RESOLUTION NO. 2004-178

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD ON JULY 21, 2004, AND ORDERING THE ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2003-2 (POLICE SERVICES) (ANNEXATION NO. 2)

WHEREAS, in proceedings heretofore conducted by the City Council (the "City Council") of the City of Elk Grove (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), the City Council on July 21, 2004, adopted Resolution No. 2004-_177_ which resolution called a special election within the territory proposed to be annexed to the City's Community Facilities District No. 2003-2 (Police Services) (the "CFD");

WHEREAS, pursuant to the terms of the resolution, the special election was held on July 21, 2004, and the City Clerk has duly canvassed the returns of the election and has filed with the City Council a statement of all votes cast at the election showing the whole number of votes cast within such territory and the whole number of votes cast for and against the measure in such territory and also filed, attached to the statement, her certificate as to the correctness of the statement (the "Statement of Election Results"), a copy of which is attached hereto as Exhibit A;

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

Section 1. Approval of Canvass. The canvass by the City Clerk, as shown by the Statement of Election Results is hereby ratified, confirmed, approved, and entered upon the minutes of this meeting.

Section 2. Statement of the Measure. At the election, the following measure was submitted to the qualified electors of the territory proposed to be annexed to the CFD and the number of votes cast for and against the measure was as follows:

BALLOT MEASURE	Total Votes	
	YES:	NO:
Shall the City of Elk Grove be authorized to levy a special tax at the rates and apportioned as described in Exhibit A to the Resolution Declaring its Intention to Annex Territory to Community Facilities District No. 2003-2 (Police Services) adopted by the City Council on May 19, 2004 (the "Resolution"), which is incorporated herein by this reference, within the territory identified on the map entitled "Annexation Map No. 2 of Community Facilities District No. 2003-2 (Police Services), City of Elk Grove, County of Sacramento," to finance certain services as set forth in Section 3 to the Resolution?	_8_	_0_

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Section 3. <u>Votes Cast.</u> The total number of votes cast in the territory proposed to be annexed to the CFD at the election was ___.

Section 4. <u>Measure Passed.</u> More than two-thirds of all the votes cast at the election on the measure were in favor of the measure and the measure passed.

Section 5. <u>Validity of Procedures.</u> The City Council hereby finds and determines that all prior proceedings and actions taken by the City Council pursuant to the Act were and are valid and in conformity with the Act.

Section 6. <u>Order of Annexation.</u> The City Council hereby determines and orders that the territory proposed to be annexed to the CFD is added to and part of the CFD with full legal effect.

Section 7. <u>Amendment to Notice of Special Tax Lien.</u> The City Clerk is hereby directed to record an amendment to the Notice of Special Tax Lien with the Sacramento County Recorder, in accordance with the provisions of Sections 3114.5 and 3117.5 of the California Streets and Highways Code within fifteen (15) days of the adoption of this resolution.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 21st day of July 2004.

SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:

PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

ANTHONY B. MANZANETTI,
CITY ATTORNEY

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EXHIBIT A

STATEMENT OF ELECTION RESULTS

I, Peggy Jackson, City Clerk of the City of Elk Grove (the "City"), hereby certify that:

1. On July 21, 2004, at City Hall, 8400 Laguna Palms Way, Elk Grove, California, I canvassed the returns of the election called for July 21, 2004, in the territory proposed to be annexed to Community Facilities District No. 2003-2 (Police Services) Annexation No. 2 on the following measure:

> Shall the City of Elk Grove be authorized to levy a special tax at the rates and apportioned as described in Exhibit A to the Resolution Declaring its Intention to Annex Territory to Community Facilities District No. 2003-2 (Police Services) adopted by the City Council on May 19, 2004 (the "Resolution"), which, is incorporated herein by this reference, within the territory identified on the map entitled "Annexation Map No. 2 of Community Facilities District No. 2003-2 (Police Services), City of Elk Grove, County of Sacramento," to finance certain services as set forth in Section 3 to the Resolution?

2. The total number of qualified landowner votes eligible to be cast, the total number of votes actually cast at the election, and the total number of votes cast for and against the measure are set forth below. The totals as shown for and against the measure are full, true, and correct. More than two-thirds of all the votes cast at the election on the measure were in favor of the measure and the measure passed.

Qualified Landowner Votes	Votes Cast	YES	NO
8	8	8	0

Dated: July 21, 2004

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

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CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2004-178

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 21st day of July 2004 by the following vote:

AYES 3:   *COUNCILMEMBERS: Scherman, Soares, Briggs*

NOES 0:   *COUNCILMEMBERS:*

ABSTAIN 0: *COUNCILMEMBERS:*

ABSENT 0: *COUNCILMEMBERS:*

RECUSED 2:   *COUNCILMEMBERS: Cooper, Leary*

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