

**RESOLUTION NO. 2003-89**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
DECLARING THE NECESSITY AND AUTHORIZING THE INSTITUTION OF  
EMINENT DOMAIN PROCEEDINGS TO SECURE REAL PROPERTY INTERESTS  
FOR THE CONSTRUCTION OF LEWIS STEIN ROAD**

**WHEREAS**, the City of Elk Grove intends to begin construction of Lewis Stein Road ("Project"); and

**WHEREAS**, as a part of said Project, it is necessary to acquire certain real property interests ("Property") for the construction and maintenance of the Project including fee interest in the right-of-way and a temporary construction easement; and

**WHEREAS**, the City of Elk Grove has investigated and examined the acquisition of alternative real property for its Project; and

**WHEREAS**, the Property consists of a 51,105 square foot (1.17 acre) fee interest in the right of way and a 2,548 square foot (.058 acre) Temporary Construction Easement. The Property is more particularly described and depicted in Exhibits A, B, C, D and E which are attached hereto and are incorporated herein. The Sacramento County Assessor has designated the Property as a portion of APN 116-0012-050; and

**WHEREAS**, the Property is located entirely within the territorial boundaries of the City of Elk Grove and is presently vacant; 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 pursuant to City of Elk Grove Resolution No. 2001-05; 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 April 30, 2003, 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 real property interests described and depicted in Exhibits A, B, C, D and E are required to be taken by the City of Elk Grove for the Project;

3. The City of Elk Grove is authorized to acquire the real property interests pursuant to the provisions of Government Code section 37350.5 and the provisions of the Eminent Domain Law comprising Title 7, Part 3 of the Code of Civil Procedure (commencing at section 1230.010);
4. Acquisition for street construction and maintenance purposes promotes public safety and the general welfare, is authorized by Government Code section 37350.5, 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, B, C, D and E 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, B, C, D and E.
6. The law firm of Kronick Moskovitz, Tiedemann & Girard, a Professional Corporation, is hereby authorized and directed to prepare 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, B, C, D and E. Such firm is hereby further authorized 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 30th day of April 2003.




\_\_\_\_\_  
 RICK SOARES, MAYOR of the  
 CITY OF ELK GROVE

ATTEST:

*Peggy E. Jackson* for  
 \_\_\_\_\_  
 PEGGY E. JACKSON, CITY CLERK

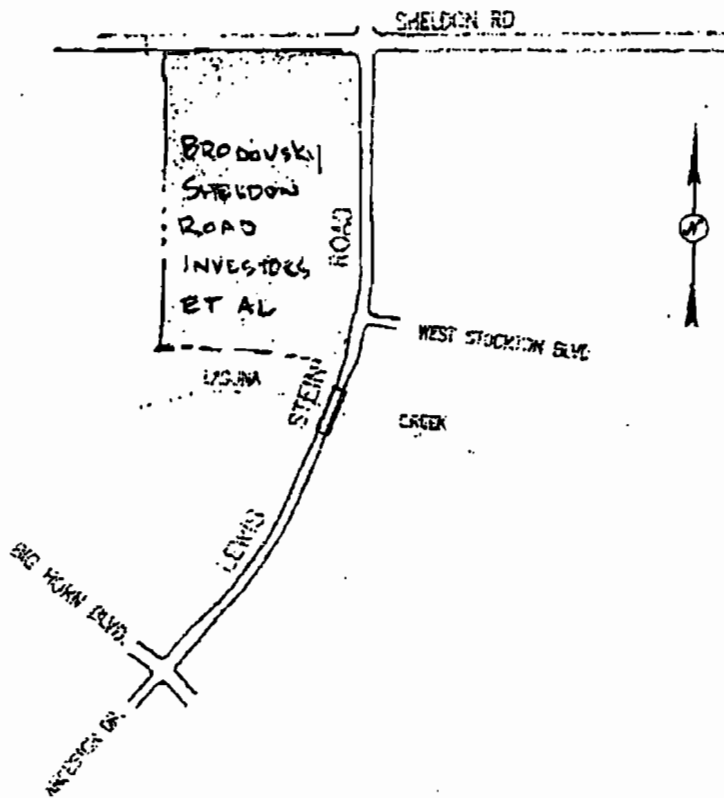
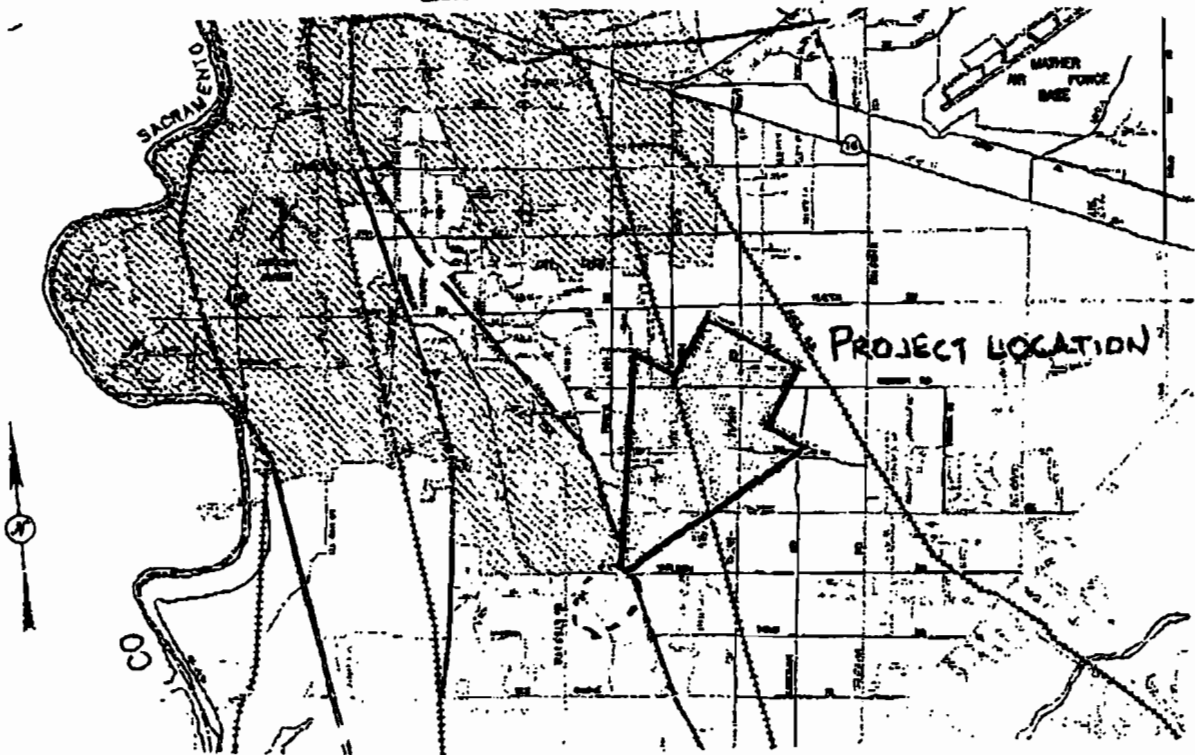
APPROVED AS TO FORM:



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

**AYES:** Soares, Scherman, Briggs, Cooper, Leary  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

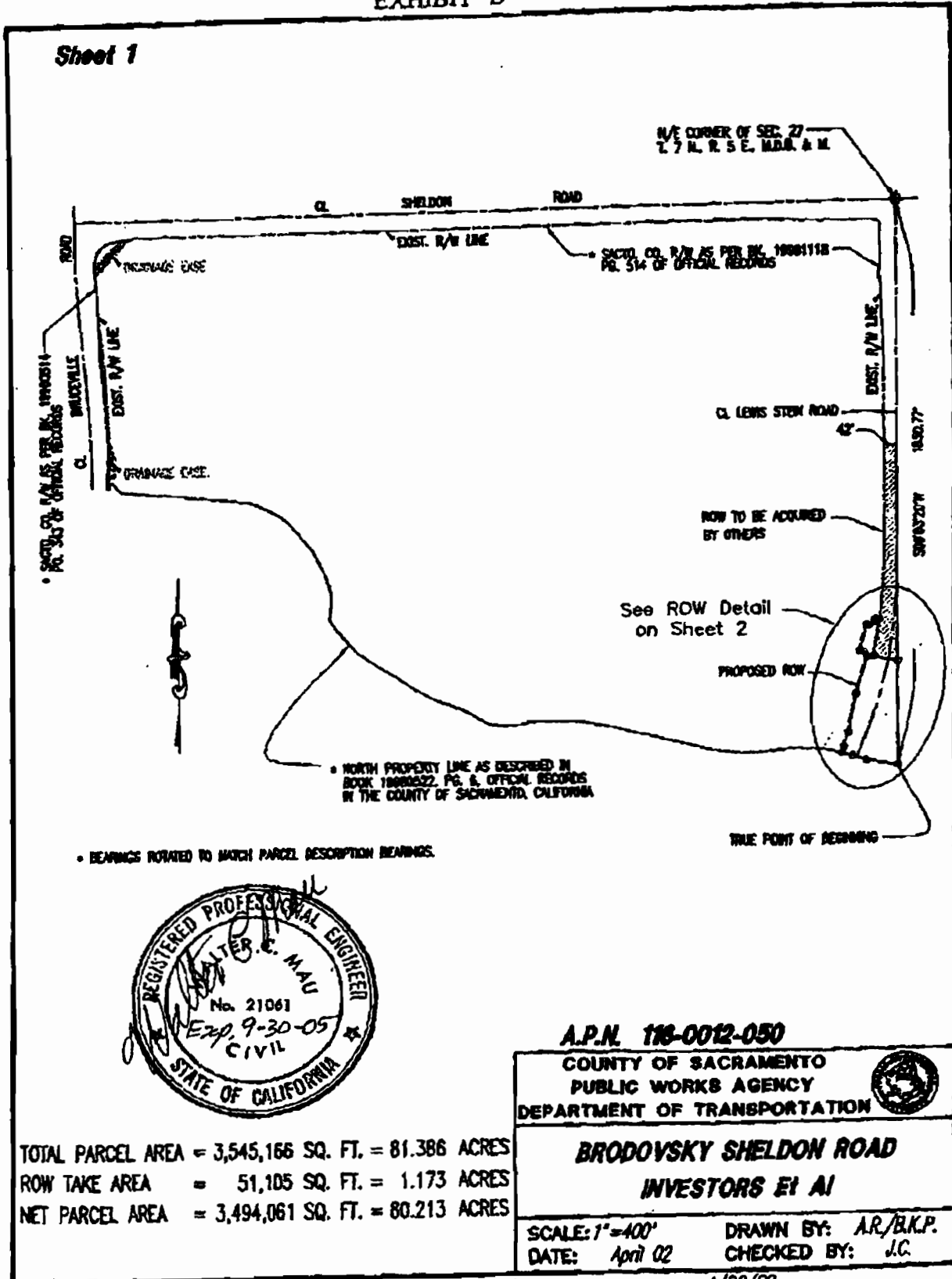
### EXHIBIT "A"



VICINITY MAP

EXHIBIT "B"

Sheet 1



A.P.N. 118-0012-050

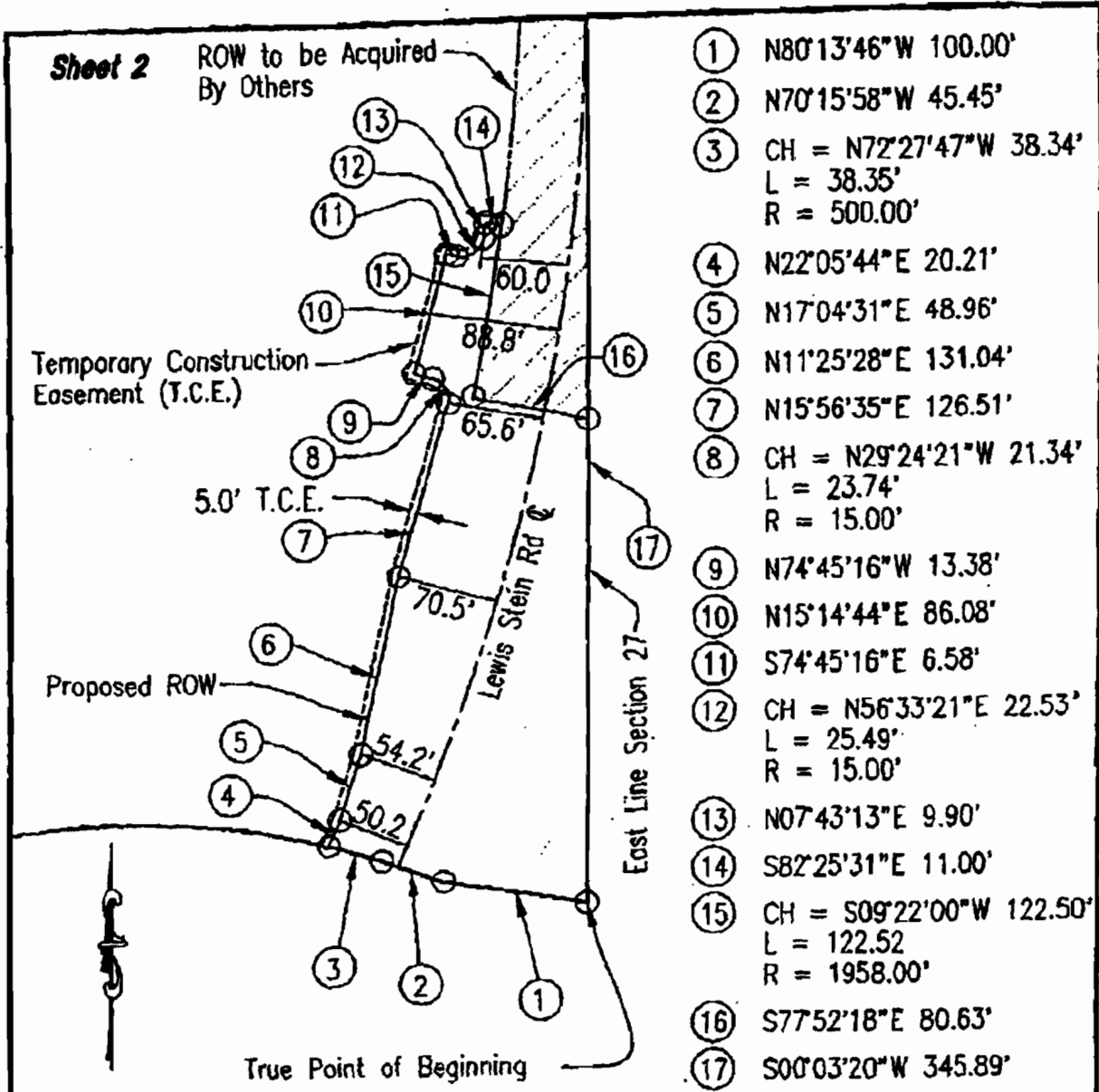
COUNTY OF SACRAMENTO  
 PUBLIC WORKS AGENCY  
 DEPARTMENT OF TRANSPORTATION

**BRODOVSKY SHELDON ROAD**  
**INVESTORS ET AL**

TOTAL PARCEL AREA = 3,545,166 SQ. FT. = 81.386 ACRES  
 ROW TAKE AREA = 51,105 SQ. FT. = 1.173 ACRES  
 NET PARCEL AREA = 3,494,061 SQ. FT. = 80.213 ACRES

SCALE: 1"=400'  
 DATE: April 02  
 DRAWN BY: A.R./B.K.P.  
 CHECKED BY: J.C.

EXHIBIT "B"

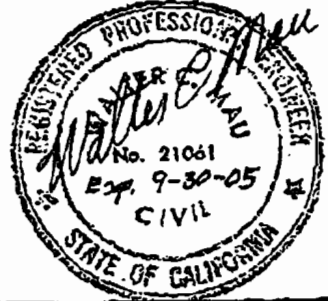


- ① N80°13'46"W 100.00'
- ② N70°15'58"W 45.45'
- ③ CH = N72°27'47"W 38.34'  
L = 38.35'  
R = 500.00'
- ④ N22°05'44"E 20.21'
- ⑤ N17°04'31"E 48.96'
- ⑥ N11°25'28"E 131.04'
- ⑦ N15°56'35"E 126.51'
- ⑧ CH = N29°24'21"W 21.34'  
L = 23.74'  
R = 15.00'
- ⑨ N74°45'16"W 13.38'
- ⑩ N15°14'44"E 86.08'
- ⑪ S74°45'16"E 6.58'
- ⑫ CH = N56°33'21"E 22.53'  
L = 25.49'  
R = 15.00'
- ⑬ N07°43'13"E 9.90'
- ⑭ S82°25'31"E 11.00'
- ⑮ CH = S09°22'00"W 122.50'  
L = 122.52  
R = 1958.00'
- ⑯ S77°52'18"E 80.63'
- ⑰ S00°03'20"W 345.89'

**RIGHT-OF-WAY DETAIL**

R/W TAKE AREA = 51,105 S.F. = 1.1732 AC.

SCALE: 1" = 100'



**A.P.N. 116-0012-050**

COUNTY OF SACRAMENTO  
PUBLIC WORKS AGENCY  
DEPARTMENT OF TRANSPORTATION

**BRODOVSKY SHELDON ROAD**  
**INVESTORS ET AL**

SCALE: 1" = 100'      DRAWN BY: A.R./B.K.P.  
DATE: April 02      CHECKED BY: J.C.

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A.P.N. 116-0012-050

EXHIBIT "C"

That real property situated in the City of Elk Grove, County of Sacramento, State of California, described as follows:

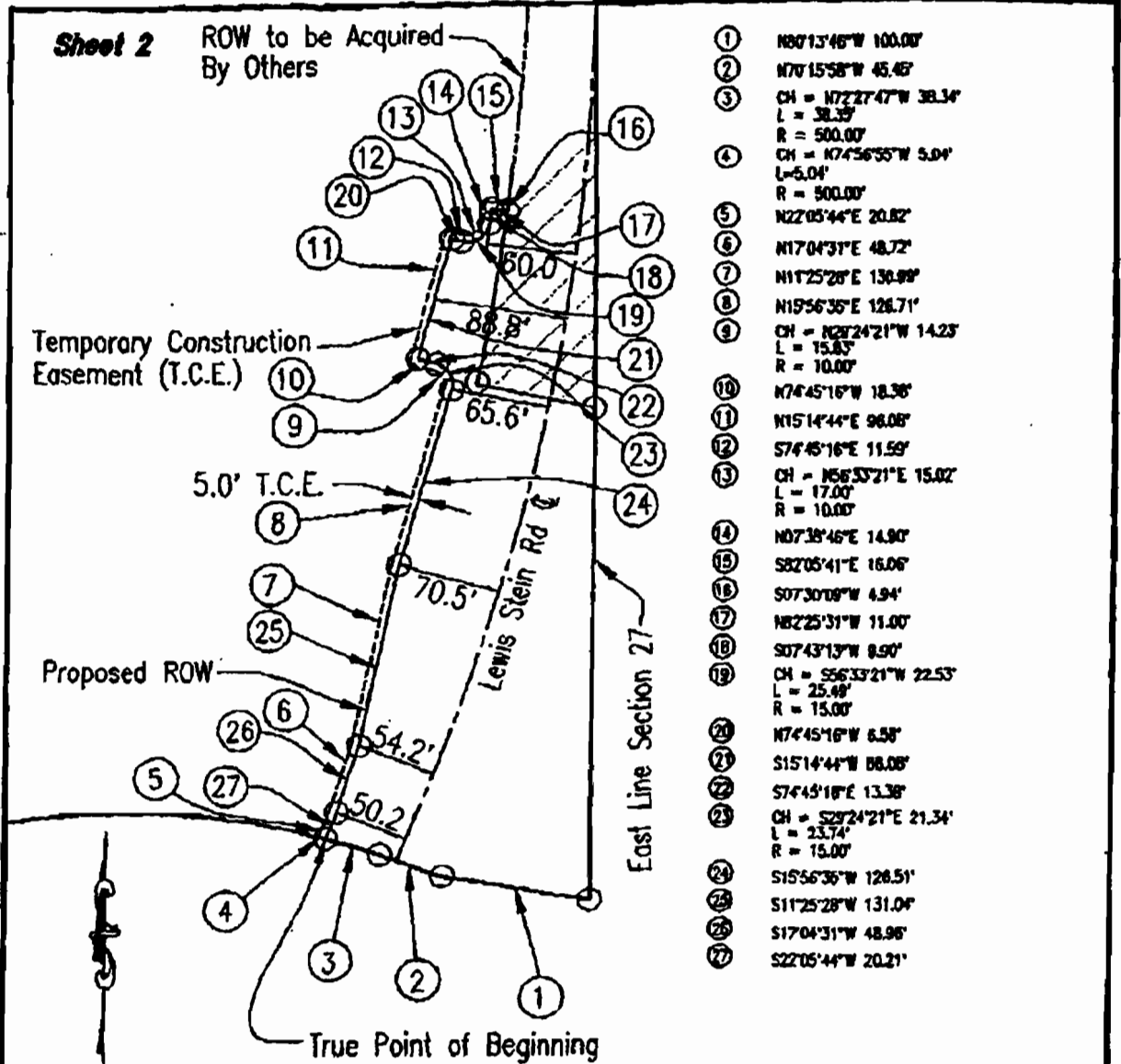
All that portion of the northeast one-quarter of Section 27 in Township 7 North, Range 5 East, Mount Diablo Base and Meridian, Sacramento County, California, described as follows:

Commencing at the Northeast corner of said Section 27 on the center line of that City Road known as Sheldon Road; thence along the East line of Section 27, South 00°03'20" West 1850.77 feet to a point on the North line of that Parcel of land conveyed to the County of Sacramento in Book 19980522, Page 6, filed in the office of the County Recorder of Sacramento County, and the True Point of Beginning; thence along said North line, North 80°13'46" West 100.00 feet; thence North 70°15'58" West 45.45 feet; thence along a tangent curve to the left with a radius of 500.00 feet whose chord bears North 72°27'47" West 38.34 feet; thence leaving said North line, North 22°05'44" East 20.21 feet; thence North 17°04'31" East 48.96 feet; thence North 11°25'28" East 131.04 feet; thence North 15°56'35" East 126.51 feet; thence along a tangent curve to the left with a radius of 15.00 feet whose chord bears North 29°24'21" West 21.34 feet; thence North 74°45'16" West 13.38 feet; thence North 15°14'44" East 86.08 feet; thence South 74°45'16" East 6.58 feet; thence along a tangent curve to the left with a radius of 15.00 feet whose chord bears North 56°33'21" East 22.53 feet; thence North 07°43'13" East 9.90 feet; thence South 82°25'31" East 11.00 feet; thence along a curve, concave to the West, with a radius of 1958.00 feet whose chord bears South 09°22'00" West 122.50 feet; thence South 77°52'18" East 80.63 feet to a point on said East line of Section 27; thence along said East line, South 00°03'20" West 345.89 feet to the True Point of Beginning.

The area described above contains 51,105 square feet (1.17 acres) more or less.



EXHIBIT "D"

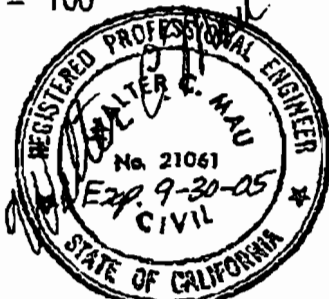


- ① N80°13'48"W 100.00'
- ② N70°15'58"W 45.45'
- ③ CH = N72°27'47"W 38.34'  
L = 38.33'  
R = 500.00'
- ④ CH = N74°56'55"W 5.04'  
L = 5.04'  
R = 500.00'
- ⑤ N22°05'44"E 20.82'
- ⑥ N17°04'31"E 48.72'
- ⑦ N11°25'28"E 130.89'
- ⑧ N15°56'35"E 126.71'
- ⑨ CH = N20°24'21"W 14.23'  
L = 15.83'  
R = 10.00'
- ⑩ N74°45'16"W 18.38'
- ⑪ N15°14'44"E 98.08'
- ⑫ S74°45'16"E 11.59'
- ⑬ CH = N58°53'21"E 15.02'  
L = 17.00'  
R = 10.00'
- ⑭ N07°38'46"E 14.90'
- ⑮ S82°05'41"E 16.06'
- ⑯ S07°30'08"W 4.94'
- ⑰ N82°25'31"W 11.00'
- ⑱ S07°43'13"W 8.90'
- ⑲ CH = S56°33'21"W 22.53'  
L = 25.48'  
R = 15.00'
- ⑳ N74°45'16"W 6.58'
- ㉑ S15°14'44"W 88.08'
- ㉒ S74°45'16"E 13.38'
- ㉓ CH = S20°24'21"E 21.34'  
L = 23.74'  
R = 15.00'
- ㉔ S15°56'36"W 128.51'
- ㉕ S11°25'28"W 131.04'
- ㉖ S17°04'31"W 48.96'
- ㉗ S22°05'44"W 20.21'

TCE AREA = 2,548 S.F. = 0.058 AC.

**TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION**

SCALE: 1" = 100'



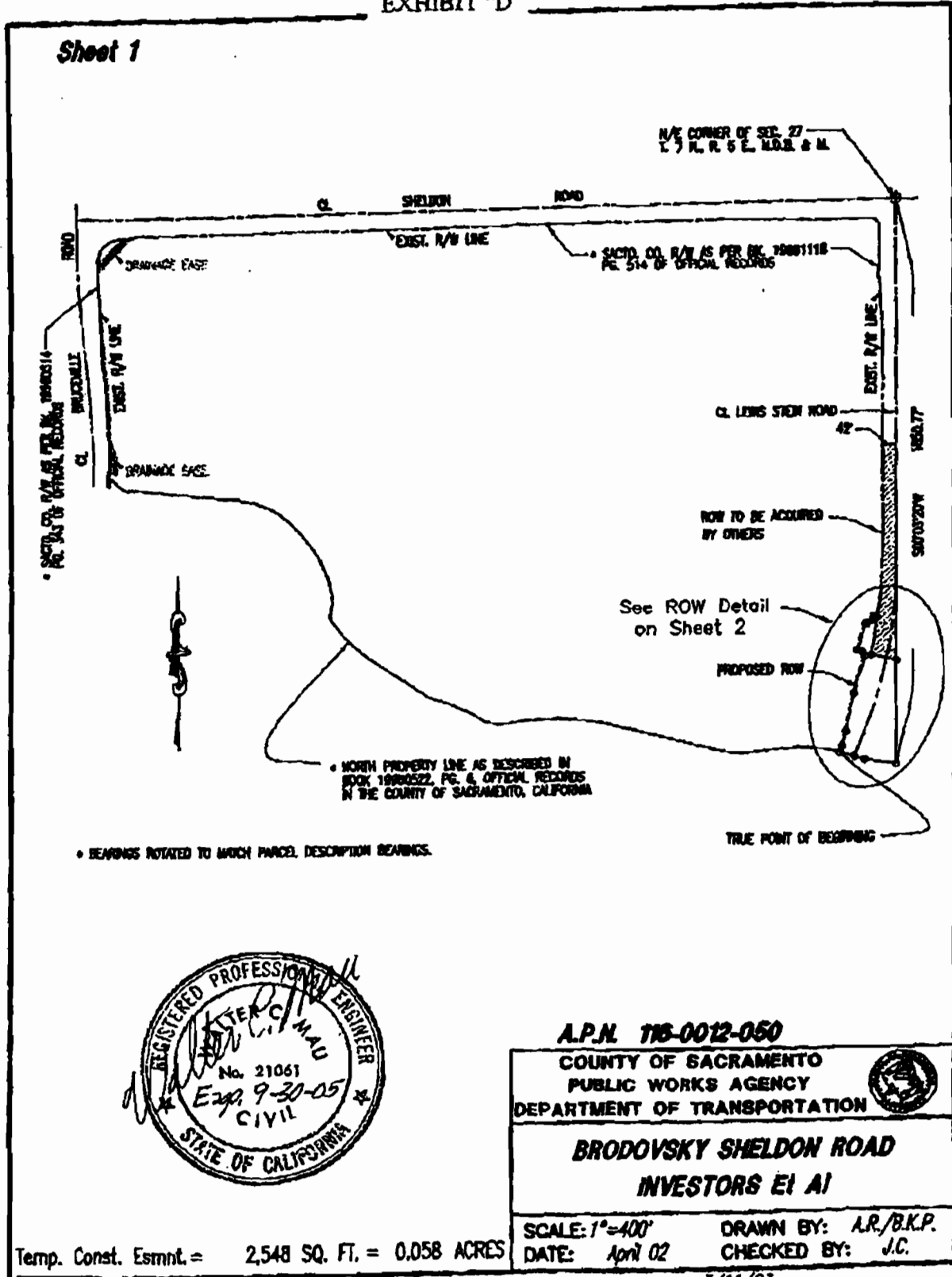
**A.P.N. 116-0012-050**  
 COUNTY OF SACRAMENTO  
 PUBLIC WORKS AGENCY  
 DEPARTMENT OF TRANSPORTATION

**BRODOVSKY SHELDON ROAD**  
**INVESTORS ET AL**

SCALE: 1" = 100' DRAWN BY: A.R./B.K.P.  
 DATE: April 02 CHECKED BY: J.C.

EXHIBIT "D"

Sheet 1



• BEARINGS ROTATED TO MATCH PARCEL DESCRIPTION BEARINGS.



**A.P.N. 116-0012-050**  
**COUNTY OF SACRAMENTO**  
**PUBLIC WORKS AGENCY**  
**DEPARTMENT OF TRANSPORTATION**

**BRODOVSKY SHELDON ROAD**  
**INVESTORS E! AI**

SCALE: 1"=100'  
 DATE: April 02  
 DRAWN BY: A.R./B.K.P.  
 CHECKED BY: J.C.

Temp. Const. Estmt. = 2,548 SQ. FT. = 0.058 ACRES



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**EXHIBIT 'E'**

That real property situated in the City of Elk Grove, County of Sacramento, State of California, described as follows:

All that portion of the northeast one-quarter of Section 27 in Township 7 North, Range 5 East, Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at the northeast corner of said Section 27 on the center line of that City Road known as Sheldon Road; thence along the east line of Section 27, South 00°03'20" West 1850.77 feet to a point on the north line of that Parcel of land conveyed to the County of Sacramento in Book 19980522, Page 6, filed in the office of the County Recorder of Sacramento County; thence along said north line, North 80°13'46" West 100.00 feet; thence North 70°15'58" West 45.45 feet; thence along a tangent curve to the left with a radius of 500.00 feet whose chord bears North 72°27'47" West 38.34 feet to the True Point of Beginning; thence from the True Point of Beginning, along said north line, along a tangent curve to the left with a radius of 500.00 feet whose chord bears North 74°56'55" West 5.04 feet; thence leaving said north line, North 22°05'44" East 20.82 feet; thence North 17°04'31" East 48.72 feet; thence North 11°25'28" East 130.99 feet; thence North 15°56'35" East 126.71 feet; thence along a tangent curve to the left with a radius of 10.00 feet whose chord bears North 29°24'21" West 14.23 feet; thence North 74°45'16" West 18.38 feet; thence North 15°14'44" East 96.08 feet; thence South 74°45'16" East 11.59 feet; thence along a tangent curve to the left with a radius of 10.00 feet whose chord bears North 56°33'21" East 15.02 feet; thence North 07°38'46" East 14.90 feet; thence South 82°05'41" East 16.06 feet; thence South 07°30'09" West 4.94 feet; thence North 82°25'31" West 11.00 feet; thence South 07°43'13" West 9.90 feet; thence along a tangent curve to the right with a radius of 15.00 feet whose chord bears South 56°33'21" West 22.53 feet; thence North 74°45'16" West 6.58 feet; thence South 15°14'44" West 86.08 feet; thence South 74°45'16" East 13.38"; thence along a tangent curve to the right with a radius of 15.00 feet whose chord bears South 29°24'21" East 21.34 feet; thence South 15°56'35"W 126.51 feet; thence South 11°25'28" West 131.04 feet; thence South 17°04'31 West 48.96 feet; thence South 22°05'44" West 20.21 feet said north line and the True Point of Beginning.

The area described above contains 2,548 square feet (0.058 acres) more or less.

