

ORDINANCE NO. 29-2011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADDING ELK GROVE MUNICIPAL CODE SECTION 22.10.090 DEFINING "FINAL PARCEL MAP"; SECTION 22.20.040 DESIGNATING AUTHORITY TO THE CITY ENGINEER TO APPROVE, CONDITIONALLY APPROVE OR DISAPPROVE FINAL PARCEL MAPS AND TO ACCEPT OR REJECT DEDICATIONS AND OFFERS OF DEDICATION MADE ON FINAL PARCEL MAPS PURSUANT TO THE SUBDIVISION MAP ACT; AND SECTION 22.20.045 ESTABLISHING AN APPEAL PROCESS FOR THE CITY ENGINEER'S DISAPPROVAL OF FINAL PARCEL MAPS TO THE CITY COUNCIL

WHEREAS, the City of Elk Grove ("City") has adopted and maintains the Elk Grove Municipal Code (Code) to establish procedures for the processing of Final Subdivision Maps and Parcel Maps; and

WHEREAS, the Subdivision Map Act defines when a Final Subdivision Map or a Final Parcel Map is required and the processing and approval of these maps by the City; and

WHEREAS, the current Code does not contain a definition for a Final Parcel Map and does not allow the map to be approved by any designated official other than the City Council; and

WHEREAS, Title 7, Planning and Land Use, Division 2, Subdivisions, Chapter 3, Procedure, Article 5, Parcel Maps, Section 66463(b) allows the City to enact an ordinance for the approval or disapproval of the Final Parcel Maps and the acceptance or rejection of offers of dedications shown on the parcel map by a designated official, herein being the City Engineer; and

WHEREAS, adding a definition of a Final Parcel Map and making the City Engineer the Advisory Agency for approving or disapproving Final Parcel Maps and allowing the City Engineer to accept or reject dedications and offers of dedication made on Final Parcel Maps, would streamline the process and save an inordinate amount of time, money and effort spent on the processing and approval of Final Parcel Maps for parties involved; and

WHEREAS, establishing an appeal process will allow an applicant to appeal the City Engineer's disapproval of a Final Parcel Map to the City Council.

NOW, THEREFORE, the City Council of the City of Elk Grove does ordain as follows:

Section 1: Action.

The City Council hereby amends Elk Grove Municipal Code (EGMC) Title 22, Chapter 22.10, Definitions and References by adding the following Section:

22.10.090 Map, final parcel map

"Final Parcel Map" means a parcel map prepared by a registered civil engineer or licensed land surveyor and presented for recording, which conforms to an approved application of a tentative parcel map and the Subdivision Map Act.

And does hereby amend EGMC Title 22, Chapter 22.20, Procedures by adding the following Sections:

22.20.040 Advisory agency, final parcel maps

The City Engineer is designated as the approval authority for all matters related to final parcel maps unless otherwise specified by law. Upon receipt of any final parcel map the City Engineer may approve or disapprove the final parcel map and accept or reject dedications and offers of dedication made on the final parcel map in accordance with the Subdivision Map Act.

22.20.045 Appeals to City Council

Any final parcel map disapproved by the City Engineer may be appealed to the City Council. The appeal shall be submitted to the City Clerk's office no later than ten (10) calendar days from the date of disapproval along with a fee consistent with tentative map appeals. To the extent it is feasible, the appeal should be heard by the City Council within 45 days of the appeal submittal. Notice of hearing for the appeal shall be provided pursuant to the noticing requirements of EGMC Section 23.14.040, Public notices. Any action by the City Council is final on the date of decision and may not be further appealed.

Section 2: 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 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 3: 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 4: Effective Date and Publication.

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the Office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: 29-2011
INTRODUCED: October 26, 2011
ADOPTED: November 9, 2011
EFFECTIVE: December 9, 2011




STEVEN M. DETRICK, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, CITY CLERK



JONATHAN HOBBS,
INTERIM CITY ATTORNEY

Date signed: November 17, 2011

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 29-2011**

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

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on October 26, 2011 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on November 9, 2011 by the following vote:

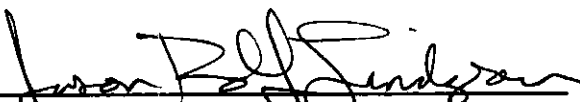
AYES : **COUNCILMEMBERS:** *Detrick, Davis, Hume*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Cooper, Scherman*

A summary of the ordinance was published pursuant to GC 36933(c) (1).



**Jason Lindgren, City Clerk
City of Elk Grove, California**