

RESOLUTION NO. 2008-217

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING THE MAYOR TO EXECUTE REIMBURSEMENT AGREEMENT RC2008-1 FOR PRIVATELY CONSTRUCTED PUBLIC FACILITIES INCLUDED IN THE ELK GROVE ROADWAY FEE PROGRAM AND ACQUISITION AGREEMENT FOR PRIVATELY CONSTRUCTED FACILITIES WITHIN THE CITY OF ELK GROVE COMMUNITY FACILITIES DISTRICT 2005-1 WITH NEVADA PACIFIC WEST HOMES, LLC

WHEREAS, Section 16.95.090 of the Elk Grove Municipal Code authorizes the City to enter into reimbursement agreements for the construction of any facilities designated in the Roadway Fee Program upon application of property developers; and

WHEREAS, Nevada Pacific West, LLC is constructing road improvements within the Laguna Ridge Specific Plan Area which are included in the Roadway Fee Program; and

WHEREAS, in March 2006, the City Council adopted a Resolution establishing Community Facilities District No. 2005-1 pursuant to the Mello-Roos Community Facilities Act of 1982 for the purpose of providing for the financing of certain public services and the financing of the construction and acquisition of certain public capital facilities; and


WHEREAS, in June 2007, City Council approved the authorization to issue Special Tax Bonds and an acquisition agreement was executed with developers for the disbursement of bond proceeds; and

WHEREAS, there are available funds from the City's allocated portion of the bond proceeds for eligible facilities constructed by Nevada Pacific West, LLC who was not party to the previous original acquisition agreement; and

WHEREAS, the City's allocated amount from Community Facilities District No. 2005-1 will be replenished from future bond proceeds within the CFD 2005-1.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby authorizes the mayor to execute Reimbursement Agreement RC2008-01 for credits and reimbursement from the Roadway Fee Program and execute an Acquisition Agreement in CFD 2005-1 with Nevada Pacific West Homes, LLC.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 10th day of September 2008.



GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2008-217**

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

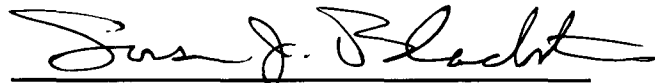
I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 10, 2008 by the following vote:

AYES : **COUNCILMEMBERS:** *Davis, Hume, Scherman, Cooper, Leary*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



**Susan J. Blackston, City Clerk
City of Elk Grove, California**