

RESOLUTION 2004-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE CALLING AN ELECTION REGARDING STORM DRAINAGE FEES FOR POPPY RIDGE PLAZA, BILBY MEADOWS UNIT 1, AND SOUTHMEADOW UNIT 2

WHEREAS, on December 17, 2003, the City Council (the "City Council") of the City of Elk Grove (the "City") adopted Resolution No. 2003-250 (the "Resolution of Intention") expressing its intention to levy storm drainage fees for Poppy Ridge Plaza, Bilby Meadows Unit 1, and Southmeadow Unit 2; and

WHEREAS, this Council fixed 6:30 p.m. (or as soon thereafter as the matter may be heard) on Wednesday, February 18, 2004, at City Hall, 8400 Laguna Palms Way, Elk Grove, California, as the time and place for a public hearing on the proposed storm drainage fees and provided for notice of the hearing; and

WHEREAS, this Council hereby finds that a notice of the time and place for the public hearing has been published twice in a ten-day period with at least five days intervening between publications in The Elk Grove Citizen and mailed to the record owner(s) of each parcel upon which the fees are proposed to be levied; and

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; and

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, there had not been submitted written protests representing a majority of the owners of the property proposed to be charged the storm drainage fees.

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

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

Section 2. Election. This Council hereby submits the question of the levy of the storm drainage assessment to the owners of the property proposed to be charged. The election shall be held on April 5, 2004. Each owner shall have one vote per parcel owned. The ballots, which the City Clerk has previously distributed to the property owner(s) pursuant to authority in the Resolution of Intention, must be returned prior to 4:00 p.m. on the day of the election. Once all property owners have voted, the City Clerk may close the election. The City Clerk shall commence the canvass of the returns

of the election as soon as the election is closed at the City Clerk's office. At the conclusion of the canvass, the City Clerk shall declare the results of the election.

Section 3. Effective Date. This resolution shall take effect from and after the date of its passage.

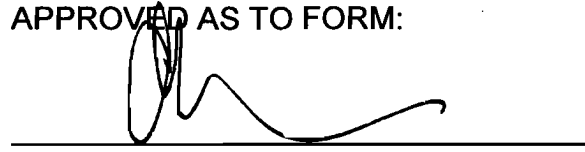
PASSED AND ADOPTED by the City Council of the City of Elk Grove this 18th day of February 2004.


SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY MANZANETTI
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2004-29

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

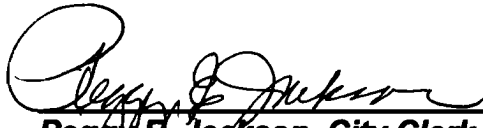
I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 18th day of February 2004 by the following vote:

AYES 5: COUNCILMEMBERS: Scherman, Soares, Briggs, Cooper, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:



Peggy E. Jackson, City Clerk
City of Elk Grove, California