REPORT TO COUNCIL
City of Sacramento

915 I Street, Sacramento, CA 95814-2671
www.CityofSacramento.org

PUBLIC HEARING
December 5, 2006

Honorable Mayor and
Members of the City Council

Title: Hearing: Sheldon Road/SR 99 Interchange Project – Hearing on a Resolution of Necessity for Acquisition of Real Property Required for the Project – Two Thirds Vote Required

Location/Council District: Sheldon Road, West Stockton Boulevard, Lewis Stein Road & SR 99 Interchange, Council District 8

Recommendation: 1) Consider the environmental impact report/environmental assessment (EIR/EA) prepared by the City of Elk Grove, the lead agency for the Sheldon Road/SR 99 Interchange project, and the related environmental effects of the project as shown in the EIR/EA; 2) conduct a Hearing on Resolutions of Necessity and make the necessary findings to acquire the real property interests in the parcels listed in Attachment B for this road/interchange project; and 3) adopt Resolutions of Necessity for the acquisition of the ownership interests necessary for the Sheldon Road/SR 99 Interchange project.

Contacts: Marianne Wetzel, Supervising Real Property Agent, 808-6270; Tim Mar, Supervising Engineer, 808-7531

Presenter: Marianne Wetzel, Supervising Real Property Agent, 808-6270

Department: General Services and Transportation

Division: Facilities and Real Property Management and Engineering Services

Organization No: 3285

Description/Analysis

Issues: Extensive urban development in the southern Sacramento and northern Elk Grove areas has increased traffic levels in those areas to a point where Sheldon Road, West Stockton Boulevard, East Stockton Boulevard, and the freeway southbound off ramp currently operate at unacceptable levels of service. Additional development that is expected in the area will cause traffic delays to increase significantly if the Sheldon Road/State Route 99 Interchange Project (Project) is not completed. The proposed Project is designed to improve traffic capacity and safety on Sheldon Road and provide more efficient access to and

from State Route 99. To this end, the City of Sacramento is cooperating with the City of Elk Grove's Project, which will upgrade the existing interchange and adjacent streets from Lewis Stein Road in the west to Power Inn Road in the east.

Construction of the Project requires the acquisition of property interests from 54 parcels held by 39 separate ownerships. As of the date this report was prepared, the City of Elk Grove had reached agreement to purchase the required interests from 31 parcels held by 28 ownerships. Of the remaining properties, 11 ownerships are in Elk Grove. The Elk Grove City Council will consider Resolutions of Necessity regarding the 22 properties held by those 11 owners on December 13, 2006. The City of Elk Grove's Council Report and Resolutions of Necessity are incorporated by reference and available to review at the City of Elk Grove's website: http://www.elkgrovecity.org. In order to maintain the Project schedule, the Sacramento City Council is asked to adopt Resolutions of Necessity for three (3) ownerships that are within the City of Sacramento.

Policy Considerations: The statute authorizing the City of Sacramento to acquire the subject parcels for the Project is Government Code section 37350.5. A written offer of just compensation as required under Government Code section 7267.2, has been made to the owners or representatives of the owners of record. This action is consistent with legal requirements for the acquisition of private property for public projects.

Rationale for Recommendation: Acquisition of the subject property interests is necessary for the construction of the Project. Contract bidding and construction cannot take place until the participating agencies have obtained the right to possession over all of these property interests.

The proposed Resolutions of Necessity attached to this report contain the findings required by California Eminent Domain Law. Importantly, the Mayor and City Council must find:

1. The public interest and necessity require the Project;

2. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least public injury;

3. The property interests are necessary for the Project; and

4. Prior to making the above findings and determinations the offer required by section 7267.2 of the Government Code was made to the owners of record of the property interests to be acquired.

Environmental Considerations: As the lead agency on the Project, the City of Elk Grove complied with the provisions of the California Environmental Quality

Act by certifying the Final Environmental Impact Report / Environmental Assessment (FEIR/EA) for the Project on July 27, 2005. The City of Sacramento participated in the CEQA process by consulting with the lead agency and commenting on the Notice of Preparation and Draft Environmental Impact Report. The FEIR/EA is incorporated into this report by reference and is available for review on the Internet at: http://www.egplanning.org/projects/sheldon_road/#FinalEIR_EAJuly2005 (because of its volume, it is not attached, but is available on the Internet).

Financial Considerations: Pursuant to the Memorandum of Understanding entered into on June 13, 2006, between the City of Sacramento and the City of Elk Grove, City Agreement No. 2006-0615 (MOU) (action adopted by the Sacramento City Council on June 13, 2006, Resolution No. 2006-422), the City of Elk Grove is responsible for all costs the City of Sacramento may incur in connection with the acquisition of real property interests for the Project, including compensation paid to the property owners, attorney's fees, and staff costs. As a result, the adoption of the proposed Resolutions of Necessity is not expected to have any long-term financial impact on the City of Sacramento. However, the City of Sacramento may incur some short-term costs and then seek reimbursement by the City of Elk Grove.

Emerging Small Business Development (ESBD): No goods or services are being purchased as a result of this report.

Respectfully Submitted by: _____
Cynthia Kranc
Facilities and Real Property Manager

Approved by: _____
Reina J. Schwartz
Director, Department of General Services

Approved by: _____
Jerry Way
Director, Department of Transportation

Recommendation Approved:

for Ray Kerridge
City Manager

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BACKGROUND INFORMATION:

The City of Sacramento is cooperating with the City of Elk Grove's Sheldon Road/State Route 99 Interchange Project (Project), which will upgrade the existing interchange and adjacent streets from Lewis Stein Road in the west to Power Inn Road in the east. The current interchange between Highway 99 and Sheldon Road was constructed in the 1950's when the area was very rural. Although some improvements to Sheldon Road have been made near Lewis Stein Road on the west and Power Inn Road on the east, Sheldon remains a two-lane rural road in the interchange area. The narrow bridge over Highway 99 is bounded at each end by signalized intersections with East Stockton and West Stockton Boulevards. Extensive urban development in south Sacramento and north Elk Grove has increased traffic levels in the area to a point where Sheldon Road, West Stockton Boulevard, East Stockton Boulevard, and the freeway southbound off ramp currently operate at unacceptable levels of service. Additional development that is expected in the area will cause traffic delays to increase significantly if the interchange is not improved. The proposed Project is designed to improve traffic capacity and safety on Sheldon Road and provide more efficient access to and from State Route 99. The proposed Project is consistent with the City of Sacramento's General Plan which is incorporated into this report by reference and available for review at the City of Sacramento's Planning Office.

The north legs of Sheldon's existing intersections with Lewis Stein Road and West Stockton Boulevard are located within the City of Sacramento and Sheldon Road is the boundary between the two cities in this area. With the exception of a cemetery that is located between Highway 99 and West Stockton Boulevard, the remaining portions of the Project area are located within the City of Elk Grove. The City of Elk Grove is the lead agency on the Project.

The proposed Project will replace the existing overcrossing structure with a nine-lane bridge that will provide three through lanes and two left turn lanes in the westbound direction and three through lanes and one right turn lane eastbound. East and west of the interchange, Sheldon Road will be widened to provide for three through lanes in each direction, and raised sidewalks and bike lanes will be constructed from Lewis Stein Road to Power Inn Road. In the northwest quadrant, West Stockton Boulevard will be improved and re-aligned slightly. Its intersection with Sheldon will align with the intersection of the southbound on and off ramps. A right turn lane will also be constructed at Lewis Stein Road.

The Project will completely reconfigure the interchange. A two-lane southbound loop off ramp would be built in the southwest quadrant of the interchange with a 400 meter auxiliary lane in advance of it. The southwest quadrant will also include a diagonal southbound on ramp and the relocation of a portion of an existing sound wall to provide room for utility lines adjacent to the on ramp.

Construction of the Project requires the acquisition of property interests from 54 parcels held by 39 separate ownerships. In accordance with the Memorandum of

Understanding entered into on June 13, 2006, between the City of Sacramento and the City of Elk Grove, City Agreement No. 2006-0615, the City of Elk Grove assumed the lead to acquire the real property necessary for the project, including those properties lying within the Sacramento limits. As of the date this report was prepared, the City of Elk Grove had reached agreement to purchase the required interests from 31 parcels held by 28 ownerships. Of the remaining properties, three ownerships are within the City of Sacramento and 11 are in Elk Grove. The Elk Grove City Council will consider Resolutions of Necessity regarding the 22 properties held by those 11 ownerships on December 13, 2006.

In an effort to further attempt negotiating for the acquisition of property interests for those properties lying within the City of Sacramento's jurisdiction, the City of Sacramento made offers to each of the property owners, or their representative, of the properties identified below. The offers were based on a Just Compensation approved by the Director of General Services. The offer letters, made in accordance with Government Code section 7267.2, are incorporated into this report by reference and are available for review at the City Clerk's Office located at 915 I Street, Sacramento, CA 95814 (Historic City Hall).

The property owners, or their representatives, of the property interests identified below were also sent notices informing them of the City of Sacramento's intent to conduct a Hearing on Resolutions of Necessity and to make the necessary findings to acquire the real property interests necessary for the Project. The notices, required under Code of Civil Procedure section 1245.235, are incorporated into this report by reference and are available for review at the City Clerk's Office located at 915 I Street, Sacramento, CA 95814 (Historic City Hall).

The property interests to be acquired in the City of Sacramento are as follows:

Fitzer/Tsakopoulos/Potiris; APN (portion of) 117-0220-019: This undeveloped parcel is located on the northwest corner of the Sheldon Road and West Stockton Boulevard intersection. The project requires the acquisition of an 18,886.84 square foot public road and utilities easement, a 10,197.07 square foot public utilities easement, and a 16,106.93-square foot temporary construction easement on this property. In addition the project will cut off street access rights near the intersection.

Devi; APN (portion of) 117-0220-024: The project requires the acquisition of a 3,645.97 square foot public road easement, a 1,250.17 square foot public utilities easement, and a 1,311.16 square foot temporary construction easement from this property. These acquisitions will have a minimal impact on the continued occupancy of this residential property.

Centex Homes; APN (portion of) 117-0220-001: This large property was formerly a golf driving range but it was recently sold to a residential developer. The project requires the acquisition of a 7,169.05 square foot public road and public utilities easement, a 6,255.37 square foot public utilities easement, a 12,885.92 square foot

landscape and public sidewalk and pedestrian purposes easement, and a 7,252.65 square foot temporary construction easement from this property.

Acquisition of the subject property interests is necessary for the construction of the Project. Contract bidding and construction cannot take place until the participating agencies have obtained the right to possession over all of these property interests.

The proposed Resolutions of Necessity contain the findings required by California Eminent Domain Law:

1. The public interest and necessity require the Project;

2. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least public injury;

3. The property interests are necessary for the Project; and

4. Prior to making the above findings and determinations the offer required by section 7267.2 of the Government Code was made to the owners of record of the property interests to be acquired.

The basis for these findings is as follows:

FINDING 1: The Public Interest and Necessity Require the Project:

As noted above, 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. The 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.

The Project is also consistent with the City of Elk Grove's General Plan goals and objectives including satisfactory level of service for the interchange. The General Plan Circulation Element anticipates that the subject interchange will be a nine-lane over-crossing that would provide three through lanes and two left-turn lanes in the westbound direction and three through lanes and one right-turn lane in the east bound direction. Therefore, the public interest and necessity require this Project in order to safely and efficiently accommodate increased traffic resulting from past and future development in the area.

FINDING 2: The Project is Planned or Located in the Manner that Will Be Most Compatible with the Greatest Public Good and the Least Private Injury:

The major constraints on the design of the new interchange were the presence of the cemetery site and several businesses on West Stockton Boulevard in the northwest quadrant of the interchange, existing structures in the southeast quadrant, Caltrans' safety engineering standards, the traffic capacity requirements that had to be met, the need to relocate and enlarge the existing park and ride lot, disruptions in traffic flow during construction, and the need to minimize the impacts on private property in the area and the costs of both property acquisition and roadway construction. Additional factors that were taken into account included environmental impacts to wetlands/flood zones adjacent to Whitehouse Creek in the southeast quadrant and wetlands in the northeast quadrant, the location of existing roadways and easements, and federal permitting issues regarding impacts on the designated park site in the northeast quadrant.

The property interests that must be acquired from the three properties to which the Resolutions of Necessity pertain consist of several permanent Public Road Easements ("PREs"), several permanent Public Utilities Easements ("PUEs"), one Landscape and Public Sidewalk and Pedestrian Purposes Easement ("LPSPPE") and several Temporary Construction Easements ("TCEs"). The PREs will be used for the widening of Sheldon and the realignment and improvement of West Stockton. The TCEs are strips 11.32 feet to approximately 20 feet in width adjacent to the PREs and/or PUEs. The TCEs will provide construction access and room to work for the 30-month construction window and will also provide room for slopes conforming new roadway grades to adjacent ground levels. The wider TCEs are located where fill slopes will be constructed and the narrower TCEs are in locations where grades will not be changed significantly.

The permanent PUEs are necessary so that existing public utilities can be relocated out of the construction areas and future utility improvements can be accommodated without significant impacts on the roadways. The PUEs are 12.5 feet in width parallel to the roadways to allow sufficient room for the installation and maintenance of multiple utility conduits along each street. The presence of utilities in the PUEs will benefit future property development in the area.

In order to avoid major impacts on the cemetery and the businesses near it on West Stockton Boulevard, the project engineers have placed the southbound off ramp in the southwest quadrant and aligned it with West Stockton's intersection with Sheldon. West Stockton will be widened and realigned slightly to improve traffic operations at the intersection. In addition, the new freeway overcrossing will be centered approximately 40 feet south of the existing facility to allow the construction of enough of the bridge during the first phase of construction to carry traffic once the existing bridge is demolished, while at the same time avoiding having fill from the new bridge abutment spill on to the cemetery. As a result, only a small amount of property had to be acquired

from the cemetery and no gravesites will be disturbed. The property to be acquired in the southwest quadrant is currently undeveloped.

The western end of the Project is the intersection of Sheldon and Lewis Stein Roads. Previous developments of commercial properties in the southwest quadrant of the Project already improved the south side of Sheldon along their frontage, which extends approximately 975 feet east of Lewis Stein Road. The Project will widen and improve the north side of Sheldon in this area and construct a right turn late at Lewis Stein Road.

The project design team at Quincy Engineering, consultant to City of Elk Grove, balanced these considerations in designing the proposed interchange improvements. The widths of the new facilities were dictated by the number of lanes that must be constructed to carry the forecasted future traffic. The alignments and specific configurations of the new roadways were chosen because the design engineers determined they best balanced the competing considerations, and the Elk Grove City Council approved this chosen alignment on July 27, 2005, by certifying the FEIR/EA and adopting the Statement of Overriding Consideration.

FINDING 3: The Property Interests are Necessary for the Project:

The proposed roadway alignments dictate the property that must be acquired. The PREs lie within the future roadway cross sections and are therefore necessary for the construction of the Project. The PREs and the LPSPPE include the actual area on which roadways, sidewalks, curbs, gutters, drainage facilities, landscaping and shoulder areas will be constructed. In addition to the construction of the interchange facilities, utilities in the Project area will be relocated. All of the PUEs are 12.5 feet wide, which is sufficient to accommodate the relocation of all existing utilities and allow the installation of additional utilities in the future. The Project also requires TCEs ranging from 11.32 to approximately 20 feet in width to provide working space and access in order to construct the Project and room for the fill slopes that are necessary to conform new street grades with existing property ground levels.

The estimated timeframe for the construction of the Project is approximately 24 months once ground is broken. Prudence dictates that the schedule of a construction project of this magnitude allow some cushion for unexpected delays. Therefore, the TCEs have a 30-month duration.

FINDING 4: The Offers Required by Government Code Section 7267.2 Have Been Made:

The City of Elk Grove negotiated with each of the three property ownerships for several months before Sacramento City staff took over negotiations. Elk Grove actually reached agreement with the Devi ownership. Unfortunately, that property owner has been unable to close escrow because of clouds on title, so it is necessary for the City of Sacramento to exercise its power of eminent domain to obtain the necessary property rights.

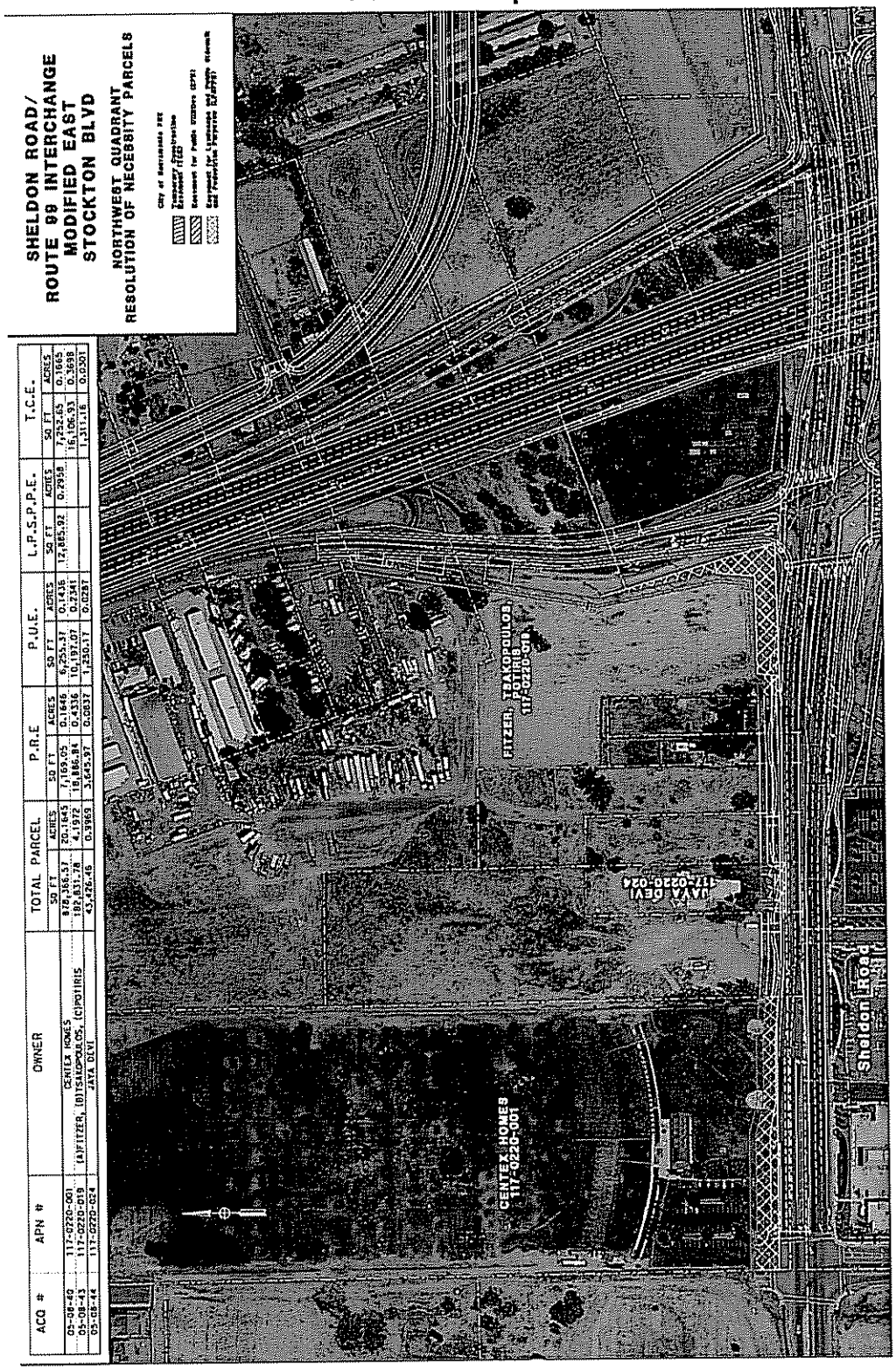
Similarly, Elk Grove reached agreement with two of the three owners of the Fitzer/Tsakopoulos/Potiris parcel, but the third refused to sign the purchase agreement.

Finally, Elk Grove's negotiations with Centex Homes have been fruitful, but no agreement has been reached because of uncertainties surrounding potential requirements for property dedications related to the owner's pending development application.

City of Sacramento staff recently took over negotiations with these property owners and made offers to them. Although negotiations will continue even if the Council adopts the proposed Resolutions of Necessity, negotiations alone are not assured to obtain possession of these property interests in time to avoid significant delays in the Project schedule.

ATTACHMENT A

Location Map



ACQ #	APN #	OWNER	TOTAL PARCEL		P.R.E		P.U.E.		L.P.S.P.P.E.		T.C.E.	
			SQ FT	ACRES	SQ FT	ACRES	SQ FT	ACRES	SQ FT	ACRES	SQ FT	ACRES
05-08-40	117-0220-001	CENTEX HOMES	878,366.57	20.1645	7,169.05	0.1646	6,255.37	0.1436	12,885.92	0.2958	7,252.85	0.1665
05-08-43	117-0220-019	(A)FITZER, (B)TSAKOPOULOS, (C)POTIRIS	180,831.78	4.1972	18,886.84	0.4336	10,197.07	0.2341			16,106.93	0.3698
05-08-44	117-0220-024	JAYA DEVI	43,426.46	0.9969	3,645.97	0.0837	1,250.17	0.0287			1,311.18	0.0301

ATTACHMENT B

Real Property Interests to be Acquired

Parcel APN(s) (portions of)	Owner	Property Interests to be Acquired (Square Feet)	Just Compensation Amount
117-0220-019	**Fitzer/ Tsakopoulos/ Potiris**	**Public Road & Public Utilities Easement (18,886.84 sq. ft.)** **Public Utilities Easement (10,197.07 sq. ft.)** **Temporary Construction Easement (16,106.93 sq. ft.)**	**$393,000**
117-0220-024	**Devi**	**Public Road Easement (3,645.97 sq. ft)** **Public Utilities Easement (1,250.17 sq. ft.)** **Temporary Construction Easement (1,311.16 sq. ft.)**	**$62,500**
117-0220-001	**Centex Homes**	**Public Road & Public Utilities Easement (7,169.05 sq. ft)** **Public Utilities Easement (6,255.37 sq. ft.)** **Landscape & Public Sidewalk & Pedestrian Purposes (12,885.92 sq. ft.)** **Temporary Construction Easement (7,252.65 sq. ft.)**	**$74,000**

RESOLUTION NO.

Adopted by the Sacramento City Council
December 5, 2006

CONSIDERING AND REVIEWING THE ENVIRONMENTAL IMPACT REPORT AND MITIGATION, MONITORING AND REPORT PROGRAM FOR THE PROJECT WHICH WAS ADOPTED BY THE CITY OF ELK GROVE AS LEAD AGENCY INCLUDING MITIGATION MEASURES AND ALTERNATIVE

BACKGROUND

A. The Sheldon Road/SR 99 Interchange is one of the most congested interchanges in the region. It provides access to residents in the southeast part of the City and Elk Grove. Elk Grove is reconstructing the interchange to accommodate existing and future traffic demands. Elk Grove is the lead agency for the Project.

B. Elk Grove as the lead agency adopted an Environmental Impact Report and Mitigation, Monitoring and Reporting Program for the Project on July 27, 2005 pursuant to the California Environmental Quality Act, and a Notice of Determination was filed on July 29, 2005.

C. The City is not responsible for the design and/or construction of the Project, or supervision thereof, and it is not financing the Project.

D. The northwest quadrant of the Project lies within City limits and Elk Grove has requested that the City obtain right-of-way, including consideration of resolutions of necessity and the potential filing of eminent domain actions, from three parcels in the City for the Project.

E. On June 13, 2006, the City adopted Resolution No. 2006-422 finding, in part, that the City Council has reviewed and considered the information contained in the Environmental Impact Report and Mitigation, Monitoring and Reporting Project prepared and adopted by the City of Elk Grove in accordance with the City's responsibilities as a responsible agency under the California Environmental Quality Act.

F. Consistent with its obligations as a responsible agency under the California Environmental Quality Act and prior to the adoption of any resolution of necessity for Project property, the City has conducted an independent review and consideration of the direct or indirect environmental effects of the acquisition of the subject property and intends to make its own findings based upon its own independent judgment regarding any significant effects of its action.

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

Section 1. The City Council has reviewed and independently considered the information contained in the Environmental Impact Report and Mitigation, Monitoring and Reporting Project prepared and adopted by the City of Elk Grove in accordance with the City's responsibilities as a responsible agency under the California Environmental Quality Act.

Section 2. The Environmental Impact Report lists numerous potentially significant impacts that can be mitigated to less-than-significant levels. Such impacts, and the mitigation thereof, are within the responsibility and jurisdiction of Elk Grove and involve aspects of the Project that Elk Grove rather than the City will carry out, finance or approve. Elk Grove has adopted measures to avoid or mitigate such impacts, and Elk Grove's findings are incorporated herein by reference.

Section 3. The City has considered alternatives to the Project including those listed as alternative 2A, alternative 3A, and the "no build" alternative as set forth in the Environmental Impact Report, and based upon its independent review and judgment determines that the alternatives to the preferred project alternative do not result in more severe environmental effects, do not meet basic Project objections, or do not provide any substantial environmental benefits as compared to the Project and therefore, the Project, as mitigated by adoption of mitigation measures identified in the FEIR/EA, can be feasibly implemented and serves the best interests of the City.

Section 4. The Environmental Impact Report indicates that the adoption of all feasible mitigation measures will not substantially lessen or avoid all significant adverse environmental impacts caused by the Project. Such impacts are within the responsibility and jurisdiction of Elk Grove and/ involve aspects of the Project that Elk Grove rather than the City will carry out, finance or approve. Elk Grove's findings and statement of overriding consideration are incorporated herein by reference.

RESOLUTION NO. 2006-XXXX

Adopted by the Sacramento City Council
December 5, 2006

RESOULTION OF 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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EXHIBIT A-1

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°14'39" 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, PLS 7051

PROFESSIONAL LAND SURVEYOR
JAMES C. BRAINARD
No. 7051
Exp
STATE OF CALIFORNIA

Date

EXHIBIT A-2

Public Road and Public Utilities Easement - Plat Map

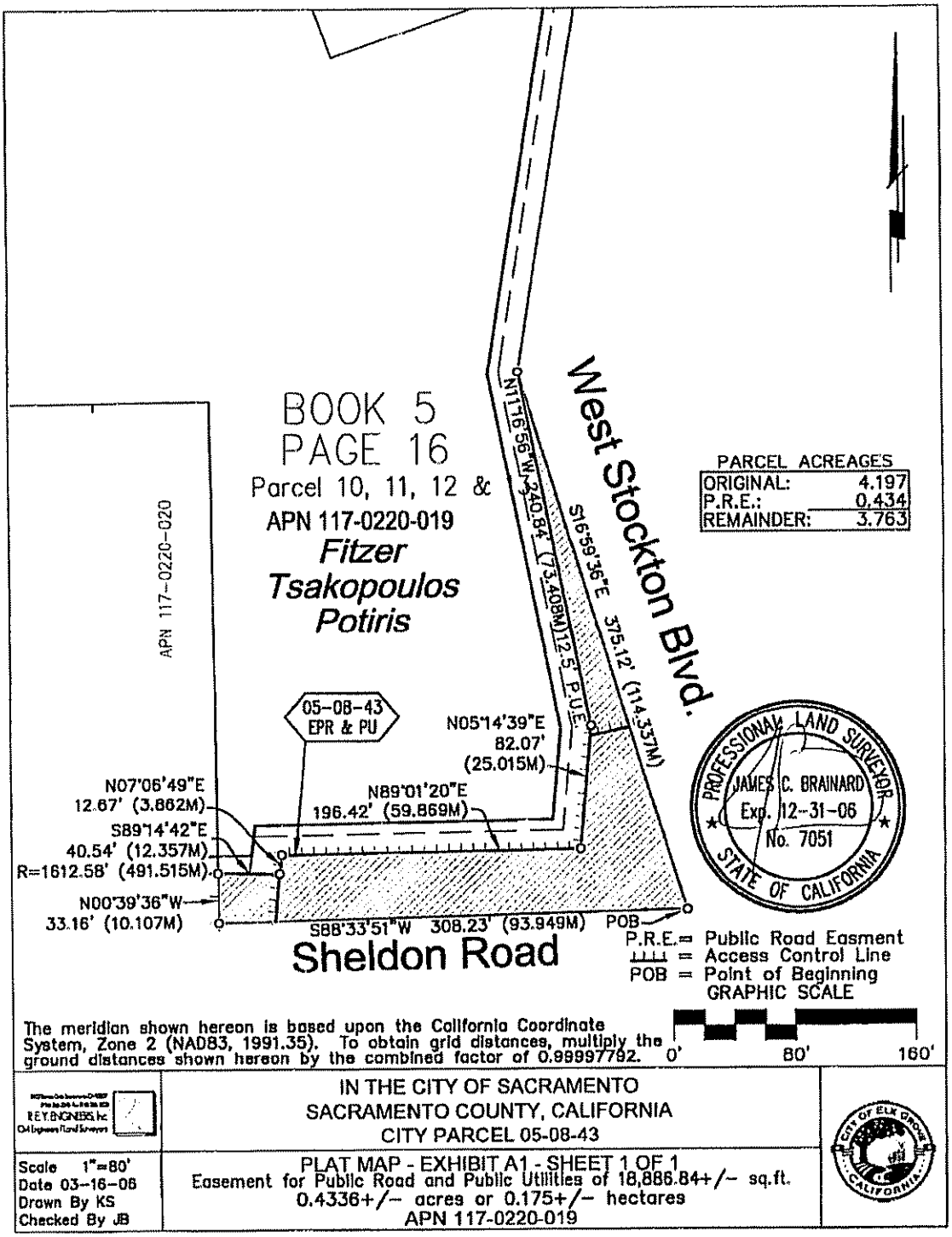

EXHIBIT A-3

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.

EXHIBIT B-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

PROFESSIONAL LAND SURVEYOR
JAMES C BRAINARD
No. 7051
Exp. 12/31/2006
STATE OF CALIFORNIA

Date

EXHIBIT B-2

Public Utilities Easement – Plat Map

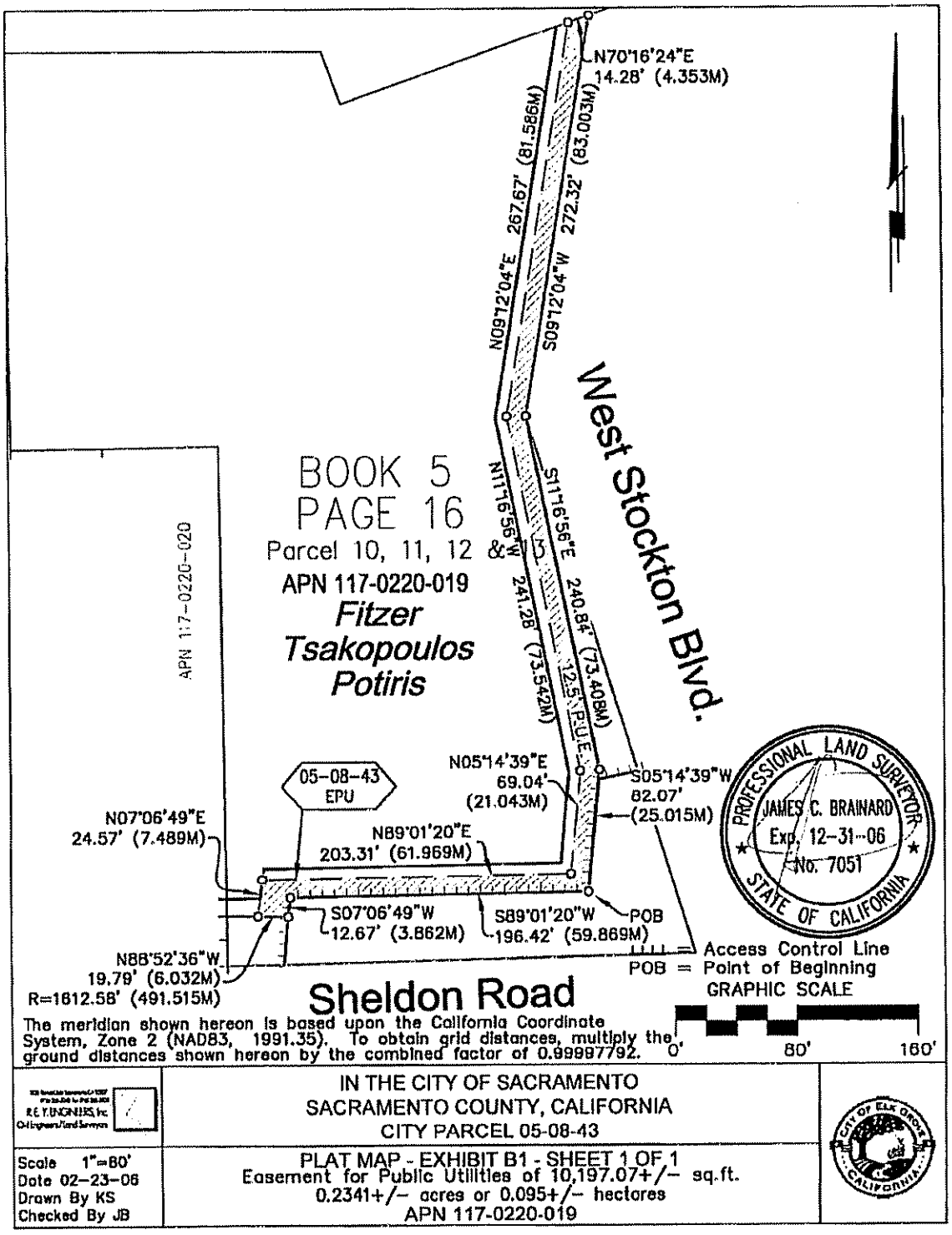

EXHIBIT B-3

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.

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:

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 89°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, PLS 7051

PROFESSIONAL LAND SURVEYOR
JAMES C. BRAINARD
No. 7051
Exp. 12/31/07
STATE OF CALIFORNIA

Date

EXHIBIT C-2

Temporary Construction Easement – Plat Map

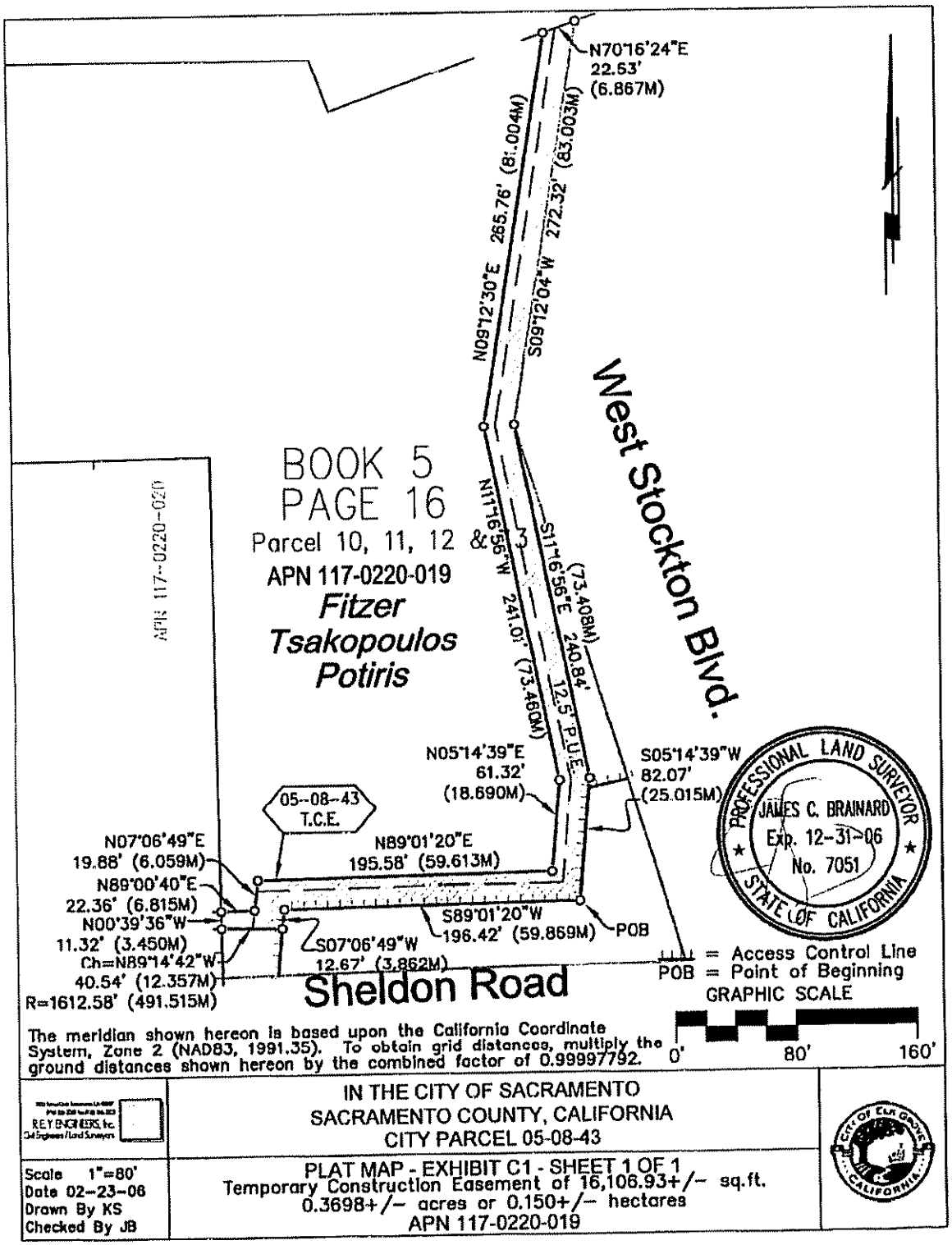

EXHIBIT C-3

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.

RESOLUTION NO. 2006-XXXX

Adopted by the Sacramento City Council
December 5, 2006

RESOULTION OF 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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Exhibit A-1: Legal Description of Public Road Easement (Page 31)
Exhibit A-2: Plat Map of Public Road Easement (Page 32)
Exhibit A-3: Definition of Public Road Easement (Page 33)
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Exhibit B-2: Plat Map of Public Utilities Easement (Page 35)
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Exhibit C-1: Legal Description of Temporary Construction Easement (Page 37)
Exhibit C-2: Plat Map of Temporary Construction Easement (Page 38)
Exhibit C-3: Definition Temporary Construction Easement (Page 39)

EXHIBIT A-1

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, PLS 7051

PROFESSIONAL LAND SURVEYOR
JAMES C. BRAINARD
No. 7051
Exp.
STATE OF CALIFORNIA

Date

EXHIBIT A-2

Public Road Easement - Plat Map

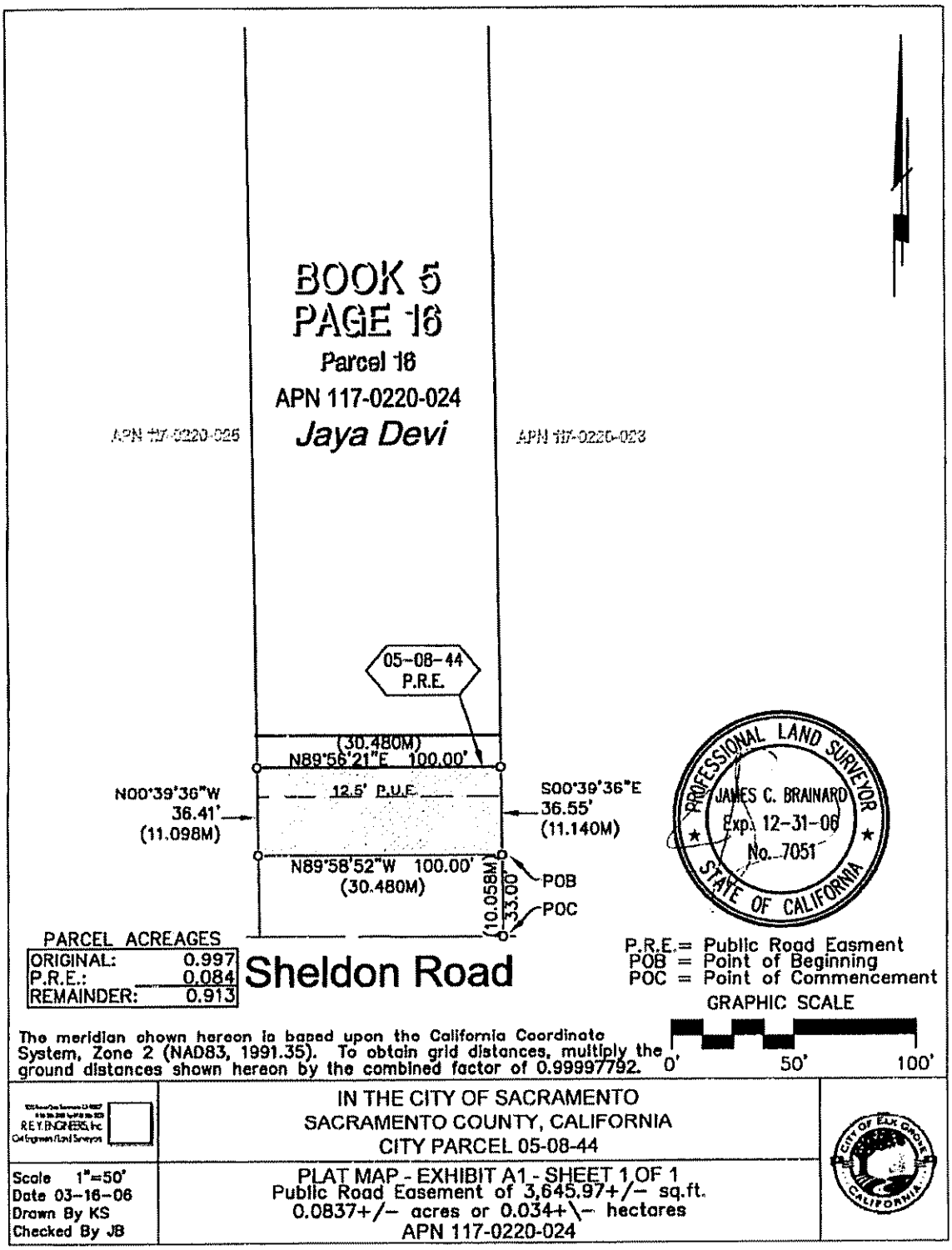

EXHIBIT A-3

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.

EXHIBIT B-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

PROFESSIONAL LAND SURVEYOR
JAMES C. BRAINARD
No. 7051
Exp. 12/31/06
STATE OF CALIFORNIA

3/15/06
Date

EXHIBIT B-2

Public Utilities Easement – Plat Map

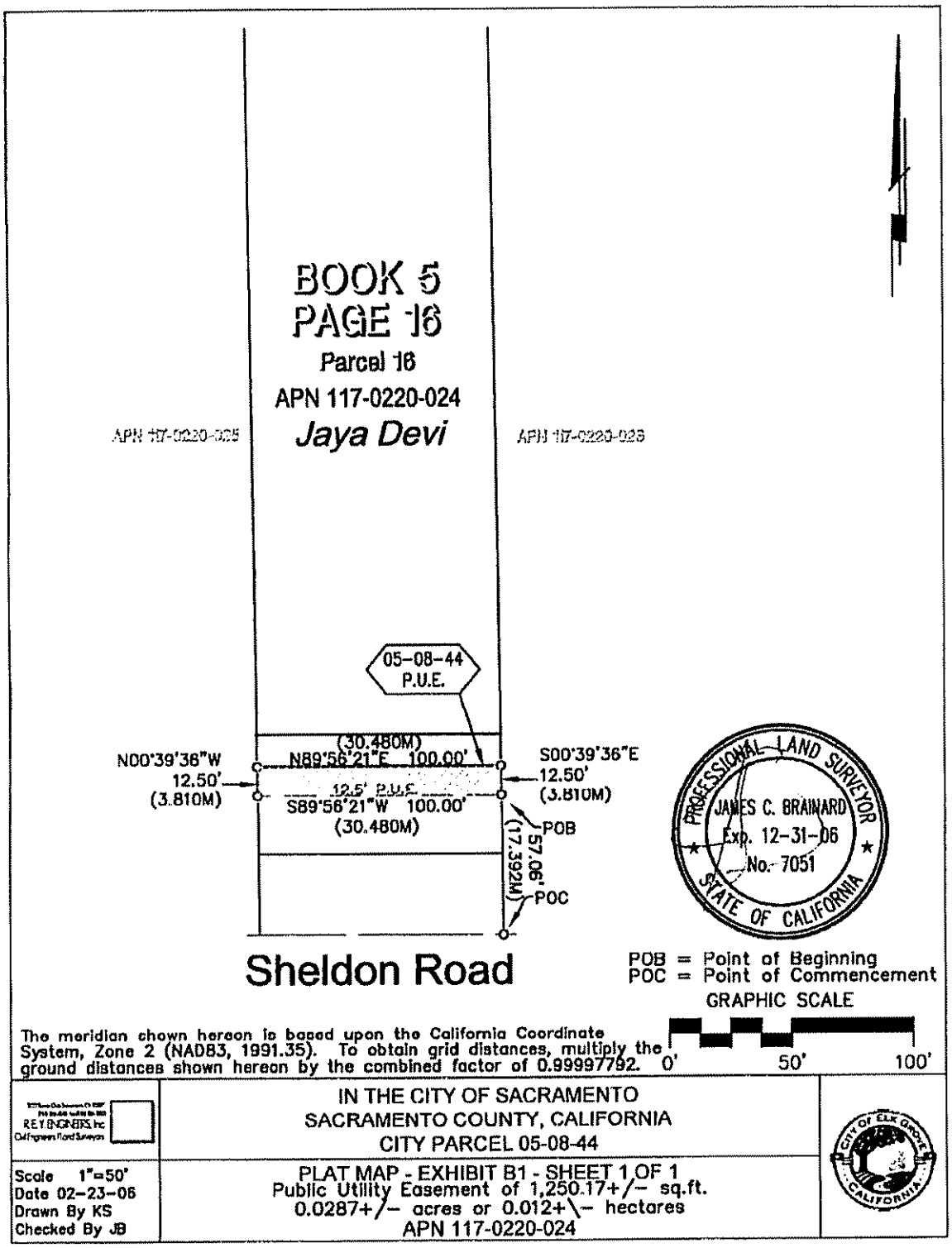

EXHIBIT B-3

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.

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 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

PROFESSIONAL LAND SURVEYOR
JAMES C. BRAINARD
No. 7051
Exp.
STATE OF CALIFORNIA

Date

EXHIBIT C-2

Temporary Construction Easement – Plat Map

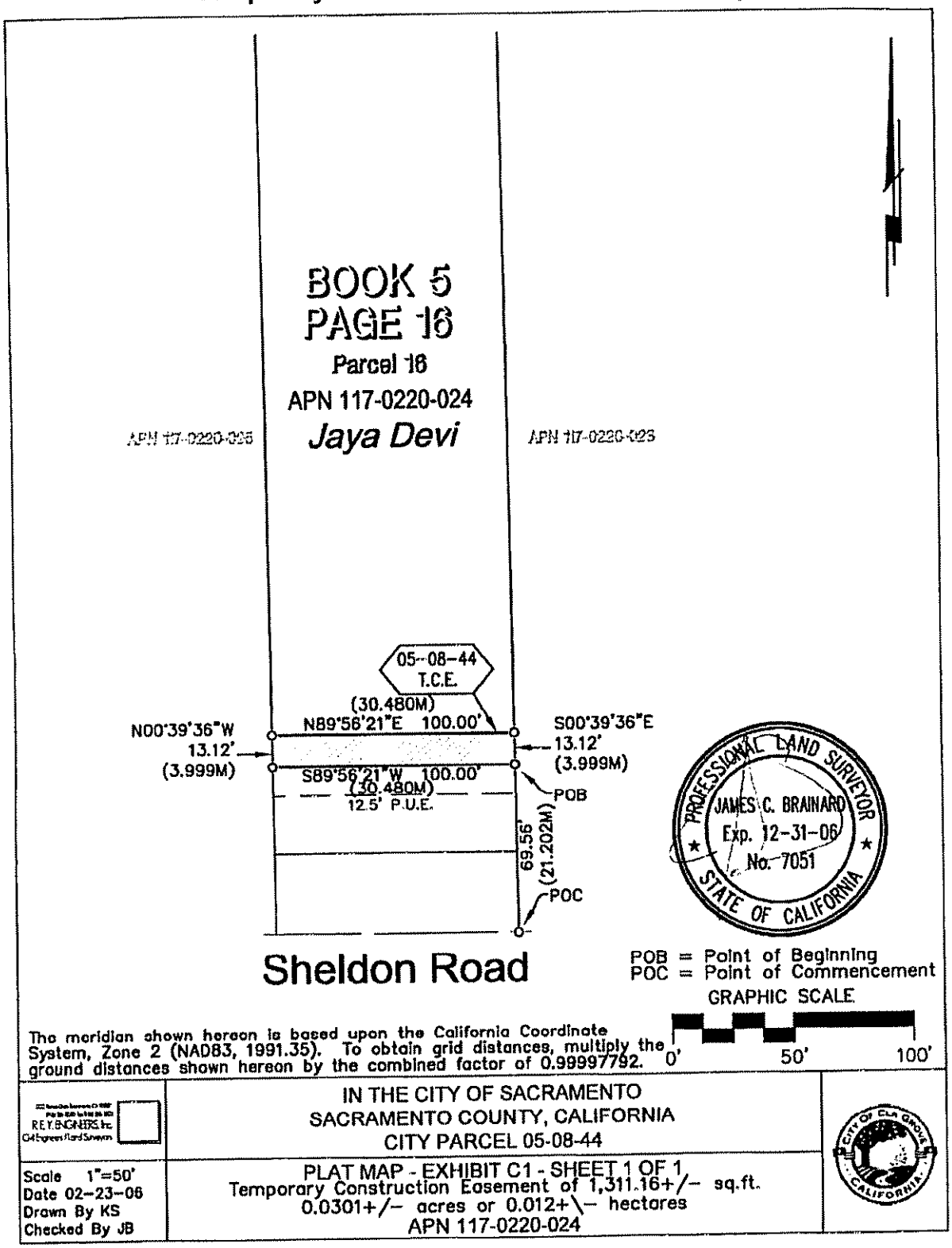

EXHIBIT C-3

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.

RESOLUTION NO. 2006-XXXX

Adopted by the Sacramento City Council
December 5, 2006

RESOULTION OF 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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EXHIBIT A-1

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

PROFESSIONAL LAND SURVEYOR
JAMES C BRAINARD
No 7051
Exp 12/31/06
STATE OF CALIFORNIA

10/13/06
Date

EXHIBIT A-2

Public Road and Public Utilities Easement - Plat Map

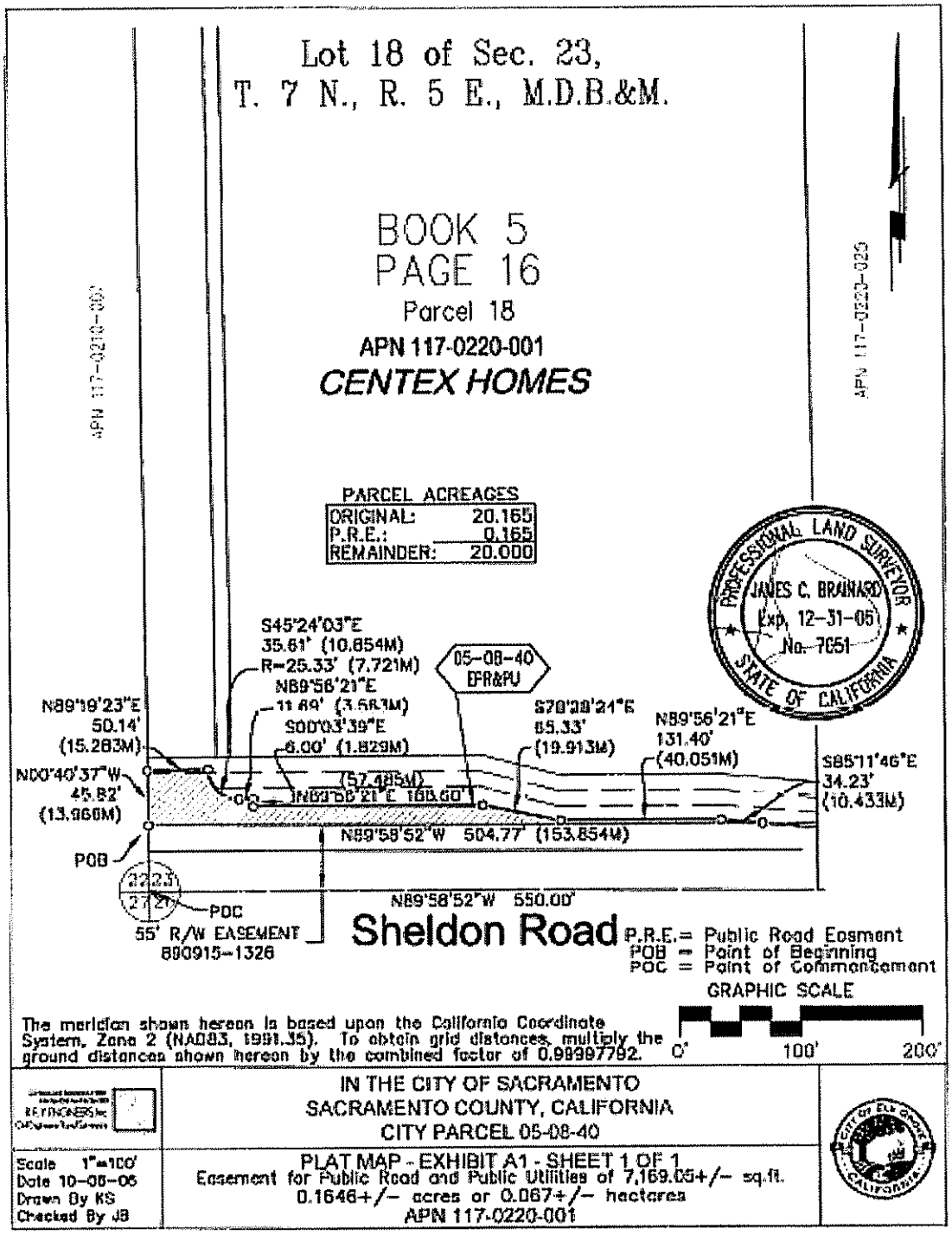

EXHIBIT A-3

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.

EXHIBIT B-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

PROFESSIONAL LAND SURVEYOR
JAMES C. BRAINARD
No. 7051
Exp.
STATE OF CALIFORNIA

Date

EXHIBIT B-2

Public Utilities Easement - Plat Map

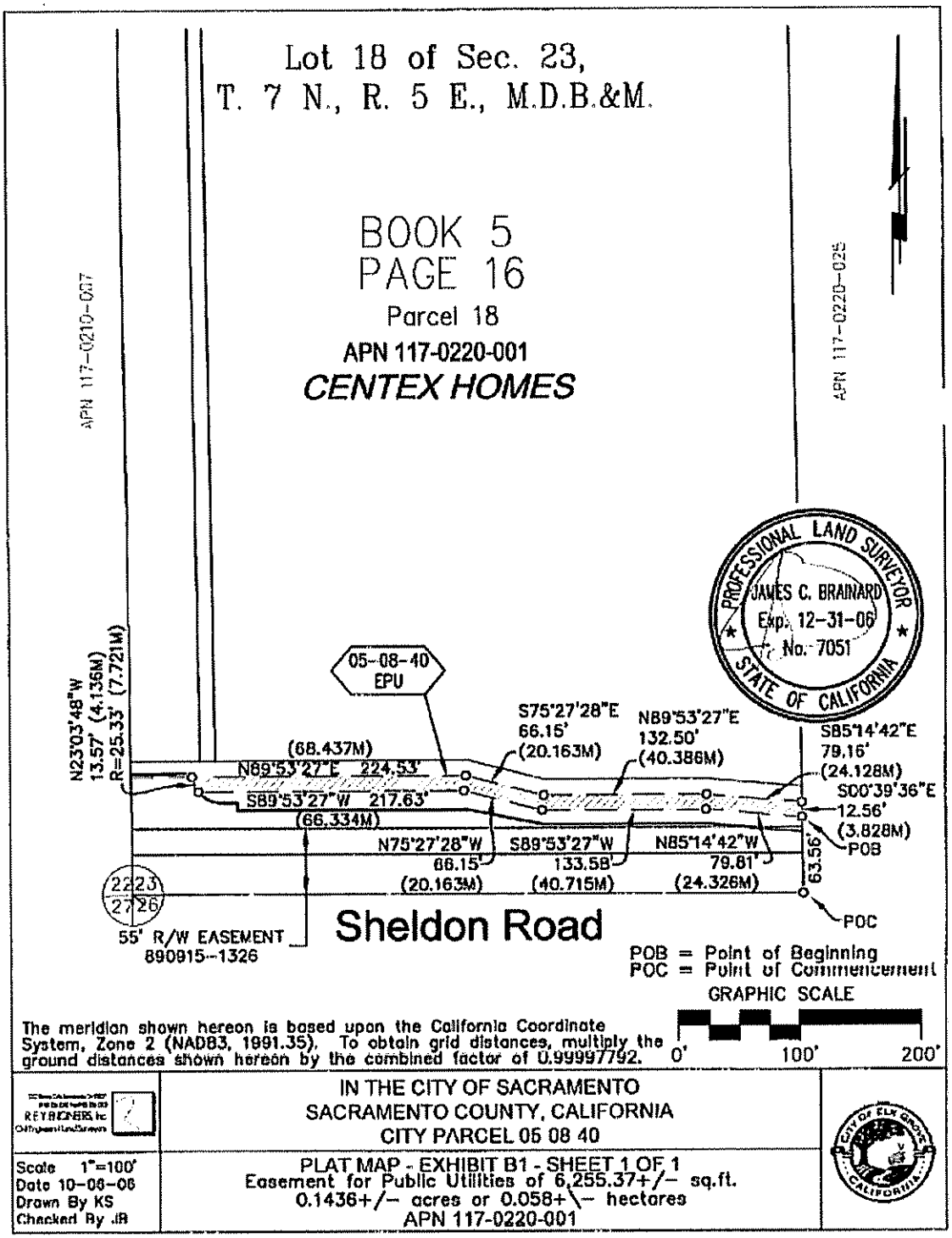

EXHIBIT B-3

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.

EXHIBIT C-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

PROFESSIONAL LAND SURVEYOR
JAMES C. BRAINARD
No. 7051
Exp. 12/31/06
STATE OF CALIFORNIA

12/06/06
Date

EXHIBIT C-2

Landscape and Public Sidewalk and Pedestrian Purposes – Plat Map

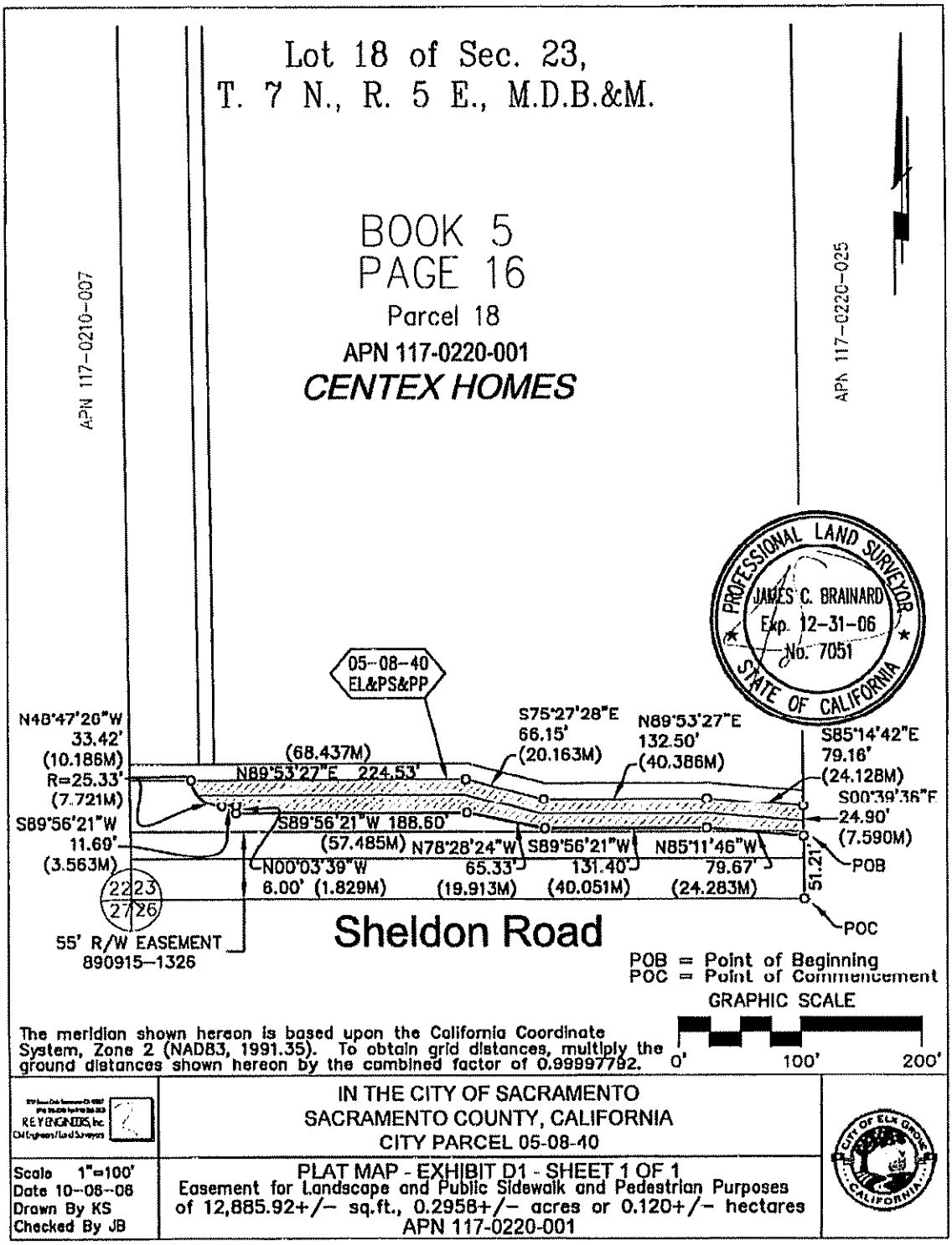

EXHIBIT C-3

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.

EXHIBIT D-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

PROFESSIONAL LAND SURVEYOR
JAMES C. BRAINARD
No 7051
Exp
STATE OF CALIFORNIA

Date

EXHIBIT D-2

Temporary Construction Easement – Plat Map

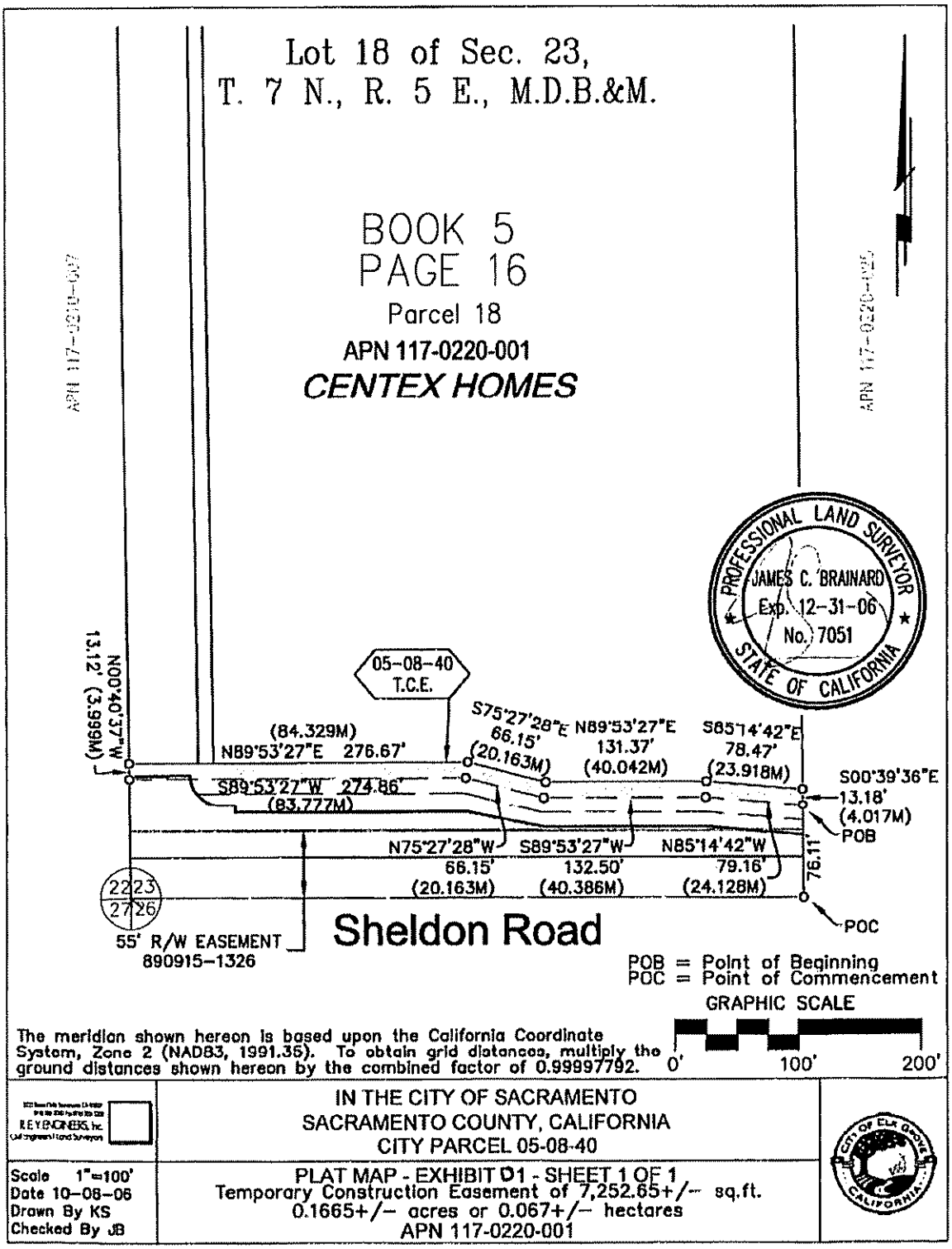

EXHIBIT D-3

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.