

ORDINANCE NO. 17-2006

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING SECTION 22.40.000 REGARDING THE APPLICATION OF SECTION
22.40 COVERING PARKS FEES AND DEDICATIONS**

The City Council of the City of Elk Grove does ordain as follows:

SECTION 1. PURPOSE

The purpose of this ordinance is to amend Chapter 22.40 such that Chapter 22.40 and the Quimby Act found at Government Code section 66477 shall not apply to that area known as Vintara Park on the Northwest corner of Bond Road and Waterman Road consisting of Assessor Parcel Numbers 127-0010-002, 127-0010-017, 127-0010-018, 127-0010-019, 127-0010-020, 127-0010-040.

Chapter 22.40 is hereby amended by adding the following text to section 22.40.000 as follows:

“22.40.000 APPLICATION.

This Chapter, and the Quimby Act, shall only apply to approvals of Development Projects, as defined in the Mitigation Fee Act, in the areas in the City in which Chapter 22.40 applies. This Chapter, and the Quimby Act, shall not apply to that area in the City known as Vintara Park on the Northwest corner of Bond Road and Waterman Road consisting of Assessor Parcel Numbers 127-0010-002, 127-0010-017, 127-0010-018, 127-0010-019, 127-0010-020, 127-0010-040.”

SECTION 2: NO MANDATORY DUTY OF CARE.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 3: SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION 4. EFFECTIVE DATE AND PUBLICATION.

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to Government Code section 36933(c)(1).

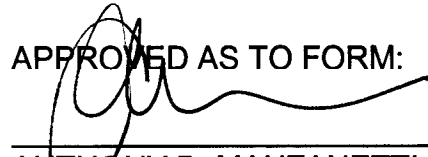
Passed and Adopted by the City Council of the City of Elk Grove this 26th day, of April, 2006.



RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

EFFECTIVE DATE: MAY 26, 2006

AYES: SCHERMAN, SOARES, BRIGGS, COOPER, LEARY

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE