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Government Code §27383
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AND WHEN RECORDED RETURN TO:

City Clerk's Office
City of Elk Grove
8401 Laguna Palms Way
Elk Grove, CA 95758



Sacramento County Recorder
Donna Allred, Clerk/Recorder
BOOK **20141226** PAGE **0860**

Friday, DEC 26, 2014 2:13:14 PM
Ttl Pd \$0.00 Rcpt # 0008463330

REB/51/1-6

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RESOLUTION 2014-277

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE

RESOLUTION NO. 2014-277

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING THE SUMMARY VACATION OF A PORTION OF AN EASEMENT FOR
A DRAINAGE CANAL OR DITCH AND INCIDENTAL PURPOSES OVER THE APPLE
COMPUTER INC., CAMPUS PROPERTY**

WHEREAS, the City obtained from the County of Sacramento an easement for a drainage canal or ditch together with the right of flowing waters by a deed recorded in Book 19890912 Page 729, Official Records of Sacramento County; and

WHEREAS, the City has determined that the easement is no longer needed for its intended purpose as there is now an underground drainage pipe system in its own easement that handles the storm runoff that was intended for this easement; and

WHEREAS, there are not surface facilities within this easement nor are there any underground drainage pipes or any other public facilities within the easement and the easement is not being used for its intended purpose and now is excess easement area not needed for any drainage purposes and therefore the easement should be vacated; and

WHEREAS, the Project qualifies as a project under the California Environmental Quality Act (CEQA), Public Resource Code §§21000-21189.3 but is exempt; and

WHEREAS, Section 15305 (Minor Alterations in Land Use Limitations) of Title 14 of the California Code of Regulations (State CEQA Guidelines) provides an exemption from CEQA for projects that do not result in any change in land use or density on sites with less than twenty percent slope, such as lot line adjustments, minor encroachment permits, and reversion to acreage; and

WHEREAS, based on staff's review of the Project, no special circumstances exist that would create a reasonable possibility that granting the vacation will have a significant effect on the environment; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds the Project exempt from the provisions of CEQA under Section 15305 (Minor Alterations in Land Use Limitations) of Title 14 of the California Code of Regulations based upon the following findings:

Finding: No further environmental review is required pursuant to Section 15305 of the State CEQA Guidelines.

Evidence: The proposed action involves the vacation of an easement for drainage canal or ditch and incidental purposes together with the right of flowing waters. The action would not increase the density of development in this area. The site is relatively flat. Therefore, the proposed action qualifies for the Section 15305 exemption and no further environmental review is required.

AND, BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove hereby finds:

- a. That this vacation is being made under the Streets and Highway Code, Division 9, Part 3, Chapter 4, Summary Vacation Sections 8330 through 8336 inclusive; and
- b. This easement being vacated is described in Exhibit "A" Legal Description and shown on Exhibit "B", plat to accompany Legal Description; and
- c. This easement being vacated is superseded by relocation and there are no other public facilities within the easement; and

This vacation is consistent with the City General Plan and Section 65402 of the Government Code, as approved by the Planning Commission at a hearing held on November 6, 2014.

AND, BE IT FURTHER RESOLVED AND ORDERED that a portion of an easement for drainage canal or ditch and incidental purposes along with the right of flowing waters as described in described in Exhibit "A" and shown on Exhibit "B" is hereby vacated;


AND, BE IT FURTHER RESOLVED that the City Clerk of the City of Elk Grove shall cause a certified copy of this Resolution of Vacation and Exhibits "A" and "B" attached hereto attested by the Clerk under seal, to be recorded in the Office of the County Recorder of the County of Sacramento.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 10th day of December 2014.




GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

EXHIBIT A

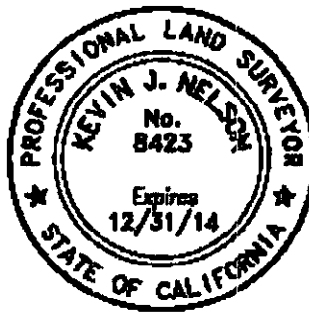
VACATED AREA

That portion of land in the City of Elk Grove, County of Sacramento, State of California, being a portion of that certain Drainage Easement granted to the County of Sacramento in Book 19890912 at Page 1731, official records of said county described as follows:

All that portion of land as shown on that certain Record of Survey Map entitled "A portion of Sections 25 & 36, T. 7N., R. 4E., & A Portion of Section 29, 30, 31 & 32, T. 7N., R. 5E., M.D.B.&M.," recorded in the office of the recorder of Sacramento County in Book 33 of Surveys, at Page 20, described as follows:

Beginning at a point located within that certain 400.163 acre tract, as shown on said Record of Survey, from which the Northwest corner thereof bears the following two courses; (1) North 00°25'38" West 654.00 feet to the Northerly line of said 400.163 acre tract and (2) along said Northerly line South 89°34'22" West 5093.16 feet; thence from said Point of Beginning, North 89°34'22" East, 123.50 feet; thence North 00°25'38" West, 570.00 feet to a point on the Southerly line of Parcel A as shown on that certain Parcel Map entitled "Portion of the South ½ of Section 30 T.7 N., R.5 E., M.D.M." recorded in the office of the recorder of Sacramento County in Book 135 of Parcel Maps, at Page 22; thence along said Southerly line of Parcel A, South 89°34'22" West, 80.00 feet; thence leaving said Southerly line of Parcel A, South 00°25'38" East, 495.00 feet; thence South 89°34'22" West, 43.50 feet; thence South 00°25'38" East, 75.00 feet to the Point of Beginning.

The portion being vacated is shown on Exhibit "B" attached hereto and made a part hereof.




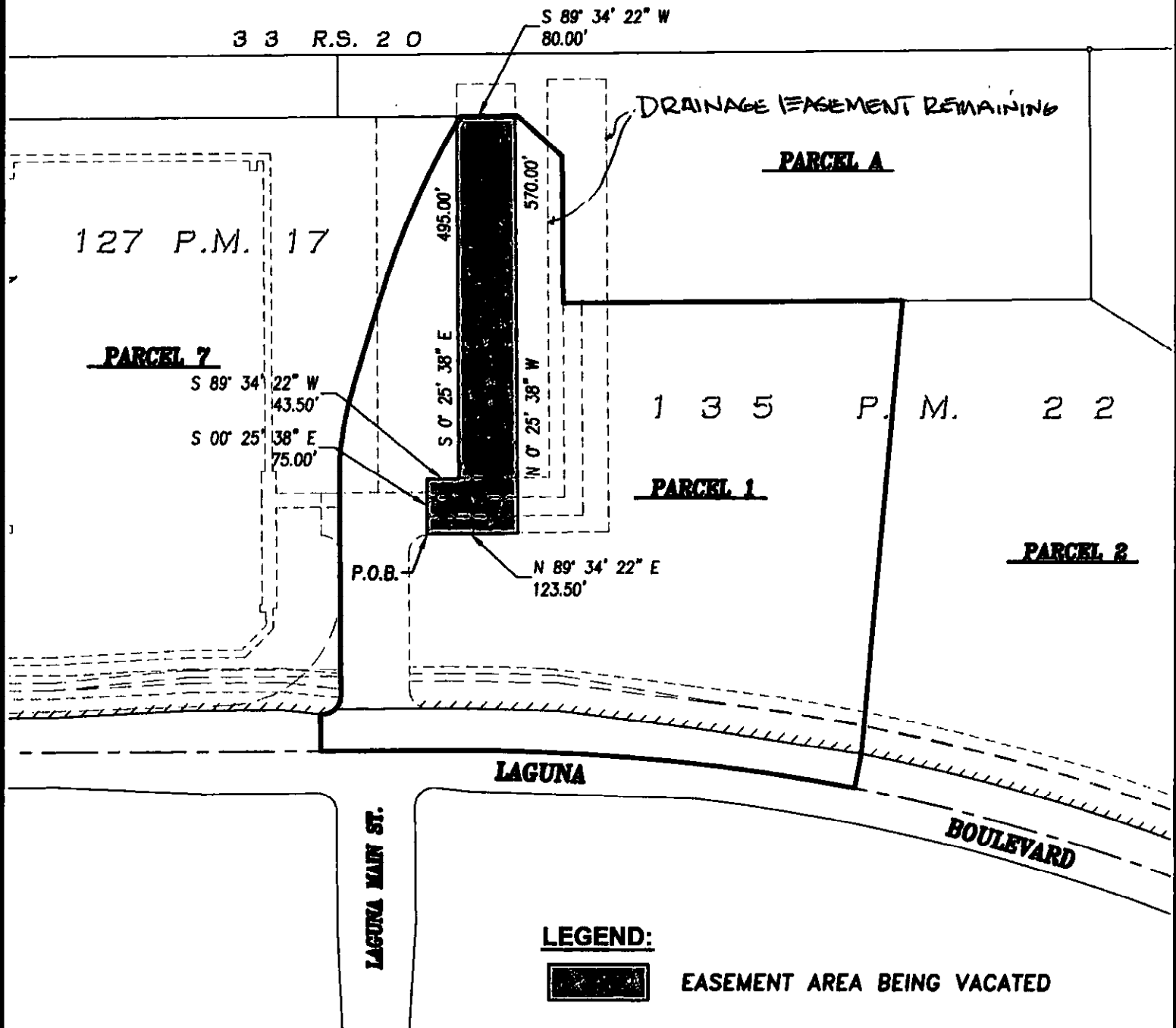
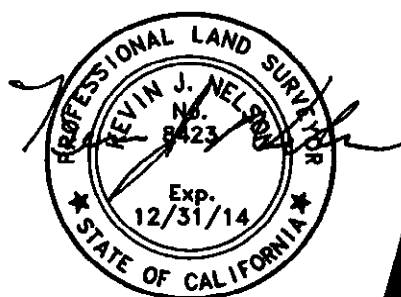

Kevin J. Nelson, P.L.S. 8423
Expires 12-31-14

EXHIBIT "B"



SCALE: 1" = 200'



kpff Consulting Engineers
 1508 Eureka Road, Suite #290
 Roseville, CA 95661
 Phone: (916) 772-7688

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2014-277**

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 December 10, 2014 by the following vote:

AYES : COUNCILMEMBERS: Davis, Hume, Detrick, Ly, Suen

NOES: COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



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