

RESOLUTION NO. 2009-174

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING AN ALTERNATIVE METHOD TO MITIGATE THE LOSS OF
SWAINSON'S HAWK FORAGING HABITAT PURSUANT TO CHAPTER 16.130
OF THE ELK GROVE MUNICIPAL CODE AND AUTHORIZING
THE CITY MANAGER TO EXECUTE THE GRANT DEED OF
SWAINSON'S HAWK HABITAT CONSERVATION EASEMENT**

WHEREAS, pursuant to Chapter 16.130.040(a) of the Elk Grove Municipal Code, projects 40 acres and greater must mitigate the loss of Swainson's hawk foraging habitat through the acquisition of conservation easements; and

WHEREAS, upon transfer of a conservation easement to the City, project proponents must fund a monitoring endowment in the amount of 10% of the value of the easement; and

WHEREAS, transfer of the conservation easement and funding of the endowment must occur prior to any site disturbance or issuance of grading permits; and

WHEREAS, the Waterman Park 75 project was found to result in the loss of 62.35 acres of Swainson's hawk foraging habitat; and

WHEREAS, the project applicant has proposed an alternative method for mitigation which consists of transferring a conservation easement to the City and deferring payment of the monitoring endowment until the issuance of the first grading permit for the project; and

WHEREAS, until the issuance of the first grading permit for the project, partial funding of the endowment will be paid in 15% increments every two years; and

WHEREAS, Chapter 16.130.110 of the Municipal Code authorizes the City Council to approve alternative mitigation measures for the loss of Swainson's Hawk foraging habitat.

NOW, THEREFORE, BE IT RESOLVED that pursuant to Chapter 16.130.110 of the Elk Grove Municipal Code, the City Council of the City of Elk Grove hereby authorizes the proposed mitigation alternative for the Waterman Park 75 project.

BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute the Grant Deed of Swainson's Hawk Habitat Conservation Easement.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 26th day of August 2009.



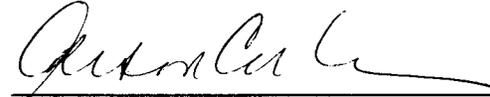
PATRICK HUME, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2009-174

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

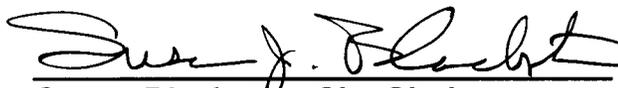
I, Susan Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on August 26, 2009 by the following vote:

AYES : **COUNCILMEMBERS:** *Hume, Scherman, Davis, Detrick*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Cooper*



Susan Blackston, City Clerk
City of Elk Grove, California