

RESOLUTION NO. 2012-164

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY MANAGER TO EXECUTE A NEW PUBLIC HIGHWAY
OVERPASS CROSSING AGREEMENT WITH THE UNION PACIFIC RAILROAD
COMPANY FOR THE GRANT LINE ROAD WIDENING PROJECT**

WHEREAS, the City of Elk Grove desires to construct the Grant Line Road Widening Project, Project No. PT0034 (Project); and

WHEREAS, on December 14, 2005, (Resolution No. 2005-358) the City Council of the City of Elk Grove complied with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq.) and adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project. Three addenda to the Mitigated Negative Declaration were adopted on October 26, 2011, and the Project was approved on that date; and

WHEREAS, the Union Pacific Railroad Company (UPRR) is required to pay 10% of the portion of the Project cost resulting from the elimination of the existing Grant Line Road at-grade public crossing which is estimated at \$893,000; and

WHEREAS, the City is required to pay UPRR for the removal of the existing at – grade crossing estimated at \$98,948; and

WHEREAS, the Roadway Fund will advance the UPRR portion of the Project cost; and

WHEREAS, the City is required to pay future flagging cost when required for maintenance of the new structure within the UPRR right of way.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds that the Grant Line Road Widening Project, Project No. PT0034 (Project) was adequately reviewed under 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 December 14, 2005, the Elk Grove City Council adopted a Mitigated Negative Declaration (MND) for the Grant Line Road Widening Project. A series of addendum were adopted on October 26, 2011. The proposed Agreement is consistent with the Project as described and analyzed in the 2005 MND and subsequent addenda.

Section 15162 of the State CEQA Guidelines provides that when a negative declaration has been certified, subsequent projects shall not require further environmental 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 new

information of substantial importance that was not known at the time the previous negative declaration was prepared. Staff has reviewed the project and previous negative declaration and determined no new information or changed circumstances exist. Therefore, no further environmental review is required; and

BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove finds that the new public highway overpass crossing for the Grant Line Road Widening Project is included as part of the Project and analyzed as part of the Mitigated Negative Declaration (and subsequent addenda) prepared for the Project and that, therefore, no further environmental review is required; and

BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove hereby authorizes the City Manager, or designee, to execute the New Public Highway Overpass Agreement with Union Pacific Railroad Company for the Grant Line Road Widening Project if no significant changes to the final document occur; and

BE IT FURTHER RESOLVED that the UPRR reimbursement will be deposited in the Roadway Fund.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 26th day of September 2012.



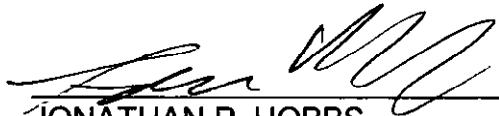
JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2012-164

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 26, 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