

RESOLUTION NO. 2015-026

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE TO
ABANDON PROCEEDINGS OF ANNEXATION NO. 33 OF MAINTENANCE
SERVICES CFD 2006-1, ANNEXATION NO. 10 OF STREET MAINTENANCE
DISTRICT NO. 1 ZONE 5, AND ANNEXATION NO. 7 OF STORM WATER
DRAINAGE FEE ZONE 2**

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), the City Council (the "City Council") of the City of Elk Grove (the "City"), on March 22, 2006 approved Resolution No. 2006-73 establishing the City of Elk Grove Community Facilities District No. 2006-1 (Maintenance Services) (the "CFD"); and

WHEREAS, the City Council by its Resolution No. 2003-82, adopted April 16, 2003, levied such assessments on property located within the boundaries of an area referred to therein as City of Elk Grove Street Maintenance District No. 1 (the "District"); and

WHEREAS, City staff prepared and filed with the City Clerk a Supplemental Engineer's Report (Supplement No. 10), which supplemented the Engineer's Report for Zone 5 of the District originally submitted on August 24, 2005; and

WHEREAS, the City Council adopted Ordinance No. 30-2004 amending Chapter 15.10 of the Elk Grove Municipal Code adding a "Levy of Charge in South Elk Grove Storm Drainage Utility Fee Area" which established a storm drainage utility fee over the southern areas of the City, an area commonly referred to as Zone 2; and

WHEREAS, California Health and Safety Code section 5471(a) provides the City of Elk Grove (the "City") with the authority to prescribe and collect fees for storm drainage systems provided the property is not classified as an exempt use; and

WHEREAS, on January 14, 2015, the City Council adopted Resolution No. 2015-004, Resolution No. 2015-005, and Resolution No. 2015-006, to annex territory into Maintenance Services CFD 2006-1, Street Maintenance District No. 1 Zone 5, and Storm Water Drainage Fee Zone 2, respectively; and

WHEREAS, on January 21, 2015, a Map of Proposed Boundary of a proposed community facilities district to be known as Annexation Map No. 33 of Community Facilities District No. 2006-1 (Maintenance Services), City of Elk Grove, County of Sacramento, State of California, was recorded with the Sacramento County Recorder's Office in Book 118 at Page 004 of Maps of Assessment and Community Facilities Districts; and

WHEREAS, City staff has determined that Annexation No. 33 of Maintenance Services CFD 2006-1, Annexation No. 10 of Street Maintenance District No. 1 Zone 5, and Annexation No. 7 of Storm Water Drainage Fee Zone 2 should not have been recommended for annexation and/or are unnecessary and therefore staff now recommends the proceedings to complete annexation be abandoned by the City Council, the certificate of the City Clerk providing notice of the abandonment is attached as Exhibit A.


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

Section 1. Abandonment of Proceedings. Based upon the foregoing, the City Council hereby orders that all proceedings of Annexation No. 33 of Maintenance Services CFD 2006-1, Annexation No. 10 of Street Maintenance District No. 1 Zone 5, and Annexation No. 7 of Storm Water Drainage Fee Zone 2, be abandoned.

Section 2. Recording of Notice. The City Clerk is hereby directed to record, with the Sacramento County Recorder's Office, a certified copy of this Resolution of Abandonment pursuant to Section 3117 of the California Street and Highways Code.

Section 3. 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 11th day of February 2015.



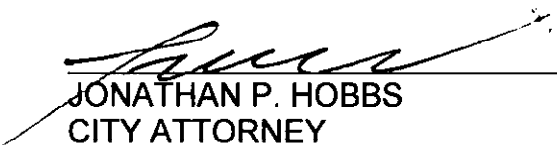
GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS
CITY ATTORNEY

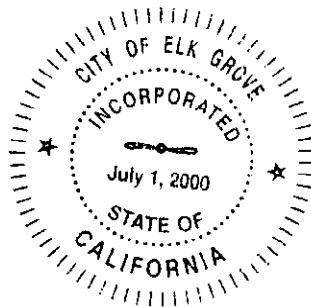
EXHIBIT A


CERTIFICATE OF THE CITY CLERK

**ABANDONMENT OF PROCEEDINGS
(NOTICE OF ABANDONMENT)**

Pursuant to Section 3117 of the California Streets and Highways Code, the undersigned City Clerk of the City of Elk Grove hereby certifies the passage of the City of Elk Grove Resolution No. 2015-026 on February 11, 2015 entitled "A Resolution of the City Council of the City of Elk Grove to abandon proceedings of Annexation No. 33 of Maintenance Services CFD 2006-1, Annexation No. 10 of Street Maintenance District No. 1 Zone 5, and Annexation No. 7 of Storm Water Drainage Fee Zone 2", whose resolutions of intent to initiate proceedings were originally adopted by the City Council on January 14, 2015 for the City's proposed annexations of territory into Maintenance Services CFD 2006-1, Street Maintenance District No. 1 Zone 5, and Storm Water Drainage Fee Zone 2, commenced under Resolution No. 2015-004, Resolution No. 2015-005, and Resolution No. 2015-006, respectively, and with respect to a Boundary Map pertaining to the proposed annexation of territory into Maintenance Services CFD 2006-1, titled "Annexation Map No. 33, Community Facilities District No. 2006-1 (Maintenance Services), City of Elk Grove, County of Sacramento, State of California" and which was recorded in the Office of the County Recorder of Sacramento County, California, on January 21, 2015 in Book 118 at Page 0004 of Maps of Assessment and Community Facilities Districts, with an index cross reference of 20150121 at page 0474, and to which Resolution and Map reference is hereby made for all particulars. Notice is hereby given that the proceedings of the City Council in and for the aforementioned annexations into Maintenance Services CFD 2006-1, Street Maintenance District No. 1 Zone 5, and Storm Water Drainage Fee Zone 2, have been formally abandoned.

February 12, 2015
Date




Jason Lindgren, City Clerk
City of Elk Grove, California

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2015-026

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

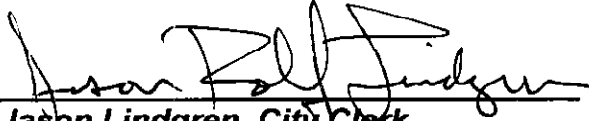
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 11, 2015 by the following vote:

AYES : COUNCILMEMBERS: *Davis, Hume, Detrick, Ly, Suen*

NOES: COUNCILMEMBERS: *None*

ABSTAIN : COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*



Jason Lindgren, City Clerk
City of Elk Grove, California