

## RESOLUTION NO. 2023-074

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS FOR ACQUISITION OF FEE INTEREST IN REAL PROPERTY LOCATED AT 8771 POPPY RIDGE ROAD [APN: 132-0290-031]; REAL PROPERTY LOCATED AT 8701 POPPY RIDGE ROAD [APN: 132-0290-036]; TOGETHER WITH RELOCATION ASSISTANCE CLAIMS AND PAYMENTS ASSOCIATED WITH THE NEW GROWTH AREA ROADWAY ROW ACQUISITION PROJECT (WTR027); AND AMENDING THE FISCAL YEAR 2022-2023 BUDGET AND THE 2022-2027 CAPITAL IMPROVEMENT PROGRAM (CEQA EXEMPT)

**WHEREAS**, the New Growth Area Roadway ROW Acquisition Project (WTR027) (Project) captures the cost of right-of-way engineering, acquisition costs, and demolition costs, including structures, decommissioning wells, septic systems and other appurtenances, to clear the land for roadway projects within the Southeast Policy Area Strategic Plan (SEPA) and Laguna Ridge Specific Plan (LRSP) areas. Specific segments include the extension of Lotz Parkway from Whitelock Pkwy to Kyler Road; and

**WHEREAS**, on January 25, 2023, City Council directed staff to proceed with negotiations for the voluntary acquisition of 8771 Poppy Ridge Road, Assessor Parcel Number 132-0290-031 (Abboushi Property); and 8701 Poppy Ridge Road, Assessor Parcel Number 132-0290-036 (Pang Property); (collectively, Subject Properties), which will be impacted by the New Growth Area Roadway ROW Acquisition Project (“Project”); and

**WHEREAS**, staff has negotiated the acquisition of 8771 Poppy Ridge Road, Assessor Parcel Number 132-0290-031, with Mohammad Manuel Abboushi, for \$1,080,000 which includes moving settlement costs and demolition of all improvements by owner prior to close of escrow; and

**WHEREAS**, staff has negotiated the acquisition of 8701 Poppy Ridge Road, Assessor Parcel Number 132-0290-036, with Allen Pang, for \$1,000,000; and

**WHEREAS**, the City’s acquisition of the Subject Properties requires the relocation of a total of three families and a single adult, in which estimated relocation assistance claims and payments are not expected to exceed \$300,000; 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 acquisition of the Subject Properties 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 Planning Commission Resolution No. 2022-15; and

**WHEREAS**, the Project is a project under the 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 New Growth Area Roadway ROW Acquisition Project (WTR027), including the proposed property acquisitions, were previously analyzed in the Environmental Impact Report (EIR) for the Southeast Policy Area Special Planning Area (SEPA) (State Clearinghouse No. 2013042054) and Laguna Ridge Specific Plan (LRSP) (State Clearinghouse No. 2000082139) projects. These analyses resulted in certification of the SEPA EIR, approval of the project, and adoption of the Mitigation Monitoring and Reporting Program (MMRP) in July 2014 and certification of the LRSP Subsequent EIR, associated Statement of Overriding Considerations, and adoption and Mitigation Monitoring and Reporting Program (MMRP) in June 2008; and

**WHEREAS**, the Project is included in the approved Fiscal Year 2022-27 Capital Improvement Program and is budgeted with funds in the approved Fiscal Year 2022-23 Budget.

**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 Agreements for Acquisition of Fee Interest in Real Property with Mohammad Manuel Abboushi, in substantially the form presented, in the amount of \$1,080,000, for property located at 8771 Poppy Ridge Road and with Allen Pang, in substantially the form presented, in the amount of \$1,000,000, for property located at 8701 Poppy Ridge Road, together with relocation assistance claims and payments, not to exceed \$300,000, as required for the New Growth Area Roadway ROW Acquisition Project (WTR027); and
- 3) Amends the Fiscal Year 2022-23 Budget and 2022-2027 Capital Improvement Program as follows:
  - a. Remove \$39,941.67 of budgeted expenditures in the CFD 2002-1 East Franklin Fund (Fund 341) associated with the New Growth Area Roadway ROW Acquisition Project (WTR027) in Fiscal Year 2022-2023; and
  - b. Add \$1,200,000 of budgeted expenditures in the CFD 2005-1 Laguna Ridge Fund (Fund 344) associated with the New Growth Area Roadway ROW Acquisition Project (WTR027) in Fiscal Year 2022-2023.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 12<sup>th</sup> 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

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2023-074**

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**