

RESOLUTION NO. 2011-85

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE ELK GROVE PROMENADE
MAJOR ROADS PROJECT**

WHEREAS, Elk Grove Town Center, L.P., a Delaware Limited Partnership (Developer), entered into an agreement with the City of Elk Grove entitled "Agreement Regarding Regional Mall, Fees and Infrastructure" (Agreement), on November 14th, 2007; and

WHEREAS, Section 15 of the Agreement required the Developer to design and construct public improvements in accordance with the City of Elk Grove's Improvement Standards (1999 version) and Construction Specifications (2001 version); and

WHEREAS, the City and the Developer entered into a Reimbursement Agreement in August of 2010 in order to resolve issues concerning the acceptance and payment for public infrastructure constructed pursuant to the Agreement; and

WHEREAS, the Bankruptcy Court approved the Reimbursement Agreement; and

WHEREAS, pursuant to the order of the Bankruptcy Court, the City may release the funds held to reimburse the Developer, and may deduct for any unpaid liens from that amount; and

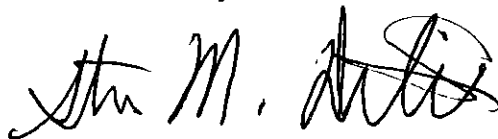
WHEREAS, the Elk Grove Promenade Major Roads project represents the required public improvements; and

WHEREAS, the County has confirmed that the water and sewer improvements are complete; and

WHEREAS, the City has determined that the public improvements have been satisfactorily completed in accordance with City-approved improvement plans.

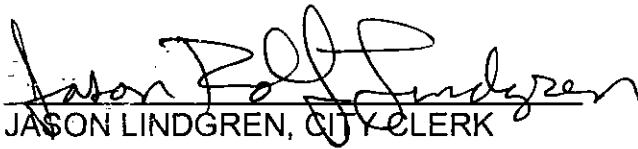
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby accepts the public improvements for the Elk Grove Promenade Major Roads project subject to the conditions of the Agreement Regarding Regional Mall, Fees and Infrastructure, the Reimbursement Agreement, and the order of the Bankruptcy Court.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 25th day of May 2011.



STEVEN M. DETRICK, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2011-85**

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

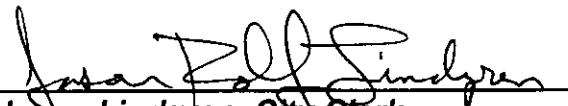
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 25, 2011 by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



**Jason Lindgren, City Clerk
City of Elk Grove, California**