

**RESOLUTION NO. 2015-009**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING THE ACQUISITIONS OF FOUR PROPERTIES TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION TO PURCHASE TAX-DEFAULTED PROPERTIES FROM SACRAMENTO COUNTY [ASSESSOR PARCEL NUMBERS 132-0262-006, 132-0320-001, 132-0720-026 AND 132-1680-035]**

**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**, the City of Elk Grove, as a taxing agency that is also a revenue district pursuant to California Tax and Revenue Sections 122 and 3695.4, has the right to object to the County Tax Collector's proposed sale of said properties, by submitting an Application to Purchase, objection letter, and by providing a copy of a resolution delegating authority to purchase the tax-defaulted property; and

**WHEREAS**, following staff review of available tax defaulted properties, the City intends to submit an application to pursue acquisition of four (4) tax delinquent properties that may be used in conjunction with the City's Capital Improvement Program, identified as Sacramento County APN 132-0262-006, 132-0320-001, 132-0720-026, and 132-1680-035; and

**WHEREAS**, there are no initial fees to submit an Application to Purchase Tax-Defaulted Property from the County; however the County will charge a fee to the City to process the tax sale, once the City and County have reached a mutually agreeable sale price, and

**WHEREAS**, funding for each real property purchase will be from funds set aside for Kammerer Road and Whitelock Parkway Landscaping projects, or the Tree Mitigation Fund; 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 four subject properties to be exempt from CEQA pursuant to the following finding:

**Finding:** That the acquisition of APNs 132-0262-006, 132-0320-001, 132-0720-026, and 132-1680-035 are exempt from the California Environmental Quality Act (CEQA).

**Evidence:** These sites are exempt from CEQA as follows:

1. Acquisition of APN 132-0320-001 is covered under the Environmental Impact Report prepared for the Southeast Policy Area (SEPA EIR), which covered the adoption of the Southeast Policy Area Community Plan and zoning (the SEPA SPA). These documents specifically identified the widening of Kammerer Road at this site to six lanes. A mitigation monitoring and reporting program (MMRP) was adopted as part of the SEPA EIR. Therefore, pursuant to State CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, and Zoning), no further environmental review is required.
2. Acquisition of APN 132-0720-026 will facilitate the improvement of the property with landscaping and pedestrian improvements. State CEQA Guidelines Section 15304 (Minor Alterations to Land) provides an exemption to CEQA involving landscaping and minor grading. The proposed use of the property is consistent with this exemption and no further environmental review is required.
3. Acquisition of APN 132-1680-035 will allow the City to establish a tree mitigation site to mitigate for various City construction projects. State CEQA Guidelines Section 15325 (Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions) provides an exemption to land acquisitions when the transfer provides for the preservation of existing natural conditions, the restoration of natural conditions, and the preservation of open space. The proposed use of the property is consistent with this exemption and no further environmental review is required.
4. No specific use has been identified for APN 132-0262-006. It could be used for habitat mitigation, circulation improvements, or some other use that has not been identified. State CEQA Guidelines Section 15378(a) states that an action cannot be found to be a "project," meaning 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, that action is not subject to CEQA. The proposed acquisition does not result in a direct or indirect change in the environment, as a use for the property has not been 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 acquisition is not considered the approval of a project under CEQA and is 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 an Application to Purchase Tax-Defaulted Property from County, identified as Sacramento County APN 132-0262-006, 132-0320-001, 132-0720-026, and 132-1680-035.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 14<sup>th</sup> day of January 2015.



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GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:



\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



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JONATHAN P. HOBBS,  
CITY ATTORNEY

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2015-009**

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 January 14, 2015 by the following vote:***

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

**NOES:        COUNCILMEMBERS:        *None***

**ABSTAIN :   COUNCILMEMBERS:        *None***

**ABSENT:     COUNCILMEMBERS:        *None***

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