

**RESOLUTION NO. 2005-268**

**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  
BP West Coast Products, LLC  
APN 134-0600-031 and 134-0600-032**

**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 APN 134-0600-031 and APN 134-0600-032 ("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 and B 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

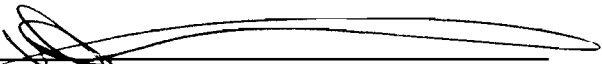
**WHEREAS**, as a result of the hearing held on September 14, 2005, and in accordance with the provisions of Code of Civil Procedure section 1245.235, the City Council of the City of Elk Grove intends to make certain findings and determinations.

**NOW, THEREFORE**, be it resolved by the City Council of the City of Elk Grove as follows:

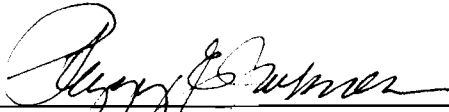
1. The recitals contained herein are true and correct; and
2. Upon examination of the alternatives, the City of Elk Grove requires the Property for the Project; and
3. The City of Elk Grove is authorized to acquire the Property pursuant to the provisions of Government Code sections 37350.5, 37353, 40401 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 Fee Simple Interest described in Exhibit A and depicted in Exhibit B, 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 and B; and.
  - e. The Property is being acquired as a remnant under California Code of Civil Procedure section 1240.410; and
  - f. 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 and B. 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.

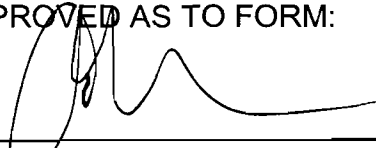
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 14<sup>th</sup> day of September 2005.

  
\_\_\_\_\_  
DANIEL BRIGGS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ANTHONY B. MANZANETTI,  
CITY ATTORNEY

## EXHIBIT "A"

All that certain real property situated in the County of Sacramento, State of California, being Parcel 1 as shown on that map filed in Book 125 of Parcel Maps, Page 25, official records of Sacramento County.

Excepting therefrom that portion of the property lying below the depth of 500 feet, measured vertically from the contour of the surface of said property, without the right for any purpose whatsoever to enter upon, into or through the surface of said property or any part thereof lying between said surface and 500 feet below said surface, as excepted in Deeds from Southern Pacific Industrial Development Company, and recorded in Book 80-08-25 Page 1165, official records of Sacramento County and in Book 83-04-28, Page 236 Official records of Sacramento County.

Assessor's Parcel No.: 134-0600-031

All that certain real property situated in the County of Sacramento, State of California, being Parcel 2 as shown on that map filed in Book 125 of Parcel Maps, Page 25, official records of Sacramento County.

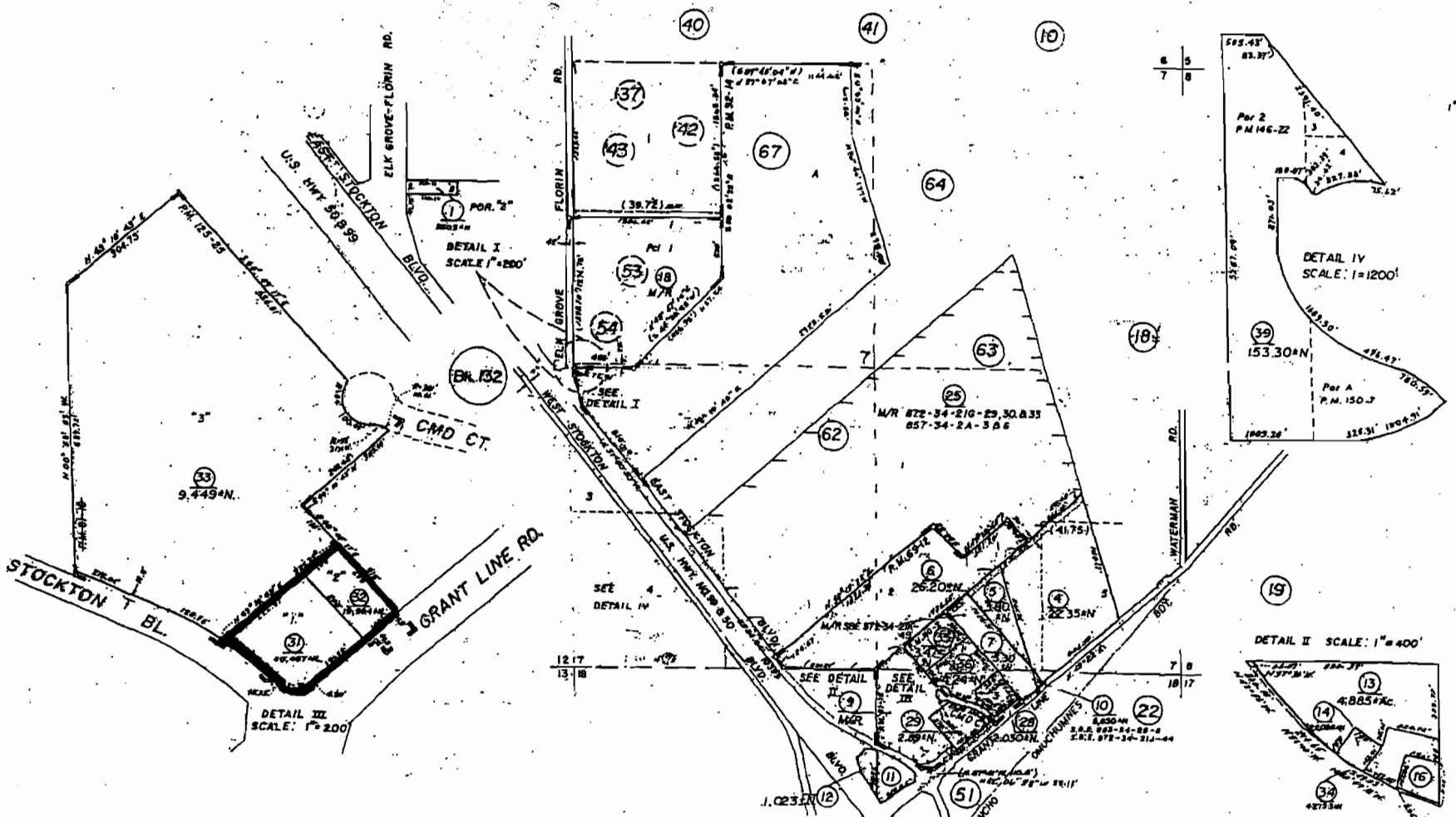
Excepting therefrom that portion of the property lying below the depth of 500 feet, measured vertically, from the contour of the surface of said property, without the right for any purpose whatsoever to enter upon, into or through the surface of said property or any part thereof lying between said surface of said property or any part thereof lying between said surface and 500 feet below said surface, as excepted in Deeds from Southern Pacific Industrial Development Company, and recorded in Book 80-08-25, Page 1165, Official records of Sacramento County and in Book 83-04-28, Page 236, official records of Sacramento County.

Assessor's Parcel No.: 134-0600-032

POR. SEC. 7, 8, & 18, T. 6N, R. 6E., M.D.B. 8 M.

Tax Area Code

134-60



Par. Union Industrial Park, P.M. Bk. 92, Pg. 14 (2-27-86)  
 Valley Hi Industrial Park, P.M. Bk. 81, Pg. 16 (6-5-84)

Assessor's Map Bk. 134-Pg. 60  
 County of Sacramento, Calif.

NOTE-Assessor's Block Numbers Shown in Ellipses.  
 Assessor's Parcel Numbers Shown in Circles.

FEB 23 2004

Exhibit "B"

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-268**

**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**

