

RESOLUTION NO. 2017-276

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR ACQUISITION OF FEE INTEREST IN REAL PROPERTY AND TEMPORARY CONSTRUCTION EASEMENT FOR PROPERTY LOCATED AT 9706 SHELDON ROAD [A PORTION OF APN 127-0040-020]; AN AGREEMENT FOR ACQUISITION OF FEE INTEREST IN REAL PROPERTY AND PUBLIC UTILITY EASEMENT FOR PROPERTY LOCATED AT 9689 SHELDON ROAD [A PORTION OF APN 121-0220-016]; AND AN AGREEMENT FOR ACQUISITION OF FEE INTEREST IN REAL PROPERTY AND TEMPORARY CONSTRUCTION EASEMENT [A PORTION OF APN 122-0190-008] ASSOCIATED WITH THE SHELDON ROAD AND BRADSHAW ROAD BRIDGE REPLACEMENT AND INTERSECTION IMPROVEMENT PROJECT (PRIOR MITIGATED NEGATIVE DECLARATION; NO FURTHER CEQA REVIEW REQUIRED)

WHEREAS, the City of Elk Grove has undertaken the Sheldon Road and Bradshaw Road Bridge Replacement and Intersection Improvement Project #PT0137 (the "Project") to replace the existing bridge and construct intersection improvements including a roundabout; and

WHEREAS, on June 28, 2017, City Council authorized staff to proceed with negotiations for 9706 Sheldon Road, a portion of Sacramento County Assessor Parcel Number 127-0040-020 ("Chandler Property"); 9689 Sheldon Road, a portion of Sacramento County Assessor Parcel Number 121-0220-016 ("Terada Property"); and a portion of Sacramento County Assessor Parcel Number 122-0190-008 ("Degen Property"), for the acquisition of property rights required for the Sheldon Road and Bradshaw Road Bridge Replacement and Intersection Improvement Project ("Project"); and

WHEREAS, City staff has negotiated the partial acquisition from the Chandler Property with Jerry L. Chandler and Nell E. Chandler, Trustees of the Jerry L. and Nell E. Chandler Family Living Trust dated December 7, 2000, which includes the acquisition of right-of-way and associated improvements, in the amount of \$167,000; and

WHEREAS, City staff has negotiated the partial acquisition from the Terada Property with Akihiko Terada, a married man, sole and separate property, which includes the acquisition of right-of-way and associated improvements, in the amount of \$90,700; and

WHEREAS, City staff has negotiated the partial acquisition from the Degen Property with Frederic Sands Degen, as Trustee of the Fred and Mary Degen Revocable Trust established August 14, 1989, which includes the acquisition of right-of-way in the amount of \$155,700; and

WHEREAS, the proposed acquisitions are consistent with the City's General Plan and in compliance with Elk Grove Municipal Code Section 3.42.300(B) and California Government Code Section 65402(a), as determined by the Planning Commission by Resolution No. 2017-10; and

WHEREAS, the purchase of the Chandler, Terada, and Degen Properties will be funded through a combination of the City's Roadway Fee Fund and Federal Funds; 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". A "project", under CEQA, is defined 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." The Project is a project under CEQA; and

WHEREAS, the City of Elk Grove is the CEQA lead agency; on March 9, 2016, the City Council adopted a Mitigated Negative Declaration (SCH No. 2015122013) with a Mitigation Monitoring and Reporting Program for the Project, by Resolution No. 2016-042, and no further environmental review under CEQA is required for these property acquisitions; and

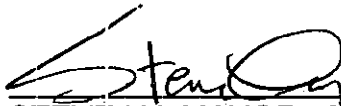
WHEREAS, due to the use of federal funding, the Project also qualifies for review under the National Environmental Policy Act (42 U.S.C. 4321 et seq., hereafter NEPA); the California Department of Transportation ("Caltrans") is the NEPA lead agency; on March 22, 2016, Caltrans determined that the Project is subject to a Categorical Exclusion under 23 CFR 771.117(c): activity (c)(28), and no further environmental review under NEPA is required for these property acquisitions.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute an Agreement for Acquisition of Fee Interest in Real Property and Temporary Construction Easement with Jerry L. Chandler and Nell E. Chandler, for the acquisition of the property located at 9706 Sheldon Road, a portion of Sacramento County Assessor Parcel Number 127-0040-020, including the acquisition of right-of-way and improvements, in the amount of \$167,000, together with closing costs, not expected to exceed \$3,000, all in a total amount not to exceed \$170,000.

AND BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute an Agreement for Acquisition of Fee Interest in Real Property and Public Utility Easement with Akihiko Terada, for the acquisition of the property located at 9689 Sheldon Road, a portion of Sacramento County Assessor Parcel Number 121-0220-016, including the acquisition of right-of-way and improvements, in the amount of \$90,700, together with closing costs, not expected to exceed \$3,000, all in a total amount not to exceed \$93,700.

AND BE IT FINALLY RESOLVED, that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute an Agreement for Acquisition of Fee Interest in Real Property and Temporary Construction Easement with Frederic Sands Degen, for the acquisition of a portion of Sacramento County Assessor Parcel Number 122-0190-008 in the amount of \$155,700, together with closing costs, not expected to exceed \$5,000, all in a total amount not to exceed \$160,700.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 13th day of December 2017.




STEVE LY, 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. 2017-276

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

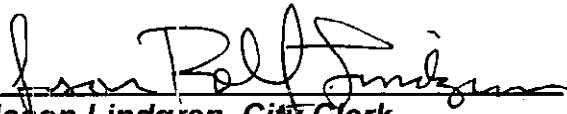
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 13, 2017 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*


Jason Lindgren, City Clerk
City of Elk Grove, California