

RESOLUTION NO. 88-435
ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

MAY 24 1988

RESOLUTION AUTHORIZING GIVING OF NOTICE
OF INTENT TO ADOPT CONDEMNATION RESOLUTION:
ACQUISITION OF FOUR PARCELS FOR A RIGHT-OF-WAY
AND A PUBLIC UTILITY EASEMENT FOR THE
WIDENING OF ELDER CREEK ROAD TO FLORIN-PERKINS ROAD
(JN:1451)

Recitals:

- A. It has been recommended to the City Council that certain parcels of property be acquired by the City for public use by this exercise of the power of eminent domain.
- B. The City desires to afford the owners of such parcels the opportunity to appear and be heard at a public hearing concerning those matters specified in Section 1245.235 of the Code of Civil Procedure.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

1. That the City Council announces its intent to adopt the attached resolution, marked Exhibit A;
2. That the City Clerk is hereby authorized and directed to give notice of said intention as required by Section 1245.235 of the Code of Civil Procedure; and
3. That said notice shall provide that the City Council shall hold the hearing required by Section 1245.235 of the Code of Civil Procedure at the regular Council meeting to be held at 7:30 P.M. on June 28, 1988, in the Planning Commission Hearing Room at 1231 "I" Street and that the request to appear and be heard at said hearing shall be filed in writing in the office of the City Clerk not later than 5:00 P.M. on June 21, 1988.

Anne Reeder
MAYOR

ATTEST:

Anne J. Mason
Assistant CITY CLERK

RE4-05.D

RESOLUTION 88-435

MAY 24 1988

EXHIBIT A

RESOLUTION OF NECESSITY
ACQUISITION OF FOUR PARCELS FOR A
RIGHT-OF-WAY AND AN EASEMENT FOR THE WIDENING OF
ELDER CREEK ROAD TO FLORIN-PERKINS ROAD
(JN:1451)

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO, TWO-THIRDS (2/3) OF ALL MEMBERS OF SAID COUNCIL VOTING IN FAVOR THEREOF:

1. That the City of Sacramento intends to acquire through the exercise of the power of eminent domain the real property or interest in real property hereinafter described as Parcels 1451-01, 1451-02, 1451-03 and 1451-04 (herein referred to as the "Subject Parcels").
2. That the City of Sacramento intends to acquire the Subject Parcels in fee simple absolute as expressly specified in the description of said Parcels.
3. That the Subject Parcels are to be taken for the following public uses in connection with the widening of Elder Creek Road for the Oates Industrial Park.
4. That the statute or statutes authorizing the City of Sacramento to acquire the Subject Parcels for the above-mentioned public purposes are as follows: Government Codes, Section 37350.5.
5. That the Subject Parcels are generally located east of the Southern Pacific Railroad, along the south line of Elder Creek Road, west of Florin-Perkins Road, north of the City limits.
6. That the City Council declares that it has found and determined each of the following:
 - a. The public interest and necessity requires the construction of the widening of Elder Creek Road.
 - b. The property to be acquired is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
 - c. The Subject Parcels are necessary for the widening of Elder Creek Road.
 - d. The offer required under Section 7267.2 of the Government Code was made to the owners of record on April 12, 1988.

7. That the City of Sacramento, a municipal corporation, its appropriate officers, employees and agents, are hereby authorized and empowered:
 - a. To acquire in fee simple in the name of the City of Sacramento, a municipal corporation, the Subject Parcels by condemnation in accordance with the provisions of the Eminent Domain Law of the State of California.
 - b. To prepare, file and prosecute in the appropriate court, such proceedings in eminent domain as are necessary for the acquisition of the Subject Parcels.
 - c. To deposit the probable amount of compensation, as fixed by the City Council in accordance with law, with the Clerk of the appropriate court and to make application to said court for an order permitting the City of Sacramento to take immediate possession and use of the Subject Parcels.
8. The Subject Parcels, being the real property or interest therein which the City is by this resolution authorized to acquire is situated in the City of Sacramento, State of California, and described as follows:

Parcels 1451-01, 02, 03, 04 (Lloyd H. and Beverly J. Drake)
APN: 064-0010-019-0000

All that real property situate in the State of California, County of Sacramento, City of Sacramento, and being the Northerly 58.00 feet of the following described parcels of land:

Parcel 1451-01: (Right-of-Way)

All that portion of the North one-half of the Northeast one-quarter of Section 35, Township 8 North, Range 5 East M.D.B. & M., as said North one-half of the Northeast one-quarter of said Section 35 is shown on a survey prepared by Drury Butler, C.E., and filed in the office of the County Recorder of Sacramento County, California, on February 19, 1930, in Book 3 of Surveys, Map No. 44, described as follows:

Beginning at a point on the North line of said Section 35, which is located North 89°50' East 1260.8 feet from the Northwest corner of the Northeast one-quarter of said Section 35; thence, from said point of beginning, South 0°04' East 205.00 feet; thence South 89°50' West 60.00 feet along a line parallel to the North line of said Section 35; thence North 0°04' West 205.00 feet to the North line of said Section 35 and thence North 89°50' East 60.00 feet along the North line of said Section to the point of beginning.

Parcel 1451-02: (Right-of-Way)

All that portion of the North one-half of the Northeast one-quarter of Section 35 in Township 8 North, Range 5 East, as said North one-half of the Northeast one-quarter of said Section 35 is shown on a Survey prepared by Drury Butler, C.E., filed in the office of the County Recorder of Sacramento County on February 19, 1930, in Book 3 of Surveys, Map No. 44, described as follows:

Beginning at a point on the North line of said Section 35, which is located North 89°50' East 1320.8 feet from the Northwest corner of the Northeast one-quarter of said Section 35; thence, from said Point of beginning, South 0°04' East 205.00 feet; thence South 89°50' West 60.00 feet along a line parallel to the North line of said Section 35; thence North 0°04' West 205.00 feet to the North line of said Section 35; thence North 89°50' East 60.00 feet along the North line of said Section 35 to the point of beginning.

All that real property situate in the State of California, County of Sacramento, City of Sacramento, and being the Southerly 12.50 feet of the Northerly 70.50 feet of the following described parcels of land:

Parcel 1451-03: (Public Utility Easement)

All that portion of the North one-half of the Northeast one-quarter of Section 35, Township 8 North, Range 5 East M.D.B. & M., as said North one-half of the Northeast one-quarter of said Section 35 is shown on a survey prepared by Drury Butler, C.E., and filed in the office of the County Recorder of Sacramento County, California, on February 19, 1930, in Book 3 of Surveys, Map No. 44, described as follows:

Beginning at a point on the North line of said Section 35, which is located North 89°50' East 1260.8 feet from the Northwest corner of the Northeast one-quarter of said Section 35; thence, from said point of beginning, South 0°04' East 205.00 feet; thence South 89°50' West 60.00 feet along a line parallel to the North line of said Section 35; thence North 0°04' West 205.00 feet to the North line of said Section 35 and thence North 89°50' East 60.00 feet along the North line of said Section to the point of beginning.

Parcel 1451-04: (Public Utility Easement)

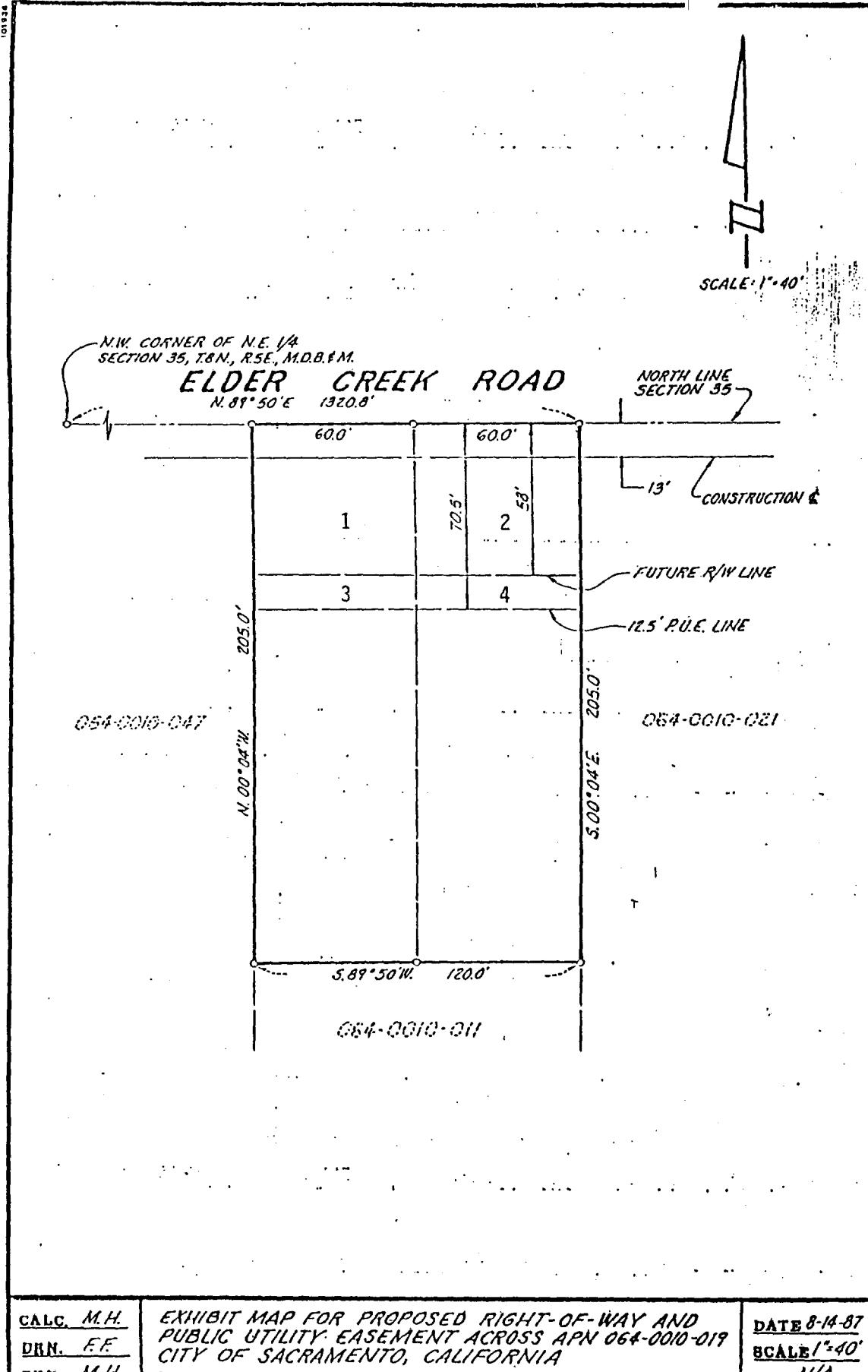
All that portion of the North one-half of the Northeast one-quarter of Section 35 in Township 8 North, Range 5 East, as said North one-half of the Northeast one-quarter of said Section 35 is shown on a Survey prepared by Drury Butler, C.E., filed in the office of the County Recorder of Sacramento County on February 19, 1930, in Book 3 of Surveys, Map No. 44, described as follows:

Beginning at a point on the North line of said Section 35, which is located North 89°50' East 1320.8 feet from the Northwest corner of the Northeast one-quarter of said Section 35; thence, from said Point of beginning, South 0°04' East 205.00 feet; thence South 89°50' West 60.00 feet along a line parallel to the North line of said Section 35; thence North 0°04' West 205.00 feet to the North line of said Section 35; thence North 89°50' East 60.00 feet along the North line of said Section 35 to the point of beginning.

MAYOR

ATTEST:

CITY CLERK



CALC. M.H.
DRN. F.F.
CKD. M.H.
APRV. M.H.

EXHIBIT MAP FOR PROPOSED RIGHT-OF-WAY AND
PUBLIC UTILITY EASEMENT ACROSS APN 064-0010-019
CITY OF SACRAMENTO, CALIFORNIA

MURRAY SMITH & ASSOCIATES, ENGINEERING

100 SAN JUAN CORDOVA, CALIFORNIA

DATE 8-14-87
SCALE 1"-40'
F.B. N/A
W.O. 85065

RESOLUTION

MAY 24 1988

58-135

SACRAMENTO CO.

FOR CONTINUATION SEE MAP 73

194

FOR CONTINUATION SEE MAP 57.

RESOLUTION

COPY

218

2183

FOR CONTINUATION SEE MAP 78

212

17

SACRAMENTO

Subject

FOR CONTINUATION SEE MAP 77

SOLUTION