

RESOLUTION NO. 2021-077

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY MANAGER TO EXECUTE A THIRD AMENDMENT 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 through April 13, 2020, and prior to its expiration the City and American Legion executed a Second Amendment to the License Agreement, extending the term, to expire April 13, 2021; and

WHEREAS, the City and American Legion desire to revise and amend the License Agreement to a month to month Nonexclusive Limited License Agreement beginning April 13, 2021; and

WHEREAS, American Legion understands and agrees that it may be given a Notice of Termination at any time and shall only be allowed to stay for 30 days following such Notice of Termination; 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.

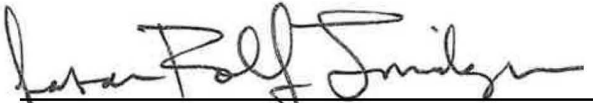
AND, BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute the Third Amendment to the Nonexclusive Limited License Agreement with the American Legion, in substantially the form presented, extending the License Agreement for the Subject Property on a month to month basis,.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 24th day of March 2021



BOBBIE SINGH-ALLEN, 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. 2021-077

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 24, 2021 by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Nguyen, Hume, Spease, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California