

**RESOLUTION NO. 2016-056**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
FINDING THE ACQUISITION OF TWO PROPERTIES TO BE EXEMPT FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT AND AUTHORIZING THE CITY  
MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO PURCHASE  
TAX-DEFAULTED PROPERTIES FROM SACRAMENTO COUNTY  
[ASSESSOR PARCEL NUMBERS 115-1790-009 AND 134-0071-016]**

**WHEREAS**, pursuant to State Revenue and Taxation Code, properties that are determined to be in default for unpaid property taxes for five (5) years or more are periodically put up for public auction for a minimum bid amount of delinquent taxes due plus costs; and

**WHEREAS**, staff reviewed the current list of tax-defaulted properties which were scheduled for tax sale on February 29, 2016, and determined there are properties the City may desire to purchase for public purposes: APN 115-1790-009 and 134-0071-016 ("Properties"); and

**WHEREAS**, pursuant to Revenue and Taxation Code §3695.4, an objection letter and application to purchase through a Chapter 8 Agreement Sale has been filed with the Tax Collector for the Properties so that the Properties would be withheld from the public auction on February 29, 2016; and

**WHEREAS**, the City will conduct due diligence activities prior to final purchase of the Properties and if a Property is determined at any time during the purchase process not to be in the City's best interest to purchase, City will withdraw the application to purchase that Property; and

**WHEREAS**, the minimum bid for Sacramento County APN 115-1790-009 is \$53,800, which is at or below fair market value and is determined by the Tax Collector's Office to be an amount sufficient to redeem all defaulted taxes and the not-to-exceed purchase price of \$68,000 includes estimated current year property taxes and all associated penalties and costs as defined in Revenue and Taxation Code §3793.1 to complete the Chapter 8 sale; and

**WHEREAS**, the minimum bid for Sacramento County APN 134-0071-016 is \$36,900, which is at or below fair market value and is determined by the Tax Collector's Office to be an amount sufficient to redeem all defaulted taxes and the not-to-exceed purchase price of \$46,000 includes estimated current year property taxes and all associated penalties and costs as defined in Revenue and Taxation Code §3793.1 to complete the Chapter 8 sale; and

**WHEREAS**, the total not-to-exceed purchase price of the Properties is \$114,000 and funding will be set aside from available funds from the federal Neighborhood Stabilization Program; and

**WHEREAS**, the California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereinafter referred to as CEQA) requires analysis of agency approvals of discretionary "projects". A "project", under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct

physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.”

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove hereby finds the acquisition of the two subject properties to be exempt from CEQA pursuant to the following finding:

**Finding:**


That the acquisition of APNs 115-1790-009 and 134-0071-016 are exempt from the California Environmental Quality Act (CEQA).

**Evidence:**

Acquisition of APNs 115-1790-009 and APN 134-0071-016 is exempt from CEQA per Public Resources Code section 21065 and State CEQA Guidelines Sections 15060(c)(3) and 15378(a), which provide that an action is not a “project,” and thus not subject to CEQA review, if the activity has no potential for resulting in either a direct physical change in the environment, nor a reasonably foreseeable indirect physical change in the environment. The proposed acquisitions do not result in a direct or indirect change in the environment, as a use for the properties has not been fully identified. Depending on the scope and scale of any future proposed project, CEQA would be assessed as part of any necessary permit review. Therefore, the proposed acquisitions are not considered the approval of a project under CEQA and are exempt from CEQA review.

**AND, BE IT FURTHER RESOLVED**, that the City Council of the City of Elk Grove authorizes the City Manager to execute all documents necessary to purchase tax-defaulted property from Sacramento County, identified as Sacramento County Assessor Parcel Numbers 115-1790-009 and 134-0071-016 in a total amount not to exceed \$114,000.

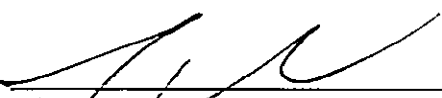
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 23<sup>rd</sup> day of March 2016.

  
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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. 2016-056**

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

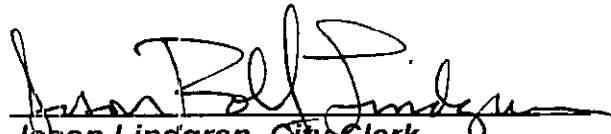
*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 23, 2016 by the following vote:*

**AYES :**        **COUNCILMEMBERS:**     *Davis, Detrick, Hume*

**NOES:**        **COUNCILMEMBERS:**     *None*

**ABSTAIN :**    **COUNCILMEMBERS:**     *None*

**ABSENT:**     **COUNCILMEMBERS:**     *Ly, Suen*

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