

RESOLUTION NO. 2003-82

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADOPTING
THE ENGINEER'S REPORT, DETERMINING AND LEVYING ASSESSMENTS
WITHIN STREET MAINTENANCE DISTRICT NO. 1**

WHEREAS, on February 19, 2003, the City Council (the "City Council") of the City of Elk Grove (the "City") adopted Resolution No. 2003-32 (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 Street Maintenance District No. 1;

WHEREAS, in accordance with the Act, the report for fiscal year 2003-2004 (the "Engineer's Report") was prepared by MuniFinancial and Willdan (as assessment engineer), filed with the City Clerk, and preliminarily approved by this Council by the Resolution of Intention;

WHEREAS, this Council fixed 6:30 p.m. (or as soon thereafter as the matter may be heard) on Wednesday, April 16, 2003, at City Hall, 8400 Laguna Palms Way, Elk Grove, California, as the time and place for a public hearing on the Engineer's Report and the question of levying the assessments and provided for notice of the hearing;

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, mailed to the record owner of each identified parcel within the boundaries of City of Elk Grove Street Maintenance District No. 1, and posted in three public places in the City in the time, form, and manner required by law;

WHEREAS, the public hearing was duly convened by this Council at the time and place indicated in the notice and all protests received by the City Clerk were presented to the Council;

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 (all ballots weighted according to the proportional financial obligation of each affected property) submitted in opposition to the proposed assessment did not exceed the ballots submitted in favor of the assessment;

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. **Final Approval of Engineer's Report**. This Council hereby approves the Engineer's Report on file in the Office of the City Clerk.

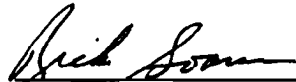
3. **Benefit Finding**. This Council hereby finds and determines that the assessment included in the Engineer's Report assesses all assessable lots or parcels located within the boundaries of the City of Elk Grove Street Maintenance District No. 1 in proportion to the benefits to be received by each affected parcel, respectively, from the maintenance of roads and streets.

4. **Determination of Assessment**. This Council hereby determines that it will levy the assessment as described in the Engineer's Report.

5. **Directive to File Documents**. This Council hereby directs the City Clerk to file the assessment diagram and the notice of assessment in the office of the Sacramento County Recorder.

6. **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 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