

ORDINANCE NO. 15-2003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE ADOPTED MITIGATION MONITORING AND REPORTING PROGRAM/CONDITIONS OF APPROVAL ON ASSESSOR PARCEL NUMBERS 115-0180-006, 115-0180-007 AND 115-0180-008, AMB/BTS WALGREENS PROJECT (EG-00-034)

The City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to amend the Mitigation Monitoring and Reporting Program (MMRP) / Conditions of Approval adopted by Ordinance No.12-2002, by the City Council on May 1, 2002 and recorded November 4, 2002 on the parcels shown on attached Exhibit A.

Section 2: Findings

1. Finding: The amendment will not affect the Mitigated Negative Declaration that was completed in accordance with the California Environmental Quality Act (CEQA) and adopted by the City Council on May 1, 2002.

Evidence: An Initial Environmental Study was prepared for the proposed project and mitigation measures were developed to reduce potential environmental impacts to less than significant levels. It was determined that, based on the Mitigated Negative Declaration, comments received, and the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

The amendment does not affect any of the mitigation measures as adopted; the dedication of right-of-way to accommodate an urban interchange is not considered as mitigation.

2. Finding: The proposed amendment does not create problems detrimental to the public health, safety and general welfare of the residents of Elk Grove.

Evidence: The City reviewed the proposed amendment at a duly noticed public hearing regarding the matter. The applicant's proposal is consistent with the Circulation Element of the Draft General Plan in that no urban interchanges are included in the City's circulation system.

Section 3: Action

The City Council hereby amends Condition #14 of the Mitigation Monitoring and Reporting Program (MMRP) / Conditions of Approval adopted by the City Council on May 1, 2002 and recorded for Assessor's Parcel Numbers 115-0180-006, 115-0180-007 and 115-0180-008 as follows:

Grant the City of Elk Grove an Irrevocable Offer of Dedication (I.O.D.) of right-of-way for a Thoroughfare, in accordance with City Standards, along the northern boundary adjacent to Calvine Road and along the eastern boundary adjacent to Elk Grove-Florin Road, to the satisfaction of the Manager of Building and Engineering. This amendment shall be recorded in the Office of the County Recorder and kept in the City of Elk Grove Development Services, Planning files.

All other conditions and mitigation measures shall remain in effect.

Section 4: No Mandatory Duty of Care

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 6: Effective Date and Publication


This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 4th day of June 2003.



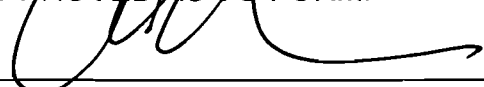
RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK
Effective Date: July 4, 2003

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

AYES: Soares, Scherman, Briggs, Cooper, Leary
NOES: None
ABSTAIN: None
ABSENT: None

Exhibit A

AMB/BTS Walgreens (EG 00-034)

Project Site

Parcels 115-0180-006, 115-0180-007 AND 115-0180-008

