

**RESOLUTION NO. 2006-320**

**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 SHELDON ROAD/STATE ROUTE-99  
INTERCHANGE RECONSTRUCTION PROJECT  
(WOOD/DEMANDANTE - JANIGA / APN: 115-0162-010)**

**WHEREAS**, improving and widening the Sheldon Road/State Route 99 Interchange holds a priority in the City of Elk Grove Transportation Improvement Program and acquiring the necessary right of way and other property interests and assisting with the required business and residential relocations is an important and necessary step in the Sheldon Road/State Route 99 Interchange Reconstruction Project; and

**WHEREAS**, the Project, including its improvements, is necessary to ensure that the roadway system operates at an acceptable level of service, to provide for efficient and safe traffic circulation and access, and to generally further public safety and the general community welfare in a manner consistent with the City's General Plan; and

**WHEREAS**, it is necessary to acquire certain real property interests ("Property") for the construction, operation and maintenance of a right of way and related improvements as part of the Project; and

**WHEREAS**, the City 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 a fee interest, a public utility easement and a temporary construction easement all of which are more particularly described and depicted in Exhibits A-1, A-2, B-1, B-2, B-3, C-1, C-2 and C-3 which are attached hereto and are incorporated herein. The Sacramento County Assessor has designated the Property as a portion of APN 115-0162-010; 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 Property based upon the City of Elk Grove's adoption of a Final Environmental Report and Assessment, including the Mitigation Monitoring and Reporting Program as adopted by the City Council on July 27, 2005; and

**WHEREAS**, the City of Elk Grove has complied with the requirements of Government Code section 7267.2, in regards to the 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 December 13, 2006, 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.
2. Upon examination of the alternatives, the City of Elk Grove requires the Property for the Project.
3. The City of Elk Grove is authorized to acquire Properties pursuant to the provisions of Government Code sections 37350.5, 40401 and 40404 and the provisions of Eminent Domain Law comprising Title 7, Part 3 of the Code of Civil Procedure (commencing at section 1230.010).
4. Acquisition of the Property for Project purposes promotes public safety and the general welfare, is authorized by Government Code sections 37350.5, 40401, 40404, and is therefore a public use.
5. The City of Elk Grove hereby finds, determines and declares:
  - a. The public interest and necessity require the proposed Project;
  - 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;
  - c. The property interests described and depicted in Exhibits A-1, A-2, B-1, B-2, B-3, C-1, C-2 and C-3 are 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-1, A-2, B-1, B-2, B-3, C-1, C-2 and C-3.
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-1, A-2, B-1, B-2, B-3, C-1, C-2 and C-3. The City Attorney is further authorized to

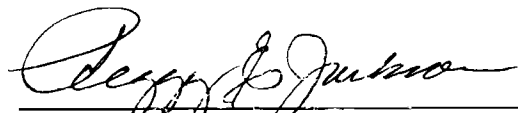
take all steps necessary to obtain such orders for immediate possession of the property interests as may be required for the Project.

7. The City's Chief Financial Officer shall disburse all funds required by the City Attorney to make any and all deposits to obtain possession of and title to the Property including but not limited to deposit of probable amount of compensation pursuant to Code of Civil Procedure section 1255.020.

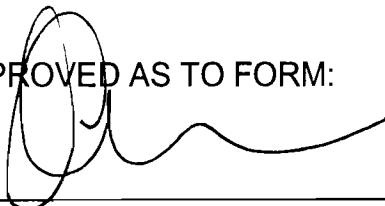
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 13<sup>th</sup> day of December 2006.

  
\_\_\_\_\_  
SOPHIA SCHERMAN, MAYOR PRO TEM  
of the CITY OF ELK GROVE

ATTEST:

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

APPROVED AS TO FORM:

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

**Fee Take Parcel**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF ELK GROVE, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

All that portion of Lot 5 of Fleming's Highway Farms No. 4, in the City of Elk Grove, County of Sacramento, California, according to the official plat thereof, filed in the office of the Recorder of Sacramento County on July 14, 1926, in Book 19 of maps, Map No. 3, and being more particularly described as follows:

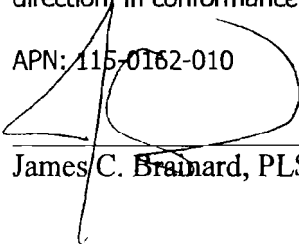
**Beginning** at a point on the Westerly line of said Lot 5 of Fleming's Highway Farms No. 4, from which the Southwest corner of said Lot 5 bears South 19° 46' 12" East 279.04 feet or 85.052 meters; thence from said **Point of Beginning** along said Westerly line North 19° 46' 12" West 68.21 feet or 20.790 meters; thence leaving said Westerly line North 90°00'00" East 298.69 feet or 91.041 meters to the East line of said parcel; thence along said East line South 00°33'58" East 64.31 feet or 19.602 meters; thence leaving said East line South 90°00'00" West 263.32 feet or 80.260 meters; thence along the arc of a curve to the right having a radius of 713.45 feet or 217.460 meters, with a chord bearing North 89°28'51" West 12.93 feet or 3.941 meters to the **Point of Beginning**, Together with all underlying fee, if any, appurtenant to the above-described parcel.

The total area of the Fee Take contains 18,484.27 square feet or 0.4243 acres; or 1,717.252 square meters or 0.172 hectares, more or less.

The meridian used herein is based upon the California Coordinate System (CCS) Zone II, NAD83, 1991.35. The ground distances used herein are in U.S. Survey Feet and Meters. To obtain grid distances, multiply the ground distances shown herein by the combined factor of 0.99997792.

This real property description has been prepared at R.E.Y. Engineers, Inc., by me or under my direction, in conformance with the Professional Land Surveyors Act.

APN: 115-0162-010

  
James C. Brainard, PLS 7051



10/25/06  
Date

Bow Street

APN 115-0160-056

BOOK 19  
PAGE 3

Lot 5

APN 115-0162-010

Kaye Wood &  
Karen Demandante-Janiga

APN 115-0162-011

APN 115-0162-012

APN 115-0162-018

298.69' N90°00'00"E  
(91.041M)

05-08-12  
FEE TAKE



N19°46'12"W  
68.21' (20.790M)

POB

S00°33'58"E  
64.31' (19.602M)

APN 115-0162-014

Ch=N89°28'51"W  
12.95' (3.941M)  
R=713.45' (217.460M)

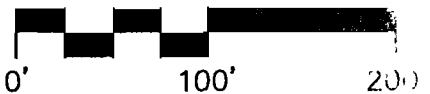
S90°00'00"W  
263.32' (80.260M)

APN 115-0160-057

PARCEL ACREAGES	
ORIGINAL:	6.322
FEE TAKE:	0.424
REMAINDER:	5.898

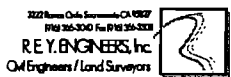
POB = Point of Beginning  
POC = Point of Commencement

GRAPHIC SCALE



The meridian shown hereon is based upon the California Coordinate System, Zone 2 (NAD83, 1991.35). To obtain grid distances, multiply the ground distances shown hereon by the combined factor of 0.99997792.

IN THE CITY OF ELK GROVE  
SACRAMENTO COUNTY, CALIFORNIA  
CITY PARCEL 05-08-12



Scale 1"=100'  
Date 04.12.06  
Drawn By KS  
Checked By JB

PLAT MAP - SHEET 1 OF 1  
Fee Take of 18,484.27+/- sq.ft.  
0.4243+/- acres or 0.172+/- hectares  
APN 115-0162-010

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**Public Utility Easement**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF ELK GROVE, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

All that portion of Lot 5 of Fleming's Highway Farms No. 4, in the City of Elk Grove, County of Sacramento, California, according to the official plat thereof, filed in the office of the Recorder of Sacramento County on July 14, 1926, in Book 19 of maps, Map No. 3, and being more particularly described as follows:

**Beginning** at a point on the Westerly line of said Lot 5 of Fleming's Highway Farms No. 4, from which the Southwest corner of said Lot 5 bears South 19° 46' 12" East 265.69 feet or 80.982 meters; thence from said **Point of Beginning** along said Westerly line North 19° 46' 12" West 13.36 feet or 4.072 meters; thence leaving said Westerly line along the arc of a curve to the left having a radius of 713.45 feet or 217.460 meters with a chord bearing South 89°28'51" East 12.93 feet or 3.941 meters; thence North 90°00'00" East 263.32 feet or 80.260 meters to the East line of said parcel; thence along said East line South 00°33'58" East 12.50 feet or 3.810 meters; thence leaving said East line South 90°00'00" West 263.45 feet or 80.300 meters; thence along the arc of a curve the right having a radius of 725.95 feet or 221.270 meters, with a chord bearing North 89°40'05" West 8.41 feet or 2.563 meters to the **Point of Beginning**,

Together with

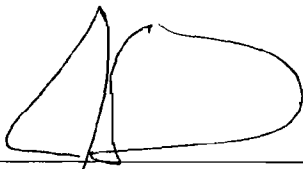
**Beginning** at a point on the Westerly line of said Lot 5 of Fleming's Highway Farms No. 4, from which the Southwest corner of said Lot 5 bears South 19° 46' 12" East 347.25 feet or 105.842 meters; thence from said **Point of Beginning** along said Westerly line North 19° 46' 12" West 13.28 feet or 4.048 meters; thence leaving said Westerly line South 90°00'00" East 303.06 feet or 92.373 meters to the East line of said parcel; thence along said East line South 00°33'58" East 12.50 feet or 3.810 meters; thence leaving said East line North 90°00'00" West 298.69 feet or 91.041 meters to the **Point of Beginning**,

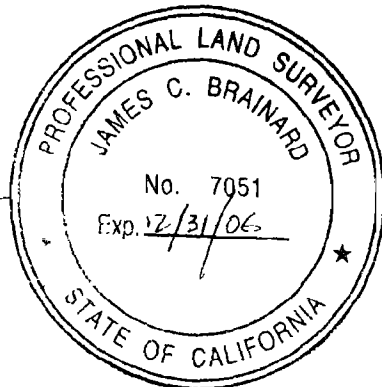
The total area of the Public Utility Easement contains 7,186.65 square feet or 0.1650 acres; or 667.664 square meters or 0.067 hectares, more or less.

The meridian used herein is based upon the California Coordinate System (CCS) Zone II, NAD83, 1991.35. The ground distances used herein are in U.S. Survey Feet and Meters. To obtain grid distances, multiply the ground distances shown herein by the combined factor of 0.99997792.

This real property description has been prepared at R.E.Y. Engineers, Inc., by me or under my direction, in conformance with the Professional Land Surveyors Act.

APN: 115-0162-010

  
James C. Brainard, PLS 7051



10/25/06  
Date

Bow Street

APN 115-0160-056

BOOK 19  
PAGE 3

Lot 5

APN 115-0162-010

Kaye Wood &  
Karen Demandante-Janiga

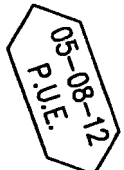


APN 115-0162-011

APN 115-0162-012

APN 115-0162-013

2998.69' (91.041M)  
N90°00'00"W  
303.06' (92.373M)  
S90°00'00"E



N19°46'12"W  
13.28' (4.048M)  
POB

S00°33'58"E  
12.50' (3.810M)

N19°46'12"W  
13.36' (4.072M)  
POB

S00°33'58"E  
12.50' (3.810M)

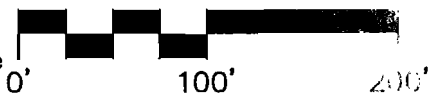
APN 115-0162-014

Ch=SB9°28'51"E  
R=715.45' (217.490M)  
Ch=NB89°40'05"W  
R=725.95' (221.270M)  
8.41' (2.563M)  
263.32' (80.290M)  
N90°00'00"E  
263.45' (80.290M)  
S90°00'00"W  
80.300M

APN 115-0160-057

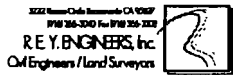
POB = Point of Beginning  
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GRAPHIC SCALE



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IN THE CITY OF ELK GROVE  
SACRAMENTO COUNTY, CALIFORNIA  
CITY PARCEL 05-08-12



Scale 1"=100'  
Date 04.12.06  
Drawn By KS  
Checked By JB

PLAT MAP - SHEET 1 OF 1  
Public Utility Easement of 7,186.65+/- sq.ft.  
0.1650+/- acres or 0.067+/- hectares  
APN 115-0162-010

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**EXHIBIT B-3**  
**(Public Utility Easement)**

An EASEMENT for PUBLIC UTILITY PURPOSES for the installation, construction, repair and maintenance of electroliers, traffic control devises, water, sewer, gas and drainage pipes and poles, and overhead and underground wires and conduits for electrical communications and television services, together with any and all appurtenances pertaining thereto, on, over, under and across all that real property owned by OWNER(S) and situated within the City of Elk Grove ("CITY"), County of Sacramento, State of California described herein in Exhibit B-1 and delineated herein on Exhibit B-2.

The CITY may move and/or remove any existing structures or improvements. The CITY shall replace "in like kind" or restore such structures or improvements upon completion of construction and/or maintenance activities unless such restoration or replacement interferes with the operation and maintenance of said public utilities.

Without limiting the CITY's rights granted herein, the CITY may also trim such tree foliage and to cut such limbs and roots on said property as may be necessary for the protection of said public utilities.

OWNER(S) shall not erect or construct any building or other permanent structure or drill or operate any well within said easement.



**Temporary Construction Easement**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF ELK GROVE, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

All that portion of Lot 5 of Fleming's Highway Farms No. 4, in the City of Elk Grove, County of Sacramento, California, according to the official plat thereof, filed in the office of the Recorder of Sacramento County on July 14, 1926, in Book 19 of maps, Map No. 3, and being more particularly described as follows:

**Beginning** at a point on the Westerly line of said Lot 5 of Fleming's Highway Farms No. 4, from which the Southwest corner of said Lot 5 bears South 19° 46' 12" East 258.03 feet or 78.648 meters; thence from said **Point of Beginning** along said Westerly line North 19° 46' 12" West 21.02 feet or 6.407 meters; thence leaving said Westerly line along the arc of a curve to the left having a radius of 713.45 feet or 217.460 meters with a chord bearing South 89°28'51" East 12.93 feet or 3.941 meters; thence North 90°00'00" East 263.32 feet or 80.260 meters to the East line of said parcel; thence along said East line South 00°33'58" East 19.69 feet or 6.002 meters; thence leaving said East line South 90°00'00" West 263.52 feet or 80.321 meters; thence along the arc of a curve the right having a radius of 733.13 feet or 223.458 meters, with a chord bearing North 89°46'21" West 5.82 feet or 1.774 meters to the **Point of Beginning**,

Together with

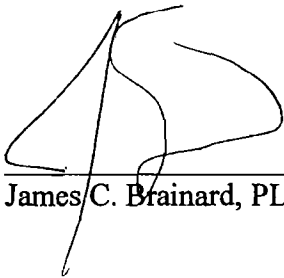
**Beginning** at a point on the Westerly line of said Lot 5 of Fleming's Highway Farms No. 4, from which the Southwest corner of said Lot 5 bears South 19° 46' 12" East 347.25 feet or 105.842 meters; thence from said **Point of Beginning** along said Westerly line North 19° 46' 12" West 20.92 feet or 6.376 meters; thence leaving said Westerly line South 90°00'00" East 305.57 feet or 93.138 meters to the East line of said parcel; thence along said East line South 00°33'58" East 19.69 feet or 6.002 meters; thence leaving said East line North 90°00'00" West 298.69 feet or 91.041 meters to the **Point of Beginning**,

The total area of the Temporary Construction Easement contains 11,317.70 square feet or 0.2598 acres; or 1,051.453 square meters or 0.105 hectares, more or less.

The meridian used herein is based upon the California Coordinate System (CCS) Zone II, NAD83, 1991.35. The ground distances used herein are in U.S. Survey Feet and Meters. To obtain grid distances, multiply the ground distances shown herein by the combined factor of 0.99997792.

This real property description has been prepared at R.E.Y. Engineers, Inc., by me or under my direction, in conformance with the Professional Land Surveyors Act.

APN: 115-0162-010



James C. Brainard, PLS 7051



10/23/06  
Date

Bow Street

APN 115-0160-056

# BOOK 19 PAGE 3

Lot 5

APN 115-0162-010

*Kaye Wood &  
Karen Demandante-Janiga*

APN 115-0162-011

APN 115-0162-012

APN 115-0162-013

APN 115-0162-014



N19°46'12"W  
20.92' (6.376M)  
POB

309.57' (93.138M)  
S90°00'00"E  
298.69' (91.041M)  
N90°00'00"W

05-08-12  
T.C.E.

S00°33'58"E  
19.69' (6.002M)

N19°46'12"W  
21.02' (6.407M)  
POB

Ch=S89°28'51"E  
12.95' (3.941M)  
Ch=713.45' (217.460M)  
R=189.46' (57.74M)  
Ch=N89°46'21"W  
5.82' (1.774M)  
R=733.13' (223.458M)

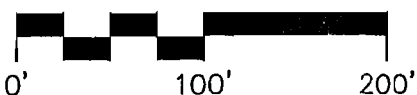
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T.C.E.

S00°33'58"E  
19.69' (6.002M)

APN 115-0160-057

POB = Point of Beginning  
POC = Point of Commencement

GRAPHIC SCALE



The meridian shown hereon is based upon the California Coordinate System, Zone 2 (NAD83, 1991.35). To obtain grid distances, multiply the ground distances shown hereon by the combined factor of 0.99997792.

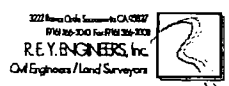
IN THE CITY OF ELK GROVE  
SACRAMENTO COUNTY, CALIFORNIA  
CITY PARCEL 05-08-12



Scale 1"=100'  
Date 04.12.06  
Drawn By KS  
Checked By JB

PLAT MAP - SHEET 1 OF 1  
Temporary Construction Easement of 11,317.70+/- sq.ft.  
0.2598+/- acres or 0.105+/- hectares  
APN 115-0162-010

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**EXHIBIT C-3**  
**(Temporary Construction Easement)**

A TEMPORARY CONSTRUCTION EASEMENT (“EASEMENT”) for the purpose of use, construction, reconstruction, installation, improvement, repair, inspection, expansion or maintenance of public right-of-ways, highways, roadways, services, utilities, landscape improvements, and necessary appurtenant structures, on, over, and under all that real property situated in the City of Elk Grove (“CITY”), County of Sacramento, State of California, described herein in Exhibit C-1 and delineated herein on Exhibit C-2.

CITY may move and/or remove any existing structures or improvements but shall replace “in like kind” or restore such structures or improvements prior to the EASEMENT’s termination. Access to any improved parcels shall not be totally impaired and at least one-half of all driveways shall remain unobstructed at all times. City may re-grade the underlying property to conform to the grade of the street frontage.

The EASEMENT shall extend for a period of thirty (30) months commencing on the date ordered by the Court.

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2006-320**

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

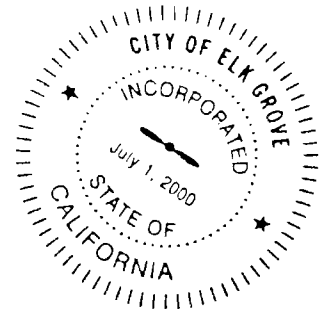
***I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 13, 2006 by the following vote:***


**AYES :**       **COUNCILMEMBERS:**     **Scherman, Cooper, Leary, Davis, Hume**

**NOES :**       **COUNCILMEMBERS:**     **None**

**ABSTAIN :**   **COUNCILMEMBERS:**     **None**

**ABSENT:**    **COUNCILMEMBERS:**     **None**



  
\_\_\_\_\_  
**Peggy E. Jackson, City Clerk  
City of Elk Grove, California**