

RESOLUTION NO. 2003-81

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE EXECUTION OF A REIMBURSEMENT AGREEMENT
FOR COSTS OF PREPARING THE EAST ELK GROVE SPECIFIC PLAN**

WHEREAS, prior to the City's incorporation, certain owners of property (the "Owners") within the East Elk Grove area and the County of Sacramento (the "County") entered into an agreement entitled "Funding Agreement for Preparation of the East Elk Grove Specific Plan" dated June 23, 1993 (the "Funding Agreement"); and

WHEREAS, the Funding Agreement provided for the funding by the Owners of planning costs as well as the costs of certain technical and consulting studies to be utilized in the preparation of a specific plan for the East Elk Grove area, which is now within the jurisdictional boundaries of the City; and

WHEREAS, the Sacramento County Board of Supervisors adopted the East Elk Grove Specific Plan on February 14, 1996; and

WHEREAS, the East Elk Grove Specific Plan anticipated the adoption of a specific plan fee under the authority of Government Code section 65456, and the City, which has authority to impose such a fee upon persons seeking governmental approvals required to be consistent with the East Elk Grove Specific Plan for the purpose of recovering the costs of preparation of the plan, has established the East Elk Grove Specific Plan Reimbursement Fee;

WHEREAS, the City Council has duly considered the contents of the draft reimbursement agreement between the City and the Owners (the "Agreement"), a copy of which is on file with the City Clerk, which would establish the conditions under which the City would reimburse the Owners from the East Elk Grove Specific Plan Reimbursement Fee for the costs advanced by them pursuant to the Funding Agreement.

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

Section 1. Recitals. The foregoing recitals are true and correct and the City Council so finds and determines.


Section 2. Authorization of Officers to Execute and Deliver Agreement. The City Council hereby authorizes and directs the Mayor, the City Manager, the City Engineer, and the City Clerk, and each of them individually (the "Designated Officers"), for and in the name of and on behalf of the City, to execute and deliver the Agreement in substantially the form of the draft presented to this meeting, which Agreement is hereby approved, with such changes, insertions, revisions, corrections, or amendments as shall be approved by the Designated Officer or Officers executing the Agreement for the City. The execution of the Agreement by a Designated Officer or Officers of the City

shall constitute conclusive evidence of such officer's or officers' and the City Council's approval of the Agreement and any such changes, insertions, revisions, corrections, or amendments.

Section 3. General Authorization. The Designated Officers and other officers of the City, and each of them individually, are hereby authorized and directed, for and in the name of and on behalf of the City, to do any and all things and take any and all actions that may be necessary or advisable, in their discretion, in order to effect the purposes of this resolution. All actions heretofore taken by officers, employees, and agents of this City that are in conformity with the purposes and intent of this resolution are hereby approved, confirmed, and ratified.

Section 4. Effective Date. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 16th day of April 2003.



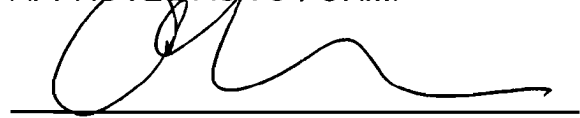
RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

AYES: Soares, Briggs, Cooper, Leary
NOES: None
ABSTAIN: None
ABSENT: Scherman