

RESOLUTION NO. 2020-264

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
DECLARING CERTAIN CITY-OWNED REAL PROPERTY AS EXEMPT SURPLUS
LAND UNDER CALIFORNIA GOVERNMENT CODE SECTION 54221 [A PORTION OF
APNS: 132-0320-001 AND 132-0320-002] FOR THE PURCHASE AND EXCHANGE OF
A PORTION OF THE JACOBI PROPERTY [APN 132-0320-010] AND AUTHORIZING
THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO
COMPLETE THE PURCHASE AND EXCHANGE
(NO FURTHER CEQA REVIEW REQUIRED)**

WHEREAS, improving and extending Kammerer Road between Lent Ranch Parkway and Bruceville Road is a priority for the City of Elk Grove and acquiring the necessary right-of-way and other property interests to construct the Project is an important and necessary step in the Kammerer Road Reconstruction Lent Ranch Parkway to future Big Horn Boulevard (WTR017) and Big Horn Boulevard to Bruceville Road (WTR018) (collectively, Project); and

WHEREAS, the City acquired the fee simple interest in certain real property located at 8663 and 8665 Kammerer Road [APNs 132-0320-001 and 132-0320-002] (City Property), of which a portion is excess for the requirements of the Project (Surplus Property); and

WHEREAS, the Project requires the acquisition of a portion of certain real property contiguous to the Surplus Property, located along Kammerer Road, owned by Jacobi Elk Grove Ranch, LLC [APN 132-0320-010] (Jacobi Property or Jacobi Acquisition); and

WHEREAS, the City intends to complete the Jacobi Acquisition by purchase and exchange, whereby the contiguous Surplus Property will be exchanged and assembled with the larger Jacobi Property; the cost of the Surplus Property, of even value per acre as the Jacobi Acquisition, will be deducted from the cost of the Jacobi Acquisition; and

WHEREAS, Jacobi Elk Grove Ranch, LLC desires and agrees with the exchange and assemblage of the Surplus Property and the Jacobi Property as consideration for the Jacobi Acquisition; and

WHEREAS, surplus property that a local agency is exchanging for another property necessary for the agency's use may be declared "exempt surplus land" under California Government Code §54221(f)(1)(C); and

WHEREAS, the proposed Jacobi 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. 2020-08; and

WHEREAS, staff recommends declaring the Surplus Property "exempt surplus land" to complete the purchase and exchange of the City's Surplus Property for the Jacobi Acquisition; and

WHEREAS, the purchase of the Jacobi Acquisition is funded from CFD 2002-1 East Franklin (Fund 341); 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 Project were previously analyzed in the Capital SouthEast Connector – A1/A2 Kammerer Road Project (Kammerer Project) Initial Study/Mitigated Negative Declaration (State Clearinghouse #2018022061) and the Southeast Policy Area Special Planning Area (SEPA) (State Clearinghouse #2013042054) Environmental Impact Report (EIR); and

WHEREAS, the potential environmental impacts of the property acquisition needed in support of the Capital SouthEast Connector – A1/A2 Kammerer Road Project (Kammerer Project), were previously disclosed and analyzed in an Initial Study/Mitigated Negative Declaration (State Clearinghouse #2018022061) by the Joint Powers Authority for the Capital SouthEast Connector (Connector JPA), who acted as the CEQA lead agency and the Initial Study resulted in approval of a Mitigated Negative Declaration and adoption of a Mitigation, Monitoring, and Reporting Program (MMRP) on December 14, 2018; and

WHEREAS, the Connector JPA acted as the CEQA lead agency for the Kammerer Project and the City is acting as the Responsible Agency for all portions of the Kammerer Project; and

WHEREAS, the potential environmental impacts of SEPA resulted in a determination that the project will not have a significant effect on the environment with implementation of the Mitigation Monitoring and Reporting Program (MMRP) and on July 9, 2014, the City of Elk Grove City Council, acting as the CEQA lead agency, certified the SEPA EIR, approved the project, and adopted the MMRP; and

WHEREAS, no substantial changes are proposed to either project and there are no substantial changes in circumstances or new information that would require revisions to the respective MMRPs or EIRs and therefore, no further environmental review is required under CEQA; and

WHEREAS, the passage of this resolution will not cause a direct physical change in the environment, nor a reasonably foreseeable indirect physical change in the environment; this action, therefore, does not constitute the approval of a project under the California Environmental Quality Act (“CEQA”), and it is exempt from CEQA. (Cal. Pub. Res. Code §21065, CEQA Guidelines §§15060(c)(2-3); 15061(b)(3); 15064(d)(3); 15378(a)).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby declares a portion of the City’s property [APNs 132-0320-001 and 132-0320-002] as exempt surplus land under California Government Code §54221, *et seq.*, as the Surplus Property will be exchanged for another property necessary for the City’s use, and reserve therefrom a portion of such exempt surplus land for right-of-way purposes.

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute any and all documents necessary to complete the purchase and exchange of the City's Surplus Property for a portion of the Jacobi Property, located along Kammerer Road, Sacramento County Assessor Parcel Number 132-0320-010, from Jacobi Elk Grove Ranch, LLC, in the amount of \$78,350, together with closing costs not to exceed \$3,500 for a total amount not to exceed \$81,850.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 18th day of November 2020




STEVE LY, 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. 2020-264

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 special meeting of said Council held on November 18, 2020 by the following vote:

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

NOES: COUNCILMEMBERS: *None*

ABSTAIN: COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*



Jason Lindgren, City Clerk
City of Elk Grove, California