

RESOLUTION NO. 2016-245

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING THE VACATION OF A PORTION OF EMERALD PARK DRIVE IN
CONJUNCTION WITH THE EMERALD PARK ESTATES PROJECT (EG-15-005)**

WHEREAS, the County of Sacramento was granted an Irrevocable Offer of Dedication (IOD) recorded January 16, 1973, recorded in Book 19730116 Page 281, Official Records of Sacramento County for the future Emerald Park Drive and upon incorporation of the City, the IOD reverted to the City by operation of law; and

WHEREAS, the IOD remained open until needed by the City in 2012 for a sidewalk infill project along the east side of Emerald Park Drive and was accepted by the Certificate of Acceptance recorded in Book 20120711 Page 646, Official Records of Sacramento County; and

WHEREAS, when the Emerald Park Estates Project (EG-15-005) was approved by City of Elk Grove Planning Commission (Commission) on September 17, 2015, which included a Tentative Subdivision Map and a Design Review (Project), the proposed design of the Project would have caused the current right-of-way to be in the slope of the lots fronting on Emerald Park Drive; and

WHEREAS, the Project was conditioned to vacate the right-of-way to standard location of the back of the sidewalk to be consistent with the approved design; and

WHEREAS, the Planning Commission held a hearing on August 18, 2016, to determine if this proposed vacation is consistent with the General Plan pursuant to Section 65402 (a) of the Government Code and the Commission determined that this abandonment would be consistent with the General Plan and affirmed that finding in Resolution No.2016-35; and

WHEREAS, the right-of-way vacation (Vacation) qualifies as a project under the California Environmental Quality Act (CEQA), Public Resource Code §§21000-21189.3, but is exempt; and

WHEREAS, Section 15061 (b)(3) (General Rule) of Title 14 of the California Code of Regulations (State CEQA Guidelines) provides that CEQA applies only to projects which have the potential for causing a significant effect on the environment. When 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; and

WHEREAS, based on staff's review of the Vacation, no special circumstances exist that would create a reasonable possibility that approving the proposed Vacation of a portion of Emerald Park Drive will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds the Vacation exempt from the provisions of CEQA under Section 15061 (b)(3) (General Rule) of Title 14 of the California Code of Regulations based upon the following findings:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk

Grove hereby finds that no further environmental review is required for the Vacation based upon the following finding:

Finding: No further environmental review is required pursuant to Section 15061 (b)(3) of the State CEQA Guidelines.

Evidence: The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. When 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. The proposed action involves the vacation of a portion of Emerald Park Drive. Based on staff's review of the project, no special circumstances exist that would create a reasonable possibility that approving the proposed Vacation of a portion of Emerald Park Drive will have a significant effect on the environment. Therefore, the proposed Vacation qualifies for the exemption under CEQA Guidelines Sections 15061(b)(3) and no further environmental review is required.


AND, BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove hereby finds:

- 1) That the Vacation is being made under the Streets and Highway Code, Division 9, Part 3, Public Streets, Highways and Service Easement Vacation Law, Chapter 4, Vacation Sections 8320 through 8325 inclusive; and
- 2) This easement being vacated is described in Exhibit "A" Legal Description and shown on Exhibit "B", plat to accompany Legal Description; and

AND, BE IT FURTHER RESOLVED AND ORDERED that a portion of Emerald Park Drive as described in Exhibit "A" and shown on Exhibit "B" is hereby abandoned;

AND, BE IT FINALLY RESOLVED that the City Clerk of the City of Elk Grove shall cause a certified copy of this Resolution of Vacation and Exhibits "A" and "B" attached hereto attested by the 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 on this 14th day of December 2016.



STEVE LY, 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
FOR
EMERALD PARK DRIVE ABANDONMENT

Being a portion of the Parcel 2 per Parcel Map recorded in Book 10 of Parcel Maps, at Page 1, Sacramento County Records, located in the City of Elk Grove, County of Sacramento, State of California, described as follows:

COMMENCING at a point which is the intersection of the centerline of Emerald Park Drive with the north line of said Parcel 2; thence along said north line, North 89°09'02" East, a distance of 30.00 feet to the east right-of-way line of said Emerald Park Drive, said right-of-way also being an Irrevocable Offer of Dedication for Public Street and Highway recorded in Book 19730116, Page 281, and recorded by Certificate of Acceptance in Book 20120711, Page 646, in said County; thence along said east right-of-way line, South 00°50'58" East, a distance of 30.00 feet to the south line of a 30-foot Drainage Easement to the County of Sacramento, recorded in Book 750808, Page 791, in said County, also being the TRUE POINT OF BEGINNING; thence continuing, South 00°50'58" East, a distance of 319.92 feet to the north line of a Subdivision "Plat of Emerald Park South Estates", recorded in Book 142 of Maps, at Page 8, in said County; thence along said north line, South 89°09'02" West, a distance of 4.93 feet, being distant 25.00 feet easterly for the centerline of Emerald Park Drive; thence along a line parallel with and 25.00 easterly (measured at right angles) from said centerline, North 00°22'12" West, a distance of 319.93 feet said south line; thence along said south line, North 89°09'02" East, a distance of 2.26 feet to the TRUE POINT OF BEGINNING.

Containing 0.026 acres, more or less

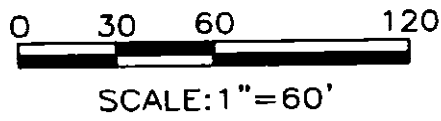
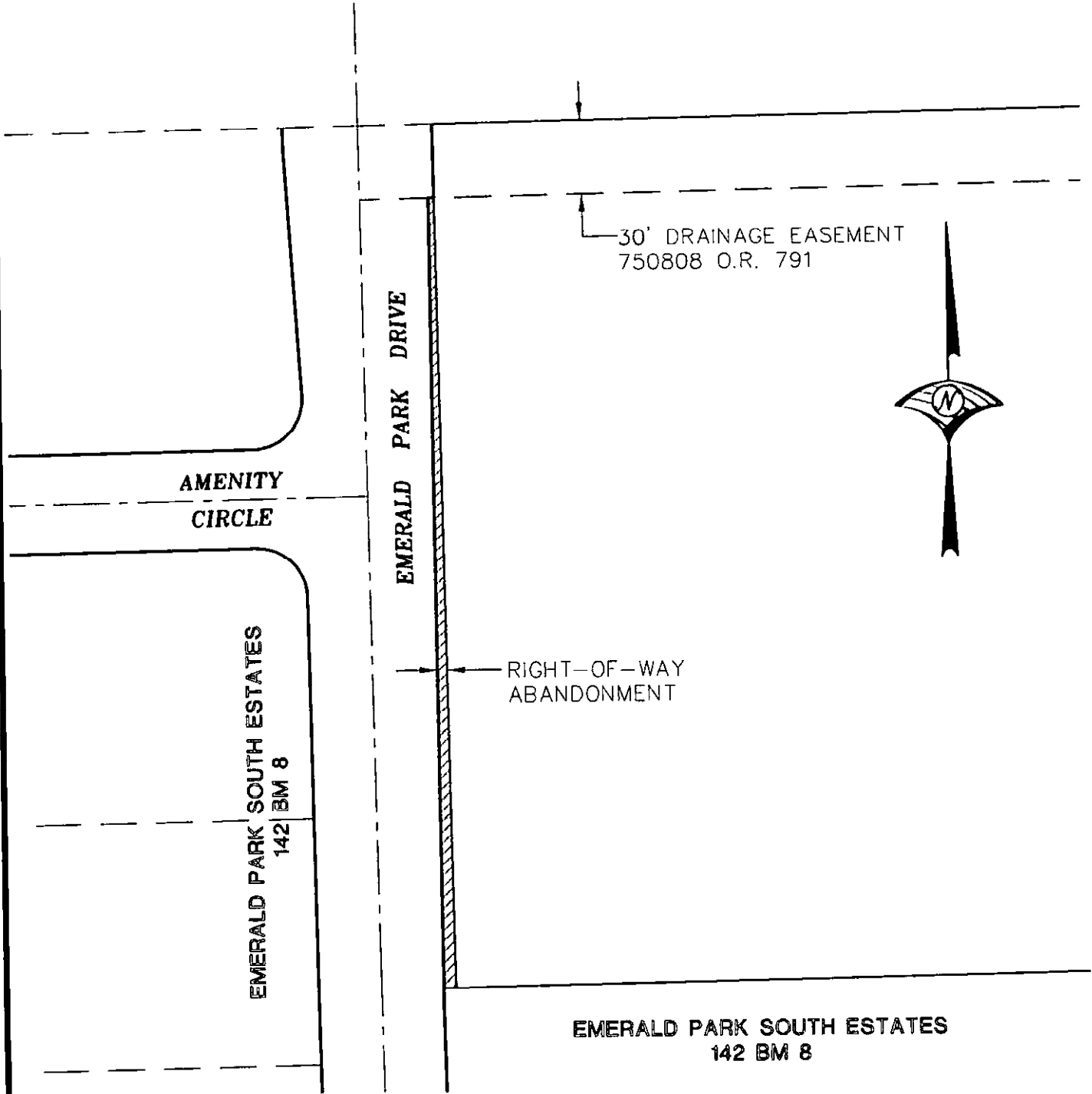
June 28, 2016

END OF DESCRIPTION

PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA

EXHIBIT 'B'

PLAT TO ACCOMPANY
DESCRIPTION



WOOD RODGERS
ENGINEERING • MAPPING • PLANNING • SURVEYING

3301 C St., Bldg. 100-B Tel 916.341.7760
Sacramento, CA 95816 Fax 916.341.7767

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2016-245

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

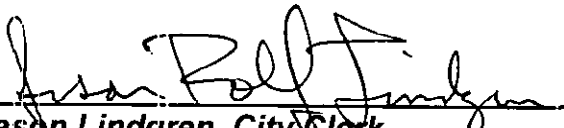
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 14, 2016 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California