

RESOLUTION No. 383

Adopted by The Sacramento City Council on date of

December 27, 1956

WHEREAS, the City of Sacramento did heretofore receive an offer from the State of California, Division of Highways, for the purchase of 2.993 acres, adjacent to the Sacramento Municipal Airport in the City of Sacramento, County of Sacramento, State of California, for highway purposes; and

WHEREAS, accompanying this offer, the State agreed to enter into a right-of-way contract with the City embodying the price and terms of the agreement for the purchase of the real property, for a consideration as set forth in the Division of Highways' letter of December 5, 1956.

WHEREAS, a notice that this Council would consider the sale of all that certain real property hereinafter described to the State of California, at the hour of 8:00 p.m. on December 27, 1956, in the Council Chambers, was duly published in the "SACRAMENTO UNION," the official newspaper of the City, for at least 4 days, in the manner and for the time as required by law; and

WHEREAS, the Council held a hearing upon said matter at the time and place set forth in the notice and did consider all matters pertaining to such proposed sale of real property which was brought to its attention; and

WHEREAS, at said hearing, it appeared that said real property is to be devoted to a higher public use and subject to eminent domain proceedings within the provisions of Title 7, Part III of the Code of Civil Procedure, and that said real property is no longer needed by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO, four-fifths of the members elected thereto voting in favor thereof, that the City of Sacramento does hereby accept the offer of the State of California as heretofore received, for the sale of said real property for highway purposes. That the said sale by the City of Sacramento, a municipal corporation, to the State of California, a public agency, is, in accordance with the provisions of Section 5 of Ordinance No. 861, Fourth Series, as amended by Ordinance No. 1482, Fourth Series and said sale conveys all that certain real property situate in the City of Sacramento, County of Sacramento, State of California, particularly described as follows:

All that part of those certain parcels of land situate, lying and being in the City of Sacramento, County of Sacramento, State of California, acquired by the City of Sacramento by the following documents:

1. Decree of Condemnation dated July 28, 1950, a copy of which was recorded August 1, 1950, in Book 1883 at Page 122, Official Records of Sacramento County;
2. Deed recorded March 27, 1941, in Book 877 at Page 93, said Official Records;

3. Deed recorded December 20, 1933, in Book 452 at Page 273, said Official Records;
4. Deed dated August 31, 1930, recorded December 23, 1932, in Book 420 at Page 307, said Official Records;

lying Westerly from the line described as follows:

BEGINNING at a point from which the 3/4-inch iron pin marking the intersection of the centerlines of Kitchner Road and McLaren Avenue bears N. 1° 49' 22" W. 1510.83 feet, said point also being distant 64.47 feet Easterly, measured radially from Engineer's Station "F2" 611+25.00 of the base line of the Department of Public Works' 1952 Survey from 0.5 Mile South of Riverside Boulevard to 0.1 Mile North of Sutterville Road West, Road III-Sac-11-F, Sac; THENCE (1) from said point of beginning, S. 21° 35' 10" W. 2829.35 feet; thence (2) S. 11° 51' 18" W. 142.04 feet; thence (3) S. 27° 57' 50" E. 107.16 feet; thence (4) S. 51° 35' 10" W. 60.00 Feet; thence (5) S. 87° 59' 35" W. 56.25 feet; thence (6) S. 27° 17' 50" W. 140.71 feet; thence (7) S. 21° 35' 10" W. 71.58 feet, to a point distant 71 feet Easterly, measured at right angles from Engineer's Equation Station "F4" 577+99.77 E.C.="F" 578+02.42 P.O.T. of said Survey; thence (8) along a curve to the left with a radius of 2129 feet, through an angle of 20° 20' 10" , an arc distance of 755.65 feet (the chord of which curve bears S. 11° 25' 05" W. 751.69 feet); thence (9) S. 1° 15' 00" W. 695.82 feet; thence (10) S. 4° 25' 33" E. 618.90 feet, to a point distant 95 feet Easterly, measured at right angles from Engineer's Station "F3" 557+08.00 of said Survey; containing 2.993 acres, more or less.

ALSO any and all underlying fee interest appurtenant to the above described parcel in and to Freeport Boulevard adjoining said parcel on the West.

This conveyance is made for the purposes of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights of access appurtenant to grantor's remaining property in and to said freeway.

EXCEPTING AND RESERVING, however, to the grantor, his successors or assigns, the right of access through the opening to the freeway, over and across Course No. 4, as said Course is described herein.

EXCEPTING therefrom all oil, oil rights, minerals, mineral rights, natural gas, natural gas rights, and other hydrocarbons by whatsoever name known that may be within or under the parcel of land hereinabove described, together with the perpetual right of drilling, mining, exploring and operating therefor and removing the same from said land or any other land, including the right to whipstock or directionally drill and mine from lands other than those hereinabove described, oil or gas wells, tunnels and shafts into, through or across the subsurface of the land hereinabove described, and to bottom such whipstocked or directionally drilled wells, tunnels and shafts under and beneath or beyond the exterior limits thereof, and to redrill, retunnell, equip, maintain, repair, deepen and operate any such wells or mines, without, however, the

right to drill, mine, explore and operate through the surface or the upper 100 feet of the subsurface of the land hereinabove described or otherwise in such manner as to endanger the safety of any highway that may be constructed on said lands.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute, convey and deliver a grant deed to the property above described in the name of the City of Sacramento, a municipal corporation, to the State of California, upon payment of the sum of \$35,500.00 as set forth in the Division of Highways' letter of December 5, 1956.

BE IT FURTHER RESOLVED that the City of Sacramento does hereby approve that certain right-of-way agreement between the State of California, as first party, and the City of Sacramento, as second party, covering Parcel No. 9710, setting forth the price and terms and conditions of sale and transfer and right-of-way agreement concerning the grant of the right-of-way to the State for highway purposes.

That the Mayor and City Clerk are also hereby authorized to execute and deliver, on behalf of the City, said right-of-way contract between the State and the City as approved.

ATTEST:

Clarence L. Cozine
Mayor

Paul H. Mauby
City Clerk