

## RESOLUTION NO. 2014-137

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR SALE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS FOR SALE OF CITY-OWNED REAL PROPERTY WITH FAMILY REAL LIMITED PARTNERSHIP**

**WHEREAS**, the City acquired the Property (legal descriptions and plat maps attached) located on the west side of East Stockton Boulevard, south of Sheldon Road, in 2008, in conjunction with the Sheldon Road / State Route 99 Interchange Project. The Property was acquired from Family Real Limited Partnership in order to provide the Elk Grove Church of Christ access onto East Stockton Boulevard, whose access onto Sheldon Road had been severed; and

**WHEREAS**, the City desires to sell the Remnant Property to Family Real Limited Partnership to perpetuate improved access and circulation for its future development, while maintaining access to the Elk Grove Church of Christ Property. The sale is being contemplated in conjunction with a Boundary Line Adjustment between Family Real Limited Partnership and the Elk Grove Church of Christ. As part of the Boundary Line Adjustment, Family Real Limited Partnership agrees to provide the Elk Grove Church of Christ with an Access Easement across the Remnant Property, creating permanent legal access in favor of the Elk Grove Church of Christ; and

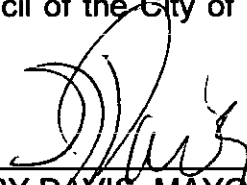
**WHEREAS**, Family Real Limited Partnership has agreed to purchase 1,879 square feet of the City-owned remnant property based upon its fair market value of \$6.25/square foot, which is further discounted by 50% to account for the future access easement in favor of the Elk Grove Church of Christ. The purchase price furthermore represents the amount originally paid by the City to acquire the Property from Family Real, as established by an independent appraisal in 2006. The original appraised value was derived during the peak of the real estate market. Since that time, the real estate market declined significantly and is now showing signs of recovery. Staff concludes the proposed purchase price for the disposition of the Remnant Property is indicative of fair market value. The remaining property, totaling 1,987 square feet, will be conveyed to Family Real Limited Partnership for no compensation. This area was previously known as a portion of East Stockton Boulevard, for which the City did not compensate Family Real Limited Partnership for during the initial acquisition of the Family Real Limited Partnership Property; and

**WHEREAS**, Staff concludes the subject remnant property is considered exempt surplus land. Pursuant to Government Code section 54221, the parcels meet the criteria of "exempt surplus land" because they are: (a) less than 5,000 square feet in area; and (b) is being sold to an owner of contiguous land; and

**WHEREAS**, the proposed sale is exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 Section 15312 of the California Code of Regulations.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove finds that disposition of this property without competitive proposals is in the best interest of the City, authorizes the City Manager to execute an Agreement for the Sale of City-owned Real Property with Family Real Property Limited Partnership in an amount of \$5,880 in substantially the form presented with the accompanying staff report, and further directs that all of the proceeds from the sale of the Property be deposited into the City's Roadway Fee Fund (Fund 328).

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 25<sup>th</sup> day of June 2014.




\_\_\_\_\_  
GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:



\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

Legal Description  
1 of 2

**Portion of Old East Stockton Boulevard to Elk Grove Church of Christ**

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:

Lots 128 as shown on the Plat of "Sheldon Pacific, Unit No. 2", filed in the Office of the Recorder of Sacramento County, California on October 13, 1999 in Book 266 of Maps, at Map No. 5 more particularly described as follows:

Beginning at the centerline intersection of East Stockton Boulevard and Cantwell Drive alignment shown on sheet 3 of 5 in Book 266 of Subdivision Maps at Page 5 in said County; thence from said intersection North 20°45'54" East 31.30 feet or 9.540 meters to a point on the proposed new Westerly Right of Way of East Stockton Boulevard and the Point of Beginning; thence from said Point of Beginning along said proposed new Westerly Right of Way along the arc of a curve to the left having a radius of 474.11 feet or 144.509 meters, with a chord bearing South 42°21'09" West 18.82 feet or 5.736 meters; thence South 43°29'22" West 41.19 feet or 12.555 meters, thence leaving said new Westerly Right of Way North 47°47'03" West 21.56 feet or 6.572 meters to the old Westerly Right of Way of East Stockton Boulevard; thence along said old Westerly Right of Way along the arc of a curve to the left having a radius of 458.04 feet or 139.611 meters, with a chord bearing North 20°49'57" East 64.44 feet or 19.641 meters; thence leaving said old Westerly Right of Way South 47°47'03" East 46.01 feet or 14.024 meters to the Point of Beginning,

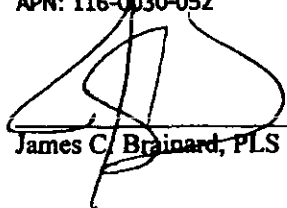
containing 1987.28 square feet or 0.0456 acres; or 184.625 square meters or 0.018 hectares, more or less.

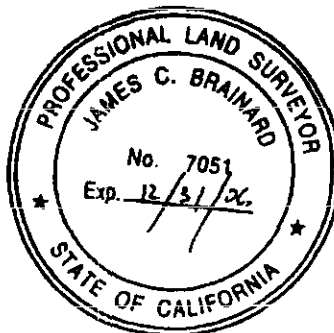
Together with all underlying fee, if any, appurtenant to the above-described parcel. Also abandoning any right of way or easements over and across the above described parcel. reserved for East Stockton Boulevard alignment shown on said map recorded in Book 266 of subdivision maps at page 5.

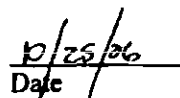
The meridian used herein is based upon the California Coordinate System (CCS) Zone II, NAD83, 1991.35. The ground distances used herein are in U.S. Survey Feet and Meters. To obtain grid distances, multiply the ground distances shown herein by the combined factor of 0.99997792.

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.

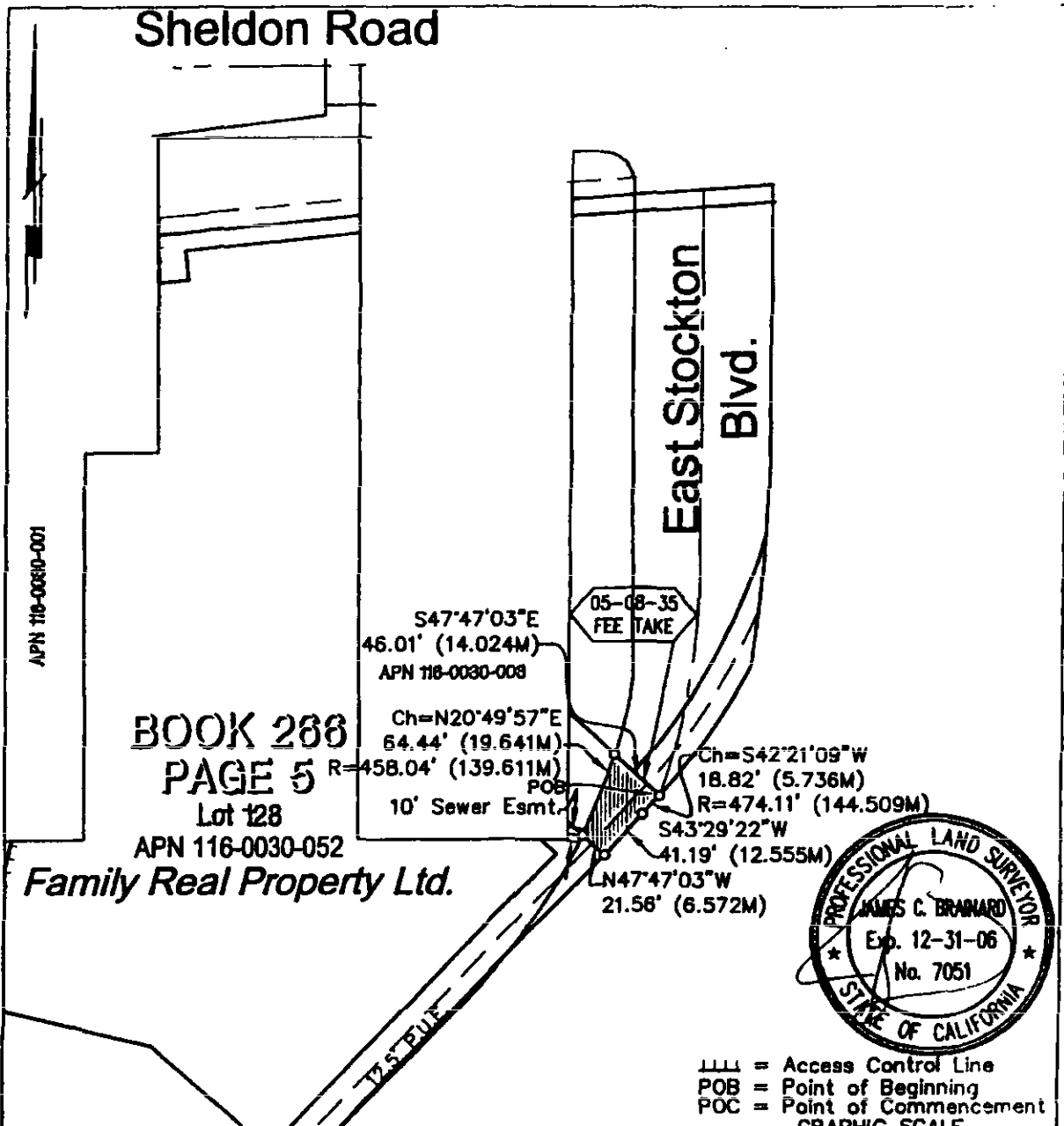
APN: 116-0030-052

  
James C. Brainard, PLS 7051

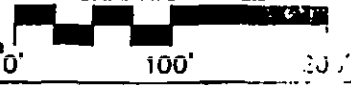


  
Date

Plat Map  
1 of 2



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 05-08-35



Scale 1"=100'  
Date 03-09-06  
Drawn By KS  
Checked By JB

PLAT MAP - SHEET 1 OF 1  
Fee Take of 1,987.28+/- sq.ft.  
0.0456+/- acres or 0.018+/- hectares  
EAST STOCKTON BLVD. RIGHT OF WAY PER MAP 266 PAGE 5

Legal Description  
2 of 2

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:

Lots 128 as shown on the Plat of "Sheldon Pacific, Unit No. 2", filed in the Office of the Recorder of Sacramento County, California on October 13, 1999 in Book 266 of Maps, at Map No. 5 more particularly described as follows:

A piece of land **Beginning** at the centerline intersection of the proposed East Stockton Boulevard and Cantwell Drive alignment shown on sheet 3 of 5 in Book 266 of Subdivision Maps at Page 5 in said County; thence from said intersection South 89°56'45" West 45.90 feet or 13.990 meters to a point on said proposed Westerly Right of Way alignment of East Stockton Boulevard and the **Point of Beginning**; thence from said **Point of Beginning** leaving said proposed Westerly Right of Way North 47°47'03" West 14.90 feet or 4.542 meters to a point on the West line of Lot 128; thence along said West line North 00°08'28" West 81.19 feet or 24.747 meters; thence leaving said West line South 47°47'03" East 46.11 feet or 14.054 meters to said proposed Westerly Right of Way; thence along said Westerly Right of Way line along the arc of a curve to the right having a radius of 458.04 feet or 139.611 meters, with a chord bearing South 20°49'57" West 64.44 feet or 19.641 meters to the **Point of Beginning**,


containing an area of 1879.02 square feet or 0.0430 acres; or 174.567 square meters or 0.017 hectares more or less.

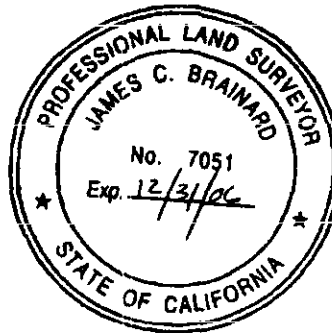
Together with all underlying fee, if any, appurtenant to the above-described parcel.

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.

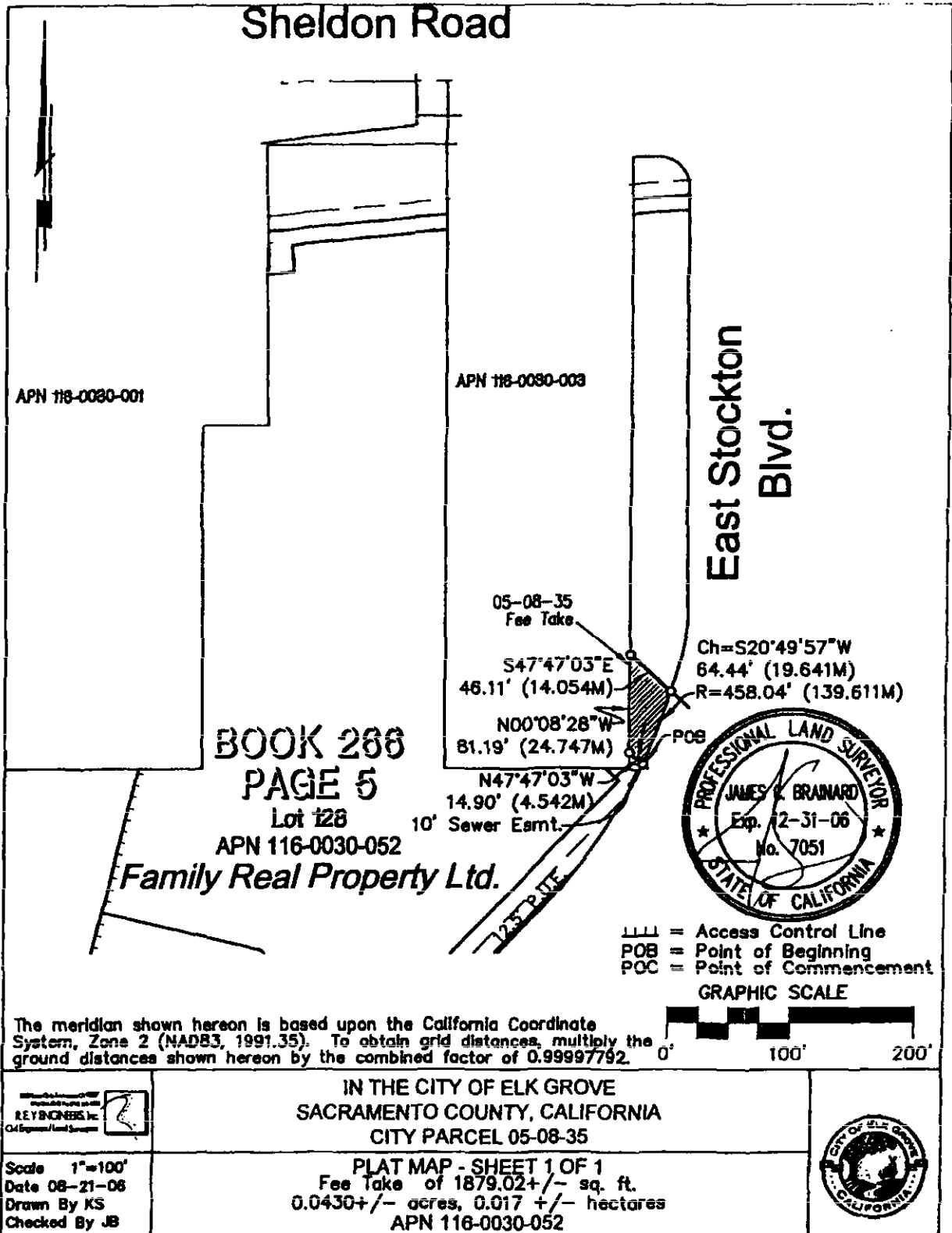
This real property description has been prepared at R.E.Y. Engineers, Inc., by me or under my direction, in conformance with the Professional Land Surveyors Act.

APN: 116-0030-052

  
James C. Brainard, PLS 7051



10/28/06  
Date

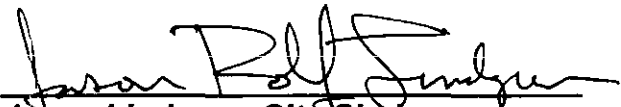


**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2014-137**

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

***I, Jason Lindgren, 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 June 25, 2014 by the following vote:***

**AYES :        COUNCILMEMBERS:        *Davis, Cooper, Detrick, Hume, Trigg***  
**NOES:        COUNCILMEMBERS:        None**  
**ABSTAIN :    COUNCILMEMBERS:        None**  
**ABSENT:      COUNCILMEMBERS:        None**

  
**Jason Lindgren, City Clerk  
City of Elk Grove, California**