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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 20121003 PAGE 1918

Wednesday, OCT 03, 2012 3:04:10 PM
Ttl Pd \$0.00 Rcpt # 0007474945

REB/51/1-6

Space above this line for Recorder's Use

RESOLUTION NO. 2012-158

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
SETTING ASIDE A PORTION OF CITY-OWNED PROPERTY FOR PUBLIC STREET
PURPOSES OVER THE CITY TRANSFER STATION MASTER PLAN PROJECT**

WHEREAS, the City of Elk Grove is fee owner of a 20+ acre parcel of land on which the Transfer Station Master Plan was previously approved; and

WHEREAS, the Special Waste Collection Center (SWCC) is the first phase of this Transfer Station Master Plan Project (Project) consisting of a recycling center for hazardous household waste products; and

WHEREAS, a public street access is required to be set aside for the public to access the SWCC; and

WHEREAS, staff has prepared the necessary legal description, attached hereto as Exhibit "A" and plat to accompany the legal description, attached hereto as Exhibit "B" for the area to be set aside; and

WHEREAS, the California Environmental Quality Act (Public Resources Code section 21000, et. seq., herein after CEQA) requires analysis of agency approvals of discretionary projects; and

WHEREAS, the Transfer Station Master Plan and its corresponding phases are "projects" under CEQA; and

WHEREAS, on November 18, 2009, the City Council certified a Final Environmental Impact Report (FEIR) for the Transfer Station Master Plan, adopting Findings of Fact and a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program (MMRP) for the project; and

WHEREAS, the proposed action to set aside a portion of City-owned property for public street purposes at the Transfer Station project location is an action implementing the Transfer Station Master Plan that is consistent with the prior CEQA analysis;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds that the Transfer Station Master Plan Project (Project) was

adequately reviewed under the California Environmental Quality Act (CEQA) and no further environmental review is required, based upon the following finding.

Finding: No further environmental review is required for the Project.

Evidence: Staff has reviewed the Project to determine the required level of review under CEQA. On November 18, 2009, the City Council certified a Final Environmental Impact Report (FEIR), adopted Findings of Fact and a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program (MMRP) for the Transfer Station Master Plan. This Project is consistent with the Master Plan and all environmental effects associated with this Project have been adequately addressed in the previously certified FEIR. In addition, the proposed Project complies with the previously adopted MMRP requirements as they apply to the Special Waste Collection Center and Disposal Lane Project.

Section 15162 of the State CEQA Guidelines provides that when an EIR has been certified, subsequent projects shall not require further review unless the lead agency determines that there have been substantial changes in the project or circumstances under which the project was undertaken, or there is no new information of substantial importance that was not known at the time the previous EIR was prepared. Staff has reviewed the project and previous EIR and there is no new information or changed circumstances. Therefore, no further environmental review is required.

BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove hereby finds as follows:


- 1) That this set-aside of City-owned property would be consistent with and not violate the General Plan and all elements and components thereof;
- 2) That the public interest will be served by the herein set aside.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED that this road right-of-way is to be used by the general public at large for public street purposes and all uses incident thereto as described in Exhibit "A", Legal Description and shown on the attached Exhibit "B", Plat to accompany legal description; and

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED that the easement as described in the legal description labeled Exhibit "A", Legal Description and shown on Exhibit "B", Plat to accompany legal description is hereby set aside for use by the public for a public street to be known as Disposal Lane; 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 this Resolution, attested 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 September 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
Set Aside for Public Street Purposes

That certain strip of land, in the City of Elk Grove, County of Sacramento, State of California being a portion of that certain 110.3 Acre tract of land designated "Estate of Ellen M. Wilson" as shown on the "Plat of the Survey of the 110.3 Acre Tract of the Ellen K. Wilson Estate" filed in Book 2 of Surveys, Map No. 71 as described in that certain deed to the City of Elk Grove, recorded December 15th, 2010 in Book 20101215 Page 300, Official Records of Sacramento County more particularly described as follows:

Beginning at the southwesterly terminus of that certain course in said deed having a bearing and distance of South 49°10'43" West 633.73 feet; (South 49°10'16" West for the purposes of this description); thence along the westerly line of said deed North 40°49'44" West a distance of 837.03 feet to the southeasterly line of Grant Line Road, 55 feet wide, as described in Book 19830404 Page 858, Official Records of Sacramento County; thence along said southeasterly line North 49°11'07" East a distance of 50.00 feet to a line parallel with and distant northeasterly 50.00 feet, measured at a right angle, from the westerly line of said deed; thence along said parallel line South 40°49'44" East a distance of 658.01 feet; thence South 43°49'44" East a distance of 86.04 feet; thence South 43°48'23" East a distance of 40.94 feet to the beginning of a curve concave to the north having a radius of 31.33 feet; thence southeasterly, easterly and northeasterly along said curve through a central angle of 87°00'00" and arc distance of 47.57 feet; thence non-tangent to said curve North 52°17'19" East a distance of 9.33 feet; thence South 40°49'41" East a distance of 22.00 feet to the southeasterly line of said deed; thence along said southeasterly line South 49°10'16" West a distance of 97.22 to the **True Point of Beginning**.

Containing 43,739 square feet, more or less.

See "Exhibit B" Plat to accompany Legal Description (for information purposes only) attached hereto and made a part hereof and any discrepancy between the Legal Description and the plat the Legal Description holds.

This Legal Description was prepared by me or under my direction pursuant to the requirements of the Professional Land Surveyor's Act.

Raymond Michael Manger

L.S. No. 5154

Registration Expires: June 30, 2013

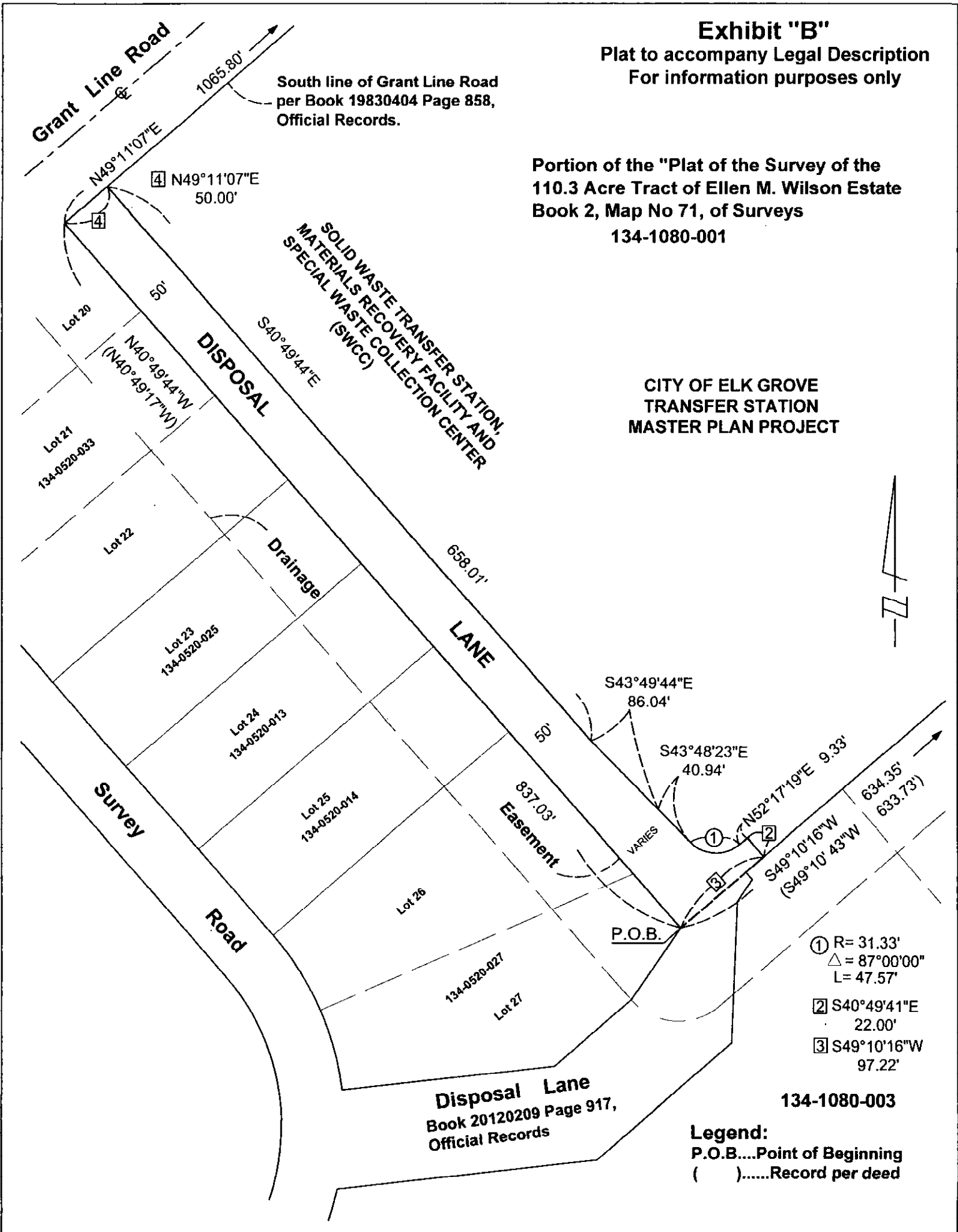
Date:

Exhibit "B"

Plat to accompany Legal Description
For information purposes only

Portion of the "Plat of the Survey of the
110.3 Acre Tract of Ellen M. Wilson Estate
Book 2, Map No 71, of Surveys
134-1080-001

CITY OF ELK GROVE
TRANSFER STATION
MASTER PLAN PROJECT



Disposal Lane
Book 20120209 Page 917,
Official Records

134-1080-003

Legend:
P.O.B....Point of Beginning
().....Record per deed

- ① R= 31.33'
△ = 87°00'00"
L = 47.57'
- ② S40°49'41"E
22.00'
- ③ S49°10'16"W
97.22'

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2012-158**

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 September 12, 2012 by the following vote:

AYES : COUNCILMEMBERS: Cooper, Davis, Detrick, Scherman

NOES: COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Hume


Jason Lindgren, City Clerk
City of Elk Grove, California