

RESOLUTION NO. 2006-894

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 (CENTEX HOMES – APN (PORTION OF): 117-0220-001)

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 Centex Homes, commonly referred to as a portion of Assessor Parcel Number 117-0220-001, 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, C-3, D-1, D-2, and D-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, C-3, D-1, D-2, and D-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, C-1, and D-1", depicted on the plat maps attached hereto as "A-2, B-2, C-2, and D-2", and defined in "A-3, B-3, C-3, and D-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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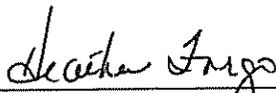
Adopted by the City of Sacramento City Council on December 5, 2006 by the following vote:

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

Public Road and Public Utilities Easement - Legal Description

Easement for Public Roads 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:

That portion of the Southwest 1/4 of Section 23, Township 7 North, Range 5 East, M.D.B.&M., being Parcel 18 as shown on Plat of Survey recorded in the office of the Recorder of Sacramento County in Book 5 of Surveys, Map 16 described as follows:

Commencing at the Southwest corner of said Section 23, in the center line of the County Road; thence northerly along the West line of said Section 23, North 00°40'37" West 55.00 feet or 16.764 meters to a point on the north line of an existing 55 foot right of way for Sheldon Road recorded in Book 890915 at page 1326 in said County, and the Point of Beginning; thence from said Point of Beginning continuing along the West section line North 00°40'37" West 45.82 feet or 13.966 meters; thence leaving said West line of Section 23 North 89°19'23" East 50.14 feet or 15.283 meters; thence along the arc of a non-tangent curve to the left having a radius of 25.33 feet or 7.721 meters, with a chord bearing South 45°24'03" East 35.61 feet or 10.854 meters; thence North 89°56'21" East 11.69 feet or 3.563 meters; thence South 00°03'39" East 6.00 feet or 1.829 meters; thence North 89°56'21" East 188.60 feet or 57.485 meters; thence South 78°28'24" East 65.33 feet or 19.913 meters; thence North 89°56'21" East 131.40 feet or 40.051 meters, thence South 85°11'46" East 34.23 feet or 10.433 meters to a point on the North line of said 55 foot right of way; thence North 89°58'52" West 504.77 feet or 153.854 meters to the Point of Beginning,

containing 7,169.05 square feet or 0.1646 acres; or 666.029 square meters or 0.067 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.

APN: 117-0220-001

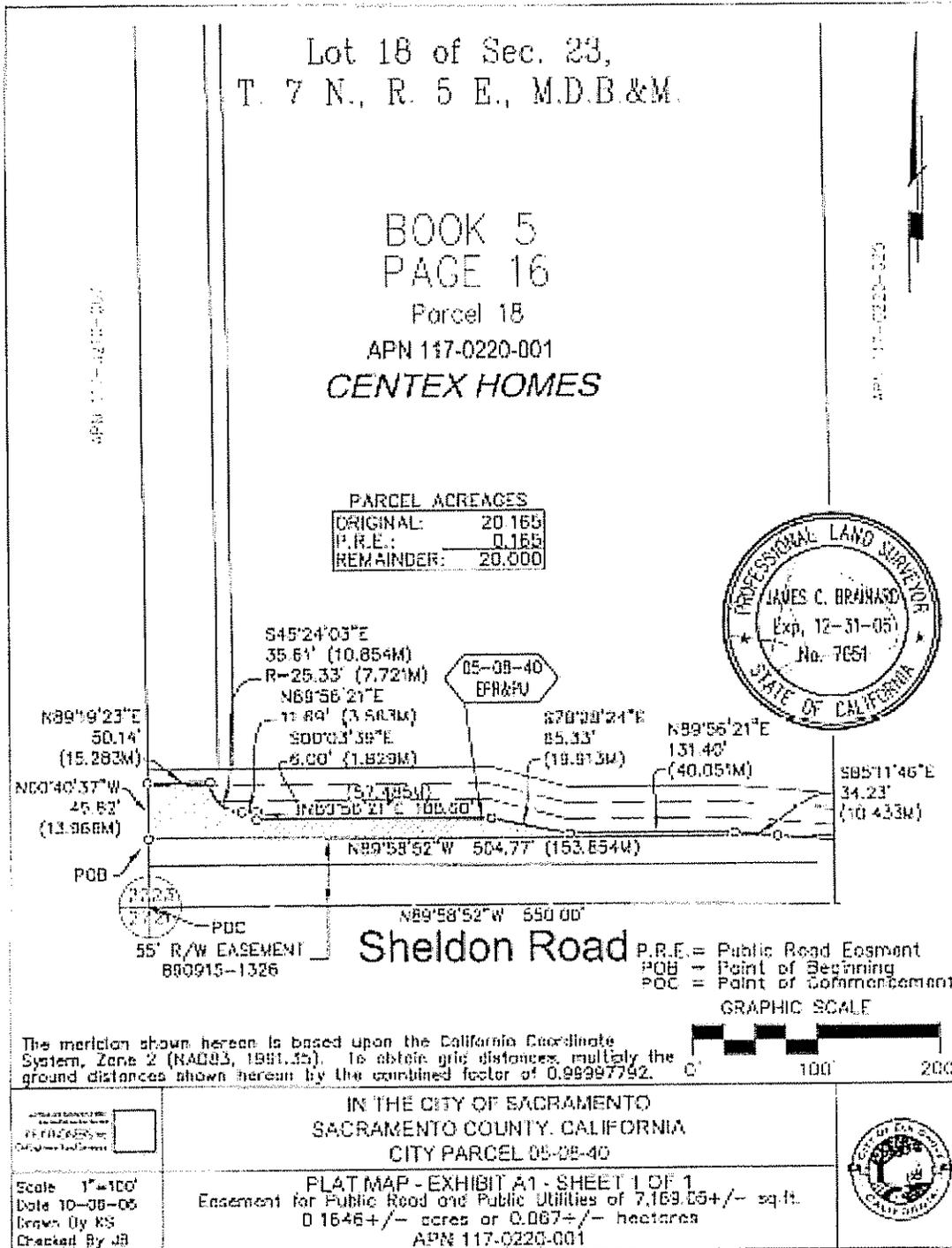
This real property description has been prepared at R.E.Y. Engineers, Inc., by me or under my direction, in conformance with the Professional Land Surveyors Act.

James C. Brainard, PLS 7051



Date 10/2/06

Public Road and Public Utilities Easement - Plat Map



Public Road and Public 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 identified in Exhibit 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:

That portion of the Southwest 1/4 of Section 23, Township 7 North, Range 5 East, M.D.B.&M , being Parcel 18 as shown on Plat of Survey recorded in the office of the Recorder of Sacramento County in Book 5 of Surveys, Map 16 described as follows:

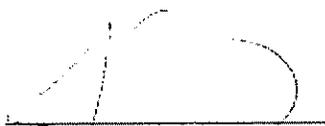
Beginning at the Southeast corner of said Parcel 18, in the center line of the County Road; thence Northerly along the East line of said Parcel 18, North 00°39'36" West 63.56 feet or 19.373 meters to the Point of Beginning; thence North 85°14'42" West 79.81 feet or 24.326 meters; thence South 89°53'27" West 133.58 feet or 40.715 meters; thence North 75°27'28" West 66.15 feet or 20.163 meters; thence South 89°53'27" West 217.63 feet or 66.334 meters; thence along the arc of a curve to the right having a radius of 25.33 feet or 7.721 meters, with a chord bearing North 23°03'48" West 13.57 feet or 4.136 meters; thence North 89°53'27" East 224.53 feet or 68.437 meters; thence South 75°27'28" East 66.15 feet or 20.163 meters; thence North 89°53'27" East 132.50 feet or 40.386 meters; thence South 85°14'42" East 79.16 feet or 24.128 meters to the East line of said Parcel 18; thence South 00°39'36" East 12.56 feet or 3.828 meters to the Point of Beginning,

containing 6,255.37 square feet or 0.1436 acres; or 581.145 square meters or 0.058 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.

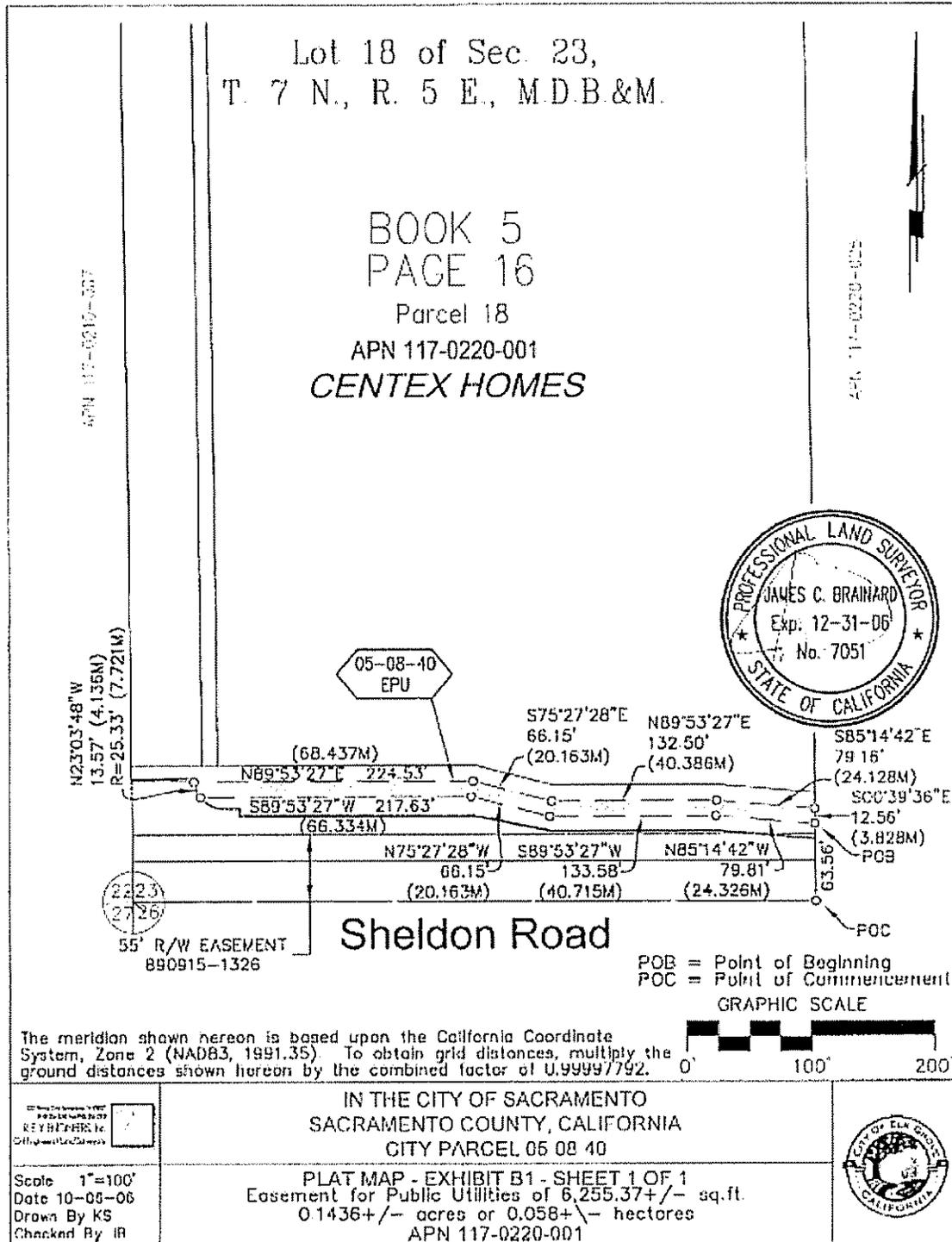
APN: 117-0220-001


James C. Brainard, PLS 7051



12/5/2006
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.

Landscape and Public Sidewalk and Pedestrian Purposes – Legal Description

Easement for Landscape and Public Sidewalk and Pedestrian Purposes

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 18 as shown on Plat of Survey recorded in the office of the Recorder of Sacramento County in Book 5 of Surveys, Map 16 described as follows:

Beginning at the Southeast corner of said Parcel 18, in the center line of the County Road; thence Northerly along the East line of said Parcel 18, North 00°39'36" West 51.21 feet or 15.609 meters to the Point of Beginning; thence North 85°11'46" West 79.67 feet or 24.283 meters; thence South 89°56'21" West 131.40 feet or 40.051 meters; thence North 78°28'24" West 65.33 feet or 19.913 meters; thence South 89°56'21" West 188.60 feet or 57.485 meters; thence North 00°03'39" West 6.00 feet or 1.829 meters; thence South 89°56'21" West 11.69 feet or 3.563 meters; thence along the arc of a curve to the right having a radius of 25.33 feet or 7.721 meters, with a chord bearing North 48°47'26" West 33.42 feet or 10.186 meters; thence North 89°53'27" East 224.53 feet or 68.437 meters; thence South 75°27'28" East 66.15 feet or 20.163 meters; thence North 89°53'27" East 132.50 feet or 40.386 meters; thence South 85°14'42" East 79.16 feet or 24.128 meters to the East line of said Parcel 18; thence South 00°39'36" East 24.90 feet or 7.590 meters to the Point of Beginning,

containing 12,885.92 square feet or 0.2958 acres; or 1,197.146 square meters or 0.120 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: 117-0220-001


James C. Brainard, PLS 7051




Date

Landscape and Public Sidewalk and Pedestrian Purposes – Plat Map

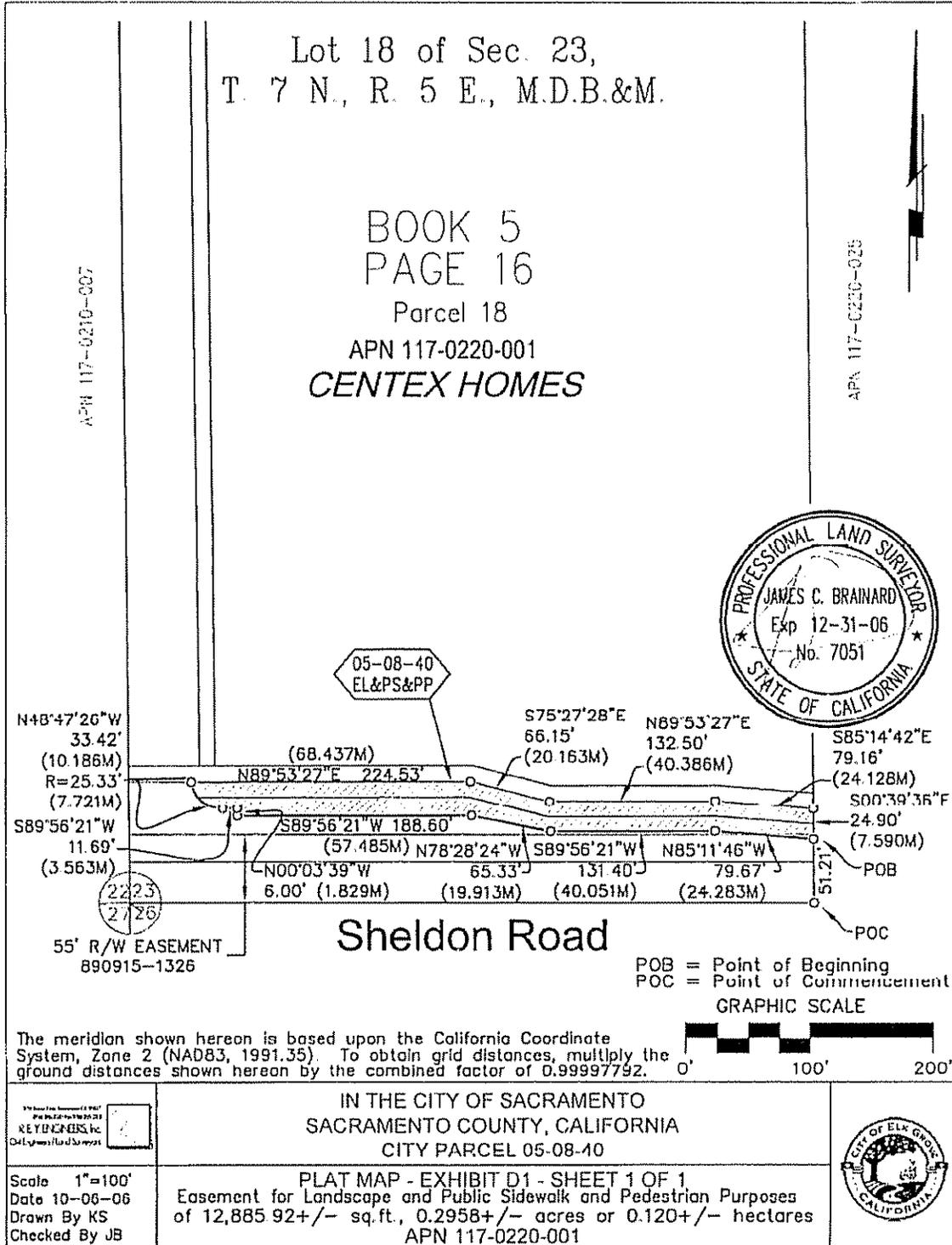


EXHIBIT C-3

Landscape and Public Sidewalk and Pedestrian Purposes – Description

An easement for landscaping and the maintenance thereof, and public sidewalk and pedestrian access, over, across, and under all that real property identified in Exhibit C-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 18 as shown on Plat of Survey recorded in the office of the Recorder of Sacramento County in Book 5 of Surveys, Map 16 described as follows:

Beginning at the Southeast corner of said Parcel 18, in the center line of the County Road; thence Northerly along the East line of said Parcel 18, North 00°39'36" West 76.11 feet or 23.198 meters to the Point of Beginning; thence North 85°14'42" West 79.16 feet or 24.128 meters; thence South 89°53'27" West 132.50 feet or 40.386 meters; thence North 75°27'28" West 66.15 feet or 20.163 meters; thence South 89°53'27" West 274.86 feet or 83.777 meters to the West line of said Parcel 18; Thence along said West line North 00°40'37" West 13.12 feet or 3.999 meters; thence leaving said West line North 89°53'27" East 276.67 feet or 84.329 meters; thence South 75°27'28" East 66.15 feet or 20.163 meters; thence North 89°53'27" East 131.37 feet or 40.042 meters; thence South 85°14'42" East 78.47 feet or 23.918 meters to the East line of said Parcel 18; thence along said East line South 00°39'36" East 13.18 feet or 4.017 meters to the Point of Beginning,

containing 7,252.65 square feet or 0.1665 acres; or 673.796 square meters or 0.067 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.

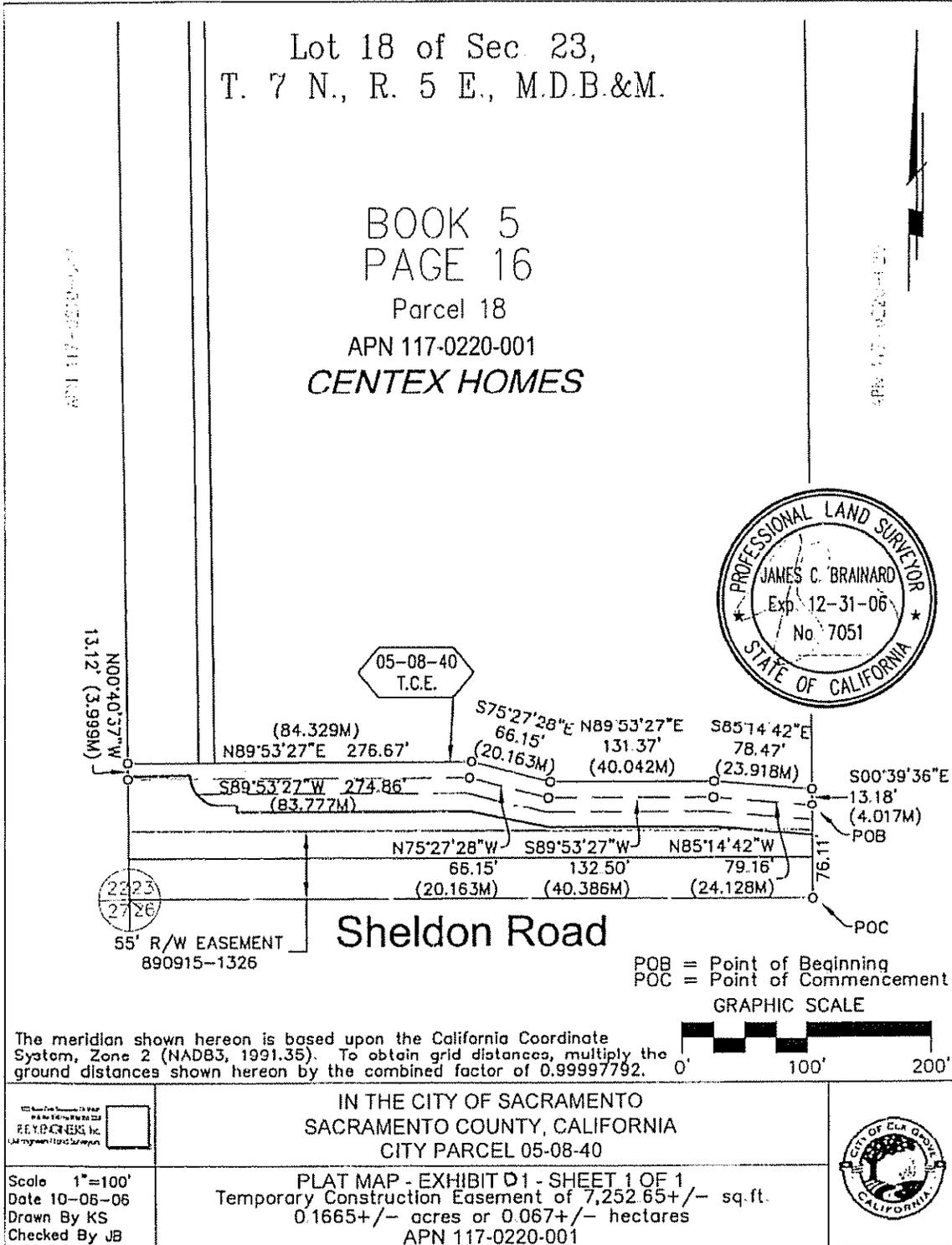
APN: 117-0220-001


James C. Brainard, PLS 7051



11/11/11
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 D-1. The term of the easement shall extend for a period of thirty (30) months commencing on the date ordered by the Court.