

RESOLUTION NO. 2023-072

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A SUMMARY VACATION OF A PORTION OF A DRAINAGE
EASEMENT FOR DRAINAGE DITCH PURPOSES OVER PROPERTY LOCATED AT
8700 MECCA ROAD [APN 122-0300-013] (CEQA EXEMPT)**

WHEREAS, a 15-foot wide drainage easement was dedicated to the County of Sacramento (“County”) per deed recorded in Book 19720524 Page 24, Official Records of Sacramento County (“Freno Drainage Easement”); and

WHEREAS, the County quitclaimed to the City their rights to the Freno Drainage Easement per deed recorded in Book 20220524 Page 0395, as the County no longer maintains drainage easements in the City of Elk Grove; and

WHEREAS, staff has determined that a portion of the Freno Drainage Easement as described in Exhibit A Legal Description and depicted on Exhibit B Plat to accompany Legal Description is no longer required for drainage ditch purposes as the drainage ditch has been realigned; and

WHEREAS, a portion of the Freno Drainage Easement has been determined by staff to be excess and there are no public facilities nor are there any underground drainage pipes within the easement and the portion is not required for any drainage purposes and therefore a portion of the easement should be vacated; and

WHEREAS, the vacation of a portion of the easement may qualify as a project under the California Environmental Quality Act (CEQA), Public Resource Code §§21000-21189.3, but is exempt, as stated below; and

WHEREAS, Section 15305 (Minor Alterations in Land Use Limitations) of Title 14 of the California Code of Regulations (State CEQA Guidelines) provides an exemption from CEQA for projects that do not result in any change in land use or density on sites with less than twenty percent slope, such as lot line adjustments, minor encroachment permits, and reversion to acreage; and

WHEREAS, based on staff’s review of the vacation, no special circumstances exist that would create a reasonable possibility that granting the vacation will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elk Grove hereby finds the vacation of a portion of the easement exempt from the provisions of CEQA under Section 15305 (Minor Alterations in Land Use Limitations) of Title 14 of the California Code of Regulations based upon the following findings:

Finding: The vacation of a portion of the easement is exempt from environmental review under CEQA pursuant to Section 15305 of the State CEQA Guidelines.

Evidence: The proposed action involves the vacation of a portion of an easement for drainage ditch and incidental purposes. The action would not increase the density of development in these areas. The site is relatively flat. Therefore, the proposed action qualifies for the Section 15305 exemption and no further environmental review is required.

AND BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove hereby finds the summary vacation to be 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 portion of the Freno Drainage Easement to be summarily vacated is no longer required as this portion of the easement has been superseded by realignment of the drainage ditch.

Evidence: The summary vacation is consistent with the General Plan as it allows continued maintenance of drainage facilities. General Plan Policy ER-2-18 states drainage facilities shall be properly maintained to ensure their proper operation during storms.

AND BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove hereby finds:

- a. The summary vacation of a portion of the Freno Drainage Easement is being made pursuant to Division 9, Part 3, Chapter 4 of the Streets and Highways Code, Summary Vacation Sections 8330 through 8336, inclusive; and
- b. The portion of the Freno Drainage Easement being vacated is described in Exhibit A Legal Description and depicted on Exhibit B Plat to accompany Legal Description, attached hereto and incorporated herein by reference; and
- c. That a portion of the Freno Drainage Easement is not necessary for present or prospective public use, there are no other public facilities within the Freno Drainage Easement, and the public interest will be well served by the herein vacation.

AND, BE IT FURTHER RESOLVED, that the summary vacation of a portion of the Freno Drainage Easement, as described in Exhibit A and as depicted on Exhibit B, is hereby approved and vacated and shall no longer constitute a drainage easement;

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 and attested to by the City 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 12th day of April 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

EXHIBIT "A"
DRAINAGE EASEMENT ABANDONMENT
LEGAL DESCRIPTION
PORTION LOT "A" 5 PM 25

All that real property situated in the City of Elk Grove, County of Sacramento, State of California, more particularly described as follows:

Being a portion of Lot "A" and the Drainage Easement Recorded in Book 720524, Page 795 as shown on the Parcel Map Recorded in Book 5, at Page 25, Official Records of Sacramento County, more particularly described as follows:

Beginning at the Northwest Corner of Lot "A" as shown on the Parcel Map Recorded in Book 5, at Page 25, Official Records of Sacramento County, thence along the North line of said Lot "A" North 88°15'00" East, 40.00 feet; thence leaving said North line South 60°47'06" East, 29.15 feet to the South line of the 15' Drainage Easement Recorded in Book 720524, Page 795, Official Records of Sacramento County; thence along said South line South 88°15'00" West, 65.00 feet to the West line of said Lot "A"; thence leaving said South line along said West line of Lot "A" North 01°44'42" West, 15.00 feet to the Point of Beginning, containing 787 square feet more or less.

The Basis of Bearings for this description is the North line of Lot "A" being North 88°15'00" East, as shown on the Parcel Map filed in Book 5 of Parcel Maps at page 25, Official Records of Sacramento County.

This description has been prepared by me or under my direct supervision in conformance with the Professional Land Surveyors' Act.


Ryan L. Ming P.L.S. 8409

2/06/23
Date



EXHIBIT B

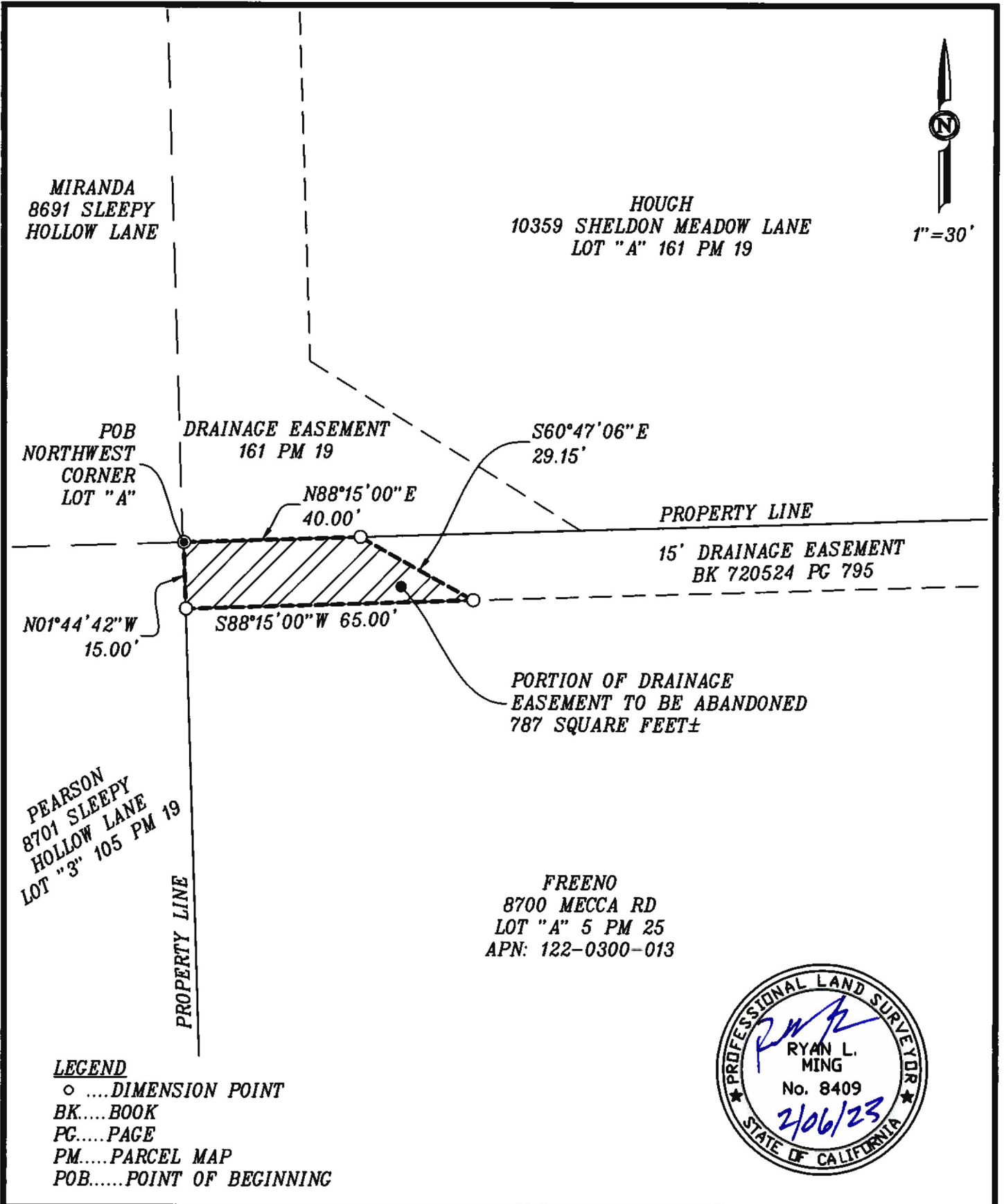


EXHIBIT B

DRAINAGE EASEMENT ABANDONMENT
 PORTION OF LOT "A" 5 PM 25

CITY OF ELK GROVE COUNTY OF SACRAMENTO STATE OF CALIFORNIA

UNICO
 ENGINEERING

110 BLUE RAVINE RD SUITE 101 | FOLSOM, CA 95630
 PHONE: 916.900.6623 | uniconengineering.com

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2023-072

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 12, 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