

RESOLUTION NO. 2005-278

**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
Janet G. Hume, Clyde J. Mitchell, James R. Guttridge and Sally J. Guttridge
Portion of APN 134-0220-049**

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 of a portion of APN 134-0220-049 ("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, B, and B-1, 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 and a Temporary Construction Easement described in Exhibit A-1 and depicted in Exhibit B-1, 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, B, and B-1; 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, B, and B-1. 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

City Parcels 04-15-39-A & -C
In or near APN 134-0220-049

Located in the City of Elk Grove, Sacramento County, California, being a part of Parcel C shown on the Parcel Map filed June 20, 1974, in Book 18 of Parcel Maps at Page 28, Sacramento County Records, and further described as follows:

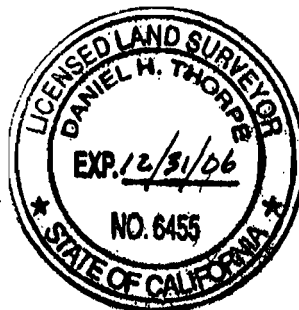
BEGINNING at the westerly corner of said Parcel C (Remainder), at the intersection of the centerline of the 60 feet wide Irrevocable Offer of Dedication shown on said map with the northeasterly right of way line of the frontage road (now known as East Stockton Boulevard) shown on the map filed April 29, 1958, in State Highway Map Book 4 at Page 24, Sacramento County Records; thence along the northwesterly line of said Parcel C, North49°03'42"East a distance of 10.065 meters; thence South36°59'45"East a distance of 9.166 meters to the general easterly line of said Irrevocable Offer of Dedication; thence along last said line, along a non-tangent curve to the left having a radius of 7.620 meters, a chord bearing South5°08'17" West 10.572 meters, through a central angle of 87°50'50" an arc length of 11.683 meters to a point of tangency on a line parallel with and distant 2.438 meters northeasterly, measured at right angles, from said northeasterly right of way line; thence along said parallel line, South38°47'08"East a distance of 3.883 meters to a point of curvature; thence along a tangent curve to the left having a radius of 16.764 meters, a chord bearing South65°26'00"East 15.037 meters, through a central angle of 53°17'44" an arc length of 15.593 meters; thence along a non-tangent curve to the right having a radius of 16.459 meters, a chord bearing South22°03'04"East 31.891 meters, through a central angle of 151°18'17" an arc length of 43.465 meters to said northeasterly right of way line of the frontage road; thence along last said line, North38°47'08"West a distance of 64.262 meters to the **POINT OF BEGINNING**.

Containing an area of 0.06223 hectares (6,699 square feet or 0.1538 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



July 20, 2005
Date

In APN 134-0220-049
City Parcel 04-15-39-E

Located in the City of Elk Grove, Sacramento County, California, being a part of Parcel C shown on the Parcel Map filed June 20, 1974, in Book 18 of Parcel Maps at Page 28, Sacramento County Records, and further described as follows:

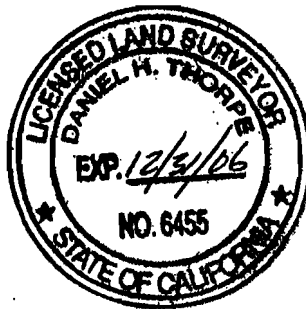
COMMENCING at the westerly corner of said Parcel C (Remainder), at the intersection of the centerline of the 60 feet wide Irrevocable Offer of Dedication shown on said map with the northeasterly right of way line of the frontage road (now known as East Stockton Boulevard) shown on the map filed April 29, 1958, in State Highway Map Book 4 at Page 24, Sacramento County Records; thence along said northeasterly right of way line, South38°47'08"East a distance of 64.704 meters; thence South51°12'52"West a distance of 10.516 meters to the **POINT OF BEGINNING** on a line parallel with and distant 3.505 meters northeasterly, measured at right angles, from the southwesterly right of way line of said frontage road; thence along said parallel line, South38°47'08"East a distance of 75.680 meters; thence South36°02'39"East a distance of 73.284 meters to said southwesterly right of way line; thence along last said line, North38°47'08"West a distance of 158.375 meters to the northerly line of the property described in Resolution No. 91-0575 titled "*Resolution Vacating a Street*" recorded April 25, 1991, in Book 910425 Page 751, Official Records of Sacramento County; thence last said line, along a non-tangent curve to the left having a radius of 16.459 meters, a chord bearing South75°41'06"East 5.838 meters, through a central angle of 20°25'50" an arc length of 5.869 meters to said parallel line; thence along said parallel line, South38°47'08"East a distance of 4.827 meters to the **POINT OF BEGINNING**.

Containing an area of 0.04176 hectares (4,495 square feet or 0.1032 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±.

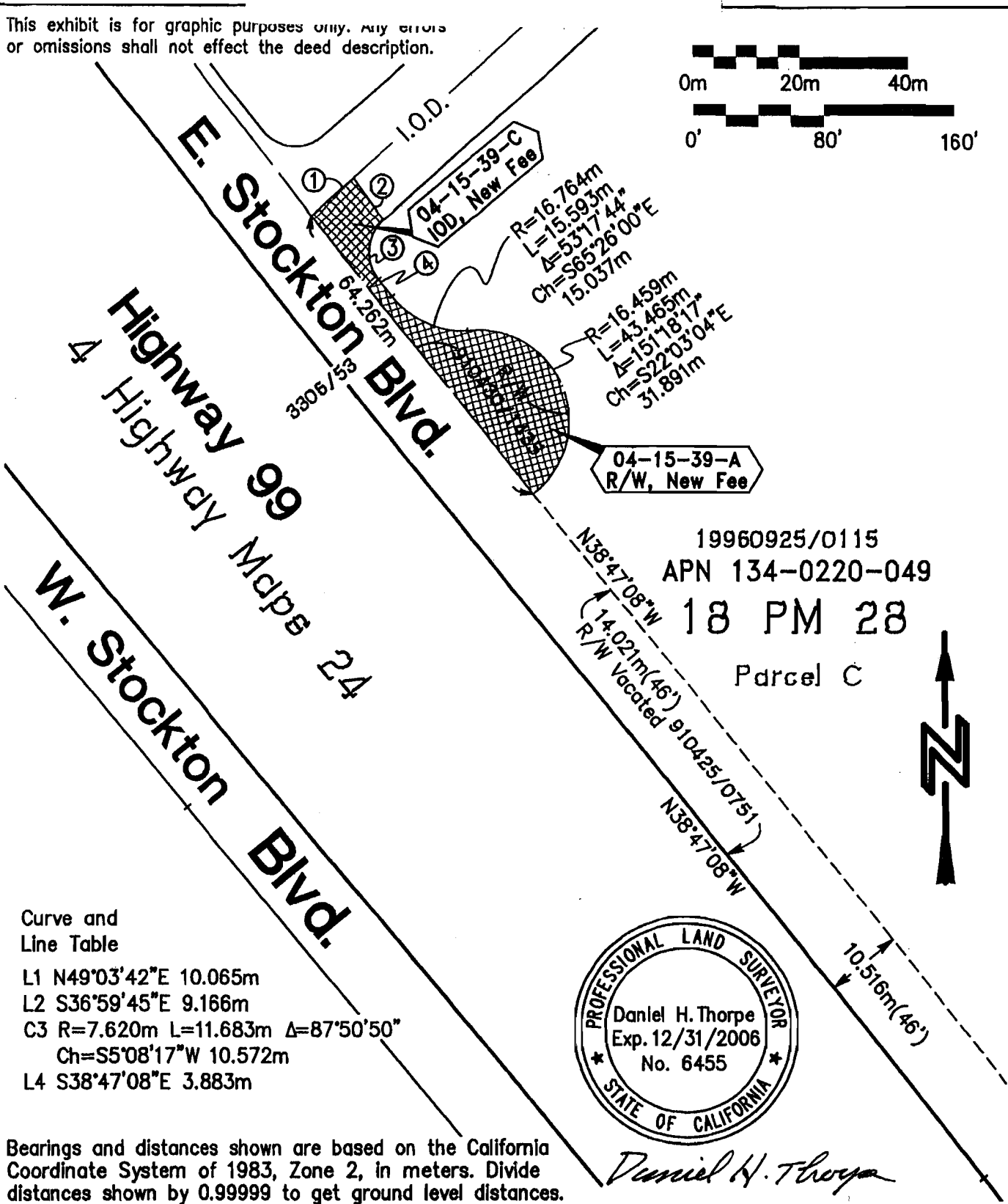
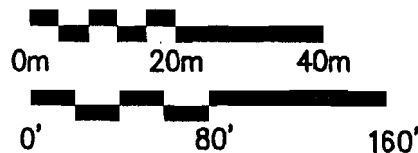
This real property description has been prepared at Mark Thomas & Co. Inc., by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

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



May 25, 2005
Date

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



19960925/0115
 APN 134-0220-049

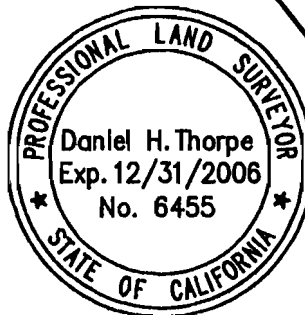
18 PM 28

Parcel C



Curve and Line Table

- L1 N49°03'42"E 10.065m
- L2 S36°59'45"E 9.166m
- C3 R=7.620m L=11.683m Δ=87°50'50"
 Ch=S5°08'17"W 10.572m
- L4 S38°47'08"E 3.883m



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.



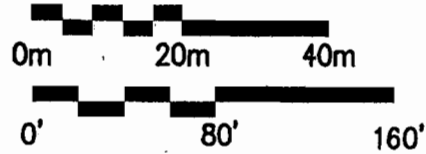
IN THE CITY OF ELK GROVE
 SACRAMENTO COUNTY, CALIFORNIA
 PARCELS 04-15-39-A, -C



Scale 1 : 1000
 Date 20-July-2005
 Drawn By Olsen
 Checked By Thorpe

EXHIBIT B Plat to Accompany Legal Description
 Fee Take of 0.0622±hectares
 (6,699±sq.ft. or 0.1538±acres) in
 APN 134-0220-049

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



Abutter's Right's Including
Access Right's Relinquished

19960925/0115
APN 134-0220-049
18 PM 28
Parcel C

E. Stockton Blvd.
1.0.D.
S38°47'08"E
3305/53
64.704m
910430/1435
R/W
4.827m

R=16.459m
Δ=20°25'50"
L=5.869m
Ch=S75°41'06"E
5.838m

tie
S51°12'52"W
10.516m

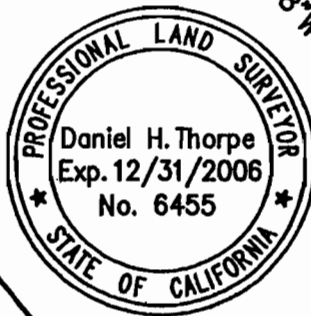
04-15-39-E
New Fee, R/W

(11.5')
3.505m

Vacated 910425/0751
75.680m
N38°47'08"W
158.575m

10.516m
(46')

Highway 99
4 Highway Maps 24
W. Stockton Blvd.



Daniel H. Thorpe



Bearings and distances shown are based on the California
Coordinate System of 1983, Zone 2, in U.S. Survey Feet.
Divide distances shown by 0.99999 to get ground level distances.



IN THE CITY OF ELK GROVE
SACRAMENTO COUNTY, CALIFORNIA
PARCELS 04-15-39-E



Scale 1 : 1000
Date 25-May-2005
n By Olsen
ked By Thorpe

EXHIBIT B Plat to Accompany Legal Description
Fee Take of 0.04176±hectares
(4,495±sq.ft. or 0.1032±acres) in
APN 134-0220-049

Exhibit 'A-1' Page 1 of 2

In APN 134-0220-049
City Parcel 04-15-39-F

Located in the City of Elk Grove, Sacramento County, California, being a 3.810 meter wide strip of land in Parcel C shown on the Parcel Map filed June 20, 1974, in Book 18 of Parcel Maps at Page 28, Sacramento County Records, and further described as follows:

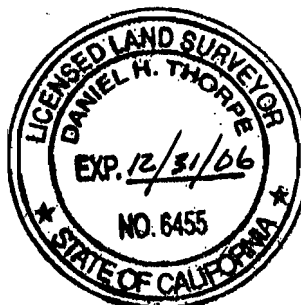
COMMENCING at the westerly corner of said Parcel C (Remainder), at the intersection of the centerline of the 60 feet wide Irrevocable Offer of Dedication shown on said map with the northeasterly right of way line of the frontage road (now known as East Stockton Boulevard) shown on the map filed April 29, 1958, in State Highway Map Book 4 at Page 24, Sacramento County Records; thence along said northeasterly right of way line, South38°47'08"East a distance of 64.262 meters to the **POINT OF BEGINNING**, and thence South38°47'08"East a distance of 3.813 meters to a point of curvature; thence along a non-tangent curve to the right having a radius of 20.269 meters, a chord bearing South68°57'24"West 11.041 meters, through a central angle of 31°36'30" an arc length of 11.182 meters to a point on a line parallel with and distant 3.505 meters northeasterly, measured at right angles, from the southwesterly right of way line of said frontage road; thence along said parallel line, North38°47'08"West a distance of 4.833 meters to a point of cusp; thence along a non-tangent curve to the left having a radius of 16.459 meters, a chord bearing North73°51'02"East 11.393 meters through a central angle of 40°29'55" an arc length of 11.634 meters to the **POINT OF BEGINNING**.

Containing an area of 0.00433 hectares (467 square feet or 0.0107 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



July 20, 2005
Date

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. Any errors or omissions shall not affect the deed description.

Irrevocable Offer
of Dedication

① S38°47'08"E
3.813m

③ N38°47'08"W
4.833m

② R=20.269m
Δ=31°36'30"
L=11.182m
Ch=S68°57'24"W
11.041m

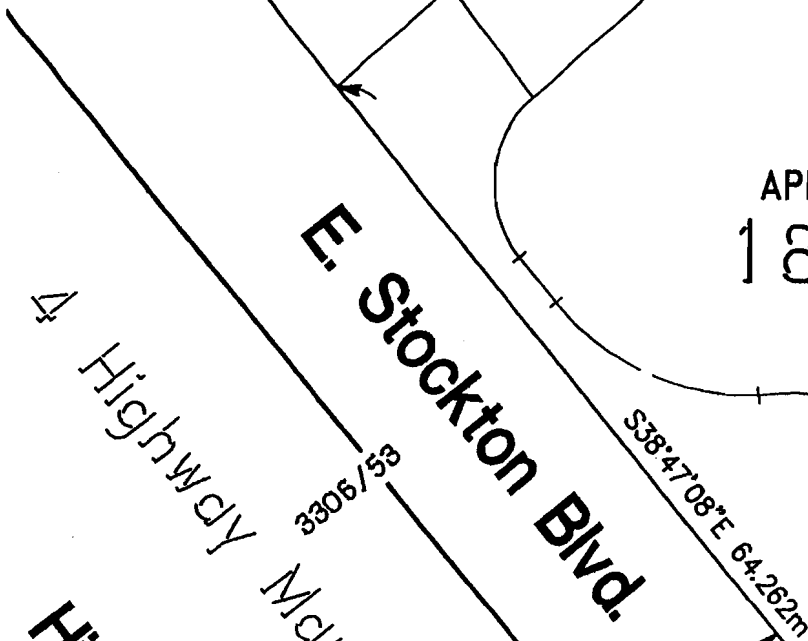
④ R=16.459m
Δ=40°29'55"
L=11.634m
Ch=N73°51'02"E
11.393m

19960925/0115

APN 134-0220-049

18 PM 28

Parcel C



910430
/1435

14.021m
(46')

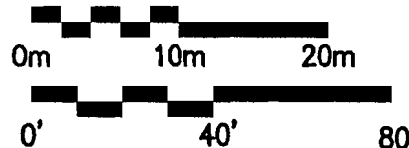
3.505m
(11.5')

3.810m (12.5')
04-15-39-F
T.C.E.

Highway 99
Highway 99/1435
Highway 99/1435



Daniel H. Thorpe

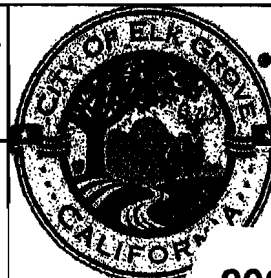


Bearings and distances shown are based on the California Coordinate System of 1983, Zone 2, in U.S. Survey Feet. Divide distances shown by 0.99999 to get ground level distances.



Mark
Thomas &
Company
Inc.

IN THE CITY OF ELK GROVE
SACRAMENTO COUNTY, CALIFORNIA
PARCEL 04-15-39-F



Scale 1 : 500
Date 20-July-2005
Drawn By Olsen
Checked By Thorpe

EXHIBIT B Plat to Accompany Legal Description
Temporary Construction Easement of 0.0043±hectares in
(467±sq.ft. or 0.0107±acres) in
APN 134-0220-049

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-278**

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**

