

RESOLUTION NO. 2006-892

Adopted by the Sacramento City Council

December 5, 2006

NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR THE SHELDON ROAD/SR 99 INTERCHANGE PROJECT (FITZER/TSAKOPOULOS/POTIRIS – APN (PORTION OF): 117-0220-019)

BACKGROUND

- A. Current traffic capacity in and around the Sheldon Road/State Route 99 Interchange is inadequate to serve existing development, and significant additional growth in the area is expected to worsen the situation.
- B. The Sheldon Road/SR 99 Interchange project is designed to improve traffic capacity and safety on Sheldon Road and provide more efficient access to and from State Route 99 by expanding and upgrading the Sheldon Road overcrossing, constructing new on and off ramps, and improving adjacent surface streets and intersections in the Cities of Sacramento and Elk Grove.
- C. The City of Sacramento intends to acquire through the exercise of the power of eminent domain certain real property interests owned by Fitzer/Tsakopoulos/Potiris, commonly referred to as a portion of Assessor Parcel Number 117-0220-019, hereinafter identified as the "Acquisition Parcels" more specifically described in Exhibits "A-1, A-2, A-3, B-1, B-2, B-3, C-1, C-2, and C-3." The Acquisition Parcels are to be taken for or in connection with the Sheldon Road/SR 99 Interchange Project.
- D. The statute authorizing the City of Sacramento to acquire the subject parcels for the above-mentioned public purpose is Government Code section 37350.5. An offer as required under Government Code section 7267.2 has been made to the owners or representatives of the owners of record

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City of Sacramento intends to acquire, through the exercise of the power of eminent domain, the interests in the real property hereinafter identified as the "Acquisition Parcels", more particularly described in Exhibits "A-1, A-2, A-3, B-1, B-2, B-3, C-1, C-2, and C-3."

- Section 2. The Acquisition Parcels are to be taken for, or in connection with the Sheldon Road/SR 99 Interchange Project.
- Section 3. The statute authorizing the City of Sacramento to acquire the Acquisition Parcels for the above-mentioned public purpose is Government Code section 37350.5.
- Section 4. The Acquisition Parcels are more specifically described in the legal descriptions attached hereto as "A-1, B-1, and C-1", depicted on the plat maps attached hereto as "A-2, B-2, and C-2", and defined in "A-3, B-3, and C-3."
- Section 5. City Council declares that it has found and determined each of the following:
- a. The public interest and necessity require this project known as the Sheldon Road/SR 99 Interchange Project.
 - b. The project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
 - c. The Acquisition Parcels are needed for the project.
 - d. The offer statement and summary of appraisal required under Government Code section 7267.2, has been made or provided to the owner or representatives of the owners of record.
 - e. The notice required under Code of Civil Procedure section 1245.235, has been duly served by first class mail to the fee owners of the properties and the leasehold interests, if any.
- Section 6. The City of Sacramento, a municipal corporation, its appropriate officers, employees and agents, are hereby authorized and empowered to:
- a. Acquire in the name of the City of Sacramento, a municipal corporation, the Acquisition Parcels.
 - b. Prepare, file and prosecute in the appropriate court, such proceedings in eminent domain as necessary for the acquisition of the real property interests.
 - c. Deposit the probable amount of just compensation as fixed by the Director of General Services in accordance with law, in the State Condemnation Fund and to make application to said court for an order permitting the City of Sacramento to take immediate possession and use of the Acquisition Parcels.

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Adopted by the City of Sacramento City Council on December 5, 2006 by the following vote:

Ayes: Councilmembers, Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: None.



Mayor, Heather Fargo

Attest


Shirley Concolino, City Clerk

Legal Description

EASEMENT FOR PUBLIC ROAD AND PUBLIC UTILITIES

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

All that portion of Parcels 10, 11, 12 and 13, as shown on the official "Plat of Survey of a Portion of the Southwest one-quarter of Section 23, Township 7 North, Range 5 East, M.D.E. recorded in the office of the County Recorder of Sacramento County on July 31, 1946, in Book 5 of Surveys, Map No. 16, described as follows:

Beginning at the Southwest corner of Section 23; thence North 88°09'11" East 1466.42 feet or 446.966 meters to a point on the Northerly Right of Way of Sheldon Road and the Westerly Right of Way of West Stockton Boulevard and the **Point of Beginning**; thence along the Northerly Right of Way of Sheldon Road South 88°33'51" West 308.23 feet or 93.949 meters to the Westerly line of said parcel; thence along the Westerly line of said parcel North 00°39'36" West 33.16 feet or 10.107 meters; thence leaving said Westerly line along the arc of a curve to the right having a radius of 1612.58 feet or 491.515 meters, with a chord bearing South 89°14'42" East 40.54 feet or 12.357 meters; thence North 07°06'49" East 12.67 feet or 3.862 meters; thence North 89°01'20" East 196.42 feet or 59.869 meters; thence North 05°14'30" East 82.07 feet or 25.015 meters; thence North 11°16'56" West 240.84 feet or 73.408 meters and the Westerly Right of Way of West Stockton Boulevard; thence along said Westerly Right of Way South 16°59'36" East 375.12 feet or 114.337 meters to the **Point of Beginning**,

ACCESS Rights

The grantor hereby releases and relinquishes to the grantee any and all rights of access in and to the State Highway over and across the access control line as shown on the attached exhibit A1. This conveyance is made for the purposes of a freeway and the grantor hereby releases and relinquishes to grantee any and all abutter's rights of access, appurtenant to said access control line across grantor's remaining property, in and to said freeway.

containing 18886.84 square feet or 0.4336 acres; or 1754.652 square meters or 0.175 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.

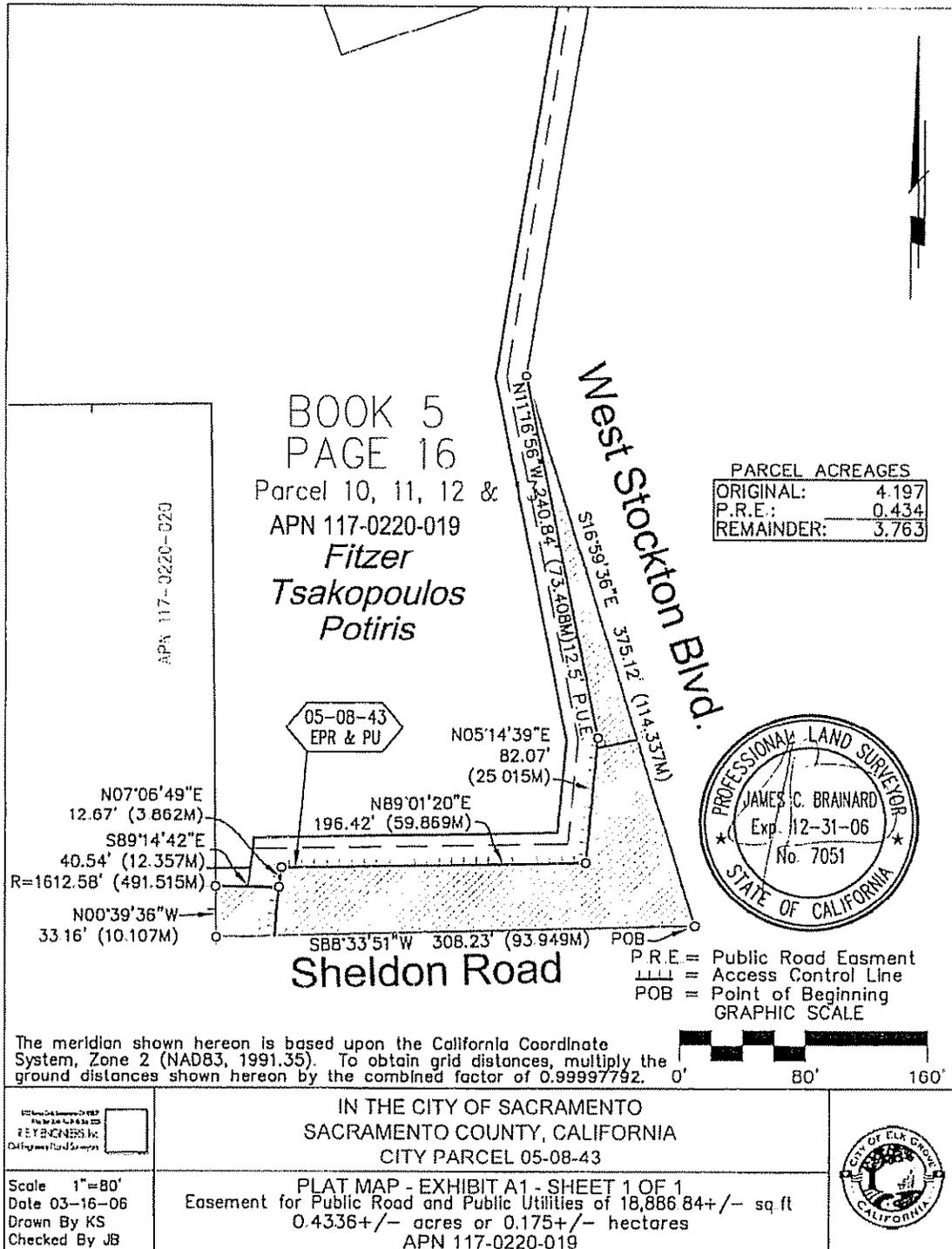
APN: 117-0220-019


James C. Brainard, P.L.S. 7051



Date

Public Road and Public Utilities Easement - Plat Map



Public Road and Utilities Easement - Definition

An easement for the construction, use, repair, rehabilitation and maintenance of public road and public utilities together with associated uses over, across, and under all that real property as identified in A-1.

Public Utilities Easement – Legal Description

Easement for Public Utilities

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

All that portion of Parcels 10, 11, 12 and 13, as shown on the official "Plat of Survey of a Portion of the Southwest one-quarter of Section 23, Township 7 North, Range 5 East, M.D.E. recorded in the office of the County Recorder of Sacramento County on July 31, 1946, in Book 5 of Surveys, Map No. 16, described as follows:

Beginning at the Southwest corner of Section 23; thence North 85°36'46" East 1401.31 feet or 427.120 meters to the Point of Beginning; thence South 89°01'20" West 196.42 feet or 59.869 meters; thence South 07°06'49" West 12.67 feet or 3.862 meters; thence along the arc of a curve to the left having a radius of 1612.58 feet or 491.515 meters, with a chord bearing North 88°52'36" West 19.76 feet or 6.032 meters; thence North 07°06'49" East 24.57 feet or 7.489 meters; thence North 89°01'20" East 203.31 feet or 61.969 meters; thence North 05°14'39" East 69.04 feet or 21.043 meters; thence North 11°16'56" West 241.28 feet or 73.542 meters; thence North 09°12'04" East 267.67 feet or 81.586 meters to the Northeasterly line of said Parcel; thence along said Northeasterly line North 70°16'24" East 14.28 feet or 4.353 meters to the Westerly Right of Way of West Stockton Boulevard; thence along said Right of Way South 09°12'04" West 272.32 feet or 83.003 meters; thence South 11°16'56" East 240.84 feet or 73.408 meters; thence South 05°14'39" West 82.07 feet or 25.015 meters to the Point of Beginning,

containing 10,197.07 square feet or 0.2341 acres; or 947.345 square meters or 0.095 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.

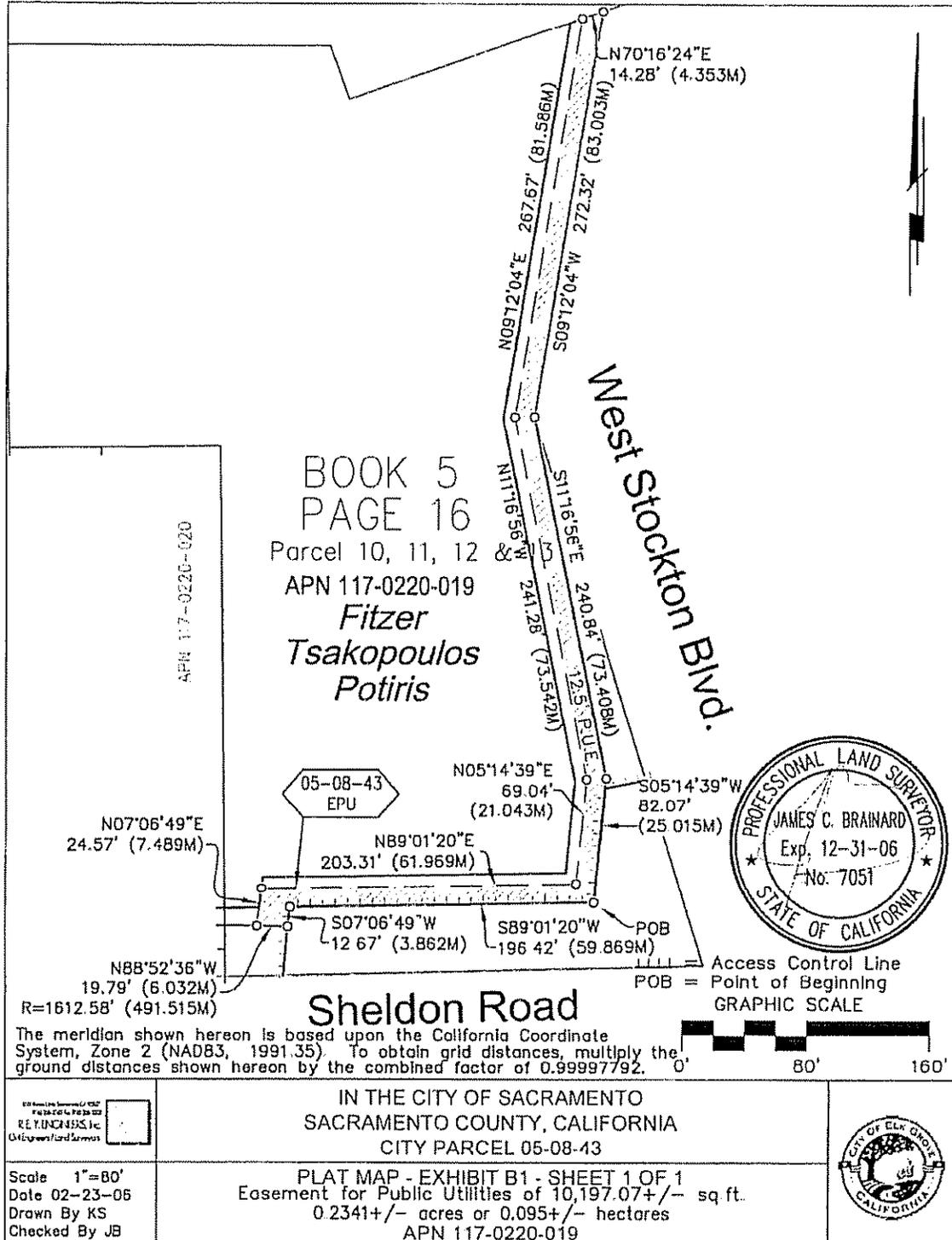
APN: 117-0220-019

James C. Brainard, PLS 7051



Date

Public Utilities Easement – Plat Map



Public Utilities Easement – Description

An easement for the construction, use, repair, rehabilitation and maintenance of public utilities together with associated uses over, across, and under all that real property as identified in Exhibit B-1.

Temporary Construction Easement – Legal Description

TEMPORARY CONSTRUCTION EASEMENT

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

All that portion of Parcels 10, 11, 12 and 13, as shown on the official "Plat of Survey of a Portion of the Southwest one-quarter of Section 23, Township 7 North, Range 5 East, M.D.E. recorded in the office of the County Recorder of Sacramento County on July 31, 1946, in Book 5 of Surveys, Map No. 16, described as follows:

Beginning at the Southwest corner of Section 23; thence North 85°36'46" East 1401.31 feet or 427.170 meters to the **Point of Beginning**; thence South 89°01'20" West 196.42 feet or 59.869 meters; thence South 07°06'49" West 12.67 feet or 3.862 meters; thence along the arc of a curve to the left having a radius of 1612.58 feet or 491.515 meters, with a chord bearing North 89°14'42" West 40.54 feet or 12.357 meters to the West line of said parcel; thence along said West line North 00°39'36" West 11.32 feet or 3.450 meters; thence leaving said West line North 09°00'40" East 22.36 feet or 6.815 meters; thence North 07°06'49" East 19.88 feet or 6.059 meters; thence North 89°01'20" East 195.58 feet or 59.613 meters; thence North 05°14'39" East 61.32 feet or 18.690 meters; thence North 11°16'56" West 241.01 feet or 73.460 meters; thence North 09°12'30" East 265.76 feet or 81.004 meters; thence North 70°16'24" East 22.53 feet or 6.867 meters and the Westerly Right of Way of West Stockton Boulevard; thence along said Right of Way South 09°12'04" West 272.32 feet or 83.003 meters; thence leaving said Right of Way South 11°16'56" East 240.84 feet or 73.408 meters; thence South 05°14'39" West 82.07 feet or 25.015 meters to the **Point of Beginning**.

containing 16106.93 square feet or 0.3698 acres; or 1496.389 square meters or 0.150 hectares, more or less.

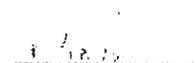
The meridian used herein is based upon the California Coordinate System (CCS) Zone II, NAD83, 1991.35. The ground distances used herein are in U.S. Survey Feet and Meters. To obtain grid distances, multiply the ground distances shown herein by the combined factor of 0.99997792.

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.

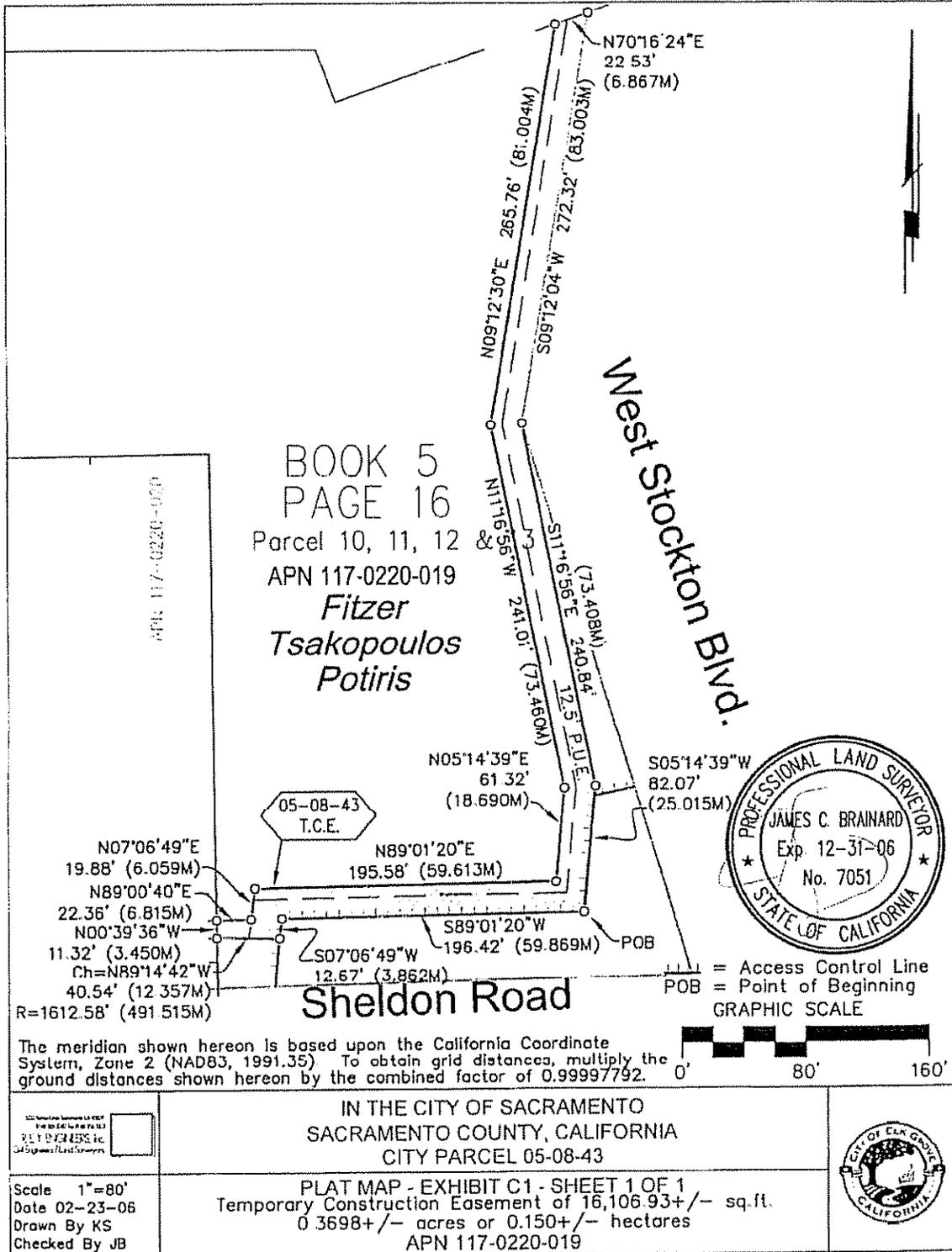
APN: 117-0220-019


James C. Brainard, P.E.S. 7051




Date

Temporary Construction Easement – Plat Map



Temporary Construction Easement – Description

A temporary easement for purposes of public use, construction, reconstruction, installation, improvement, repair, inspection, expansion, and maintenance of public right-of-ways, highways, roadways, services, utilities, landscape improvements, and necessary appurtenant structures on, over, across, and under all that real property identified in Exhibit C-1. The term of the easement shall extend for a period of thirty (30) months commencing on the date ordered by the Court.