

NO-FEE DOCUMENT
Government Code §27383
RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

Office of the City Clerk
City of Elk Grove
8401 Laguna Palms Way
Elk Grove, CA 95758



Sacramento County Recorder
Craig A. Kramer, Clerk/Recorder
BOOK 20120914 PAGE 0523

Friday, SEP 14, 2012 10:20:26 AM
Ttl Pd \$0.00 Rcpt # 0007445970

REB/51/1-6

Space above this line for Recorder's Use

RESOLUTION NO. 2012-146

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ABANDONING A LIGHT AND AIR EASEMENT OVER PARCEL 2 OF PARCEL MAP
FILED IN BOOK 151 PAGE 21 OF PARCEL MAPS, RECORDS OF
SACRAMENTO COUNTY**

WHEREAS, this parcel map was filed with the County of Sacramento on September 8, 1998 and created two (2) parcels with Parcel 2 of the map abutting the Central California Traction Company Railroad to the southwest; and

WHEREAS, a light and air easement was granted to the County over the southwesterly 125 feet of Parcel 2 for the purpose of the deterring the construction of habitable buildings within the easement area; and

WHEREAS, according to the County of Sacramento Assessors records, the existing structure on Parcel 2 was constructed in 1970 with majority of the structure encroaching within the light and air easement; and

WHEREAS, all other recorded parcels in this area that abut the Central California Traction Company Railroad do not indicate a similar easement; and

WHEREAS, the California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary "projects," defined in CEQA as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment."; and

WHEREAS, the proposed project is a project under CEQA; and

WHEREAS, Section 15183 of the State CEQA Guidelines mandates that projects which are consistent with the density established by General Plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review except as needed to analyze project specific environmental issues not addressed in said EIR; and

WHEREAS, Section 15061 (b)(3) of the State CEQA Guidelines states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds as follows:

- 1) The abandonment of the light and air easement would not violate the General Plan and all the elements and components thereof; and
- 2) The public interest will be served by the set aside; and
- 3) That the project is exempt from the California Environmental Quality Act (CEQA) pursuant to the following finding, no further environmental review is required:


The proposed project is exempt from CEQA under State CEQA Guidelines Sections 15183 and 15061(b)(3). Section 15183 mandates that projects which are consistent with the density established by General Plan policies for which an EIR was certified shall not require additional environmental review except as needed to analyze project specific environmental issues not addressed in said EIR. The proposed project is consistent with all applicable General Plan policies. The City Council certified an EIR for its General Plan in November, 2003. Staff review of the proposed Railroad Setback Abandonment concludes that there are no project-specific significant adverse environmental effects which are peculiar to the proposed project or its site that were not analyzed in the previously certified EIR. The adjacent railroad line to the parcel is no longer in use and no setback is necessary. No significant adverse effects related to traffic, noise air quality or water quality were identified during project review.

Furthermore, CEQA Guidelines Section 15061 (b)(3) states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. No adverse environmental Impacts would occur as a result of the project and no further CEQA review is required.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED that the light and air easement as described in Exhibit A and as depicted in Exhibit B is hereby abandoned; and

NOW, THEREFORE, BE IT FINALLY RESOLVED AND ORDERED that the City Clerk of the City of Elk Grove shall cause a certified copy of the Resolution of Abandonment, attested by the Clerk under seal, to be recorded in the office of the County recorder of the County of Sacramento and by this Resolution being recorded does hereby abandon the light and air easement.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 22nd day of August 2012.



JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



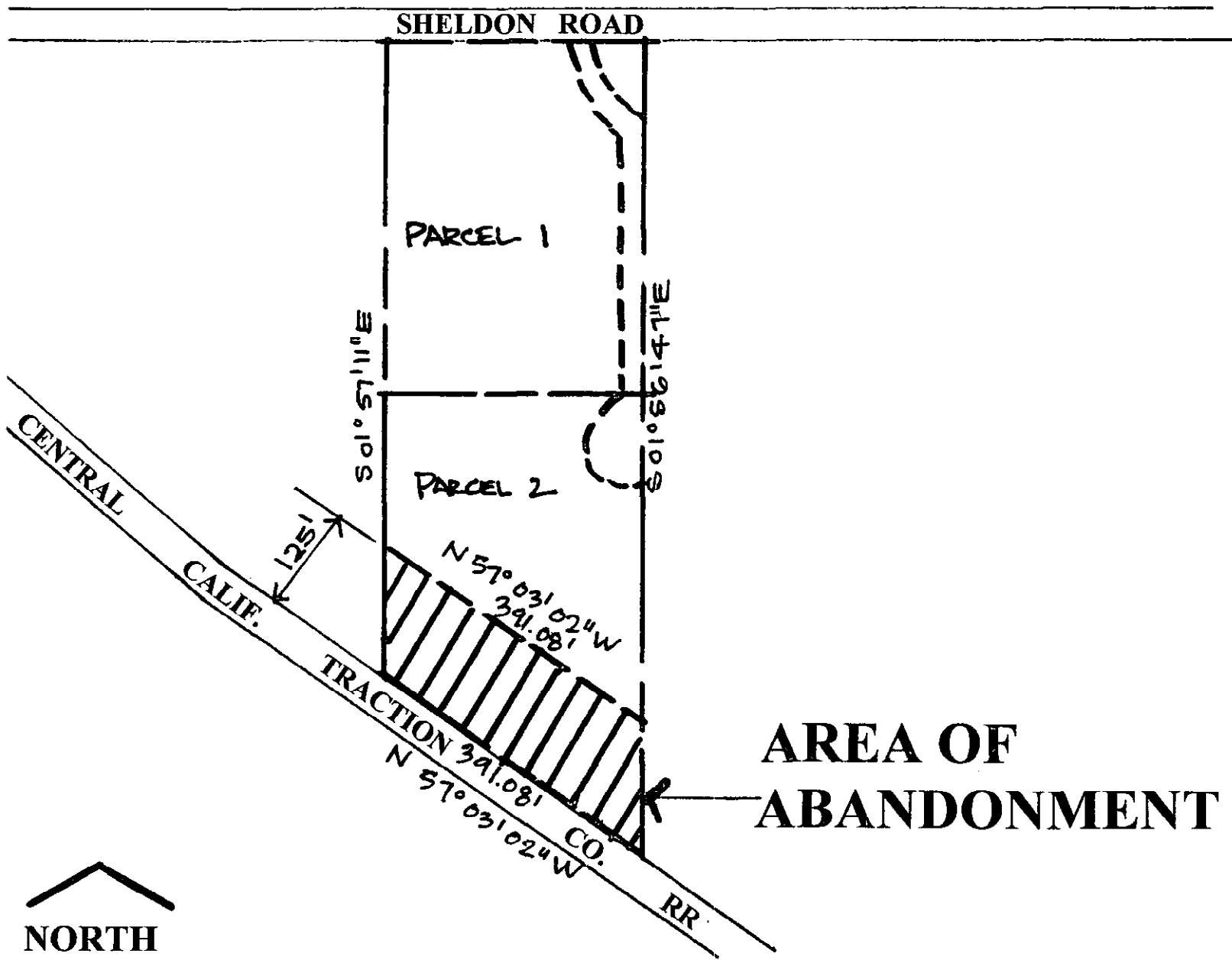
JONATHAN P. HOBBS,
CITY ATTORNEY

Exhibit "A"
Legal Description

That certain easement for light and air (setback line), 125 feet wide, over Parcel 2 of Parcel Map filed in Book 121 at Page 21 of Parcel Maps, records of Sacramento County.

EXHIBIT B

MAP OF ABANDONMENT FOR 10412 SHELDON ROAD, ELK GROVE, CA 95624



**AREA OF
ABANDONMENT**

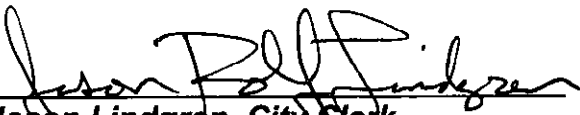
NORTH
NOT TO SCALE

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2012-146**

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 August 22, 2012 by the following vote:

AYES : COUNCILMEMBERS: Cooper, Hume, Davis, Detrick, Scherman
NOES: COUNCILMEMBERS: None
ABSTAIN : COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None


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