

**RESOLUTION NO. 2005-347**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
DETERMINING TO LEVY STREET LIGHT AND SAFETY LIGHT  
MAINTENANCE ASSESSMENTS IN THE CITY OF ELK GROVE  
STREET LIGHTING MAINTENANCE DISTRICT NO. 1, ZONE 2**

**WHEREAS**, on September 14, 2005, the City Council (the "City Council") of the City of Elk Grove (the "City") adopted Resolution No. 2005-262 (the "Resolution of Intention") determining to undertake proceedings pursuant to the provisions of the *Benefit Assessment Act of 1982, Part 1 of Division 2 of the California Government Code (§54703 and following)* (the "Act") proposing to form Street Lighting Maintenance District No. 1, Zone 2 (the "Zone") and to levy assessments to finance costs of the operation, maintenance and servicing of street lighting, safety lighting and all appurtenant facilities related thereto; and

**WHEREAS**, in accordance with the Act, the report for Fiscal Year 2006/2007 (the "Engineer's Report") was prepared by Koppel & Gruber Public Finance and the City Engineer, filed with the City Clerk and preliminarily approved by this City Council by the Resolution of Intention; and

**WHEREAS**, this City Council fixed 6:30 p.m. (or as soon thereafter as the matter may be heard) on Wednesday, November 9, 2005, 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 the notice of the hearing; and

**WHEREAS**, this City 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 the proposed Zone, and posted in three public places in the City in the time, form, and manner required by law; and

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

**WHEREAS**, this City 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**, the property owners of record within the District as of the close of the Public Hearing held on November 9, 2005 did cast their ballots, weighted by the proportional financial obligation of each ballot, the results of which are illustrated below:

Yes: \$ 252,930.19

No: \$ 106,068.67

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove hereby resolves as follows:

**Section 1:** The foregoing recitals are true and correct and this City Council so finds and determines.

**Section 2:** The Engineer's Report now on file is hereby approved.

**Section 3:** The tabulation of the valid property owner protest ballots returned by the property owners within the District indicates approval of the assessment, and the City Council is hereby authorized to take the necessary steps to levy the assessments as approved beginning in fiscal year 2006/2007.

**Section 4:** The City Council hereby finds and determines that the assessment included in the Engineer's Report assesses all assessable lots or parcels described therein in proportion to the benefits received by each affected parcel, respectively, from the maintenance of street lights and safety lights.

**Section 5:** The City Council hereby determines that it will levy the assessments as described in the Engineer's Report.


**Section 6:** This Resolution shall take effect from the date of its passage.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 9<sup>th</sup> day of November, 2005.



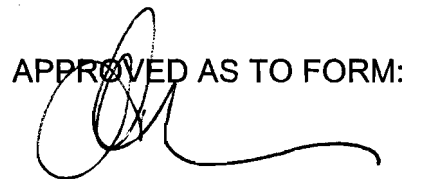
\_\_\_\_\_  
DANIEL BRIGGS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:



\_\_\_\_\_  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



\_\_\_\_\_  
ANTHONY B. MANZANETTI,  
CITY ATTORNEY

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-347**

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 9th day of November, 2005 by the following vote:*

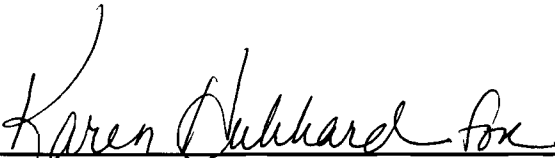
**AYES 5:**                    **COUNCILMEMBERS:** *Briggs, Scherman, Soares, Cooper, Leary*

**NOES 0:**                   **COUNCILMEMBERS:**

**ABSTAIN 0:**               **COUNCILMEMBERS:**

**ABSENT 0:**               **COUNCILMEMBERS:**

**RECUSAL 0:**              **COUNCILMEMBER:**

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