

RESOLUTION NO. 2013-185

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING THE CITY MANAGER TO GRANT A RIGHT-OF-ENTRY TO FAMILY REAL PROPERTY LP FOR THE CONSTRUCTION OF DRAINAGE FACILITIES ON CITY-OWNED PROPERTY

WHEREAS, Sacramento County (County) approved Sheldon Pacific (Project) for construction by Lennar Communities in July 1999; and

WHEREAS, the Project was required to construct a temporary detention / water quality basin (Basin) since off-site improvements referenced in the County's Lower Laguna Creek Drainage Master Plan (DMP) were not yet constructed; and

WHEREAS, the County acknowledged that the Basin was only temporary and would ultimately be relocated to what is currently property owned by the City of Elk Grove once adequate off-site improvements were constructed; and

WHEREAS, by 2010, most of the DMP improvements were implemented and the construction of the Sheldon Interchange was completed which added surface drainage capacity underneath Highway 99; and

WHEREAS, staff has determined that the construction of these off-site improvements eliminates the need for the Basin with the exception of the water quality component; and

WHEREAS, Family Real Property LP is requesting that the water quality portion of the Basin be relocated to City-owned property consistent with the County's past acknowledgement, with the Basin to be owned, maintained, and operated by the City; and

WHEREAS, staff has reviewed the preliminary drainage study to determine that the relocation of the Basin as a water quality basin meets current engineering design standards; and

WHEREAS, the Project qualifies as a project under the California Environmental Quality Act (CEQA), Public Resource Code §§21000-21189.3; and

WHEREAS, Section 15304 of Title 14 of the California Code of Regulations (State CEQA Guidelines) provides an exemption from CEQA for minor public or private alterations in the condition of land, water, or vegetation which do not involve removal of healthy, mature, scenic, trees except for forestry and agricultural purposes.


NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elk Grove as follows:

- 1) The Project is exempt from CEQA pursuant to Section 15304 of the State CEQA Guidelines. This exemption applies to minor public or private

alterations in the condition of land, water, or vegetation which do not involve removal of healthy, mature, scenic, trees except for forestry and agricultural purposes. Examples cited in the exemption include grading on land with a slope of less than ten percent (when outside of a waterway or wetland), filling of earth into previously excavated land with material compatible to the natural features of the site, and trenching and backfilling where the surface is restored. The proposed action will involve the relocation of the existing water quality basin from the Family Real property to City property. The existing site will be filled with soil from the surrounding environment. The new water quality basin will be located outside of the Whitehouse Creek channel and away from other aquatic features on a site with a slope less than ten percent. Therefore, the proposed action qualifies for this exemption and no further review is required; and

- 2) The City Council authorizes the City Manager to grant and execute a right-of-entry to Family Real Property LP, and take all actions and execute all documents, subject to approval as to form by the City Attorney, reasonably necessary for the construction of drainage facilities on City-owned property by Family Real Property LP.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 25th day of September 2013.




GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2013-185**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

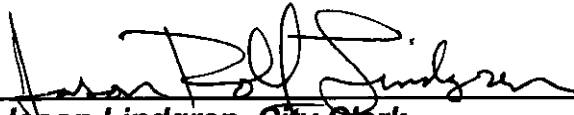
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 25, 2013 by the following vote:

AYES : COUNCILMEMBERS: Davis, Detrick, Cooper, Hume, Trigg

NOES: COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



**Jason Lindgren, City Clerk
City of Elk Grove, California**