

## RESOLUTION NO. 2023-012

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR ACQUISITION OF FLOWAGE EASEMENT AND MAINTENANCE ACCESS EASEMENT WITH CYPRESS ABBEY COMPANY, A CALIFORNIA CORPORATION, FOR STORM DRAIN RELEASE AND MAINTENANCE ACCESS PURPOSES ON A PORTION OF PROPERTY IDENTIFIED AS APN: 134-0190-035, AS REQUIRED FOR THE SOUTHEAST INDUSTRIAL AREA STORM DRAIN IMPROVEMENTS PROJECT PHASE 1 (WDR052) (NO FURTHER CEQA REVIEW REQUIRED)**

**WHEREAS**, as part of the Southeast Industrial Area Storm Drain Improvements Project Phase 1 (WDR052) (Project) the City proposes to construct a storm water collection and conveyance system to provide sufficient storm water drainage so as not to hinder development of the Southeast Industrial Area (SEIA); and

**WHEREAS**, the acquisition of a 0.329-acre Flowage Easement and a 0.528-acre Maintenance Access Easement from the Cypress Abbey property identified as APN: 134-0190-035, located within unincorporated Sacramento County, are required for the Project; and

**WHEREAS**, the City is authorized, by Code of Civil Procedure Section 1240.125, to acquire property for drainage purposes outside its territorial limits provided there is another authorizing statute. Government Code Section 40404 provides that a legislative body may acquire property by condemnation when necessary for “rights of way for drains sewers, and aqueducts” (California Government Code Section 4040(b).); and

**WHEREAS**, the proposed Cypress Abbey acquisition is consistent with the City’s General Plan pursuant to California Government Code Section 65402(a), and in compliance with Elk Grove Municipal Code Section 3.42.300(B), as determined by the Planning Commission by Resolution No. 2022-15; and

**WHEREAS**, the Project is a project under California Environmental Quality Act (Section 21000, *et. seq.* of the California Public Resources Code, hereafter CEQA) which requires that cities consider the environmental consequences of their actions before approving a project; and

**WHEREAS**, the potential environmental impacts of the Southeast Industrial Area Storm Drain Improvements Project Phase 1 (WDR052), including the proposed property acquisitions, were previously analyzed in an Environmental Impact Report (EIR) and Supplemental EIR (SEIR) (State Clearinghouse No. 2015102067). These analyses resulted in certification and adoption of the EIR and associated Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program (MMRP) in May 2019 with certification and adoption of the SEIR and associated Statement of Overriding Considerations and MMRP in January 2021.

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

1) Finds that the proposed property acquisition areas were included in the EIR and SEIR and as there are no substantial changes in circumstances or new information that would require revisions to the respective MMRP or EIR/SEIR, no further environmental review is required under CEQA; and

2) Authorizes the City Manager to execute an agreement for the Acquisition of Flowage Easement and Maintenance Access Easement with Cypress Abbey Company, a California Corporation, in substantially the form presented, in the amount of \$12,500 for storm drain release and maintenance access purposes on a portion of property identified as APN: 134-010-035, as required for the Southeast Industrial Area Storm Drain Improvement Phase 1 Project (WDR052).

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 25<sup>th</sup> day of January 2023




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. 2023-012**

**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 25, 2023 by the following vote:***

**AYES:            COUNCILMEMBERS:     *Singh-Allen, Spease, Brewer, Robles, Suen***

**NOES:           COUNCILMEMBERS:     *None***

**ABSTAIN:       COUNCILMEMBERS:     *None***

**ABSENT:        COUNCILMEMBERS:     *None***

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