

RESOLUTION NO. 2006-422

Adopted by the Sacramento City Council

June 13, 2006

CONSIDERING AND REVIEWING THE ENVIRONMENTAL IMPACT REPORT AND MITIGATION, MONITORING AND REPORTING PROGRAM FOR THE PROJECT WHICH WAS ADOPTED BY THE CITY OF ELK GROVE; APPROVING AN AGREEMENT BETWEEN THE CITY AND THE CITY OF ELK GROVE CONCERNING THE ACQUISITION OF RIGHT OF WAY NECESSARY FOR THE SHELDON ROAD AT STATE ROUTE 99 INTERCHANGE PROJECT INCLUDING PAYMENT OF CITY RIGHT-OF-WAY ACQUISITION COSTS FOR THE PROJECT BY ELK GROVE; AGREEING TO HEAR THE RESOLUTIONS OF NECESSITY ASSOCIATED WITH THE SHELDON ROAD/SR99 INTERCHANGE PROJECT SHOULD THAT ACTION BECOME NECESSARY AT SOME FUTURE DATE AND AUTHORIZING THE CITY ATTORNEY TO EMPLOY OUTSIDE LEGAL COUNSEL ON TERMS ACCEPTABLE AND APPROVED BY THE CITY ATTORNEY INCLUDING THE REQUIREMENT THAT ELK GROVE AGREE TO PAY ALL OUTSIDE COUNSEL FEES

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 and is paying 100% of the project costs.
- 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.
- C. Elk Grove plans to award a construction contract in September of this year and complete construction by early Spring 2008.
- D. The northwest quadrant of the project lies within the City limits and Elk Grove has requested that the City obtain right-of-way from 10 parcels in the City for the project.
- E. Eminent domain may be necessary in order to maintain the project schedule. State statute administered under the oversight of the State of California, Department of Transportation (Caltrans) allows the City to hear and adopt Resolutions of Necessity for the acquisition of property needed for projects on the State Highway System. As a requirement, approval for the City to hear said Resolutions of Necessity must first be obtained from the Right-of-Way Division of Caltrans.

- F. Recent procedural revisions imposed by Caltrans contained specifically in the Caltrans Right-of-Way Manual, Chapter 17 of Local Programs, regarding eminent domain and condemning authority, now require that a Local Public Agency (City of Sacramento) pass a resolution agreeing to “hear” the Resolution of Necessity for projects on the State Highway System in advance of the hearing and prior to seeking approval from Caltrans.
- G. If an eminent domain action becomes necessary, the City Attorney is requesting authority to hire outside legal counsel provided Elk Grove agrees to pay all outside counsel fees.

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

- Section 1. The City Council has reviewed and considered the information contained in the Environmental Impact Report and Mitigation, Monitoring and Reporting Program 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 City Manager is authorized and directed to execute an Agreement with the City of Elk Grove concerning the acquisition of right of way necessary for the Sheldon Road at State Route 99 Interchange Project (the “Project”) including payment by the City of Elk Grove of City right-of-way acquisition costs for the project.
- Section 3. The City Council agrees to hear the Resolutions of Necessity associated with the Sheldon Road/SR99 Interchange Project should that action become necessary at some future date.
- Section 4. The City Attorney is authorized to hire outside counsel on terms and conditions acceptable to the City Attorney provided Elk Grove agrees to pay all outside counsel fees.

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Exhibit A: Map of Sheldon Road/SR99 Interchange Project

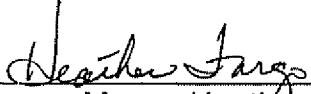
Adopted by the City of Sacramento City Council on June 13, 2006 by the following vote:

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

Noes: None.

Abstain: None.

Absent: None.



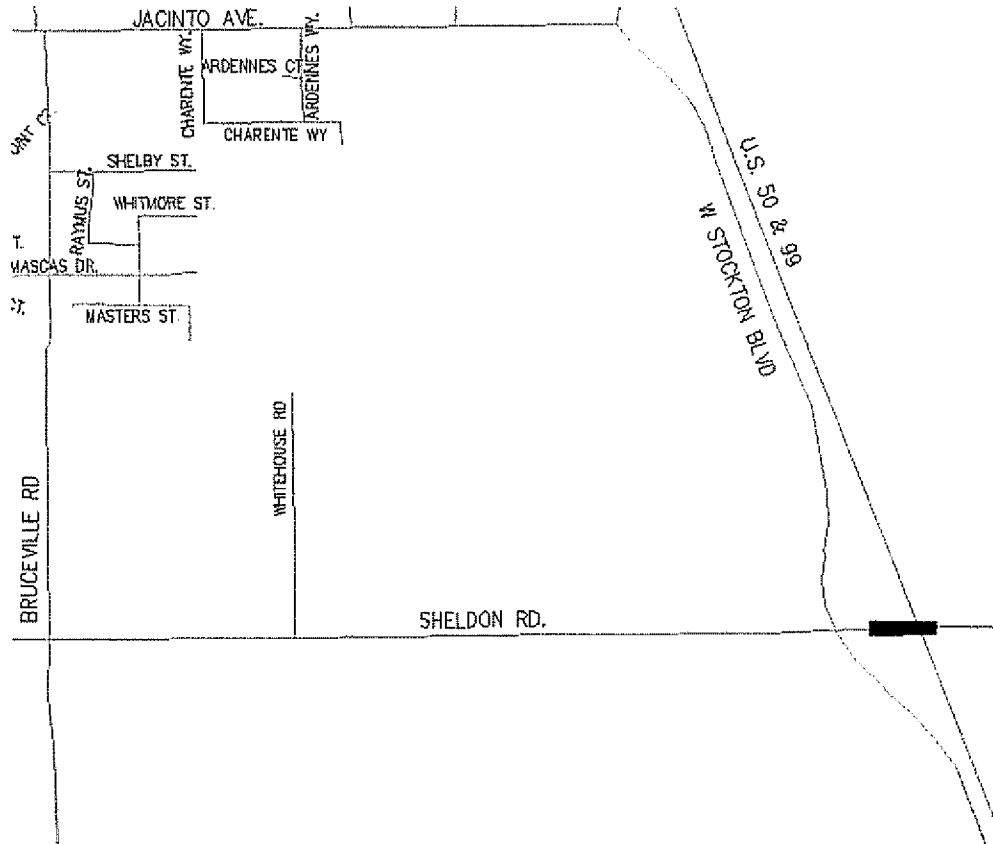
Mayor, Heather Fargo


Attest:



Shirley Concolino, City Clerk

Council District 6



 Project Site



Map Contact
Boris Kiksman

Sheldon Road/SR99 Interchange Project

2006