

RESOLUTION NO. 2024-067

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A DECLARATION OF COVENANTS AND RESTRICTIONS AND A PUBLIC IMPROVEMENT AGREEMENT WITH SUNSET TARTESSO, INC., FOR THE CITY- OWNED ELLIOTT SPRINGS PRESERVE PROPERTY [APN 127-1110-003],

WHEREAS, In 2006, the City of Elk Grove approved the Vintara Park project on a 230-acre site on the north side of Bond Road, west of Waterman Road and the U.S. Army Corps of Engineers (“USACE”) issued a Department of the Army Permit (SPK-2001-00584)(the “404 Permit”) allowing development to move forward on the site with specific mitigation for impacts to wetland and vernal pool habitat; and

WHEREAS, the 404 Permit required the establishment and long-term maintenance of a 73.9-acre preserve (“Preserve”) on the northern portion of the property; and

WHEREAS, the requirements of the 404 Permit continue to be in effect and Elliott Homes, the current Project developer, is perfecting the final items required by the 404 Permit; and

WHEREAS, a Long-Term Management Plan (LTMP) for the Preserve has been reviewed and approved by the City, the United States Department of Fish and Wildlife, and the United States Army Corps of Engineers; and

WHEREAS, the LTMP requires execution and recordation of a Declaration of Covenants and Restrictions (“DCRs”) over the Preserve; and

WHEREAS, a portion of the permanent fencing for the preserve has been constructed, a Public Improvement Agreement (“PIA”) is necessary to defer the construction of a portion of the fence on the southwest boundary of the Preserve; and

WHEREAS, the Project is a project under California Environmental Quality Act (Section 21000 et seq. of the Public Resources Code, hereinafter referred to as CEQA), which requires that cities consider the environmental consequences of their actions before approving a project; and

WHEREAS, on July 23, 2014, the City Council certified an Environmental Impact Report (EIR) for and adopted a Mitigation Monitoring and Reporting Program (MMRP) for the Silverado Village project (State Clearinghouse No. 2013012060). The EIR analyzed full buildout of the Project based upon the Silverado Village Special Planning Area land use plan and the Silverado Village Tentative Subdivision Map. The Project remains subject to the Silverado Village MMRP which includes mitigation related to farmland protection, air quality, biological resources including Swainson’s hawk foraging habitat and wetland/vernal pool habitats, cultural resources, hazardous/toxic materials, drainage, noise, and traffic, and no further environmental review is required under CEQA; and

WHEREAS, the DCRs and PIA requested for execution as part of this Project are consistent with the 404 Permit actions analyzed in the 2014 EIR and would not alter the conclusion of the EIR or any of the associated Mitigation Measures.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby authorizes the City Manager, or designee, to execute the Declaration of Covenants and Restrictions and Public Improvement Agreement in substantially the forms presented.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 8th day of May 2024



BOBBIE SINGH-ALLEN, 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. 2024-067

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

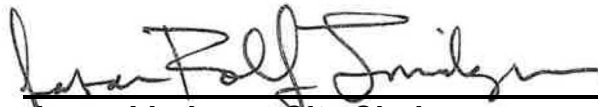
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 8, 2024 by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Brewer, Robles, Spease, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California