

**RESOLUTION NO. 2012-133**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AUTHORIZING THE CITY MANAGER TO EXECUTE AN ACQUISITION  
AGREEMENT WITH CARLTON PLAZA OF ELK GROVE, L.P., FOR PRIVATELY-  
CONSTRUCTED PUBLIC FACILITIES WITHIN THE CITY OF ELK GROVE EAST  
FRANKLIN COMMUNITY FACILITIES DISTRICT NO. 2002-1**

**WHEREAS**, development within the geographic area included in the East Franklin 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 Community Facilities Districts ("CFD"s), the CFD that is the subject of this agreement being City of Elk Grove CFD 2002-1 (East Franklin) ("CFD 2002-1"), pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (Government Code Sections 53311, et seq. (the "Act")); and

**WHEREAS**, on May 15, 2002, the City Council adopted Resolution No. 2002-81 (the "Resolution of Formation") and thereby established CFD 2002-1 and provided for the levy of a special tax to pay for the acquisition and construction of certain public facilities, as provided therein; and

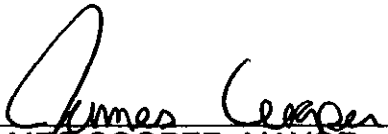
**WHEREAS**, on May 15, 2002, a special election was held by the landowners within CFD 2002-1, at which election more than two-thirds (2/3) of the votes were cast in favor of the special tax and issuing bonds to pay for the public facilities to be acquired and/or constructed for CFD 2002-1; and

**WHEREAS**, Carlton Plaza of Elk Grove, L.P. (the "Developer") constructed certain improvements that serve CFD 2002-1, which improvements (the "Projects") and the costs thereof are described in Exhibits A-1 and A-2, attached to the proposed Acquisition Agreement with Carlton Plaza of Elk Grove, L.P.; and

**WHEREAS**, the Projects are contained in, and are a party of, the Capital Improvement Program ("CIP") of the Plan Area, which CIP may from time to time be amended by the City.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute the Acquisition Agreement with Carlton Plaza of Elk Grove, L.P. for privately-constructed public facilities within the City of Elk Grove East Franklin Community Facilities District No. 2002-1.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 25<sup>th</sup> day of July 2012.

  
\_\_\_\_\_  
JAMES COOPER, 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. 2012-133**

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

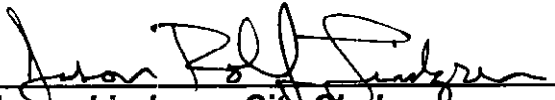
***I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 25, 2012 by the following vote:***

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

**NOES:            COUNCILMEMBERS:        None**

**ABSTAIN :        COUNCILMEMBERS:        None**

**ABSENT:         COUNCILMEMBERS:        Detrick**

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