

RESOLUTION NO. 2009-207

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND
MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING THE
ELK GROVE CREEK TRAIL CROSSING AT STATE ROUTE 99 PROJECT**

WHEREAS, the City of Elk Grove (City) has an adopted Trails Master Plan which identifies several trail projects that would improve bicycle/pedestrian circulation and safety; and

WHEREAS, the Elk Grove Creek Trail Crossing at State Route (SR) 99 Project is included in the Elk Grove Trails Master Plan; and

WHEREAS, sources of funding have been identified to construct the Elk Grove Creek Trail Crossing at SR 99 Project; and

WHEREAS, the City determined that the Elk Grove Creek Trail Crossing at SR 99 Project was subject to the California Environmental Quality Act and prepared an Initial Study evaluating the potential environmental effects of the Project; and

WHEREAS, the Initial Study identified potentially significant adverse effects in the areas of aesthetics, biological resources, hazardous materials, and noise; and

WHEREAS, the City has agreed to implement proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and

WHEREAS, a Mitigation Monitoring and Reporting Program has been prepared in accordance with City of Elk Grove regulations and is designed to ensure compliance during project implementation; and

WHEREAS, the City determined that the mitigation proposed in the Mitigation Monitoring and Reporting Program would reduce the impacts to a less than significant level and a Mitigated Negative Declaration should be prepared; and

WHEREAS, the City distributed a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration for the Elk Grove Creek Trail Crossing at SR 99 Project on June 26, 2009 which started a 30-day public review period, ending July 25, 2009. The NOI was posted at the Sacramento County Clerk/Recorder's office, distributed through the State Clearinghouse, posted at City offices, published in the *Elk Grove Citizen*, and mailed to project stakeholders, property owners, and residents within a 1,000 foot radius of the project site; and

WHEREAS, the City held a public meeting on July 20, 2009 in conjunction with the regularly scheduled Trails Committee meeting in the Council Chamber; and

WHEREAS, the City received eight written comments within the 30-day public review period; and

WHEREAS, of those comments, no new significant environmental impacts beyond those already covered in the Draft MND, were identified and no changes to the Draft MND text resulted. As such, staff prepared a Final MND and Mitigation Monitoring and Reporting Program; and

WHEREAS, the City of Elk Grove, Development Services Planning Department, located at 8401 Laguna Palms Way, Elk Grove, California 95758, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elk Grove as follows:

A. Adoption of the Mitigated Negative Declaration

1. The City Council finds that the Mitigated Negative Declaration was presented to the City Council, that the City Council has reviewed the Mitigated Negative Declaration prepared for the project, all staff reports pertaining to the project and all comments received there on, and that the Mitigated Negative Declaration has been prepared and completed in compliance with CEQA.
2. The City Council finds that on the basis of the Mitigated Negative Declaration, comments received, and the whole record that there is no substantial evidence that the project will have a significant adverse impact individually or cumulatively on the environment.
3. The City Council finds that the Mitigated Negative Declaration reflects the City's independent judgment and analysis.

B. Adoption of the Mitigation Monitoring and Reporting Program

1. The City Council hereby adopts the Mitigation Monitoring and Reporting Program, as set forth in the project staff report.
2. The City Council hereby finds that the proposed mitigation measures described in the Mitigated Negative Declaration are feasible and therefore will become binding upon the City and its construction contractors.

C. Approval of the Project

1. Having independently reviewed, analyzed, and adopted the Mitigated Negative Declaration, adopted mitigation measures set forth in the Mitigation Monitoring and Reporting Program, the City Council hereby approves the Elk Grove Creek Trail Crossing at SR 99 Project.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 28th Day of October 2009.



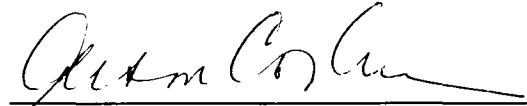
PATRICK HUME, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



SUSAN J. BLACKSTON, CITY CLERK



SUSAN COCHRAN, CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2009-207

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

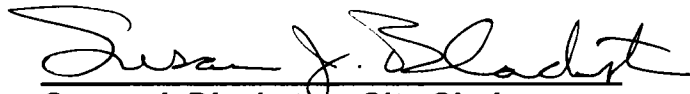
I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 28, 2009 by the following vote:

AYES : **COUNCILMEMBERS:** *Hume, Cooper, Davis, Detrick*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Scherman*


Susan J. Blackston, City Clerk
City of Elk Grove, California