

**RESOLUTION NO. 2009-27**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH  
HEMINGTON LANDSCAPE SERVICES, INC. FOR THE COMPLETION AND  
ACQUISITION OF PRIVATELY CONSTRUCTED FACILITIES WITHIN THE CITY OF  
ELK GROVE EAST FRANKLIN COMMUNITY FACILITIES DISTRICT NO. 2002-1 IN  
AN AMOUNT NOT TO EXCEED \$463,470**

**WHEREAS**, on May 15, 2002, the City Council adopted Resolution No. 2002-81, forming a community facilities district pursuant to the Mello-Roos Community Facilities Act, and establishing CFD 2002-1 which provides for the levy of a special tax to pay for the acquisition and construction of certain public facilities in the East Franklin area of the City, including landscaping improvements designed to serve the needs of development within the CFD; and

**WHEREAS**, the Monterey Village development project (EG-04-784) ("Project") was required by conditions to install landscaping on Whitelock Parkway, Franklin Boulevard, and Blossom Ridge Drive along the perimeter of the project; and

**WHEREAS**, Hemington Landscape, Inc. ("Hemington") entered into two contracts with Dunmore Laguna Reserve, LLC ("Dunmore") to construct the required landscaping; and

**WHEREAS**, Hemington did not complete the work due to non-payment by Dunmore; and

**WHEREAS**, the City and Hemington desire to enter into an agreement wherein Hemington completes the required landscaping and is compensated by the City using East Franklin Community Facilities District 2002-1 ("CFD 2002-1") funds; and

**WHEREAS**, the required landscape improvements constitute authorized facilities subject to funding from CFD 2002-1; and

**WHEREAS**, any environmental impacts of the landscaping improvements have been previously analyzed by a Mitigated Negative Declaration for Franklin Meadows (EG-00-053), a Mitigated Negative Declaration for a partial rezone of the site (EG-01-240), and the East Franklin Specific Plan EIR, and no further environmental review is required.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute an agreement with Hemington Landscape Services, Inc. for the Completion and Acquisition of Privately Constructed Facilities within the City of Elk Grove East Franklin Community Facilities District No. 2002-1 in an amount not to exceed \$463,470 in substantially the form presented with the staff report on this item.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 11<sup>th</sup> day of February 2009.

  
\_\_\_\_\_  
PATRICK HUME, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
SUSAN COCHRAN, CITY ATTORNEY

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2009-27**

**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 February 11, 2009 by the following vote:***

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

**NOES:            COUNCILMEMBERS:        *None***

**ABSTAIN :        COUNCILMEMBERS:        *None***

**ABSENT:         COUNCILMEMBERS:        *None***



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