

RESOLUTION NO. 2002-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A REQUEST TO DEFER PARK FEES FOR THE 15.3-ACRE MULTIFAMILY PARCEL OF THE LENT RANCH MARKETPLACE PROJECT (FILE #EG-00-038)

WHEREAS, M&H Realty filed an application with the City of Elk Grove (hereinafter referred to as City) for the approval of amendments to the General Plan; adoption of a Special Planning Area and a Change of Zone from AG-80 to "Lent Ranch SPA;" a tentative tract to subdivide 295+/- acres into 11 lots; approval of a Transportation System Management Plan; and a request to defer payment of park fees on the multifamily parcel created by the tentative tract map, and

WHEREAS, Section 6647 of the California Subdivision Map Act establishes that local ordinances may require fees or land dedications for parks or recreation purposes (The Quimby Act), and

WHEREAS, Section 66477 (a)(2)(B) of the California Subdivision Map Act, states that, "Fees shall be payable at the time of recording of the final map or parcel map or at a later time as may be prescribed by local ordinance."

WHEREAS, Title 22, Chapter 22.40 of the Elk Grove Municipal Code is the local ordinance that addresses and implements Park and Recreation Dedication and Fees for development projects within the City of Elk Grove.

WHEREAS, Title 22, Chapter 22.40.035 (d) of the Elk Grove Municipal Code prescribes the fees and dedication requirements for multiple family and apartment areas.

WHEREAS, Title 22, Chapter 22.40.035 (d) of the Elk Grove Municipal Code allows the deferral of park fees to tentative subdivision maps to a time beyond recordation of the final map.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELK GROVE HEREBY RESOLVES AS FOLLOWS:

1. That the request to defer park fees for the 15.3-acre multiple family parcel within the Lent Ranch Marketplace Tentative Subdivision map proposal is consistent with the City of Elk Grove's local ordinance that implements the Quimby Act and is hereby granted.
2. That the following condition on approval be added to conditions for the Lent Ranch Marketplace: "TM-5. Park in-lieu fees for the multi-family development proposed within the Lent Ranch project shall be paid prior to the issuance of

building permits, consistent with the requirements of the Elk Grove Municipal Code."

PASSED AND ADOPTED by the City Council of the City of Elk Grove on the 9th day of January 2002.



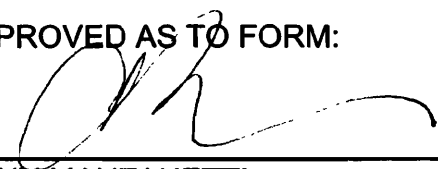
MICHAEL P. LEARY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY JACKSON,
CITY CLERK

APPROVED AS TO FORM:



TONY MANZANETTI,
CITY ATTORNEY

AYES: Leary, Scherman,
Cooper, Briggs, Soares
NOES: None
ABSTAIN: None
ABSENT: None