

## RESOLUTION NO. 2008-28

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING THE FRANKLIN BOULEVARD/ELK GROVE BOULEVARD INTERSECTION WIDENING AND BUS TURNOUTS PROJECT**

**WHEREAS**, the City of Elk Grove has identified the need to improve the intersection of Franklin Boulevard and Elk Grove Boulevard to address increased traffic and road wear;

**WHEREAS**, the City determined that the Franklin Boulevard/Elk Grove Boulevard Intersection Widening and Bus Turnouts Project was subject to the California Environmental Quality Act and prepared an Initial Study evaluating the potential environmental impacts of the project;

**WHEREAS**, the Initial Study identified potentially significant adverse effects in the areas of air quality, biological resources, hazardous materials, and land use and planning;

**WHEREAS**, mitigation measures have been identified that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and the City has agreed to implement this proposed mitigation;

**WHEREAS**, revisions have been made to the project and the City has agreed to implement proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur;

**WHEREAS**, a Mitigation Monitoring and Reporting Program has been prepared in accordance with City of Elk Grove regulations and is designed to ensure compliance during project implementation;

**WHEREAS**, the City determined that the mitigation proposed in the Mitigation Monitoring and Reporting Program would reduce project impacts to a less than significant level and a Mitigated Negative Declaration should be prepared;

**WHEREAS**, the City distributed the Notice of Intent to Adopt the Mitigated Negative Declaration (NOI) on November 21, 2007 and the NOI was posted at the Sacramento County Clerk's Office, distributed through the State Clearinghouse and available at the City offices, pursuant to CEQA Guidelines 15072; a 30-day review and comment period was opened on November 21, 2007 and closed on December 21,

2007, and the Mitigated Negative Declaration was made available to the public during this review period;

**WHEREAS**, the City of Elk Grove received four written comment letters within the 30-day public review period and responded to those comments in the final Mitigated Negative Declaration;

**WHEREAS**, the comments received do not alter the conclusions of the Initial Study/Mitigated Negative Declaration; and

**WHEREAS**, no information based on substantial evidence has been presented to the City of Elk Grove that would alter the conclusions of the Initial Study/Mitigated Negative Declaration.

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

a. Adopts the Mitigated Negative Declaration.

1. The City Council finds that the Mitigated Negative Declaration was presented to the City Council, that the City Council has reviewed the Mitigated Negative Declaration prepared for the Project, all staff reports pertaining to the Project and all comments received there on, and that the Mitigated Negative Declaration has been prepared and completed in compliance with CEQA.
2. The City Council finds that on the basis of the Mitigated Negative Declaration, comments received, and the whole record that there is no substantial evidence that the Project will have a significant adverse impact individually or cumulatively on the environment.
3. The City Council finds that the Mitigated Negative Declaration reflects the City's independent judgment and analysis.
4. The City Council hereby adopts the Mitigated Negative Declaration.

b. Adopts the Mitigation Monitoring and Reporting Program.

1. The City Council hereby adopts the Mitigation Monitoring and Reporting Program, as set forth in the Project staff report.
2. The City Council hereby finds that the proposed mitigation measures described in the Mitigated Negative Declaration are feasible and therefore will become binding upon the City and its construction contractors.

c. Approves the Project.

1. Having independently reviewed, analyzed and adopted the Mitigated Negative Declaration, adopted mitigation measures set forth in the Mitigation Monitoring and Reporting Program, the City Council hereby approves the Franklin Boulevard/Elk Grove Boulevard Intersection Widening and Bus Turnouts Project.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 13<sup>th</sup> day of February 2008.



GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



PEGGY E. JACKSON, CITY CLERK



SUSAN COCHRAN, CITY ATTORNEY

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2008-28**

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

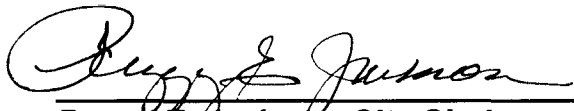
*I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 13, 2008 by the following vote:*

**AYES :**        **COUNCILMEMBERS:**        *Davis, Scherman, Leary*

**NOES:**        **COUNCILMEMBERS:**        *None*

**ABSTAIN :**    **COUNCILMEMBERS:**        *None*

**ABSENT:**     **COUNCILMEMBERS:**        *Cooper, Hume*

  
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**Peggy E. Jackson, City Clerk  
City of Elk Grove, California**

