

RESOLUTION NO. 2009-199

**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 5-A – LAGUNA RIDGE AREA – ANNEXATION NO. 4**

WHEREAS, on August 26, 2009, the City Council (the “City Council”) of the City of Elk Grove (the “City”) adopted Resolution No. 2009-159 (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 5 - Laguna Ridge Area” and to create a subset of Zone 5 titled Street Maintenance District No. 1 Zone 5 - A; and

WHEREAS, City staff have prepared and filed with the City Clerk a Supplemental Engineer’s Report (Supplement No. 4), which supplements the Engineer’s Report for Zone 5 of the District originally submitted on August 24, 2005, and supplemented by:

1. Supplement No. 1 on October 26, 2005;
2. Supplement No. 2 on August 22, 2007;
3. Supplement No. 3 on October 24, 2007;

(collectively, the “Engineer’s Report”); and

WHEREAS, this Council fixed 6:00 p.m. (or as soon thereafter as the matter may be heard) on Wednesday, October 14, 2009, 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. 4 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*, and posted in three public places in the City in the time, form, and manner required by law; and

WHEREAS, ballots were 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 at least forty-five (45) days prior to the public hearing; and

WHEREAS, the public hearing was duly convened by this Council at the time and place indicated in the notice of hearing and all ballots received 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 were tabulated by the City Clerk to determine the existence of a majority protest with all ballots weighted according to the proportional financial obligation of each affected property.

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. **No Majority Protest; Protests Overruled.** It is hereby determined that, upon the conclusion of the public hearing, and after tabulation of the assessment ballots submitted, no majority protest against the assessment existed because the assessment ballots submitted in opposition to the assessment did not exceed the ballots submitted in favor of the assessment. In the tabulation of the ballots by the City Clerk, who has been designated as the impartial person responsible for the tabulation, the ballots were weighted according to the proportional financial obligation of the affected properties as shown in Exhibit A. The protests, if any, against the proposed work, in whole or in part thereof, or against the District, or the extent thereof to be assessed for the costs and expenses of the District, as a whole or as to any part thereof, or against the engineer's estimate of costs and expenses, in whole or in part, or against the maps and descriptions, in whole or in part, written or oral, are hereby overruled.

3. **Final Approval of Engineer's Report.** This Council hereby approves Supplement No. 4, which incorporates by reference the Engineer's Report, as now on file with the City Clerk.

4. **Benefit Finding.** This Council hereby finds and determines that the assessment included in the Engineer's Report as supplemented by Supplement No. 4 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.

5. **Determination of Assessment.** This Council hereby determines and levies the assessment as described in the Engineer's Report as supplemented by Supplement No. 4.

6. **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 Clerk-Recorder.

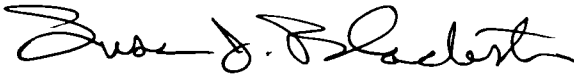
7. **Effective Date.** This resolution shall take effect from and after the date of its passage.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of October, 2009.



PATRICK HUME, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

EXHIBIT A

ELECTION RESULTS

Number of votes allocated to each ballot weighted according to proportional financial obligation of each affected property.

Ballot Name	Value of Ballot Equivalent Dwelling Units (EDU)	Total Assessment	Yes	No
Taylor/Village Sacramento Investments Partners, L.P.	82.99	\$8,366.22	1	0
Wal-Mart Real Estate Business Trust	178.62	\$18,006.68	1	0

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2009-199

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

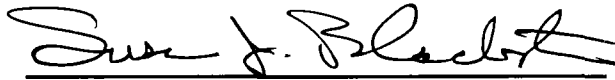
I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 14, 2009 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Cooper*



Susan J. Blackston, City Clerk
City of Elk Grove, California