

**RESOLUTION NO. 2010-158**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AUTHORIZING THE CITY MANAGER TO SIGN A SWAINSON'S HAWK  
MITIGATION ORDINANCE COMPLIANCE AGREEMENT FOR THE  
FRANKLIN CROSSING PROJECT**

**WHEREAS**, Elk Grove Municipal Code Chapter 16.130 requires that projects over 40 acres that have been found to result in loss of Swainson's hawk foraging habitat mitigate for this loss through the direct preservation of existing suitable foraging lands; and

**WHEREAS**, the City, through its Delta Breeze / Vineyard Swainson's hawk foraging habitat mitigation property has created an opportunity for projects over 40 acres to mitigate the loss of hawk foraging habitat by payment of a mitigation fee associated with the Delta Breeze / Vineyard mitigation property; and

**WHEREAS**, the Franklin Crossing Project (EG-09-062) has been found to result in the loss of 86.4 acres of Swainson's hawk foraging habitat; and

**WHEREAS**, Franklin Crossing Project applicant, Taylor Morrison (Project Applicant), has requested the consideration of a Swainson's Hawk Mitigation Ordinance Compliance Agreement (Agreement) to allow the full or partial reimbursement of the mitigation fee paid for hawk foraging habitat impacts on their project site upon transfer of a conservation easement and monitoring endowment to the City prior to the issuance of building permits for the project; and

**WHEREAS**, the terms of the Agreement satisfy the Project Applicant's obligation to mitigate for the loss of Swainson's hawk foraging habitat pursuant to Elk Grove Municipal Code Chapter 16.130; and

**WHEREAS**, the terms of the Agreement also satisfy the Project Applicant's obligation to mitigate for the loss of agricultural lands.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Elk Grove that the City Council authorizes the City Manager to sign the Swainson's Hawk Mitigation Ordinance Compliance Agreement.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 14<sup>th</sup> Day of July 2010.

  
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SOPHIA SCHERMAN, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
JASON LINDGREN, INTERIM CITY CLERK

APPROVED AS TO FORM:

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

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2010-158**

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

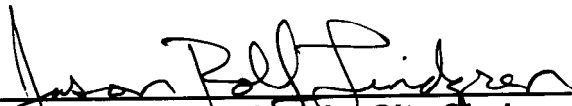
***I, Jason Lindgren, Interim City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 14, 2010 by the following vote:***

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

**NOES:            COUNCILMEMBERS:     None**

**ABSTAIN :       COUNCILMEMBERS:     None**

**ABSENT:         COUNCILMEMBERS:     None**

  
**Jason Lindgren, Interim City Clerk  
City of Elk Grove, California**