

ORDINANCE NO. 16-2006

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ESTABLISHING A PROVISION FOR IN-LIEU PAYMENTS FOR DEFERRED CONSTRUCTION OF ROADWAY IMPROVEMENTS IN RURAL RESIDENTIAL AREAS

The City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose and Authority

The purpose of this ordinance is to provide for in-lieu payments for deferred construction of roadway improvements in the specified rural residential areas. The City Council enacts this ordinance pursuant to the authority granted cities by Article XI, Section 7 of the California Constitution.

Section 2: Findings

Owners developing properties in the Rural Residential designated area are presently being charged an in-lieu payment that is intended to fund construction of roadway improvements designed to an urban standard that may not be necessary in the Rural Residential area. Residents in the area have expressed concern that some roadway improvements are inconsistent with the rural character of the area. Evaluation of roadway standards throughout the City indicates that roadway standards in the Rural Residential area should be studied. For these reasons, and in order to preserve the public health, welfare and safety, the City Council finds that this ordinance must take effect immediately and apply retroactively to all applications submitted after adoption of the General Plan for which building permits have not been issued.

Section 3: In-Lieu Payment in Rural Residential Area.

a. Payment Amounts. Notwithstanding the provisions of Chapter 12.03 of the Municipal Code, the cost of deferred improvements, as defined in Chapter 12.03, required as a condition of building or development on any parcel that is designated Rural Residential in the General Plan and that abuts Bond Road, Bradshaw Road, Calvine Road, Elk Grove Florin Road, Excelsior Road, Grant Line Road, Sheldon Road, Waterman Road or Wilton Road, shall be \$248 per linear foot of road frontage, not to exceed 75 feet, except that the cost on Sheldon Road between Bradshaw Road and Grant Line Road shall be \$130 per linear foot of road frontage and the cost on Excelsior Road shall be \$100 per linear foot of road frontage, both not to exceed 75 feet.

b. Exception of Other Parcels. Except as provided in Sections 3(a) and 3(c) of this ordinance, Section 12.03.020 of the Elk Grove Municipal Code shall

have no application to any parcels designated Rural Residential in the General Plan during the term of this ordinance.

c. Subdivisions. This ordinance shall have no application to any subdivision of more than four lots that is recorded after the effective date of this ordinance.

Section 4: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

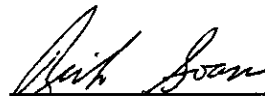
Section 5: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 6: Effective Date and Publication

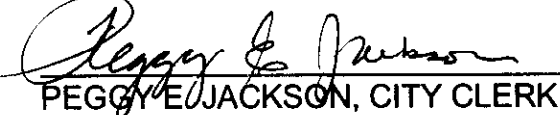
This Ordinance shall take effect immediately as an urgency ordinance and shall apply retroactively to all building or development applications submitted after the adoption of the General Plan for which building permits have not been issued.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 22nd day of March, 2006.




RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



MARK WASSER
ACTING CITY ATTORNEY

EFFECTIVE DATE: MARCH 22, 2006

AYES: SOARES, SCHERMAN, BRIGGS, COOPER, LEARY

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE