

RESOLUTION NO. 2004-261

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
DETERMINING TO LEVY STREET MAINTENANCE ASSESSMENTS IN STREET
MAINTENANCE DISTRICT NO. 1
(ZONE 3 – Eastern Area- Annexation No. 2)**

WHEREAS, on August 4, 2004, the City Council (the "City Council") of the City of Elk Grove (the "City") adopted Resolution No. 2004-194 (the "Resolution of Intention") determining to undertake proceedings pursuant to the Benefit Assessment Act of 1982, being California Government Code sections 54703 et seq. (the "Act"), to levy assessments to finance costs of maintaining streets and roads within territory proposed to be added to Street Maintenance District No. 1 (the "District") that is located within a zone of benefit referred to as "Zone 3 - Eastern Area"; and

WHEREAS, in accordance with the Act, a Supplemental Engineer's Report ("Supplement No. 2"), which supplements the Engineer's Report for Zone 3 (Eastern Area) of the District for fiscal year 2004-2005 originally submitted on March 10, 2004 (the "Engineer's Report") and supplemented by Supplement No. 1 on May 19, 2004, was prepared by Pacific Municipal Consultants and the City Engineer, filed with the City Clerk, and preliminarily approved by this Council by the Resolution of Intention; and

WHEREAS, this Council fixed 6:30 p.m. (or as soon thereafter as the matter may be heard) on Wednesday, October 6, 2004, at City Hall, 8400 Laguna Palms Way, Elk Grove, California, as the time and place for a public hearing on the Engineer's Report as supplemented by Supplement No. 2 and the question of levying the assessments and provided for notice of the hearing; and

WHEREAS, this Council hereby finds that a notice of the time and place for the public hearing has been published for two successive weeks in The Elk Grove Citizen, mailed to the record owner of each identified parcel within the boundaries of the territory proposed to be added to the City of Elk Grove Street Maintenance District No. 1, and posted in three public places in the City in the time, form, and manner required by law; and

WHEREAS, the hearing was duly continued by a Notice of Continuance to October 20, 2004; and

WHEREAS, the public hearing was duly convened by this Council at the time and place indicated in the Notice of Continuance and all protests received by the City Clerk were presented to the Council; and

WHEREAS, this Council thereupon proceeded with the public hearing and duly heard all interested persons desiring to be heard and duly considered all of the protests at the hearing; and

WHEREAS, at the time of the close of the public hearing, the ballots (all ballots weighted according to the proportional financial obligation of each affected property) submitted in opposition to the proposed assessment did not exceed the ballots submitted in favor of the assessment.

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

1. **Recitals**. The foregoing recitals are true and correct and this Council so finds and determines.
2. **Final Approval of Engineer's Report**. This Council hereby approves Supplement No. 2, which incorporates by reference the Engineer's Report, as now on file with it.
3. **Benefit Finding**. This Council hereby finds and determines that the assessment included in the Engineer's Report as supplemented by Supplement No. 2 assesses all assessable lots or parcels described therein in proportion to the benefits to be received by each affected parcel, respectively, from the maintenance of roads and streets.
4. **Determination of Assessment**. This Council hereby determines and levies the assessment as described in the Engineer's Report as supplemented by Supplement No. 2.
5. **Directive to Record and File Documents**. This Council hereby directs the City Clerk to record the assessment diagram and the assessment roll in her office and to file the assessment diagram and record the notice of assessment in the office of the Sacramento County Recorder.
6. **Effective Date**. This resolution shall take effect from and after the date of its passage.

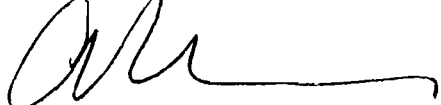
PASSED AND ADOPTED by the City Council of the City of Elk Grove this 20th day of October 2004.


SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY MANZANETTI
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2004-261**

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

I, Peggy E. Jackson, 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 the 20th day of October 2004 by the following vote:

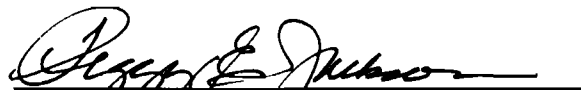
AYES 4: COUNCILMEMBERS: Scherman, Soares, Briggs, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 1: COUNCILMEMBERS: Cooper




**Peggy E. Jackson, City Clerk
City of Elk Grove, California**