

RESOLUTION NO. 2020-076

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY MANAGER TO EXECUTE A ONE YEAR EXTENSION TO
THE NONEXCLUSIVE LIMITED LICENSE AGREEMENT WITH ELK GROVE
AMERICAN LEGION POST 233, INC. FOR STORAGE PURPOSES AT 10251 GRANT
LINE ROAD [APN 134-0190-009] (CEQA EXEMPT)**

WHEREAS, the American Legion Post 233, Inc. (the “American Legion”) has a need for space to store their various equipment and materials; and

WHEREAS, the City desires to provide space for up to two storage containers at the City’s property at 10251 Grant Line Road (APN 134-0190-009) (the Subject Property); and

WHEREAS, the City previously entered into a Nonexclusive Limited License Agreement (the “License Agreement”) with the American Legion for the Subject Property, with a term expiration of April 13, 2019, unless extended by mutual agreement; and

WHEREAS, the City and American Legion executed a First Amendment to the License Agreement, extending the term for one year, which will expire on April 13, 2020; and

WHEREAS, the City and American Legion desire to extend to the License for an additional one year, to expire on April 13, 2021; 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 proposed Nonexclusive Limited License Agreement exempt from CEQA pursuant to State CEQA Guidelines Section 15311 based upon the following finding:

The proposed action qualifies for an exemption from CEQA pursuant to State CEQA Guidelines Section 15311 (Accessory Structures), which provides an exemption for the “construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities.” The storage container(s) authorized for placement on the property under the Agreement are accessory structures of a temporary nature. They provide limited storage space for the American Legion’s materials and equipment. Therefore, the Agreement qualifies for the exemption and no further environmental review is required.

AND, BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute the Second Amendment to the Nonexclusive Limited License Agreement with the American Legion, in substantially the form presented, extending the License Agreement for the Subject Property by one year to April 13, 2021.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 8th day of April 2020.



STEVE LY, 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. 2020-076

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 April 8, 2020 by the following vote:

AYES: COUNCILMEMBERS: *Ly, Detrick, Hume, Nguyen, Suen*

NOES: COUNCILMEMBERS: *None*

ABSTAIN: COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*


Jason Lindgren, City Clerk
City of Elk Grove, California