

**RESOLUTION NO. 2019-015**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
APPROVING THE VACATION OF A PUBLIC UTILITY EASEMENT OVERTHE ELK  
GROVE VILLAGE SHOPPING CENTER LOCATED AT 8945 ELK GROVE  
BOULEVARD (FORMERLY 8511 ELK GROVE BOULEVARD) (CEQA EXEMPT)**

**WHEREAS**, the Zoning Administrator approved a Minor Design Review for the Elk Grove Village Expansion Project (EG-18-014) on September 10, 2018; and

**WHEREAS**, the project consisted of the remodel of an existing commercial pad building located in the Elk Grove Village Shopping Center, including exterior architectural improvements, the construction of a drive-through for a new restaurant (Arby's), and an approximately 800 square foot addition at the rear of the building; and

**WHEREAS**, the addition to the rear of the building is located over an existing public utility easement (PUE) acquired by the City of Elk Grove, as successor in interest to the County of Sacramento upon incorporation, as dedicated on the map titled "Parcel Map Elk Grove Village Shopping Center, Lot A, Emerald Park Unit No. 15", filed in Book 91 Page 24 of Parcel Maps, records of Sacramento County; and

**WHEREAS**, the Applicant has provided verification that all facilities within the PUE have been removed and the utility companies do not object to the vacation of the PUE; and

**WHEREAS**, the proposed vacation is exempt from CEQA under State CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) which states that an activity is exempt from CEQA 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, the activity is not subject to CEQA review; and

**WHEREAS**, based on staff's review of the vacation, no special circumstances exist that would create a reasonable possibility that approving the vacation will have a significant effect on the environment; and

**WHEREAS**, the proposed vacation is consistent with the City's General Plan and with Section 65402 of the Government Code as determined by the Planning Commission at a regular meeting held on December 6, 2018, with the approval of Resolution No. 2018-29.

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Elk Grove hereby finds:

- a. That the City Council of the City of Elk Grove hereby finds the Project exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption).

- b. The vacation of the PUE is being made under the Streets and Highway Code, Division 9, Part 3, Chapter 3, General Vacation Procedure Sections 8320 through 8325 inclusive; and
- c. The PUE being vacated is described in Exhibit "A" Legal Description and shown on Exhibit "B", Plat to accompany Legal Description, attached hereto and incorporated herein by reference; and
- d. The PUE has no other public facilities within the easement.

**AND, BE IT FURTHER RESOLVED AND ORDERED** that the easement for public utility purposes and incidental purposes as described in Exhibit "A" and shown on Exhibit "B" is **hereby vacated**;

**AND, BE IT FINALLY RESOLVED** that the City Clerk of the City of Elk Grove shall cause a certified copy of this Resolution of Vacation and Exhibits "A" and "B" attached hereto, attested to by the Clerk under seal, to be recorded in the Office of the County Recorder of the County of Sacramento.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 13<sup>th</sup> day of February 2019.




\_\_\_\_\_  
STEVE LY, MAYOR of the  
CITY OF ELK GROVE

ATTEST:



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

APPROVED AS TO FORM:



\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

**EXHIBIT 'A'**  
**ABANDONMENT OF PUBLIC UTILITY EASEMENT**  
**DESCRIPTION**

All that portion of the "5.00 foot wide Public Utility Easement" within Parcel 6 as dedicated and shown on Parcel Map of 'Elk Grove Village Shopping Center' filed in Book 91 of Parcel Maps, at Page 24, Sacramento County Official Records. Situated in City of Elk Grove, County of Sacramento, State of California.

The easement described herein is shown on attached Exhibit "B" and made a part hereof.

End of Description

# EXHIBIT B

125-0390-019  
PARCEL 5  
91 PM 24

125-0390-013  
PARCEL 6  
91 PM 24

125-0390-019  
PARCEL 5  
91 PM 24

5.0' P.U.E. PER  
91 PM 24 TO BE  
ABANDONED

HIGHWAY 99

ELK GROVE BLVD.



**BAKER-WILLIAMS ENGINEERING GROUP**

Engineering / Surveying / Land Planning / Entitlement Processing / GPS Services  
6020 Ruben Drive, Suite 18 - Carmichael CA 95608  
(916) 331-4308 - fax (916) 331-4430 - office@bakermw.com

SCALE: 1"=30'

JOB #: 17-05-021

DATE: APRIL, 2018

**PUBLIC UTILITY EASEMENT  
ABANDONMENT**

**ELK GROVE VILLAGE**

**CITY OF ELK GROVE, CALIFORNIA**

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2019-015**

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

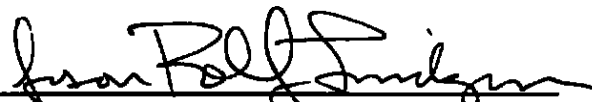
***I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 13, 2019 by the following vote:***

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

**NOES:         COUNCILMEMBERS:        *None***

**ABSTAIN:     COUNCILMEMBERS:        *None***

**ABSENT:      COUNCILMEMBERS:        *Detrick***

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