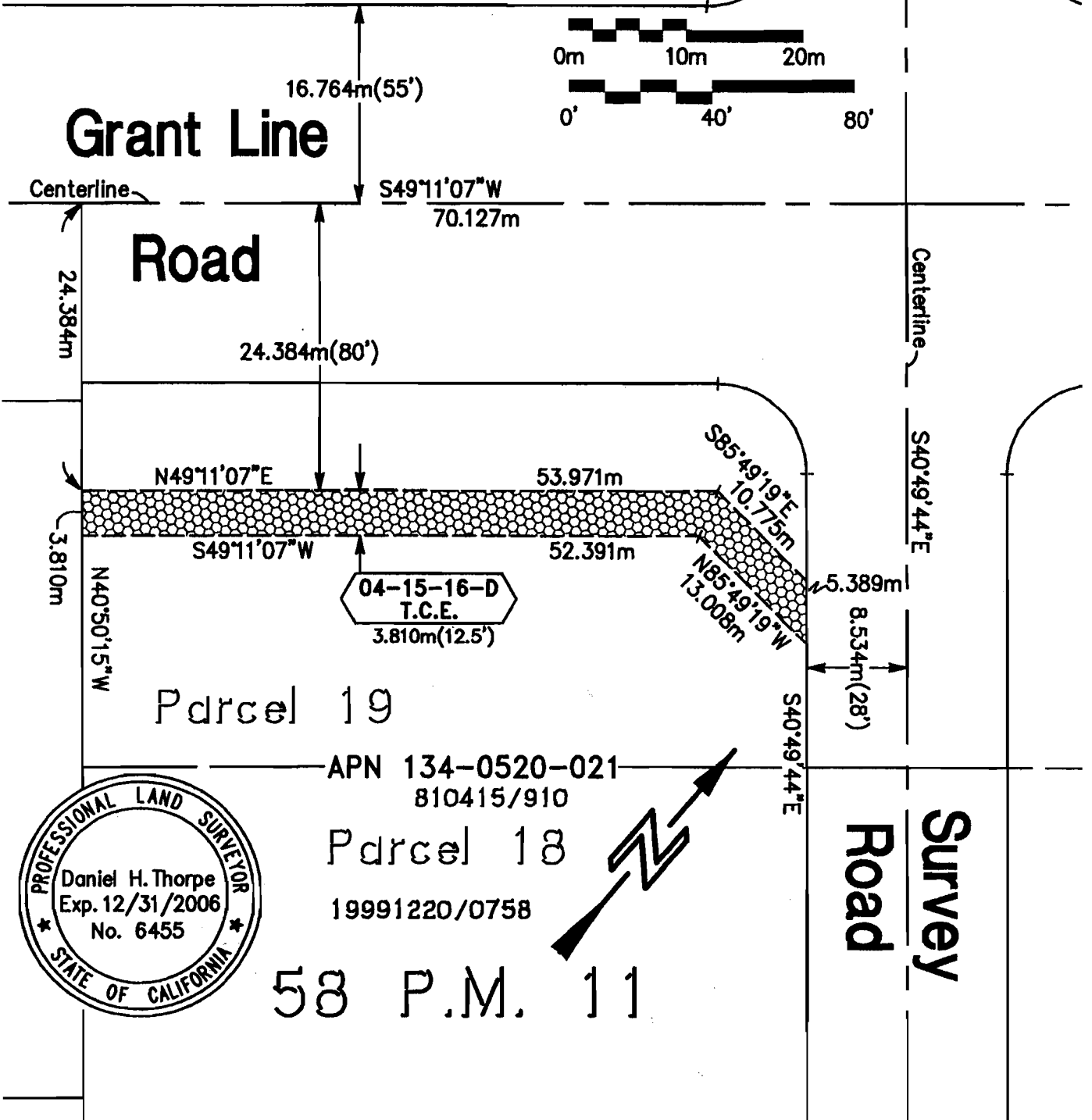


April 27, 2005
Date

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 only, or omissions shall not affect the deed descriptions.

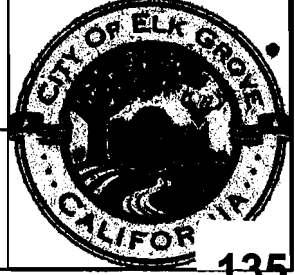


58 P.M. 11

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 04-15-16-D



Scale 1 : 500
 Date 27-Apr-2005
 Drawn By Stanley
 Checked By Thorpe

EXHIBIT B Plat to Accompany Legal Description
 Temporary Construction Easement of 0.02479±hectares
 (2,669±sq.ft. or 0.0613±acres) in
 APN 134-0520-021

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-266**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

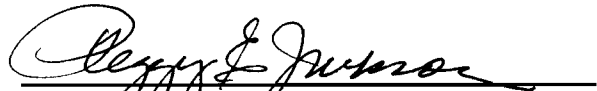
I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 14th day of September, 2005 by the following vote:

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**

