

RESOLUTION NO. 2006-893

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 (DEVI – APN (PORTION OF): 117-0220-024)

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 Devi, commonly referred to as a portion of Assessor Parcel Number 117-0220-024, 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.

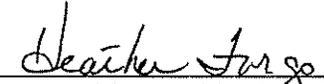
Noes: None.

Abstain: None.

Absent: None.

Attest:

Shirley Concolino, City Clerk



Mayor, Heather Fargo

Public Road Easement - Legal Description

PUBLIC ROAD 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:

That portion of the Southwest 1/4 of Section 23, Township 7 North, Range 5 East, M.D.B. & M., being Parcel 16 as shown on the Plat of Survey recorded in the office of the Recorder of Sacramento County in Book 5 of Surveys, Map No. 16 described as follows:

Beginning at a point on the centerline of a county road and the South line of said Section 23, at the Southeast corner of said Parcel 16; thence along the East line of said Parcel 16 North 00°39'36" West 33.00 feet or 10.058 meters to the **Point of Beginning**; thence along a line parallel with the South line of Section 23 North 89°58'52" West 100.00 feet or 30.480 meters to the West line of said Parcel 16; thence along said West line North 00°39'36" West 36.41 feet or 11.098 meters; thence North 89°56'21" East 100.00 feet or 30.480 meters to the East line of said Parcel 16; thence along said East line South 00°39'36" East 36.55 feet or 11.140 meters to the **Point of Beginning**,

containing 3645.97 square feet or 0.0837 acres; or 338.723 square meters or 0.034 hectares, more or less.

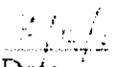
The meridian used herein is based upon the California Coordinate System (CCS) Zone II, NAD83, 1991.35. The ground distances used herein are in U.S. Survey Feet and Meters. To obtain grid distances, multiply the ground distances shown herein by the combined factor of 0.99997792.

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: 117-0220-024


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




Date

Public Road Easement - Plat Map

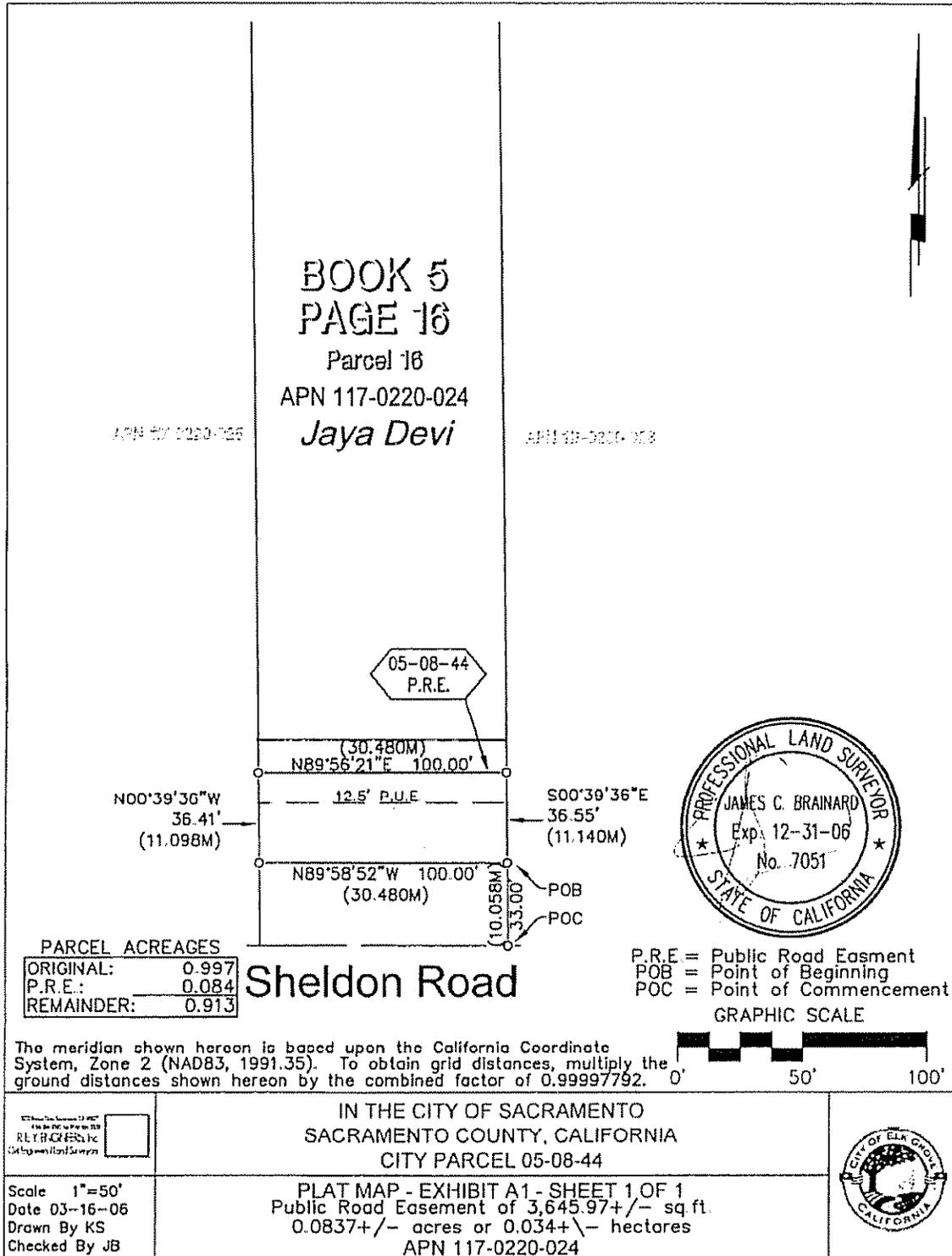


EXHIBIT A-3

Public Road Easement - Definition

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

Public Utilities Easement – Legal Description

Public Utility 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:

That portion of the Southwest 1/4 of Section 23, Township 7 North, Range 5 East, M.D.B. & M., being Parcel 16 as shown on the Plat of Survey recorded in the office of the Recorder of Sacramento County in Book 5 of Surveys, Map No. 16 described as follows:

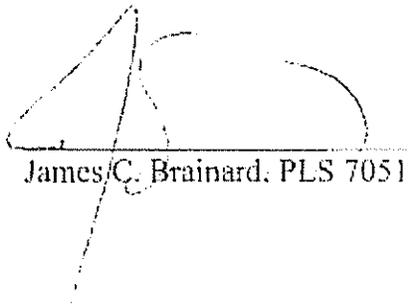
Beginning at a point on the centerline of a county road and the South line of said Section 23, at the Southeast corner of said Parcel 16; thence along the East line of said Parcel 16 North 00°39'36" West 57.06 feet or 17.392 meters to the **Point of Beginning**; thence South 89°56'21" West 100.00 feet or 30.480 meters to the West line of said Parcel 16; thence along said West line North 00°39'36" West 12.50 feet or 3.810 meters; thence North 89°56'21" East 100.00 feet or 30.480 meters to the East line of said Parcel 16; thence along said East line South 00°39'36" East 12.50 feet or 3.810 meters to the **Point of Beginning**,

containing 1250.17 square feet or 0.0287 acres; or 116.145 square meters or 0.012 hectares, more or less.

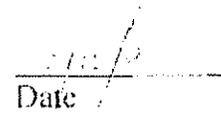
The meridian used herein is based upon the California Coordinate System (CCS) Zone II, NAD83, 1991.35. The ground distances used herein are in U.S. Survey Feet and Meters. To obtain grid distances, multiply the ground distances shown herein by the combined factor of 0.99997792.

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.

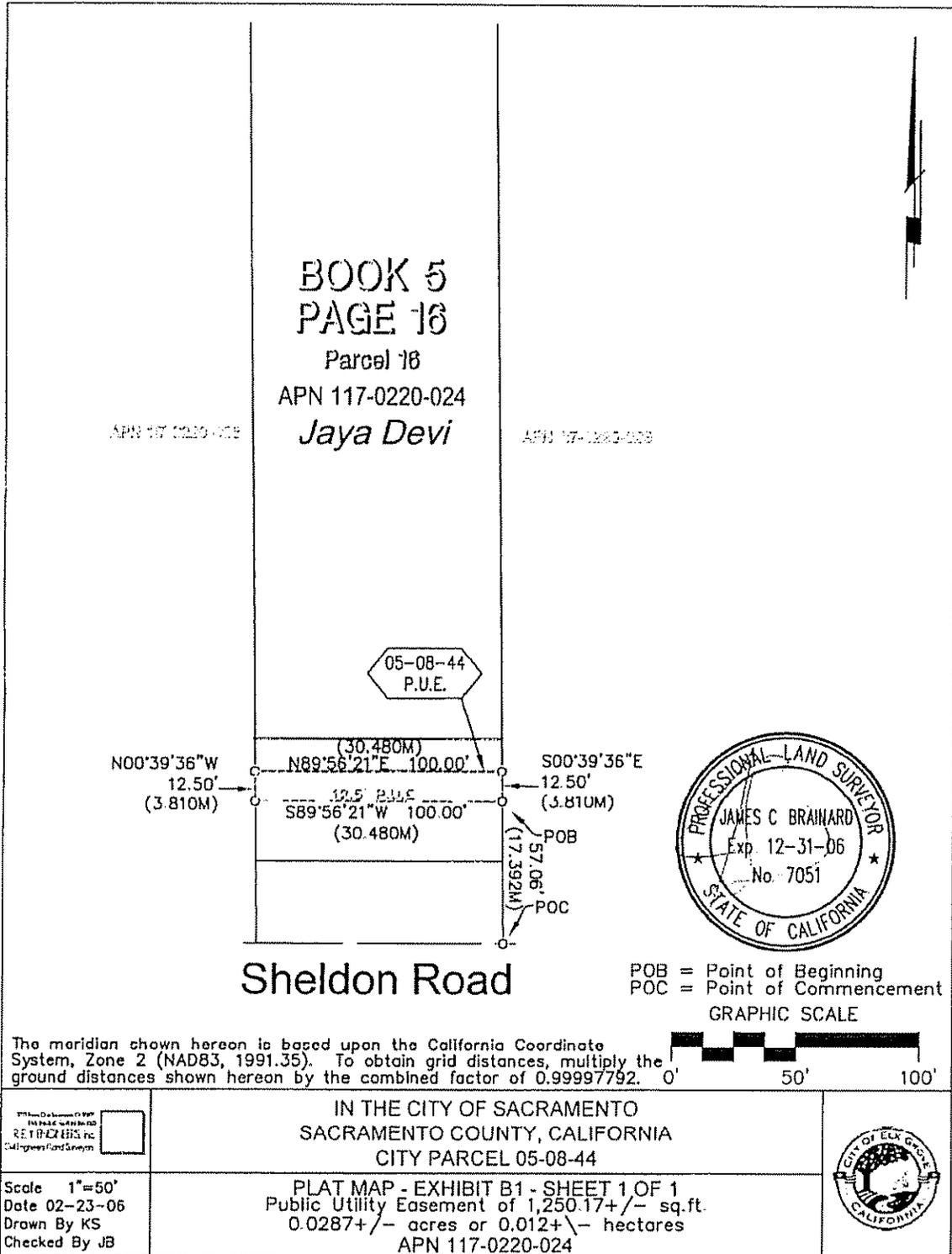
APN: 117-0220-024


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 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:

That portion of the Southwest 1/4 of Section 23, Township 7 North, Range 5 East, M.D.B. & M., being Parcel 16 as shown on the Plat of Survey recorded in the office of the Recorder of Sacramento County in Book 5 of Surveys, Map No. 16 described as follows:

Beginning at a point on the centerline of a county road and the South line of said Section 23, at the Southeast corner of said Parcel 16; thence along the East line of said Parcel 16 North 00°39'36" West 69.56 feet or 21.202 meters to the **Point of Beginning**; thence South 89°56'21" West 100.00 feet or 30.480 meters to the West line of said Parcel 16; thence along said West line North 00°39'36" West 13.12 feet or 3.999 meters; thence North 89°56'21" East 100.00 feet or 30.480 meters to the East line of said Parcel 16; thence along said East line South 00°39'36" East 13.12 feet or 3.999 meters to the **Point of Beginning**,

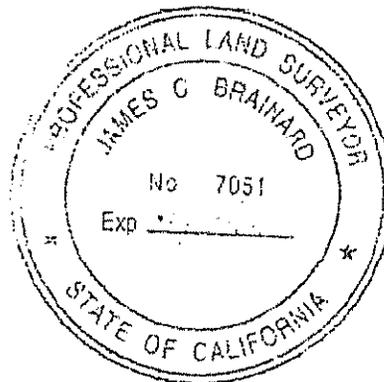
containing 1311.16 square feet or 0.0301 acres; or 121.811 square meters or 0.012 hectares, more or less.

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.

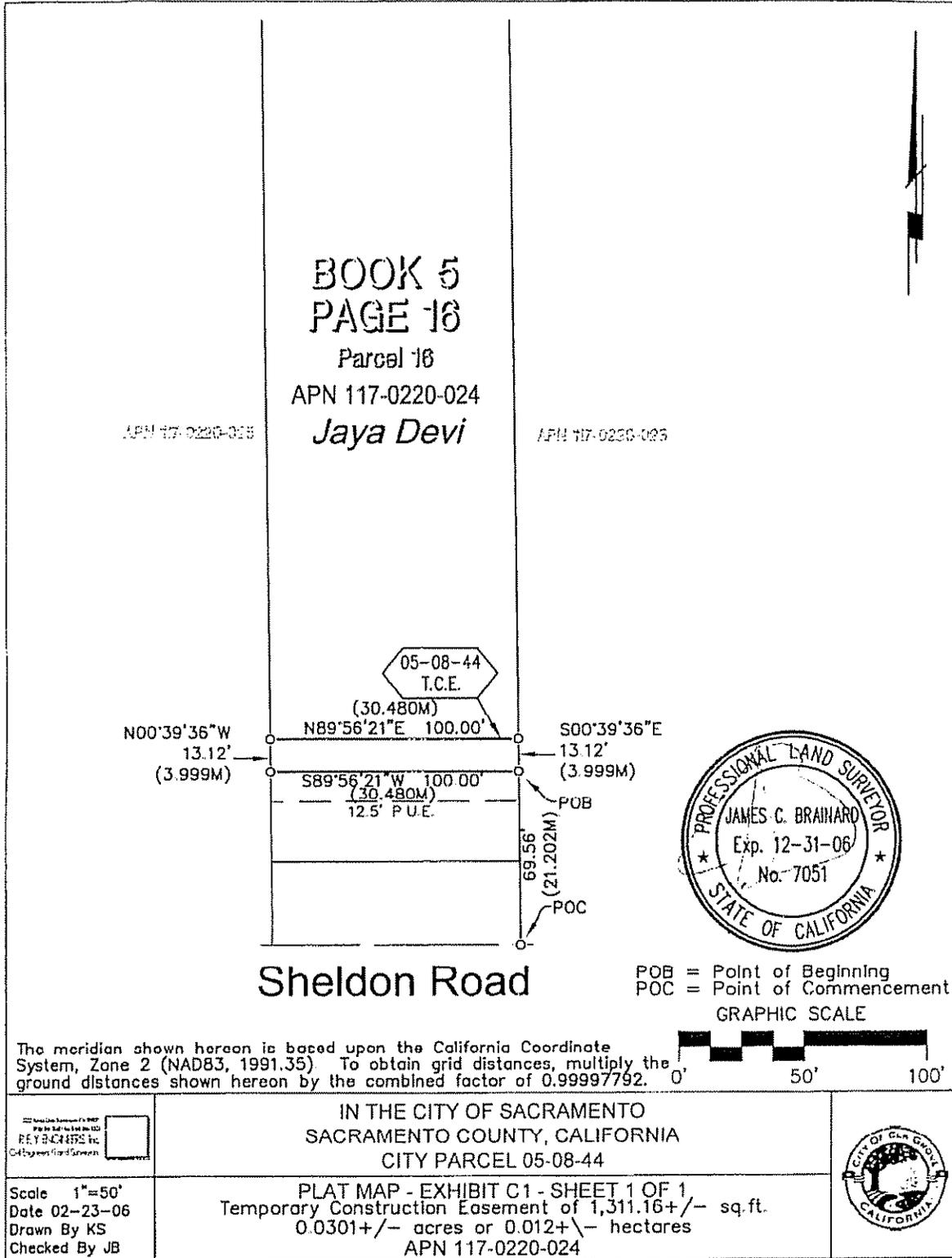
APN: 117-0220-024


James C. Brainard, PLS 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.