

**RESOLUTION NO. 2021-097**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
FINDING THE ACQUISITION OF PROPERTIES LOCATED AT 9220 ELK GROVE  
BOULEVARD [APN: 134-0072-016]; 9230 ELK GROVE BOULEVARD [APN: 134-0072-  
015]; 9240 ELK GROVE BOULEVARD [APN: 134-0072-014]; AND 9244 ELK GROVE  
BOULEVARD [APN: 134-0072-013] TO BE EXEMPT FROM THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT AND CONSISTENT WITH THE GENERAL PLAN;  
RATIFYING THE AGREEMENTS FOR PURCHASE AND SALE AND JOINT ESCROW  
INSTRUCTIONS FOR THE PROPERTIES LOCATED AT 9220 ELK GROVE  
BOULEVARD [APN: 134-0072-016]; 9230 ELK GROVE BOULEVARD [APN: 134-0072-  
015]; 9240 ELK GROVE BOULEVARD [APN: 134-0072-014]; AND 9244 ELK GROVE  
BOULEVARD [APN: 134-0072-013]; AND AUTHORIZING THE CLOSE OF ESCROW  
OF THE PROPERTIES**

**WHEREAS**, Mamerta Cabrera, Trustee of the Cabrera Family Trust dated September 24, 1992, is the current owner of a ±0.829 gross acre parcel, with an estimated ±0.466 net acres of developable land, located at 9220 Elk Grove Boulevard [Assessor Parcel Number 134-0072-016] (the Cabrera Property); and

**WHEREAS**, Marcus W. Bigelow and Jan K. Bigelow, husband and wife, as community property, as to an undivided ½ interest and Wayne B. Bigelow, Trustee of the Bigelow Family Trust dated 6/2/98, are the current owners of a ±0.589 gross acre parcel, with an estimated ±0.466 net acres of developable land, located at 9230 Elk Grove Boulevard [Assessor Parcel Number 134-0072-015] (the Bigelow Property); and

**WHEREAS**, Anthony F. Badique and Eloisa Badique, as joint tenants, are the current owners of a ±0.589 gross acre parcel, with an estimated ±0.466 net acres of developable land, located at 9240 Elk Grove Boulevard [Assessor Parcel Number 134-0072-014] (the Badique Property); and

**WHEREAS**, E & A Properties, LLC, a Nevada Limited Liability Company as to an undivided 33 1/3 interest, HJM Properties, LLC, a Nevada Limited Liability Company as to an undivided 33 1/3 interest, and Balfour Properties, LLC, a Nevada Limited Liability Company as to an undivided 33 1/3 interest, are the current owners of a ±0.589 gross acre parcel, with an estimated ±0.466 net acres of developable land, located at 9244 Elk Grove Boulevard [Assessor Parcel Number 134-0072-013] (the E & A Properties et al. Property) (collectively, the Property); and

**WHEREAS**, the City of Elk Grove (City) has identified the Property in its Public Draft 2021 Housing Element, which is currently being circulated for public review, as a site under consideration for rezoning in order to meet to meet the lower-income Regional Housing Needs Allocation (RHNA); and

**WHEREAS**, staff considers the Property a prime location for future, but unspecified, development of an innovative affordable housing development project; and

**WHEREAS**, on January 13, 2021, the City Council authorized staff to negotiate the purchase of the Property and to execute Purchase and Sale Agreements for the Property for future development of housing uses, including those affordable to lower-income households; and

**WHEREAS**, consistent with the authority provided by City Council, staff negotiated a purchase price of \$1,100,000.00 for the Property; and

**WHEREAS**, staff has reviewed the Property Phase I Environmental Site Assessment, prepared by Wallace Kuhl & Associates, which found no environmental concerns; and

**WHEREAS**, the purchase of the Property would be funded by the City's Affordable Housing Fund, which has an unallocated balance of approximately \$4 million.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Elk Grove finds that the acquisition of the Property is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) based upon the following finding:

Finding The acquisition of the Property is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

Evidence: CEQA Guidelines Section 15061(b)(3) states that an activity is covered by the Common Sense Exemption where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. There is no possibility that the proposed property acquisition will result in a physical change in the environment. The Property consists of vacant land within the Old Town Special Planning Area, which was created in an effort to protect the historical character and ambiance of Old Town Elk Grove. The acquisition of the Property does not approve any development project, nor does it disturb the physical environment. The acquisition of the Property at this point is only a transfer of ownership, without a physical development project or proposal at this time. Any future development of the site would be subject to review under Title 23 (Zoning) of the Elk Grove Municipal Code and CEQA. Therefore, the proposed purchase is exempt from CEQA review; and

**BE IT FURTHER RESOLVED**, that the City Council finds the acquisition of the Property consistent with the City's General Plan as required by Elk Grove Municipal Code Section 23.10.030 and Government Code Section 65402(a) based upon the following finding:

Finding The acquisition of the Property is consistent with the General Plan.

Evidence: The acquisition of the Property is consistent with the General Plan as it would present an opportunity to facilitate the construction of housing consistent with General Plan Goal H-1 of "adequate sites to accommodate the City's housing needs" and Goal H-2 of "adequate housing stock to meet the needs of lower-income households and special needs groups."

**AND, BE IT FURTHER RESOLVED**, that the City Council of the City of Elk Grove hereby ratifies the Agreements for Purchase and Sale and Joint Escrow Instructions with

1) Mamerta Cabrera, Trustee of the Cabrera Family Trust dated September 24, 1992, for property located at 9220 Elk Grove Boulevard [APN: 134-0072-016];

2) Marcus W. Bigelow and Jan K. Bigelow, husband and wife, as community property, as to an undivided ½ interest and Wayne B. Bigelow, Trustee of the Bigelow Family Trust dated 6/2/98, as to an undivided ½ interest, for property located at 9230 Elk Grove Boulevard [APN: 134-0072-015];

3) Anthony F. Badique and Eloisa Badique, as joint tenants, for property located at 9240 Elk Grove Boulevard [APN: 134-0072-014];

4) E & A Properties, LLC, a Nevada Limited Liability Company as to an undivided 33 1/3 interest, HJM Properties, LLC, a Nevada Limited Liability Company as to an undivided 33 1/3 interest, and Balfour Properties, LLC, a Nevada Limited Liability Company as to an undivided 33 1/3 interest, for property located at 9244 Elk Grove Boulevard [APN: 134-0072-013]; and


**BE IT FURTHER RESOLVED**, that the City Council of the City of Elk Grove hereby authorizes the close of escrow of the Property.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 14<sup>th</sup> day of April 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. 2021-097**

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

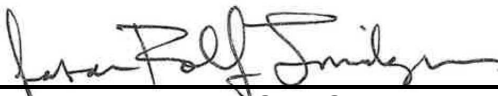
*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on April 14, 2021 by the following vote:*

**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**