

**RESOLUTION NO. 2016-241**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AUTHORIZING THE CITY MANAGER TO EXECUTE AN ACQUISITION AND/OR  
REIMBURSEMENT AGREEMENT WITH PULTE HOME CORPORATION, A  
MICHIGAN CORPORATION, FOR ACQUISITION OF PRIVATELY-CONSTRUCTED  
FACILITIES AND/OR REIMBURSEMENT OF ELIGIBLE EXPENDITURES WITHIN  
THE CITY OF ELK GROVE COMMUNITY FACILITIES DISTRICT NO. 2005-1  
(LAGUNA RIDGE) FROM THE SERIES 2016 BONDS PURSUANT TO THE LAGUNA  
RIDGE COMMUNITY FACILITIES DISTRICT GUIDING PRINCIPLES**

**WHEREAS**, development within the geographic area included in the Laguna Ridge Specific Plan area (the "Plan Area") requires the construction of public facilities and improvements, some of which will be owned by the City and some of which will be owned by other public agencies (each an "operating agency"); and

**WHEREAS**, the City has, in conjunction with some of the landowners and developers within the Plan Area, determined to finance certain facilities through the formation by the City of a community facilities district to be known as the City of Elk Grove Community Facilities District No. 2005-1 (Laguna Ridge) ("CFD 2005-1"), pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (Government Code Sections 53311, et seq. (the "Act")), and the authorization of special tax levies and bond issues that will be used in part to pay for the public facilities and improvements; and

**WHEREAS**, on March 8, 2006, the City Council adopted Resolution No. 2006-62 (the "Resolution of Formation") and thereby established CFD 2005-1 and provided for the levy of a special tax to pay for the acquisition and construction of certain public facilities, as provided therein; and

**WHEREAS**, Pulte Home Corporation, a Michigan Corporation (the "Developer") constructed or will construct certain of the improvements that serve CFD 2005-1 (the "Projects") and/or paid or will pay certain impact fees (the "Impact Fees") the costs thereof are described in Exhibit A-2 ("Reimbursement Request") and Exhibit A-4 ("Approved Maximum Reimbursement Payment") to the acquisition and/or reimbursement agreements with the Developer for its Projects that supported the CFD 2005-1 Series 2016 net bond proceeds; and

**WHEREAS**, because of the extensive use of credits by the Developer to offset impact fees that would otherwise have been owed at building permit for Zgraggen Ranch 1 and 2 ("Development"), the Developer is unable to reach its Maximum Reimbursement Payment amount of \$5,132,736 as shown in Exhibit A-4 of the Acquisition Agreement; and

**WHEREAS**, because the Developer is unable to reach its Maximum Reimbursement Payment amount of \$5,132,736, the City has agreed to include in this Acquisition Agreement the Developer's current outstanding Roadway Fee Program credit balance (as of December 14, 2016) of \$2,618,688, and in so receiving greater than or equal to such amount through this Agreement agrees to terminate, cancel, and

relinquish all right, or claim of right, to any remaining City obligation or funding to Developer through that Roadway Reimbursement Agreement entitled "Reimbursement Agreement for Privately Constructed Facilities Included in the Roadway Fee Program" dated February 13, 2008, and identified by the City as Agreement No. RC2006-02 (City Contract No. C-08-047); and

**WHEREAS**, Developer's new Roadway Fee Program credit balance will show a \$0 balance after receiving an amount greater than or equal to \$2,618,688 through this Agreement; and

**WHEREAS**, the City and the Developer desire to enter into an agreement to acknowledge the construction of the Projects in accordance with the requirements for acquisition by the City, and payment of required Citywide development Impact Fees that are listed as eligible for reimbursement in the adopted Resolution of Formation for the CFD, in order to release in a timely manner the Laguna Ridge CFD 2005-1 Series 2016 funds that are calculated as the Developer's share pursuant to the Laguna Ridge Community Facilities District Guiding Principles that were adopted by Council on March 9, 2016, as Resolution No. 2016-048; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove hereby approves the Acquisition and/or Reimbursement Agreement with Pulte Home Corporation, a Michigan Corporation, for its development of the residential subdivision known as Zraggen Ranch 1 and 2 and which contain a combined total of 224 single family residential units, for reimbursement from the Series 2016 net bond proceeds for privately-constructed facilities within the City of Elk Grove Community Facilities District no. 2005-1 (Laguna Ridge) and for eligible development impact fees paid at building permit for the Projects described in the Acquisition and/or Reimbursement Agreement, in substantially the form presented to the City Council, and hereby authorizes the City Manager to execute the agreement.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 14<sup>th</sup> day of December 2016.



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STEVE LY, 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. 2016-241**

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

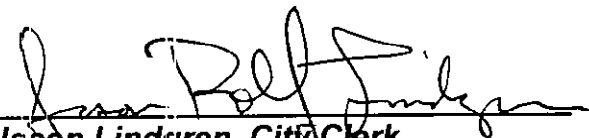
*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 14, 2016 by the following vote:*

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

**NOES:**        **COUNCILMEMBERS:**        *None*

**ABSTAIN :**    **COUNCILMEMBERS:**        *None*

**ABSENT:**     **COUNCILMEMBERS:**        *None*

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