

RESOLUTION NO. 2016-197

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
FINDING THE ACQUISITION OF 8921 EL ORO PLAZA [ASSESSOR PARCEL NUMBER
125-0292-001] TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY
ACT AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS
NECESSARY TO PURCHASE TAX-DEFAULTED PROPERTY IDENTIFIED AS
8921 EL ORO PLAZA FROM SACRAMENTO COUNTY
[ASSESSOR PARCEL NUMBER 125-0292-001]**

WHEREAS, pursuant to State Revenue and Taxation Code, properties that are determined to be in default for unpaid property taxes for five (5) years or more are periodically put up for public auction for a minimum bid amount of delinquent taxes due plus costs; and

WHEREAS, staff reviewed the list of tax-defaulted properties which were scheduled for tax sale on February 29, 2016, and determined that the City may desire to purchase 8921 El Oro Plaza Drive [Assessor Parcel Number 125-0292-001] ("Property") for a low-income housing project; and

WHEREAS, pursuant to Revenue and Taxation Code §3695.4, an objection letter and application to purchase through a Chapter 8 Agreement Sale has been filed with the Tax Collector for the Property so that the Property would be withheld from the public auction on February 29, 2016; and

WHEREAS, the City will conduct due diligence activities prior to final purchase of the Property and if the property is determined at any time during the purchase process not to be in the City's best interest to purchase, City will withdraw the application to purchase the property; and

WHEREAS, the minimum bid for the Property is \$10,800, which is at or below fair market value and is determined by the Tax Collectors Office to be an amount sufficient to redeem all defaulted taxes and the not to exceed purchase price of \$15,800 includes estimated current year property taxes and all associated penalties and costs as defined in Revenue and Taxation Code §3793.1 to complete the Chapter 8 sales; and

WHEREAS, the total not-to-exceed purchase price of the Property is \$15,800 and funding will be sent aside from available funds from the federal Neighborhood Stabilization Program; and

WHEREAS, the California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereinafter referred to as 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."

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds the acquisition of the subject Property to be exempt from CEQA pursuant to the following finding:


Finding: That the acquisition of APN 125-0292-001 is exempt from the California Environmental Quality Act (CEQA).

Evidence: The site is exempt from CEQA as follows:

No specific use has been identified for APN 125-0292-001. The Property could be used for an affordable housing project and/or other public purpose, such as a small neighborhood park/playground, parking or other use that has not been identified. State CEQA Guidelines Section 15378(a) states that an action cannot be found to be a "project," meaning 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, that action is not subject to CEQA. The proposed acquisition does not result in a direct or indirect change in the environment, as a use for the Property has not been identified. Depending on the scope and scale of any future proposed project, CEQA would be assessed as part of any necessary permit review. Therefore, the proposed acquisition is not considered the approval of a project under CEQA and is exempt from CEQA review.

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove authorizes the City Manager to execute all documents necessary to purchase tax-defaulted property from Sacramento County, identified as 8921 El Oro Plaza from Sacramento County [Assessor Parcel Numbers 125-0292-001].

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 12th day of October 2016.




GARY DAVIS, 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. 2016-197

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

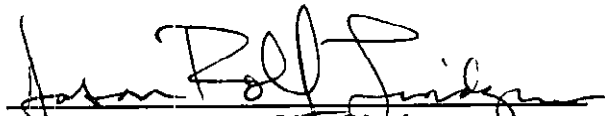
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 12, 2016 by the following vote:

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

NOES: **COUNCILMEMBERS:** None

**ABSTAIN/
RECUSE:** **COUNCILMEMBERS:** Hume

ABSENT: **COUNCILMEMBERS:** None



Jason Lindgren, City Clerk
City of Elk Grove, California