

RESOLUTION NO. 2003-78

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING AGREEMENTS TO ACQUIRE DRAINAGE CHANNELS AND PROVIDE
FOR SUPPLEMENTAL DRAINAGE FEE CREDITS AND REIMBURSEMENTS
IN THE EAST FRANKLIN SPECIFIC PLAN AREA**

WHEREAS, the City of Elk Grove (the "City") has adopted the Laguna South Public Facilities Fee Program (the "LSPFFP"), codified as Chapter 16.83 of the Elk Grove Municipal Code, which includes a supplemental fee for the acquisition of land for drainage channels serving the East Franklin Specific Plan area;

WHEREAS, the LSPFFP allows the City to provide credits against supplemental drainage fees (and reimbursement for excess credits) for land granted to the City on which drainage channels are to be constructed;

WHEREAS, land identified for acquisition for drainage channels is now owned or will be owned by the parties identified as "Owner" or "Developer" on Exhibit A attached hereto (each, together with its successors in interest, a "Landowner") and includes the properties identified by Assessor's Parcels Number on Exhibit A;

WHEREAS, drafts of the following proposed agreements or documents relating to the acquisition of land for drainage channels, which are incorporated herein by reference, have been presented to the City Council for its review and approval:

1. A Purchase and Sale Agreement and Joint Escrow Instructions ("Purchase and Sale Agreement"), which is to be entered into by and between each Landowner and the City, whereby the City agrees to purchase land for the drainage channel from the Landowner;
2. A Supplemental Drainage Fee Credit and Reimbursement Agreement ("Fee Credit Agreement"), which is to be entered into by and between the City and each Landowner, whereby the City will provide fee credits and/or reimbursements in payment of the purchase price of the land acquired;
3. A Grant Deed ("Grant Deed"), which is to be made by each Landowner, and a Certificate of Acceptance by the City ("Certificate of Acceptance") attached thereto, whereby each Landowner will transfer and the City will accept title to the drainage channel land; and

WHEREAS, it appears to the City Council that the authorization, approval, execution, and delivery of the agreements or documents described above or contemplated thereby or incidental thereto and the acquisition of land for the drainage channels are desirable and in the best interests of the City;

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

1. **Recitals.** Each of the above recitals is incorporated herein and is true and correct.

2. **Authorization of Officers to Execute and Deliver Documents.** The City Council hereby authorizes and directs the Mayor, the City Manager, the City Engineer, and the City Clerk, and each of them individually (the "Designated Officers"), for and in the name of and on behalf of the City, to prepare and complete with respect to each Landowner (and any other necessary party) and execute and deliver a Purchase and Sale Agreement, a Fee Credit Agreement, a Grant Deed, and a Certificate of Acceptance in substantially the form of the drafts presented to this meeting, which agreements and documents are hereby approved, with such changes, insertions, revisions, corrections, or amendments (including the addition of other property identified as necessary for the drainage channels) as shall be approved by the Designated Officer or Officers executing the agreement or document for the City. The execution of an agreement or document by a Designated Officer or Officers of the City shall constitute conclusive evidence of such officer's or officers' and the City Council's approval of the agreement or document and any such changes, insertions, revisions, corrections, or amendments.

3. **General Authorization.** The Designated Officers and other officers of the City, and each of them individually, are hereby authorized and directed, for and in the name of and on behalf of the City, to do any and all things and take any and all actions that may be necessary or advisable, in their discretion, in order to effect the purposes of this resolution. All actions heretofore taken by officers, employees, and agents of this City that are in conformity with the purposes and intent of this resolution are hereby approved, confirmed, and ratified.

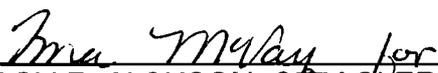
4. **Effective Date.** This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 16th day of April 2003.



RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

AYES: Soares, Briggs, Cooper, Leary
NOES: None
ABSTAIN: None
ABSENT: Scherman